

# **Chapter 1 - GENERAL PROVISIONS**

## **Sec. 1-1. - How Code designated and cited.**

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Mapleton Village Code," and may be so cited.

**State law reference**— Revision and codification of ordinances, 65 ILCS 5/1-2-3

## **Sec. 1-2. - Rules of construction and definitions.**

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the city council. The rules of construction and definitions set out herein shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

*Generally.* All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the city council may be fully carried out.

In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provision imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

*Village* shall mean the Village of Mapleton, Peoria County, Illinois.

*Village board, board.* Whenever the words "board" or "village board" are used, they shall be construed to mean the village board of the Village of Mapleton, Peoria County, Illinois.

*Code.* The words "Code" or "this Code" shall mean the Mapleton Village Municipal Code.

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

*Corporate authorities.* The president and village board of the Village of Mapleton, Peoria County, Illinois.

*Corporate or village limits.* The term "corporation limits" or "village limits" shall mean the legal boundaries of the Village of Mapleton, Peoria County, Illinois.

*County.* The words "the county" or "this county" shall mean the County of Peoria in the State of Illinois.

*Court or circuit court* shall mean the circuit court of the tenth judicial circuit.

*Delegation of authority.* Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provisions or section specify otherwise.

*Electors* shall mean persons qualified to vote for elective officers at municipal elections.

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

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

*Law* means any statute, ordinance or regulation promulgated by the State of Illinois, the United States, the Village of Mapleton, or Peoria County, or any agencies thereof as well as the rules and regulations of other bodies politic that may be appropriate.

*President* shall mean the president of the village.

*Month.* The word "month" shall mean a calendar month.

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

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

*Oath.* The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

*Officers and employees generally.* Whenever any officer or employee is referred to by title, such as "superintendent of streets," "clerk," "chief of police," etc., such reference shall be construed as if followed by the words "of the Village of Mapleton, Peoria County, Illinois."

*Ordinances* shall mean ordinances of the Village of Mapleton, Peoria County, Illinois and all amendments thereto.

*Owner.* The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

*Person.* The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

*Personal property* includes every species of property except real property, as herein described.

*Preceding, following.* The words "preceding" and "following" mean next before and next after, respectively.

*Property.* The word "property" shall include real and personal property.

*Real property* shall include lands, tenements and hereditaments.

*Shall.* The word "shall" is mandatory.

*Sidewalk.* The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

*Signature or subscription* includes a mark when the person cannot write.

*State.* The words "the state" or "this state" shall be construed to mean the State of Illinois.

*Street.* The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the city, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

*Tenant or occupant.* The word "tenant" or "occupant," applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such buildings or lands, either alone or with others.

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

*Wholesale, wholesaler, etc.* In all cases where the words "wholesale," "wholesaler," or "wholesale dealer" are used in this Code, unless otherwise specifically defined, they shall be understood and held to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for purposes of resale, or distinguished from a retail dealer who sells in smaller quantities direct to the consumer.

*Written or in writing* shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

*Year.* The word "year" shall mean a calendar year.

**State law reference**— Similar rules of statutory construction, Ill. Rev. Stat. Ch. 131, § 1 et seq.

[Sec. 1-3. - Jurisdiction of Code.](#)

Unless otherwise provided by this Code, this Code shall apply to all acts performed within the corporate limits of the city.

[Sec. 1-4. - Catchlines of sections.](#)

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines are amended or reenacted.

[Sec. 1-5. - Amendments to Code.](#)

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

[Sec. 1-6. - Effect of repeal of ordinances.](#)

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

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

[Sec. 1-7. - Unauthorized alteration or tampering with Code.](#)

It shall be unlawful for any person in the village to change or amend, by additions or deletions, any part or portions of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the village to be misrepresented thereby; provided, however, that nothing in this section shall prevent the village clerk from correcting the number of an ordinance which has been misnumbered by her or the village board.

#### Sec. 1-8. - Record of ordinances.

All ordinances passed by the board shall be consecutively numbered and recorded by the village clerk in a proper book or books with indexes. The original shall be filed in the office of the clerk and due proof of publication of all ordinances requiring publication shall be procured by said clerk, and such proof or affidavit of publications shall be attached to and filed with the ordinances. The clerk shall also note on her book of ordinances, at the foot of the record of each ordinance, a memorandum of the date of the passage, and if published or posted, the date of the publication or posting of such ordinance.

#### Sec. 1-9. - General penalty for violations of Code; separate offenses.

Whenever in this Code, or in any ordinance of the village, any act or omission is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in said Code or ordinance the doing of any act or the failure to do any act is declared to be unlawful or a misdemeanor, and no specific penalty is provided therefor, and state law does not provide otherwise, the violation of any such provision of this Code or any ordinance shall be a misdemeanor punishable by a term of imprisonment of up to six (6) months or a fine of up to seven hundred fifty dollars (\$750.00), or both.

However, any person violating for the first time during a calendar year any specific provision of the Mapleton Code for which no specific penalty is provided therefor, and wherein state law does not provide otherwise, said person may pay a fine of fifty dollars (\$50.00) to the Mapleton Village Clerk, within seven (7) days of having received notice of said violation. If payment is made within said seven (7) days, the violation will be abated and no further action will be taken. However, if said payment is not made within said seven-day period, a notice to appear may be issued and said person will be directed to appear in the appropriate court on a day certain and he or she shall be subject to the penalty provisions previously set forth within this section.

**State law reference**— Power of village to impose fines and imprison for ordinance violations, 65 ILCS 5/1-2-1, 5/1-2-1.1.

#### Sec. 1-10. - Officers, employees not liable to fine for failure to perform duties.

No provision of this Code designating the duties of any village 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 city council to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

#### Sec. 1-11. - Elections

A general election for municipal officers, authorized by law or ordinance to be elected, shall be held in the Village of Mapleton, Peoria County, Illinois, on the third Tuesday of April of each odd year, at such place in the Village as may be designated by the President and Board of Trustees.

***Officers to be Elected; Time of Electing and Term.*** On the first Tuesday of April, 2013, and on the first Tuesday of every odd year thereafter, three (3) Village Trustees shall be elected to hold their offices for a

period of four (4) years and until their successors are elected and qualified. On the first Tuesday of April, 2001, and on the first Tuesday of every other odd year thereafter, a Village President shall be elected to hold their offices for a period of four (4) years and until their successors are elected and qualified.

Whenever the date designated above conflicts with the celebration of Passover, that election shall be postponed to the first Tuesday following the last day of Passover.

**Clerk to Give Notice of Elections.** The Village Clerk shall give notice of such election as provided by law.

**Special Elections.** Special elections may be ordered at any time, for any of the purposes provided by law, and notices thereof shall be given by the Village Clerk in the same manner and for the same time required by law, and they shall be held and conducted in like manner as in cases of regular annual elections.

**Trustees to take Oath.** All Trustees elected shall, before they are entitled to a seat on the Village Board, take the oath of office prescribed by law, which may be administered by any person authorized by law to administer oaths, and the oath shall be filed in the office of the Village Clerk.

**Proceedings at First Meeting of Fiscal Year.** At the first meeting of each fiscal year, all newly elected and qualified Trustees shall meet with the members of the retiring Board of Trustees, and if it shall be found (counting the Trustees whose terms have expired and such newly elected Trustees who have qualified) that there is a quorum of such Trustees present, such Trustees shall proceed to organize a new board, the retiring President shall preside until such time as the bond of the new President of the Board has been approved and he has taken the oath of office as hereinafter provided, and until the bonds of all other Village officers have been approved, after which the Board shall adjourn and the new meeting shall then be at once called to order with the newly elected President presiding.

**Duty as to Approving Bonds of Officers, etc.** The first duty of the President and Board of Trustees after its organization at the meeting in the first instance before it adjourns the first meeting, shall be to pass upon the sufficiency of the bonds of the newly elected Village officers, commencing with the bond of the newly elected President. If, in their judgment, the bond of such President is good and sufficient, they shall cause the approval of the same to be entered upon the Journal of said Bond, and thereupon some officer authorized by law to administer oaths shall administer the oath of office to the President, who shall subscribe the same, which shall be filed with the Village Clerk. In like manner all the Village officers, except the Trustees, shall give bond and shall also take the oath of office as hereinbefore provided for the Trustees within

the time prescribed by law, and the ordinances of the Village, and immediately enter upon the duties of their office.

**Newly Elected Officers to be commissioned.** All officers elected or appointed, except the President and members of the Board of Trustees, shall be duly commissioned by warrant, under the corporate seal of the Village, and signed as provided by law.

#### Sec. 1-12. – Parliamentary Rules of Meetings.

The regular meetings of the Village Board of the Village of Mapleton, Peoria County, Illinois, shall be held on the second Thursday in each and every month, at 6:30 o'clock, p.m., unless otherwise ordered by the vote of the Village Board, at such place as may be designated by the Board. Special meetings may be held at any time on call of the President or any three (3) Trustees. Such call shall be in writing and shall fully state the purpose of these meetings. Such call shall be presented to the Village Clerk who shall immediately proceed to prepare and serve notices for the same on the members of the Village Board, by delivering to each member a copy of each notice. At each special meeting, the call for the same shall be read and filed by the Village Clerk. Any special meeting of the Board may be called at any hour other than that therein specified for regular meetings, provided such time is specified in the call.

The President shall preside at all meetings of the Board. He shall appoint all standing and special committees, subject to the approval of the Board. He shall preserve order and see that these rules are observed. He shall decide all questions of order, subject to an appeal to the Village Board, on which appeal no member shall speak more than once without the unanimous vote of the Board.

Every member, prior to his speaking, making a motion or seconding the same, shall address himself to the presiding officer by shall not proceed with his remarks until recognized and named by the Chair. At all times, the presiding officer shall have the right to determine who is entitled to speak first when two or more members address him at the same time. During the session of the Village Board, no person, other than the members, shall speak on any subject before the body, except by permission of the President and the Board of Trustees.

At the hour appointed for the meeting, the Clerk shall proceed to call the Roll of Members, mark the absentees and announce whether a quorum (being a majority of all the members elected) is present. Upon the appearance of a quorum, the Board shall be called to order by the President, if present, or the Board shall appoint a temporary Chairman from one of their body, if the President is absent. If a quorum does not appear, the Board shall not thereby stand adjourned, unless by vote of the members present.

When a member wishes to present a communication, petition, order, resolution, ordinance or other original matter, he shall rise in his place and briefly state its nature before presenting the same.

Every member who shall be present when a question is stated from the chair shall vote thereon, unless excused by the members of the Board and the presiding officer.

No member shall be allowed to leave the Board while in session unless excused by the presiding officer, and for a violation of this, or any other rule or order, may be dealt with as the President of the Board may direct.

No motion shall be put or debated unless it is seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every such motion shall be reduced to writing if required by a member, and the person who proposes a motion shall be first entitled to the floor.

After a motion or resolution is stated by the Chair, it shall be deemed to be in possession of the Board, and may be withdrawn at any time before discussion or amendment by consent of the Board.

In all cases when a motion or resolution is entered upon the minutes of the Board, the name of the member moving the same or introducing such resolutions or other matter shall be entered also.

The “Yeas” and “Nays” shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the Village, or for expenditure of or appropriations of money, and in other cases at the request of any member, which may be entered on the journal of its proceedings, and the concurrence of the majority of all the members on any such ordinance or proposition. Provided, it shall require three-fourths (3/4) of all the Trustees elected to sell any Village property; and provided further, the President shall give the casting vote in case of a tie.

The result of all votes by yeas and nays shall not be announced by the Clerk, but shall be handed by him to the President for announcement, and no vote shall be changed after the tally list has passed from the Clerk.

When a question is under debate, the only question in order shall be:

- a. To adjourn to a day certain.
- b. To adjourn.
- c. To lay on the table.
- d. To take the previous question.
- e. To refer.

- f. To amend.
- g. To substitute.
- h. To postpone.

Numbers b, c, and d to be decided without debate.

A motion to adjourn the Board shall always be in order, except:

- a. When a member is in possession of the floor.
- b. When the yeas and nays are being called.
- c. When the members are voting.
- d. When adjournment was the last preceding motion.
- e. When it shall be decided that the previous question shall be taken.

A motion to adjourn cannot be amended but a motion to adjourn to a time named may be, and is open to debate.

When the previous question is moved and seconded it shall be put in this form: "Shall the main question be put?" If this is carried, all further amendments and all further motions and debates shall be excluded, and the question put without delay upon pending amendments in proper order, and then upon the main question.

A motion to lay a question or proposition on the table is not debatable.

A motion to refer to a standing committee shall take precedence over a similar motion for a special committee.

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 to strike out and insert the paragraph to be amended shall be first read as it stands, then the words to be stricken out and those to be inserted, and finally the paragraph as it will stand so amended shall be read.

A substitute for an original proposition in debate may be entertained when further amendment is not admissible, and if accepted by the mover of such original proposition, or the Board by vote, it shall entirely supersede such original propositions, and cut off all amendments pertaining thereto.

A vote or question may be reconsidered at any time during the same meeting.

A motion to reconsider may be made and seconded by members who voted in the majority, except when a motion is lost by reason of not receiving a two-thirds vote required for its passing, in which case a motion may be made and seconded by those voting in the minority.

The standing committees, appointed annually by the President, shall be Finance, Streets & Alleys, Health & Water, Zoning and Liquor.

The standing committees of the Village Board shall consist of five members each.

An acceptance of a final report from a select committee may be by motion, without a roll call, unless otherwise ordered.

All matters relating exclusively to streets and sewers in the Village shall be referred to that committee.

All ordinances, resolutions, orders, communications and petitions to the Village Board by unanimous consent shall be referred to the appropriate committee to be decided by the Chair, and all ordinances shall be acted upon by the Board at the same meeting on the report of the proper committee, except upon suspension of the rules. The committee and Board may act upon all resolutions, petitions, orders and communications at the same meeting when received or presented.

Standing and select committees to whom references are made shall, in all cases, report once in each month, and such report shall be in writing, except when in the judgment of the committee a written report is not necessary.

All matters on the consent agenda that are not removed will be voted on by one roll call vote. An item shall be removed from the consent agenda upon the oral request of any member of the Board made prior to the vote. Any matter taken off the consent agenda shall be considered at the time of the standing committee report to which it pertains.

These rules may be temporarily suspended by a vote of two-thirds of the Trustees present, but shall not be repealed, altered or amended unless by concurrence of two-thirds of all the Trustees elected.

The rules of parliamentary practice comprised in the most recent edition of Roberts' Parliamentary Rules shall govern the Board in all cases not inconsistent with and in all cases not provided for in the foregoing rules.

#### [Sec. 1-13. – Fiscal and Municipal Year.](#)

The fiscal year of the Village shall commence on the first day of May in each and every year, and end on the thirtieth day of April of each and every year.

The term “municipal year” as used in the ordinances of the Village, shall be construed to mean “fiscal year,” and the municipal year shall begin and end with the fiscal year, as the same is fixed and provided in Section 7.1 of this Ordinance.

#### Sec. 1-14. – Claims.

All claims against the Village shall be presented to and filed with the Village Clerk on or before the first day of each month, and all claims not filed before the first day of each month shall be laid over for thirty (30) days.

All claims presented to the President and Board of Trustees for payment shall be itemized fully and bear the approval of the proper committee of the Board in cases where the item of expense was authorized by any such committee.

#### Sec. 1-15. – Proceedings to Enforce Ordinances.

All legal actions to recover any fine or penalty arising under the Village ordinances shall be brought in the corporate name of the Village as Plaintiff.

The President of the Village Board of Trustees, or whomever the President shall designate with the approval of a majority of the Village Board, shall have the power to enforce the ordinances of the Village by the means provided in this section.

When any fine or penalty is provided by different ordinances or by different sections or clauses of the same ordinance of the Village, for the same offense, the officer or person prosecuting may select under which ordinance or section to proceed, but no more than one recovery shall be had against the same person for the same offense.

Notice to Appear.

A. Whenever a peace officer is authorized to arrest a person without a warrant, he may instead issue to such person a notice to appear.

B. The notice shall:

1. Be in writing;
2. State the name of the person and his address, if known;
3. Set forth the nature of the offense;
4. Be signed by the officer issuing the notice; and
5. Request the person to appear before a court at a certain time and place.

C. Upon failure of the person to appear, a summons or warrant of arrest may issue.

#### Sec. 1-16. - Acts punishable under different sections.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the prosecuting officer may proceed under both; 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.

#### Sec. 1-17. - Severability of parts of Code.

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

#### Sec. 1-18. - Publication of Code.

This Code shall be and the same is hereby authorized to be printed and published in book form by authority of the corporate authorities.

## **Chapter 2 - ADMINISTRATION**

### **ARTICLE I. - IN GENERAL**

#### Sec. 2-1. - Fiscal year.

The fiscal year of the village shall commence on the first day of May of each year.

**State law reference**— Fiscal year, 65 ILCS 5/1-1-2.

#### Sec. 2-2. - Village seal.

The corporate seal of the village shall be circular in form with the inscription: "Village of Mapleton, Peoria County, Illinois" and "Incorporated A.D., 1959" around the outer edge.

**State law reference**— Power of village to have seal, 65 ILCS 5/2-2-12.

#### Sec. 2-3. - Investment policy.

(a) *Policy.* It is the policy of the village 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 entity and conforming to all state and local statutes governing the investment of public funds.

(b) *Scope.* This policy includes all funds governed by the village board.

(c) *Prudence.*

(1) 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.

(2) 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.

(d) *Objective.*

(1) The primary objective, in order of priority, shall be:

- a. Legality conformance with federal, state, and other 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.

(2) The portfolio should be reviewed periodically as to its effectiveness in meeting the entity's needs for safety, liquidity, rate of return, diversification, and its general performance.

(e) *Delegation of authority.* Management and administrative responsibility for the investment program is hereby delegated to the city treasurer who, under the delegation of the city council, shall establish written procedures for the operation of the investment program.

(f) *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.

(g) *Authority financial dealers and institutions.*

(1) The treasurer will maintain a list of financial institutions authorized to provide investment services.

(2) In addition, a list will also be maintained of approved security brokers/dealers selected by credit worthiness.

*(h) Authorized and suitable investments.*

(1) Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds.

(2) Investments shall be made that reflect the cash flow needs of the fund type being invested.

(i) *Collateralization.* Funds on deposit (checking accounts, certificates of deposit, etc.) in excess of FDIC limits must be secured by some form of collateral, witnessed by a written agreement and held at an independent third party institution in the name of the municipality.

(j) *Safekeeping and custody.* All security transaction, including collateral for repurchase agreements, entered into by the city 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.

(k) *Diversification.* The entity 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.

*(l) Maximum maturities.*

(1) To the extent possible, the village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the village will not directly invest in securities maturing more than one (1) year from the date of purchase.

(2) Reserve funds may be invested in securities exceeding one (1) year if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

(m) *Internal control.* The treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objective are met. The internal controls shall address the following points:

(1) Control of collusion;

(2) Separation of transaction authority from accounting;

(3) Custodial safekeeping; and

(4) Written confirmation of telephone transaction for investments and wire transfers.

(n) *Performance standards.* This 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.

(o) *Reporting.* The treasurer shall prepare an investment report at least monthly. The report should be provided to the village board and available on request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the council.

(p) *Marking to market.* A statement of the market value of the portfolio shall be issued to the village board quarterly.

(q) *Investment policy adoption.* The investment policy shall be adopted by the village board. The policy shall be reviewed on an annual basis by the treasurer and any modifications made thereto must be approved by the city village board.

## ARTICLE II. - CORPORATE AUTHORITIES

### Sec. 2-4. - Regular meetings.

The regular meetings of the village board shall be held in the Mapleton Village Hall, 8524 W. Main St., or such other place as the board shall desire on the second Thursday of each month at 6:30 p.m. Adjourned meetings may be held for the purpose of completing the unfinished business of regular meetings at such time or times to which the regular meeting is adjourned.

**State law reference**— Power of board to prescribe time and place of meetings, 65 ILCS 5/3-11-13.

Ordinance 2018-06-13-04 approved by the Mayor and Board of Trustees of the Village of Mapleton on June 13, 2018 changing to the 2<sup>nd</sup> Thursday of the month.

### Sec. 2-5. - Agenda procedure for council meetings.

(a) *Agenda to be prepared, delivered.* Beginning with the first regular meeting in the month of April 2013, and for every regular meeting of the village board thereafter, the village clerk shall prepare an agenda which shall be mailed to the president, each member of the village board and to all news media representatives who make written request for same, on the Friday immediately preceding the Tuesday on which regular meetings of the village board are held.

(b) *Submission of agenda items.* The president or any member of the village board may submit to the clerk on or before 12:00 noon on the Friday preceding the regular meeting dates of the village board any item of business which persons submitting such items desire to have considered at the next succeeding meeting of the village board.

(c) *Consideration of agenda items only.* Except in an emergency situation, as hereinafter provided for, and except for items which shall be included in the standard agenda form, hereinafter provided for, no item which has not been submitted to the city clerk before 12:00 noon on the Friday preceding the regular Tuesday meeting of the village board shall be considered at the next succeeding meeting of said village board.

(d) *Approval of emergency items.* An item submitted after 12:00 noon on the Friday next preceding the regular Tuesday meeting of the village board as an emergency item may be considered on the affirmative vote of three-fourths ( $\frac{3}{4}$ ) of the members of the village board present at a regular meeting of said village board.

(e) *Agenda forms.* The village board shall prepare a standard form of agenda which shall include routine items which shall be considered at each and every meeting of the village board without further action by the president or any member of the village board

### Sec. 2-6. - Ordinances, resolutions, and motions.

*Form:* Ordinances and resolutions shall be presented to the board only in printed or typewritten

form.

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<sup>2</sup>Updated 7-21-2015 2015-721-1

*Funding:* All ordinances authorizing an expenditure of money shall include the exact source of the funds to be expended.

*Distribution of ordinances:* The village clerk shall prepare copies of all proposed ordinances for distribution to all members of the board at least twenty-four (24) hours before the board meeting at which the ordinance is introduced.

*Deferral of ordinances:* Ordinances introduced at a board meeting may be acted upon at that official meeting, except that upon the affirmative vote of at least three-fifths (3/5) of the members of the village board then holding office, an ordinance may be deferred for a second reading before final passage.

*Recording of votes:* The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the board by the village clerk.

*Majority vote required:* The passage of all ordinances for whatever purpose, and of any resolution or motion to create any liability against the village or for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the village board, including the president, unless otherwise expressly provided by the municipal code or any other act or ordinance governing the passage of any ordinance, resolution or motion. When any vote is called, each board member shall respond "yes", "no" or "abstain."

*Numbering ordinances and resolutions:* Upon passage, a number shall be assigned to each ordinance or resolution by the village clerk.

*Ordinance passage procedure:* When passed by the board, an ordinance shall be signed by the president and be attested by the village clerk, and it shall be immediately filed and thereafter preserved in the office of the village clerk.

*Requests for ordinances or legal opinions:* The chairman of any board committee may request the village attorney to have prepared proposed ordinances with such ordinances to be placed on the agenda of the next scheduled council meeting, provided the ordinance can be drafted and distributed to members of the board in accordance with the time schedules set forth in these rules. Upon receiving requests for proposed ordinance, the village attorney shall prepare the subject ordinance and forward the same to the requesting board member and the village clerk. Any member of the board may, for the purpose of inquiry, request verbal opinion or advice on legal matters directly from the village attorney.

*Introduction of ordinances:* Any board member or the president may introduce an ordinance or resolution for consideration by the board. The proposed ordinance or resolution shall be filed in the village clerk's office at least two (2) business days prior to the board meeting at which the ordinance or resolution is to be presented. The village clerk shall then place the ordinance or resolution on the board order of business for the next scheduled board meeting. Any ordinance introduced and not filed with the village clerk's office as set forth above may be acted upon by the village board provided that said ordinance requires some degree of urgency and further

provided that an affirmative vote of at least three-fifths (3/5) of the members of the board then holding office shall be required for passage of such ordinance requiring some urgency.

### ARTICLE III. - OFFICERS' SALARIES

#### Sec. 2-7. - Salary of president.

The president of the Village of Mapleton shall receive as compensation for his or her services a salary of one hundred fifty dollars (\$150.00) per month, payable in twelve (12) monthly installments at each regularly scheduled meeting.

#### Sec. 2-8. - Salary of the village treasurer.

The city treasurer shall receive as compensation for his or her services the sum of ten dollars (\$10.00) per hour, payable monthly.

#### Sec. 2-9. - Salary of village clerk.

The village clerk shall receive as compensation for his or her services the sum of ten dollars (\$10.00) per hour, payable monthly.

#### Sec. 2-10. - Salary of the chairs and board members.

Each board member of the Village of Mapleton shall receive as compensation for his or her services the sum of thirty-five dollars (\$35.00) per month payable twice per year, on May 1<sup>st</sup> and November 1<sup>st</sup>.

Each chair of the Village of Mapleton shall receive as compensation for his or her services the sum of fifty dollars (\$50.00) per month payable twice per year, on May 1<sup>st</sup> and November 1<sup>st</sup>.

Each board member of the Village of Mapleton shall receive as compensation for his or her attendance at special meetings the sum of fifteen dollars (\$15.00) per special meeting.

## **ARTICLE IV. - PERSONNEL POLICY**

### **Sec. 2-11. - Payroll periods.**

(a) *Monthly payroll periods:* Employees of street and alley, water and sewer departments.

### **Sec. 2-12. - Date paychecks delivered.**

Paychecks will be distributed by the 10<sup>th</sup> of each month.

### **Sec. 2-13. - Work rules.**

- (a) All employees will report to work on time.
- (b) Coffee break of fifteen (15) minutes will be allowed in the morning and afternoon. Time and location may be designated by supervisor.
- (c) Employees may not absent themselves from work without permission of department head, president or board member.
- (d) Must obey all other rules and regulations as may be established by department heads, committees, or the village board.

### **Sec. 2-14. - National guard members, difference in pay.**

Any employee who is a member of the National Guard will be allowed the difference in pay while attending annual two (2) weeks' summer training. This will not apply to any other schooling or training that might be required by the National Guard.

An employee when returning from summer camp must furnish the city with a copy of his earnings during the period. Travel time if allowed to be included in his earnings.

### **Sec. 2-15. - Pay rates for hourly and salaried village employees.**

These pay rates will be established by committee according to position.

**Cross reference**— Officers' salaries, § 2-10 et seq.

### **Sec. 2-16. - Discharge.**

- (a) Just cause for dismissing an employee from service includes, but is not limited to:
  - (1) Failure to obey the rules or meet regular work standards.
  - (2) Refusal to carry out the orders of supervisor or Village Board.

(3) Misconduct such as dishonesty, intoxication, damage to city property, loafing or sleeping on the job, fighting, etc.

(4) Violation of safety rules.

(5) Excess tardiness or absenteeism.

(b) A discharged employee may not be rehired without the approval of the village board.

(c) The president has the power to discharge employees with approval of the village board.

(d) If an employee feels he or she has been unjustly discharged, the employee may request a hearing before the village board.

#### [Sec. 2-17. - Administration of personnel matters.](#)

The office of president shall administer all personnel matters of the Village of Mapleton not otherwise designated by law to another authority. Such authority shall include but not be limited to tabulation of payroll checks and records, supervise and review of attendance records, leave time, holidays, vacations, sick leave, disciplinary matters and other like personnel matters.

#### [Sec. 2-18. - Inventory of village properties.](#)

All department heads shall, on or before January 1 of each calendar year, submit to the village clerk a complete written inventory of all village-owned property within their possession or under their control. Such inventory shall be in sufficient detail so as to enable village property to be specifically identified. Supply inventories need only to be identified in general terms.

#### [Sec. 2-19. - The village clerk to act as village collector.](#)

The village clerk of the Village of Mapleton shall also act as the village collector of the Village of Mapleton.

#### [Sec. 2-20. - Bond.](#)

Before entering upon the duties of her office the village finance committee shall execute a bond in such amount and with such sureties as is provided by statute, conditioned upon the faithful performance of her duties.

#### [Sec. 2-21. - Duties.](#)

(a) It shall be the duty of the village treasurer and designated and bonded committee members to collect sums of money now due and owing to the village, or which shall hereafter become due and owing, and turn over all money so received by them on behalf of the village to the village treasurer and designated and bonded committee members promptly upon receipt of the same; and with such money she shall give a statement as to the source thereof.

(b) It shall be the duty of the village treasurer to keep an accurate record showing all money received by him or her and the source and disposition thereof, and such other accounts as may be required by statute or ordinance.

Sec. 2-22. - State Officials and Employees Ethics Act.

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

(b) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the act, by any officer or any employee of the village, is hereby prohibited.

(c) The offering or making of gifts prohibited to be offered or made to an officer or employee of the village under the act, is hereby prohibited.

(d) The participation in political activities prohibited under the act, by any officer or employee of the village, is hereby prohibited.

(e) For purposes of this section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c).

(f) The penalties for violations of this section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the act.

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

(h) Any amendment to the act that becomes effective after the effective date of this section shall be incorporated into this section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this section by reference without formal action by the corporate authorities of the village.

(i) If the Illinois Supreme Court declares the act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the corporate authorities of the city if the act is found unconstitutional by the Illinois Supreme Court.

(j) If the Illinois Supreme Court declares part of the act unconstitutional but upholds the constitutionality of the remainder of the act, or does not address the remainder of the act, then the

remainder of the act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the city.

Sec. 2-23. - Policy on sexual harassment.

***Prohibition on Sexual Harassment.*** It is unlawful to harass a person because of the person's sex. The court have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the Village of Mapleton to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal offices, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

***Definition of Sexual Harassment.*** This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

- (A) Any unwelcome sexual advances or request 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.
- (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 presences, 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 s 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).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle 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."

***Procedure for Reporting an Allegation of Sexual Harassment.*** An employee who either observes sexual harassment 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 her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including 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 of the person making the report, a Department Head, a Director of Human Resources, an Ethics Officer, the Village Manager or Administrator, or the Chief Executive Officer of the municipality.

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 municipality will not be presumed to have knowledge of the harassment.

**Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 180 days of the alleged incident(s), unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. 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.

***Prohibition on Retaliation for Reporting Sexual Harassment Allegations.*** No municipal official, municipal agent, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal 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.

For the purpose of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against, even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

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 threaten 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.

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)).

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.

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 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

***Consequences of a Violation of the Prohibition on Sexual Harassment.*** In addition to any and all other discipline that may be applicable pursuant to municipal 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 \$5,000 per offense, applicable discipline or discharge by the municipality 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 municipality 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.

***Consequences for Knowingly Making a False Report.*** A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report 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 municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements. In addition, 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 \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

This policy was drafted using the Illinois Department of Human Rights Sexual Harassment Model Policy and has been modified to conform to Public Act 100-0554.

Ordinance 2018-12-13(2).

## **Section 2-24. Travel, Meal and Lodging Expense Reimbursement for Officers and Employees.**

### **I. 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:

- (A) ***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.
- (B) ***Travel:*** any expenditure directly incident to official travel by employees and Officers of the Village or by wards or charges of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

### **II. Official Business for Which Expenses May be Reimbursed.**

- (A) An official of the Village shall be entitled to reimbursement for travel, including meals or lodging, related to the following types of official business:
  - 1. Education conferences related to the duties of the Officer of the Village;
  - 2. Site visits to current or potential vendors of the Village; and

3. Other travel directly related to Village business, with prior approval of the Mayor or Village Board.
- (B) An employee shall be entitled to reimbursement for travel, including meals or lodging, related to the following types of official business:
1. Education conferences related to the duties of the employee of the Village;
  2. Site visits to current or potential vendors of the Village; and
  3. Other travel directly related to Village business, with prior approval of the Mayor or the employee's direct supervisor.

### III. Maximum Allowable Reimbursement for Expenses.

- (A) Unless otherwise accepted herein, the maximum allowable reimbursement for an employee or Officer of the Village 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.
- (B) The following exceptions shall not be controlled by Section III (A) and shall be limited as indicated:
1. Overnight lodging in Chicago shall be limited to \$190 per night; and
  2. Overnight lodging in all locations other than Chicago shall be limited to \$135 per night.

### IV. Approval of Expenses.

The President and Board of Trustees must approve the following reimbursements for travel, including meals or lodging, by a roll call vote at an open meeting of the Board of Trustees:

- (A) Any expense of any officer or employee that exceed the maximum permitted in Section III; or
- (B) Any expense of any member of the Board of Trustees of the Village.

### V. Documentation of Expenses.

Before any reimbursement for travel, including meals or lodging, may be approved pursuant to Section IV, a standardized form for submission of travel, meal and lodging expenses supported by the following minimum documentation shall first be submitted to the Board of Trustees:

- (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 Freed of Information Act, 5 ILCD 140/1.

#### VI. Entertainment Expenses.

No employee or Officer of the Village shall be reimbursed by the Village for any entertainment expense.

### **ARTICLE V. - STANDING COMMITTEES**

#### **Sec. 2-25. - Appointment of standing committees.**

It shall be the duty of the president at the first regular meeting of the village board in May of each year, or as soon thereafter as may be, to appoint members of the standing committees of the village board. Standing committees shall be as follows:

- (1) Finance committee;
- (2) Zoning committee;
- (3) Streets and Alleys committee;
- (4) Health and Water committee; and
- (5) Liquor committee.

#### **Sec. 2-26. - Duties of the finance committee.**

(a) The committee on finance of the village board shall examine the books, accounts, and reports of the village officers monthly and see if they are regularly and accurately kept and preserved, and that the books and papers belonging to various departments and officers are secure from loss by fire or otherwise. They shall report to the village board any neglect or failure of any officer to keep and maintain his books and accounts properly and to preserve the papers pertaining to his office. The village board shall review a report created by the village treasurer each month.

(b) The finance committee shall at the close of each fiscal year and at such other times as the village board shall direct, examine, compare and audit the reports and accounts of all village officers that may in any way relate to finances of said village and shall report thereon to the village board.

(c) The finance committee, working cooperatively with the president of the Village of Mapleton, shall make each year during the months within which said report may be required by law, an estimate of the probable receipts and expenditures for municipal purposes for the ensuing year,

and a table of appropriations to be recommended to the village board.

(d) The committee on finance shall see to the borrowing of money, issuing of bonds, preparation of ordinances for the appropriations and levy of taxes, they shall make arrangements for the payment of debts maturing against the village if deemed necessary, the finance committee, with concurrence of the village board, may direct the village clerk to write and issue checks in lieu of expenditures which are provided for within the annual appropriation budget.

#### Sec. 2-27. - Duties of the zoning committee.

The village board shall have a general supervision of the preparation, revision and application of the ordinances of the Village of Mapleton. It shall be the duty of the zoning committee to familiarize themselves with the ordinances of the said village insomuch as to ascertain if new ordinances presented may already exist or may conflict with existing ordinances. This committee shall work closely with the village attorney in preparation and review of all new ordinances presented or in conflict. The village board shall be provided a copy of all ordinances. They shall from time to time review such ordinances as they may deem advisable to be passed.

The zoning officer shall report to the board at each monthly meeting. The officer shall be charged with enforcement of all the applicable zoning ordinances.

#### Sec. 2-28. - Duties of committee on streets and alleys.

It shall be the duty of the street and alley committee to keep a close watch over the affairs of the streets, alleys, and sidewalks of the Village of Mapleton. They shall take such steps as they deem necessary to keep the streets, alleys, and sidewalks of the said village in a good, passable and safe condition. They shall recommend to the village board from time to time, when in their opinion it may be deemed necessary, such changes, repairs, and improvements as may be required upon the streets of the said village, but no improvements shall be made upon the streets or alleys, excepting ordinary and necessary repairs until the village board have ordered the same upon the recommendation of said committee. They may prepare a standard of grades and file a report to the president of the said village to be placed in the office of the village clerk. This committee shall be involved in all negotiations of any labor contracts.

#### Sec. 2-29. - Duties of health and water committee.

(a) The health and water committee shall have the duty to keep a close watch over the affairs of the entire water supply system and drains of the Village of Mapleton. They shall see that the same is kept in good repair and in a condition to ensure the health and safety of the citizens of said village, as well as supply an abundance of water for public and private use, and they shall see that all drains are kept in good repair and in sanitary condition. They shall have the authority to recommend to the village board such reasonable improvements from time to time as they see fit. They shall make suggestions and give directions from time to time to the water superintendent and his assistant, who shall, so far as possible, implicitly follow the directions and suggestions as given.

(b) They shall recommend to the village board from time to time such mains to be enlarged or

altered and such additional mains as should be laid to properly supply water to all the property within village limits.

(c) They shall have charge of all property of the water works and see that the same is kept in such a condition as to prevent loss or damage.

Sec. 2-30. - Additional duties of the committees.

Notwithstanding any of the provisions with reference to any standing committee of said village hereinbefore set forth, the said standing committees of the Village of Mapleton, shall not be limited in their action thereby, but they shall at all times and in all manner exercise all of the necessary duties that may pertain to their respective committees; anything in said ordinance to the contrary notwithstanding, but it shall be the duty of the said standing committees to keep a close watch on the affairs of the village government. Each committee shall promptly and thoroughly investigate all matters which may be referred to it and report thereon in writing at its earliest opportunity and do and perform all other duties as the village board may from time to time prescribe by resolution, motion or otherwise.

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## **Chapter 3 - ALCOHOLIC BEVERAGES**

### **Sec. 3-1. - Definitions.**

Unless the context requires otherwise, words and phrases used in this ordinance are to be given the definitions supplied by the Illinois Liquor Control Act of 1934, 235 ILCS 5/1-1, *et seq.*

### **Sec. 3-2. – License required.**

No person shall sell, barter, solicit or receive orders for, keep or expose for sale, or keep with intent to sell any alcoholic liquor for beverage purposes without being first licensed to do so by the Village, and the State of Illinois and the United States when required. Sale without such license(s) shall, upon conviction, subject the seller to a fine of not less than Fifty (\$50.00) nor more than Seven Hundred and Fifty (\$750.00) Dollars for each offense. Each sale shall be considered a separate offense.

### **Sec. 3-3. – Number of licenses available, priority for granting.**

Class A- for the retail sale of packaged alcoholic liquors or for consumption on the premises, as that term is defined herein: There is currently one (1) license for the sale of alcoholic liquor in effect at this time within the Village, which is a Class A license. The maximum number of Class A licenses in effect at any time within the Village shall be one (1). A license shall be issued to a qualified applicant therefor in the order of their respective applications. Priority shall be given, however, to the holder of any license currently in effect, or to a corporation owned solely by an individual holding an existing license if the licensee is transferring the licensed establishment to the corporation and the corporation is qualified under this Ordinance to hold the license, or to an individual solely owning a corporation holding an existing license if the licensee is transferring the licensed establishment to the individual and the individual is qualified under this Ordinance to hold the license, provided that the holder of a current license provides for the renewal thereof on or before thirty (30) days prior to the expiration of said current license. If renewal application is made after said thirty (30) day period, the current licensee shall lose his priority for renewal thereof, and a license will thereafter be issued to the first qualified applicant.

Class B- for the retail sale of packaged alcoholic liquors for consumption off the premises only, as that term is defined herein: The maximum number of Class B licenses in effect at any time within the Village shall be one (1). The sale of alcoholic liquors must constitute less than fifty (50%) percent of the gross sales for the licensed premises, as that term is defined herein. A license shall be issued to a qualified applicant therefore in the order of their respective applications. Priority shall be given, however, to the holder of any license currently in effect, or to a corporation owned solely by an individual holding an existing license if the licensee is transferring the licensed establishment to the corporation and the corporation is qualified under this Ordinance to hold the license, or to an individual solely owning a corporation holding an

existing license if the licensee is transferring the licensed establishment to the individual and the individual is qualified under this Ordinance to hold the license, provided that the holder of a current license provides for the renewal thereof on or before thirty (30) days prior to the expiration of said current license. If renewal application is made after said thirty (30) day period, the current licensee shall lose his priority for renewal thereof, and a license will thereafter be issued to the first qualified applicant.

No license shall be issued to any person who is not qualified to receive a license under the requirements contained herein, and the Board of Trustees of the Village shall be the sole judge of the qualifications of any applicant.

#### Sec. 3-4. License is a personal privilege not transferable.

A license granted pursuant to this Ordinance shall be a purely personal privilege rather than a property interest, and shall be valid for no more than one (1) year. It shall not be subject to attachment, garnishment, or any other form of transfer or encumbrance. It shall cease upon the death of the licensee, provided that executors or administrators of the estate of the deceased licensee, and the trustee of an insolvent or bankrupt licensee, may continue the business of the sale of alcoholic liquor under order of the appropriate court for a period of no longer than six (6) months.

#### Sec. 3-5. - Term of license.

Licenses granted pursuant to this Ordinance shall run from the date of approval by the Board of Trustees, and shall expire, regardless of when granted, on the following June 30<sup>th</sup> unless revoked or suspended earlier as provided in this Ordinance. An applicant for a new license for less than a full annual period shall pay a one-twelfth (1/12) share of the license fee for each month or a part thereof that said license is to be effective. A license shall not be issued for less than a one (1) month period.

#### Sec. 3-6. - Fees.

The fee for a license granted pursuant to this Ordinance shall be seven hundred and fifty (\$750.00) dollars for one full year.

#### Sec. 3-7. Hours of operation and vacation of premises.

No one operating under a Class A liquor license granted pursuant to this Ordinance shall sell or otherwise deliver to any person any alcoholic liquor after 2:00 A.M., nor shall anyone other than the licensee, or licensee's employees while in the performance of their duties, remain within the premises after 2:00 A.M., and shall not reenter the premises until the licensee may open for business on the following business day as defined in (B) below, nor shall any alcoholic liquor be exposed upon such premises in any open individual serving container (including but not limited to glasses or beer bottles) after 2:00 A.M.

In clubs and restaurants holding a Class A liquor license that remain open after their hours of permitted sale of alcoholic liquor, all cups, glasses, bottles or other containers of alcoholic liquor shall be removed from areas open to customers no later than 30 minutes after their hours of permitted sale of alcoholic liquor. Later than 2:00 A.M., no person, whether a member of the public or an on-duty or off-duty agent of the licensee, shall consume or be in possession of alcoholic liquor in an area open to customers.

The licensee shall be deemed to have committed a violation under this section if all cups, glasses, bottles or other containers of alcoholic liquor have not been removed from the customary public areas of the premises during the hours when the consumption of alcoholic liquor is prohibited as provided in this section. It shall be an affirmative defense to a violation of this section that a customer or other member of the public concealed such a container from view or otherwise caused a violation of this subsection by resisting reasonable efforts by an agent of the licensee to remove the container or containers in question.

<sup>3</sup>A Class A licensed premises shall not open for business before 06:00 A.M., Monday through Saturday inclusive, and not before 12:00 P.M. on Sunday.

Under a Class B license, packaged alcoholic liquor shall only be sold until 1:00 a.m., Monday through Saturday.

#### [Sec. 3-8. Persons ineligible to be licensed.](#)

No license for the sale of alcoholic liquor shall be granted to any of the following:

- A. Any person otherwise ineligible under §6-2 of the Illinois Control Liquor Act of 1934 (“the Act”), 235 ILCS 5/6-2.
- B. A person who is not a resident of the Village.
- C. A person who is not of good character and reputation in the Village and in any community in which he or she has resided in the twelve (12) months preceding the filing of the petition for liquor license with the Village.
- D. A person who is not a citizen of the United States.
- E. A person who has been convicted of a felony under any Federal or State law, unless the Board of Trustees finds that said person has been sufficiently rehabilitated to warrant the public trust after considering all relevant matters. The burden of proof of sufficient rehabilitation shall be on the applicant.

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<sup>3</sup>Updated 7/21/2015 201-721-2 (Section 7)

F. A person who has been convicted of being the keeper or is keeping a house of ill fame.

G. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

H. A person whose license issued under the Act or this Ordinance has been revoked for cause.

I. A person who at the time of application for renewal of a license issued hereunder would not be eligible for such license upon a first application.

J. A partnership unless all of the general partners and any limited partner owning more than 5% of the aggregate limited partner interest shall each be qualified to obtain a license hereunder.

K. A corporation unless it is incorporated in the State of Illinois or qualified to transact business in the State of Illinois under the Business Corporation Act, and unless all officers, directors, managers and shareholders owning over five (5%) percent of the corporate stock is each qualified to obtain a license, with the exception of the residence and citizenship requirements in (B) and (D) above

L. A person obtaining the license for a place of business to be run by a manager or agent, unless the manager or agent is qualified to obtain a license.

M. A person not the beneficial owner of the premises for which the license is sought, or who does not have a lease thereon for the full period for which the license is to be issued.

N. Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that a 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.

O. A person who is not a beneficial owner of the business to be operated by the licensee.

P. A person or enterprise holding a federal gaming device stamp.

Q. 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 of, or as proscribed by Section 28-1.1 or 28-3 of, the "Criminal Code of 1961," as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

R. A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.

#### [Sec. 3-9. - Application.](#)

All applicants for a liquor license to be issued by the Village pursuant to the terms of this Ordinance, or for the renewal of an existing license issued by the Village pursuant to this Ordinance, shall submit an application to the Village Clerk at least thirty (30) days prior to the Village Board meeting at which the application shall be considered. The application shall be in the form supplied by the Village, and shall be completed in full by the applicant and signed under penalty of perjury. In the event such an application is not properly executed and submitted as provided herein, the application shall not be considered by the Village.

No corporate licensee shall add any officer or director, nor permit any transfer of its stock which would vest in aggregate more than five percent of the stock outstanding in such corporation in any stockholder; nor shall any partnership add a partner, unless such officer, director, stockholder or partner has been previously approved by the village president. All requests for approval of officers, directors, stockholders or partners shall be in writing and under oath, stating substantially the same requisites as set forth in this section 2.10. The president shall not approve such addition of officers or directors or transfer of stock or addition of a partner, unless the proposed officer, director, stockholder or partner would be eligible to receive a license for the retail sale of alcoholic liquor under this chapter for any reason, except that citizenship and residence within the city shall not be required of an officer, director or stockholder. A non-refundable filing fee of \$100.00 shall be paid for filing an application required by this subsection.

Whenever the licensee's operating business or trade name is changed from the name issued on the liquor license, the licensee must submit a written notice to the city clerk of the name change within 14 days of the change, No filing fee is required for the notice of change of name.

#### [Sec. 3-10. - Managers.](#)

No licensee shall employ any person to manage his licensed liquor establishment, unless such person possesses the same qualifications required of a licensee in section 3.9 above, except for residency and citizenship. No licensee shall permit any person to act as a manager of his liquor establishment, unless such manager has been approved by the mayor.

No person shall manage or act as manager of a licensed liquor establishment, unless such person possesses the same qualifications required of a licensee in section 3.9 above, except for residency

and citizenship, and such person has been approved by the mayor to be a manager of that licensed liquor establishment.

All applications for approval as manager of a licensed liquor establishment shall be submitted to the president by filing in the office of the city clerk upon forms approved by the president. The president or his or her designee shall conduct a thorough investigation of the fitness and eligibility of the applicant. Within ten days, the president or his or her designee shall have concluded this investigation and shall report to the president the results of its investigation, together with a recommendation whether the application should be granted or denied. The president shall then, within ten days, either grant or deny the application and notify the applicant. Any applicant whose application is denied may request a hearing before the president by filing a written request in the office of the city clerk within five days of the denial of the application.

A non-refundable filing fee of \$100.00 shall be paid for filing a manager application.

As to Class B liquor licenses, the licensee shall personally or through his, her, or its manager(s) maintain locks completely restricting access to all liquor, and shall not deliver keys or other means of accessing liquor during hours that the licensee may be open but outside the hours that the liquor license is valid.

#### Sec. 3-11. – Persons under twenty-one (21) years of age.

Each licensee shall display in a prominent place in any location used for the sale or serving of alcoholic liquor a sign reading substantially as follows:

“WARNING TO PERSONS UNDER THE AGE OF TWENTY-ONE (21)--You are subject to a fine of up to Seven Hundred Fifty (\$750.00) Dollars and criminal prosecution, under the laws of the State of Illinois and the Ordinances of the Village of Mapleton, if you purchase alcoholic liquor, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.”

#### Sec. 3-12. – Display of license.

Each licensee shall display his license in a prominent place in any location used for the sale or serving of alcoholic liquor.

#### Sec. 3-13. Reporting of incidents.

Each licensee and each of his agents and employees shall promptly report to the Peoria County Sheriff's Department any outbreak of any fights, riots, disturbances of the peace, or any act constituting an offense of any Village ordinances or a crime under the laws of the State of Illinois or the United States, occurring on or about the licensed premises. Each licensee shall further report any of the above incidents within twenty-four (24) hours of the President of the Village Board. The licensee and all agents or employees of the licensee shall truthfully and fully

answer all questions and investigations of any identified agent of the Federal or Illinois Bureau of Investigation, Illinois Liquor Control Commission, Peoria County Sheriff or the President of the Village Board who makes inquiry in or about the licensed premises, and shall otherwise cooperate fully in any such investigations.

Each licensee shall maintain on each licensed premises not less than one landline telephone in operating order which phone must be within the easy access of the bartender or other responsible person in charge of the premises.

Sec. 3-14. - Employment of persons under twenty-one (21) years of age.

No licensee shall employ or permit any person under the age of twenty-one (21) to sell or serve alcoholic liquor.

Sec. 3-15. Sales to persons of non-age, intoxicated persons, etc.

No licensee or 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 to him or her to be a habitual drunkard, a spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment. No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver said alcoholic liquor to another person under the age of twenty-one (21) years, except in performance of a religious ceremony or service, or as provided by Ordinance.

Sec. 3-16. Possession, purchase, dispensing or consumption of alcoholic liquor by person of non-age; proof of age; misrepresentation of age.

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 alcoholic liquor or have the same in his or her possession, except as provided by this Ordinance. This paragraph shall not prohibit the consumption of alcoholic liquor by a person of non-age in the performance of a religious service or ceremony, or consumption by a person of non-age under the direct supervision and approval of the parent(s) or legal guardian(s) of such person in the privacy of a home.

If a licensee, or his or her agent, or employee believes or has reason to believe, that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he or she shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public official in the performance of his official duties.

For the purpose of preventing the violation of this section, any licensee, or his agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate positive identification of identity and of the fact that he or she is the age of twenty-one (21) years or older.

Proof that the licensee, or his employee or agent, demanded, was shown and reasonably relied upon such positive identification in any transaction forbidden by this section, is competent evidence and may be considered in any prosecution or hearing therefore or in any proceedings for the suspension or revocation of any license based thereon.

[Sec. 3-17. - Presence of unsupervised persons under the age of twenty-one \(21\) years.](#)

No person under the age of twenty-one (21) years of age shall be allowed to be present in any tavern unless that person is accompanied by a parent or legal guardian.

Any Village liquor licensee or his or her agent, or the parent or guardian of a person under the age of twenty-one (21) years who knowingly permits a person under the age of twenty-one (21) years to violate this provision shall, upon conviction, be fined no less than One Hundred (\$100.00) Dollars nor more than Seven Hundred and Fifty (\$750.00) Dollars. Violation of this provision may also be the basis for revocation or suspension of any license pursuant to 3.21 below.

[Sec. 3-18. - Prohibition of sale of alcohol in conjunction with an adult use.](#)

No licensee shall be allowed to sell alcoholic liquor in conjunction with an adult use on the premises. For the purpose of this Ordinance, such premises shall include adult booths and adult establishments as defined in Chapter 17 of these Ordinances.

[Sec. 3-19. - Persons loitering in licenses premises.](#)

No person shall frequent or loiter in any premises licensed under this chapter for the purpose of soliciting another person to purchase alcoholic or nonalcoholic beverages, or to solicit any other person to give or donate any money or other thing of value for any purpose including prostitution.

No licensee or any person as proprietor, agent, servant, or employee of such licensee shall knowingly permit any person who is in violation of this section to enter or remain upon the licensed premises. The fact that a licensee has been notified by the superintendent of police or his delegate that a person has been convicted within the past year, or has multiple convictions within the past three years, for an offense of prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, or pimping, and the licensee allows such person to remain on or frequent the premises, may be considered prima facie evidence in a hearing before the local liquor commissioner concerning the revocation or suspension of the license granted to the licensee, that a person's presence upon the licensed premises is for the purpose of soliciting in violation of this section.

[Sec. 3-20. - Carrying of alcoholic liquor in unsealed or opened container from premises.](#)

It shall be unlawful for any person to carry any alcoholic liquors in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased.

No licensee or person as proprietor, agent, servant or employee of such licensee shall knowingly permit any patron to violate this section nor continue to sell alcoholic liquors to such person knowing that such person intends to carry the alcoholic liquor from the premises in an open or unsealed container, except as permitted for wine bottles from restaurants under the Illinois Liquor Control Act, 235 ILCS 5/6-33.

#### [Sec. 3-21. - Revocation of license, appeals.](#)

Any license issued hereunder may be suspended for failure to operate thereunder for thirty (30) or more consecutive days during the license period.

Any license may be revoked or suspended for violation of any of the liquor control regulations of the United States, the state liquor control commission, the county liquor commission or this Ordinance. Any license may also be revoked or suspended if the license holder continually permits his or her customers to conduct themselves in a disorderly manner. Three (3) instances of such disorderly conduct as might qualify under the criminal code as disorderly conduct, absent preventative measures being taken by the licensee, shall be prima facie evidence of the violation of this paragraph. If the Licensee becomes disqualified for the issuance of a License at any time during the term of the License at issue, such disqualification shall be grounds for revocation. Finally, any license may be revoked if it is found that the licensee willfully made false statements as to a material fact in order to facilitate obtaining said license or renewal.

#### Procedure

1. Notice. Upon determining that one or more of the grounds for suspension or revocation under Subsection A or B of this Section may exist, the President of the Board of Trustees, or other officer so designated by the President of the Board shall serve a written notice on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. -The written notice shall, at a minimum, (i) state that President of the Board of Trustees, or other officer so designated by the President of the Board, has determined that the Alcoholic Liquor License may be subject to suspension or revocation pursuant to this Ordinance; (ii) identify the specific grounds for the President's determination; and (iii) set a date for a hearing regarding the President's determination as to the possibility of suspension or revocation of the License. The date of the hearing shall be no less than five days after service of the President's notice, unless an earlier or later date is agreed to by the Licensee and the President.

2. Hearing. The hearing shall be conducted by the President, or, at the President's direction, by the Village Board of Trustees. At the hearing, the Licensee may present and submit evidence and witnesses to refute the grounds cited by the President for suspending or revoking the License and the Village and any other persons may submit evidence to sustain such grounds. The administrative record compiled pursuant to Section 18 of this Ordinance shall be made part of the hearing record. Within three days after the close of the hearing, the President shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision.
3. Notice and Effective Date of Suspension or Revocation. The President's written decision shall be posted at the office of the President and shall be served on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. In order to allow an aggrieved Licensee an opportunity to obtain judicial relief, any suspension or revocation, as the case may be, shall take effect (i) on the 14<sup>th</sup> day after the President's written decision is delivered in person or (ii) on the 17<sup>th</sup> day after the President's written decision is placed in the U.S. mail as provided in this paragraph.
4. Surrender of License and Security. Upon the suspension or revocation of a License pursuant to this Ordinance, (i) the President shall take custody of the suspended or revoked License.
5. Appeals of cancellations, suspensions or revocations by the President of the Board of Trustees may be taken to the State Commissioner as provided by 235 ILCS 5/1-1 *et seq.*

[Sec. 3-22. - Administrative record.](#)

The President shall cause to be kept an accurate record of every License application received and acted on, together with all relevant information and material pertaining to such application, any License issued pursuant thereto, and any Licensee operating pursuant to such License.

[Sec. 3-23. - Recordkeeping by licensee.](#)

The Licensee of every Liquor License shall maintain a register of all of its employees. For each such employee, the register shall include the following information:

1. Legal name.
2. Any and all aliases.

3. Current residential address and telephone number.
4. Date of birth.
5. Gender.
6. Social security number.
7. Date of commencement of employment.
8. Date of employment termination, if applicable.
9. Specific job or employment duties.

[Sec. 3-24. - Refund of fees paid.](#)

No refund of fees paid will be granted upon a license revoked for cause or voluntarily surrendered.

A refund of one-twelfth (1/12) of the fee paid will be paid to the Executor or Administrator of a deceased licensee for every calendar month that the license would have been effective had it not been terminated by this Ordinance.

**Section 3-25. Video Gaming.**

No video gaming terminal licensed under the Video Gaming Act may be played except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment. Such violation is subject to termination of its license by the Board.

Each terminal operator shall maintain liability insurance on any gaming device that it places in a licensed video gaming location in an amount set by the Board.

(A) Permit Required.

1. The operator of any video gaming terminal within the Village limits of the Village of Mapleton shall first obtain a permit for such device by the Village.
2. It shall be unlawful for any person to install, keep, maintain, use or permit the installation, keeping, maintenance or use of a video gaming terminal upon his/her or its premises unless they possess a valid permit issued by the Village of Mapleton under the terms herein.

(B) Application.

Applications for a video gaming terminal shall be made to the Village President in writing, signed by the application if an individual, or by a duly authorized agent thereof if a club, corporation or other entity duly authorized by the State of Illinois to operate video gaming machines, verified by oath or affidavit and shall contain the following information and statements:

1. The name, address, age and date of birth of the owner of the video gaming terminal and the owner of the establishment where the video gaming terminal shall be located.
2. Prior convictions of the owner of the video gaming terminal and the owner of the establishment, if any.
3. The place where the video gaming terminal is to be displayed or operated and the business conducted at that place.
4. A description of the video gaming terminal to be covered by the permit.
5. Evidence that licenses have been issued by the Illinois Gaming Board to the owner of the video gaming terminal and the owner of the establishment.

(C) Fee.

The annual fee for the permit required by this Ordinance shall be an annual fee of \$25.00 per video gaming terminal or the maximum amount allowable under the Video Gaming Act at the time the annual fee is due, whichever is greater.

Permits issued pursuant to this Section shall be terminate on the 30th day of April next following issuance.

(D) Registration Renewal.

Not less than six weeks before a registration is scheduled to expire and after a renewal notice is provided by the Village to registrant, the registrant may submit an application for renewal, provided the applicant is then qualified to receive a registration certificate.

(E) Replacement of Registration Certificate.

Whenever a registered video gaming terminal is replaced during a fiscal year, a replacement registration certificate must be purchased for \$25.00.

(F) Display.

A Village video gaming terminal permit shall be clearly displayed at all time on each video gaming terminal. A video gaming establishment license must be clearly displayed at all times.

(G) Inspection.

The Zoning Enforcing Officer shall inspect or cause the inspection of any place or building in which any such video gaming device or terminal is operated or set up for operation and to inspect, investigate and test such video gaming terminals.

(H) Revocation.

The Village President, at any time, may notify any permit holder of any charge of a violation of any of the provisions of this Ordinance in connection with the operation of any video

gaming terminal. After a hearing, held on 5 business days notice, presided over by the Village President, the Village President may order the revocation of permit upon a finding that the violation has occurred, and the permit shall thereupon be terminated. The permit holder may appeal the revocation to the Village Board.

(I) Eligible Licenses.

The number of permits issued under this Ordinance shall be limited to four (4). Each permit holder shall be entitled to operate the maximum number of terminals as authorized by the State of Illinois.

**Section 3-26. Class C License.**

A supplemental license shall be obtained for the retail sale of alcoholic beverage in an outdoor beer garden. The supplemental license will be limited to the hours of eleven o'clock (11:00) a.m. to ten o'clock (10:00) p.m. Sunday through Thursday and eleven o'clock (11:00) a.m. to twelve o'clock (12:00) midnight Friday and Saturday.

Application for this license shall be made for each outdoor beer garden. To apply for this supplemental license, the licensee shall file its request, in writing, with the Mapleton Liquor Commissioner. Application for the supplemental license must be received by the Mapleton Liquor Commissioner fourteen (14) days in advance of the opening of the outdoor beer garden. A nonrefundable application fee of One Hundred Dollars (\$100.00) shall be paid by the licensee requesting the supplemental license. The application for the supplemental license shall be submitted by the applicant with a scale drawing of the proposed outdoor facility which shall, at a minimum, include the following:

- (A) Required Plan Submissions. All applications for Class C licenses must contain a detailed description of the proposed outdoor facility and the scale drawing shall include the footage of the area, the type of fencing, showing of entrance and exit, and any furniture.

In determining whether to issue a Class C license, the Commissioner shall consider:

1. The availability of sufficient parking.
2. The increase in traffic, if any, on streets in the areas.
3. The nature of the uses of the surrounding property.
4. The amount of noise, if any, which will be generated by the proposed outdoor facility and its effect on nearby residents, if any.
5. The adequacy of sanitary facilities, including facilities for disposing of solid waste such as cans, bottles and cartons generated by increased patronage, if any.
6. Such other factors reasonably necessary and incidental to the protection of the safety and health of the resident of the Village.
7. The Class C license will be presented to the Village Board for recommendation of approval of the beer garden site. The Liquor

Commissioner, by law, makes the final decision to issue the license and may do so even though the Board recommends against its issuance.

- (B) Class C License. Notwithstanding any other provision of this Code, it shall be unlawful for any retail liquor licensee to serve or allow to be consumed alcoholic liquor at an outdoor eating, drinking or seating area without first obtaining a license as provided herein. Class C liquor licenses shall be a supplementary license permitting the sale of alcoholic liquors in an outdoor eating, drinking or seating area (*i.e.*, beer garden) located adjacent to and operated by and in conjunction with an otherwise licensed premises, subject to the following:

1. Only those licensees holding a Class A or Class B liquor license shall be eligible to apply for, receive and hold a Class C license, which allows for the sale and consumption of alcoholic liquor on-premises. Only those alcoholic liquors lawfully licensed to be sold and consumed in the adjacent licensed premises may be sold and/or consumed in the outdoor eating, drinking or seating area. All other provisions of the Mapleton Village Code pertaining to the respective Class A or Class B liquor license shall apply to the Class C licensed area unless otherwise provided herein.

- (C) Beer Gardens.

1. Only the holder of a Class C liquor license may operate a beer garden. The outdoor eating, drinking or seating area must comply with the following:
  - a. Shall be immediately adjacent and contiguous to the Class A or Class B licensed premises.
  - b. Shall be no greater in area than the gross floor area of the licensed premises.
  - c. Shall be accessible to customers and patrons from the interior of the licensed premises only; be entirely and completely contained by fencing or other suitable material at least six feet in height, measured from the finished floor elevation of the outside eating, drinking or seating area, which effectively prevents the passing of alcohol to the outside; and defines the seating area and sets that area apart from surrounding property; and be reasonably viewable and accessible from the exterior.
2. At least one, fully operable, emergency exit shall be provided from the outdoor eating, drinking or seating area directly to the outside for all Class A and Class B licenses where the only other means of egress is through the interior of the licensed premises. Said emergency only exit shall be in addition to the access provided directly from the licensed premises and may preclude their entrance or exit from the interior of the licensed premises and may be used for the purpose of taking delivery of products, materials and supplies.
3. The total square footage of the outdoor eating, drinking or seating area shall be added to the square footage of the Class A or Class B license permit and shall be included in the total parking calculations and requirements for the

site, provided that Class A or Class B establishments holding licenses on June 1, 2015 shall be exempt from this additional parking requirement.

4. No live entertainment shall be permitted outside except live music performed without electronic amplification by no more than two instrumentalists plus a vocalist.
5. All music (recorded or live) or any other broadcast, including public address, shall conform to the Village Ordinances and cease at 10:00 p.m.
6. All beer garden Class C license holders shall have a reasonably substantial structure across which alcoholic liquor shall be served which shall afford bartenders reasonable protection from patrons, unless the outdoor facility is serviced directly from the indoor licensed premises.
7. Management. The licensee/management shall operate the beer garden area in compliance with the terms and conditions of this permit and shall not delegate or assign that responsibility. The licensee shall insure that the beer garden patrons do not pass alcoholic beverages to passersby, do not disturb persons on the adjacent right-of-way by loud, boisterous and unreasonable noise, offensive words or disruptive behavior, and shall abide to the noise prohibitions of the Village Code. Management shall prohibit patrons from leaving the establishment with an open alcoholic beverage. Each and every owner, operator and/or manager licensed to sell alcoholic liquors in an outdoor eating, drinking or seating area shall provide regular, diligent and effective management and employee oversight and control of such beer garden, drinking or seating area to assume compliance with the provisions of this Chapter and the Code of Ordinances of the Village.
8. With continued violations of this Class C license, licensee would be subject to be heard by the Liquor Commissioner at a public hearing on any Chapter violations. The licensee may be required to surrender the Class C license to the Village and forfeit the beer garden area.
9. Termination. Upon termination of a beer garden site license, the licensee shall immediately remove the barrier from around the outdoor dining area, return the sidewalk to its original condition (where there is a sidewalk involved), and remove all personal property, furnishings and equipment from the sidewalk or other beer garden area. Any personal property remaining on the premises shall be removed pursuant to the laws of the State of Illinois and the Village Code.

Section 3-26 was added by Ordinance 2016-614-4.

## Chapter 4 - ANIMALS AND FOWL

### ARTICLE I. - IN GENERAL

#### Sec. 4-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means every nonhuman species of animal, both domestic and wild.

*At large* means any animal when it is off the premises of its owner's real property and not restrained by a competent person.

*Cat* means all domestic members of the feline family *Felis catus*.

*Competent person* means a person eleven (11) years of age or older, capable of physically controlling the animal in question and to whose command the animal is obedient.

*Confine* means the physical restraint of an animal by a fence, structure, chain, rope, or other means of a sufficient strength or construction to restrain the animal in question.

*Dog* includes all domestic members of the canine family *Canis familiaris*.

*Domestic animal*. The following are considered to be domestic animals:

Dogs (not including hybrids of dogs).

Cats (not including hybrids of cats).

Domestic rodents (guinea pigs, hamsters, white rats, white mice).

Farm animals (any member of the swine, ovine, caprine, bovine or equine families, poultry or rabbits).

Non-life-threatening, nonpoisonous reptiles or amphibians.

Nonpoisonous, non-life-threatening fish.

All birds, except those protected as wild birds by state or federal statutes.

*Dwelling unit* means a single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Exotic animal* means any nondomestic animal not native to the state.

*Multiple-pet owner* means any person who harbors more than two (2) dogs or cats, or any combination thereof, over four (4) months of age in a dwelling unit.

*Owner* means any person seventeen (17) years of age or older; or parent or guardian of any person under the age of seventeen (17) years; or parent or guardian of an incapacitated person having a right of property in an animal; or who acts as custodian, cares for, keeps, feeds, or knowingly permits an animal to remain on or about any premises occupied by such person; or a person who registers an inoculation certificate for an animal with the county.

*Poultry* means domesticated birds raised for show, eggs or meat.

*Redemption fee* means costs incurred when impounding an animal, which include the handling and processing of the animal's entry and exit into the animal shelter. This fee shall not include boarding, medical or transportation costs incurred by the shelter in keeping such animal.

*Restraint* means any animal that is not found on the property of its owner when it is:

Controlled by a line or leash not more than six (6) feet in length when such line or leash is held by a competent person.

Controlled by a leash of fifty (50) feet or less during a training session conducted by a competent person.

Confined within a motor vehicle.

Confined in a cage or other animal carrier.

*Secure enclosure* means a structure of sufficient height and construction that does not allow contact between the animal confined and other animals or persons.

*Sterilized* means the surgical spay of a female animal or castration of a male animal, so as to render such animal incapable of reproducing.

*Wild animal* means any living member of the animal kingdom (including exotic animals) other than a domestic animal.

#### [Sec. 4-2. - Animals running at-large prohibited.](#)

(a) The owner of any animal shall keep such animal confined or under restraint at all times when it is off the premises of the owner's real property and shall not permit such animal to be at-large. Dogs trained for law enforcement under the control of a peace officer in the performance of duty shall not be required to be confined or under restraint.

(b) Failure to comply with this section is a violation for which such person shall pay a penalty of fifty dollars (\$50.00) for the first violation; one hundred dollars (\$100.00) for the second violation occurring within any twelve-month period and two hundred dollars (\$200.00) for the third and each subsequent violation within any twelve-month period. The settlement option set forth in [Section 4-23](#) shall not apply to the second and subsequent violations within any twelve-month period.

#### [Sec. 4-3. - Keeping wild animals prohibited.](#)

No person shall keep, harbor, possess, act as custodian, or have a right of property in a wild animal except zoos, veterinary hospitals, animal shelters, pet shops or individuals, all of which must be legally licensed by federal and/or state statutes. Individuals owning or fostering animals trained or to be trained for service to persons with disabilities are excepted. Any individual keeping a service animal must provide documentation of fostering and training from a certified training organization.

#### [Sec. 4-4. - Farm animals prohibited.](#)

Except as provided elsewhere in the city Code, all farm animals, including but not limited to, members of the swine, ovine, bovine, caprine, or equine families, poultry and rabbits, shall be prohibited.

#### [Sec. 4-5. - Rabbits restricted.](#)

(a) Possession of rabbits within the village is a violation of the law except under the following conditions:

- (1) The owner shall provide a cage of at least eight (8) cubic feet, with no dimension less than one (1) foot for each animal.
- (2) Each cage or structure shall be placed at least fifteen (15) feet from all property lines.
- (3) The total number of rabbits shall be no more than four (4), with three (3) being the maximum number of females and one (1) being the maximum number of males.

(b) For the purpose of this section, any rabbit over six (6) weeks old shall be counted.

(c) Any village resident who currently owns rabbits numbering more than four (4) shall be allowed to keep all his or her rabbits currently in his or her possession, but said rabbits may not be replaced as they die off. Said rabbits shall be documented by photograph for the village, and the village retains the right to enter the property of any rabbit owner(s) at any time with notice to said owner(s).

#### Sec. 4-6. - Poultry restricted.

(a) Possession of poultry within the village is a violation of the law except under the following conditions:

(1) The owner shall provide a cage of at least eight (8) cubic feet, with no dimension less than one (1) foot for each animal.

(2) Each cage or structure shall be placed at least twenty-five (25) feet from the dwelling next door. If the odor from said poultry can be detected more than twenty-five (25) feet from said cage or structure, the owner of said poultry can be found guilty of a nuisance violation per section 4-23.

(3) The total number of poultry shall be no more than eight (8) per residence, and said poultry shall include only chickens but not guinea hens, turkeys or roosters. Only residents with at least a one (1)-acre lot shall be able to have poultry. This provision is superseded by the grandfathering provisions in section (4) below as to village residents who already own poultry.

(4) Any village resident who currently owns poultry numbering more than eight (8) shall be allowed to keep all his or her poultry currently in his or her possession, but said poultry may not be replaced as they die off. Said poultry shall be documented by photograph by and for the village, and the village retains the right to enter the property of any poultry owner(s) at any time with notice to said owner(s).

#### Sec. 4-7. - Humane care of animals.

No owner shall fail to provide his animal with sufficient food, water, clean proper shelter, protection from the weather, and sufficient veterinary care when needed to prevent suffering and/or maintain health.

#### Sec. 4-8. - Abandonment prohibited.

It shall be unlawful for any person to abandon any animal within the village.

#### Sec. 4-9. - Acts of cruelty to animals prohibited.

No person shall:

(1) Kill, wound, or attempt to kill or wound any domestic animal, with the exception of rabbits or poultry that are being raised for the purposes of human consumption.

(2) Put to death any domestic animal except by euthanasia under the supervision of a licensed veterinarian of the state.

(3) Beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse a domestic animal.

(4) Cause, instigate, permit, or attend any dogfight, cockfight, bullfight or other combat between animals or humans.

(5) Crop an animal's ears, dock an animal's tail or perform similar surgeries except a licensed veterinarian of the state.

(6) Allow any animal to remain unattended by a competent person in a motor vehicle when the animal's life, health, or safety is threatened.

#### Sec. 4-10. - Impoundment and redemption.

(a) All animals or fowl found to be in violation of any law or ordinance shall be impounded by personnel authorized by the corporate authorities.

(b) Animals or fowl which are impounded shall be kept in the enclosure established as the authorized village pound until redeemed or otherwise disposed of as may be directed by the corporate authorities, but in no event shall disposal of the animal or fowl be ordered where the period of impoundment has been less than five (5) days.

(c) Any person seeking to redeem any impounded animal or fowl shall pay a fee established by the impounding authority with the concurrence of the corporate authorities.

(d) Animals or fowl which are kept in an authorized pound shall be humanely treated and fed and such pound shall be in charge of personnel duly authorized by the corporate authorities who shall be responsible for the care and custody of the same.

#### Sec. 4-11. - Diseased and injured animals.

(a) No diseased or sickly horse, cow, hog, dog, cat, or other animal nor any that has been exposed to any disease that is contagious among such animals shall be brought into the village unless under veterinary care.

(b) Any animal, being in any street or public place within the village, appearing, in the estimation of the animal shelter manager or delegate or any inspector of the county health department, to be injured or diseased and past recovery for any useful purpose, and not being attended and properly cared for by the owner or some proper person to have charge thereof for the owner, and not having been removed to some private premises or to some place designated by such officer or inspector within one (1) hour after being found or left in such condition, may be deprived of life by such officer or as he may direct.

(c) No person, other than inspectors or officers of the county health department or law enforcement officers, or persons authorized by contract or otherwise, shall in any way interfere with the removal of such dead, sick, or injured animal in such street or place. No person shall

skin or wound such animal in any street or public place, unless to terminate its life as herein authorized; except that the owner or person having control of such animal may terminate the life thereof in the presence and by the consent of a law enforcement officer, or an inspector of the county health department or the animal shelter manager or delegate.

#### Sec. 4-12. - Dead animals prohibited.

(a) No person shall allow the body, or any part thereof, of any dead animal to decompose and putrefy by remaining on his property.

(b) The owner of an animal shall be responsible for the disposal of such animal's remains on its death from whatever cause and regardless of the location of such animal's remains.

#### Sec. 4-13. - Reporting animal bites required.

Persons having knowledge of someone being bitten by an animal must report such information to the animal shelter or the code enforcement officer within twenty-four (24) hours.

#### Sec. 4-14. - Disposal of wild animals which have bitten persons.

Every wild animal which has bitten a person shall be humanely destroyed immediately and a necropsy performed.

#### Sec. 4-15. - Harboring stray animal restricted.

No person shall harbor, keep, care for, feed, or allow to remain on their property any stray domestic animal without notifying the animal shelter within forty-eight (48) hours.

#### Sec. 4-16. - Liberation of owned animals prohibited.

No person shall remove from restraint or release from confinement any animal belonging to another person, unless in an emergency or with the consent of the owner.

#### Sec. 4-17. - Liberation of impounded or captured animals prohibited.

It shall be unlawful for any person to liberate or to attempt to liberate any animal impounded under the provisions of this article from a place of confinement or from within a vehicle used for confinement and conveyance to the animal shelter.

#### Sec. 4-18. - Trapping prohibited.

No person shall set any trap to catch any animal, permit any trap owned by him or in his control to be set to catch any animal, or allow a trap to be set to catch an animal in his property, unless approved by the animal shelter manager. The indoor trapping of rats and mice is permitted. Live traps, which do not injure any animal, will be permitted, unless there is a designated trapping season which prevents them.

#### Sec. 4-19. - Provoking animals prohibited.

It shall be unlawful for any person to intentionally provoke any animal so as to create a nuisance to the neighborhood or cause a violation of any provisions of this chapter.

#### Sec. 4-20. - Removal of waste.

The owner of any animal shall promptly remove an accumulation of such animal's waste wherever it may exist in the village.

#### Sec. 4-21. - Animal considered a nuisance.

No person owning, possessing, or harboring any animal within the village shall permit such animal to become a nuisance. An animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance if such animal:

- (1) Substantially damages property other than the owner's.
- (2) Causes unsanitary, dangerous, or unreasonably offensive conditions.
- (3) Causes a disturbance by excessive barking, caterwauling or other noisemaking.
- (4) Chases vehicles.
- (5) Chases, molests, attacks, bites, interferes with or physically intimidates any person while on or off the premises of the owner.
- (6) Chases, molests, attacks, bites, or interferes with other animals while off the premises of the owner.

#### Sec. 4-22. - Impoundment of animals running at-large.

Every animal running at-large or stray animal within the city may be impounded by the animal control officer or the police. Once the animal has been impounded at an authorized animal shelter, it may be released only after payment of any redemption or adoption fees provided by that shelter.

#### Sec. 4-23. - Penalty and settlement options.

- (a) Anyone convicted in a court of law of a violation of any act prohibited or declared to be unlawful by this chapter shall be punished by a fine of not less than two hundred dollars (\$200.00) for each offense. Each day an offense is committed shall constitute a separate offense.
- (b) After receipt of a complaint regarding any section of this chapter, the person may settle the violation of law by making a payment of one hundred dollars (\$100.00) to the village clerk for each violation of this article as indicated in such complaint within seven (7) calendar days of the

issuance of such complaint. Such settlement option shall not apply to the second and subsequent violations of any one (1) section within any twelve-month period.

(c) The receipt of one hundred dollars (\$100.00) for such violation indicated on the complaint within seven (7) days of its issuance, shall terminate the article violation action and resolve all village claims for fines against the alleged violator by the village.

(d) The village shall file in the circuit court of the county all complaints against those persons, served with a copy of the complaint by either certified mail or personal service, who fail to settle their violations within said seven-day period.

#### Sec. 4-24. - Liability of animal owners.

Owners of animals shall be liable for any damage done by their animals to persons, other domestic animals, or other persons' property.

#### Sec. 4-25. - Inoculation required.

No person shall own, possess, keep, maintain, or harbor any dog or cat over the age of four (4) months of age without causing such dog or cat to be inoculated against rabies. Such inoculation shall be required, regardless of whether the dog or cat is confined at all times to an enclosed area.

#### Sec. 4-26. - Collar required.

No person shall own, possess, keep, maintain, or harbor any dog or cat over four (4) months of age within the city without providing such dog or cat with a collar to be worn when said animal is outside a secure enclosure. Collars for dogs shall be of sufficient strength to control and restrain the animal without injury to the animal. Animals restrained by rope or chains must have collars.

#### Sec. 4-27. - Removal of collar or tags restricted.

No person shall, without the consent of the owner or keeper of any dog or cat, take away or otherwise remove any registration tag, identification tag, or collar from any dog or cat.

#### Sec. 4-28. - Disposition of dog or cat suspected of having rabies.

Any dog or cat suspected of being afflicted with rabies may be slain by an animal control officer, police officer, sheriff, or deputy sheriff if such officer deems it essential to the safety of any person or necessary to prevent its escape. The head of such animal shall be preserved and delivered to the county veterinarian or delegate in order that a necropsy can be conducted to determine if such animal was rabid.

Sec. 4-29. - Confinement of female dog or cat in heat.

The owner of any female dog or cat in heat shall confine such animal in a building or secure enclosure. The failure to do so is a violation of law and will allow the manager of the animal shelter or delegate to impound such animal and to hold such animal until redeemed/adopted pursuant to this article.

Sec. 4-30. - Duties of driver of motor vehicle striking animal.

Any person whose motor vehicle strikes a dog or cat within the village shall promptly report such occurrence to the animal shelter or police department with a description of the animal struck, condition of the animal, and the location of the striking.

Sec. 4-31. - Multiple-pet owners; duty to provide care.

All multiple-pet owners shall conform to the following requirements with reference to the care of their animals:

(a) Residents shall not be permitted to own a combination of more than three (3) dogs and/or cats. Said animals shall be tagged per Peoria County ordinances.

(1) Any village resident who currently owns dogs and/or cats numbering more than three (3) shall be allowed to keep all his or her dogs and/or cats currently in his or her possession, but said dogs and/or cats may not be replaced as they die off. Said dogs and/or cats shall be documented by photograph for the village, and the village retains the right to enter the property of any owner(s) of dogs and/or cats at any time with notice to said owner(s).

(a) All dogs and/or cats four (4) months of age must be inoculated against rabies and registered pursuant to this article.

(b) All dogs and/or cats must be provided with a continuous supply of fresh water, sufficient food to maintain acceptable body weight, proper shelter, protection from weather, and sufficient veterinary care to prevent suffering.

(c) If dogs and/or cats are kept or maintained within a structure or building, such building shall:

(1) Meet county and city health standards.

(2) Be kept clean, free of feces and urine.

(3) Not constitute a nuisance or danger to the health and welfare of its inhabitants nor surrounding residents.

(d) If the dogs and/or cats are maintained outside a building during a substantial portion of the day and/or night:

(1) A shelter of sufficient height and width to permit such animal to stand up and turn around inside when fully grown shall be provided.

(2) The shelter provided shall provide shade from the sun and shall be located a distance equal to one and one-half (1½) times the width of the shelter from any residence located on lots or parcels of land contiguous to the property occupied by the shelter.

(e) The dogs and/or cats shall be prevented from running at large.

(f) The dogs and/or cats shall be prevented from causing a nuisance pursuant to [section 4-21](#)

(g) The owner's property shall be kept free of all feces and urine to prevent its accumulation from constituting a health hazard or an odorous nuisance.

#### [Sec. 4-32. - Removal of excrement.](#)

No person shall appear with an animal upon public ways or within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement; nor, shall any person fail to remove any excrement deposited by such an animal. This section shall not apply to a blind person while walking his or her guide dog.

## **ARTICLE II. - VICIOUS AND DANGEROUS ANIMALS**

### **Sec. 4-33. - 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:

*Dangerous animal* means any individual animal which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

*Enclosure* means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious animal in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious animal within the enclosure. Such 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.

*Found to be vicious animal* means:

- (1) That the Administrator, an animal control warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the animal is a vicious animal as defined herein and, based on that finding, the Administrator, animal control warden, or the Director has declared in writing that the animal is a vicious animal; or
- (2) That the Circuit Court has found the animal to be a vicious animal as defined herein and has entered an order based on that finding.

*Impounded* means taken into the custody of the public pound in the county, city or town where the vicious animal is found.

*Vicious animal* means:

- (1) Any individual animal that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.
- (2) Any individual animal with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.

(3) Any individual animal that has as a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.

(4) Any individual animal that attacks a human being or domestic animal without provocation.

(5) Any individual animal that has been found to be a "dangerous animal" upon three separate occasions.

No animal shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious animals shall not be classified in a manner that is specific as to breed.

Sec. 4-34. - Confinement, control and impoundment of vicious animals.

(a) It shall be unlawful for any person to keep or maintain any animal which has been found to be a vicious animal unless such animal is at all times kept in an enclosure. The only times that a vicious animal may be allowed out of the enclosure are:

(1) If it is necessary for the owner or keeper to obtain veterinary care for the animal; or

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

(b) Any animal that has been found to be a vicious animal and that is not confined to an enclosure shall be impounded by the Administrator, animal control warden, or the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection.

(c) If the owner of the animal has not appealed the impoundment order to the Circuit Court within seven working days, the animal may be humanely dispatched. An animal found to be a vicious animal shall not be released to the owner until the Administrator, an animal control warden, or the Director approves the enclosure as defined in this Article.

(d) No owner or keeper of a vicious animal shall sell or give away the animal.

Sec. 4-35. - Dangerous animals; nuisance; exceptions.

(a) 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.

(b) 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 Chapter. 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.

(c) The Administrator, the State's Attorney, the Village or any citizen of the county in which a dangerous dog or other animal exists may file a complaint in the name of the people of the State 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 Chapter, 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.

#### Sec. 4-36. - Violations; penalties.

Any person guilty of a violation of [Section 4-31](#), [4-32](#), [4-34](#) or [4-35](#) shall pay a fine of not less than \$50.00, nor more than \$500.00 for each violation. Each day that a person fails to comply constitutes a separate violation. A penalty under this Section shall be in addition to and not in lieu of any action taken under [Section 4-34](#)(b) or [Section 4-35](#)(c).

## **Chapter 5 - BUILDINGS AND BUILDING REGULATIONS**

### **ARTICLE I. - BUILDING CODE**

#### **Sec. 5-1. - Adopted.**

There is hereby adopted by reference that code known as the International Building Code—2009, save such portions as are hereinafter deleted, modified or amended. There is also hereby adopted by reference that code known as the International Residential Code—2009, save such portions as are hereinafter deleted, modified or amended. There is further hereby adopted by reference that code known as the International Property Maintenance Code—2009, save such portions as are hereinafter deleted, modified or amended. Other applicable codes are the Illinois Energy Conservation Code—2015; the Illinois Accessibility Code—1197; the 2010 Americans with Disabilities Act Standards for Accessible Design; the International Fire Code—2009; the International Mechanical Code—2009; and the International Fuel Gas Code—2009. IBC 2009 Section 105 (Permits) and IRC 2009 Section R105 (Permits) shall both be deleted, as the Village of Mapleton has its own language regarding the issuing of permits. Copies of such codes have been and are now on file with the Zoning Administrator of the Village.

**State law reference**— Power of city to adopt by reference, 65 ILCS 5/1-3-2.

#### **Sec. 5-2. - Definitions.**

As used in the code adopted by reference herein, the term "village" shall mean the Village of Mapleton, Peoria County, Illinois, and the term "state" shall mean the State of Illinois.

#### **Sec. 5-3. - Permit fees.**

The following building permit fees are hereby established:

Cost of Project	Residential	Agricultural (save for single-family residences)	Commercial
\$0 to \$500.00	\$10.00	\$5.00	\$15.00
\$501.00 to \$2,000.00	25.00	12.50	37.50
\$2,001.00 to \$5,000.00	50.00	25.00	150.00
\$5,001.00 to \$10,000.00	100.00	50.00	150.00
\$10,001.00 to \$20,000.00	125.00	62.50	200.00

\$20,001.00 to \$30,000.00	150.00	75.00	225.00
\$30,001.00 to \$50,000.00	200.00	100.00	300.00
Over \$50,000.00	200.00, plus \$1.50 per \$1,000.00	100.00 plus \$1.00 per \$1,000	300.00, plus \$1.50 per \$1,000.00

Such building permit fees shall be payable to the village clerk of the Village of Mapleton. The above fee structure is based off material cost only.

[Sec. 5-4. - Failure to obtain a building permit.](#)

Any person, firm or corporation violating this article by failing to obtain a building permit, if required, prior to construction shall, in any event, be required to obtain a building permit, the cost of such permit being twice the cost of such permit for such project had the permit been timely issued. The building inspector of the village is authorized to give written notice to any person, firm or corporation failing to obtain a timely building permit demanding that such permit be obtained within seven (7) days of the receipt of such notice by any person, firm or corporation. Failure by any such person, firm or corporation to obtain a building permit, after such notice as provided above, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each such offense; and, a separate offense shall be deemed committed on each day during or on which a violation occurs or continues after such notice period.

Commercial inspection requirement – all customers to provide proof of said inspection to the Village of Mapleton prior to occupancy by said customer.

Added by Ordinances No. 2016-614-5 and Ordinance No. 2018-05-09

## **ARTICLE II. - ELECTRICAL CODE [10]**

### **Sec. 5-5. - Adopted.**

There is hereby adopted by reference that code known as the National Electrical Code, 2008 Edition, published by the National Fire Protection Association, save such portions as are hereinafter deleted, modified or amended.

**State law reference**— Power of village to adopt codes by reference, 65 ILCS 5/1-3-2.

### **Sec. 5-6. - Definitions.**

As used in the code adopted by reference herein, the term "village" shall mean the Village of Mapleton, Peoria County, Illinois, and the term "state" shall mean the State of Illinois.

### **ARTICLE III. - PLUMBING CODE**

#### **Sec. 5-7. - Adopted.**

There is hereby adopted by reference that code known as the Illinois State Plumbing Code, 2004 Edition, published by the State of Illinois, Department of Public Health, save such portions as are hereinafter deleted, modified or amended.

**State law reference**— Power of village to adopt codes by reference, 65 ILCS 5/1-3-2.

## **ARTICLE IV. - FENCES**

### **Sec. 5-8. - Definitions.**

For the purposes of this article, the following definitions shall apply:

*Division fence:* Any fence constructed within six (6) feet of the property line dividing premises located in a residential area.

*Security fence:* Any fence constructed primarily for the purpose of protecting the public from unusual hazards including, but not limited to, electrical facilities, gas facilities, telephone facilities, sewerage disposal and treatment facilities, water pumping and storage facilities, swimming pools, warehousing and storage facilities, and facilities for the impoundment of gasoline, liquefied petroleum gases, fertilizers or other volatile or explosive substances.

*Solid fence:* Any fence so constructed as to limit visibility through said fence by more than five (5) per cent of completely unobstructed visibility.

See also Village of Mapleton Ordinances, Chapter 15 (Zoning), Section 2.8(c).

### **Sec. 5-9. - Construction of fences near street intersections or alleys.**

It shall be unlawful to construct any fence or barrier more than three (3) feet high within fifteen (15) feet of the corner of any street intersection or alley. For the purposes of this section, the term "street" shall include all property dedicated to the village for street purposes including the areas occupied by sidewalks and boulevards. In computing the permissible height of such fence or barrier the level or grade of the center of the nearest adjoining street shall be the level from which the permissible height shall be measured.

### **Sec. 5-10. - Requirements for construction of division fences.**

It shall be unlawful to construct any division fence unless said fence shall conform to the following requirements:

(1) Said fence shall not be closer than one foot to the line dividing adjoining residential properties.

(2) Said fence shall not exceed six (6) feet in height. Provided, however, that fences surrounding swimming pools may be eight (8) feet in height.

(3) Said fence shall be so constructed that the flow of air through said fence shall not be reduced more than seventy-five (75) per cent below what the normal unobstructed flow of air would otherwise be.

Sec. 5-11. - Installation of barbed wire on security fences.

It shall be unlawful to install barbed wire on or as a part of any security fence unless same shall be at least six (6) feet above the ground level and shall not extend away from the vertical line of said fence toward the outer side of said fence.

## **ARTICLE V. - WRECKING BUILDINGS**

### **Sec. 5-12. - Permit required.**

It shall be unlawful to wreck or demolish any building or structure in the village without first securing a permit therefor.

### **Sec. 5-13. - Application for permit.**

An application for a permit to wreck or demolish any building or structure in the village shall be made in writing to the village clerk, with a copy to the zoning administrator, to any utility company serving the premises, and to the owners or agents of adjoining or neighboring premises. Such application shall give the location of the building or structure, the date when wrecking or demolition is to commence and the approximate time which said wrecking or demolition shall take, but in no case greater than forty-five (45) days after the date of commencement.

#### **Sec. 5-13.1. - Extension of time for demolition.**

At any time prior to five (5) days before the original stated date of completion the holder of a permit to wreck or demolish a structure may submit to the zoning committee of the Mapleton Village Board a request for an extension of time to complete demolition greater than forty-five (45) days after the date of commencement. The application with a request for extension of time as foresaid shall set forth the specific reasons for such request and shall be accompanied by an additional ten dollars (\$10.00) nonrefundable fee. If the zoning committee of the Mapleton Village Board shall determine that either undue economic hardship would result from the denial of an application for extension of time to demolish or that demolition cannot be reasonably accomplished within forty-five (45) days after the date of commencement, the zoning committee may direct the city clerk to issue an additional permit for wrecking or demolition setting forth a completion date not greater than one hundred twenty (120) days after the date of the original commencement. An extension of time pursuant to this section shall also extend time periods contained in the remaining sections of Article V but shall otherwise not relieve the applicant from complying with the remaining sections of this article.

#### **Sec. 5-14. - Condition after wrecking or demolition.**

Upon the expiration of forty-five (45) days from the commencement of wrecking or demolition as set forth in the application for permit, the zoning chair shall inspect the site to insure the property is in a safe and proper condition after such wrecking or demolition. By a proper and safe condition it is meant that all debris is cleared away, that any excavation remaining is either filled in and tamped down, or surrounded by a chain link or masonry fence at least six (6) feet in height, if such property is not to be put to immediate use. If the property is to be used for any purpose within two (2) months of such wrecking or demolition then adequate barricades, lighted at night, shall be installed around the perimeter of such excavation.

If the zoning chair finds that such property has been put into the proper condition as provided for in this section within forty-five (45) days after the commencement date as shown in the

application for permit, the zoning chair shall note the same in his or her records. If the site is not cleared, or put into a safe condition or work commenced to do so, within ten (10) days of the expiration of the forty-five (45) day period, the applicant agrees to allow the city to proceed with the work, and the cost of any such work shall be charged to the applicant.

#### Sec. 5-15. - Inspection of premises.

Before any such permit shall be approved, the zoning chair shall inspect the premises where the wrecking and demolition work is to take place, and ascertain that provision for proper care has been made so as not to endanger any sewer or water connections with the village sewer and water system, or any electrical wires or installations.

#### Sec. 5-16. - Approval and issuance of permit.

If the zoning chair finds that the terms of this article are being complied with by the applicant he or she shall approve the applicant and issue a permit for such wrecking or demolition.

#### Sec. 5-17. - Permit fees.

The following fees shall be collected for a permit for such wrecking or demolition: Ten dollars (\$10.00) for each permit.

#### Sec. 5-18. - Regulations for proceeding with work.

All work of such wrecking demolition shall be performed in a workmanlike manner and with the least amount of noise possible. Care shall be taken to protect neighboring structures with adequate shoring and whatever else is needed to protect such structures. Signs stating and indicating that wrecking and demolition work is proceeding on the location shall be erected on each side of the building that faces on a public street or public right-of-way. Adequate protection shall be provided to prevent injury to any village or public utility appurtenances. It shall be the duty of all persons working on or responsible for such wrecking or demolition to see to it that children are warned away from such premises, and are not permitted to play in or on or frequent such structures.

#### Sec. 5-19. - Penalty.

Any person, firm or corporation violating any provision of this article shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; and, a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## **ARTICLE VI. - VACANT BUILDINGS**

### **Sec. 5-20. - Definitions.**

For the purposes of [Chapter 5](#), Article VI the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Building code:* The building code adopted by the Village of Mapleton.

*Enclosure permit:* The building permit that is issued by the Village of Mapleton to enclose a structure.

*Fire hazard:* Anything or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fire; or which may obstruct, delay, hinder, or interfere with the operations of the fire department or the egress of occupants in the event of fire.

*Garbage:* Any organic waste material including, but not limited to, unused food and food residue.

*Mantrap:* Existing conditions that unreasonably endanger the life or well-being of a firefighter or other authorized personnel in the event he/she is called on to extinguish a fire or to respond to any other emergency.

*Open building:* Any existing building or part thereof which is unoccupied or is deemed hazardous due to the fact that the building is open to trespass and is a fire hazard as determined herein. Buildings under construction which have a valid building permit assigned to them are not to be considered open buildings.

*Open to trespass:* Any building or part thereof that is in such condition so as to allow entry of unauthorized persons, fowl, or animals.

*Owner:* Any person who, alone or jointly or severally with others, shall have the legal or equitable title to real property, including executors, executrixes, administrators, administratrices, trustees or guardians of the estate of the owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure. Any person shall have a joint and several obligation for compliance with the provisions of this subchapter.

*Rubbish:* Inorganic waste material including, but not limited to, metal and glass.

*Secured building:* Any building or part thereof which is unoccupied but does not constitute an open building, as defined herein, and upon which the owner has enclosed any door, window, or other openings into that building by any means other than conventional construction methods used in the design of the building.

*Unoccupied:* Any building or part thereof that is not being used for its intended purpose or occupancy.

Sec. 5-21. - Administration.

(a) The duly appointed and acting zoning committee of the village board, of the Village of Mapleton shall oversee the administration of this article.

(b) Without limiting those powers and duties prescribed by law and ordinance, this committee shall be responsible for:

(1) The elimination of unsafe and dangerous structures through institution and coordination of building enclosures and demolition actions.

(2) Coordinate inspections of unsafe and dangerous structures.

(c) Monitor vacant structures.

(d) Monitor enclosed structures.

(e) Appoint an individual or individuals as agents of the committees for the purpose of carrying out its powers, as designated by the village.

Sec. 5-22. - Unsafe and dangerous buildings defined.

Any building or structure shall be considered a dangerous building if there is a possible danger to the life, health, property, or safety of the public, including but not limited to:

(1) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size, or is blocked by materials, or is not so arranged as to provide safe and adequate means of exit in case of fire or panic; or

(2) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, the working stress or stresses allowed in the building code for new buildings of similar structure, purpose, or location; or

(3) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or mine subsidence, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before the catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose, or location; or

(4) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; or

(5) Whenever any portion thereof has settled to such an extent that walls or other structural portions have become materially less resistant to winds or earthquakes than that required in the case of similar new construction; or

(6) Whenever the building or structure, or any portion thereof, because of dilapidation, deterioration, or decay; faulty construction; the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting the building; the deterioration, decay, or inadequacy of its foundation; or any other cause, is likely to partially or completely collapse; or

(7) Whenever the building or structure has become so dilapidated or deteriorated, or has become open and unsecured, so as to become an attractive nuisance to children, or to create a harbor for vagrants, criminals or immoral persons, or to enable persons to resort thereto for the purpose of committing unlawful or immoral acts; or

(8) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirements or prohibition applicable to the building or structure provided by the building regulations of this city, as specified in the building code, or of any law or ordinance of the city or the state relating to the condition, location, or structure of buildings; or

(9) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation (broken windows, doors), decay, damage, being open and unsecured, faulty construction or arrangement, inadequate light, air, or sanitation facilities, or otherwise, is determined by the public health officer to be unsanitary, unfit for human habitation, or in a condition that is likely to cause sickness or disease; or

(10) Whenever any portion of a building or structure remains on a site;

a. When a demolition permit has been cancelled due to the failure of the owner to begin demolition within ten (10) working days of the date on which the demolition permit was issued; and/or

b. When a demolition permit has expired due to the failure of the person or entity to whom the permit was issued to complete demolition within forty-five (45) days of the date on which the permit was issued, or after the expiration of any extension of the forty-five (45) day period; or

(11) Whenever any building or structure is in a condition as to constitute a fire hazard; or

(12) Whenever any unoccupied building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence; or whenever any unoccupied building or structure is deemed a nuisance pursuant to Chapter 7 of the Mapleton Village Code; or whenever the structure or building has been secured by the

owner or his agents in accordance with this chapter for a period of one (1) year or more, thereby causing a blighting influence on a neighborhood.

[Sec. 5-23. - Maintenance or occupancy of a dangerous building prohibited.](#)

(a) No person shall maintain or permit the existence within the city of any dangerous building as defined in [section 5-22](#)

(b) It shall be unlawful for the owner or person in custody of any dangerous building to permit the building to remain in a dangerous condition, or to occupy the building or permit it to be occupied while it is or remains in a dangerous condition.

[Sec. 5-24. - Resolution to determine a building dangerous.](#)

(a) Whenever the zoning committee is of the opinion that a building or structure within the village limits is a dangerous building as defined in [section 5-22](#), the committee may introduce a resolution before the village board. This resolution shall:

- (1) Describe the specific building or buildings that were determined to be dangerous.
- (2) Specify any deficiencies in the building or buildings that are causing the building or buildings to be dangerous.
- (3) Determine the building or buildings to be dangerous.
- (4) Order the building or buildings to be repaired or demolished.

(b) If the majority of the village board members present votes in favor of the resolution, the resolution shall be adopted.

[Sec. 5-25. - Notice to repair or demolish.](#)

(a) After the adoption of the resolution described in [section 5-24](#), a "notice to repair or demolish" the dangerous building in question shall be sent to any party of record appearing to have an interest in the dangerous building. The "notice to repair or demolish" shall:

- (1) Describe the specific building or buildings that were determined to be dangerous.
- (2) State the date when the village board adopted the resolution that determined the building or buildings to be dangerous.
- (3) Specify any deficiencies in the building or buildings that are causing the building or buildings to be dangerous.
- (4) Allow forty-five (45) days for the repair or demolition of the building or buildings.

(b) The "notice to repair or demolish" shall be sent by certified mail to any party of record appearing to have an interest in the building. The "notice to repair or demolish" shall be sent to the last known address of a party with an interest in the building. A diligent search shall be made to find the last known address of a party when the last known address is not readily ascertainable. Sufficient service shall constitute depositing the notice in the United States mail, certified, postage prepaid, return receipt requested. Notice shall be deemed to have been received at the time of deposit in the United States mail.

#### Sec. 5-26. - Application to circuit court for demolition or injunction to repair.

(a) After at least fifteen (15) days from the date a party has received a "notice to repair or demolish" as evidenced by the return card from a certified mailing, or at least fifteen (15) days from the date a "notice to repair or demolish" was mailed when the notice to repair or demolish is returned undelivered, the village may file complaint in the circuit court requesting the demolition of a dangerous building by the owner in cases where the village is of the opinion that demolition is appropriate.

(b) In cases where the village is of the opinion that the repair of a dangerous building is appropriate, an injunction may be sought to compel the repair of the building by the owner. The repair of the building may be accomplished by bringing the building into compliance with the appropriate codes and ordinances of the village.

(c) In addition to a complaint to demolish or to repair, the village may utilize any other statutory or common law remedies available to abate dangerous buildings.

#### Sec. 5-27. - Lien for expenses incurred.

Any expenses incurred by the village in enforcing this subchapter shall become a lien upon the property where the dangerous building was located. This lien is superior to all prior existing liens and encumbrances, except taxes, provided that notice of the lien is filed in the office of the recorder of deeds in Peoria County within sixty (60) days after repair or demolition expenses are incurred. The lien shall consist of a sworn statement setting out a description of the real estate sufficient for identification thereof, the amount of money representing the costs and expenses incurred, and the date or dates when the costs and expenses were incurred by the municipality or by the lienholder of record. Upon payment after the notice of lien has been filed, the lien shall be released by the municipality or person in whose name the lien has been filed; and the release may be filed of record as in the case of filing a notice of lien. The lien may be enforced by proceedings to foreclosure as in case of mortgages or mechanics' liens. A suit to foreclose this lien may be commenced by the city in accordance with state law.

#### Sec. 5-28. - Penalty.

Any person who shall violate the provisions of this subchapter shall, upon conviction, be subject to a penalty of not less than fifty dollars (\$50.00) per day nor more than five hundred dollars (\$500.00) per day for each offense. A separate offense shall be deemed committed on each day

during or on which a violation occurs or continues. In addition to this penalty, the village may utilize any other statutory or common law remedies deemed appropriate by a court of law.

#### Sec. 5-29. - Open buildings.

(a) *Inspection of unregistered open buildings.* When any unregistered open building comes to the attention of the village, the same shall be inspected to determine the condition of the building and whether any fire, safety, or health hazard exists. If it is determined that the building is an open building under this chapter, the village shall send a notice to register and enclose.

(b) *Notice to register and enclose.*

(1) *Notice to owner.* A notice to register and enclose shall be sent by the village to the owner of the property containing an unregistered open building at the owner's last known street address. For the purposes of this section, owners shall be those listed in the records of the Peoria County tax assessor's office. Other available records may also be utilized to determine ownership.

(2) *Contents of notice.* The notice to register and enclose shall contain the following:

- a. The street address of the building or a description sufficient for identification.
- b. A statement requiring the property owner to register the open building with the village, and to apply for an enclosure permit or permits, if necessary, within ten (10) business days of the receipt of the notice. The building shall be enclosed if in compliance with this subchapter.
- c. A statement requiring the property owner and/or permit holder to call the village prior to completion of enclosure in order to schedule a compliance inspection.
- d. A statement whereby the owner of his designated agent shall be responsible for maintaining the property free of any brush, dead or dying trees, stumps, roots or solid waste material; and that the grass and weeds shall not exceed eight (8) inches in height.
- e. A copy of article VI, [chapter 5](#) of the Mapleton Village Code regulating open buildings shall be attached to the notice.

(3) *Registration of open buildings.*

- a. Open buildings. Whenever any building is an open building, as defined herein, the owner shall, within ten (10) business days after the receipt of the notice to register and enclose that building:

1. Register the building with the city, obtain an enclosure permit, and enclose the building in accordance with the requirements of this subchapter; or
2. Obtain a building permit and repair the building. The building permit shall be subject to the same terms, conditions, and requirements as an enclosure permit; or
3. Obtain a demolition permit and demolish the building.

b. Registration of open buildings shall be made on forms supplied by the village clerk and shall include the following:

1. The street address of the building.
2. The legal description of the property on which the building is located.
3. The name, address, and phone number of the owner of the building.
4. The name, address, and phone number of the person registering the building, if different than the owner.
5. The period of time that the building is anticipated to remain open, and enclosed.

c. A separate registration shall be required for each open building.

d. Any change in information required under subsection (b)(3)b. of this section shall be provided to the village within ten (10) days.

(c) Service of notice required under this section shall be made in the manner specified in section 5-27 of this Code for notice to repair or demolish.

*(d) Enclosure of open buildings.*

(1) When the owner of an open building chooses to obtain an enclosure permit, and register the building, the owner shall enclose the building as follows:

- a. Unsecured windows and doors shall be covered with an exterior grade plywood or other similar material. The covering shall be fitted from the exterior and nailed, glued, or screwed from the exterior so the covering cannot easily be removed.
- b. All other exterior openings allowing entry of fowl or animals shall be covered from the exterior with an exterior grade plywood or other similar material, or a steel mesh screening or other similar material.

c. Water and gas service to the building shall be disconnected at the street. Electrical service to the building shall be disconnected at the pole, transformer, or distribution can.

d. All coverings shall be painted in a complimentary color to that of the enclosed building.

e. All garbage and rubbish shall be removed from the interior and exterior of the property.

f. All mantraps existing within the building shall be covered, barricaded, or repaired.

g. The storage of materials is limited to standards set forth by the village building code and village zoning ordinances.

h. The property owner and/or permit holder shall call the city prior to completion of enclosure in order to schedule a compliance inspection.

(2) No building may remain enclosed for more than one (1) year after the original enclosure has been completed without an additional external inspection by the village. If the inspection results in a determination that the building is in other than unsafe and dangerous condition, the village may continue the enclosure of the building for an additional year.

*(e) Permits required to enclose open buildings.*

(1) No person shall enclose an open building without first obtaining an enclosure permit from the village.

(2) No enclosure permits shall be issued except for buildings that have been registered with the village as required in this section.

(3) A separate enclosure permit shall be required for each open building.

(4) A plan detailing the method of enclosure in accordance with this section shall be submitted to the village and must be approved prior to the issuance of a permit by the designated agent or agents of the village in accordance with this article.

*(f) Enclosure permits.*

*(1) Expiration.*

a. An enclosure permit shall provide that the permittee start enclosure within ten (10) days from the date of issuance and complete enclosure within twenty (20) days from the date of issuance.

b. Enclosure work shall not be suspended or abandoned for a period of over ten (10) days.

c. If any of the above conditions are not met, the enclosure permit shall be considered null and void.

*(2) Renewal.*

a. An application for renewal of an expired enclosure permit shall be subject to a special inspection to determine if reasonable progress is being made.

b. Any permittee holding an unexpired permit may apply in writing for an extension of the time to start or complete enclosure. This request shall be subject to a special inspection to determine if reasonable progress is being made.

c. No permit shall be extended more than once. After one (1) extension, the permittee shall apply for renewal of the permit.

*(3) Approval by the city.* All applications for enclosure permits, renewals of enclosure permits and extensions of enclosure permits are subject to approval by the city, in accordance with this article.

*(g) Variance.*

(1) An authorization for a variance of these requirements may be granted upon written request for good cause as determined by the village board of the Village of Mapleton.

*(h) Unsafe and dangerous buildings.* Compliance with this section shall not be a defense to any proceeding for repair or demolition of unsafe and dangerous buildings under [chapter 5](#), article VI, of the Mapleton Village Code.

*(i) Compliance with other village ordinances.* All owners of buildings regulated by this article shall be subject to and comply with all applicable requirements of the Mapleton Village Code and any rules and regulations promulgated thereunder.

*(j) Penalty.*

(1) Any person who shall violate any provisions of this article shall, upon conviction, be subject to a penalty of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Each day that such violation continues shall be considered as a separate and distinct offense, and shall be punishable as such. In addition to this penalty, the city may utilize any other statutory or common law remedies.

(2) If the owner of a building fails to comply with the notice to register and enclose within ten (10) business days after receipt of the notice, the village may file a complaint in the circuit court requesting the enclosure of the building by the owner; or, if the owner

fails or refuses to enclose the building; that the village may enclose the building or cause the building to be enclosed. The cost of the enclosure by the village shall constitute a lien on the property where the building is located. The lien shall consist of a sworn statement setting out a description, the amount of money representing the cost and expense incurred, and the date or dates when the cost and expense was incurred by the village. Upon payment of the costs and expense by the owner or other persons interested in the property after the notice of lien has been filed, the lien shall be released and the release may be filed by the owner or other person interested in the property. The lien may be enforced by proceedings to foreclose as in cases of mortgages or mechanic's liens. A suit to foreclose a lien shall be filed within three (3) years after the date of the filing of the notice or lien.

(3) If the village corrects the violation itself or causes the violation to be corrected on its behalf, the violator shall nevertheless be subject to the above specified fine in addition to a lien being placed on the violator's property.

#### Sec. 5-30. – Accessory structures.

(a) *Definition of accessory structure.* A subordinate structure detached from but located on the same lot as a principal building is an accessory structure. Accessory structures shall be associated with, and clearly incidental and subordinate to, the principal uses allowed in the zoning districts. Accessory uses and activities shall be subject to the same regulations that apply to principal uses in each district, unless otherwise expressly stated. Accessory structures include, but are not limited to, garages, decks, buildings on skids and fences.

(b) *Regulations regarding accessory structures.* No detached accessory building shall cause the property to be covered with structures in excess of forty (40) percent of the lot size, nor shall be located closer than ten (10) feet to any principal building. No detached accessory building or structure shall exceed the mean roof height of the principal building or structures. When an accessory structure is located in residential districts, the structure shall be set back not less than ten (10) feet from the side lot line. No detached accessory structures or swimming pools are permitted within the required front yard(s) of any district. Detached accessory structures may be constructed on the property line where the rear lot line is adjacent to a fully dedicated alley.

No detached accessory structure located within the required rear yard of a residentially zoned property shall exceed a height of one (1) story or fifteen (15) feet, except as approved by a special use permit.

Accessory structures shall be considered a part of the principal building when the distance between structures is solidly covered by a breezeway, portico or similar architectural device at least four (4) feet in width.

(c) *Building permit.* A building permit is required for accessory structures located on one (1) or two (2) family dwelling lots. However, accessory structures with no dimension greater than twelve (12) feet are exempt from the building permit requirement. This exemption from the requirement for a building permit is not applicable for any associated plumbing, electrical wiring

or mechanical system installations. The Village of Mapleton Code regulations pertaining to setbacks and yard lines are also applicable as indicated in the zoning regulations for particular subdivisions or parcels. Subdivision covenants are legal agreements that may, at times, be more restrictive than the applicable state or local ordinances. Property owners should review any documents that may apply prior to completing any work.

Sec. 5-31. – Stop work orders.<sup>4</sup>

Whenever any site, building, or structure, or part thereof is demolished, constructed, reconstructed, altered or repaired in a hazardous manner, in substantial violation of any provisions of this Ordinance, or in a manner that endangers life or property, the Zoning Chairperson has the authority to issue a stop work order for the specific part of the work that is in violation or presents the hazard, or endangers life or property. The following is the procedure for issuing a stop work order:

1. A stop work order may be issued by the Zoning Chairperson for the site on which the violation has occurred or is occurring.
2. The stop work order shall be in writing directed to the person doing the work and shall state the specific work to be stopped, the specific reasons therefore, and the conditions which must be met in order for the work to resume.
3. Notice of the stop work order shall be served on the person doing the work or conducting the violation activity by personal delivery or by certified or registered mail and shall be posted on the site in a conspicuous place. Said notice may also be served by registered mail or certified mail to the property owner or contractor if they are responsible for the work being done.
4. When imminent danger or hazard is likely to occur as a result of the work, a stop work order may be posted on the property and shall be effective immediately and as if sent by registered or certified mail.
5. Upon receipt of such an order or the posting of such an order on site, the work described in the stop work order shall immediately cease.
6. The Zoning Chairperson shall monitor compliance with the stop work order and determine if the conditions for resumption of the work have been met. If said conditions have been met, the stop work order shall be rescinded.
7. Failure to comply with a stop work order or removal of a stop work order posted on a site is a violation of this Ordinance.
8. *When a stop work order has been issued, a fifty dollar (\$50.00) fine is applied.* There shall be an additional fifty dollar (\$50.00) fee to have the stop work order removed.
9. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than fifty dollars (\$50.00) or more than seven hundred fifty dollars (\$750.00) *per day*.

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<sup>4</sup> Sec. 5-31 – Stop Work orders added 9/8/2015

## **ARTICLE VII. - RENTAL HOUSING INSPECTION**

### **Sec. 5-32. - Incorporation of preamble.**

The recitals set forth in the preamble to the ordinance from which this article derives are hereby incorporated into this section and made a part of this article in the same manner as if the recitals were set forth here in full.

### **Sec. 5-33. - Definitions.**

The following words and terms shall have the meanings respectively ascribed to them as follows:

*Landlord* means the legal title holder of a premises, as shown by the records of the Peoria County Recorder of Deeds Office, which has one (1) or more rental units on it. If the legal title holder is a land trust, however, the landlord shall mean the beneficial owner or owners of the land trust.

*Permanent resident* means any person who occupies, or has the right to occupy, any rental unit.

*Person* means an individual, partnership or corporation.

*Premises* means a tract of land on which one (1) or more rental units are located.

*Rental unit* means any room or group of rooms forming a habitable unit used or intended to be used for living or sleeping by one (1) or more permanent residents, other than the owner.

*Tenant* means the person, or persons, renting a rental unit.

### **Sec. 5-34. - Registration of landlords.**

(a) A landlord shall file a registration statement with the village clerk for each premises upon which a rental unit exists, notwithstanding whether the rental unit is occupied or vacant. The registration statement shall be prima facie evidence that the information in the statement is true. The registration statement, at a minimum, shall include:

(1) The landlord's name, business address, and telephone number. If the landlord is a partnership or corporation, the statement shall provide the name, business address, and telephone number for all partners or officers. Further, if the landlord is a corporation, the statement shall include the name, business address and telephone number of the registered agent for the corporation.

(2) The name, business address and telephone number of the landlord's agent for the purpose of managing, controlling or collecting rent and the landlord's local agent as provided for in [section 5-33\(b\)](#).

(3) The street address, the number of rental units, and the date on which the rental units were built.

(4) The maximum number of occupants permitted by the landlord in each building containing rental units, and in each rental unit.

For the purpose of this section, a post office box is not sufficient as an address.

(b) Each landlord shall have a local agent. The local agent shall be authorized by the landlord to receive notices of code violations and receive process in any court proceeding or administrative enforcement proceeding on behalf of such landlord in connection with the enforcement of this Code. The local agent must maintain an office in Peoria County, Illinois, or must actually reside within thirty-five (35) miles of Mapleton, Illinois. The agent must be a natural person twenty-one (21) years or older. A landlord who is a natural person, however, and who meets the requirements of this subsection as to location of residence or office, may designate himself as the local agent.

#### Sec. 5-35. - Time of registration.

(a) The registration statement shall be filed annually with the village clerk. Upon registration, and payment of any applicable fee, the clerk, or the clerk's designee, shall issue a certificate of registration to the landlord which shall certify that the landlord has registered the premises. Registration shall be between the first day of November and the thirtieth day of November for the following year.

(b) The landlord shall notify the village clerk within ten (10) days of any change in the registration information by completing an amended registration statement. There shall be no additional fee for filing an amended registration statement.

(c) It shall be the duty of any subsequent landlord of the premises to register it as required under this article within ten (10) business days after the transfer of ownership.

(d) It is a violation of this article for a person to submit, or cause to be submitted, false information on any registration form or fail to register rental property.

#### Sec. 5-36. - Minimum standards.

All rental units must meet certain minimum living standards for the safety and protection of the tenants. All rental units are hereby required to meet the IRC 2006 and the current National Fire Protection Association ("NFPA") Standards. They are hereby adopted and incorporated by reference. A copy of the codes and standards shall be on file with the village clerk. Any landlord, or person, owning a rental unit which does not meet the code and standards referred to above is in violation of this article.

#### Sec. 5-37. - Inspection of premises.

(a) Every rental unit which is rented, or offered for rent, to permanent residents shall be inspected systematically for compliance with this article and all other applicable laws. Inspections shall be coordinated by a third party through the village.

(b) The provisions of this section do not apply to:

(1) Owner-occupied single-family dwellings.

(2) Dwellings, buildings or structures owned and operated by a nursing home facility properly licensed by the state.

(3) Dwellings, buildings or structures licensed and inspected by the state or federal government or local government agency, provided that the inspection is based upon criteria at least as strict as required hereunder and further provided that a copy of the inspection report is filed with the village clerk.

(4) Hotels, motels, bed and breakfast establishments and similar facilities that do not rent to permanent residents.

#### Sec. 5-38. - Notice of inspections.

(a) The inspection of rental units shall either be by consent or pursuant to an administrative warrant. If the appropriate consent has not been given to enter or inspect a rental unit, no entry or inspection shall be made without the procurement of a warrant from the Circuit Court of Peoria County. The court may consider any of the following factors, along with such other matters that it deems relevant, in its decision as to whether a warrant shall issue:

(1) Eyewitness account of violation.

(2) Citizen complaints.

(3) Tenant complaints.

(4) Plain view violations.

(5) Violations apparent from city records.

(6) Property deterioration.

(7) Age of property.

(8) Nature of alleged violation.

(9) Conditions of similar properties in the area.

(b) All rental units shall be inspected at least once every five (5) years. Notice of the date of inspection shall be mailed to the landlord and tenant thirty (30) days prior to the date of inspection.

(c) If a complaint is received regarding a rental unit, however, the village may inspect the premises even though it may, or may not, have already been inspected.

(d) Nothing in this section shall prohibit the village from inspecting any rental unit more frequently than every five (5) years.

#### Sec. 5-39. - Inspection of certificate required.

No person shall rent, or allow to be occupied, a rental unit without first having a valid certificate of inspection for said rental unit, provided, however, proof of registration of the rental unit shall authorize the landlord to rent a rental unit until an inspection is performed.

#### Sec. 5-40. - Results of inspection.

(a) The village shall issue a certificate of inspection to a landlord if, after inspection, the rental unit meets applicable law.

(b) If a rental unit is in violation of any applicable law, the village shall mail by certified mail a written report of said violation to the landlord within twenty-one (21) days of the inspection. The village shall allow the landlord twenty-one (21) days from the receipt of the report to correct the violations. The report shall state a reinspection date. A copy of the report will be available at the village hall. The landlord's failure to receive a copy of the report does not limit the village's right to enforce these requirements.

(c) The village shall issue a certificate of inspection if the violations are corrected. If the violations are not corrected, a certificate of inspection shall not issue and the village may take whatever action is necessary to enforce compliance with the applicable laws.

#### Sec. 5-41. - Expiration of certificate.

A certificate of inspection shall expire five (5) years from the date of its issuance, provided, however, that if a reinspection of the premises has not been completed prior to the expiration of the certificate of inspection, the rental unit may continue to be rented until the reinspection is completed.

#### Sec. 5-42. - Transferability of certificate.

A certificate of inspection may be transferred to a succeeding landlord, provided, however, that the new landlord's failure to register a premises as required by this article may result in the suspension or revocation of the certificate of inspection.

#### Sec. 5-43. - Display of certificate.

A landlord shall produce a current certificate of inspection upon request by a tenant or prospective tenant.

#### Sec. 5-44. - Zoning committee.

(a) The zoning committee shall have jurisdiction to hear appeals under this article.

(b) The committee is authorized to:

- (1) Hear any appeal filed by any person aggrieved by the decision of any village official pertaining to the terms and conditions of this article.
- (2) Review and recommend to the village board changes in the rental housing inspection program requirements.
- (3) Suspend, or revoke, a certificate of registration if the board finds, after notice and a hearing, that a landlord is in violation of this article.

#### Sec. 5-45 - Appeals process.

(a) Any appeal shall be filed within fifteen (15) days of the inspector's decision. The appeal shall be in writing. The board shall hold a hearing within forty-five (45) days of the appeal. The appellant shall have the right to notice of the hearing; to appear and be represented by counsel before the board. The appeal process, however, does not limit the village's right to file an ordinance violation.

(b) Within thirty (30) days of concluding the hearing, the board shall provide a written statement as to its findings. All decisions require a simple majority vote of the members present. A copy of each decision shall be filed with the village clerk. A copy shall be mailed, by regular mail, to the appellant at the address shown on the registration.

(c) The appellant may appeal the decision of the board to the village board. The appellant must file such a request within fifteen (15) days of the mailing of the decision with the village clerk. The decision of the board is final if no appeal is timely filed.

#### Sec. 5-46. - Registration fee.

Each landlord shall pay a registration fee of five dollars (\$5.00) for each rental unit, per year, required to be registered under this article.

#### Sec. 5-47. - Penalties.

Any person violating this article shall upon conviction be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for an initial violation plus twenty-five dollars (\$25.00) for each day said violation exists provided however, the failure to file a required registration statement, the intentional submission of false information on a registration statement,

or amended registration statement, filed pursuant to this article shall be a violation punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

## **ARTICLE VIII. - OCCUPANCY PERMITS**

### **Sec. 5-48. - Permit.**

It shall be unlawful for the owner of a parcel of real estate on which a residential or non-residential structure is situated, to occupy the structure or permit the occupancy of the structure by any person without obtaining an Occupancy Permit issued by the village board. Further, the owner shall not occupy or allow the occupancy of any existing residential or non-residential structure or rental, if the Occupancy Permit thereto has been revoked.

To obtain an Occupancy Permit, the owner must comply with the application process within the prescribed time.

Once an Occupancy Permit is issued, it shall thereafter be unlawful for the owner to change or allow change of occupancy of the residential or non-residential/commercial structure without obtaining an Occupancy Permit.

For purposes of this section, “owner” is defined as the person or entity maintaining fee simple title to the real estate on which the structure is located at the time of transfer of the title to the real estate to the transferee or at the time of change in occupancy of the structure situated on the real estate.

For purposes of this section, the term “change in occupancy” shall mean a change in possession of a residential or nonresidential structure by way of rental, leasehold, ownership, or other manner of tenancy.

For purposes of this section, the term “change in ownership” shall mean;

- (a) Transfer of title to the real property via a deed.
- (b) Transfer of majority interest in a land trust holding title to the real property.
- (c) Transfer of majority interest in a Corporation, Limited Liability Company, Partnership or other entity holding title to the real property.

A Certificate of Occupancy issued for new or renovated structures by the village board shall be considered and is expressly distinguished from the Occupancy Permit. All Occupancy Permits

shall be provided by the Village Board after said building has been reviewed for compliance by a third party hired by the Village Board for said purpose. Said fees are to be paid by the applicant.

Any existing structures inspected under this Property Maintenance Code will not be subject to the requirements of the Building Code or Residential Code, unless the building is also subject to new construction, alteration, addition, or relocation requirements, and then only the portion that is affected by that work. The legal occupancy of any structure existing on the date of adoption of this code, or for which it has been heretofore approved shall be permitted to continue without change, except as is otherwise specifically covered in this property maintenance code, the building code, or fire prevention codes or presents a threat to the life, health and safety of the occupants.

EXCEPTIONS: The provisions of this section shall not be applicable in the following instances:

- A. To the change in ownership of a structure containing a dwelling unit when the change in ownership is between immediate-family members and if there is no change in occupancy;
- B. To the change in occupancy or ownership of a residential or nonresidential within twenty four (24) months from the date of the last issue of the Occupancy Permit herein required, but not at a longer interval as required by other sections of this code, provided there is no just cause for re-inspection of the premises;
- C. To the change in ownership when the new purchaser/transferee within seven (7) days from date of purchase or transfer, delivers a notarized statement to the village board stating that the purchaser/transferee will cause the structure to be demolished within six (6) months from the date of purchase.
- D. To the change in ownership or occupancy of a residential structure within thirty six (36) months from the date of issue of a Certificate of Occupancy for new construction.
- E. To the change in ownership of any structure when a new owner accepts all responsibility for obtaining the inspection and an Occupancy Permit, provided that both owner and new owner agree and such agreement is submitted to the village board, along with the application, in the form of a written document signed by all parties and the signatures notarized.

#### [Sec. 5-49. - Application Process.](#)

Application for the Occupancy Permit shall be made by the owner of the structure or by his agent. Any application submitted by a person other than the fee owner shall be done so with legal authorization from the fee owner. The application shall contain the full name and address of the owner or the names and addresses of the responsible officers if the owner is other than a natural person, and the name and address of the applicant.

The application for such Occupancy Permit shall be submitted in such form as the zoning chair prescribes and shall be filed with the village board:

A. In the case of a change of ownership, irrespective of tenancy, at least seven days before the date of transfer of title or effective date of contract for deed.

B. In the case of a change of renter, tenant or lessee.

Once application is made, owner can allow a change in occupancy.

The property maintenance inspection required for issuance of an Occupancy Permit must be scheduled within 7 days after application is made and once the property maintenance inspection is completed and the owner has been notified of any violations, all violations shall be corrected within 30 days and a re-inspection scheduled. An extension of the 30 day period listed above can be obtained, with due cause, through the zoning chair, only after written request and then by approval of the village board. Fees shall be paid by the applicant to the village.

#### [Sec. 5-50. - Action on Application; Permit Certificate.](#)

The village board shall examine or cause to be examined all applications for an Occupancy Permit and shall inspect or cause to be inspected, the structure which is the subject of the application within thirty (30) days after filing. If the application and the structure conform to the requirements of all pertinent laws of the Village, the village board shall issue the Occupancy Certificate within the same thirty (30) day period. The Occupancy Certificate shall certify that the structure complies with the provisions of this code and shall additionally set forth the use, street address or other means of identification, date of issuance, and such other information as the village board shall deem appropriate for the implementation of this code.

#### [Sec. 5-51. - Scheduling of Inspections; Utility Services.](#)

Inspections and re-inspections shall be scheduled for normal work days of the Village. Appointments for inspection and/or re-inspection shall be made for time(s) of mutual convenience of the applicant and the village board whenever possible and within the time frames specified above. It shall be the responsibility of the owner or the owner's agent or tenant to provide access to the residential or nonresidential structure(s) within seven (7) days from the date of request by the Village for gain of entry and free access.

Water and electric utility services connections, and gas utility service connection, if applicable, shall be in service at the time scheduled for inspection and re-inspection. Water service through the Village of Mapleton and authorization to have electric service activated by that service

provider will not be authorized until application is made, when required, for an Occupancy Permit and has been filed with the village board.

#### Sec. 5-52. - Fees.

Residential:

Fee(s) for a Residential Occupancy Permit shall be paid to the village's third party inspector through the Village Clerk.

Commercial:

May hire any Illinois certified inspector to provide said service. A report of the certified inspector's findings shall be provided to the village for issuance of an occupancy permit.

#### Sec. 5-53. – Blower door testing.

**BLOWER DOOR TEST:** A passing blower door test is required for New Construction.  
Additions/Remodeling may opt to provide a passing blower door Test or a visual inspection per R402.4.1.3.

#### Sec. 5-54. – Insulation Levels

Provide one of the required minimum Energy compliance requirements by state law.

Two methods available;

1. Prescriptive as indicated by code
2. Passing Res/Com-check as modeled by computer software

### ARTICLE IX. – HOME OCCUPATIONS

#### Sec. 5-55. – Purpose statement.

The purpose of this section is to allow home occupations that are compatible with the residential districts in which they are located.

#### Sec. 5-56. – Permit required.

a. Except as provided below, no person shall conduct a home occupation in a residence or on a residential lot without having first received a permit to do so from the zoning chair. The following occupations shall not require any permit, but shall be subject to requirements governing home occupations,

- (1) Computer operation/Internet business

- (2) Instruction in music limited to no more than four students at one time. No music instruments may be amplified.
- (3) Sewing machine operation
- (4) Telephone operation
- (5) Typing
- (6) Writing

Sec. 5-57. – General requirements and standards.

All home occupations shall comply with each and every one of the following standards and requirements:

a. The entrepreneur of every home occupation shall reside in the dwelling unit in which the business operates.

b. All home occupation use activity conducted at the site of the home occupation shall be conducted entirely within a completely enclosed dwelling unit or garage (detached or attached).

Use of garage (detached or attached) or other building or structure accessory to the principal building on the zoning lot for any home occupation may be permitted subject to the following:

1. Auto and engine related occupations shall not be permitted.
2. Construction businesses or landscaping businesses that provide the on-site storage of goods and materials to be used in operation of the business shall not be permitted.

c. The home occupation shall not interfere with the delivery of utilities or other services to the area.

d. The activity should not generate any noise, vibrations, smoke, dust, odors, heat, glare or interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit and/or garage in a zoning district used solely for residential purposes.

e. No toxic, explosive, flammable, radioactive or other hazardous materials as defined by IFC—2009, as adopted by the Village of Mapleton shall be used, sold or stored on the site.

f. There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or placement of a sign.

g. No more than one vehicle shall be used in connection with home occupation use. The home occupation vehicle must be of a type ordinarily used for conventional private passenger transportation, i.e., passenger automobile, or vans and pickup trucks not exceeding a payload capacity of two (2) tons.

Further, the home occupation vehicle shall not, pursuant to the Illinois Vehicle Code, require more than a Class B license or be a vehicle included in the definition of a Second Division Vehicle by said Code (“Those vehicles which are designed for carrying more than 10 persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the First Division used and registered as school buses.”)

Home occupation vehicles are required to comply with all applicable residential parking requirements.

h. No visitors in conjunction with the home occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.

i. No outdoor display or storage of materials, goods, supplies or equipment shall be allowed.

j. There shall be no advertising, signs, display or other indications of a home occupation in the yard, on the exterior, or visible from, the dwelling unit and/or garage.

k. Direct sales and/or rentals of products off display shelves or racks is not permitted, although a person may pick up an order previously made by telephone or at a sales meeting.

l. No person may be employed on the site in connection with the home occupation who is not an actual resident of the dwelling unit.

m. Deliveries from commercial suppliers shall not be made by any vehicle that exceeds a gross weight in pounds for vehicle and maximum load of 4,000 pounds. Deliveries shall not restrict traffic circulation and must occur between 9:00 a.m. and 5:00 p.m. Monday through Friday.

n. Visitors in conjunction with the home occupation (clients, pupils, sales persons, etc.) will be limited to no more than 15 during a 24-hour period.

o. No more than one home occupation shall be permitted, per property, within any individual dwelling unit and/or garage.

Sec. 5-58. – Procedure for application and issuance.

- a. Application for a home occupation permit shall be made to the zoning chair on a form provided by the Village. The zoning chair will make a decision and notify the applicant in writing within 15 calendar days of the date the application is received.
- b. In cases where the zoning chair determines that the proposed home occupation will violate any of the provisions of this ordinance, the application will be denied.
- c. All home occupation permits shall be valid for a period of three (3) years from the initial date of approval unless sooner revoked.
- d. A home occupation permit issued to one person shall not be transferable to any other person, nor shall that permit be valid at any address or home occupation other than the one appearing on the permit.
- e. Home occupation applicants and permit holders shall permit a reasonable inspection of the premises by the zoning chair or his or her designee to determine compliance with this section.

Sec. 5-59. – Existing home occupations.

- a. Home occupation uses established legally prior to the enactment of this comprehensive amendment may be continued as a legal nonconforming use. Only home occupations which received a home occupation permit under the prior ordinances regulating home occupations shall be viewed as legal prior to the adoption of this comprehensive amendment.
- b. No person shall conduct or engage in a home occupation without having been issued a permit to do so under this section. The nonconforming use provisions of this ordinance shall not apply to home occupations.

Sec. 5-60. – Revocation.

The zoning chair may revoke a permit upon giving the owner and any interested persons who applied for the use at least ten (10) days' written notice of the grounds for revocation and the opportunity for an appeal before the Village Board, at which time they may present evidence bearing upon the question and cross examination of witnesses. The grounds for which a permit may be revoked are:

- a. The owner or interested person applying for the use has knowingly furnished false or misleading information or withheld relevant information on any application for any use or knowingly suffered or caused another to furnish or withhold such information on his or her behalf.

b. The owner, his or her agent, employee, officer, tenant, licensee or occupant has violated any of the provisions of the zoning ordinance or the standards required to obtain the permit, or that the property no longer complies with the standards necessary to obtain a permit; provided, however, that the zoning chair shall give at least seven (7) days' prior written notice to the owner of the alleged violation or manner in which the property no longer complies with the standards with the opportunity to correct the problem during said time.

#### Sec. 5-61. – Appeals.

Appeals from any decision of the zoning chair concerning the granting or revocation of a use with administrative approval shall be to the Village Board. The Board shall apply the foregoing standards and requirements in reviewing a decision of the zoning chair. Filing of an appeal from the decision of the zoning chair to revoke a permit will stay his or her decision pending the decision of the Village Board.

## **ARTICLE VII. - RENTAL HOUSING INSPECTION**

### **Sec. 5-31. - Incorporation of preamble.**

The recitals set forth in the preamble to the ordinance from which this article derives are hereby incorporated into this section and made a part of this article in the same manner as if the recitals were set forth here in full.

### **Sec. 5-32. - Definitions.**

The following words and terms shall have the meanings respectively ascribed to them as follows:

*Landlord* means the legal title holder of a premises, as shown by the records of the Peoria County Recorder of Deeds Office, which has one (1) or more rental units on it. If the legal title holder is a land trust, however, the landlord shall mean the beneficial owner or owners of the land trust.

*Permanent resident* means any person who occupies, or has the right to occupy, any rental unit.

*Person* means an individual, partnership or corporation.

*Premises* means a tract of land on which one (1) or more rental units are located.

*Rental unit* means any room or group of rooms forming a habitable unit used or intended to be used for living or sleeping by one (1) or more permanent residents, other than the owner.

*Tenant* means the person, or persons, renting a rental unit.

### **Sec. 5-33. - Registration of landlords.**

(a) A landlord shall file a registration statement with the village clerk for each premises upon which a rental unit exists, notwithstanding whether the rental unit is occupied or vacant. The registration statement shall be prima facie evidence that the information in the statement is true. The registration statement, at a minimum, shall include:

(1) The landlord's name, business address, and telephone number. If the landlord is a partnership or corporation, the statement shall provide the name, business address, and telephone number for all partners or officers. Further, if the landlord is a corporation, the statement shall include the name, business address and telephone number of the registered agent for the corporation.

(2) The name, business address and telephone number of the landlord's agent for the purpose of managing, controlling or collecting rent and the landlord's local agent as provided for in [section 5-33\(b\)](#).

(3) The street address, the number of rental units, and the date on which the rental units were built.

(4) The maximum number of occupants permitted by the landlord in each building containing rental units, and in each rental unit.

For the purpose of this section, a post office box is not sufficient as an address.

(b) Each landlord shall have a local agent. The local agent shall be authorized by the landlord to receive notices of code violations and receive process in any court proceeding or administrative enforcement proceeding on behalf of such landlord in connection with the enforcement of this Code. The local agent must maintain an office in Peoria County, Illinois, or must actually reside within thirty-five (35) miles of Mapleton, Illinois. The agent must be a natural person twenty-one (21) years or older. A landlord who is a natural person, however, and who meets the requirements of this subsection as to location of residence or office, may designate himself as the local agent.

#### [Sec. 5-34. - Time of registration.](#)

(a) The registration statement shall be filed annually with the village clerk. Upon registration, and payment of any applicable fee, the clerk, or the clerk's designee, shall issue a certificate of registration to the landlord which shall certify that the landlord has registered the premises. Registration shall be between the first day of November and the thirtieth day of November for the following year.

(b) The landlord shall notify the village clerk within ten (10) days of any change in the registration information by completing an amended registration statement. There shall be no additional fee for filing an amended registration statement.

(c) It shall be the duty of any subsequent landlord of the premises to register it as required under this article within ten (10) business days after the transfer of ownership.

(d) It is a violation of this article for a person to submit, or cause to be submitted, false information on any registration form or fail to register rental property.

#### [Sec. 5-35. - Minimum standards.](#)

All rental units must meet certain minimum living standards for the safety and protection of the tenants. All rental units are hereby required to meet the IRC 2006 and the current National Fire Protection Association ("NFPA") Standards. They are hereby adopted and incorporated by reference. A copy of the codes and standards shall be on file with the village clerk. Any landlord, or person, owning a rental unit which does not meet the code and standards referred to above is in violation of this article.

#### Sec. 5-36. - Inspection of premises.

(a) Every rental unit which is rented, or offered for rent, to permanent residents shall be inspected systematically for compliance with this article and all other applicable laws. Inspections shall be coordinated by a third party through the village.

(b) The provisions of this section do not apply to:

- (1) Owner-occupied single-family dwellings.
- (2) Dwellings, buildings or structures owned and operated by a nursing home facility properly licensed by the state.
- (3) Dwellings, buildings or structures licensed and inspected by the state or federal government or local government agency, provided that the inspection is based upon criteria at least as strict as required hereunder and further provided that a copy of the inspection report is filed with the village clerk.
- (4) Hotels, motels, bed and breakfast establishments and similar facilities that do not rent to permanent residents.

#### Sec. 5-37. - Notice of inspections.

(a) The inspection of rental units shall either be by consent or pursuant to an administrative warrant. If the appropriate consent has not been given to enter or inspect a rental unit, no entry or inspection shall be made without the procurement of a warrant from the Circuit Court of Peoria County. The court may consider any of the following factors, along with such other matters that it deems relevant, in its decision as to whether a warrant shall issue:

- (1) Eyewitness account of violation.
- (2) Citizen complaints.
- (3) Tenant complaints.
- (4) Plain view violations.

(5) Violations apparent from city records.

(6) Property deterioration.

(7) Age of property.

(8) Nature of alleged violation.

(9) Conditions of similar properties in the area.

(b) All rental units shall be inspected at least once every five (5) years. Notice of the date of inspection shall be mailed to the landlord and tenant thirty (30) days prior to the date of inspection.

(c) If a complaint is received regarding a rental unit, however, the village may inspect the premises even though it may, or may not, have already been inspected.

(d) Nothing in this section shall prohibit the village from inspecting any rental unit more frequently than every five (5) years.

#### [Sec. 5-38. - Inspection of certificate required.](#)

No person shall rent, or allow to be occupied, a rental unit without first having a valid certificate of inspection for said rental unit, provided, however, proof of registration of the rental unit shall authorize the landlord to rent a rental unit until an inspection is performed.

#### [Sec. 5-39. - Results of inspection.](#)

(a) The village shall issue a certificate of inspection to a landlord if, after inspection, the rental unit meets applicable law.

(b) If a rental unit is in violation of any applicable law, the village shall mail by certified mail a written report of said violation to the landlord within twenty-one (21) days of the inspection. The village shall allow the landlord twenty-one (21) days from the receipt of the report to correct the violations. The report shall state a reinspection date. A copy of the report will be available at the village hall. The landlord's failure to receive a copy of the report does not limit the village's right to enforce these requirements.

(c) The village shall issue a certificate of inspection if the violations are corrected. If the violations are not corrected, a certificate of inspection shall not issue and the village may take whatever action is necessary to enforce compliance with the applicable laws.

#### [Sec. 5-40. - Expiration of certificate.](#)

A certificate of inspection shall expire five (5) years from the date of its issuance, provided, however, that if a reinspection of the premises has not been completed prior to the expiration of

the certificate of inspection, the rental unit may continue to be rented until the reinspection is completed.

#### Sec. 5-41. - Transferability of certificate.

A certificate of inspection may be transferred to a succeeding landlord, provided, however, that the new landlord's failure to register a premises as required by this article may result in the suspension or revocation of the certificate of inspection.

#### Sec. 5-42. - Display of certificate.

A landlord shall produce a current certificate of inspection upon request by a tenant or prospective tenant.

#### Sec. 5-43. - Zoning committee.

(a) The zoning committee shall have jurisdiction to hear appeals under this article.

(b) The committee is authorized to:

- (1) Hear any appeal filed by any person aggrieved by the decision of any village official pertaining to the terms and conditions of this article.
- (2) Review and recommend to the village board changes in the rental housing inspection program requirements.
- (3) Suspend, or revoke, a certificate of registration if the board finds, after notice and a hearing, that a landlord is in violation of this article.

#### Sec. 5-44. - Appeals process.

(a) Any appeal shall be filed within fifteen (15) days of the inspector's decision. The appeal shall be in writing. The board shall hold a hearing within forty-five (45) days of the appeal. The appellant shall have the right to notice of the hearing; to appear and be represented by counsel before the board. The appeal process, however, does not limit the village's right to file an ordinance violation.

(b) Within thirty (30) days of concluding the hearing, the board shall provide a written statement as to its findings. All decisions require a simple majority vote of the members present. A copy of each decision shall be filed with the village clerk. A copy shall be mailed, by regular mail, to the appellant at the address shown on the registration.

(c) The appellant may appeal the decision of the board to the village board. The appellant must file such a request within fifteen (15) days of the mailing of the decision with the village clerk. The decision of the board is final if no appeal is timely filed.

Sec. 5-45. - Registration fee.

Each landlord shall pay a registration fee of five dollars (\$5.00) for each rental unit, per year, required to be registered under this article.

Sec. 5-46. - Penalties.

Any person violating this article shall upon conviction be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for an initial violation plus twenty-five dollars (\$25.00) for each day said violation exists provided however, the failure to file a required registration statement, the intentional submission of false information on a registration statement, or amended registration statement, filed pursuant to this article shall be a violation punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

## **ARTICLE VIII. - OCCUPANCY PERMITS**

### **Sec. 5-47. - Permit.**

It shall be unlawful for the owner of a parcel of real estate on which a residential or non-residential structure is situated, to occupy the structure or permit the occupancy of the structure by any person without obtaining an Occupancy Permit issued by the village board. Further, the owner shall not occupy or allow the occupancy of any existing residential or non-residential structure or rental, if the Occupancy Permit thereto has been revoked.

To obtain an Occupancy Permit, the owner must comply with the application process within the prescribed time.

Once an Occupancy Permit is issued, it shall thereafter be unlawful for the owner to change or allow change of occupancy of the residential or non-residential/commercial structure without obtaining an Occupancy Permit.

For purposes of this section, “owner” is defined as the person or entity maintaining fee simple title to the real estate on which the structure is located at the time of transfer of the title to the real estate to the transferee or at the time of change in occupancy of the structure situated on the real estate.

For purposes of this section, the term “change in occupancy” shall mean a change in possession of a residential or nonresidential structure by way of rental, leasehold, ownership, or other manner of tenancy.

For purposes of this section, the term “change in ownership” shall mean;

- (a) Transfer of title to the real property via a deed.
- (b) Transfer of majority interest in a land trust holding title to the real property.

(c) Transfer of majority interest in a Corporation, Limited Liability Company, Partnership or other entity holding title to the real property.

A Certificate of Occupancy issued for new or renovated structures by the village board under shall be considered and is expressly distinguished from the Occupancy Permit. However, such Certificate of Occupancy may be honored as an alternative to the Occupancy Permit required by this section, provided the subject structure otherwise complies with the standards and requirements of this code. All Occupancy Permits shall be provided by the Village Board after said building has been reviewed for compliance by a third party hired by the Village Board for said purpose. Said fees are to be paid by the applicant.

Any existing structures inspected under this Property Maintenance Code will not be subject to the requirements of the Building Code or Residential Code, unless the building is also subject to new construction, alteration, addition, or relocation requirements, and then only the portion that is affected by that work. The legal occupancy of any structure existing on the date of adoption of this code, or for which it has been heretofore approved shall be permitted to continue without change, except as is otherwise specifically covered in this property maintenance code, the building code, or fire prevention codes or presents a threat to the life, health and safety of the occupants.

EXCEPTIONS: The provisions of this section shall not be applicable in the following instances:

- A. To the change in ownership of a structure containing a dwelling unit when the change in ownership is between immediate-family members and if there is no change in occupancy;
- B. To the change in occupancy or ownership of a residential or nonresidential within twenty four (24) months from the date of the last issue of the Occupancy Permit herein required, but not at a longer interval as required by other sections of this code, provided there is no just cause for re-inspection of the premises;
- C. To the change in ownership when the new purchaser/transferee within seven (7) days from date of purchase or transfer, delivers a notarized statement to the village board stating that the purchaser/transferee will cause the structure to be demolished within six (6) months from the date of purchase.
- D. To the change in ownership or occupancy of a residential structure within thirty six (36) months from the date of issue of a Certificate of Occupancy for new construction.
- E. To the change in ownership of any structure when a new owner accepts all responsibility for obtaining the inspection and an Occupancy Permit, provided that both owner and new owner agree and such agreement is submitted to the village board, along with the application, in the form of a written document signed by all parties and the signatures notarized.

[Sec. 5-48. - Application Process.](#)

Application for the Occupancy Permit shall be made by the owner of the structure or by his agent. Any application submitted by a person other than the fee owner shall be done so with legal authorization from the fee owner. The application shall contain the full name and address of the owner or the names and addresses of the responsible officers if the owner is other than a natural person, and the name and address of the applicant.

The application for such Occupancy Permit shall be submitted in such form as the zoning chair prescribes and shall be filed with the village board:

A. In the case of a change of ownership, irrespective of tenancy, at east seven days before the date of transfer of title or effective date of contract for deed.

B. In the case of a change of renter, tenant or lessee.

Once application is made, owner can allow a change in occupancy.

The property maintenance inspection required for issuance of an Occupancy Permit must be scheduled within 7 days after application is made and once the property maintenance inspection is completed and the owner has been notified of any violations, all violations shall be corrected within 30 days and a re-inspection scheduled. An extension of the 30 day period listed above can be obtained, with due cause, through the zoning chair, only after written request and then by approval of the village board. Fees shall be paid by the applicant to the village's designated inspector.

#### [Sec. 5-49. - Action on Application; Permit Contents.](#)

The village board shall examine or cause to be examined all applications for an Occupancy Permit and shall inspect or cause to be inspected, the structure which is the subject of the application within thirty (30) days after filing. If the application and the structure conform to the requirements of all pertinent laws of the Village, the village board shall issue the Occupancy Permit within the same thirty (30) day period. The Occupancy Permit shall certify that the structure complies with the provisions of this code and shall additionally set forth the use, street address or other means of identification, date of issuance, and such other information as the village board shall deem appropriate for the implementation of this code.

Occupancy Permits for residential structures shall additionally state the maximum number of occupants permitted.

#### [Sec. 5-50. - Scheduling of Inspections; Utility Services.](#)

Inspections and re-inspections shall be scheduled for normal work days of the Village. Appointments for inspection and/or re-inspection shall be made for time(s) of mutual

convenience of the applicant and the village board whenever possible and within the time frames specified above. It shall be the responsibility of the owner or the owner's agent or tenant to provide access to the residential or nonresidential structure(s) within seven (7) days from the date of request by the Village for gain of entry and free access.

Water and electric utility services connections, and gas utility service connection, if applicable, shall be in service at the time scheduled for inspection and re-inspection. Water service through the Village of Mapleton and authorization to have electric service activated by that service provider will not be authorized until application is made, when required, for an Occupancy Permit and has been filed with the village board.

#### [Sec. 5-51. - Fees.](#)

Residential:

Fee(s) for a Residential Occupancy Permit shall be paid to the village's third party inspector through the Village Clerk.

Commercial:

May hire any Illinois certified inspector to provide said service. A report of the certified inspector's findings shall be provided to the village for issuance of an occupancy permit.

#### [Sec. 5-52. – Blower door testing.](#)

Residential blower door passing reports (for new homes only) must be provided to the Village Clerk.

## **ARTICLE IX. – HOME OCCUPATIONS**

### **Sec. 5-53. – Purpose statement.**

The purpose of this section is to allow home occupations that are compatible with the residential districts in which they are located.

### **Sec. 5-54. – Permit required.**

a. Except as provided below, no person shall conduct a home occupation in a residence or on a residential lot without having first received a permit to do so from the zoning chair. The following occupations shall not require any permit, but shall be subject to requirements governing home occupations,

- (1) Computer operation/Internet business
- (2) Instruction in music limited to no more than four students at one time. No music instruments may be amplified.
- (3) Sewing machine operation
- (4) Telephone operation
- (5) Typing
- (6) Writing

### **Sec. 5-55. – General requirements and standards.**

All home occupations shall comply with each and every one of the following standards and requirements:

a. The entrepreneur of every home occupation shall reside in the dwelling unit in which the business operates.

b. All home occupation use activity conducted at the site of the home occupation shall be conducted entirely within a completely enclosed dwelling unit or garage (detached or attached).

Use of garage (detached or attached) or other building or structure accessory to the principal building on the zoning lot for any home occupation may be permitted subject to the following:

1. Auto and engine related occupations shall not be permitted.
2. Construction businesses or landscaping businesses that provide the on-site storage of goods and materials to be used in operation of the business shall not be permitted.

c. The home occupation shall not interfere with the delivery of utilities or other services to the area.

d. The activity should not generate any noise, vibrations, smoke, dust, odors, heat, glare or interference with radio or television transmission in the area that would exceed that normally produced by a dwelling unit and/or garage in a zoning district used solely for residential purposes.

e. No toxic, explosive, flammable, radioactive or other hazardous materials as defined by IFC—2009, as adopted by the Village of Mapleton shall be used, sold or stored on the site.

f. There shall be no alteration of the residential appearance of the premises, including the creation of a separate or exclusive business entrance(s) or placement of a sign.

g. No more than one vehicle shall be used in connection with home occupation use. The home occupation vehicle must be of a type ordinarily used for conventional private passenger transportation, i.e., passenger automobile, or vans and pickup trucks not exceeding a payload capacity of two (2) tons.

Further, the home occupation vehicle shall not, pursuant to the Illinois Vehicle Code, require more than a Class B license or be a vehicle included in the definition of a Second Division Vehicle by said Code (“Those vehicles which are designed for carrying more than 10 persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the First Division used and registered as school buses.”)

Home occupation vehicles are required to comply with all applicable residential parking requirements.

- h. No visitors in conjunction with the home occupation (clients, patrons, pupils, sales persons, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.
- i. No outdoor display or storage of materials, goods, supplies or equipment shall be allowed.
- j. There shall be no advertising, signs, display or other indications of a home occupation in the yard, on the exterior, or visible from, the dwelling unit and/or garage.
- k. Direct sales and/or rentals of products off display shelves or racks is not permitted, although a person may pick up an order previously made by telephone or at a sales meeting.
- l. No person may be employed on the site in connection with the home occupation who is not an actual resident of the dwelling unit.
- m. Deliveries from commercial suppliers shall not be made by any vehicle that exceeds a gross weight in pounds for vehicle and maximum load of 4,000 pounds. Deliveries shall not restrict traffic circulation and must occur between 9:00 a.m. and 5:00 p.m. Monday through Friday.
- n. Visitors in conjunction with the home occupation (clients, pupils, sales persons, etc.) will be limited to no more than 15 during a 24-hour period.
- o. No more than one home occupation shall be permitted, per property, within any individual dwelling unit and/or garage.

[Sec. 5-56. – Procedure for application and issuance.](#)

- a. Application for a home occupation permit shall be made to the zoning chair on a form provided by the Village. The zoning chair will make a decision and notify the applicant in writing within 15 calendar days of the date the application is received.
- b. In cases where the zoning chair determines that the proposed home occupation will violate any of the provisions of this ordinance, the application will be denied.
- c. All home occupation permits shall be valid for a period of three (3) years from the initial date of approval unless sooner revoked.
- d. A home occupation permit issued to one person shall not be transferable to any other person, nor shall that permit be valid at any address or home occupation other than the one appearing on the permit.
- e. Home occupation applicants and permit holders shall permit a reasonable inspection of the premises by the zoning chair or his or her designee to determine compliance with this section.

#### Sec. 5-57. – Existing home occupations.

a. Home occupation uses established legally prior to the enactment of this comprehensive amendment may be continued as a legal nonconforming use. Only home occupations which received a home occupation permit under the prior ordinances regulating home occupations shall be viewed as legal prior to the adoption of this comprehensive amendment.

b. No person shall conduct or engage in a home occupation without having been issued a permit to do so under this section. The nonconforming use provisions of this ordinance shall not apply to home occupations.

#### Sec. 5-58. – Revocation.

The zoning chair may revoke a permit upon giving the owner and any interested persons who applied for the use at least ten (10) days' written notice of the grounds for revocation and the opportunity for an appeal before the Village Board, at which time they may present evidence bearing upon the question and cross examination of witnesses. The grounds for which a permit may be revoked are:

a. The owner or interested person applying for the use has knowingly furnished false or misleading information or withheld relevant information on any application for any use or knowingly suffered or caused another to furnish or withhold such information on his or her behalf.

b. The owner, his or her agent, employee, officer, tenant, licensee or occupant has violated any of the provisions of the zoning ordinance or the standards required to obtain the permit, or that the property no longer complies with the standards necessary to obtain a permit; provided, however, that the zoning chair shall give at least seven (7) days' prior written notice to the owner of the alleged violation or manner in which the property no longer complies with the standards with the opportunity to correct the problem during said time.

#### Sec. 5-59. – Appeals.

Appeals from any decision of the zoning chair concerning the granting or revocation of a use with administrative approval shall be to the Village Board. The Board shall apply the foregoing standards and requirements in reviewing a decision of the zoning chair. Filing of an appeal from the decision of the zoning chair to revoke a permit will stay his or her decision pending the decision of the Village Board.

## **Chapter 6 - MOTOR VEHICLES AND TRAFFIC**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 6-1. - Statutes adopted.**

There is hereby adopted by reference the provisions of the Illinois Vehicle Code (620 ILCS 5/1-100 through 20-204), except for those administrative provisions which by their nature can have no application to the village.

**State law reference**— Power of corporate authorities to adopt Illinois Vehicle Code by reference, 620 ILCS 5/20-204.

#### **Sec. 6-2. - Enforcement.**

The police department shall enforce the provisions of this chapter and all police officers are hereby authorized to direct traffic.

**State law reference**— Obedience to police, 620 ILCS 5/20-203.

#### **Sec. 6-3. - Truck traffic regulated; exemptions; violation, penalty.**

(a) It shall be unlawful and punishable as hereinafter provided for any truck or other vehicle having a gross weight in excess of twenty thousand (20,000) pounds (10 tons) to travel on the streets designated as truck routes.

(b) It shall be unlawful and punishable as hereinafter provided to operate any vehicle having a gross vehicle weight in excess of ten thousand (10,000) pounds (5 tons) on any street or alley of the village which is not designated as a truck route.

(c) The limitations hereinabove set forth shall not apply to occasional individual trips for the purpose of picking up or delivering merchandise or building materials, including earth and salvage materials. Said limitations shall also not apply to farmers when they are engaged in any farm-related business and/or activity.

(d) Any person operating a vehicle in violation of the provisions hereof shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for a first offense and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each subsequent offense occurring within any twelve-month period.

## **ARTICLE II. - STOPPING, STANDING OR PARKING**

### **Sec. 6-4. - Parking during snowfall.**

(a) *Prohibited between certain hours.* In order to facilitate snow removal during any period when there is an accumulation of one (1) or more inches of snow in the village, it shall be unlawful for any person or persons to park any wheeled vehicle or to permit any wheeled vehicle to remain parked on streets of the city which are designated on the plat which is by this reference thereto expressly incorporated herein between the hours of 12:00 midnight and 8:00 a.m.

(b) *Violation a misdemeanor.* Any person parking any such vehicle or permitting any such vehicle to remain on the designated streets in violation of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five (\$25.00) nor more than one hundred dollars (\$100.00).

(c) *Towing of vehicle.* Any such vehicle in violation of the provisions hereof may be towed away, and the cost of such towing shall be assessed against the owner thereof in addition to the fine hereinabove provided for.

**State law reference**— Power of village to prohibit parking during snow removal operations, 625 ILCS 5/11-208.

### **Sec. 6-5. - Parking of garbage trucks or construction machinery.**

It shall be unlawful for any person to park or cause to be parked on any street or alley any garbage truck or any construction machinery between of 6:00 p.m. and 6:00 a.m.

### **Sec. 6-6. - Travel trailers, boat trailers, etc.**

It shall be unlawful for any person to park any boat trailer, travel trailer or other vehicle which is not self-propelled on any street.

### **Sec. 6-7. - Obstruction of crosswalks, sidewalks or driveways.**

It shall be unlawful for any person to park or leave standing any motor vehicle on any crosswalk, sidewalk or private driveway in such manner which hinders public vehicular traffic or which causes pedestrian traffic to exit the crosswalk or sidewalk and enter that portion of an adjacent public right-of-way utilized for general vehicular through traffic. It shall also be unlawful for anyone to park in such a manner as to block any mailbox located within the Village.

### **Sec. 6-8. - Repairing vehicles on streets.**

No person shall park a vehicle upon the streets for the purpose of repairing such vehicle; provided, however, that the provisions of this section shall not apply to emergency repairs.

#### Sec. 6-9. - Junk vehicles.

(a) It shall be unlawful for any person to store, place or keep any wrecked, damaged, disabled or inoperable automobile upon any lot, parcel or tract of land, unless garaged, for more than twenty (20) days. This section shall NOT apply to vehicles that are running and have a current license sticker from the State of Illinois.

(b) Subsection (a) shall not apply to the storage of vehicles at any recognized public garage or body repair shops that complies with all ordinances of this village; provided such storage does not exceed thirty (30) days.

(c) It shall be unlawful for any person to place, store, park or keep any wrecked, damaged, disabled or inoperable automobile or other vehicle, upon the public streets for more than twenty-four (24) hours.

(d) Any vehicle parked, stored or placed upon public property as set forth in subsection (c) shall be subject to removal and its owner shall be charged, as a part of any fine imposed upon him, the costs of towing, storage and other expenses in connection with the removal of said vehicle.

(e) There is hereby imposed a charge of twenty-five dollars (\$25.00) for towing said motor vehicle and, in addition a daily charge of two dollars (\$2.00) for the storage thereof.

#### Sec. 6-10. - Parking of trailers on streets.

(a) *Prohibited.* It shall be unlawful and punishable as hereinafter provided to park any trailer on any street or alley of the village unless same is attached to an operable motor vehicle which is specifically designed or equipped to tow said trailer.

(b) *Definition.* For the purposes of this section, a trailer is defined as any wheeled vehicle which is not equipped with an independent power propulsion force of its own and which is designed to be towed by another vehicle equipped with a power source.

(c) *Violation, penalty.* Any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

#### Sec. 6-11. - Parking on truck routes.

(a) It shall be unlawful and punishable as hereinafter provided to park any motor vehicle having a gross weight in excess of twenty thousand (20,000) pounds (10 tons) on any street which has heretofore been or may hereafter be designated as a truck route by ordinance duly enacted by the village board.

(b) Any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars (\$25.00) more than one hundred dollars (\$100.00).

Sec. 6-12. - Parking on Village streets.

(a) It shall be unlawful and punishable as hereinafter provided to park any motor vehicle less than ten (10) feet from the intersection of First Street and any cross street it intersects with, less than ten (10) feet from the intersection of Vicki Lynn Drive and any cross street it intersects with, less than ten (10) feet from the intersection of Schoolhouse Road and any cross street it intersects with and less than ten (10) feet from the intersection of Mapleton Road and any cross street it intersects with.

(b) Any person violating the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars (\$25.00) more than one hundred dollars (\$100.00).

Sec. 6-14. - Parking of motor vehicles on residential lots.

No person shall park any motor vehicle in the front yard of any lot containing a residential structure and located in zoning districts R-1, R-2, and R-3, except on a driveway which complies with the requirements of the zoning ordinance. Further, no owner, occupant, or person in control of private property shall knowingly allow or permit any vehicle to be parked in the front yard of any residential structure located in a R-1, R-2, or R-3 zoning district except on a driveway which complies with the requirements of the zoning ordinance.

Any person violating the provisions of this section shall be issued a written administrative notice of violation. The notice shall indicate that such person may pay as a penalty for, and in full satisfaction of the violation, within seven (7) days from the time the notice of violation was issued, a fine in the amount of fifteen dollars (\$15.00) if such violation is the first violation within a calendar year or a fine of twenty-five dollars (\$25.00) for each violation subsequent to the first violation within a calendar year. The fine may be paid by delivering a check or money order to the village clerk at the village hall. Failure of such person to make such payment within seven (7) days of issuance shall render such person subject to the general penalty for violations of the Mapleton Village Code as contained in [section 1-9](#). The notice shall also state that failure to pay the appropriate fine within the time indicated in this section shall render such person subject to a formal ordinance violation citation requiring appearance in the county circuit court.

## **Chapter 7 - NUISANCES**

### **Sec. 7-1. - Definition.**

For the purposes of this chapter, the word "nuisance" is hereby defined as any unlawful act, or omission to perform a duty, or the suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (a) Injures or endangers the comfort, repose, health or safety of others; or
- (b) Offends decency; or
- (c) Is offensive to the senses; or
- (d) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or
- (e) In any way renders other persons insecure in life or the use of property; or
- (f) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

### **Sec. 7-2. - Illustrative enumeration.**

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (a) Noxious weeds and other rank vegetation.
- (b) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- (c) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (d) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- (e) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (f) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.

- (g) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (h) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (i) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (j) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (k) Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.
- (l) Failure to maintain grass at a height of no more than eight <sup>5</sup>(8) inches.

#### Sec. 7-3. - Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

#### Sec. 7-4. - Notice to abate.

Whenever a nuisance is found to exist within the village or within the village's extra territorial jurisdiction, the village may through a duly designated officer, give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining such nuisance, or in lieu thereof the village may through a duly designated officer commence such proceedings against the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining such nuisance as is necessary to enforce this Code and/or to abate such nuisance.

#### Sec. 7-5. - Contents of notice.

In the event the village gives notice to abate a nuisance under the provisions of this chapter, such notice shall contain the following:

- (a) An order to abate the nuisance within forty-eight (48) hours of receipt of the notice.
- (b) The location of the nuisance if the same is stationary.
- (c) A description of what constitutes such nuisance.
- (d) A statement of the acts necessary to abate the nuisance.
- (e) A statement that if the nuisance is not abated as directed, the village may abate such nuisance and assess the costs thereof against such person or persons.

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<sup>5</sup> Updated 7/21/2015 2015-721-3

[Sec. 7-6. - Service of notice.](#)

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

[Sec. 7-7. - Abatement by village.](#)

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this chapter to abate the same, a duly designated officer of the village shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

[Sec. 7-8. - Village's costs declared lien.](#)

Any and all costs incurred by the village in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

[Sec. 7-9. - Inoperable motor vehicles.](#)

Inoperable motor vehicles whether on public or private property are hereby specifically declared to be a nuisance. Failure of a person to abate a nuisance pertaining to an inoperable motor vehicle under his control within forty-eight (48) hours of receiving a notice to abate a nuisance pursuant to the provisions of this chapter shall be unlawful.

However, nothing in this section shall apply to any motor vehicle that is kept within a building when not in use or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles. As used in this section "inoperable motor vehicle" means any motor vehicle from which, for a period of at least twenty (20) days, the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power and shall also include unlicensed vehicles. "Inoperable motor vehicles" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operation.

[Sec. 7-10. - The parking of motor vehicles in public right-of-way where curbing exists.](#)

It shall be unlawful for any person to park or leave standing any motor vehicle on any public right-of-way between the curbing and the outer right-of-way of such public right-of-way where curbing exists on such public right-of-way.

## **Chapter 8 - OFFENSES—MISCELLANEOUS**

### **Sec. 8-1. - Discharging firearms.**

- (a) It shall be unlawful for any person to discharge a firearm within the village.
- (b) The provisions of subsection (a) shall not apply to:
  - (1) Law enforcement officers and members of the armed forces or national guard engaged in the performance of their duties;
  - (2) Persons exercising their legal right of self-defense.
  - (3) Persons engaging in legal target practice. A permit for approval to target shoot in specific areas on one's property can be sought and granted through the village board. The board has the ability to limit any permits based on the type of lot, lot size and type of weapons to be fired.
  - (4) Persons engaging in rodent control.
  - (5) Persons engaging in bow hunting. Said persons shall be allowed to bow hunt only if they own at least five (5) acres of property in the Village and if they are hunting deer only. Said hunting shall take place at least 100 yards from any occupied dwelling. If a wounded deer goes onto property other than that owned by said hunter, the hunter shall get permission from the owner of the other property to retrieve the deer. Crossbows are not to be used for any purpose under this provision. The only people allowed to so hunt are the landowner(s) and his/her/their relatives.

### **Sec. 8-2. - Bicycles on sidewalk.**

It shall be unlawful for any person to ride a bicycle on a sidewalk.

### **Sec. 8-3. - Nighttime usage of public grounds.**

It shall be unlawful for any person, except duly authorized village employees, to be present on any public grounds between the hours of 11:00 p.m. and 6:00 a.m. This provision shall not apply to a public right-of-way or sidewalk being utilized by an individual crossing public grounds or utilizing said right-of-way or sidewalk for access to a public building.

As used in this section, "public grounds" means property owned or operated by the municipality surrounding any public building as well as property owned or operated by the village either vacant or as a public park. Further, this provision shall not apply during those periods of time when public grounds are being utilized for municipally sponsored or sanctioned events.

Sec. 8-4. - Regulation of all-terrain vehicles and motorized dirt bikes.

- (a) The definition of the terms "all-terrain vehicle" and "off-highway motorcycle" shall be as set forth in the state Motor Vehicle Code;
- (b) It shall be unlawful for any person to drive or operate any all-terrain vehicle or off-highway motorcycle within the village limits, except on property owned by the person operating the vehicle; on property owned by the parent or guardian of the person operating the vehicle; or upon property which the operator of the vehicle has been given permission by the owner to operate the vehicle thereon. Said vehicle must have a legal exhaust system, including a spark arrester for safety and noise reduction.
- (c) Notwithstanding the provisions of subsection (b) above, no all-terrain vehicle or off-highway motorcycle may be operated within the corporate limits of the village at any location which is within one hundred (100) feet of a residence without permission from that residential property owner except for the purpose of traveling to and from an authorized operating area.
- (d) In addition to the foregoing, all-terrain vehicles and motorized dirt bikes shall at all times be operated in compliance with the laws of the state, including but not limited to 625 ILCS 5/11-1426 and 625 ILCS 5/11-1427.

## **Chapter 9 - PEDDLERS, SOLICITORS, ETC.**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 9-1. - Definitions.**

Whenever the following terms are used in this chapter they shall be interpreted in accordance with the definitions hereinafter set forth, unless the context clearly requires otherwise:

*Registered solicitor:* Any person who has obtained a valid certificate of registration as herein provided, and which certificate is in the possession of the solicitor on his person while engaged in soliciting.

*Residence:* Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

*Soliciting:* Any one or more of the following activities:

- (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or services, of any kind, character or description whatever, for any kind of consideration whatever;
- (2) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication;
- (3) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization or corporation, or project, if such solicitation is not managed or conducted by a committee of residents of the Mapleton community or is not for a local cause or project.

*Solicitor:* Any person, male or female, over the age of ten (10) years.

#### **Sec. 9-2. - Village policy.**

It is hereby declared to be the policy of the village board that the occupant or occupants of the residences in Mapleton shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences and the board declares that only solicitors having a valid certificate of registration as herein provided should be invited and that the time of soliciting should be limited to the period between 9:00 a.m. and 5:00 p.m. on every day except Sundays and state and national holidays.

#### **Sec. 9-3. - Entering premises without permission.**

No solicitor shall enter into or go upon any residence in the village for the purpose of soliciting without having first been requested or invited to do so by the owner or occupant of the residence.

Sec. 9-4. - Leaving premises on request.

Any solicitor who has gained entrance to any residence by invitation shall immediately and peacefully depart from the premises when requested to do so by the occupant.

Sec. 9-5. - Hours of operation.

It is hereby declared to be unlawful for any person 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 of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting prior to 9:00 a.m. or after 5:00 p.m. of any day except Sundays and state and national holidays.

## **ARTICLE II. - CERTIFICATE OF REGISTRATION**

### **Sec. 9-6. - Required.**

No solicitor shall enter into or go upon any residence in the village for the purpose of soliciting without having first been granted a certificate of registration as provided in this article.

### **Sec. 9-7. - Application.**

- (a) Every person desiring a solicitor's certificate of registration shall apply in writing to the village clerk upon a form provided by the clerk.
- (b) The applicant shall truthfully state in full the information requested on the application, to wit:
  - (1) The name and address of his present place of residence and length of residence at such address, also business address if other than residence address, and his social security number;
  - (2) His address or place of residence during the past three (3) years if other than his present address;
  - (3) The age of the applicant and marital status; and if married, the name of his spouse;
  - (4) A physical description of the applicant;
  - (5) The name and address of the person whom the applicant is employed by or represents and the length of time of such employment or representation;
  - (6) The name and address of his employer during the past three (3) years if other than his present employer;
  - (7) A description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
  - (8) The period of time for which the certificate is applied for;
  - (9) The date, or approximate date, of the latest previous application for a certificate under this chapter;
  - (10) A statement as to whether a certificate of registration issued to the applicant under this chapter has ever been revoked;
  - (11) A statement as to whether the applicant has ever been convicted of a violation of any of the provisions of this chapter, or of a violation of any of the provisions of any ordinance of any other Illinois municipality regulating soliciting;

(12) A statement as to whether the applicant has ever been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States;

(13) Such additional information as the village clerk may deem necessary to determine whether or not the applicant is of good moral character, good faith and integrity to be trusted to engage in soliciting in the village.

(c) All statements made by the applicant upon the application or in connection therewith shall be under oath. Any person who makes a false statement upon an application for certificate of registration shall be deemed guilty of a misdemeanor.

#### Sec. 9-8. - Driver's license.

At the time of filing his application for a permit required by this article, the applicant shall present his driver's license, if he has one, to the village clerk, as well as another form of identification. If said applicant does not have a driver's license, he or she must provide the village clerk with two (2) forms of identification. If the clerk is not satisfied as to the legitimacy of any piece of identification, the permit shall be denied.

#### Sec. 9-9. - Person ineligible.

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 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; nor to any person who, in the opinion of the village clerk, is not of good moral character and lacks the good faith and integrity desirable for engaging in soliciting in the village.

#### Sec. 9-10. - Issuance or denial.

If the village clerk, after considering the application and all information she has obtained pertaining to the applicant and asking questions of said applicant, is of the opinion that the applicant is of good moral character and will in good faith and in a law-abiding manner engage in soliciting in the village, she shall issue a certificate of registration to the applicant. The clerk, after such consideration, shall deny the application if she is of the opinion that the applicant does not possess the required qualifications for such certificate and that the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this chapter. The village clerk shall arrive at such decision within one week of receiving the application. Endorsement shall be made by the clerk upon the application of the denial of the application.

#### Sec. 9-11. - Expiration.

A certificate of registration shall state the expiration date thereof. The expiration date shall not be later than the last day of April next following the date of the certificate.

#### Sec. 9-12. - Revocation.

- (a) Any certificate of registration issued hereunder shall be revoked by the village clerk if the applicant shall be guilty of any act of commission or omission thereafter, which act, in the opinion of the clerk will militate against the qualifications of the applicant upon which the certificate was issued, or if the holder of the certificate is convicted of a violation of any of the provisions of this chapter, or has made a false statement in the application of a material thing.
- (b) Immediately upon such revocation written notice thereof shall be given by the clerk to the holder of the certificate in person or by certified 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 and be null and void.

#### Sec. 9-13. - Clerk's records.

The village clerk shall cause to be kept in her office an accurate record of every application for a solicitor's certificate of registration received and acted upon, together with all other information and data pertaining thereto and of all certificates issued under the provisions of this chapter, and of the denial of applications. The applications 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.

#### Sec. 9-14. - Appeal from denial or revocation.

Any person to whom the village clerk has refused to issue a solicitor's certificate of registration or whose certificate has been revoked by the clerk may, within ten (10) days of receipt of notice of such action, appeal such decision to the village board by filing a statement requesting such appeal with the village clerk. Upon receipt of such a notice the clerk shall forward it to the board and the board shall set a date for a hearing, which hearing shall be held within a reasonable time after the filing of the notice. At the hearing the board shall review the clerk's actions. The appellant shall be given adequate notice of the hearing and shall be afforded due process at it.

#### Sec. 9-15. - Penalty for violating ordinance.

Any person, company or corporation violating any of the provisions of this ordinance, upon conviction, shall be fined not less than Fifty (\$50.00) Dollars nor more than Seven Hundred and Fifty (\$750.00) Dollars for each offense and shall be liable to a like penalty for each and every day such business shall be continued after such conviction.

## **Chapter 10 - STREETS**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 10-1. - Obstructions.**

Except as otherwise provided, it shall be unlawful for any person to obstruct any street.

#### **Sec. 10-2. - Excavations near streets.**

No owner or occupant of any lot shall permit any excavation to be made on such lot sufficiently near to the street as to endanger such street by undermining it without constructing and installing proper shoring so as to prevent such undermining. In addition to all penalties provided by law, any person violating the provisions of this section shall be liable to the village for the damage done to the street.

#### **Sec. 10-3. - Working on, improving or disturbing streets or alleys.**

(a) *Prohibited without permit.* It shall be unlawful and punishable as hereinafter provided for any person, partnership, corporation or other entity, excepting the village and their agents and employees, to do any work on or to accomplish any improvement in or otherwise disturb any street or alley of the village without first obtaining a work permit from the city clerk.

(b) *Application for permit.* In order to obtain a work permit from the clerk, the applicant shall present a written application describing in detail the nature, type and extent of the work proposed on any street or alley and the type of materials which will be involved therein. Said application shall be submitted to the director of public works of the village for review and approval. If such application is approved by the director of public works, then the city clerk is authorized and directed to issue a permit for the performance of such work on forms to be provided by the clerk. No fee shall be required for the issuance of such permit.

(c) *Violation, penalty.* Any person, partnership, corporation or other entity performing work or operations on village streets or alleys of the village without having first obtained a permit as hereinabove provided for shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

#### **Sec. 10-4. - Vehicle entrances from private property to streets and alleys.**

(a) *Permit required, application to village board.* No person shall construct any entrance leading from private property to any street or alley of the village without first making a written application to the village board of the village for permission to construct such entrance. Such application shall be made to the village on forms provided for that purpose by the village clerk. Such applications shall be accompanied by a plat drawn to scale showing in detail the location of and the details concerning the proposed street or alley entrance.

(b) *Design specifications.* Vehicle entrances to a street or alley from a residence premises shall be at least twelve (12) feet wide. A vehicle entrance to a street or alley from a retail business location shall not exceed thirty-five (35) feet in width. A vehicle entrance to a street or alley from an industrial enterprise shall not exceed fifty (50) feet in width. In event an application is for two (2) or more such entrances, the same shall be separated by a curb or other barrier by a distance of at least five (5) feet.

(c) *Fee.* The cost to install the first vehicle entrance (culvert) to a street or alley of the village shall be incurred by the by the property owner(s) desiring said culvert, shall require a permit and shall meet specifications set by the Village.

(d) *Violation, penalty.* Any person who installs a vehicle entrance to a street or alley of the village without first obtaining permit as hereinabove provided for shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty five (\$25.00) nor more than one hundred dollars (\$100.00).

#### Sec. 10-5. - Blocking or obstructing streets or alleys.

(a) It shall be unlawful and punishable as hereafter provided to cause any street or alley to be blocked or obstructed by any means or in any manner whatsoever so as to interfere with or impede the normal use thereof for pedestrian or vehicular purposes. However, the provisions hereof shall not apply to duly authorized employees of the village in performing repair, maintenance or replacement functions in connection with the regular repair, maintenance or replacement of facilities furnished by said entities for the benefit of the public or adjacent landowners.

(b) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

## **ARTICLE II. - EXCAVATIONS**

### **Sec. 10-6. - Permit required.**

No person shall injure or tear up any pavement, dig any hole, ditch or drain in or dig or remove any soil, stone, earth, sand or gravel from any street, public alley or public ground in the village without having first obtained a written permit from the village clerk, given in accordance with the provisions of this article.

### **Sec. 10-7. - Permit fee.**

Before a permit shall be issued to any person to open or make an excavation in any street, sidewalk, public alley or public place, such person shall pay to the village such fee as may be established by the corporate authorities.

### **Sec. 10-8. - Bond.**

No permit shall be issued to any person permitting or allowing the opening or the making of an excavation in any street, sidewalk, public alley or public place, or any part thereof, until the person making application for such permit shall have first executed to the village a good and sufficient bond up to the sum of five thousand dollars (\$5,000.00) per opening, with sureties to be approved by the president or the village board, conditioned to indemnify and keep harmless the village from any and all loss, cost, damage, expense or liability of any kind whatsoever, which the village may suffer or to which it may be put or which may be recovered from it from or on account of the issuance of such permit or from or on account of any act or thing done by virtue of the authority given in such permit or by reason of careless or improper guarding of said openings or excavations or for any damage, loss or expense to any person caused by or on account of the obstruction of any street, sidewalk or public alley, or public place, or the tearing up, repairing or removing of such street, sidewalk, public alley or public place, or part thereof. A bond shall be filed each year for the openings or excavations to be made during that year, which said year shall commence on the first day of May and end on the last day of April.

### **Sec. 10-9. - Information required for permit issuance.**

The village clerk shall not issue any permit for the purposes set forth in this article until she shall have been fully advised of the time, place and character of such opening and the purpose thereof.

### **Sec. 10-10. - Interference with traffic or property.**

The holder of a permit issued pursuant to this article shall take all appropriate measures to assure that during the performance of the excavation work traffic conditions shall be maintained as nearly normal as practical at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public.

#### Sec. 10-11. - Fire hydrants.

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants. Materials or obstructions shall not be placed within fifteen (15) feet of fire plugs.

#### Sec. 10-12. - Drainage.

The holder of a permit issued pursuant to this article shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall make provision to take care of all surplus water, muck, silt, slickings or other run-off pumped from excavation or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

#### Sec. 10-13. - Preparation for backfilling.

Upon completion of the excavation and prior to any backfilling by the village, the holder of a permit issued pursuant to this article shall prepare for cradling and enclosures of the tiling by first backfilling the trench to a height of eighteen (18) inches of compacted dirt. The permittee shall then lay the tile on the eighteen (18) inches of compacted dirt, subject to the inspection and approval of appropriate village officers.

#### Sec. 10-14. - Backfilling and maintenance.

After the appropriate officer or employee has determined that [section 10-14](#) of this Code has been complied with in all respects, the village shall then assume the responsibility of backfilling the entire excavation and the village shall thereafter maintain said street cut.

#### Sec. 10-15. - Inspections; rules and regulations.

Appropriate village officers and employees shall make such inspections as are reasonably necessary to enforce this article. Said officials shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article.

## **ARTICLE IV. - VISUAL OBSTRUCTIONS**

### **Sec. 10-16. - Definitions.**

When used in this article, the following terms shall mean as follows:

*Commercial exit:* Any vehicular exit from any automobile service station, shopping center, store, medical or professional center, or other similar public place.

*Critical visibility zone:* The area within which the presence of obstructions to vision such as trees, shrubbery and signs could prevent the driver of a motor vehicle which is stopped behind the stop line of any street, highway, alley or commercial exit at its intersection with any other street or highway from seeing any other vehicle which is approaching on the intersection street or highway and is within two hundred (200) feet of the intersection.

*Shrubbery:* Any bush, hedge, flowering or ornamental plant, weed growth, low-growing evergreen or other form of vegetation.

*Sign:* Any temporary or permanent structure, banner, pennant or string of pennants, used for advertising or decorative purposes.

*Stop line:* The actual obedience line if there be one. If there is none, one shall be assumed to exist four (4) feet before the nearest edge of the intersecting street or highway.

*Tree:* A large, woody, perennial plant having a clearly recognizable trunk.

### **Sec. 10-17. - Signs.**

It shall be unlawful for any person to place or cause to be placed in any critical visibility zone any sign of which any part thereof is higher than thirty-six (36) inches above grade level, unless the lowest portion of the sign exclusive of a supporting structure no wider than twelve (12) inches in its greatest dimension is at least eight (8) feet above grade level.

### **Sec. 10-18. - Trees.**

It shall be unlawful for any person owning or controlling property to cause or permit any tree within any critical visibility zone to remain untrimmed below a height of nine (9) feet above the ground, or to permit any shrubbery within any critical visibility zone to grow to a height greater than thirty-six (36) inches above ground.

### **Sec. 10-19. - Obstruction to traffic signs or signals.**

It shall be unlawful for any person owning or controlling property to permit the foliage of any tree or shrubbery growing on said property to obscure any driver's view of any lawfully placed stop sign or traffic-control signal during any part of the last two hundred (200) feet of his approach to said sign or traffic-control device.

Sec. 10-20. - Fences.

No person shall construct a solid fence greater than three (3) feet in height within fifteen (15) feet of the corner of any street intersection.

Sec. 10-21. - When person subject to penalty.

Any person violating any section of this article shall, upon receipt of official notification from the village that a violation has taken place, correct the cause of the violation within fourteen (14) days from the date of notification, or be subject to the penalties provided by this Code.

## **ARTICLE V. - PEDESTRIANS SOLICITING RIDES OR BUSINESS**

### **Sec. 10-22. - Soliciting a ride.**

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

### **Sec. 10-23. - General roadway solicitations.**

No person shall stand on a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

### **Sec. 10-24. - Soliciting contributions.**

No person shall stand on a roadway for the purpose of soliciting contributions from the occupant of any vehicle except when expressly permitted by this Code. The soliciting agency shall be:

(1) Registered with the Attorney General of 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 therefore (225 ILCS 460/1 et. seq.);

(2) Engaged in a state-wide fund raising activity;

(3) Liable for any injuries to any person or property during the solicitation which is causally related to an act or ordinary negligence of the soliciting agent; and

(4) In possession of a permit issued by the Village Clerk of the Village of Mapleton allowing such solicitation.

Any person engaged in the act of solicitation shall be sixteen (16) years of age or more and must be accompanied by at least one (1) adult at each intersection where solicitation is allowed. Each participant of an organization in the solicitation event must wear a bright colored vest or jacket together with an easily recognizable badge or other symbol from which the organization for which they solicit can be easily recognized by a driver or passenger in a motor vehicle. Charitable solicitations from motor vehicles shall only occur between the hours of 9:00 a.m. and 4:00 p.m. on Friday and between 8:00 a.m. and 12:00 noon on Saturday and shall occur only at intersections as set forth in this article.

### **Sec. 10-25. - Indemnification of city; insurance.**

Any organization seeking to secure a permit for charitable solicitation shall present evidence or indemnification satisfactory to the corporate authorities of the Village of Mapleton that the village will incur no liabilities for injuries resulting directly or indirectly from the granting of a permit.

Sec. 10-26. - Application for a permit.

A permit to conduct charitable solicitation as set forth in this article shall be granted by the Village Clerk of the Village of Mapleton only after application for such permit is filed with the village clerk not less than thirty (30) days prior to the initiation of the proposed charitable solicitations campaign. Such application shall be sworn to by the applicant and shall contain the following information:

- (1) The full name of the organization applying for a permit to solicit and the address of the organization.
- (2) Names and addresses of all officers and directors or trustees of the organization.
- (3) Purpose or purposes for which the gross receipts derived from such solicitations are to be used.
- (4) Name and address of the person or persons who will be in charge of conducting the charitable solicitations campaign.
- (5) The date or dates on which such charitable solicitations campaign shall be conducted.
- (6) If the applicant is a corporation, a copy of its charter or articles of incorporation from its date of incorporation.
- (7) Proof of registration with the attorney general as a charitable organization as provided in 225 ILCS 460/1 et seq.

Upon receipt of a proper application as provided in this section, the village clerk shall issue the permit applied for unless the village clerk shall determine that one (1) or more of the following facts exist:

1. When one (1) or more of the statements made in the application are not true.
2. The applicant does not have a good character or reputation for honesty and integrity, or if the applicant is not an individual person, then that any managing officer or agent of the applicant does not have good character or reputation for honesty and integrity.
3. That the control and supervision of the solicitations will not be under responsible reliable persons.
4. The applicant has engaged in a fraudulent transaction or enterprise.
5. Solicitations would constitute a fraud on the public.
6. That the solicitations are not prompted solely by a desire to finance a charitable cause described in the application and would be conducted for private profit or gain.

7. The applicant has failed to comply with sections 10-25 or 10-26 of the Mapleton Village Code.

[Sec. 10-27. - Penalty for violating ordinance.](#)

Any person, company or corporation violating any of the provisions of this ordinance, upon conviction, shall be fined not less than Fifty (\$50.00) Dollars nor more than Seven Hundred and Fifty (\$750.00) Dollars for each offense and shall be liable to a like penalty for each and every day such business shall be continued after such conviction.

# **Chapter 11 - TAXATION**

## **ARTICLE I. - RETAILERS' OCCUPATION TAX**

### **Sec. 11-1. - Imposed.**

A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in this village at the rate of one (1) percent of the gross receipts from such sales.

**State law reference**— Retailers' Occupation Tax Act, 35 ILCS 120/1 *et seq.*

### **Sec. 11-2. - Reports.**

Every person engaged in a business taxed herein in the village shall file on or before the last day of each calendar month, the report to the state department of revenue required by Section 3 of the "Retailers' Occupation Tax Act."

**State law reference**— Retailers' Occupation Tax Act, 35 ILCS 120/1. Section 3 of such act is 35 ILCS 120/3.

### **Sec. 11-3. - Payment of tax.**

At the time the report required herein is filed, there shall be paid to the state department of revenue the amount of tax herein imposed on account of the receipts from sales of tangible personal property during the preceding month.

## **ARTICLE II. - SERVICE OCCUPATION TAX**

### **Sec. 11-4. - Imposed.**

A tax is hereby imposed upon all persons engaged in this village in the business of making sales of service at the rate of one (1) percent of the cost price of all tangible personal property transferred by said servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service.

**State law reference**— Retailers' Occupation Tax Act, 35 ILCS 120/1 *et seq.*

### **Sec. 11-5. - Reports.**

Every supplier or serviceman required to account for the municipal service occupation tax for the benefit of this village shall file, on or before the last day of each calendar month, the report to the state department of revenue required by Section 9 of the "Service Occupation Tax Act."

**State law reference**— Service Occupation Tax Act, 35 ILCS 115/1. Section 9 is 35 ILCS 115/9.

### **Sec. 11-6. - Payment of tax.**

At the time the report required herein is filed, there shall be paid to the state department of revenue the amount of tax herein imposed.

## **ARTICLE III. - USE TAX**

### **Sec. 11-7. - Municipal Use tax.**

(a) A tax is hereby imposed in accordance with the provisions of 65 ILCS 5/8-11-1, upon the privilege of using in the municipality of Mapleton, Illinois, any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with any agency of Illinois Government. The tax shall be at the rate of one (1) percent of the selling price of such tangible personal property with selling price to have the meaning as defined in the Use Tax Act, and the tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being within the municipality of Mapleton, Illinois.

(b) Such tax shall be collected by the Illinois Department of Revenue for the Village of Mapleton, Illinois, and the tax must be paid, or an exemption determination obtained from the Department of Revenue, before the title or certificate of registration for the personal property may be issued. The Department of Revenue shall have full power to administer and enforce the provisions of such act and this section.

## **Chapter 12 – MISDEMEANORS AND CURFEW**

### **GENERAL OFFENSES**

12.1 Assault and Battery. No person shall commit an assault or a battery upon the person of another, or shall cause an affray within the Village.

12.2 Unlawful Assembly. Any two or more persons who shall assemble for the purpose of using force or violence to disturb the public peace or of committing any unlawful act and who shall not disperse when commanded or requested by any peace officer shall each be liable for unlawful assembly.

12.3 Disturbing the Peace; Disorderly Conduct, Etc. No person shall disturb the peace of the Village, or the quiet of any person therein, by loud or unusual noises, or by loud or boisterous laughing or singing, or by creating false alarms as by crying “fire” and “police,” or by violent or tumultuous carriage or by shouting, cursing, quarreling, challenging to fight, or fighting or by any other disorderly conduct.

12.4 Aiding or Abetting in Violation of Ordinance. No person shall aid, abet or encourage any unlawful act or any violation of any Ordinance of this Village, or shall resist or hinder any officer or officers of the Village in the performance of any lawful duty.

12.5 Disturbance of Lawful Assembly. No person shall willfully, heedlessly or maliciously disturb any assembly of persons met together for any lawful purpose.

12.6 Unlawful to Throw Stones, etc. No person shall purposely or heedlessly cast or throw any stone, brick, clod, snow-ball or other missile from or into any public place, or at any house or person within the limits of the Village without the permission of the property owner and person, if applicable.

12.7 Unlawful to Loiter or Disturb, Congregate upon Any Stairway, to Interfere with Free Passage, etc. It shall be unlawful for any person or persons in said Village to loiter or congregate about or upon any stairway, doorway, window, or in front of any business or dwelling house, theatre, church, street or street corner, or elsewhere, and by so doing obstruct or interfere with the free passage of persons entering or occupying such buildings or premises, or by their language, conversation or conduct, annoy, insult, or disturb persons passing along the streets or alleys or occupying, residing or doing business in any of said houses or places.

12.8 Drunkenness. No person shall be found drunk or in a state of intoxication in any public place or in a place open to public view.

12.9 Indecent Exposure. No person shall make a lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person in a public place, meaning in any place where the conduct may be reasonably expected to be viewed by others.

12.10 Obscene Literature and Photographs. It shall be unlawful to possess within the limits of the Village for the purpose of sale or public exhibition, or sell, offer to sell, or otherwise distribute any obscene literature, drawing, photograph or other rendering, or other obscene item or instrument. "Obscene" shall be given the definition currently used by the United States Supreme Court.

12.11 It shall be unlawful to sleep upon any street, avenue, alley or other public place within the Village, or in or upon any private property without the permission of the owner or occupant of said premises.

12.12 Unlawful to Throw Water in Street. No person shall throw or deposit any water or other liquid in any part of any street, alley, lane public place or private property.

12.13 Criminal Damage to Property. No person shall knowingly or recklessly damage the property of another, including public property, without the consent of the owner or occupant. Damage shall be construed to include, but not be limited to, deforming, defacing, placing signs or handbills upon, or depositing a stink bomb or other offensive smelling compound on or in the private property of another.

12.14 Trespass. No person shall knowingly enter upon the land of another after receiving notice from the owner or occupier of said property that such entry is forbidden, or remain upon the land of another after receiving notice from the owner or occupant to depart.

12.15 Vehicle with Metal Lugs or other Protrusions upon Wheels. No vehicle equipped with metal lugs or other hard protrusions upon the wheels thereof, which may or might damage the surface of the streets, shall be driven, pulled or otherwise operated upon any street in the Village.

12.16 Unlawful to Deposit Rubbish or Burn Same within Fire Limits. No person shall place or cause to be placed or deposited on any street, alley, avenue or public place in the Village, any ashes, paper, rags, sticks, shavings, dirt, tin cans, junk or other rubbish of any kind or description, or allow the same to be thrown or deposited in or upon any street, avenue or alley adjacent to any premises owned, leased or controlled by any person, and no rubbish of any kind shall hereafter be burned upon any street, avenue or alley within the Village, nor at any place whatsoever, within any fire limits now or hereafter to be established within the Village, and no box, barrel or other receptacle for dirt, ashes, paper or other rubbish shall be placed or allowed to remain in or upon any public grounds, or upon any park thereof, nor shall any person leave standing on any street, avenue, alley or other public place in the Village, any wagon or other vehicle so as to obstruct or render, inconvenient to the passage of other persons through or along such street, alley or public place. Provided, that whenever the Village Board shall have ordered improvements to be made upon any street, alleys or public grounds, earth, ashes or other suitable material, except garbage, filth and contents of privy vaults and sewers, may be placed thereon, under the direction of the President of the Board and the Street and Alley Committee of the Village. The owner, occupant or lessee of every house, store or other premises adjacent to which any of the articles or things contemplated in this section may be placed or found shall be liable for placing or permitting the same, unless it can be shown that some other person placed or deposited the thing complained of at the place where it may be found without the knowledge of or consent of the owner or occupant. Provided, that no person shall be liable to suffer any penalty under this section, in case of obstruction of any alley in the manner herein mentioned,

who shall remove such obstruction within a reasonable time, after notice so to do, by the Village President. Any person who is burning legally within the Village limits shall be present at all times to tend to, maintain and supervise said burning, and said person shall also have a charged hose or other availability to extinguish said fire if needed. There shall be no burning during any dry season.

12.17 Unlawful to Place Tacks, Glass, etc., so as to Injure Tires. No person shall place or cause to be placed in, or upon any street, avenue, alley, sidewalk, highway or public ground, within the Village, any tack, nail, piece of iron, or other metal, broken glass or other substance which may injure or puncture any tire.

12.18 Contractors, etc., to Refrain from Spilling Gravel, etc., on Streets; Forthwith Remove Same. All contractors, teamsters and proprietors hauling dirt, sand, gravel, ashes, manure, rubbish or other material on streets or alleys shall so construct, keep and maintain their truck beds, dumps and sideboards with front and rear end and bottoms as at all times to prevent the spilling of such material from the same, and in case the same shall fall into the streets, avenues or alleys of the Village, cause the same to be forthwith removed.

12.19 Littering. No person shall throw or otherwise place loose papers or other litter of any kind on public or private property.

12.20 Loitering and Begging. No person shall loiter or beg in or on any public place or vacant lot in the Village.

12.21 No person while distributing handbills, circulars, notices or other printed materials, shall ring the bell or knock on the door of any private residence if the owner or occupant thereof has posted notice to the effect that such materials or solicitations are unwanted.

12.22 No person shall ride a motorcycle, moped or other motorized vehicle on the sidewalks or public grounds of the Village.

12.23 No person under the age of twenty-one (21) years shall possess or consume any alcoholic beverage in the Village limits. This paragraph shall not prohibit the possession or consumption of alcoholic liquor by a person of non-age in the performance of a religious service or ceremony, or by a person of non-age under the direct supervision and approval of the parent(s) or legal guardian(s) of such person in the privacy of a home.

## **PENALTIES**

12.24 Any person violating any provisions of the above Article shall be subject to arrest and, upon conviction, shall be guilty of a misdemeanor and subject to a fine of not less than One Hundred (\$100.00) Dollars and not more than Seven Hundred Fifty (\$750.00) Dollars.

## **CURFEW**

12.25 General Curfew. It shall be unlawful for any minor person under the age of seventeen (17) years to be or remain loitering or playing in or upon any street, alley or other public place within the Village, unless such minor person is accompanied by a parent, guardian or other person having legal custody of such minor person, or other responsible companion at least twenty-one (21) years of age who is approved by a parent or legal guardian, or unless such minor is in performance of an errand or duty directed by such parent, guardian or other person having the legal care and custody of such minor person, or unless engaged in some occupation or business that such minor person may under Illinois law engage in, between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.

12.26 Minors in Vehicles. It shall be unlawful for any minor person under the age of seventeen (17) years to be or remain loitering or driving any motor vehicle, automobile, motorcycle or motor scooter upon any street, alley or other public place within the Village, unless such minor person is accompanied by a parent, guardian or other person having legal custody of such minor person, or other responsible companion at least twenty-one (21) years of age who is approved by a parent or legal guardian, or unless such minor is in performance of an errand or duty directed by such parent, guardian or other person having the legal care and custody of such minor person, or unless engaged in some occupation or business that such minor person may under Illinois law engage in, between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M.

12.27 It shall be unlawful for any person to knowingly permit any such minor person in his custody or control to violate sections 12.25 or 12.26 above.

12.28 Any person violating any provisions of this Article shall be subject to arrest and, upon conviction, shall be subject to a fine of not less than One Hundred (\$100.00) Dollars and not more than Seven Hundred Fifty (\$750.00) Dollars, except where such person has been convicted of or received supervision for this offense at any prior time, the fine for any subsequent offense shall be not less than One Hundred Fifty (\$150.00) Dollars and not more than Seven Hundred Fifty (\$750.00) Dollars.

### **ORDINANCE IN FORCE**

This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

## Chapter 13 – WATERWORKS

### CONNECTIONS

13-1. Service Connection Permits; Charges: No connections with the waterworks system shall be made without a permit issued by the Waterworks Supervisor. All such connections shall be made by Village forces under the supervision of the Waterworks Supervisor, and no connections shall be covered until the work has been inspected to the satisfaction of the Waterworks Supervisor. Whenever any premises shall hereafter be connected with the waterworks system, a charge shall be made.

The owner, occupant or party or parties in possession of any house, structure, factory, industrial or commercial establishment or any other building or structure of any other character which uses water and is located on property within the corporate limits shall cause such house, structure, factory, industrial or commercial establishment or any other building or structure of any other character to be connected with the waterworks system within ninety (90) days from the date that water facilities become available to such property.

13-2. Application for Water Service; Turn-On Fee; Deposit:

***Deposit.*** Upon application from a resident whom will be an owner occupant, a Two Hundred Dollar (\$200.00) security deposit will be required. This deposit will be held for a period of two (2) years, after which time the deposit will be refunded, provided there has not been more than three delinquent payments on the account. After the third delinquent payment, the deposit shall be held for the life of the account.

If the final bill (and only the final bill) is not paid within twenty (20) days of the final bill's billing date, the security deposit shall be forfeited and applied to the final bill's balance. If service is voluntarily shut-off, a new application and security deposit will be required to continue service.

Upon application from a resident, whom will be a non-owner occupant, a \$200.00 security deposit will be required to be paid. Due to the numerous instances of accounts not being paid by non-owner customers, the \$200.00 security deposit will not be refunded until the final bill is rendered and paid in full. The \$200.00 security deposit will be used toward payment of the final bill (and only the final bill) if it is not paid within 20 days of the final bill's billing date. The security deposit shall be forfeit if the bill is not paid. A new deposit needs to be paid in order to turn the water back on.

Notwithstanding any provision to the contrary, neither a resident nor non-resident, who owes a delinquency to the Village on any water account (either for the resident's or non-resident's current residence, or for a prior residence within the Village), shall not have an application for service approved, nor water service provided or restored, until such delinquency is paid in full.

- (B) **Turn-On Fee.** If water is shut off due to non-payment of a water bill, a \$25.00 fee will be charged to the customer's bill and payment in full will have to be made to have water service restored. Any past remaining security deposit balance will be applied to any unpaid balance. Additionally, a new security deposit of Two Hundred Dollars (\$200.00) will be required to restore service.
- (C) **Tap Fee.** New customers needing to connect to the Mapleton Water Main will be assessed a fee of Two Thousand Five Hundred Dollars (\$2,500.00) for the connection to our water main.

[Ordinance 2016-11-15-3.](#)

13-3. Water Service Installations: All service pipes and laterals from the waterworks system (water mains) to the stop box shall be installed by, and at the expense of, the Village for a distance not to exceed two hundred feet (200'). If such water service must cross a Village or State road or alley that requires boring and casing, the cost of such boring and/or casing shall be borne by the applicant for the service or the owner of the property being served. All expense for more than two hundred feet (200') shall be at the cost of and installed by the owner of the

property to be served or the applicant for the service. All such water services shall have a curb cock on the terrace with a stop box flush with the ground.

13-4. Repairs to System: All repairs for service pipes and laterals from the waterworks system (water mains) to the stop box shall be made by and at the expense of the Village. From the stop box to the property being served, all repairs and excavations shall be by and at the expense of the property owner.

13-5. Crossing-Connections.

A. If, in accordance with the Illinois Plumbing Code or in the judgment of the water chairperson, an approved backflow prevention device is necessary for the safety of the public water supply system, the water chairperson will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code and all applicable local regulations and shall have inspections and tests made of such approved devices as required by the Illinois Plumbing Code and local regulations.

B. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby private, auxiliary or emergency water supply other than the regular public water supply of the Village enters the supply or distribution system unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Waterworks Supervisor and the Illinois Environmental Protection Agency.

C. It shall be the duty of the water chairperson to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years, or as often as the Waterworks Supervisor shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least ten (10) years.

D. An approved inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections, and the Waterworks Supervisor or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessees or occupants of any property so served shall furnish to the Waterworks Supervisor any information that he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Waterworks Supervisor, be deemed evidence of the presence of improper connections as provided in this Section.

E. The water chairperson of the Village is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to

take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Section, and until a reconnection fee is paid to the Village. Immediate disconnection with verbal notice can be effected when the Waterworks Supervisor is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection.

F. The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of cleanup of the potable water supply system.

13-6. Water Service Pipe: All water services used or laid on Village property shall be of the material currently accepted as the national standard in the IPC, regardless of who is laying said pipe.

13-7. Compliance with Plumbing Regulations: No water shall be turned on for service in any premises in which the plumbing does not comply with Village Ordinances, provided, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this Chapter.

13-8. Excavations for Connections: Excavations for installing service pipes and laterals or repairing the same shall be made in compliance with the ordinance provisions relating to making excavations in streets, provided, that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drainpipe or sewer lateral.

13-9. Shut-Off Boxes: Shut-off boxes or service boxes shall be placed on every service pipe and shall be located between the curb line and the sidewalk line where practicable. Such boxes shall be so located that they are easily accessible and shall be protected from frost.

13-10. Water Service to More than One Premises: No owner or plumber shall be permitted to connect water pipes into any two (2) distinct premises or tenements unless separate and distinct stop-cocks shall be placed on the outside of each such premises along the sidewalk opposite the same, nor shall any pipe be allowed to cross lots or buildings to adjoining premises. Duplex flats, double houses and apartment houses shall be considered as one "premises." A "premises" shall be construed to cover all buildings and divisions under one common roof, owned by one party, who will be charged for all services to such premises.

## **USE OF PUBLIC WATER SERVICE**

13-11. Resale of Water; Unauthorized Use: No water supplied by the waterworks system of the Village shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application. Nor after water is introduced into any building or upon any premises, shall any person make, or employ any other person to make, any tap or connection with work upon the premises for alterations, repairs, extensions or attachments without written permit therefor. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.

### 13-12. Requirements and Restrictions Relating to Meters:

A. Installation: Meters shall be installed in a location that will provide easy access thereto.

B. Reading Meters: The meter reader shall read or cause to be read every water meter used in the Village between the 19<sup>th</sup> and 21<sup>st</sup> of each month, so that the bills may be sent out at the proper times.

C. Required for New Construction: Any house or building constructed within the Village, or constructed outside of the Village and using Village water with approval, must have installed a meter that will service each individual user located upon any newly constructed property. Said meter shall be installed when the property owner desires to have water service provided to said property by means of connecting to the Village water service.

D. No one shall park on top of the water meter or otherwise impede the meter reader's access to the water meter.

## **LIABILITY**

13-13. Service Failures: All waterworks service supplied by the waterworks system shall be upon the express condition that the Village shall not be liable nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, branches, service pipes, apparatus or appurtenances connected with said system or any part or portion thereof, or for any interruption of the supply by reason of the breakage of machinery, or by reason of stoppage, alterations, extensions or renewals.

13-14. Service Interruption: The Village reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the Village in case of fire, and for restricting the use of water in case of deficiency in supply, including the suspension of the use of water for sprinkling lawns or gardens. No claim shall be made against the Village by reason of the breaking of any service pipe or service cock, or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections, or repairing any part of the water system, or from failure of the water supply, or by increasing the water pressure at any time, or from concentrated or restricted use of water as above.

## **PROTECTION OF WATER WORKS**

13-15. Tampering with System: It shall be unlawful for any person not authorized by the Village Board to tamper with, alter or injure any part of the waterworks or supply system, or any meter.

## **INSPECTION**

13-16. Right of Access; Use Inspection: The Village and its employees and the Illinois Environmental Protection Agency shall have ready access at all reasonable times to the premises, places or buildings where water service is supplied for the purpose of inspecting, examining and testing the consumption, use and flow of water, and it shall be unlawful for any person to interfere with, prevent or obstruct the Village or its duly authorized agent or the Illinois Environmental Protection Agency in its duties hereunder. Every user of the system shall take the same upon the conditions prescribed in this Section.

## **POWERS AND AUTHORITY OF INSPECTORS**

13-17. The Waterworks Supervisor and other duly authorized employees of the Village and the Illinois Environmental Protection Agency, or its authorized representative, bearing proper credentials and identification, shall have access to any books, documents, papers and records for the purpose of making an audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the Federal Regulations and conditions of any Federal Grants and shall further be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The Waterworks Supervisor or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

13-18. While performing the necessary work on private properties referred to in Section 13-1 above the Waterworks Supervisor or duly authorized employees of the Village and the Illinois Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Village employees, and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain required conditions.

13-19. The Waterworks Supervisor and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the

waterworks lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **PENALTIES**

13-20. Any person found to be violating any provision of this Ordinance shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

13-21. Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollars (\$500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

13-22. Any person violating any of the provisions of this ordinance shall become liable to the Village by reasons of such violation.

## **VALIDITY**

13-23. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

13-24. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or parts.

## **DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

### 13-25. Federal Government:

“Federal Act” means the Federal 1996 Safe Drinking Water Acts Amendments.

“ Administrator” means the Administrator of the U.S. Environmental Protection Agency.

### 13-26. State Government:

“State Act” means the Illinois Anti-Pollution Bond Act of 1970.

“Director” means the Director of the Illinois Environmental Protection Agency.

“State Loan” shall mean the State of Illinois participation in the financing of the construction of waterworks as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

### 13-27. Local Government:

“Ordinance” means this ordinance.

“Village” means the Village of Mapleton.

“Approving Authority” means the Waterworks Supervisor.

13-28. “Person” shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

13-29. Clarification of word usage: “Shall” is mandatory; “may” is permissible.

### 13-30. Water and its characteristics:

“ppm” shall mean parts per million by weight.

“Milligrams per Liter” shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.

“pH” shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

### 13-31. Installation terms:

“Curb Cock” shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called curb stop.

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

“Service Box” shall mean a valve box used with corporation or curb cock.

13-32. Types of charges:

“Water Service Charge” shall be the charge per month levied on all users of the Water Facilities. The service charge shall be computed as outlined in Chapter 14-11 of the Village of Mapleton ordinances.

“User Charge” shall mean a charge levied on users of waterworks for the cost of operation, maintenance and replacement.

“Basic User Charge” shall mean the basic assessment levied on all users of the public water system.

“Debt Service Charge” shall be the amount to be paid each billing period for payment of interest, principal and coverage of outstanding loans or bonds.

“Capital Improvement Charge” shall mean a charge levied on users to improve, extend or reconstruct the water works

“Replacement” shall mean expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

“Useful Life” shall mean the estimated period during which the waterworks will be operated.

“Water Fund” is the principal accounting designation for all revenues received in the operation of the water system.

## **ORDINANCE IN FORCE**

This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

## **Chapter 14 – WATER SERVICE CHARGES**

### **WATER SERVICE CHARGES**

14-1. Basis for water service charges: The water service charge for the use of and for service supplied by the water facilities of the Village shall consist of a basic user charge, a debt service charge and a capital improvement charge.

14-2. The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters. The basic user charge shall be computed as follows:

- A. Estimate the annual water volume.
- B. Estimate the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories.
- C. Compute costs per 1,000 gallons.

14-3. The debt service charge is computed by apportioning the annual debt service as a fixed charge per billing period.

14-4. The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the waterworks. The capital improvement charge is computed by apportioning the annual amount to be accrued as a fixed charge per billing period.

14-5. The adequacy of the water service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.

14-6. Measurement of flow: The volume of flow used for computing basic user charges shall be the metered water consumption read to the lowest even increments of gallons.

14-7. Basic User Charge: There shall be and there is hereby established a basic user charge of \$19.00 per month to be applied to all users to recover O, M & R costs.

14-8. Debt Service Charge: There shall be and there is hereby established a debt service charge of \$12.60 per month to each user of the water facility.

14-9. Capital Improvement Charge: There shall be and there is hereby established a capital improvement charge of \$4.50 per month to each user of the water facility.

14-10. A minimum charge of \$36.10 per month shall be applied to all users whose water consumption does not exceed 2,000 gallons per month. This minimum charge consists of \$19.00 for O, M & R costs, \$12.60 for debt service costs and \$4.50 for capital improvement costs.

Usage in excess of 2,000 gallons per month will be charged at the following rates per 1,000 gallons:

<u>Monthly Consumption</u>	<u>Rate</u>
2,001-10,000 gallons	\$10.20
10,001-25,000 gallons	\$9.20
25,001-50,000 gallons	\$8.20
In excess of 50,000 gallons	\$7.20

These rates consists entirely of O, M & R costs, and no portion goes toward debt service costs or capital improvement costs.

14-11. Computation of Water Service Charge: The water service charge shall be computed by the following formula:

$$CW = CC + CD + CM + (Vu-X)CU$$

Where:

CW = Amount of water service charge (\$) per billing period.

CC = Capital Improvement Charge (Section 14-9).

CD = Debt Service Charge (Section 14-8).

CM = Basic Usage Charge for Operations, Maintenance and Replacement (Section 14-7).

Vu = Water Volume for the billing period.

X = Allowable consumption in gallons for the minimum charge (Section 14-10).

CU = Rate per 1,000 gallons usage in excess of allowable 2,000 gallons (Section 14-10).

14-12. Final Bill: Any person or party who shall vacate any premises shall immediately, before vacating said premises, request a final reading of the water meter by the Village. Such request or any request to the Village for a final reading of the water meter shall be made three business days prior to the date the final reading is requested. Upon receipt, the Village shall take a final reading and prepare a bill to be submitted to the consumer or user for payment prior to issuance of any real estate transfer stamps. In the event a final reading is not possible prior to the transfer of the property for which the real estate transfer stamps are required, the consumer shall pay 150 percent of the last bill or other reasonable amount as determined by the Village until a final reading is conducted. In the event the final reading shows that the consumer or user still owes the Village money, said consumer or user shall promptly pay to the Village any outstanding sums. In the event the final reading shows that the owner has paid in excess of the amount due, the Village shall promptly refund any monies to consumer or user.

## GENERAL PROVISIONS

14-13. Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefore to the Village. Bills for service shall be sent out by the Village treasurer on the first day of the month succeeding the period for which the service is billed. All bills are due and payable by the 20<sup>th</sup> day of the month sent out. A penalty of ten (10%) percent shall be added to all bills not paid by the 20<sup>th</sup> day of the month sent out.

14-14. Delinquent bills: If the charges for such services are not paid by the 1<sup>st</sup> day of the month following the bill date, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled. A penalty of \$25.00 will be charged.

14-15. Lien-Notice of delinquency: Whenever a bill for service remains unpaid for 90 days after it has been rendered, the Village treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the Village treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the treasurer, whenever such bill remains unpaid for the period of 90 days after it has been rendered. The failure of the Village treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

Irrespective of any change in ownership of premises, each parcel of real estate for which application for sewer or water connection or house connection has been filed and accepted by the Village shall be liable for the payment of periodic water and sewer charge hereinbefore provided.

14-16. Foreclosure of lien: Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 90 days.

14-17. Revenues: All revenues and moneys derived from the operation of the water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the Village treasurer separate and apart from his private funds and separate and apart from all other funds of the Village treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Village President and Board of Trustees.

The Village treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water Fund of the Village of Mapleton." Said Village treasurer shall administer such fund in every respect in the manner provided by statute.

14-18. Accounts: The Village treasurer shall establish a proper system of accounts and shall keep proper books, records and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

1. Flow data showing total gallons received at the water plant for the current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of non-metered users.

14-19. Penalty: Any person, firm or corporation violating any provisions of this Article shall be fined not less than one hundred (\$100.00) dollars nor more than five (\$500.00) dollars for each offense.

14-20. Access to Records: The IEPA or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Public Water Supply Loan Program Loan Agreement.

### **EFFECTIVE DATE OF RATES**

14-21. The rates and service charges established for user charges in the Water Service Charges Article shall be effective as of the next fiscal year beginning and on bills to be rendered for the next succeeding month. The Village of Mapleton Board can vote to change these rates as deemed necessary.

### **VALIDITY**

14-22. If any section, paragraph, clause or provisions of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

### **APPEALS**

14-23. The method for computation of rates and service charges established for user charges in the Water Service Charges Article shall be made available to a user within 14 days of receipt of a written request for such. Any question regarding the method used or in the computations thereof shall be answered by the Waterworks Supervisor within 30 days after notification of a formal written request for answering such questions.

### **BROKEN WATER METER**

14-24. If a water meter is broken, the water bill for that month shall be calculated based off the average water bill for the last twelve (12) months prior to the time of the break.

## **DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

### 14-24. Federal Government:

“Federal Act” means the Federal 1996 Safe Drinking Water Acts Amendments.

“ Administrator” means the Administrator of the U.S. Environmental Protection Agency.

### 14-25. State Government:

“State Act” means the Illinois Anti-Pollution Bond Act of 1970.

“Director” means the Director of the Illinois Environmental Protection Agency.

“State Loan” shall mean the State of Illinois participation in the financing of the construction of waterworks as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

### 14-26. Local Government:

“Ordinance” means this ordinance.

“Village” means the Village of Mapleton.

“Approving Authority” means the of the Waterworks Supervisor.

14-27. “Person” shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

14-28. Clarification of word usage: “Shall” is mandatory; “may” is permissible.

### 14-29. Water and its characteristics:

“ppm” shall mean parts per million by weight.

“Milligrams per Liter” shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.

“pH” shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

14-30. Installation terms:

“Curb Cock” shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called curb stop.

“Easement” shall mean an acquired legal right for the specific use of land owned by others.

“Service Box” shall mean a valve box used with corporation or curb cock.

14-31. Types of charges:

“Water Service Charge” shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in the General Provisions Article and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.

“User Charge” shall mean a charge levied on users of waterworks for the cost of operation, maintenance and replacement.

“Basic User Charge” shall mean the basic assessment levied on all users of the public water system.

“Debt Service Charge” shall be the amount to be paid each billing period for payment of interest, principal and coverage of outstanding loans or bonds.

“Capital Improvement Charge” shall mean a charge levied on users to improve, extend or reconstruct the water works.

“Local Capital Cost Charge” shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. Debt service and capital improvement costs.

“Replacement” shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

“Useful Life” shall mean the estimated period during which the waterworks will be operated.

“Water Fund” is the principal accounting designation for all revenues received in the operation of the water system.

**ORDINANCE IN FORCE**

14-32. This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

## **Chapter 15 – ZONING**

### **INTENT AND PURPOSE**

This Title is adopted for the following purposes:

- (a) To promote and protect the public health, safety, morals, comfort and general welfare of the people;
- (b) To divide the city into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and the use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) To protect the character and the stability of the residential, business and manufacturing areas within the city and to promote the orderly and beneficial development of such areas;
- (d) To provide adequate light, air, privacy and convenience of access to property;
- (e) To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air and to protect the public health;
- (f) To establish building lines and the location of buildings designed for residential, business, manufacturing or other uses within such areas;
- (g) To fix reasonable standards to which buildings and structures shall conform therein;
- (h) To prohibit uses, buildings and structures incompatible with the character of the development or intended uses within specified zoning districts;
- (i) To prevent additions to, or alteration or remodeling of, existing buildings and structures in such a way as to avoid the restrictions and limitations imposed hereunder;
- (j) To limit congestion in the public streets and protect the public health, safety, convenience and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;
- (k) To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;

- (l) To prevent the overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and bulk of buildings in relation to the land surrounding them;
- (m) To conserve the taxable value of land and buildings throughout the city;
- (n) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district; and
- (o) To define and limit the powers and duties of the administrative officers and bodies as provided therein.

State law reference: 65 ILCS 5/11-13-1

## **TITLE AND DEFINITIONS**

1.1 Title. This Ordinance shall be known and may be cited as “The Zoning Ordinance of the Village of Mapleton, Illinois.”

1.2 Definitions. For the purpose of this Ordinance, certain terms or words contained herein shall be interpreted or defined as follows:

A. Adult Entertainment Establishment: As that term is defined in Section 3(B) of the Mapleton Adult Use Licensing Ordinance.

B Alterations: As applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities; or an enlargement, whether by extending on a side or by increasing height; or the moving from one location or position to another.

C. Building, Front Line of: The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

D. Dwelling Unit: A dwelling or portion thereof providing complete living facilities for one family.

E. Dwelling, Single-Family: A building used as a residence exclusively by one family.

F. Dwelling, Two-Family: A building used as a residence exclusively by two families.

G. Dwelling, Multiple: A building used as residence for more than two families living independently of each other, including apartment houses, apartment hotels, group houses and row houses.

H. Filling or Service Stations: Any building or premises used for the dispensing, sale or offering for sale at retail of any automobile fuel or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as public garage.

I. Garage, Public: Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting, selling or equipping of automobiles or other motor vehicles.

J. Lot: A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same. Minimum lot width shall be measured along with property line at the street, except at cul-de-sacs where the setback line shall govern.

K. Mini-storage: Any real property originally designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such for the purpose of storing and removing personal property; said commercial mini-storage shall be allowed to include outside storage of recreational vehicles (e.g. trailers, motorhomes, boats with trailers).

L. Non-Conforming Structure: A structure lawfully existing at the time of adoption of this Ordinance or any amendment thereto, and which does not conform to the regulations of the District in which it is located.

M. Non-Conforming Use: A use which lawfully occupied a structure or land at the time of adoption of this Ordinance or any amendment thereto, and which does not conform with the regulations of the District in which it is located.

N. Trailer Coach: Any enclosure or vehicle used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting or which is, has been or reasonably may be equipped with wheels or other devices for transporting it from place to place.

O. Trailer Court: The premises upon which one or more occupied trailer coaches are located.

P. Yard, Front: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into a required front yard.

Q. Yard, Rear: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot, or the center line of the alley if there be an alley, and the rear line of the building.

R. Yard, Side: An open unoccupied space on the same lot with a main building situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot, and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

## GENERAL REGULATIONS AND DISTRICT MAPS

21 The establishment of districts is for the purpose of promoting the public health, safety and general welfare of the community. The Village of Mapleton, Illinois, is hereby divided into the following types of districts:

R-1 Single-Family Residential

R-2 Multiple-Family Residential

### **C-1 Central Business**

**C-2** Highway Business

I-1 Light Industry

### **I-2 Heavy Industry**

A-1 Agricultural

A-2 Conservation

Said districts are bounded and defined on the map entitled: “Map of Zoning Districts, Mapleton, Illinois,” which accompanies and which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

22 Rules for Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown by the zoning map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the centerlines of streets or highways, such centerlines of said streets or highways shall be construed to be such a boundary.

B. Where district boundaries appear to follow lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries follow a railroad line, such boundaries shall be deemed to be located midway between the tracks of said railroad line.

D. In areas not subdivided into lots, blocks or quarter sections, the district boundary lines shall be determined by a scale to the nearest ten (10) feet.

## 23 Transition Zoning.

A. Where a lot in a business or industrial district abuts a lot in a residential district, there shall be provided along such abutting lines a yard equal in width or depth to that required in the residential district unless otherwise stated in the specific district regulation.

B. Where the frontage on one side of a street between two intersecting streets is zoned partly as residential and partly as business or industrial, the front yard depth of the business or industrial district shall be equal to the required front depth of the residential district.

## 24 Application of Regulations. Except as hereinafter provided:

A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.

B. No building shall hereafter be erected or altered:

(i.) To accommodate or house a greater number of families; or

(ii.) To have narrower or smaller rear yards, front yards, side yards, inner or outer courts than is specified herein for the district in which such building is located.

C. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.

D. All territory which may hereafter be annexed to the Village of Mapleton, Illinois, shall be considered as being in the R-1 District until otherwise changed by ordinance.

E. Whenever any street, alley or other public way is vacated by official action of the Board of Trustees of the Village of Mapleton, Illinois, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and also area then

included in the vacation shall then henceforth be subject to all appropriate regulations of the extended districts.

25      Accessory Buildings, Structures and Uses.

A.      Accessory buildings, structures, and uses shall be compatible with the principal use or structure and shall not be established prior to the establishment of the principal use or structure.

B.      The aggregate ground floor area of all accessory buildings in the Residential Districts shall not exceed the ground floor area of the dwelling on that lot. The ground floor area of a dwelling shall include any attached structures.

C.      Semi-trailers or portable buildings or structures, may be permitted in any district when used as temporary buildings for offices or storage of material and equipment as incidental to and on the same lot or adjacent lots during construction operations of the principal use, for a period not to exceed twelve (12) months.

D.      Manufactured/mobile homes, semi-trailers, recreational vehicles, buses or vans shall not be used for storage purposes in any district except that semi-trailers may be used for temporary storage in C-2, I-1, & I-2 Districts for a period not to exceed twelve (12) months.

E.      Manufactured/mobile homes or recreational vehicles shall not be parked or stored on any other lot other than in a lawfully established manufactured home park or recreational vehicle park, or a place of business for sale of mobile manufactured homes or recreational vehicles, or establishments for recreational vehicle storage. Except that, one recreational vehicle may be stored outdoors and parked on the premises of a lot containing a dwelling.

F.      The uses permitted in one district shall not be permitted in any other district unless specifically stated.

26      Height.

A.      The height of any main or principal structure, accessory building or structure may exceed the maximum permitted height by one foot for each additional foot by which the width of each yard exceeds the minimum yard dimension for the district in which such structure or building is located.

B. The height limitations established for each district shall not apply to public utility poles and lines, communication support structures, skylights, chimneys, fire towers, spires, silos, grain elevators, cooling towers, heating ventilation, air conditioning equipment, and other necessary mechanical appurtenances.

C. The maximum height of any main or principal structure, accessory building or structure shall also adhere to Chapter 5, section 5-1 of the International Building Code (2009).

27 Setback Lines. All main or principal structures and accessory buildings shall be positioned in conformity with the setback line regulations as set forth in the applicable sections of this Ordinance. All setbacks shall be measured from the wall of the proposed structure.

28 Fencing. Fences that are open or solid are allowed in all districts with the following conditions, unless otherwise regulated herein:

A. Only open fences, which do not exceed four (4) feet in height, are allowed along the front property line to the building setback line.

B. Fences, which do not exceed six (6) feet in height, are allowed to the side and rear of the principal structure. All solid fences shall be constructed with the finished side out in Residential Districts.

C. Fences may be placed up to a property line provided that fences shall not encroach into right-of-ways.

D. Fences not to exceed six (6) feet in height may be placed on a corner lot beginning at the building setback line along the side and rear property line.

E. Barbed wire and electric fences shall be located not less than ten (10) feet from Residential District boundary lines. Barbed wire fence and electric fences shall not be located in any Residential District.

F. Fences that are constructed in other than Residential Districts may be either open or solid fences and shall not exceed eight (8) feet in height.

29 Swimming Pools.

#### Definitions

“Private pool” means any manufactured or field-constructed equipment designed to contain water on a permanent or semi-permanent basis and used for swimming, wading, immersion or therapeutic purposes for the exclusive use of the residents of the premises and their invited guests.

“Permanent pool” means any private pool that is constructed in the ground or partially in the ground, as well as all others capable of holding water in a depth greater than 42 inches, and all pools installed inside of a building, regardless of water depth, whether or not served by electrical circuits of any nature.

“Storable pool” means any private pool that is constructed on or above the ground and is capable of holding water to a maximum depth of 42 inches or a pool with nonmetallic, molded polymeric walls or inflatable fabric walls regardless of dimension.

A. A wall or fence enclosure of four (4) feet minimum height shall be constructed to completely enclose the pool area for all private, permanent swimming pools. The fence shall be so constructed as to not allow a four (4) inch diameter sphere to pass through the fence. These fences shall be equipped with self-closing and self-latching devices in such a manner as to be an effective barrier to small children.

B. No in ground private permanent pool shall be filled with water until such time that a fence is completed or the power safety cover is installed.

C. All above ground private permanent pools of four (4) feet in depth or more shall not be required to be enclosed a fence. Each of these private permanent pools shall have retractable or removable ladders installed in such a way as to be an effective barrier to small children. It is the responsibility of the owners of such private permanent pools to enforce the provisions of this section and to see that such retractable ladders are effective barriers to small children.

D. All private permanent swimming pools must be maintained in a proper state of repair and operated following the manufacturer’s printed operating instructions. During the period a private permanent pool is not in operation, it must be closed and maintained in compliance with the manufacturer’s printed operating instructions.

E. Storable pools shall be disassembled and stored inside for the period of October 15 through April 15. Water quality must be maintained at all times during the periods in which the storable pool is assembled.

F. Failure to comply with the specific regulations for private permanent swimming pools and storable pools is subject to a petty offense subject to a fine not to exceed \$200.00. Each day the violation continues shall constitute a separate offense.

G. The above-noted section complies with National Electrical Code—2009.

210 Driveways.

A. A driveway shall be a minimum of one (1) foot from a side or rear property line.

B. No driveway shall be permitted which obstructs or interferes with public use of a street right-of-way or other public easement.

C. Only one twenty (20) foot driveway to a residence with access to be cleared by the board.

## ZONING DISTRICTS

### ***I. Residential Districts:***

3.1 Required Conditions. The following uses are permitted in all residential zones, subject to the following conditions:

A. Churches or similar places of worship, provided that any buildings shall be located at least 50 feet from any other lot in any residential district.

B. Public libraries, public museums, municipal, state, federal administrative and service buildings, provided that any buildings shall be located at least 50 feet from any other lot in any residential district.

C. Any occupation for gain or support conducted only by members of a family residing on the premises and conducted entirely within the dwelling as described in Home Occupancy Ordinance.

D. One sign advertising the sale or rent of the land or buildings upon which it is located, such sign not to exceed ten (10) square feet in area.

E. One sign or bulletin board, not to exceed twelve (12) square feet in area, in connection with churches or public buildings.

F. A non-conforming business use may have exterior signs aggregating not more than twelve (12) square feet in area on any one lot.

G. The taking of boarders or leasing of rooms, providing the total number of boarders and roomers does not exceed two in any one-family or two-family dwelling, or one per dwelling unit in any multiple dwelling.

H. Any building used as a residence shall contain on the ground floor at least 700 square feet of livable floor space.

I. Public, parochial and private schools shall be permitted only as a special use, and any buildings shall be located at least 50 feet from any other lot in any residential district.

3.2 R-1 Districts, Single-family Residential.

- A. Permitted Uses: Single-family dwelling units.
- B. Required lot area: Each single family dwelling unit shall be located on a lot having an area of not less than 6,000 square feet for an interior lot and 7,500 square feet for a corner lot. Minimum lot width shall be 60 feet for an interior lot and 75 feet for a corner lot.
- C. Minimum Setbacks. Yards of the following minimum depth shall be provided:
  - (i.) Front Yard: Not less than 25 feet, unless the dwelling unit is constructed in an established area, in which event the front yard depth may be the same as, but not less than, the building or buildings immediately adjacent to the proposed building.
  - (ii.) Side Yards: Each not less than ten (10) feet wide.
  - (iii.) Rear Yards: Each not less than twenty-five (25) feet, but in no event less than twenty-five (25%) of the depth of the lot.
- D. Parking areas: Adequate off-street parking shall be provided in accordance with the provisions of section 7.2.
- E. Lot Coverage: No more than 40% of the area of the lot shall be occupied by structures.
- F. Height. The following height restrictions shall apply:
  - (i.) Principal structures shall not exceed 36 feet to the mean height of the roof.
  - (ii.) Accessory structures shall not exceed 30 feet to the mean height of the roof.

### 3.3 R-2 Districts, Multiple-family Residential.

- A. Permitted uses:
  - (i.) Any use permitted in an R-1 District.
  - (ii.) Multiple-family dwelling.
  - (iii.) Rooming and boarding houses.
  - (iv.) Tourist homes.
  - (v.) Clubs and lodges, hospitals, sanitariums, rest homes, philanthropic and eleemosynary institutions; and clinics; provided that no such use shall be established or permitted on a parcel of land less than one (1) acre in area, nor shall any part or portion of such use be permitted within ten (10) feet of any street or lot line.
  - (vi.) Professional offices and medical clinics.

(vii.) Signs pertaining to any permitted use of a building in the form of a nameplate or announcement, not to exceed twelve (12) square feet in area.

B. Required lot area: Each single-family dwelling shall be erected on a lot having an area of not less than 6,000 square feet; a two-family dwelling shall be erected on a lot having an area of not less than 3,000 square feet per family unit; the multiple-family dwelling shall be erected on a lot having not less than 2,500 square feet per dwelling unit; and no corner lot shall be less than 8,500 square feet in area. Each dwelling shall be located on a lot having a width of not less than 60 feet for an interior lot and 75 feet for a corner lot.

C. Minimum Setbacks. Yards in the following minimum depths shall be provided:

(i.) Front Yard: Same as those required in R-1 Districts.

(ii.) Side Yards: Each not less than one-third of the building height, but in no event less than ten (10) feet in width.

(iii.) Rear Yards: Not less than the height of the building, but in no event less than twenty-five percent (25 %) of the depth of the lot.

D. Parking areas: Adequate off-street parking shall be provided in accordance with the provisions of section 7.2.

E. Lot Coverage: No more than 40% of the area of the lot shall be occupied by structures.

F. Height. The following height restrictions shall apply:

(i.) Principal structures shall not exceed 40 feet to the mean height of the roof.

(ii.) Accessory structures shall not exceed 30 feet to the mean height of the roof.

## **II. Business Districts:**

4.1 C-1, Central Business: The purpose of the C-1 District is to serve the needs of the entire Village. To this end, the C-1 accommodates stores and offices, offering the greatest variety of goods and services in a concentrated location.

A. Permitted Uses:

(i.) All uses permitted in R-2 Districts.

(ii.) Barber shops; beauty parlors; drug stores, dry cleaning and laundry receiving stations; food and grocery stores; gift shops; hardware stores; laundromats and dry cleaning establishments; shoe and hat repair; clothing and variety stores; provided that all requisite licenses and permits shall be acquired prior to the operation of any of these permitted uses.

(iii.) Automobile service stations; public garages, new and used car sales rooms; bus depots, cab stands; camera and photographic supply stores; candy and ice cream stores; carpet and rug stores; electric and household appliance stores, including radio and television sales and repair; frozen food stores; furniture stores; garden supply stores; haberdashery; hobby shops; hotels; jewelry stores; medical and dental clinics; musical instruments; newspaper offices; offices, business and professional; paint and wallpaper stores; post offices; public meeting halls; restaurants, tea rooms; taverns; shoe stores; sporting goods stores; provided that all requisite licenses and permits shall be acquired prior to the operation of any of these permitted uses.

(iv.) Signs: The total number of square feet on either side of each advertising or illuminated business sign shall not exceed three (3) times the lineal feet of frontage of the zoning lot.

a. No sign affixed to a building or structure shall project more than three (3) feet beyond the limits of such building or structure and shall not project across lot lines, except where seventy-five percent (75%) of the buildings in one block have signs projecting beyond three (3) feet, in which case no new sign shall project beyond the sign which projects the greatest distance.

b. Illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent districts or into the public way.

B. Required Area: None

C. Minimum Setbacks: Yards of the following minimum depth shall be provided:

(i.) Front Yard: Twenty (20) feet minimum.

(ii.) Side Yard: Ten (10) feet minimum.

<sup>6</sup>(iii.) Rear Yard: 25 feet minimum

D. Off-street Parking: Adequate off-street parking shall be furnished in accordance with the provisions of section 7.2.

E. Lot Coverage: No limitations.

F. Height. The following height restrictions shall apply:

(i.) Principal structures shall not exceed 40 feet to the mean height of the roof.

(ii.) Accessory structures shall not exceed 30 feet to the mean height of the roof.

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<sup>6</sup> Added 7/21/2015 2015-721-5

4.2 C-2, Highway Business: The purpose of this District is to provide for the development of those businesses which are either highway oriented, or because of their large space needs, are unable to be accommodated in the central business district.

A. Permitted Uses:

(i.) Advertising signs as permitted in C-1 Districts.

(ii.) Automobile sales (new and used, service and repair).

(iii.) Boat sales; bowling alleys; lumber yards, cartage and express facilities; construction shops and buildings; dry cleaning and laundry establishments; feed stores; frozen food lockers; fuel sales; automobile garages, including servicing and repair, but excluding auto junk yards; machinery sales; meat markets; motels; printing establishments; restaurants and taverns; provided that all requisite licenses and permits shall be required prior to the operation of any of these permitted uses.

(iv.) Sheet metal shops; warehousing; trailer sales; mini-storage facilities.

B. Required Area: None

C. Minimum Setbacks. Yards of the following minimum depth shall be provided.

(i.) Front Yard: Twenty-five (25) feet minimum.

(ii.) Side Yard: Ten (10) feet minimum on each side. Where the side yard abuts the interstate, it shall be a minimum of forty (40) feet, with a landscaped side yard of no less than twenty (20) feet.

(iii.) Rear Yard: Ten (10) feet minimum. Where the rear yard abuts the interstate, it shall be a minimum of forty (40) feet, with a landscaped rear yard of no less than twenty (20) feet.

D. Off-street parking: Adequate off-street parking shall be provided in accordance with the provisions of section 7.2.

E. Lot Coverage: No more than 50% of the area of the lot shall be occupied by structures.

F. Height. The following height restrictions shall apply:

(i.) Principal structures shall not exceed 40 feet to the mean height of the roof.

(ii.) Accessory structures shall not exceed 20 feet to the mean height of the roof.

### **III. Industrial Districts:**

5.1 I-1, Light Industry: The purpose of the I-1 District is to accommodate industrial uses of a less intensive nature.

A. Permitted Uses:

(i.) All uses permitted in a C-2 District, except residential uses.

(ii.) Wholesale, storage and warehouse facilities.

(iii.) Lumber, wood, feed or other similar storage yards, but not salvage yards, coal yards or junkyards.

(iv.) Yards, docks and transfer points for motor freight.

(v.) Uses of a light manufacturing nature, employing electrical power and free from any objectionable odors, fumes, dirt, vibration or noise. Such uses shall not be established without securing a permit from the Village Board, the application permit to be accompanied by evidence that every reasonable provision will be taken to eliminate said odors, fumes, dirt, vibration or noise.

(vi.) Adult Use Establishments, provided that all requisite licenses and permits shall be required prior to the operation of this permitted use.

B. Required Lot Area: None

C. Minimum Setbacks. Yards of the following minimum depth shall be provided:

(i.) Front Yard: Twenty-five (25) feet minimum.

(ii.) Side Yard: Ten (10) feet minimum on each side, unless adjacent to residential district, in which case a side yard of twice that required in the adjacent residential district will be required.

(iii.) Rear Yard: Twenty-five (25) feet minimum, unless adjacent to residential district, in which case a rear yard of twice that required in the adjacent residential district will be required.

D. Off-street Parking: Adequate off-street parking shall be provided in accordance with the provisions of section 7.2.

E. Lot Coverage: No more than 50% of the area of the lot shall be occupied by structures.

F. Height. The following height restrictions shall apply:

- (i.) Principal structures shall not exceed 50 feet to the mean height of the roof.
- (ii.) Accessory structures shall not exceed 30 feet to the mean height of the roof.

G. Non-Conforming Adult Use Establishment: Any non-conforming Adult Use Establishment shall have one (1) year from the passage of this Ordinance in which to relocate its establishment to an I-1 zone, and the provisions of Section 7.4 shall not apply. Any Adult Use Establishment may apply for an automatic six (6) month extension of the one year term no later than thirty (30) days prior to the end of such one year term.

5.2 I-2, Heavy Industrial: The purpose of the I-2 District is to accommodate industrial uses of a more intensive nature.

A. Permitted Uses:

(i.) All uses not otherwise prohibited by law, except any residential use or Adult Use Establishment.

(ii.) A building or occupancy permit shall be obtained from the Board of Trustees prior to the installation of any rendering works, fertilizer plant, explosive plant, or chemical plant.

**B. Required Lot Area: None**

C. Minimum Setbacks. Yards of the following minimum depth shall be provided.

- (i.) Front Yard: Twenty-five (25) feet minimum.
- (ii.) Side Yard: Ten (10) feet minimum on each side.
- (iii.) Rear Yard: Twenty-five (25) feet minimum.

D. Off-street Parking: Adequate off-street parking shall be provided in accordance with the provisions of section 7.2.

E. Lot Coverage: No more than 50% of the area of the lot shall be occupied by structures.

F. Height. The following height restrictions shall apply:

- (i.) Principal structures shall not exceed 50 feet to the mean height of the roof.
- (ii.) Accessory structures shall not exceed 30 feet to the mean height of the roof.

**IV. Agricultural and Conservation:**

6.1 A-1, Agricultural District:

A. Permitted Uses:

- (i.) Any use permitted in an R-1 District.
  - (ii.) The keeping or raising of poultry, birds, livestock or other animals for strictly commercial purposes.
  - (iii.) Agriculture.
  - (iv.) Agriculturally-related businesses, including commercial nurseries and greenhouses.
  - (v.) Public parks, playgrounds or community centers.
- B. Required Lot Area: Twenty-five (25) acres minimum.
- C. Minimum Setbacks. Yards of the following minimum depth shall be provided:
  - (i.) Front Yard: Twenty-five (25) feet minimum.
  - (ii.) Side Yard: Twenty (20) feet minimum on each side.
  - (iii.) Rear Yard: Twenty-five (25) feet minimum.
- D. Off-street Parking: Adequate off-street parking shall be provided in accordance with the provisions of section 7.2.
- E. Lot Coverage: No more than 30% of the area of the lot shall be occupied by structures.
- F. Height. The following height restrictions shall apply:
  - (i.) Principal structures shall not exceed 36 feet to the mean height of the roof.
  - (ii.) Accessory structures shall not exceed 20 feet to the mean height of the roof.

6.2 A-2, Conservation District: The purpose of this District is for the preservation of natural features and habitats, and agricultural lands.

- A. Permitted Uses:
  - (i.) Any use permitted in an A-1 District.
- B. Required Lot Area: Forty (40) acres minimum.
- C. Minimum Setbacks. Yards of the following minimum depth shall be provided:
  - (i.) Front Yard: Twenty-five (25) feet minimum.
  - (ii.) Side Yards: Thirty (30) feet minimum on each side.

(iii.) Rear Yard: Twenty-five (25) feet minimum.

D. Off-street Parking: Adequate off-street parking shall be provided in accordance with the provisions of section 7.2.

E. Lot Coverage: No more than 30% of the area of the lot shall be occupied by structures.

F. Height. The following height restrictions shall apply:

(i.) Principal structures shall not exceed 40 feet to the mean height of the roof.

(ii.) Accessory structures shall not exceed 30 feet to the mean height of the roof.

## **SUPPLEMENTAL REGULATIONS**

### **7.1 Area.**

A. Reduced lot area: No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which said lot is located.

B. Dwelling on Small Lots: The Board of Trustees may permit erection of a dwelling on any lot, separately owned or under contract for sale, containing at the time of the passage of this Ordinance an area of width smaller than that required for a one family dwelling.

C. Visibility at intersections: No fence, wall, hedge, parking facilities or other structure or plant, which would obstruct motor vehicle visibility, shall be erected, placed or maintained within the triangular area formed by measuring twenty (20) feet inward from the corner of said lot line at the intersection of two streets.

### **7.2 Off-Street Parking Space.**

A. At least One Hundred Eighty (180) square feet of appropriate dimensions for the parking of an automobile shall be required for each single parking space required.

B. Off-Street Parking required:

(i.) No building or structure shall be erected, and no major repairs made to an existing building or structure unless there shall be provisions made, or shall at present exist, off-street parking space on the basis of the following minimum requirements:

a. Dwellings: At least one (1) off-street parking space for each family unit.

b. Public eating and drinking establishments: At least one (1) off-street parking space for each four (4) seats provided for patrons' use.

c. Places of public assembly, including private clubs, lodges, assembly halls, skating rinks, bowling alleys, funeral homes and other similar places of public assembly: At least one (1) off-street parking space for each four (4) seats provided for patrons' use.

d. Churches: At least one (1) off-street parking space for each eight (8) fixed seats in the main worship hall of the church.

e. Schools: At least one (1) off-street parking space for each eight (8) seats provided in the auditorium, or one (1) off-street parking space for each four (4) seats provided in the gymnasium, whichever is greater.

f. Industrial plants: At least one (1) off-street parking space for each four (4) employees.

g. Retail establishments: At least one (1) off-street parking space for each 600 square feet of gross floor area to be used for service to the public.

(ii.) All off-street parking facilities required for residential uses shall be provided on the same lot as the use they are intended to serve.

C. All off-street parking facilities required for business or industrial uses shall be provided within 300 feet of the premises to which they are appurtenant.

### 7.3 On-Street Parking Space.

None except on Main Street and/or pull-off areas, created with permission of the Village of Mapleton.

7.4 Any modular home of not less than Twenty (20) feet by Forty (40) feet to be erected on any premises within the Village limits of the Village of Mapleton, Peoria County, Illinois, shall be erected on a brick or poured cement foundation. This foundation should render this home as a permanent fixed structure to the community.

Any violation of this ordinance shall be a misdemeanor punishable by a fine of not more than Seven Hundred Fifty (\$750.00) Dollars per day until the violator is in compliance with this Ordinance.

### 7.5 Non-Conforming Uses.

A. A non-conforming use shall not be extended or enlarged upon following the passage of this Ordinance, and shall not be changed to a different type of non-conforming use.

B. In the event the non-conforming building or structure is destroyed following the passage of this Ordinance, or would require more than fifty percent (50%) reconstruction, said building or structure shall not be reconstructed for the purpose of continuing a non-conforming use.

C. In the event a non-conforming use should cease for a period of one year or more, it shall not be re-established unless the non-conforming use was in a building specifically designed, arranged and intended for such use.

D. Once changed to a conforming use, no building or lot shall be permitted to revert to a non-conforming use.

## ENFORCEMENT AND HEARINGS

8.1 Unless otherwise provided for in this Chapter, The power to determine and approve an application for variance, special use or amendment to this Ordinance shall be reserved with the Village Board of Trustees.

A. The Village Board of Trustees shall not issue any building permit or certificate of occupancy, or approve any application for variance, special use or amendment to this Ordinance except where there has been compliance with the provisions of this Code.

State law reference: 65 ILCS 5/11-13-3

8.2 The Zoning Chair Person (ZCP), who shall be appointed by the President of the Village Board of Trustees, by and with the consent of the Board of Trustees shall have the authority:

A. to enforce the provisions of this Ordinance and to give oversight to inspections of buildings, structures and use of land to determine compliance with any variance, special use permit or amendment approved by the Village Board of Trustees.

B. to issue citations and/or fines in accordance with this Chapter.

C. to conduct any public hearing in connection with applications for any special use, variation, amendment or other change or modification of this Ordinance; and

D. after such hearing proscribed in subsection (A) submit his/her report and recommendation for denial or approval of the application

E. to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Enforcing Officer.

State law reference: 65 ILCS 5/11-13-14.1 Hearing Officer;

8.3 Hearing Procedures.

A. Applicability. Unless otherwise provided herein, the procedures set out in this Subsection shall be applicable to all public hearings before the ZCP that are required by any provision of these regulations.

B. Publication of Notice. At least fifteen (15) days notice of the time and place of such public hearing before the ZCP shall be published in a newspaper of general circulation published in the Village, or if no newspaper is published therein, then in a newspaper with a general circulation within the Village which is published within Peoria County.

C. Information Required. All notices of public hearings shall include:

1. the date, time, and place of the hearing;
2. a summary of the proposal under consideration; and
3. for a hearing regarding a specific parcel or parcels of property, the common address of the property or a description of its location; and
4. that said meeting may be continued without republication.

D. Publication of Notices of Variances. In addition to the requirements of Subsection C, above, published notices of variances shall also contain all of the following additional information:

1. the particular location of the real estate for which the variation is requested, by legal description and street address. If no street address exists, then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare, or intersection;
2. a statement as to whether the applicant is acting on his own behalf or in the capacity of an agent, an alter ego, or a representative of a principal. The applicant shall include the name and address of the true principal;
3. a statement as to whether the applicant is a corporation, and if a corporation, disclose 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%) if all outstanding stock of such corporation;
4. a statement as to whether the applicant, or his principal if other than the applicant, is a business or an entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity;
5. a statement as to whether the applicant is a partnership, a joint venture, a syndicate, or an unincorporated voluntary association, and if so, include the names and addresses of all partners, joint venturers, syndicate members, or members of the unincorporated voluntary association; and

6. a brief statement describing the proposed variation.

E. Provision of Notice. In addition to publication required by Subsection (B) above, notices of public hearings shall be provided by:

1. conspicuously posting the notice in the Village Hall;
2. sending a copy of the notice by mail to each owner of record, if different from the applicant, of any land on which development is proposed;
3. posting by the applicant of a notice in the form of a conspicuous weatherproof sign at least four (4) square feet in front surface area on every roadway frontage of the parcel proposed for development. Such sign shall remain until the conclusion of the public hearing. Failure to comply with the provisions of this Subsection shall not render the public hearing invalid, provided that good faith effort was made to comply.

F. Timing of Notice. All required notices shall be provided at least fifteen (15) but no more than thirty (30) days in advance of a public hearing.

G. Location of Hearing. Public hearings shall be held in the Village Hall.

H. Conduct of Hearing.

1. Submission of Information. Any person may appear at a public hearing and give testimony or submit written materials, either individually or as a representative of an organization. The ZCP may exclude information that the ZCP finds to be irrelevant, immaterial, or unduly repetitious.

2. Witnesses. Prior to testifying, all witnesses shall state their name and address and complete a witness information form.

3. Evidence.

Evidence shall be presented in the following order:

- a. The ZCP shall administer oaths to all persons who wish to testify;
- b. The petitioner shall present his evidence, including others who wish to testify on his behalf;
- c. The opponent(s) shall present his evidence, including others who wish to testify on his behalf;

- d. The ZCP may question anyone who has previously testified;
- e. The petitioner shall present a summary;
- f. The opponent(s) shall present a summary; and
- g. The petitioner may present a rebuttal.

4. Exhibits. All exhibits used at the public hearing by any interested party shall be submitted to the ZCP and retained for the ZCP's record. If not so submitted, the exhibit shall not be considered by the ZCP and shall not become a part of the record.

5. Continuance. The ZCP may continue a hearing to a specified date, time, and place. Unless such continuance is publicly announced at a properly noticed public hearing, the ZCP shall cause notice to be given to all persons originally entitled to notice, of the date, time, and place of such continued hearing in the same manner as specified in Subsection (B) hereof.

6. Failure to Appear.

a. If an applicant fails to appear before the ZCP for an item on the agenda for the first time, that item may be continued until the next regularly scheduled public hearing.

b. If an applicant fails to appear before the ZCP for an item which has previously been on the agenda, that item may be dismissed by the ZCP.

7. Record of Hearing.

a. The ZCP shall ensure that the proceedings are recorded by appropriate means.

b. The record of proceedings shall consist of the recording of testimony, all proceedings, exhibits, and papers submitted in any proceeding with respect to the matter being considered, and the summary and report of the ZCP.

c. All summaries and reports of the ZCP shall be public records, open to inspection at a reasonable time and upon reasonable notice.

8. Other Rules to Govern. Other matters pertaining to the public hearing shall be governed by other provisions of these regulations pertaining to the body conducting the hearing and its adopted rules of procedure.

9. Contacts Outside of the Hearing. If the ZCP receives a substantive communication from any person outside the hearing concerning a subject matter under consideration by the ZCP, he shall make a statement at the hearing describing the circumstances and substance of such communication.

State law reference: 65 ILCS 5/11-13-1.1, Special Uses; 65 ILCS 5/11-13-5 and 11-13-6, Variations; 65 ILCS 5/11-13-14, Amendments.

8.4. Action by ZCP.

A. General. Except as otherwise provided herein, the ZCP shall issue a decision or submit a report to the Board of Trustees as soon as practicable after the close of the public hearing on the matter.

B. Findings. All reports of the ZCP shall be in writing and shall include at least the following:

1. Findings relevant to the standards governing the application for development approval under consideration;
2. Conclusions regarding each standard applicable to the proposed development;  
and
3. A recommendation.

C. Notification. Notification of all recommendations shall be mailed to the applicant and the owner of record if different from the applicant.

8.5. Successive Applications. Whenever any application for development approval for a variance, special use permit or an amendment to the Zoning District Map is denied, an application involving the same property shall not be accepted for filing within six (6) months from the date of denial, unless the subsequent application involves a development proposal which is materially different from prior proposals, in the opinion of the ZCP, or is responsive, in the opinion of the Board of Trustees, to negative findings set forth in the denial of the prior application.

## VARIANCES, SPECIAL USES AND AMENDMENTS

### *I. Variances:*

9.1 Authority and Purpose. The Board of Trustees is hereby authorized to grant such variances from the literal terms of these regulations where there are practical difficulties or undue hardships that may result from strict compliance with these regulations so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

State law reference: 65 ILCS 5/11-13-5

9.2 Initiation and Review of Application. An application for a variance may be submitted by the owner, an agent authorized in writing to act on the owner's behalf, or other person having a written contractual interest in the parcel of land proposed for development. An application for a variance shall be submitted to the Zoning Chair Person (ZCP), who shall review the same and report to the Board of Trustees after conducting a public hearing on the application.

9.3 Filing and Content of Application. Proposals for variances shall be filed with the ZCP and shall include, but shall not be limited to, the following information:

- A. The legal description and address (if available) of the premises;
- B. The variance sought;
- C. The present and proposed land use;
- D. The present zoning classification;
- E. The surrounding zoning classifications;
- F. The names and addresses of owners of petitioned property;
- G. An explanation of the need for the variance;
- H. A site plan of 1"=20', or 1"=50' for developments over 2 acres in size, which shows all existing and proposed buildings and structures on the site;
- I. A copy of such site plan at reproducible size not to exceed 11" x 17".

9.4 Standards. The findings of the ZCP and the Board of Trustees shall be based on data submitted pertaining to each standard in this Subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

A. the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone it is located

B. That the plight of the owner is due to unique circumstances;

C. That the variation, if granted, will not alter the essential character of the locality;

D. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;

E. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;

F. That the alleged difficulty or hardship is caused by these regulations and has not resulted from any act of the applicant or any other person presently having an interest in the property subsequent to the effective date hereof, whether or not in violation of any portion thereof;

G. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted Village plan or these regulations;

H. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;

I. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and

J. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of reasonable use of his or her land. Mere loss in value shall not justify a variance.

State law reference: 65 ILCS 5/11-13-5

9.5 Conditions. Issuance of a variance may be made subject to such conditions as are necessary to carry out the purposes of these regulations and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to, limitations on size and location, hours of operation, requirements for landscaping, lighting, and ingress and egress.

9.6 Review by ZCP.

A. After receipt of a complete application, the ZCP shall complete the review of the application and hold a public hearing regarding the application.

B. The ZCP shall send a report to the Board of Trustees prior to its next hearing, with a copy to the applicant, delineating the extent to which the applicant has demonstrated compliance with section 9.4 ("Standards"), above. The report may also contain recommendations and/or conditions that may be pertinent to the Board of Trustees' review of the application in accordance with the provisions of section 9.4, above.

C. Before any such variance may be granted, however, the ZCP shall send a notice by certified mail to all adjoining landowners of his intent to recommend the granting of such variance to the Board of Trustees. If any adjoining landowner files a written objection with the ZCP within fifteen (15) days of receipt of such notice, the variance shall be considered by the Board of Trustees in accordance with the provisions of section 9.4, above.

9.7 Action by Board of Trustees.

A. The Board of Trustees shall review the application and the recommendation of the ZCP, and consider the extent to which the applicant has demonstrated compliance with the standards set forth in section 9.4, above ("Standards"), and shall grant the variance through the adoption of an ordinance, grant the variance subject to conditions through the adoption of an ordinance, or deny the variance.

B. The action of the Board of Trustees in granting or denying the variance shall contain or be accompanied by a finding of fact specifying the reason for his decision.

C. If the ZCP has recommended denying the variance, a favorable vote of 2/3 of all the Village Trustees shall be required to grant the variance.

State law reference: 65 ILCS 5/11-13-14.1, Hearing Officer; 65 ILCS 5/11-13-5 and 6, 65 ILCS 5/11-13-10 and 11, Variances and Hearing.

9.8 Special Use Procedures. If an application cannot comply with these variance regulations and the use would be otherwise permitted in the zoning district in which the property is located, the applicant may elect to follow the procedures for a special use permit set forth in the following section entitled “Special Uses” and thereby obtain some modification of these regulations.

9.9 The petitioner shall pay all required publication costs associated with the request as well as a fee levied by the Village in the amount of One Hundred (\$100.00) Dollars to partially defray its expense of investigating and considering the variance. The fee shall be paid at the time of filing and publication fees shall be paid prior to any final disposition of the request by the Board of Trustees.

## ***II. Special Uses:***

10.1 The purpose of special use permits is to enable the Village to approve those uses which are generally compatible with other land uses permitted in a zoning district, but which require individual review of their location, design, and configuration, and which may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

State law reference: 65 ILCS 5/11-13-1.1, Special Use,

10.2 Authority. The Zoning Chair Person (ZCP) may, in accordance with the procedures and standards of this Section, recommend approval of special use permits to the Board of Trustees.

State law reference: 65 ILCS 5/11-13-14.1, Hearing Officer

10.3 Authorized Special Uses.

A. Only those uses which are authorized in the section entitled "Zoning Districts" or those nonconforming uses which are damaged or destroyed and are permitted to be reestablished in section 7.4 "Non-Conforming Uses," may be approved as special uses.

B. The designation of a use in a zoning district does not constitute an authorization or an assurance that such use will be approved. Rather, each proposed special use shall be evaluated by the ZCP and the Board of Trustees for compliance with the standards and conditions set forth in this Section and for each zoning district.

C. Wherever a special use existing on the effective date of these regulations is terminated or demolished, subsequent use of the property upon which the use was located shall be permitted only as a special use.

10.4 Initiation of Application. An application for a special use permit may be submitted by the owner, an agent authorized in writing to act on the owner's behalf, or other person having a written contractual interest in the parcel of land proposed for development under a special use permit.

10.5 Provision of Application. The ZCP shall provide the petitioner with a sample of a special use petition form and a copy of the Village's special use procedures.

10.6 Filing of Application. Applications for a special use permit shall be filed with the ZCP and shall include, but shall not be limited to, the following information:

A. The legal description and address (if available) of premises;

B. A written description of the proposed use that includes information concerning proposed hours of operation, expected traffic impacts, and any other pertinent details concerning the proposed use, including a description of how the request satisfies the review standards found in section 10.7, below;

C. The present and proposed land use;

D. The surrounding zoning classifications;

E. The names and addresses of owners of petitioned property;

F. An explanation of the need for the special use at the petitioned site;

G. A site plan which contains, at a minimum, the following:

1. A layout map of all existing and proposed buildings and structures on the site at a 1"=20' scale;

2. The traffic circulation pattern;

3. The parking and loading areas and individual berths;

4. The proposed sewerage and water systems;

5. The placement of exterior lighting; and

6. Landscaping.

H. A copy of such site plan at a reproducible size not to exceed 11" x 17".

10.7 Standards Applicable to Special Uses. When considering an application for a special use permit, the decision making body shall consider the extent to which:

A. The special use will be consistent with the purposes, goals, objectives, and standards of any officially adopted Village plan and these regulations;

B. The special use will be consistent with the community character of the immediate vicinity of the parcel proposed for development;

C. The design of the proposed use will minimize adverse effects, including visual impacts on adjacent properties;

D. The proposed use will have a potential adverse effect on the value of adjacent property;

E. The applicant has demonstrated that public facilities and services (including but not limited to: roadways, park facilities, police and fire protection, hospital and medical services, drainage systems, refuse disposal, water and sewers, and schools) will be capable of serving the special use at an adequate level of service and has obtained written approval or recommendation by any affected entity (e.g., the fire protection district);

F. The applicant has made adequate legal provision to guarantee the establishment and development of any open space and other improvements associated with the proposed development; and

G. The proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the Village.

10.8 Special Use Permits and Bulk Regulations. The Board of Trustees may approve a special use permit that modifies or waives the minimum development requirements set out in the Zoning District regulations, provided that the Board expressly finds that the modification or waiver will enhance the ability of the proposed special use to meet the general standards set out in section 10.7, above for all special uses.

10.9 Conditions. The Board of Trustees may attach and the ZCP may recommend the attachment of such conditions to a special use permit as are necessary to carry out the purposes of any Village comprehensive plan and to prevent or minimize adverse effects upon other property in the neighborhood, including, but not limited to: limitations on size, bulk and location; requirements for landscaping and lighting; provision of adequate ingress and egress and off-site but project-related improvements; and other conditions such as the duration of the permit, hours of operation, and mitigation of environmental impacts.

10.10 Review and Action by ZCP.

A. The ZCP shall conduct a public hearing, in accordance with the provisions of 8.3, to consider the special use proposal.

B. The ZCP shall review the special use application and the testimony at the public hearing, and shall send his or her findings of fact and recommendation to the Board of Trustees recommending approval, approval with conditions, or denial of the special use permit. The recommendation shall state the grounds for any such recommendations as they relate to the standards set forth in section 10.7, above.

10.11 Action by Board of Trustees. The Board of Trustees shall review the proposed special use, the report and recommendation of the ZCP, and shall grant or deny the application for a special use permit by a majority vote of the members present constituting a quorum. The Board of Trustees may also refer the petition back to the ZCP for further consideration.

10.12 The petitioner shall pay all required publication costs associated with the request as well as a fee levied by the Village in the amount of One Hundred (\$100.00) Dollars to partially defray its expense of investigating and considering the proposal. The fee shall be paid at the time of filing and publication fees shall be paid prior to any final disposition of the request by the Board of Trustees.

10.13 Recording of Notice of Restrictions. A notice of restrictions shall be recorded with the Recorder of Deeds of Peoria County that includes the terms and conditions upon which the special use approval is granted. The cost of such recording shall be paid for by the petitioner.

10.14 Effect of Issuance of a Special Use Permit. Issuance of a permit for a special use shall be deemed to authorize only the particular use for which it is issued.

10.15 Development Under an Approved Special Use Permit.

A. Unless otherwise specified in the approved special use permit, building permit(s) must be applied for and obtained within six (6) months of the date of the approval of the special use permit, and all required certificates of compliance must be obtained within two (2) years of the date of issuance of the initial building permit. Permitted time frames do not change with successive owners. An extension of time may be granted only by the Board of Trustees for a period not to exceed one (1) year and only within the original period of validity.

B. Development of the use shall not be carried out until the applicant has secured all other permits and approvals required by these regulations, the Village, or state and federal agencies and until the approved special use is recorded in accordance with section 10.13, above.

10.16 Inspection During Development Under a Special Use Permit.

A. Following the issuance of a special use permit and from time to time as he deems appropriate until the completion of the development, the ZCP shall review all permits issued and construction undertaken and shall compare the actual development with approved plans and permits for development and the approved development schedule, if any.

B. If at any time during the construction of the development approved by the special use permit, the ZCP determines that development is not proceeding in accordance with the special use permit as approved, then the ZCP may issue a stop work order and collect a stop work order fee from the developer.

10.17 Approval of Minor Deviations. If the ZCP finds that minor deviations from the approved plans and schedule are necessary or desirable, the ZCP may approve the deviations and amend the special use permit. Minor deviations which may be authorized are those that appear necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Minor deviations shall be limited to the following:

A. Alteration of the location of any road or walkway by not more than five (5) feet;

B. Reduction of the total amount of open space by not more than ten percent (10%) or reduction of the setback area or open space associated with any single structure by not more than ten percent (10%) percent, provided that such reduction does not permit the required open space to be less than that required by the section entitled Zoning Districts;

C. Alteration of the location, type or quality of required landscaping elements of the special use permit as long as the alteration does not change the overall effect of the landscaping; and

D. Minor alterations in building site and parking.

10.18 Other Amendments or Adjustments. Any other adjustments or changes not specified in Subsection 10.17 above shall be considered amendments to the special use permit and shall be granted only in accordance with the procedures for original approval of a special use permit, as set forth in this Section.

10.19 Inspections After Development.

A. Following the completion of the development of a special use, the ZCP shall review the development for compliance with the use as approved. If it is determined that the special use has been

developed in accordance with the approval, then a certificate of compliance shall be issued in accordance with section 10.2.

B. If the ZCP finds that the development, as completed, fails in any respect to comply with the use as approved, he or she shall immediately notify the applicant of such fact. The ZCP shall not issue a certificate of compliance pursuant to section 10.2, until the development has been brought into compliance.

C. The ZCP shall inspect the special use on an annual basis to determine whether the conditions of the special use continue to be met. If the ZCP finds that any of the conditions have been violated, he or she shall take appropriate enforcement action and may revoke the special use permit.

10.20 Termination of Special Use Permits. A special use permit may be terminated by the ZCP in accordance with the restrictions contained in the permit.

**State law reference: 65 ILCS 5/11-13-1.1, Special Uses; 65 ILCS 5/11-13-14.1, Hearing officer**

### **III. Text and Map Amendments:**

11.1 Authority and Purpose. The Board of Trustees is hereby authorized to amend the text of these regulations or the Zoning District Map in light of changing conditions and in light of changes to the Comprehensive Plan. The provisions of this Section are not intended to relieve particular hardships or to confer special privileges.

11.2 Initiation of Amendment.

A. Text Amendments. Amendments to the text of these regulations (which affect the entire Village) may be initiated by the Board of Trustees, the ZCP, any resident of the Village, or any developer of property located within the Village.

B. Map Amendments. Amendments to the zoning district map (which affect individual parcel(s) of land) may be initiated by the owner of property involved, a non-owner with the written permission of such property owner, the Board of Trustees, or the ZCP. Any map amendment initiated by or with the permission of a property owner which involves a single parcel of land shall require the submission of an application to the ZCP.

11.3 Provision of Application. The ZCP shall provide the petitioner with a copy of the rezoning procedures.

11.4 Filing and Content of Application. Proposals for rezoning shall be filed with the ZCP and shall include, but shall not be limited to, the following information:

- A. The legal description and address (if available) of the premises;
- B. The current and the requested zoning classifications;
- C. The present and proposed land use;
- D. The surrounding zoning classifications;
- E. The names and addresses of owners of petitioned property;
- F. An explanation of the need for the rezoning at the petitioned site;
- G. A site plan of 1"=20', or 1"=50' for developments over two (2) acres in size, which contains, at a minimum, the following:

1. A layout map of all existing and proposed buildings and structures on the site;
  2. The traffic circulation pattern;
  3. The parking and loading areas and individual berths;
  4. The proposed sewerage and water systems;
  5. The placement of exterior lighting; and
  6. Landscaping.
- H. A copy of such site plan at a reproducible size not to exceed 11" x 17".

#### 11.5 Review of Application and Action of ZCP.

A. After receipt of a complete application for an amendment, the ZCP shall complete the review of the application and shall conduct a public hearing to consider any amendment to the text of these regulations or the Zoning District Map in accordance with the provisions of section 8.3 of these regulations.

B. The ZCP shall send his or her findings of facts and a written recommendation to the Board of Trustees recommending approval or denial of the amendment, with a copy to the applicant, if any. The recommendation shall set forth whether the amendment should be granted or denied, shall suggest a zoning district classification, if any, and shall state the grounds for any such recommendations as they relate to the standards and the purposes of the zoning district classifications of the Village, the standards in this section, and any officially adopted Village plan.

C. In evaluating a proposed rezoning, the following factors shall be considered, not one of which shall be controlling:

1. The existing uses and zoning of nearby property;
2. The extent to which property values are diminished by the particular zoning restriction;
3. The extent to which the destruction of property values of the applicant promotes the health, safety, morals or general welfare of the public;
4. The relative gain to the public as compared to the hardship imposed upon the individual property owner;
5. The suitability of the subject property for the zoned purposes;
6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the subject property; and

7. Whether the proposed change would be contrary to any officially adopted Village plan.

11.6 Action by Board of Trustees. The Board of Trustees shall review the proposed amendment, the report and recommendation of the ZCP. Except as provided for in Subsections 11.7 and 11.8 below, the Board of Trustees shall grant or deny the text or map amendment by a majority vote of those members present.

11.7 Majority Vote by Board of Trustees for Contested Map Amendments. A favorable vote of at least two-thirds (2/3) of the members of the Board of Trustees shall be required for the approval of map amendments in the following circumstances:

A. If a written protest against the proposed amendment is filed with the ZCP at least seventy-two (72) hours before the Board of Trustees makes its final determination, and is either:

1. signed by the owner or owners of at least twenty percent (20%) of the land to be rezoned; or
2. signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least twenty percent (20%) of the perimeter of the land to be rezoned.

State law reference: 65 ILCS 5/11-13-14

11.8 Majority Vote by Board of Trustees for Contested Text Amendments. A favorable vote of at least two-thirds (2/3) of the members of the Board of Trustees shall be required for the approval of text amendments if written protests against the proposed text amendment have been signed by five percent (5%) of the land owners of the Village.

State law reference: 65 ILCS 5/11-13-14

11.9 The petitioner shall pay all required publication costs associated with the request as well as a fee levied by the Village in the amount of One Hundred (\$100.00) Dollars to partially defray its expense of investigating and considering the proposal. The fee shall be paid to the ZCP at the time of filing and publication fees shall be paid prior to any final disposition of the request by the Board of Trustees.



## **RESTRICTED USES**

### **12.1 Junk Yards.**

A. It shall be unlawful for persons to operate or to form a company or a corporation and operate a salvage or junk yard within the corporate boundaries of the Village of Mapleton, Illinois.

B. Operating a salvage or a junkyard shall mean to engage in the dismantling of automobiles, trucks, or tractors, farm machinery, farm implements, or furnace or boiler metals or to engage in the baling or compressing of waste paper, paper cartons, rags, wool, and similar other material either for sale or for resale.

C. This Ordinance shall not conflict with the Ordinance entitled "Nuisances" of the Village of Mapleton, Illinois.

D. The President and the Board of Trustees of the Village of Mapleton shall be the sole judge of what constitutes operating a salvage yard within the Village of Mapleton.

E. The Zoning Chair Person of the Village shall not issue a license to a person or persons to operate a salvage or junk yard.

F. Upon arrest and conviction, a violator of this section 12.1 shall be fined not less than Fifty (\$50.00) Dollars, nor more than Seven Hundred and Fifty (\$750.00) Dollars for each offense.

G. Each day the violation is permitted to continue shall be considered a separate offense.

H. See also Village of Mapleton Ordinances, Chapter 6, Section 6-9 and Chapter 7, Section 7-9.

### **12.2 Institutions.**

A. Locating Packing Houses, Bone or Soap Factories, etc., Without Permission. Whoever within said Village shall locate and use without having first obtained permission from the President and Board of Trustees of said Village so to do, any packing house, bone factory, tannery, brewery, distillery, livery stable, blacksmith shop, foundry or lumber yard, shall be deemed guilty of a nuisance, and upon conviction shall be fined not less than Fifty (\$50.00) Dollars nor more than Seven Hundred and Fifty (\$750.00) Dollars, provided that nothing contained in this section shall be construed to empower the President and Board of Trustees of said Village to license or authorize the maintenance of any institution, or establishment; and provided further, that when it shall appear that any institution

mentioned above which shall have been or is established or in use or operation by or with consent or permission of said President and Board of Trustees, shall become nauseous or offensive, it shall be the duty of the President of the Board of Trustees to revoke such permit upon the application of two or more persons affected thereby.

## **MOBILE HOMES**

### **13.1 Definitions.**

A. Mobile Home: A movable living unit equipped with a chassis, registered with the state Secretary of State, and meeting the requirements of the following mechanical systems and equipment: plumbing, heating, electrical, cooking, and refrigeration.

B. Modular Home: A movable living unit equipped and used for living quarters or for human habitation, registered with the State Department of Health and, and meeting the requirements of the following mechanical systems and equipment: plumbing, heating, electrical, cooking, and refrigeration.

C. Foundation: The base on which a modular home rests; the supporting structure upon which a modular home is placed where it is installed for human habitation, and which rests at least partially underground.

### **13.2 Prohibition on Mobile Homes.**

No mobile home, as defined herein, whether owned by a person, entity, corporation or company, whether occupied or unoccupied, whether used for any type of business use or for permanent or temporary habitation, is allowed within the Village limits, except when it is being transported without stopping along the public roads located within the Village limits.

### **13.3 Penalty.**

Any person violating Section 13.2 shall be subject to a fine of no less than One Hundred (\$100.00) Dollars per day and will be responsible for any costs, including but not limited to, the costs of towing, storage or attorney fees incurred thereon for the removal of the mobile home by the Village.

### **13.4 Restrictions on Modular Homes.**

Any modular home of less than twenty (20) feet by forty (40) feet by length shall not be erected within the Village limits of the Village of Mapleton. This foundation shall render this home as a permanent fixed structure, and shall not be removed from its foundation once so erected, unless it is completely demolished when removed or as part of the removal process.

13.5 Zoning.

Modular homes must be held in compliance with the Village's zoning requirements for R-1 Districts, Single Family Residential.

13.6 Penalty.

Any person violating Sections 13.4 or 13.5 shall be guilty of a misdemeanor punishable by a fine of Fifty (\$50.00) Dollars per day until the violator is in compliance.

## **VIOLATIONS AND PENALTIES**

### **14.1 Penalties:**

A. Any person or entity that violates, disobeys, neglects or refuses to comply with, or that resists the enforcement of any of the provisions of this Chapter, shall be fined not less than Fifty (\$50.00) Dollars, nor more than Seven Hundred Fifty (\$750.00) Dollars for each offense, unless otherwise indicated. Each day that a violation is permitted to exist shall constitute a separate offense.

B. In case any building or structure is erected, constructed, reconstructed, altered, repaired or converted, or any land maintained or used in violation of this Chapter, the Board of Trustees of the Village of Mapleton, in addition to any other remedy, may institute any appropriate action or proceeding in the circuit court, by means of injunction or other legal proceeding, to (i.) prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; (ii.) prevent the occupancy of the building, structure or land; (iii.) prevent any illegal act, conduct, business or use in or about the premises; or (iv.) restrain, correct or abate the violation.

### **14.2 Severability:**

A. Should any article, section or provision of this Chapter be declared invalid by any court of record, the same shall not affect the validity of this Chapter as a whole or any part thereof, other than the part so declared to be invalid.

B. Should the application of any article, section or provision of this Chapter to a particular property, building or structure be declared invalid by any court of record, the same shall not affect the application of said provision to any other property, building or structure not specifically included in the application so declared to be invalid.

## **MAP OF ZONING DISTRICTS, MAPLETON, ILLINOIS**

### **15.1 Zoning Map**

The Village shall cause to be published no later than March 31 of each year a map clearly showing the existing zoning uses, divisions, restrictions, regulations and classifications of such municipality for the preceding calendar year. If in any calendar year after the first map is published there are no changes in zoning uses, divisions, restrictions, regulations and classifications in such municipality, no map shall be published for such calendar year.

The Zoning Map shall be published and kept in the possession of the Village Clerk. Any person desiring a copy of such map shall pay a fee of Twenty (\$20.00) dollars to the Village Clerk.

## **Chapter 16 – SUBDIVISION REGULATIONS**

### **IN GENERAL**

#### **1.1 Title.**

This Chapter shall be known and may be cited and referred to as the “Subdivision Regulations for the Village of Mapleton, Peoria County, Illinois.”

#### **1.2 Definitions.**

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

*Alley* means a strip of land, not less than twenty (20) feet in roadway width and not more than forty (40) feet along the side of or in the rear of properties, intended to provide secondary access to these properties.

*Block* means that property abutting on one side of a street between the two (2) nearest intersecting streets or other natural barriers.

*Building line* means a line within a lot so designed on the plat of the proposed subdivision, between which line and any street line upon which the lot abuts the erection of a building is prohibited.

*Collector street* means a street which carries traffic from minor streets to the major highways including the principal entrance streets of a residential development and streets for circulation within such a development as designated by the circulation plan.

*Crosswalkway* means a strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

*Cul-de-sac* means a street having one open end and being permanently terminated by a vehicle turnaround.

*Easement* means a grant by a property owner for the use of a strip of land by the general public, a corporation or a certain person for a specific purpose.

*Final plat* means the map, drawing or chart on which the subdivider’s plan of subdivision is presented to the subdivision committee (with said members appointed on an as-needed basis) and then presented to the village board for final approval.

*Frontage road* means a minor street parallel to and adjacent to major highway that provides access to abutting properties and protection from through traffic.

*Highway* means the width of the highway right-of-way or easement, whether public or private, and shall not be considered as the width of the roadway or paving or other improvement on the highway right-of-way.

*Intersection (street)* means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

*Lot* means a building site shown on a plat of a subdivision identifiable by reference to the plat of subdivision rather than by metes and bounds.

*Major highway* means those streets that are used primarily for fast or heavy traffic.

*Minor street* means a street used primarily for access to abutting properties and leading into collector streets or major highways.

*Parcel* refers broadly to a lot, tract or any other piece of land.

*Pedestrian crosswalk* means easements to the public for the purpose of foot traffic.

*Plat* means a map, drawing or chart on which the subdivider's plans of the subdivision are presented and which he submits for approval first in preliminary, then final, form.

*Plat officer* means the officer appointed by the Village Board whose duty is to administer and enforce the provisions of this Chapter assigned to the office and any additional regulations assigned at a later time.

*Preliminary plat* means a map, drawing or chart on which the subdivider's plan of the subdivision is presented to the village board for review and preliminary approval.

*Reserve strip* means a parcel of land that passes through a platted subdivision that provides access to land adjacent to or within the subdivision.

*Right-of-way* means the shortest distance between the two (2) property lines contiguous to a strip of land used for a street or bed for railroad tracks.

*Roadway or road* means the paved area existing on the street right-of-way and not the street right-of-way width.

*Street* means a right-of-way for vehicular traffic, whether designated as a street, highway, road, lane, court, thoroughfare, parkway, freeway, throughway, expressway, place, boulevard or avenue, other than an alley, usually affording the principal means of access to abutting property.

*Subdivision* means the division of land in two (2) or more parcels for the purpose, whether immediate or future, of transfer of ownership or building development, including all public streets, alleys, easements for public service facilities, parks, playgrounds, school grounds or other public grounds. The following shall not be considered a subdivision and shall be exempt from the requirements of this Chapter:

- (1) The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- (2) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access.
- (3) The conveyance of land owned by a railroad or other public utility that does not involve any new streets or easements of access.
- (4) The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- (5) Conveyances made to correct descriptions in prior conveyances.

*Subdivision ordinance* means the “Subdivision Regulations for the Village of Mapleton, Peoria County, Illinois.”

### 1.3 Intent and Purpose.

It is the intent and purpose of this Chapter to:

- (1) Provide one of several means for carrying out the intent of the evolving comprehensive plan and thus ensure sound, harmonious development and Village growth.
- (2) Ensure the development of land to the highest possible standards of design with all the necessary protection against deterioration and obsolescence that would adversely affect the living environment or tax base.
- (3) Provide a procedure for a sound working relationship between the Village and developers and to safeguard the interests of homeowners, subdividers, investors and the Village.
- (4) Control the scattered and premature platting of lots beyond the effective operating range of existing public utilities and improvements.
- (5) Ensure that the cost of design and installation of improvements in new platted subdivisions is borne by the persons developing the lots rather than by existing property owners.
- (6) Coordinate new subdivision design with the design of the Village as a whole.
- (7) Secure the rights of the public with respect to public lands and waters.
- (8) Improve land records by establishing standards for surveys and plats.

1.4 Geographic Jurisdiction.

No person shall subdivide any tract of land within the corporate limits of the Village or within the adjacent 1½ mile area of the corporate limits of the Village that is not in conformity with the provisions of this Chapter.

1.5 General Requirements.

A. Wherever any subdivision of land shall be laid out, the subdivider thereof or his agent shall submit a preliminary and final subdivision plat to the subdivision committee. Such plats and plans of proposed improvements, and all procedures relating thereto, shall in all respects be in full compliance with this Chapter.

B. Until plats and plans for the subdivision are approved, properly endorsed and recorded:

(1) No land shall be divided, nor any street laid out, nor any improvements made to the natural land.

(2) No lot, tract or parcel of land within any proposed subdivision shall be offered for sale nor shall any sale, contract for sale or option be made or given.

(3) No improvements such as sidewalks, water supply, storm water drainage, sanitary sewage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by any owner or his agent, or by any public service corporation at the request of such owner or his agent.

C. All land offered to the Village for use as streets, alleys, schools, parks and other public uses shall be referred to the subdivision committee before being referred to the village board for review and recommendation.

D. No plat will be approved for a subdivision which is subject to periodic flooding or which contains poor drainage facility plans and which would make adequate drainage of the lots and streets impossible. However, if the subdivider agrees to make improvements which will in the opinion of the village board make the area safe for residential occupancy and provide adequate lot and street drainage, the preliminary plat of the subdivision may be approved. All plats shall comply with state drainage provisions.

E. In all subdivisions, due regard shall be given the preservation of historical sites and natural features such as large trees, watercourses and scenic views.

F. In the case of preliminary plats for parts of tracts, where it appears necessary to the village board for the satisfactory overall development of an area, an owner may be required to prepare at least a street plan of his entire tract based upon proper topographic surveys before approval of any portion of such plan.

G. Whenever an area is subdivided into lots of forty thousand (40,000) square feet or more which may at a later date be resubdivided, consideration shall be given to the street and lot arrangement of the original subdivision so that additional local streets can be located which will permit a logical arrangement of smaller lots.

1.6 Interpretation.

A. Where the conditions imposed by any provision of this Chapter upon the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Chapter or of any other official policy, law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern.

B. This Chapter is not intended to abrogate any easement, covenant or any other private agreement; provided that, where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, then the requirements of this Chapter shall govern.

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

## **ADMINISTRATION AND ENFORCEMENT**

### **2.1 Enforcing Officers.**

It shall be the duty of the Village Board and appropriate Village officials to enforce the provisions of this Chapter.

### **2.2 Variances and Exceptions.**

A. The Village Board hereby reserves the authority to make variances or changes to any of the provisions contained in this Chapter, but any variances or changes shall only be exercised upon written recommendation of the Village Board, or upon unanimous vote.

B. The standards and requirements of this Chapter may be amended by the Village Board in case of a planned unit development or for a complete community or a neighborhood unit, possibly involving mixed land uses. Such amendment shall not be made until after written recommendation by the village board. Recommendations may be given when in the judgment of the village board the development provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

### **2.3 Penalty.**

Any person violating any of the provisions of this Chapter shall be subject to punishment as provided in section 3.1 of Chapter One of this Code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

### **2.4 Bonding and fees.**

A. Required fees shall include Forty-five (\$45.00) Dollars for a preliminary plat and forty-five (\$45.00) dollars for a final plat. An additional fee of One (\$1.00) Dollar per lot shall be charged on the final plat.

B. The owner of a subdivision shall reimburse the Village for all engineering and inspection expenses. Engineering expenses shall include the review of water and sewer plans, plats and other plans specified by this Chapter. Inspection expenses shall be no less than Twenty-four (\$24.00) Dollars for a preliminary plat and no less than forty-eight (\$48.00) Dollars for a final plat, wherein new streets are required for access to abutting properties.

#### **C. Bond.**

(1) The village board shall not consider approval of the final plat unless and until the subdivider has guaranteed completion of all required improvements within a reasonable period and in compliance with approved working drawings and specifications and has guaranteed to maintain such improvements until they are accepted by the Village. As a guarantee, the subdivider shall post a performance bond prepared in a form approved by the Village attorney and underwritten by a surety company listed as approved by the village board. The amount of the bond shall not be less than one hundred fifteen (115%) percent of the final estimate of cost of the improvements as checked by the plat officer and the village board.

(2) The bond shall require the completion of the improvements within a maximum period of two (2) years following the approval of the final plat.

(3) The performance bond shall contain provisions and a date for completion within two (2) years for construction as the village board may specify. If the improvements do not meet the requirements of this Chapter to the satisfaction of the plat officer, the Village Clerk shall call for the sum necessary to complete the improvements under the provisions of the performance bond. The Village Clerk shall act within forty-five (45) days of the date for completion of construction stated in the performance bond.

## 2.5 Plat or Deed Recording.

No plat or plan of a subdivision of land within the Village planning jurisdiction shall be admitted or recorded by the recorder of deeds until the plat or plan has been reviewed under the provisions of this Chapter and received final approval in writing by the Village Board.

## **PLAT APPROVAL PROCEDURES AND SPECIFICATIONS**

### **3.1 Preapplication Procedure.**

A. Prior to filing an application for approval of a preliminary plat, the subdivider shall submit sketch plans and data as specified in Section 3.4. Within thirty-one (31) days of submitting data to the Village Clerk the subdivider shall be advised of the subdivision committee recommendations. The purpose of the preapplication procedure is to afford the subdivider an opportunity to avail himself of the advice and assistance of the village board and to consult early and informally with the village board before preparation of the preliminary plat and before formal application for its approval, in order to save time and money and to make the most of the developer's opportunities. This step does not require formal application, a fee or filing of the plat. The preapplication procedure can be waived at the discretion of the village board.

B. The subdivider may wish to engage a qualified specialist to help him resolve design problems for a workable and profitable subdivision plan. He should also consult with other parties potentially interested in his development plans, the ultimate users of the development, and lending and mortgage insurance institutions, with a view to reaching at this initial stage conclusions regarding what part of the market demand should be served, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, lots and other features of the proposed development.

C. The Village Clerk shall submit the preapplication to the village board within five (5) days. The village board shall determine whether or not the plans and data as submitted or as modified do or do not meet the objectives of this Chapter. When the village board finds that the plans and data do not meet the objectives of this Chapter, it shall furnish a copy of the deficiencies to the subdivider.

### **3.2 Preliminary Plat.**

A. The subdivider shall engage a land surveyor registered in the state to prepare a preliminary plat, together with improvement plans and other supplementary material as prescribed in Section 3.5.

B. The subdivider shall file nine (9) black or blue line prints of the plat with the Village Clerk and shall furnish therewith nine (9) copies of all data necessary to show compliance with all applicable Village and county regulations and shall make application for preliminary approval of the proposed plat.

C. All copies of the plat and supplementary data shall be transmitted to the Village Clerk and the plats and data shall be referred to the village board. Notification of the meeting time and place for review of the preliminary plat shall be given by the village board.

D. Applications for preliminary approval shall be approved or disapproved by the village board within sixty (60) days from the date of the application or the filing of the last item of required supporting data for that phase, whichever date is later, provided that the subdivider submits the required material to the Village Clerk at least fifteen (15) days prior to meeting date of the village board. Time extensions may be allowed by mutual consent of the parties involved.

E. If such plat is disapproved, within sixty (60) days of disapproval the village board shall furnish to the applicant and Village Clerk a copy of the plat with appropriate notations setting forth the reason for disapproval and specifying in writing the aspects in which the proposed plat fails to conform to this Chapter.

### 3.3 Final Plat.

A. Nine (9) copies of the final plat and other exhibits required for approval shall be prepared as specified in this Article and shall be submitted to the Village Clerk to be referred to the village board. Such application for approval of the final plat shall be made within twelve (12) months after approval of the preliminary plat; otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the village board.

B. The applicant may elect to have final approval of a geographic part of the plat that received preliminary approval, and may delay application for approval of other parts until a later date beyond one year with the approval of the village board, provided all facilities required to serve the part for which final approval is sought have been reviewed and approved. In such case, only those parts of the plat that have received final approval shall be recorded.

C. The subdivision committee shall recommend approval or disapproval of the application for the final plat to the applicant within sixty (60) days from the date of application or the filing by the applicant of the last item of required supporting data, whichever date is later, provided that the subdivider provides the required material fifteen (15) days prior to the meeting date of the subdivision committee.

D. If such plat is disapproved, the village board shall furnish to the applicant in writing a statement setting forth the reason for disapproval and specifying the aspects in which the proposed plat fails to conform to this Chapter, and such other regulations that may apply.

E. If such plat is approved and all documents, drawings and maps necessary meet all requirements, the subdivision committee shall recommend that the village board approve the proposed plat. The Board shall have ninety (90) days from the date of application or the filing of the last required supporting data, whichever date is later, to act upon the final plat. The applicant and the village board may mutually agree to extend the sixty-day period. One copy of the resolution of approval shall be attached to the plat by the Village Clerk and returned to the applicant and another filed in the office of the Village Clerk.

F. If the Village Board fails to act upon the final plat within ninety (90) days, the plat shall be deemed approved.

G. The final plat shall bear certificate forms required under this Chapter.

H. Within ninety (90) days after the approval of the final plat by the Village Board, the plat shall be filed with the County Recorder by the subdivider and, if not filed, shall have no validity and shall not be recorded without recertification by the Village Board and reapproval.

### 3.4 Preapplication Plans and Data.

Required preapplication plans and data are as follows:

(1) Fee: None.

(2) Data:

- a. Sketch map of subdivision location.
- b. Sketch of proposed subdivision layout with roads and lots.
- c. Proposed use of land.
- d. Proximity of proposed subdivision to basic utilities.

(3) Submittal: All material may be submitted to the Village Clerk in an informal sketch form fifteen (15) days prior to the meeting date of the village board.

(4) Conference with subdivision committee.

### 3.5 Plats and Data for Preliminary Approval.

Required plats and data for preliminary approval are as follows:

- (1) Fee: Forty-five (\$45.00) Dollars.
- (2) Data:
  - a. Maps:
    1. Location map.
    2. Street and water and sewer profile and plan sheet.
    3. Contour map (at five-foot intervals).
    4. Drainage map.
    5. Soil test (as required).
    6. Percolation test (as required).
  - b. Subdivision plat:
    1. Scale: One inch to equal one hundred (100) feet.
    2. Proposed name of subdivision.
    3. Location by section, township and range or other legal description.
    4. Graphic scale.
    5. North point.
    6. Boundary lines; bearing and distance.
    7. Date of preparation.
    8. Name of owner.
    9. Name of surveyor.
    10. Name of engineer.
  - c. Improvement expenditure estimate.
  - d. Restrictive covenants (if any).
  - e. List of adjoining landowners (if subdivision borders an unsubdivided area).
- (3) The preliminary plat shall include existing conditions as follows:
  - a. Easements: Location, width and purpose.

b. Streets on and adjacent to the tract: Name and right-of-way width and location; type, width and elevation of surfacing; any legally established centerline elevations; gutters, culverts, approximate grades and gradients; similar data for alleys, if any.

c. Utilities on and adjacent to the tract: Location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers; proposed method of sewage and waste disposal.

d. Ground elevations on the tract: based on a datum plan, approved by the plat officer; for land that slopes less than approximately two (2) percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than approximately two (2) percent, show contours with an interval of not more than five (5) feet.

e. Subsurface conditions on the tract, if required by the plat officer; location and results of tests made to ascertain subsurface soil, rock and groundwater conditions; depth to groundwater unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests, if individual sewage disposal systems are proposed.

f. Other conditions on adjacent land; approximate directions and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recordation data and number; and showing approximate percent built up, typical lot size and dwelling type.

g. Other conditions on the tract; watercourses, marshes, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks and other significant features.

h. Lot lines, lot number, block numbers, number of residential lots and lot size.

i. Zoning on the tract and on land adjacent to the tract.

j. Sites, if any, for multiple-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single family dwellings.

k. Minimum building setback lines.

l. Location and acreage of proposed and existing public use areas in or adjacent to the subdivision area.

m. Title and certificates: Present tract designation according to official records in office of recorder; title under which proposed subdivision is recorded, with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered surveyor, date of survey.

(4) Other preliminary plans. The preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross-sections of the proposed grading; and preliminary plan of proposed sanitary sewers and storm drains; water facilities with grades and sites indicated. All elevations shall be based on a datum plan approved by the general superintendent.

(5) Submittal: Nine (9) copies of the plat and nine (9) bound copies of all required data shall be submitted to the Village Clerk who shall distribute the materials to the plat officer (two (2) copies), and responsible individuals for water, sewer, the planning and zoning commission, general superintendent, Village Board and any other individuals deemed necessary. Within one year following approval of the preliminary plat, the subdivider shall submit the final plat, as referenced in Section 3.6 below.

(6) Draft of restrictive covenants (if any) whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

### 3.6 Plats and Data for Final Approval.

Required plats and data for final approval are as follows:

(1) Fee: Forty-five (\$45.00) Dollars. An additional fee of One (\$1.00) Dollar per lot shall be required. In addition to the fees set forth above, the owner of a subdivision shall reimburse the Village for all engineering expenses of checking plats, water, sewer and other plans, and for inspection of construction of the facilities.

Note: Preliminary and final plats and documents shall be submitted with a cashier's check or money order in the amount prescribed above, payable to the Village Clerk.

(2) Data:

a. Maps:

1. Location map.
  2. Plat map (ready for recording).
  3. Street and sewer profile and plan sheets
  4. Contour map (if required by plat officer).
  5. Drainage map (if required by plat officer)
  6. Soil test (if required by plat officer).
  7. Percolation test (if required by plat officer).
- b. Improvement expenditure estimate.
  - c. Restrictive covenants (if any).

(3) Final plat shall be drawn in ink on tracing cloth or suitable equivalent material, at a scale of one hundred (100) feet equals one inch. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the subdivision committee and village board. The final plat shall show the following:

- a. Primary control points (section lines and corners or center) approved by the plat officer, or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat will be referred.
- b. Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines or residential lots and other sites; with accurate dimensions, bearings or deflection and radii arcs, central angles of all curves. Reference to at least one previously established section corner shall be given.
- c. Name and right-of-way width of each street or other right-of way.
- d. Location, dimensions and purpose of any easements.
- e. Number to identify each lot or parcel.
- f. Purpose for which sites, other than residential lots, are dedicated.
- g. Minimum building setback line on all lots and other sites.
- h. Location and description of monuments.

- i. Names of recorded owners of adjoining unplatted land.
  - j. Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
  - k. Certification by a registered state land surveyor certifying to the accuracy of survey and plat.
  - l. Certification of title showing that applicant is the land owner.
  - m. Statement by owner dedicating street rights-of-way and any sites for public uses and accurately outlined on the plat. Streets and roads not dedicated should be marked “private street.” No publicly owned utilities will be constructed in a private street. A notary’s certification is required.
  - n. Title, scale, north arrow and date.
- (4) Additional requirements to be submitted with the final plat:
- a. Cross sections and profiles of streets showing grades approved by the general superintendent or plat officer.
  - b. A certificate by the general superintendent certifying that the subdivider has complied with the state standards for road and bridge construction.
  - c. Certificate by the village board, certifying that it has approved the plat.
  - d. Restrictive covenants (if any) in form for recording.
  - e. Other data: Such other certificates, affidavits, endorsements or deductions as may be required by the plat officer in the enforcement of this Chapter.
  - f. Prints: The subdivider shall submit the original tracing and seven (7) prints to the Village Clerk, who shall distribute the prints to the plat officer and village zoning chairman. When approved, the original tracing shall be certified as required in this Article. Following certification of the final plat, the Village Clerk shall distribute seven (7) black line or blue line prints of the final plat as follows: county recorder of deeds, one copy; Village Clerk, three (3) copies; plat officer, one copy; chairman, subdivision committee of the planning and zoning commission, one copy; and village zoning chairman, one copy.

(5) Conditional approval: When plat is approved by the subdivision committee, the village board will grant final approval or disapproval to the final plat within sixty (60) days. Disapproval of final plat shall be addressed in writing.

(6) Certification of final plat: After the subdivider has posted approved bond or security to guarantee completion of required subdivision improvements, the Village Clerk will certify the final plat for recording.

(7) Recording: Within sixty (60) days of certification of final plat, the subdivider shall record the plat at the offices of the Village Clerk and the county recorder of deeds.

(8) Submittal: The original tracing and seven (7) black prints of the final plat to the Village Clerk.

## DESIGN STANDARDS

### 4.1 General Requirements.

The provisions of this Article are hereby adopted as the minimum standards of design for subdivisions. In addition, all subdivisions shall conform to all applicable elements of the Village's comprehensive plan including any change in these standards which is indicated by any applicable plan elements. The arrangement, character, width, grade and location of all streets shall conform to county, township and Village highway system as plans for the opening, widening or extension of any street, road or major thoroughfare as adopted by the Village Board in any public interest. Whenever a tract to be subdivided includes any part of such thoroughfares as approved or shown on an adopted Village major thoroughfare plan, such part shall be dedicated to the public for street purposes by the subdivider.

### 4.2 Interpretation.

In order to promote the best possible development and use of land, the village board shall interpret the standards, provisions and specifications contained in this Article liberally. Exceptions from these standards, provisions and specifications may be granted when shown conclusively and to the satisfaction of the plat officer that such exceptions will bring out a more logical and desirable result than would be obtained by strict compliance.

### 4.3 Land Subject to Inundation.

Land subject to flooding and land deemed by the village board reviewing authorities to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation, or shall not produce unsatisfactory living conditions.

### 4.4 Streets and Alleys.

A. Streets. Design standards for streets are as follows:

(1) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed users of the land to be served by such streets.

(2) The arrangement of streets in a subdivision shall either:

a Provide for the continuation of appropriate projection of existing principal streets in the surrounding area; or

b Meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

(3) Local streets shall be so laid out that their use as through traffic will be discouraged.

(4) Where a subdivision abuts or contains an existing or proposed major highway, the plat officer may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(5) Where a subdivision borders on or contains a railroad right-of-way or limited access thoroughfares right-of-way, the plat officer may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separation.

(6) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the Village Board under conditions approved by it.

(7) Street jogs will not be approved.

(8) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on major highways and collector roads.

(9) When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than three hundred (300) feet for local streets and roads and collector roads, and of such greater radii as the village board shall determine for special cases.

(10) Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees.

(11) Property lines at street intersections shall be rounded with a radius of fifteen (15) feet, or of a greater or lesser radius where the village board may deem necessary. Surface grading at street intersections shall be such as to permit unobstructed vision within the sight triangle formed by the center of the intersection and two (2) points seventy-five (75) feet distant, each point being on the centerline of an intersecting street.

(12) Minimum street standards shall be as follows:

Type	Right-of-way Width (feet)	Pavement Width (feet)	Curb and Gutter
Collector Road	66	24	No
Local Road	60	24	No
Collector Street	60	24	No
Local Street	50	24	No

(13) Half streets shall be prohibited, except when a half street is adjacent to a tract to be subdivided; then the other half of the street shall be platted within such tract.

(14) Permanent cul-de-sacs shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least eighty (80) feet and a right-of-way at least one hundred (100) feet in diameter. Where an existing street terminates at the boundary line of a proposed subdivision, either the street shall be continued in the street pattern of the proposed subdivision or a turnaround shall be provided in the proposed subdivision. Temporary cui de-sacs may be granted a variance from the provisions of this Article provided that they are used no longer than two (2) years.

(15) No street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the village board and Peoria County.

(16) All new subdivisions along limited access roads will be arranged to provide access to such highways at intervals not less than eight hundred (800) feet, except where impractical or impossible due to existing property divisions or topography. There shall be no other access to a limited access street except as noted above. Also, roads and streets within such subdivision shall be arranged to permit access to adjacent future subdivisions without encroachment upon this Article.

B. Alleys. No provisions have been made for alleys in an effort to discourage their use within a subdivision. The village board feels that sufficient need for alleys in subdivisions cannot be demonstrated and their existence would consume additional land area.

#### 4.5 Typical Street/Road Standards.

A. The village board and Village Board shall determine the required minimum dimensional standards of all rights-of-way, pavements, sidewalks and other public improvements as outlined in Section 5.9(C) of Article V.

B. As geometrical design, pavement and right-of-way widths may vary considerably over that of a typical local street, the village board shall decide upon the pavement widths and the portion of the major street construction that shall be done by the developer. In doing so, the subdivision committee shall take into account the location, extent and character of the proposed development; the degree to which the proposed subdivision is to be serviced from or otherwise have access to major streets; the number of additional street maintenance employees, if any; and the extent of vehicular traffic that may be generated by such improvement or subdivision upon such major street. Said findings shall be reported to the village board. The village board, in determining the amount of participation by the subdivider (and the information provided by the subdivision committee), shall also take into account the cost involved in any trunk sewers and possible extra cost in length of service connections, driveway aprons, etc.

C. Streets are within the corporate limits of the Village; roads are outside the corporate limits of the Village. The plat officer shall determine all final clarifications of existing roads and streets.

D. The typical street/road requirements shall be as follows:

(1) Collector street: Sixty-foot right-of-way; with sufficient width for all necessary cuts and cross-sections; twenty-four-foot pavement.

(2) Collector road: Sixty-six-foot right-of-way; twenty-four-foot pavement with four-foot shoulders without curbs and gutters.

(3) Local street: Sixty-foot right-of-way; twenty-four-foot pavement.

(4) Local roads: Fifty-foot right-of-way; thirty-foot pavement with grass swales outside pavement boundaries.

(5) Cul-de-sac: Sixty-foot right-of-way; twenty-four-foot pavement; maximum length of five hundred (500) feet; with a turnaround of at least eighty-foot pavement diameter.

#### 4.6 Street/Road Grades.

No street/road grade shall be less than one-half of one percent and shall not exceed the following percentages with allowances for reasonably vertical curves:

Collector streets and collector roads .....5

Local streets and local roads .....5

Streets shorter than 500 feet and cul-de-sacs .....5

#### 4.7 Easements.

A. Easements across lots or centered on rear or side lot lines shall be provided for utilities, drainage ways and storm sewers where necessary and shall be at least fifteen (15) feet wide.

B. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction of both, as is adequate for the purpose, as determined by a professional engineer approved by the Village Board.

#### 4.8 Blocks.

The lengths, widths and shapes of blocks shall be determined with due regard to:

(1) Provision of adequate sites suitable to the special needs of the type of use contemplated.

(2) Zoning requirements as to lot sizes and dimensions.

(3) Needs for convenient access, circulation, control and safety of street traffic.

(4) Limitations and opportunities of topography.

(5) Pedestrian crosswalks, not less than ten (10) feet right-of-way, shall be required in blocks exceeding one thousand (1,000) feet in length and where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

#### 4.9 Lots.

A. Building setback lines shall be established on all lots and the minimum building setback line shall be appropriate for the location of the subdivision and for the type of development and use contemplated; provided, however, that they shall not be less than the standards established by the zoning code of the Village for areas within the corporate limits or as set by the county zoning officer for areas outside the corporate limits.

B. The areas and minimum frontage requirements of all lots shall not be less than the standards for corresponding uses established by the zoning code of the Village, and depth and width for properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the zoning code.

C. Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets, as set forth for the district in the zoning code of the Village.

D. The subdividing of the land for residential use shall be such as to provide, by means of a public street or road, each lot with satisfactory access to an existing public street/road.

E. Double-frontage and reverse-frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right-of-access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

F. Side lot lines shall be substantially at right angles or radial to street lines.

#### 4.10 Public Sites and Open Spaces.

Whenever the reasonable requirements provided by this Chapter, including an official plan, shall indicate the necessity for providing for a school site, park site or other public lands within any proposed subdivision for which approval has been requested, and no such provision has been made therefor, the Village Board may require that lands be designated for such public purpose before approving such plat. Whenever a final plat of subdivision, or part thereof, has been approved by the Village Board as complying with the official plan and there is designated therein a school site, park site or other public land, the corporate authorities having jurisdiction of such use, be it a school board, park board or other authority, shall acquire the land so designated by purchase or commence proceedings to acquire such land by condemnation within one year from date of approval of such plat; and if it does not do so within such period of one year, the land so designated may then be used by the owners thereof in any other manner consistent with this Chapter, including an official plan and the Village zoning code.

## **REQUIRED IMPROVEMENTS**

### **5.1 General Requirements.**

A. Unless otherwise expressly indicated, the developer, through his engineer, shall prepare and furnish all plans, specifications, cost estimates and other essential documents necessary for the construction and installation of the required improvements. Furthermore, the subdivider shall agree at his own cost and expense to do all the work and furnish all the materials and labor necessary to construct and complete the required improvement in a good and substantial manner to the satisfaction of the village board.

B. Unless otherwise specified, all construction shall be in accordance with the provisions of the current issue of the Standard Specification for Road and Bridge Construction adopted by the Illinois Department of Transportation, the same as amended from time to time, and hereinafter referred to as the standard specification. Unless otherwise specified, design standard will be as specified in the current issue of the manual Highway Standards as published by the Bureau of Construction, Illinois Department of Transportation, the same as is amended from time to time, and hereinafter referred to as highway standards.

### **5.2 Specifications, Supervision and Inspection.**

The specifications adopted by the Village shall in all respects govern all construction work on required subdivision improvements. The work shall be done under Village inspection. The village engineer will not in any way be a substitute for the subdivider's resident engineer and inspector. It shall be completed within the time fixed or agreed upon by the village engineer.

### **5.3 Inspection Costs.**

The cost of inspection of required subdivision improvements shall be paid by the subdivider, and an amount of money estimated by the village engineer for such purposes shall be deposited in advance with the Village Clerk and credited to the Village general fund.

### **5.4 Recommendation and Approval.**

The village engineer will recommend the final plat of subdivision to the person making same, to the effect that whenever the required improvements are properly made or otherwise secured as hereinafter mentioned, the village engineer will pass upon and recommend to the Village Board that the plat, if otherwise conforming to these platting rules and regulations, be approved.

### **5.5 Time Schedule, Sequence of Construction.**

The subdivider shall submit a statement setting forth a scheduled time not to exceed one year (except in the case of an asphaltic construction where the maximum shall be two (2) years) from the date of approval of the final plat within which the improvements required by this Article will be completed.

## 5.6 Extension of Time.

All construction items shall be completed within one year of the recording of the final plat (except where asphaltic construction is required, for which a maximum of two (2) years shall be allowed). The village engineer shall be authorized to grant one extension only, for a period not to exceed six (6) months.

## 5.7 Default.

If the required subdivision improvements are not completed within the specified time, the Village Board may use the performance bond or any portion thereof necessary to complete same.

## 5.8 Policy on Sharing Costs of Oversize Improvements.

Whenever necessary to conform to an overall plan or otherwise to protect or promote the public interest, oversize improvements shall be installed or constructed by the subdivider; provided, however, that the cost to the subdivider shall be no greater than that which would result from the installation or construction of only that size necessitated by his own development. The excess cost resulting from the requirement of an oversize improvement shall be borne by the Village.

## 5.9 Streets.

A. Generally. All grading, paving, surfacing, drainage structures or other improvements required or involved in the opening, widening or expansion of any street, road or public way shall be of such size, width, thickness, character and type deemed by the Village Board, upon recommendations of the village engineer, to be suitable and appropriate to the intended use and development and consistent with the standards and specifications set forth in this Chapter.

B. Pavement. Roadway pavement surface and base course shall meet the requirements as outlined in the following table and accompanying cross-sectioned diagrams.

## ***APPROVED PAVEMENT CONSTRUCTION***

### *Method No. 1:*

5" Base Course: Bituminous Aggregate Mixture Base Course (BAM)

2" Bituminous Concrete Surface Course Class I

### *Method No. 2:*

8" Aggregate Base Course Type A or B

1 1/2" Bituminous Concrete Base Course Class I

1 1/2" Bituminous Concrete Surface Course Class I

*Method No. 3:*

6" PC Concrete

*Method No. 4:*

7" Emulsion Stabilized Base

2" Bituminous Concrete Surface Course Class I

*Method No. 5:*

"Chipseal," which combines one (1) or more layer of asphalt with one (1) or more layers of fine aggregate

This is also known as "oil and chip" pavement

The Standard Specifications for Road and Bridge Construction prepared by the Department of Public Works and Buildings, State Division of Highways, including supplemental specifications and special provisions shall govern all construction.

D. Alley pavement. All alleys, where permitted, shall be improved with a roadway consisting of not less than eight (8) inches of aggregate base course Type A or B when thoroughly compacted and bituminous surface treatment:

(1) Through apartment district blocks, not less than twenty (20) feet.

(2) Through business and industrial blocks, not less than twenty-four (24) feet.

E. Street signs. The subdivider shall provide street signs of a type approved. They shall be erected by the subdivider at locations and in the manner prescribed by the subdivision committee and approved by the village board.

#### 5.10 Monuments.

A. Permanent monuments shall be placed at all corners and at points of tangency of curve lines along the boundary of the subdivision. Permanent monuments shall be of concrete with minimum dimensions of four (4) inches by four (4) inches at top, six (6) inches by six (6) inches at bottom, and thirty-six (36) inches long, with steel dowel three-eighths of an inch in diameter, at least two and one-half inches in length, embedded so that the top of the dowel shall be flush with the surface and at the center of the monument.

B. All lot corners not marked by concrete monuments shall be marked by galvanized or wrought iron pipe or iron or steel bars at least thirty (30) inches in length and no less than one-half inch in diameter. The top of the pipe or bar is to be set level with the established grade of the ground.

C. In addition, a minimum of one permanent benchmark shall be established for each twenty (20) acres or fraction thereof, subdivided and at a location designated by the plat officer. This monument shall be of concrete with a minimum dimension of four (4) inches by four (4) inches at top, six (6) inches by six (6) inches at bottom, and thirty-six (36) inches long, with steel dowel three-eighths inch in diameter, at least two and one-half inches in length embedded so that the top of the dowel shall be flush with the surface and the center of the monument.

#### 5.11 Storm Drains.

A. An adequate system of storm water drainage designed for a ten-year maximum rain shall be constructed and installed consisting of pipes, tiles, manholes, inlets, catch basins or other necessary facilities that will adequately drain the subdivision and protect roadway pavements and prevent the accumulation of storm water at any place under normal conditions. Such drainage system shall be subject to approval by the plat officer.

B. Storm drainage, including drain tile around basements, shall not be permitted to empty into any sanitary sewer. Where a public storm water sewer is reasonably accessible, the subdivider shall connect with such storm drainage system and shall do such grading and provide such drainage structures, including lateral connections, as may be required by the plat officer. Where a public storm water system is not reasonably accessible, as determined by the village board, but where the plans for the storm water drainage system of the district in which the subdivision is located have been prepared and officially approved, the subdivider shall install drainage facilities as may be required by the plat officer.

C. Backyard swales may be permitted, subject to the following regulations:

(1) Maximum and minimum slopes and general design criteria of the Federal Housing Administration's Minimum Property Requirements will be acceptable, except as herein modified.

(2) No continuous swale shall have a length exceeding six hundred (600) feet.

(3) Minimum grade of the flow line shall be four-tenths percent.

(4) At no point in the swale shall the flow line be more than three (3) feet below the finished grade of the topsoil at the foundation of the house opposite the swale.

(5) No change in alignment of a backyard swale shall exceed forty-five (45) degrees.

#### 5.12 Waste Disposal.

A. *Septic tanks.*

(1) The Village Board may, after obtaining and considering reports from the local soil and water conservation district, refuse to permit the area to be developed for any purpose deemed detrimental to the health and general welfare of the immediate and surrounding area.

(2) Or, the Village Board may approve the subdivision plat provided appropriate provisions or arrangements have been made for the installation of septic tanks for each lot or building site and provided, further, that such arrangements are made in accordance with the requirements of the Department of Public Health and the Illinois Environmental Protection Agency.

(3) Septic tanks and septic fields shall not be permitted on any lot less than twenty thousand (20,000) square feet in area.

(4) A soil boring test shall be made for each acre of ground to be subdivided and shall show the area to be suitable for septic tanks and tile fields. A written report of such tests made by registered professional engineer shall be submitted with the final plat.

(5) If after septic tanks have been in use in any subdivision a sewer main is installed capable of serving the subdivision and the lots therein, it shall thereafter be unlawful to utilize septic tanks for the disposal of sewage, and all properties utilizing septic tanks shall discontinue their use and make connection to the sanitary sewer for disposal of sewage.

B. *Individual septic tank facilities.* When individual septic tanks are approved pursuant to 5.12(A)(2) above, it shall be the responsibility of the developer to furnish the topographical map and other information and data, and to obtain or perform all tests in accordance with the requirements of the Department of Public Health for the installation of individual disposal systems. The septic tank and disposal field shall conform to the requirements of the Illinois Environmental Protection Agency.

(1) All sanitary sewage shall be emptied into the septic tank and no septic field shall empty in any manner into open ditches, roadside ditches, lakes, streams or any other body of water.

(2) Group sewage disposal facilities. Group sewage disposal systems shall meet the requirements of the Department of Public Health and the Illinois Environmental Protection Agency. Group sewage disposal systems may be accepted for maintenance and operation by the Village if the ownership is vested in the Village, and if the disposal system has been constructed according to specifications, and provided it has been approved by a plat officer appointed by the Village. The provisions of this and other related sections are not intended to place any obligation, liability or responsibility upon the Village Board or other Village officials for accepting the operation or maintenance of such systems. In cases where the Village Board decides to accept such responsibilities, it may specify the conditions of such acceptance.

### 5.13 Water Supply.

A. Public water supply. Where public water supply is within reasonable distance, as determined by the village board, the developer shall construct a system of water mains and fire hydrants and connect with such public water supply and provide a connection for each lot or potential building site. All transmission and distribution lines constructed within or outside the Village limits which shall be tapped onto the water distribution system of the Village shall be governed by the following regulations:

(1) All taps onto the existing Village water main system shall be installed by a licensed plumber under the direction or direct supervision of the village engineer. A permit shall be obtained to tap the Village water system prior to such tapping and the permission for such taps and the fee for such taps shall be subject to Board approval. Prior to obtaining such approval, a copy of the plans for the waterlines shall be presented to the Village Board and a copy for the Village engineer for his approval.

(2) A transmission main carrying water from the Village water system to a distribution system within a subdivision or within the Village shall be a minimum of eight (8) inches in diameter.

(3) A distribution line within a subdivision or within the Village which is attached to the water system of the Village shall be a minimum of six (6) inches in diameter.

(4) All water distribution lines within the Village or in any subdivision within the Village or outside the Village, which are attached to the Village water system, shall be required to install gate valves which shall not be more than eight hundred (800) feet apart and shall be required to install fire hydrants which shall not be more than five hundred (500) feet apart.

(5) On a transmission line between the Village water main and a distant distribution system, gate valves shall be required every mile, but no fire hydrants shall be required on such transmission line.

(6) In addition to the foregoing requirements, the Village may make any additional requirements it deems necessary or deemed necessary by the Village engineer.

(7) Prior to the covering of a water transmission or distribution line under construction, the village engineer shall be notified and shall inspect and approve the construction of the line.

(8) There is adopted by the Village for the purpose of governing the construction of water mains within the Village and any water main which will be attached to the Village water system, those certain rules, regulations and specifications contained in and known as the Standard Specifications for Water and Sewer Main Construction in Illinois, being the 7th Edition dated 2014 as published by the Illinois Society of Professional Engineers, Consulting Engineers Council of Illinois, Illinois Chapter of the American Public Works Association, Illinois Municipal League, and The Associated General Contractors of Illinois. Not less than three (3) copies of such specifications shall be kept on file in the office of the Village Clerk and such rules, regulations and specifications are adopted and incorporated as fully as if set out at length herein and the provisions thereof shall be controlling within the limits of the Village.

(9) Where a public water supply is not available, the developer shall provide for individual wells for each lot in the subdivision.

(10) Test wells. At least one test well shall be made in the area being platted. Test wells shall be at least twenty-five (25) feet in depth and shall produce potable drinking water at a rate of not less than five (5) gallons per minutes. A copy of the well log that includes the name and address of the well driller shall be submitted with the preliminary documents to the plat officer.

B. Location and construction of individual private wells.

(1) Individual private wells shall be located at least twenty-five (25) feet from property lines; fifty (50) feet from all septic tanks; approximately seventy-five (75) feet from all disposal fields and other sewage disposal facilities; thirty (30) feet from all cast iron sewer lines; fifty (50) feet from any vitrified sewer tile lines; and shall not be located within any floodplain.

(2) As a precaution against seepage, a watertight seal shall be provided around the pump mounting.

(3) All abandoned wells shall be sealed in a manner that will render them watertight. In all cases where it has been determined that individual water supplies from private wells are not feasible, a public water distribution system shall be required.

C. Public water distribution systems. Public wells and other public water distribution systems shall meet the requirements of the Illinois Environmental Protection Agency. Public wells and other public water distribution systems may be accepted for maintenance and operation by the Village, if the ownership is vested in the Village, and if the water distribution system has been constructed according to specifications of the Illinois Environmental Protection Agency, and it has been approved by the plat officer. The provisions of this and other related sections are not intended to place any obligation, liability or responsibility upon the Village Board or other Village officials for accepting the operation or maintenance of such systems. In cases where the Village Board decides to accept such responsibilities, it may specify the conditions of such acceptance.

### **ORDINANCE IN FORCE**

This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

## **Chapter 17 – ADULT USE**

WHEREAS, the staff of, and legal counsel for, the Village of Mapleton, Illinois (the “Village”) have reviewed and analyzed numerous studies, reports, articles, judicial decisions, and the experience and legislative findings of other municipalities and counties in northern and central Illinois, the Chicago metropolitan region, and around the country concerning the impacts, or “secondary effects,” of sexually oriented businesses and the sale, distribution, and display of sexually oriented materials (collectively, “Sexually Oriented Business Activities”) on the areas in which such Activities are located or take place; and

WHEREAS, Sexually Oriented Business Activities can cause or contribute significantly to increases in criminal activity in the areas in which they are located or take place, thereby taxing crime prevention, law enforcement, and public health services; and

WHEREAS, nude dancing and other similar conduct provided by Sexually Oriented Business Activities encourages prostitution, increases the frequency of sexual assaults, attracts or encourages other related criminal activity, increases the public health and safety risks associated with Sexually Oriented Business Activities, and otherwise causes or contributes significantly to the adverse impacts and secondary effects of Sexually Oriented Business Activities on the areas in which such Activities are located or take place; and

WHEREAS, Sexually Oriented Business Activities can cause or contribute significantly to the deterioration of residential neighborhoods, can impair the character and quality of such neighborhoods and the housing located therein, and can inhibit the proper maintenance and growth of residential neighborhoods, limiting or reducing the availability of quality, affordable housing for area residents and reducing the value of property in such areas; and

WHEREAS, Sexually Oriented Business Activities can undermine the stability of other established business and commercial uses in the areas in which Sexually Oriented Business Activities are located or take place and can cause or contribute significantly to the deterioration of such business and commercial uses, thereby causing or contributing to a decline in such uses, an inhibition on business and commercial growth, and a resulting adverse impact on local government revenues and property values; and

WHEREAS, Sexually Oriented Business Activities can have a dehumanizing and distracting influence on young people and students attending schools, can diminish or destroy the enjoyment and family atmosphere of parks, playgrounds, forest preserves, and other public recreational areas, can interfere with or even destroy the spiritual experience of attending church, synagogue, or other places of worship, and can interfere with or even destroy the opportunity for solemn and respectful contemplation at cemeteries and similar facilities; and

WHEREAS, the presence of Sexually Oriented Business Activities is perceived by the public and by neighboring business owners and residents as an indication that the area in which such Activities occur or take place is in decline and deteriorating, a perception that can quickly lead to such decline and deterioration, prompting businesses and residents to flee the affected area to avoid the consequences of such decline and deterioration; and

WHEREAS, the exterior appearances, including signage, of Sexually Oriented Business Activities can have an adverse impact on young people and students, can contribute to the decline in property values associated with Sexually Oriented Business Activities, and can otherwise cause or contribute significantly to the adverse impacts and secondary effects of Sexually Oriented Business Activities on the areas in which such Activities are located or take place; and

WHEREAS, the conduct of Sexually Oriented Business Activities, including specifically, but without limitation, adult cabarets that provide nude dancing and other similar conduct and the operation and use of adult booths, often encourages or allows sexual activities and prostitution, among other things, that place employees and patrons of such businesses at risk to exposure and contraction of sexually transmitted diseases, including specifically, but without limitation, the HIV virus, Acquired Immune Deficiency Syndrome, and venereal diseases; and

WHEREAS, the President and Board of Trustees of the Village have determined that Sexually Oriented Business Activities will, unless properly regulated, have these and other severe adverse impacts and secondary effects on the Village and its residents; and

WHEREAS, for the reasons set forth above, among others, the President and Board of Trustees have found and determined that it is essential to the health, safety, and general welfare of the Village and its residents to adopt comprehensive licensing regulations relating to Sexually Oriented Business

Activities, to the distribution and display of sexually oriented materials, and to the types and operations of sexually oriented businesses that may locate in the Village; and

WHEREAS, the President and Board of Trustees have further found and determined that the regulations established pursuant to this Ordinance, including specifically, but without limitation, the prohibition on nude dancing, the prohibition on sexual contact between patrons and employees, and the prohibition on “straddle dances,” are necessary to address, mitigate, and, if possible, eliminate the occurrence of prostitution, sexual assaults, and other related criminal activity and public health and safety risks related to or caused by Sexually Oriented Business Activities; and

WHEREAS, the President and Board of Trustees have further found and determined that the establishment of the regulations established pursuant to this Ordinance on the operation, maintenance, and structural aspects of Sexually Oriented Business Activities is necessary to minimize to the greatest extent possible, or to eliminate altogether, the public health and safety risks that customarily, but unnecessarily, exist in connection with such Activities; and

WHEREAS, the President and Board of Trustees have further found and determined that the adult establishment age limitations and employee licensing requirements of this Ordinance are necessary to address, mitigate, and, if possible, eliminate the adverse impacts and secondary effects of Sexually Oriented Business Activities on the areas in which such Activities are located or take place and on the persons who are exposed to those Activities, to ensure that these Activities are established, managed, and operated in a safe and legal manner at all times, and to ensure that the unnecessary public health risks associated with Sexually Oriented Business Activities are minimized to the greatest extent possible, or eliminated altogether; and

WHEREAS, the President and Board of Trustees have further found and determined that the limitations on the hours of operation of Sexually Oriented Business Activities set forth in this Ordinance are necessary to protect and secure neighboring uses, to control adverse noise and traffic impacts associated with Sexually Oriented Business Activities, to enhance enforcement and implementation of the regulations set forth herein, and to otherwise address, mitigate and, if possible, eliminate the adverse impacts and secondary effects of Sexually Oriented Business Activities; and

WHEREAS, the President and Board of Trustees have further found and determined that the disclosure and background information requirements set forth in this Ordinance relating to the owners, operators, managers, employees, and others in a position of control over Sexually Oriented Business

Activities are necessary in order for the Village to implement and enforce the terms and conditions of this Ordinance, to aid in the prevention of crime related to Sexually Oriented Business Activities, to minimize to the greatest extent possible, or eliminate altogether, the public health risks associated with Sexually Oriented Business Activities, and to otherwise carry out the purposes and objectives of the regulations established herein; and

WHEREAS, the regulations established pursuant to this Ordinance are in no way based on the content of any protected speech associated with Sexually Oriented Business Activities, and the purpose and intent of the regulations established pursuant to this Ordinance is not to restrict or prohibit protected speech associated with Sexually Oriented Business Activities, but rather is to address, mitigate, and, if possible, eliminate the adverse impacts and secondary effects of Sexually Oriented Business Activities on the areas in which such Activities are located or take place and to ensure that these Activities are established, managed, and operated in a safe and legal manner at all times; and

WHEREAS, the Village has for many years engaged in rigorous, firm, and effective policies and regulations relating to uses and activities that could have adverse impacts on the continued stability and vitality of the residential and business areas of the Village, and the regulations imposed by this Ordinance are a continuation of, and consistent with, those long-standing policies and regulations; and

WHEREAS, in light of additional legal standards for regulating Sexually Oriented Business Activities provided by the U.S. Supreme Court and the lower federal and state appellate courts, as well as the practical knowledge and experience gained by other municipalities and counties in Illinois and around the country, the President and Board of Trustees have found and determined that it is necessary to further supplement and amend the Village's current business regulations with the regulations set forth in this Ordinance; and

WHEREAS, the Village has the power and authority to adopt and enforce the terms, conditions, and regulations established in this Ordinance pursuant to (i) its general police powers to protect the public health, safety, morals, and general public welfare; (ii) the provisions of Sections 11-42-5, 11-42-10.2 and 11-60-2 of the Illinois Municipal Code; (iii) the provisions of Section 4-1 *et seq.* of the Liquor Control Act of 1934, 235 ILCS 5/4-1 *et seq.*; and (iv) all other applicable provisions of law;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAPLETON, ILLINOIS, as follows:

### **7.1. Recitals.**

The foregoing recitals are incorporated herein as the findings and determinations of the President and Board of Trustees.

### **7.2. Short Title.**

This Ordinance shall be known as, and may be referred to as, the “Mapleton Adult Use Licensing Ordinance.”

### **7.3. Definitions.**

For the purposes of this Ordinance, the following terms, phrases, and words shall have the meanings given herein.

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

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

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

(a) Persons who appear Semi-Nude.

(b) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

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

2. Adult Store. Any Commercial Establishment (a) that contains one or more Adult Booths; (b) that as a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials; or (c) that has a segment or section devoted to the sale or display of Adult Materials.

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

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

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

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

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

1.

a. Books, magazines, periodicals, or other printed matter, or digitally-stored materials; or

stored

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

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

G. Adult Use Commission. A commission appointed by the Adult Use Commissioner pursuant to Section 4 of this Ordinance.

H. Adult Use Commissioner. The President of the Village, pursuant to Section 8.4 of this Ordinance.

I. Board of Trustees. The Board of Trustees of the Village of Mapleton.

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

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

L. Effective Date. The Effective Date shall be deemed to be August 18, 1998.

- M. Licensed Premises. The place or location described in an Adult Establishment License where an Adult Entertainment Establishment is authorized to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location shall be included within the Licensed Premises.
- N. Licensee. Any person or entity that has been issued an Adult Establishment License pursuant to the provisions of this Ordinance.
- O. Nude or State of Nudity. A state of dress or undress that exposes to view (i) human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed; or (2) human male genitals in a discernibly turgid state, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.
- P. Reviewing Departments. Those Village departments or persons on the Village staff, or persons retained by the Village, designated by the Village President from time-to-time to review applications submitted pursuant to this Ordinance.
- Q. Semi-Nude. A state of dress or undress in which clothing covers no more than the genitals, pubic region, anus, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.
- R. Specified Anatomical Areas. Any of the following:
1. Human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
  2. Human male genitals in a discernibly turgid state, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

S. Specified Criminal Act. Any of the unlawful lewd, indecent, or immoral conduct specified in any of the following statutes:

1. Article 11 of the Illinois Criminal Code (sex offenses).
2. Section 26-4 of the Illinois Criminal Code, 720 ILCS 5/26-4 (unauthorized videotaping).
3. Section 33D-1 of the Illinois Criminal Code, 720 ILCS 5/33D-1 (contributing to the criminal delinquency of a juvenile).
4. The Harassing and Obscene Communications Act, 720 ILCS 135/0.01 *et seq.*
5. The Wrongs to Children Act, 720 ILCS 150/0.01 *et seq.*
6. The Improper Supervision of Children Act, 720 ILCS 640/0.01 *et seq.*
7. The Sale of Immoral Publications to Children Act, 720 ILCS 670/0.01 *et seq.*
8. The Cannabis Control Act, 720 ILCS 550/1 *et seq.*
9. The Illinois Controlled Substances Act, 720 ILCS 570/100 *et seq.*

T. Specified Sexual Activities. Any of the following:

1. Actual physical touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Actual physical sex acts, normal or perverted, including intercourse, oral copulation, or sodomy.
3. Actual masturbation.
4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in Paragraphs 1, 2, 3, or 4 of this definition.

U. Straddle Dance. The use by any person, including specifically, but without limitation, an Adult Establishment Employee, of any part of his or her body to deliberately touch the genitals, pubic region, buttock, anus, or female breast of any Adult Establishment Patron or any other person, or the deliberate touching of the genitals, pubic region, buttock, anus, or female breast of any person by any Adult Establishment Patron. Conduct shall

be a “Straddle Dance” regardless of whether the “touch” or “touching” occurs while the person is displaying or exposing any Specified Anatomical Area. Conduct shall also be a “Straddle Dance” regardless of whether the “touch” or “touching” is direct or through a medium. Conduct commonly referred to by the slang terms “lap dance,” “table dance,” and “face dance”- shall be included within this definition of Straddle Dance.

- V. Zoning Ordinance. The ordinance known and referred to as the “Zoning Ordinance of the Village of Mapleton, Illinois,” as it may be amended from time-to-time.

#### **8.4 Adult Use Commissioner and Adult Use Commission.**

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

1. To administer and rule upon the applications for, and the issuance, renewal, suspension, and revocation of, Adult Establishment Licenses as set forth in this Ordinance.
2. To conduct or provide for such inspections of Adult Entertainment Establishments as shall be necessary to determine and ensure compliance with the provisions of this Ordinance and other applicable provisions of law.
3. To periodically review the provisions of this Ordinance and the conduct and operation of Adult Entertainment Establishments and Adult Establishment Licensees, and to make such related reports and recommendations to the Board of Trustees as the Adult Use Commissioner shall deem necessary.
4. To appoint Members of the Board of Trustees to serve on the Adult Use Commission as set forth in Subsection B of this Section.
5. To direct the Adult Use Commission to conduct such hearings, studies, and reports on Adult Entertainment Establishments, and the regulations relating thereto, as the Adult Use Commissioner shall deem necessary.
6. To take such further actions as the Adult Use Commissioner shall deem necessary to carry out the purposes and intent of this Ordinance and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this Ordinance.

- B. Adult Use Commission.

1. Creation. A Commission, to be known as the “Adult Use Commission,” is hereby created and established for the purposes set forth in this Ordinance.
2. Composition. The Adult Use Commissioner may appoint one or more current Members of the Board of Trustees to serve at the will of the Adult Use Commissioner and to advise the Adult Use Commissioner on matters relating to the implementation and enforcement of the regulations set forth in this Ordinance and to the exercise of the Adult Use Commissioner’s powers and duties under this Ordinance. The person or persons appointed by the Adult Use Commissioner, along with the Adult Use Commissioner, shall comprise the Adult Use Commission.
3. Filing of Appointments. The Adult Use Commissioner shall file a written appointment of each of the members of the Adult Use Commission in the Office of the Village Clerk.
4. Duties. The Adult Use Commission shall have the following powers and duties:
  - a. To recommend to the Adult Use Commissioner such further regulations regarding Adult Entertainment Establishments and Adult Establishment Licenses as the members of the Commission may deem necessary to protect the public health, safety, and welfare or to otherwise carry out the purposes and objectives of the regulations established pursuant to this Ordinance.
  - b. To conduct and prepare hearings, studies, and reports upon matters referred to the Commission by the Adult Use Commissioner and to make such reports and recommendations relating thereto as are requested by the Adult Use Commissioner.
  - c. To conduct such hearings on the revocation or suspension of an Adult Establishment License as required pursuant to Section 8.17 of this Ordinance.

## **8.5 Adult Establishment Licenses Generally.**

- A. Adult Establishment License Required. An Adult Establishment License shall be required to establish, operate, or maintain an Adult Entertainment Establishment within the Village.
- B. Operation Without License Prohibited. Except as provided in Subsection F of this Section with regard to Adult Entertainment Establishments existing prior to the effective date of this Ordinance, it shall be unlawful for any person not having a current and valid Adult Establishment License to establish, operate, or maintain an Adult Entertainment Establishment within the Village at any time after the effective date of this Ordinance.
- C. Operation in Violation of License Prohibited. It shall be unlawful for any Licensee to establish, operate, or maintain an Adult Entertainment Establishment within the Village except in the manner authorized by, and in compliance with, the provisions of this Ordinance and the Licensee's Adult Establishment License.
- D. Content and Display of License. Every Adult Establishment License shall be provided by the Village and shall prominently state on its face, among other things, the name of the Licensee, the expiration date, and the address of the Adult Entertainment Establishment. Every Licensee shall cause the Licensee's Adult Establishment License to be framed, covered by glass, and hung at all times in plain view in a conspicuous place on the Licensed Premises so that it can be seen and read easily at any time by any person entering the Licensed Premises.
- E. License Term. Except as hereinafter provided, Adult Establishment Licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on January 1 of the year following the year of issuance and terminating on December 31 of that same year. Adult Establishment Licenses issued after January 1 of any year for operations to commence in that year shall be operative and valid, unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on December 31 of that same year.
- F. Existing Establishments.
  - 1. Application Generally. An Adult Entertainment Establishment existing and operating on or prior to the Effective Date ("Existing Establishment") may continue to exist and operate as of the Effective Date; provided, however, that the Existing Establishment (i) shall submit an application for an Adult Establishment License not later than October 17, 1998; (ii) shall cease operations on December 16, 1998 (the "Licensure Date"), unless it has secured

an Adult Establishment License by the Licensure Date; and (iii) shall comply with, and continue at all times to comply with, the requirements of Paragraph 2 of this Subsection F.

2. **Required Compliance on Effective Date.** An Existing Establishment shall, as of the Effective Date, be subject to the provisions of Sections 8.9, 8.11.A through 8.11.C, 8.11.E through 8.11.J, 8.11.L, 8.12.A, 8.12.B, 8.12.F, 8.12.G, 8.13.C through 8.13.E, 8.14, and 8.15, and shall at all times continue in compliance with said provisions.

G. **Renewal.** An Adult Establishment License may be renewed only by making application as required for an initial License pursuant to Section 8.6 of this Ordinance. Application for renewal shall be made at least 30 days before the expiration of the then-current License term. The expiration of the License shall not be affected or extended by a renewal application that is made less than 30 days before expiration.

## **8.6 Form and Submission of License Application.**

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

B. **Administrative Processing Fee and Security.**

1. **Administrative Processing Fee.** Every applicant for an Adult Establishment License or for the renewal of an existing Adult Establishment

License shall pay an Administrative Processing Fee in the amount of \$100.00 by certified check to the Village at the time of filing such application. The Administrative Processing Fee shall in all cases be non-refundable and shall be deposited in the general corporate fund of the Village.

2. Bond or Other Security. Each Adult Establishment License, and any renewals thereof, shall be conditioned on the acquisition and maintenance in good standing by the applicant and Licensee of a surety bond or other similar security in favor of the Village in the amount of \$2,500.00 to the Village. Before an Adult Establishment License may be issued, the applicant shall furnish such bond or security, and before an Adult Establishment License is renewed or reinstated following revocation or suspension, the Licensee shall submit evidence that the bond or other security, in the amount required pursuant hereto, remains in full force and effect. The bond or other security, or part thereof, for an Adult Entertainment Establishment shall be forfeited automatically pursuant to Paragraph 8.17.B.4 of this Ordinance in order to reimburse the Village for the Village's costs in association with the proceedings related to any suspension or revocation of the License.

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

1.

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

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

business in the State of Illinois; and the name of the registered corporate agent and the address of the registered office for service of process.

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

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

2. If a corporation or partnership is an interest holder that must be disclosed pursuant to Subparagraph 8.6.C.1(b) or 8.6.C.1(c) above, then such interest holders shall disclose the information required in said Subparagraphs with respect to their interest holders.
3. The general character and nature of the business of the applicant.
4. The length of time that the applicant has been in the business of the character specified in response to Paragraph 3 above.
5. The location, including street address and legal description, and telephone number, of the premises for which the Adult Establishment License is sought.

6. The specific name of the business that is to be operated under the Adult Establishment License.
7. The identity of each fee simple owner of the Licensed Premises, and evidence of a lease, license, or other proper authority evidencing the right of the applicant to use the Licensed Premises for the proposed Adult Entertainment Establishment.
8. A diagram showing the internal and external configuration of the Licensed Premises, including all doors, windows, entrances, exits, the fixed structural internal features of the Licensed Premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the Licensed Premises and to demonstrate compliance, either alone or in conjunction with such other documentation as the applicant shall submit, with the Americans with Disabilities Act and the Illinois Accessibility Code and with the other provisions of this Ordinance. The requirements of this Paragraph shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the License sought to be renewed and if the Licensee certifies that the Licensed Premises has not been altered since the immediately preceding issuance of the License and that the previous diagram continues to accurately depict the exterior and interior layouts of the Licensed Premises. The approval or use of the diagram required pursuant to this Paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any other Village approval otherwise required pursuant to applicable Village ordinances and regulations.
9. The names of each governmental body from which, within five years immediately prior to the date of the present application, the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection, has received a license or other authorization to conduct or operate a business (a) substantially the same as an Adult Entertainment Establishment,

and the names and addresses of each such business; (b) requiring a federal, state, or local liquor license; or (c) requiring a federal, state, or local gaming license.

10. The specific type or types of Adult Entertainment Establishment(s) that the applicant proposes to operate in the Licensed Premises.
11. A copy of each Adult Establishment License, liquor license, and gaming license currently held by the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection.
12. Whether the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection, has been, within five years immediately preceding the date of the application, convicted of, or pleaded nolo contendere to, any Specified Criminal Act. As to each conviction, the applicant or other individual shall provide the conviction date, the case number, the nature of the misdemeanor or felony violation(s) or offense(s), and the name and location of the court.
13. Whether the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection, has had a license or other authorization to conduct or operate a business substantially the same as an Adult Entertainment Establishment or any business requiring either a liquor or gaming license, revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.
14. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed Adult Entertainment Establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of

the information required pursuant to Subparagraph 1(a), and Paragraphs 9, 11, 12, and 13 of this Subsection.

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

- D. Incomplete Applications Returned. Any application for an Adult Establishment License that does not include all of the information and documents required pursuant to Subsection C of this Section as well as the Administrative Processing Fee and bond or other security required pursuant to Subsection B of this Section, shall be deemed to be incomplete and shall not be acted on or processed by the Village. The Adult Use Commissioner shall, within five days after such submission, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

## **8.7 Processing of License Application.**

- A. Reviewing Departments. Within three days after receipt of a complete application for an Adult Establishment License that includes all of the information and documents required pursuant to Subsection 6.C of this Ordinance, as well as the Administrative Processing Fee and bond or other security required pursuant to Subsection 8.6.B of this Ordinance, the Village Clerk shall transmit, or cause to be transmitted, a copy of the application to the Reviewing Departments.
- B. Reviewing Department Reports. Each of the Reviewing Departments shall, within 25 days after transmittal of the application thereto, or within such other period of time as the Village and the applicant may otherwise agree, (i) review the application; (ii) conduct such inspections of the proposed Licensed Premises and background investigations of the applicant and any of the individuals identified in the application pursuant to Paragraphs 8.6.C.1, 8.6.C.2, or 8.6.C.14 of this Ordinance, regarding matters within their respective jurisdictions, as shall be reasonably necessary to verify the information set forth in the application and to determine whether the proposed Adult

Entertainment Establishment and Licensed Premises comply with the requirements of this Ordinance and other applicable laws, codes, ordinances, rules, and regulations; and (iii) prepare and submit to the Adult Use Commissioner a written report regarding the results and findings of such reviews, inspections, and investigations.

- C. Adult Use Commissioner Review. The Adult Use Commissioner shall also conduct such inspections and investigations as the Adult Use Commissioner shall deem reasonably necessary to verify the information set forth in the application and to determine whether the proposed Adult Entertainment Establishment and Licensed Premises comply with the requirements of this Ordinance and other applicable laws, codes, ordinances, rules, and regulations.
- D. Reliance on Diagram. In the event that the Licensed Premises has not yet been constructed or reconstructed to accommodate the proposed Adult Entertainment Establishment, the Adult Use Commissioner and the Reviewing Departments shall base their respective written reports, investigations, and inspections to the extent necessary, on the diagram submitted pursuant to Paragraph 8.6.C.8 of this Ordinance. Any Adult Establishment License issued prior to the construction or reconstruction necessary to accommodate the proposed Adult Entertainment Establishment shall contain a condition that the Adult Entertainment Establishment shall not open for business until the Licensed Premises has been inspected and determined to be in substantial compliance with the diagram submitted with the application.
- E. Applicant Cooperation Required. An applicant for an Adult Establishment License shall cooperate fully in the inspections and investigations conducted pursuant to this Ordinance by the Adult Use Commissioner and the Reviewing Departments. The Applicant's failure or refusal (i) to give any information reasonably relevant to the investigation of the application; (ii) to allow the Licensed Premises to be inspected; (iii) to appear at any reasonable time and place for examination under oath regarding the application; or (iv) to otherwise cooperate with the investigation and inspection required by this Ordinance, shall constitute an admission by the applicant that the applicant is ineligible for an Adult Establishment License and shall be grounds for denial of the License by the Adult Use Commissioner.
- F. Time for Issuance or Denial. The Adult Use Commissioner shall, within 30 days after submission of a properly completed application, or within such other period of time as

the Village and the applicant shall otherwise agree, either issue an Adult Establishment License pursuant to the provisions of Subsection 8.8.A of this Ordinance or deny issuance of the Adult Establishment License pursuant to the provisions of Subsection 8.8.B of this Ordinance. The Adult Use Commissioner shall issue or deny the License within said 30-day period, or such other period of time as shall have been agreed to by the Village and the applicant, regardless of whether or not the Adult Use Commissioner has received all of the Reviewing Department reports.

- G. Decision Final. The action taken by the Adult Use Commissioner to issue or deny an Adult Establishment License pursuant, respectively, to Subsections 8.8.A and 8.8.B of this Ordinance shall be final and shall be subject to judicial review.

## **8.8 Standards for Issuance or Denial of License.**

- A. Issuance. The Adult Use Commissioner shall issue an Adult Establishment License to an applicant if, but only if, the Adult Use Commissioner finds and determines all of the following, based on the reports, investigations, and inspections conducted by the Adult Use Commissioner and the Reviewing Departments and on any other credible information on which it is reasonable for the Adult Use Commissioner to rely:
  - 1. All information and documents required by Section 8.8 of this Ordinance for issuance of an Adult Establishment License have been properly provided and the material statements made in the application are true and correct.
  - 2. For Adult Stores and Adult Theaters, all persons identified in the application pursuant to Paragraphs 8.6.C.1, 8.6.C.2, or 8.6.C.14 of this Ordinance are at least 18 years of age and not under any legal disability. For Adult Cabarets, all persons identified in the application pursuant to Paragraphs 8.6.C.1, 8.6.C.2, or 8.6.C.14 of this Ordinance are at least 21 years of age and not under any legal disability.
  - 3. No person identified in the application pursuant to Paragraphs 8.6.C.1, 8.6.C.2, or 8.6.C.14 of this Ordinance has been convicted of, or pleaded nolo contendere to, any Specified Criminal Act within five years immediately preceding the date of the application.

4. No person identified in the application pursuant to Paragraphs 8.6.C.1, 8.6.C.2, or 8.6.C.14 of this Ordinance has been convicted of, or pleaded nolo contendere to, any violation of a provision of this Ordinance within five years immediately preceding the date of the application.
5. No person identified in the application pursuant to Paragraphs 8.6.C.1, 8.6.C.2, or 8.6.C.14 of this Ordinance is overdue on payment to the Village of taxes, fees, fines, or penalties assessed against, or imposed on, any such individual in connection to any Adult Entertainment Establishment.
6. No person identified in the application pursuant to Paragraphs 8.6.C.1, 8.6.C.2, or 8.6.C.14 of this Ordinance is residing with, or married to, a person (i) who has been denied an Adult Establishment License within 12 months immediately preceding the date of the application, (ii) whose Adult Establishment License has been revoked within 12 months immediately preceding the date of the application, or (iii) whose Adult Establishment License is under suspension at the time of application.
7. The Adult Entertainment Establishment and the Licensed Premises, and the proposed operation of the Adult Entertainment Establishment, comply with all then applicable building, health, and life safety codes and regulations and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the Village Zoning Ordinance.
8. The applicant has confirmed in writing and under oath as part of the application that the applicant has read this Ordinance and all provisions of the Village Zoning Ordinance applicable to Adult Entertainment Establishments, that the applicant is familiar with their terms and conditions, and that the Licensed Premises and the proposed Adult Entertainment Establishment and its proposed operation are and shall be in compliance therewith.

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

Licensee an opportunity to obtain judicial relief, any such denial shall take effect (i) on the 14<sup>th</sup> day after the Adult Use Commissioner's written decision is delivered in person or (ii) on the 17<sup>th</sup> day after the Adult Use Commissioner's written decision is placed in the U.S. mail as provided in this paragraph.

- C. License Deemed To Be Issued. If the Adult Use Commissioner does not issue or deny the Adult Establishment License within 30 days after the properly completed application is submitted, then the Adult Establishment License applied for shall be deemed to have been issued.

## **8.9 Inspections by the Village.**

- A. Authority. The Adult Use Commissioner and other Village representatives and departments with jurisdiction shall periodically inspect all Adult Entertainment Establishments as shall be necessary to determine compliance with the provisions of this Ordinance and all other applicable law.
- B. Licensee Cooperation. A Licensee shall permit representatives of the Village to inspect the Licensed Premises and the Adult Entertainment Establishment for the purpose of determining compliance with the provisions of this Ordinance and all other applicable law at any time during which the Licensed Premises is occupied or the Adult Entertainment Establishment is open for business.
- C. Interference or Refusal Illegal. It shall be unlawful for the Licensee, any Adult Establishment Employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the Village pursuant to this Ordinance or any other authority.
- D. Suspension or Revocation. Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the Adult Establishment License pursuant to Section 8.17 of this Ordinance.

## **8.10 Change in Information.**

During the pendency of any application for, or during the term of, any Adult Establishment License, the applicant or Licensee shall promptly notify the Adult Use Commissioner in writing (i) of any change in any material information given by the applicant or Licensee in the application for such License, including specifically, but without limitation, any change in managers of the Adult Entertainment Establishment or in the individuals identified in the application pursuant to Paragraphs 8.6.C.1 or 8.6.C.2 of this Ordinance; or (ii) if any of the events constituting grounds for suspension or revocation pursuant to Subsection 8.17.A of this Ordinance occur.

#### **8.11 Regulations Applicable to All Adult Entertainment Establishments.**

- A. General Compliance. All Licensed Premises and Adult Entertainment Establishments shall comply with the provisions of this Ordinance; all other applicable Village ordinances, resolutions, rules, and regulations; and all other applicable federal, state, and local laws.
- B. Hours of Operation. No Adult Entertainment Establishment shall be open for business at any time between the hours of 12:00 a.m. and 12:00 noon on any weekday or Saturday. No Adult Entertainment Establishment shall be open for business at any time on any Sunday or on any legal State of Illinois or federal holiday.
- C. Animals. No animals, except only for seeing-eye dogs required to assist the blind, shall be permitted at any time at or in any Adult Entertainment Establishment or Licensed Premises.
- D. Restrooms. All restrooms in Adult Entertainment Establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No Adult Materials or live performances shall be provided or allowed at any time in the restrooms of an Adult Entertainment Establishment. Separate male and female restrooms shall be provided for and used by Adult Establishment Employees and Adult Establishment Patrons.
- E. Restricted Access. No Adult Establishment Patron shall be permitted at any time to enter into any of the non-public portions of any Adult Entertainment Establishment, including specifically, but without limitation, any storage areas or dressing or other

rooms provided for the benefit of Adult Establishment Employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the Licensed Premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

F. Specific Prohibited Acts.

1. No Adult Establishment Employee or any other person at any Adult Entertainment Establishment shall appear, be present, or perform while Nude.
2. No Adult Establishment Employee or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Patron or any other Adult Establishment Employee or any other person. No Adult Establishment Patron or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Employee or any other Adult Establishment Patron or any other person.
3. Straddle Dances shall be prohibited at all Adult Entertainment Establishments.

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

- H. Signage Limitations. All signs for Adult Entertainment Establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding 32 square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this Ordinance shall contain only (i) the name of the Adult Entertainment Establishment and/or (ii) the specific type of Adult Entertainment Establishment conducted on the Licensed Premises. Temporary signage shall not be permitted in connection with any Adult Entertainment Establishment.
- I. Noise. No loudspeakers or sound equipment audible beyond the Licensed Premises shall be used at any time.
- J. Gambling and Related Devices Prohibited. No Adult Entertainment Establishment shall contain any video, pinball, slot, bagatelle, pigeonhole, pool, or any other games, machines, tables, or implements.
- K. Manager's Station. Each Adult Entertainment Establishment shall have one or more manager's stations. The interior of each Adult Entertainment Establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the Establishment to which any Adult Establishment Patron is permitted access for any purpose.
- L. Alcohol Prohibition. No alcoholic liquor of any kind shall be sold, used, consumed, or possessed at any time on any Licensed Premises or at any Adult Entertainment Establishment.

#### **8.12 Special Regulations for Adult Booths.**

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

- B. Occupancy and Prohibited Acts. Only one individual shall occupy an Adult Booth at any one time. No individual occupying an Adult Booth shall engage in any Specified Sexual Activities. No individual shall damage or deface any portion of an Adult Booth.
- C. Open Booth Requirement. In addition to satisfying the manager station requirements of Subsection 11.K of this Ordinance, all Adult Stores containing Adult Booths shall be physically arranged in such a manner that the entire interior portion of each Adult Booth shall be visible from the common area of the Adult Store. To satisfy this requirement, there shall be a permanently open and unobstructed for each Adult Booth and for the entranceway from the area of the Adult Store that provides other Adult Materials to the area of the Adult Store containing the Adult Booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the Adult Store containing the Adult Booths or any person situated in an Adult Booth. It shall be unlawful to install Adult Booths within an Adult Entertainment Establishment for the purpose of providing secluded viewing of Adult Materials or live performances.
- D. Aisle Required. There shall be one continuous lighted main aisle along side the Adult Booths provided in any Adult Store. Each person situated in a Booth shall be visible at all times from the aisle.
- E. Holes Prohibited. Except for the open Booth entranceway, the walls and partitions of each Adult Booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.
- F. Signage. A sign shall be posted in a conspicuous place at or near the entranceway to each Adult Booth that states (i) that only one person is allowed in an Adult Booth at any one time, (ii) that it is unlawful to engage in any Specified Sexual Activities while in an Adult Booth, and (iii) that it is unlawful to damage or deface any portion of an Adult Booth.
- G. Age Limitation.

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

#### **8.13 Special Regulations for Adult Cabarets.**

- A. Performance Area. The performance area of an Adult Cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each Cabaret Stage shall be at least 18 inches in elevation above the level of the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least eight feet from all areas of the premises to which Adult Entertainment Patrons have access. A continuous barrier at least three feet in height and located at least eight feet from all points of each Cabaret Stage shall separate each Cabaret Stage from all patron seating areas. The barrier shall consist of horizontal or vertical members spaced no more than nine inches apart and nine inches from the floor or the walls to which it is attached.
- B. Lighting. Sufficient lighting shall be provided and equally distributed throughout the public areas of the Adult Cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at 30 inches from the floor and on 10 foot centers shall be maintained at all times for all areas of the Adult Cabaret where Adult Establishment Patrons are admitted.
- C. Tipping. No tip or gratuity from any Adult Establishment Patron may be offered or accepted for any performance by an Adult Establishment Employee on any Adult Cabaret Stage at any time prior to the completion of any such performance. No Adult Establishment Patron shall offer, and no Adult Establishment Employee having performed on any Cabaret Stage shall accept, any form of tip or gratuity offered directly

to the Employee by the Adult Establishment Patron. Rather, following completion of a performance, all tips and gratuities to Adult Establishment Employees performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the Adult Entertainment Establishment.

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

THIS ADULT CABARET IS REGULATED BY THE VILLAGE OF  
MAPLETON. ENTERTAINERS ARE:

1. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
2. NOT PERMITTED TO APPEAR IN A STATE OF NUDITY.
3. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES FOR ANY PERFORMANCE UNTIL AFTER COMPLETION OF THE PERFORMANCE.
4. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY FROM PATRONS EVEN AFTER COMPLETION OF THE PERFORMANCE. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT.

- E. Age Limitation.

1. No Adult Establishment Employee or Adult Establishment Patron at an Adult Cabaret or a Licensed Premises used for an Adult Cabaret shall be under the age of 21.
2. No person under the age of 21 shall be admitted to any Adult Cabaret or to any Licensed Premises used for an Adult Cabaret.
3. No person under the age of 21 shall be allowed or permitted to remain at any Adult Cabaret or any Licensed Premises used for an Adult Cabaret.

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

#### **8.14 Special Regulation for Adult Stores.**

- A. Windows and Signs. Window areas for Adult Stores shall not be covered or obstructed in any way. No signs or other obstructions shall be placed in the windows.
- B. Age Limitation.
  1. No Adult Establishment Employee or Adult Establishment Patron at an Adult Store or a Licensed Premises used for an Adult Store shall be under the age of 18.
  2. No person under the age of 18 shall be admitted to any Adult Store or to any Licensed Premises used for an Adult Store.
  3. No person under the age of 18 shall be allowed or permitted to remain at any Adult Store or any Licensed Premises used for an Adult Store.
  4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Store or any Licensed Premises used for an Adult Store.

#### **8.15 Special Regulations for Adult Theaters.**

- A. Seating. Each Adult Theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the Adult Theater.
- B. Aisle. Each Adult Theater shall have a continuous main aisle alongside the seating area in order that each person seated in the Adult Theater shall be visible from the aisle at all times.

- C. Sign. Each Adult Theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.
  
- D. Age Limitations.
  - 1. No Adult Establishment Employee or Adult Establishment Patron at an Adult Theater or a Licensed Premises used for an Adult Theater shall be under the age of 18.
  - 2. No person under the age of 18 shall be admitted to any Adult Theater or to any Licensed Premises used for an Adult Theater.
  - 3. No person under the age of 18 shall be allowed or permitted to remain at any Adult Theater or any Licensed Premises used for an Adult Theater.
  - 4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Theater or any Licensed Premises used for an Adult Theater.

#### **8.16 Licensee Responsibility for Employees.**

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

#### **8.17 License Revocation or Suspension.**

- A. Grounds. Pursuant to the procedures set forth in Subsection B of this Section, the Adult Use Commissioner may suspend for not more than 30 days, or revoke, any Adult Establishment License if the Adult Use Commissioner, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:
1. The Licensee has violated any of the provisions or requirements of this Ordinance or the Adult Establishment License issued pursuant hereto, or the provisions of the Zoning Ordinance applicable to the Licensed Premises or the Adult Entertainment Establishment.
  2. The Licensee (i) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the Village for the issuance or renewal of any Adult Establishment License or (ii) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the Licensee's behalf.
  3. The Licensee has been convicted of, or pleaded *nolo contendere* to, a felony or Specified Criminal Act on the Licensed Premises.
  4. The Licensee authorizes, approves, or, as a result of the Licensee's negligent failure to supervise the Licensed Premises or the Adult Entertainment Establishment, allows, an Adult Establishment Employee, an Adult Establishment Patron, or any other person to (i) violate any of the provisions or requirements of this Ordinance or of the provisions or requirements of the Adult Establishment License issued pursuant hereto, or (ii) commit any felony or Specified Criminal Act on the Licensed Premises.
  5. The Licensee, or any person identified pursuant to Paragraphs 8.6.C.1, 8.6.C.2, or 8.6.C.14 of this Ordinance becomes disqualified for the issuance of an Adult Establishment License at any time during the term of the License at issue.
- B. Procedure. An Adult Entertainment Establishment License may be suspended for not more than 30 days or revoked pursuant to the terms and conditions set forth in this Subsection B.
1. Notice. Upon determining that one or more of the grounds for suspension or revocation under Subsection A of this Section may exist, the Adult Use Commissioner shall serve a written notice on the Licensee in person or by

certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. -The written notice shall, at a minimum, (i) state that Adult Use Commissioner has determined that the Adult Establishment License may be subject to suspension or revocation pursuant to Subsection 17.A of this Ordinance; (ii) identify the specific grounds for the Adult Use Commissioner's determination; and (iii) set a date for a hearing regarding the Adult Use Commissioner's determination as to the possibility of suspension or revocation of the Adult Establishment License. The date of the hearing shall be no less than five days after service of the Adult Use Commissioner's notice, unless an earlier or later date is agreed to by the Licensee and the Adult Use Commissioner.

2. Hearing. The hearing shall be conducted by the Adult Use Commissioner, or, at the Adult Use Commissioner's direction, by the Adult Use Commission. At the hearing, the Licensee may present and submit evidence and witnesses to refute the grounds cited by the Adult Use Commissioner for suspending or revoking the License and the Village and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the Adult Entertainment Establishment pursuant to Section 18 of this Ordinance shall be made part of the hearing record. Within three days after the close of the hearing, the Adult Use Commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Adult Use Commissioner shall be final and shall be subject to judicial review.
3. Notice and Effective Date of Suspension or Revocation. The Adult Use Commissioner's written decision shall be posted at the office of the Adult Use Commissioner and shall be served on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. In order to allow an aggrieved Licensee an opportunity to obtain judicial relief, any suspension or revocation, as the case may be, shall take effect (i) on the 14<sup>th</sup> day after the Adult Use Commissioner's written decision is delivered in person or (ii) on the 17<sup>th</sup> day after the Adult Use Commissioner's written decision is placed in the U.S. mail as provided in this paragraph.
4. Surrender of License and Security. Upon the suspension or revocation of an Adult Establishment License pursuant to this Ordinance, (i) the Adult Use

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

#### **8.18 Administrative Record.**

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

#### **8.19 Recordkeeping by Licensee.**

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

1. Legal name.
2. Any and all aliases.
3. Current residential address and telephone number.
4. Date of birth.
5. Gender.
6. Social security number.
7. Date of commencement of employment.
8. Date of employment termination, if applicable.

9. Specific job or employment duties.

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

**8.20 Penalty.**

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of, any of the provisions or requirements of this Ordinance or of any of the provisions or requirements of any Adult Establishment License, shall be fined not more than \$500.00 for each such violation. Each day such violation continues shall constitute a separate offense. The Adult Use Commissioner shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application.

**8.21 Nuisance Declared.**

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

**8.22 Computation of Time.**

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

excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded.

#### **8.23 Severability.**

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

**ORDINANCE IN FORCE**

This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.

