

VILLAGE CODE

of

LODA

ILLINOIS

1991



STERLING CODIFIERS, Inc.

35 West Commercial
Weiser, Idaho

TITLES

ADMINISTRATION	1
BUSINESS REGULATIONS	2
PUBLIC HEALTH AND SAFETY	3
PUBLIC WAYS AND PROPERTY	4

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CHAPTER 1
OFFICIAL VILLAGE CODE

SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Code Alterations

1-1-1: **TITLE:** Upon the adoption by the Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official Code of the Village. This Village Code of ordinances shall be known and cited as the *LODA VILLAGE CODE* and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this Village Code by title in any legal document. (1991 Code)

1-1-2: **ACCEPTANCE:** The Village Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Code. (1991 Code)

1-1-3: **AMENDMENTS:** Any ordinance amending the Village Code shall set forth the title, chapter and section number of the

section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code. (1991 Code)

1-1-4: **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this Village Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the Village Board. The Village Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk. Any person having in his custody an official copy of the Village Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the Village and shall be returned to the office of the Clerk when directed to do so by order of the Village Board. (1991 Code)

CHAPTER 2
SAVING CLAUSE

SECTION:

- 1-2-1: Repeal of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the Village passed prior to the adoption of this Village Code are hereby repealed, except such as are included in this Village Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the Village; and all special ordinances. (1991 Code)

1-2-2: **PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Village Code or by virtue of the

preceding Section, excepting as the Village Code may contain provisions for such matters, in which case this Village Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1991 Code)

1-2-3: **COURT PROCEEDINGS:** No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

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

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Village under any ordinance or provision thereof in force at the time of the adoption of this Village Code. (1991 Code)

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Village Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of

the remaining portions of this Code, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1991 Code)

CHAPTER 3
DEFINITIONS

SECTION:

- 1-3-1: Construction of Words
- 1-3-2: Definitions, General
- 1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS:** Whenever any word in any section of this Village Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this Village Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this Village Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

The word "ordinance" contained in the ordinances of the Village has been changed in the content of this Village Code to "Title", "Chapter", "Section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the Village's ordinances is not meant to amend passage and effective dates of such original ordinances. (1991 Code)

1-3-2: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this Code, they shall have such meanings

herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT	A person acting on behalf of another with authority conferred either expressly or impliedly to do so.
BOARD	Unless otherwise indicated, the Board of Trustees of the Village.
CODE	The Municipal Code of Loda, Illinois, and amendments thereto.
COUNTY	The County of Iroquois, State of Illinois.
EMPLOYEES	Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words, "of the Village of Loda".
FEE	A sum of money charged by the Village for the carrying on of a business, profession or occupation.
LICENSE	The permission granted for the carrying on of a business, profession or occupation.
MAYOR	See Village President.
MISDEMEANOR	Any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.
NUISANCE	Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

OCCUPANT	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.
OFFENSE	Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
OFFICERS	Whenever reference is made in this Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of Loda".
OPERATOR	The person who is in charge of any operation, business or profession.
OWNER	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
PERSONAL PROPERTY	Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
RETAILER	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities directly to the consumer.
STATE	The State of Illinois.

STREET	Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
TENANT	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
VILLAGE	The Village of Loda, County of Iroquois, State of Illinois.
VILLAGE PRESIDENT	The President of the Village may be referred to as "Mayor" or "President" of the Village.
WHOLESALE and WHOLESALE DEALER	Unless otherwise specifically defined, such terms shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.
WRITTEN, IN WRITING	May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. (1991 Code)

1-3-3: **CATCHLINES:** The catchlines of the several sections of the Village Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1991 Code)

CHAPTER 4
GENERAL PENALTY

SECTION:

- 1-4-1: General Penalty
- 1-4-2: Application of Provisions
- 1-4-3: Liability of Officers

1-4-1: **GENERAL PENALTY:** Any person convicted of a violation of any section or provision of this Village Code, where no other penalty is set forth, shall be punished by a fine not to exceed five hundred dollars (\$500.00) for any offense.¹ (1991 Code)

1-4-2: **APPLICATION OF PROVISIONS:** The penalty provided in this Chapter shall be applicable to every section of this Village Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Village Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.

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

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Village Code and there shall

1. S.H.A. ch. 24, ¶1-2-1.

be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply. (1991 Code)

1-4-3: **LIABILITY OF OFFICERS:** No provision of this Village Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1991 Code)

CHAPTER 5
VILLAGE BOARD OF TRUSTEES

SECTION:

- 1-5-1: Election; Functions
- 1-5-2: Oath; Salary
- 1-5-3: Meetings of the Board
- 1-5-4: President of the Board
- 1-5-5: Deciding Vote
- 1-5-6: Passage of Ordinances
- 1-5-7: Rules of Order

1-5-1: **ELECTION; FUNCTIONS:** The Board of Trustees, consisting of six (6) members, shall be elected to office for four (4) year terms, according to the method provided by statute.¹ This Board shall be the legislative department of the Village government and shall perform such duties and have such powers as may be delegated by statute to it. (1991 Code)

1-5-2: **OATH; SALARY:** The members of the Board of Trustees shall take oath of office prescribed by statute² and shall receive such compensation as may be provided by ordinance.³ (1991 Code)

1-5-3: **MEETINGS OF THE BOARD:**

A. Regular Meetings: The Board of Trustees shall hold its regular meetings in the Village Hall on the second Wednesday of each

1. S.H.A. ch. 24, ¶¶3-2-1 et seq., 3-5-2.

2. S.H.A. ch. 24, ¶3-14-3.

3. See subsection 1-7-2B of this Title.

- A) month at seven o'clock (7:00) P.M., and notice of such regular meetings shall be required by posting within the Village Hall.

Any regular meeting of the Board of Trustees which falls on a legal holiday shall be held on the next following secular day at the same hour and place.

- B. **Special Meetings:** The Village President or any three (3) Village Trustees may call special meetings of the Board of Trustees by a written call filed with the Village Clerk at least thirty six (36) hours prior to the time specified for such meeting. At least twenty four (24) hours' written notice of such special meeting shall be given to the Trustees by the Village Clerk, which notice shall specify the time and the purpose of such meeting and shall be delivered to each member of the Board of Trustees personally if he can be found and, if he cannot be found, then by leaving a copy of such notice at the home of such Board member in the presence of an adult member of the family of the Board member. Notice of special meetings, with the agenda, shall be posted at the Village Hall within the Village twenty four (24) hours before the scheduled meeting. The Village Clerk shall cause an affidavit showing service of such notice as herein provided, to be filed in his office prior to the time fixed for such special meeting. Special meetings may be held without notice when all members of the Board are present in person or with consent in writing to the holding of such meeting. Such written consent shall be filed with the Village Clerk prior to the beginning of the meeting. Any special meeting attended by all of the members of the Board of Trustees shall be a regular meeting for the transaction of any business that may come before such meeting.
- C. **Place for Meetings:** All meetings of the Board of Trustees shall be held in the Village Hall, including special and adjourned meetings, or such other places as shall be designated by the Board.
- D. **Meetings Open to Public:** All meetings shall be open to the public, as is required by statute.¹ (1991 Code)

1-5-4: **PRESIDENT OF THE BOARD:**² The Village President shall be the presiding officer of all regular and special meetings

1. S.H.A. ch. 102, ¶41.01 et seq.

2. See also Section 1-6-1 of this Title.

of the Board of Trustees and at all times when the Board meets as a committee of the whole. (1991 Code)

1-5-5: **DECIDING VOTE:** The Village President shall preside at all meetings of the Village Board of Trustees. He shall not vote on any ordinance, resolution or motion except: (a) where the vote of the Trustees has resulted in a tie; or (b) where one-half ($1/2$) of the Trustees elected have voted in favor of an ordinance, resolution or motion even though there is no tie vote; or (c) where a vote greater than a majority of the corporate authorities is required by this Code to adopt an ordinance, resolution or motion. In each instance specified, the Village President shall vote. Nothing in this Section shall deprive an acting Village President or Village President Pro Tem from voting in his capacity as Trustee, but he shall not be entitled to another vote in his capacity as acting Village President or Village President Pro Tem. (1991 Code)

1-5-6: **PASSAGE OF ORDINANCES:**

A. **Approval; Veto:** All resolutions and motions (1) which create any liability against the Village, or (2) which provide for the expenditure or appropriation of its money, or (3) to sell any Village property, and all ordinances passed by the Board of Trustees shall be deposited with the Village Clerk. If the Village President approves of them, he shall sign them.

Those of which he disapproves, he shall return to the Board of Trustees, with his written objections, at the next regular meeting of the Board of Trustees occurring not less than five (5) days after their passage. The Village President may disapprove of any one or more sums appropriated in any ordinance, resolution or motion making an appropriation, and if so, the remainder shall be effective. However, the Village President may disapprove entirely of an ordinance, resolution or motion making an appropriation. If the Village President fails to return any ordinance or specified resolution with his written objections, within the designated time, it shall become effective despite the absence of his signature.

B. **Reconsideration; Passing Over Veto:** Every resolution and motion specified in the preceding subsection, and every ordinance which is returned to the Board of Trustees by the Village President shall

- B) be reconsidered by the Board of Trustees. If, after such reconsideration, two-thirds ($\frac{2}{3}$) of all the Trustees elected to the Board of Trustees shall agree to pass an ordinance, resolution or motion, notwithstanding the President's refusal to approve it, then it shall be effective. The vote on the question of passage over the President's veto shall be by yeas and nays and shall be recorded in the journal. (1991 Code)

1-5-7: **RULES OF ORDER:**

- A. **Rescinded Action:** No vote or action of the Board of Trustees shall be rescinded at any special meeting of the Board of Trustees unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by statute.
- B. **Resolutions:** Any resolutions submitted to the Board of Trustees shall be reduced to writing before being voted upon on request of any two (2) members of the Board.
- C. **Addressing Meetings:** No person other than the President or a member of the Board shall address that body at any regular or special meeting except upon consent of a majority of the members.
- D. **Suspension of Rules:** The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members present at any meeting.
- E. **Robert's Rules of Order:** Robert's Rules of Order shall govern the deliberations of the Board of Trustees, except when in conflict with any of the foregoing rules.
- F. **Quorum:** A majority of the Trustees or three (3) Trustees and the Village President shall constitute a quorum to do business.
- G. **Committees:**
1. The following shall be the standing committees of the Board of Trustees:

- G1) Health, Public Safety, Law Enforcement, Animal Control
Water
Streets, Parks, and Public Grounds
Finance
Liquor Control

2. Special committees shall be created, from time to time, as directed by the Board of Trustees.

3. All standing and special committees shall consist of three (3) members each, including the chairman, unless the Board shall otherwise direct.

4. All committees shall be appointed by the Village President.

- H. Disturbing Meetings: It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof. Any person violating the provisions of this subsection shall be punishable as provided in this Code.¹ (1991 Code)

1. See Section 1-4-1 of this Title.

CHAPTER 6
VILLAGE MAYOR

SECTION:

- 1-6-1: Election, Term of Office
- 1-6-2: Village President as Mayor
- 1-6-3: Bond, Oath and Salary
- 1-6-4: Duties
- 1-6-5: Designation of Duties
- 1-6-6: President Pro Tem

1-6-1: **ELECTION, TERM OF OFFICE:** The Mayor shall be elected for a term of four (4) years, and he shall be the President of the Board of Trustees as is provided by statute.¹ (1991 Code)

1-6-2: **VILLAGE PRESIDENT AS MAYOR:** Hereafter, the Village President may be known by the term Mayor, but nothing in this Section shall be construed as violating any statute of the State of Illinois, and where such statutes refer to the chief administrative officer as Village President, then all subsequent ordinances of the Village referring to him by any other name or designation would be taken to mean the "Village President" instead of "Mayor". (1991 Code)

1-6-3: **BOND, OATH AND SALARY:** Before entering upon the duties of his office, the Mayor shall give a bond with sureties to be approved by the Board of Trustees, conditioned upon the faithful performance of his duties, in the sum of three thousand dollars

1. S.H.A. ch. 24, §3-12-2.

(\$3,000.00). He shall take the oath of office as prescribed by statute¹ and shall receive such compensation as may be set, from time to time, by the Village Board.² (1991 Code)

1-6-4: **DUTIES:** The Mayor shall be the chief executive officer of the Village, and he shall perform all such duties as may be required of him by statute or ordinance.³ He shall have supervision over all the executive officers of the Village and over all of the employees of the Village. He shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time. (1991 Code)

1-6-5: **DESIGNATION OF DUTIES:** Whenever there is a question as to the respective powers or duties of any appointed officer of the Village, the Mayor shall settle the dispute, and he shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform the duty. (1991 Code)

1-6-6: **PRESIDENT PRO TEM:** During the temporary absence or disability of the Mayor, the Board of Trustees shall elect one of its number to act as President Pro Tem who, during the absence or disability of the Mayor, shall perform the duties pertaining to the office. (1991 Code)

1. S.H.A. ch. 24, ¶3-14-3.

2. See subsection 1-7-2A of this Title.

3. See Section 2-2-2 for Mayor as Local Liquor Control Commissioner.

CHAPTER 7
VILLAGE OFFICERS AND EMPLOYEES

SECTION:

- 1-7-1: Terms of Village Officers
1-7-2: Salaries and Compensation

1-7-1: **TERMS OF VILLAGE OFFICERS:** Municipal officials elected at the Municipal election held in April are to begin their terms of office on the first regular or special meeting date of the following May. (1991 Code)

1-7-2: **SALARIES AND COMPENSATION:**¹

- A. President: The salary of the President of the Board of Trustees is hereby fixed in the sum of one thousand two hundred dollars (\$1,200.00) per year, payable quarterly.²
- B. Trustees: The salary of each Trustee of the Village is hereby fixed in the sum of sixty dollars (\$60.00) per month, payable quarterly; provided, however, that the Trustee must attend the regular monthly meeting to be paid.³
- C. Clerk: The salary of the Village Clerk is hereby fixed in the sum of one thousand eight hundred dollars (\$1,800.00) per year, payable monthly at the rate of one hundred fifty dollars (\$150.00) per month.⁴ (1991 Code)

1. See also Section 1-7B-4 of this Chapter for Treasurer's salary.

2. See also Section 1-6-3 of this Title.

3. See also Section 1-5-2 of this Title.

4. See Article A of this Chapter for provisions regarding the Village Clerk.

CHAPTER 7
VILLAGE OFFICERS AND EMPLOYEES
ARTICLE A. VILLAGE CLERK

SECTION:

- 1-7A-1: Election, Term
1-7A-2: Bond
1-7A-3: Duties

1-7A-1: **ELECTION, TERM:** The Village Clerk shall be elected and serve for a four (4) year term and until his successor is elected and qualified as provided by statute.¹ (1991 Code)

1-7A-2: **BOND:** Before entering upon his duties of office, the Village Clerk shall execute a bond in such amount as is provided by statute, conditioned upon the faithful performance of his duties. (1991 Code)

1-7A-3: **DUTIES:** The Village Clerk shall have and perform the following duties:

- A. **Signatures:** Seal and attest all contracts of the Village and all licenses, permits and such other documents as shall require this formality.
- B. **Seal:** Be the custodian of the Village Seal and shall affix its impression on documents whenever this is required.

1. S.H.A. ch. 24, ¶3-5-9; for Clerk's salary, see subsection 1-7-2C of this Title.

- C. Money Collected: Turn over all money received by him on behalf of the Village to the Village Treasurer promptly upon receipt of the same, and with such money, he shall give a statement as to the source thereof.¹
- D. Accounts: Keep accounts showing all money received by him and the source and disposition thereof and such other accounts as may be required by statute or ordinance.
- E. Records: In addition to the record of ordinances and other records which he is required by statute to keep, he shall keep a register of all licenses and permits issued and the payments thereof, a record showing all of the officers and regular employees of the Village, and such other records as may be required by the Village.
- F. Documents: Be the custodian of all document and records kept by him, so that ready access thereto and use thereof may be had.
- G. Indexes: Keep and maintain a proper index to all document and records kept by him, so that ready access thereto and use thereof may be had.
- H. Attend Village Board Meetings, Record of Proceedings: Attend all meetings of the corporate authorities and keep a full record of its proceedings in the journal.² (1991 Code)

1. See also subsection 1-7B-3A of this Chapter.

2. See Section 1-5-3 of this Title.

CHAPTER 7
VILLAGE OFFICERS AND EMPLOYEES
ARTICLE B. VILLAGE TREASURER

SECTION:

- 1-7B-1: Appointment, Term of Office
1-7B-2: Bond
1-7B-3: Duties
1-7B-4: Compensation

1-7B-1: **APPOINTMENT, TERM OF OFFICE:** The Village Treasurer shall be appointed and serve for the term of the President and until his successor has been appointed and qualified as provided by statute. (1991 Code)

1-7B-2: **BOND:** The Treasurer's bond shall be an amount of money that is not less than three (3) times the latest Federal census taken for any purpose and, in no event, less than twenty five thousand dollars (\$25,000.00). (1991 Code)

1-7B-3: **DUTIES:**

- A. General: The Treasurer shall perform such duties as may be prescribed for him by statute or ordinance. He shall receive all money paid into the Village, either directly from the person paying it or from the hands of such other officer as may receive it, and he shall pay out only on warrants, vouchers or orders properly signed by the Village Clerk and by the Village President.¹

1. See also Section 1-7A-3 of this Chapter.

- B. **Deposit of Funds:** The Treasurer shall deposit the Village funds in such depositories as shall be designated by the Board of Trustees and as is provided by law, and he shall keep the Village money separate and distinct from his own and shall not intermingle his own money with it or make private or personal use of the Village funds.
- C. **Books and Records:** The Treasurer shall keep:
1. **Finances: Records** showing all money received by him, the source from which it was received, and the purpose for which it was paid out, and he shall keep a record showing at all times the financial status of the Village. The Treasurer shall keep such additional books and accounts as may be required by the Village Board and shall keep them in the manner required by the Board.
 2. **Bonds, Orders, Vouchers:** A register of all bonds or orders filed with him or paid by him and of all vouchers.
 3. **Books of Appropriations, Expenditures and Receipts:** A complete set of books, in a neat and methodical manner, in which, among other things, shall be set forth the appropriations of the fiscal year, each distinct object and branch of expenditure, and also the receipts from each and every source of revenue, so far as he can ascertain the same. Such books, and all other papers kept in his office, shall be subject to the examination of the Village President, the Village Board or any committee thereof.
 4. **Accounts of Funds, Debts:** A detailed account of the Village revenue and of each separate fund creating the same, with all receipts or appropriations and charging it with all warrants drawn thereon, and he shall charge each warrant to the fund or appropriation against which it is drawn, to the extent authorized by an appropriation ordinance. He shall also keep an accurate account of all debts due from or owing to the Village and shall keep a book in which he shall enter a correct list of all bonds, notes or other obligations given by or payable to the Village, with the date thereof, the person to whom or by whom payable, the rate of interest, the time and manner in which the principal and interest are payable and such other particulars as may be necessary to the full understanding thereof.

1-7B-3

1-7B-4

- C) 5. Warrants and Checks: He shall return all warrants or checks paid by him marked "paid" and shall keep a register of all such warrants or checks which shall describe each warrant or check showing its date, amount, number, the fund from which paid, the name of the person to whom paid and when paid. (1991 Code)

1-7B-4: **COMPENSATION:** The salary for the Village Treasurer shall be three thousand six hundred dollars (\$3,600.00) annually, payable monthly at the rate of three hundred dollars (\$300.00) per month. (1991 Code)

TITLE 2
BUSINESS REGULATIONS

Subject	Chapter
Amusements	3
Pool and Billiard Tables	3A
Coin-Operated Amusement and Musical Devices	3B
Cigarette and Tobacco Dealers	4
Liquor Control	2
Municipal Occupation Taxes	1

CHAPTER 1

MUNICIPAL OCCUPATION TAXES

SECTION:

2-1-1: Municipal Utility Tax

2-1-1: **MUNICIPAL UTILITY TAX:**

A. Definitions: For the purposes of this Section, the following definitions shall apply:

GROSS RECEIPTS

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

PERSON

Any natural individual, firm, trust, estate, partnership, association, joint stock company,

- A) Person (cont.) joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court.

**TRANSMITTING
MESSAGES**

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

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

1. Persons engaged in the business of transmitting messages by means of electricity at the rate of three percent (3%) of the gross receipts from such business originating within the corporate limits of Loda.

2. Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of Loda, and not for resale, at the rate of three percent (3%) of the gross receipts therefrom.

3. Persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the corporate limits of Loda, and not for resale, at the rate of three percent (3%) of the gross receipts therefrom.

Such tax shall be in addition to the payment of money or value of products or services furnished to this Municipality by the taxpayer as compensation for the use of its streets, alleys or other public places, or installation and maintenance therein, thereon or

- B) thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.
- C. Exemptions from Tax: No tax is imposed by this Section with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and statutes of the United States, be made subject to taxation by this State or any political subdivision hereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this Section for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act"¹ authorized by paragraph 8-11-1 of the Illinois Municipal Code.² (Ord. 256, 4-12-72)
- D. Determination of Tax: The tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for products or services furnished on or after the effective date hereof and shall be payable monthly. (Ord. 256, 4-12-72; 1991 Code)
- E. In any action against the Village to recover taxes imposed pursuant to this Section that were illegally or unconstitutionally collected or in any action against a taxpayer to recover charges imposed pursuant to this Section, the prevailing party shall not be entitled to recover an amount exceeding such taxes or charges paid, plus interest at the rate provided for judgments by the Illinois Revised Statutes, during a period beginning three (3) years prior to the date of filing a claim therefor or a court complaint, whichever occurs earlier. (1991 Code)
- F. Violations and Penalty: Any taxpayer who fails to make a return, or who makes a fraudulent return, or who wilfully violates any other provision of this Section would be subject to penalties in accordance with Section 1-4-1 of this Code and, in addition, shall be liable in a civil action for the amount of tax due. (Ord. 256, 4-12-72; 1991 Code)

1. S.H.A. ch. 120, ¶440 et seq.

2. S.H.A. ch. 24.

CHAPTER 2
LIQUOR CONTROL

SECTION:

- 2-2- 1: Definitions
- 2-2- 2: Local Liquor Control Commissioner
- 2-2- 3: License and Compliance Required
- 2-2- 4: Application for License
- 2-2- 5: Persons Ineligible for License
- 2-2- 6: License Classifications and Fees
- 2-2- 7: Number of Licenses
- 2-2- 8: Bond Required
- 2-2- 9: Term of License
- 2-2-10: Disposition of Fees
- 2-2-11: Building and Location Restrictions
- 2-2-12: Closing Hours
- 2-2-13: Sanitary Conditions
- 2-2-14: Minors; Unfit Persons
- 2-2-15: Revocation or Suspension of License
- 2-2-16: Penalty

2-2-1: **DEFINITIONS:** Unless the context otherwise requires, words and phrases are used in this Chapter in the sense given them in paragraphs 95.01 through 95.29 of an Act Relating to Alcoholic Liquors, approved January 31, 1934, as amended, which said Act is hereinafter referred to as "Liquor Control Act".¹ (Ord. 210, 3-7-56)

2-2-2: **LOCAL LIQUOR CONTROL COMMISSIONER:**² The Village President shall be the Local Liquor Control Commissioner, and he shall not receive additional compensation for the same. Any fees collected, from time to time, by the Local Liquor Control

1. S.H.A. ch. 43.

2. See Title 1, Chapter 6 of this Code for provisions regarding the Village President.

Commissioner shall be immediately paid by such Commissioner, from time to time, upon receipt to the Village Treasurer and shall become a part of the General Fund of the Village. (1991 Code)

2-2-3: **LICENSE AND COMPLIANCE REQUIRED:** It shall be unlawful to sell or offer for sale at retail in the Village any alcoholic liquor without having first been issued a retail liquor dealer's license, or in violation of the terms of such license or in violation of any of the provisions of this Chapter. (Ord. 210, 3-7-56)

2-2-4: **APPLICATION FOR LICENSE:** Applications for license shall be made to the Local Liquor Control Commissioner in manner and form as provided by the Liquor Control Act. Such applications shall be signed by the applicant and shall include a verified statement containing the following information:

- A. The name, age and address of the applicant.
- B. The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.
- C. The character of business of the applicant and length of time applicant has been in business of that character.
- D. The amount of goods, wares and merchandise on hand at the time the application is made.
- E. The location and description of the premises or place of business which is to be operated under such license.
- F. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this State or ordinances of this Village.
- G. A statement that the applicant will not violate any of the laws of the State of Illinois or of the United States, or any ordinances of the Village in the conduct of his place of business.
- H. Such other reasonable information as the Local Liquor Control Commissioner shall require. (Ord. 210, 3-7-56)

2-2-5: **PERSONS INELIGIBLE FOR LICENSE:** No license shall be issued to:

- A. A person who is not a resident of the Village;
- B. A person who is not of good character and reputation in the community;
- C. A person who is not a citizen of the United States;
- D. A person who has been convicted of a felony under any Federal or State law;
- E. A person who has been convicted of being the keeper of or is keeping a house of ill fame;
- F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;
- G. A person whose license issued under this Chapter has been revoked for cause;
- H. A person who, at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon a first application;
- I. A copartnership, unless all of the members of such copartnership shall be qualified to obtain a license;
- J. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village;
- K. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee;
- L. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or shall have forfeited his bond to appear in court to answer charges for any such violation;

- M. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued; (Ord. 210, 3-7-56; 1991 Code)
- N. Any law-enforcing official, including the President of the Village Board of Trustees, any member of the Village Board of Trustees; no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor; except, that license may be granted to such officials in relation to premises 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 corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under Illinois Revised Statutes, chapter 32, paragraph 1.01 et seq., to transact business in Illinois;
- P. A person who is not a beneficial owner of the business to be operated by the licensee;
- Q. A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of paragraph 28-1 of or as proscribed by paragraph 28-8 of the Illinois Revised Statutes, chapter 38, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;
- R. A person to whom a Federal wagering stamp has been issued by the Federal government for the current tax period;
- S. A copartnership to which a Federal wagering stamp has been issued by the Federal government for the current tax period or if any of the partners have been issued a Federal gaming device stamp or Federal wagering stamp by the Federal government for the current tax period;
- T. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a Federal wagering stamp for the current tax period;

U. Any premises for which a Federal wagering stamp has been issued by the Federal government for the current tax period. (1991 Code)

2-2-6: **LICENSE CLASSIFICATIONS AND FEES:** Such licenses shall be divided into three (3) categories as follows:

CLASS A LICENSES Shall allow the licensee to sell and offer for sale at retail in the premises specified in such license alcoholic liquor for use or consumption on the premises where sold or elsewhere, but not for resale in any form. The annual fee for such license shall be as determined by the Board.

CLASS B LICENSES Shall allow the licensee to sell and offer for sale at retail in the premises specified in such license alcoholic liquor, but not for consumption on the premises where sold, and only in the original package. The annual fee for such license shall be as determined by the Board.

LIMITED LICENSE Shall allow the licensee to sell and offer for sale at retail in the premises specified in such license beer and wine only for fifteen (15) days within any calendar year for use or consumption on the premises where sold or elsewhere, but not for resale in any form. The license holder shall notify the Local Liquor Commissioner, in writing, of the exact dates the license will be used. The annual fee for such license shall be fifty dollars (\$50.00). (Ord., 4-18-79; 1991 Code)

2-2-7: **NUMBER OF LICENSES:** There shall be issued in the Village no more than two (2) Class A licenses, two (2) Class B licenses, and one limited license. (Ord., 7-13-89; 1991 Code)

2-2-8: **BOND REQUIRED:** Each person applying for a license from the Village shall execute a bond with good and sufficient security to be approved by the Local Liquor Control Commissioner in the amount of five hundred dollars (\$500.00), payable to the Village, conditioned upon the faithful observance of the provisions of this Chapter. (Ord. 210, 3-7-56)

2-2-9: **TERM OF LICENSE:** Each such license shall terminate on December 31, next following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. The fee shall be paid semi-annually in advance. (Ord. 210, 3-7-56; 1991 Code)

2-2-10: **DISPOSITION OF FEES:** All such fees shall be paid to the Local Liquor Control Commissioner. Not less than the first installment of such fee shall be paid at the time application is made. In the event any license fee or any part thereof is not paid on or before the same is due, such license shall automatically expire on the last day of the period for which license fees have been paid. In the event any license application is denied, the fees paid therewith shall be returned to the applicant. (Ord. 210, 3-7-56; 1991 Code)

2-2-11: **BUILDING AND LOCATION RESTRICTIONS:**

- A. Location Restricted: No license, except a limited license, shall be issued for premises located in a predominantly residential area which is hereby determined to include all of the Village except property fronting on Oak Street in the Village.

- B. Lighting: In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed, such premises shall be lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the lighting in any such licensed premises required by the foregoing provision shall be wilfully omitted by the licensee or by him wilfully suffered to be omitted or in any manner omitted, then such license shall be subject to revocation in the manner herein provided. (Ord. 210, 3-7-56; 1991 Code)

2-2-12

2-2-15

2-2-12: **CLOSING HOURS:** It shall be unlawful to sell or offer for sale any alcoholic liquor in the Village between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. the morning of the following day, except on Sundays, no sales shall occur prior to twelve o'clock (12:00) noon. (Ord. 210, 3-7-56; 1991 Code)

2-2-13: **SANITARY CONDITIONS:**

- A. Premises: All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the ordinances regulating the condition of premises used for the storage or sale of food for human consumption.
- B. Employees: It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease, and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. (Ord. 210, 3-7-56)

2-2-14: **MINORS; UNFIT PERSONS:**

- A. It shall be unlawful for any minors, other than a licensee or the wife of a licensee, at any time to attend any bar or draw, pour or mix any alcoholic liquor in any such licensed premises as an employee of any licensee or otherwise.
- B. No licensee nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any minor, or to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. (Ord. 210, 3-7-56)

2-2-15: **REVOCATION OR SUSPENSION OF LICENSE:**

- A. The Local Liquor Control Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any provisions of the Liquor Control Act or of any provisions of this Chapter or any applicable rules or regulations established by the Illinois Liquor Control Commission which is not inconsistent with law.
- B. In lieu of revocation or suspension, the Local Liquor Control Commissioner may instead levy a fine on the licensee for such violations. The fine imposed shall not exceed one thousand dollars (\$1,000.00) for each violation, with each day on which a violation continues to constitute a separate violation. No more than ten thousand dollars (\$10,000.00) in fines under this subsection may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the General Fund of the Village.
- C. Such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public, and the Local Liquor Control Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Local Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period; except, that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises, such order shall not be applicable to such other business or businesses.
- D. The Local Liquor Control Commissioner shall, within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the five (5) days upon the licensee. (1991 Code)

2-2-16

2-2-16

2-2-16: **PENALTY:** Violation of this Chapter by any person or licensee shall subject the offender to penalties in accordance with Section 1-4-1 of this Code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1991 Code)

CHAPTER 3

AMUSEMENTS

ARTICLE A. POOL AND BILLIARD TABLES

SECTION:

- 2-3A-1: License Required
- 2-3A-2: License Fee; Term
- 2-3A-3: Conditions of License
- 2-3A-4: Revocation of License
- 2-3A-5: Penalty

2-3A-1: **LICENSE REQUIRED:** No person shall keep, maintain or operate within the Village any pool table, billiard table or any other table which is used or played upon by any person or persons for hire or gain without first having obtained a license therefor. Application for such license shall be made to the Village Treasurer on forms supplied by the Village. (Ord. 82-06, 7-15-82; 1991 Code)

2-3A-2: **LICENSE FEE; TERM:** The fee for license hereunder shall be twenty five dollars (\$25.00) per annum per table. Every license shall expire on the last day of the calendar year of the Village and there shall be no proration, transfer or refund of said license fee. (Ord. 82-06, 7-15-82; 1991 Code)

2-3A-3: **CONDITIONS OF LICENSE:** No person keeping or operating any pool table, billiard table or any other table for gain shall permit gambling in or about the premises occupied by such table, nor shall any person keeping or operating any pool table, billiard

2-3A-3

2-3A-5

table or any other table for gain permit any minor under the age of eighteen (18) years, unless accompanied by his parents, to loiter or remain in such premises. (Ord. 82-06, 7-15-82)

2-3A-4: REVOCATION OF LICENSE:

- A. Any license issued hereunder shall be subject to revocation or suspension by the Village Board of Trustees, upon a majority vote, for any violation of the conditions of the license or this Chapter.
- B. No license shall be revoked or suspended except after a public hearing by the Village Board of Trustees with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend. The hearing shall be open to the public and the Village Clerk shall reduce all evidence to writing and shall maintain an official record of the proceedings.
- C. Following the public hearing, the Village Board of Trustees shall immediately determine whether the license should be revoked or suspended. The Village Clerk shall reduce the determination to writing and shall serve a copy of the determination within five (5) days upon the licensee. (1991 Code)

2-3A-5: PENALTY: Any person violating any provision of this Article shall be subject to penalties in accordance with Section 1-4-1 of this Code. (Ord. 82-06, 7-15-82; 1991 Code)

CHAPTER 3

AMUSEMENTS

ARTICLE B. COIN-OPERATED AMUSEMENT AND MUSICAL DEVICES

SECTION:

- 2-3B- 1: Purpose
- 2-3B- 2: Definitions
- 2-3B- 3: License Required
- 2-3B- 4: Application for License
- 2-3B- 5: Restrictions on License Issuance
- 2-3B- 6: License Fee; Term
- 2-3B- 7: Transfer of License
- 2-3B- 8: License to be Posted
- 2-3B- 9: Conditions of Licenses
- 2-3B-10: Revocation of License
- 2-3B-11: Penalty

2-3B-1: **PURPOSE:** This Chapter shall govern the licensing of coin-operated amusement devices and musical devices within the Village. (Ord. 89-07, 7-12-89)

2-3B-2: **DEFINITIONS:** For the purpose of this Chapter, the following definitions shall apply:

COIN-OPERATED AMUSEMENT DEVICE	Any machine, video, electronic or mechanical or any mechanical instrument or device played for amusement, including pinball, bowling, shuffleboard, billiard and pool tables, video
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2-3B-2

2-3B-6

Coin-Operated Amusement Device (cont.)

games, which are played or controlled by depositing of a coin or token.

COIN-OPERATED MUSICAL DEVICE

Any automatic or coin-controlled or coin-operated musical box or device, including what is commonly called a juke box.

OWNER

Any person who owns, operates or conducts any place or establishment in which coin-operated amusement or coin-operated musical devices may be operated.

PERSON

Individuals, clubs, societies, partnerships, associations, firms and corporations. (Ord. 89-07, 7-12-89)

2-3B-3: **LICENSE REQUIRED:** No person shall keep or permit to be kept for gain or profit from operation within the Village any coin-operated amusement device or coin-operated musical device without first having obtained a license and without first complying with all the requirements of this Chapter. (Ord. 89-07, 7-12-89)

2-3B-4: **APPLICATION FOR LICENSE:** Application for a license shall be made to the Village Clerk setting forth the name and address of the applicant, a description of the coin-operated amusement device or coin-controlled musical device to be licensed and description of the premises where such will be located. (Ord. 89-07, 7-12-89)

2-3B-5: **RESTRICTIONS ON LICENSE ISSUANCE:** No such license shall be issued to any person unless such person is the owner or proprietor of the premises on which such coin-operated amusement device or coin-controlled musical device is to be installed. (Ord. 89-07, 7-12-89)

2-3B-6: **LICENSE FEE; TERM:** The annual fee for such license shall be twenty five dollars (\$25.00) for each such device or

instrument kept or installed in such licensed premises. Every license shall expire on the last day of the calendar year of the Village, and there shall be no proration, transfer or refund of said license fee. (Ord. 89-07, 7-12-89; 1991 Code)

2-3B-7: **TRANSFER OF LICENSE:** No license issued under this Chapter shall be transferable. No licensee shall transfer or attempt to transfer his license to another nor shall he make any alteration or improper use of the same. (Ord. 89-07, 7-12-89)

2-3B-8: **LICENSE TO BE POSTED:** The license shall be exhibited at all times in some conspicuous place in the place of business. It shall be unlawful for any person to display any expired, revoked or fictitious license. (Ord. 89-07, 7-12-89)

2-3B-9: **CONDITIONS OF LICENSE:**

- A. **Conduct of Business:** No licensee hereunder shall permit the operation of any coin-operated amusement device or coin-operated musical device at any place or in any manner which will disturb the peace and quiet of persons outside the licensed premises.
- B. **Hours of Operation of Musical Devices Prohibited:** No licensee hereunder shall permit the use of a coin-operated musical device between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. (Ord. 89-07, 7-12-89)

2-3B-10: **REVOCATION OF LICENSE:** Every license issued under this Chapter is subject to the right of the Village, which is hereby expressly reserved, to revoke the same should the licensee directly or indirectly permit the operation of any coin-operated amusement device or coin-operated musical device contrary to the provisions of this Chapter, the ordinances of the Village or the laws of the State of Illinois. The license may be revoked by the Village Board after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged if, after a hearing, the licensee is found to be guilty of such violations. Ten (10) days' notice of the hearing

2-3B-10

2-3B-11

shall be given to the licensee. At such hearing, the licensee and his attorney may be present and submit evidence or witnesses in his defense. (Ord. 89-07, 7-12-89)

2-3B-11: **PENALTY:** Any person violating any provision of this Chapter shall be punished as provided in Section 1-4-1 of this Code. (1991 Code)

CHAPTER 4
CIGARETTE AND TOBACCO DEALERS

SECTION:

- 2-4-1: License Required
- 2-4-2: Application for License
- 2-4-3: Qualifications of Licensee
- 2-4-4: License Fee; Term
- 2-4-5: Issuance of License
- 2-4-6: Sales to Minors
- 2-4-7: Penalty

2-4-1: **LICENSE REQUIRED:** It shall be unlawful for any person to handle, deal in, sell or give away in the Village any cigarettes or tobacco of any kind without first being licensed to do so as herein provided. (Ord. 82-07, 7-15-82)

2-4-2: **APPLICATION FOR LICENSE:** Before any license is issued hereunder, the fee therefor as fixed herein shall first be paid to the Village Clerk and application in writing made to the Village for such license by the party desiring the same. Said application shall state the name or names of the party or parties desiring the license and the place where the same is to be done. (Ord. 82-07, 7-15-82)

2-4-3: **QUALIFICATIONS OF LICENSEE:** The licensees hereunder, and in case of corporations, the officers thereof, shall have the following qualifications:

- A. Shall be a person of good moral character.

- B. Shall not have been convicted of any crime resulting in imprisonment in a penitentiary or one involving moral turpitude. (Ord. 82-07, 7-15-82)
- C. Shall not be a person under age eighteen (18) or person under legal disability. (Ord. 82-07, 7-15-82; 1991 Code)
- D. Must not be indebted to the Village for any money due it or for any fine or penalty adjudged against them or any of them under Village ordinances. (Ord. 82-07, 7-15-82)

2-4-4: **LICENSE FEE; TERM:** The fee for license hereunder shall be twenty five dollars (\$25.00) per annum. Every license shall expire on the last day of the calendar year of the Village and there shall be no proration, transfer or refund of said license fee. (Ord. 82-07, 7-15-82; 1991 Code)

2-4-5: **ISSUANCE OF LICENSE:** The license required herein shall be in writing over the name and under the Corporate Seal of the Village, executed by its Village Clerk, and shall be issued, as near as may be, in the following form:

KNOW YE that _____ having made application in due form, and paid into the Village Treasury twenty five dollars (\$25.00) and in other respects complied with Title 2, Chapter 4 of Loda Village Code, in this behalf:

Therefore, I, _____, Village Clerk of the Village of Loda, and in behalf of said Village, do hereby, authorize, empower and license the said _____ to handle and sell cigarettes and tobacco, at Loda, Illinois from _____, 19__ to April 30, 19__.

This license is granted under the express condition that if said _____ shall observe and obey all ordinances of the Village which are or may be in force regulating or relating to said business, then this license shall be valid for said period; otherwise it may be annulled, revoked or forfeited at the option of the Board of Trustees or in any other manner provided by ordinance.

In testimony thereof I have hereunto set my hand and caused the Corporate Seal of said Village to be affixed at the Village of Loda, this ___ day of _____, A.D. 19__.

VILLAGE CLERK

(Ord. 82-07, 7-15-82)

2-4-6: **SALES TO MINORS:** It shall be unlawful for any person to sell or give away any cigarettes or tobacco to any person under the age of eighteen (18). (Ord. 82-07, 7-15-82; 1991 Code)

2-4-7: **PENALTY:** Any person violating any provision of this Chapter shall be subject to penalties in accordance with Section 1-4-1 of this Code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 82-07, 7-15-82; 1991 Code)

TITLE 3
PUBLIC HEALTH AND SAFETY

Subject	Chapter
Abandoned, Inoperable Motor Vehicles	2
Animal Control	3
Garbage and Refuse	1
Nuisances	4
Smoking in Village Hall	5
Mobile Homes	6

CHAPTER 1
GARBAGE AND REFUSE

SECTION:

- 3-1-1: Prohibited Accumulations and Deposits
- 3-1-2: Garbage and Refuse Storage
- 3-1-3: Burning Restrictions
- 3-1-4: Penalty

3-1-1: PROHIBITED ACCUMULATIONS AND DEPOSITS:

- A. Accumulations: No person shall cause to accumulate upon any premises occupied or used by him or in any street or alley any pile or deposit of garbage, refuse, waste material, manure, offal or any other substance which shall be or may become offensive or noxious or injurious to health, or which, being of an inflammable nature, may be liable to cause fire.
- B. Deposits: No person shall throw, deposit or otherwise place any bottles, cans, garbage or other waste or refuse on any property not owned, leased or lawfully occupied by him, nor upon any public street or road within the Village. (Ord. 269, 12-11-74)

3-1-2: GARBAGE AND REFUSE STORAGE:

- A. Residential District: The occupant of each private dwelling house or apartment having thereof or originating therefrom any waste products or materials or refuse of an organic character or which is subject to decomposition or fermentation and which is commonly

3-1-2

3-1-4

- A) known as garbage, shall keep or deposit the same only in a flytight container made of galvanized iron or other impervious material equipped with a tight-fitting lid. Garbage containers shall be closed at all times and garbage shall be removed from the premises at least once each week.
- B. Business District: The operator of each hotel, restaurant, bakery, meat market, grocery store, confectionery, creamery or of any other place of business having thereof or originating therefrom any waste products or materials or refuse of an organic character or which is subject to decomposition or fermentation, and which is commonly known as garbage, shall keep or deposit the same only in flytight receptacles made of impervious material. Garbage receptacles shall be kept covered at all times and garbage shall be removed from the premises at least once a week. (Ord. 269, 12-11-74)

3-1-3: **BURNING RESTRICTIONS:** No person shall, at any time, burn any garbage, refuse, waste or organic material of any kind which shall produce or cause an offensive or noxious odor or smell. (Ord. 269, 12-11-74)

3-1-4: **PENALTY:** Any person violating any provision of this Chapter shall be subject to penalties in accordance with Section 1-4-1 of this Code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 269, 12-11-74; 1991 Code)

CHAPTER 2

ABANDONED, INOPERABLE MOTOR VEHICLES

SECTION:

- 3-2- 1: Definitions
- 3-2- 2: Abandonment of Vehicles
- 3-2- 3: Leaving Wrecked, Nonoperating Vehicles on Street
- 3-2- 4: Inoperable Motor Vehicles
- 3-2- 5: Notification of Owner of Towed Vehicle; State and National Records Searched
- 3-2- 6: Reclamation of Vehicle by Owner
- 3-2- 7: Sale, Disposal of Vehicle
- 3-2- 8: Nonliability of Village and Towing Service
- 3-2- 9: Exemptions from Provisions
- 3-2-10: Violation and Penalties

3-2-1: **DEFINITIONS:** For the purpose of this Chapter, the following words shall have the meanings ascribed to them as follows: (Ord. 264; Ord. 265, 12-11-73)

- ABANDONED VEHICLE** All motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition, or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.
- ANTIQUE VEHICLE** Any motor vehicle or other vehicle twenty five (25) years of age or older.
- HIGHWAY** Any street, alley or public way within the Village. (Ord. 265, 12-11-73)

3-2-1

3-2-2

INOPERABLE MOTOR
VEHICLE

Means any motor vehicle from which, for a period of at least six (6) months, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

Inoperable motor vehicle shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations nor to any motor vehicles that are kept within a building when not in use, to historic vehicles over twenty five (25) years of age or to a motor vehicle on the premises of a place of business engaged in wrecking or junking of motor vehicles.

PERSON

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

PROPERTY

Any real property within the Village which is not a street or highway.

VEHICLE

A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (Ord. 264, 12-11-73)

3-2-2: **ABANDONMENT OF VEHICLES:** The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this Municipality is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public anywhere in the Village is unlawful except upon the property of the owner or bailee of such abandoned vehicle. A motor

vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Village President after a waiting period of seven (7) days or more has expired. (Ord. 265, 12-11-73; 1991 Code)

3-2-3: LEAVING WRECKED, NONOPERATING VEHICLES ON STREET: No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or alley in the Village. (Ord. 264, 12-11-73)

3-2-4: INOPERABLE MOTOR VEHICLES: Inoperable motor vehicles, as defined herein, whether on public or private property, are hereby declared to be a nuisance. All persons are required to dispose of any inoperable motor vehicles under their control within five (5) days after written notice from the corporate authorities commanding such disposition of said inoperable motor vehicle. (Ord. 264, 12-11-73; 1991 Code)

**3-2-5: NOTIFICATION OF OWNER OF TOWED VEHICLE;
STATE AND NATIONAL RECORDS SEARCHED:**

- A. When the Village does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.
- B. The Village will cause the stolen motor vehicle files of the Illinois State Police to be searched by directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police.

The information determined from these record searches will be used by the Village in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.

- C. When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the Village shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner. (Ord. 265, 12-11-73; 1991 Code)

3-2-6: RECLAMATION OF VEHICLE BY OWNER: Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Village proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charges have been paid. (Ord. 265, 12-11-73; 1991 Code)

3-2-7: SALE, DISPOSAL OF VEHICLE:

- A. **Owner Notified, Public Sale:** Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Village having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Village shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Village or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.
- B. **Owner Unknown, Vehicle Sold or Junked:**

- B) 1. When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven (7) years of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as provided herein or disposed of in the manner authorized by this Chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.
2. When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Chapter, it will be kept in custody for a minimum of ten (10) days for the purpose of determining ownership, the contacting of the registered owner by the U.S. mail, public service or in person for a determination of disposition, and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the registered owner, the Village will authorize the disposal of the vehicle as junk only.
- C. Record of Sale or Disposal: When a motor vehicle or other vehicle in the custody of the Village is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction will be maintained by the Village for a period of one year from the date of the sale or disposal.
- D. Proceeds of Sale: When a vehicle located within the corporate limits of this Municipality is authorized to be towed away by the Village and disposed of as set forth in this Chapter, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Municipal Treasury. (Ord. 265, 12-11-73; 1991 Code)

3-2-8: **NONLIABILITY OF VILLAGE AND TOWING SERVICE:**

Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Chapter. (Ord. 265, 12-11-73)

3-2-9

3-2-10

3-2-9: **EXEMPTIONS FROM PROVISIONS:** A motor vehicle or other vehicle classified as an antique vehicle is excluded from this Chapter. (Ord. 265, 12-11-73)

3-2-10: **VIOLATION AND PENALTIES:** Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such. (Ord. 265, 12-11-73)

CHAPTER 3
ANIMAL CONTROL

SECTION:

- 3-3- 1: Definitions
- 3-3- 2: Collar Required
- 3-3- 3: Cruelty to Animals
- 3-3- 4: Keeping Certain Animals Restricted
- 3-3- 5: Dangerous Animals
- 3-3- 6: Diseased Animals
- 3-3- 7: Running at Large
- 3-3- 8: Animals on Public Property
- 3-3- 9: Offensive Acts or Conditions
- 3-3-10: Penalties

3-3-1: **DEFINITIONS:** For the purposes of this Chapter, the following words shall have the meanings indicated unless their context clearly requires otherwise:

- | | |
|--|--|
| ANIMAL | Any animal, other than man, which may be affected by rabies. |
| BITING DOG or
OTHER ANIMAL | A dog or other animal which has bitten, scratched or otherwise injured any person so as to cause an abrasion to the skin of such person. |
| DANGEROUS DOG
or OTHER ANIMAL | A dog or other animal which shall cause annoyance or reasonable fear of bodily injury to any person by attacking or threatening to attack such person. |

3-3-1

3-3-3

DOG

All members of the family canine.

LEASH

A cord or chain, not longer than eight feet (8') in length, securely fastened to the collar or harness of a dog or other animal and which shall be of sufficient strength to keep such dog or other animal under control.

OWNER

A person having a right of property in a dog or other animal, who has a dog or other animal in his care, who acts as a custodian of a dog or other animal or who knowingly permits a dog or other animal to remain on or about any premises occupied by him. (1991 Code)

3-3-2: **COLLAR REQUIRED:** Every dog, regardless of age, shall be provided by the owner or keeper with a leather or chain collar or harness, to which an Iroquois County license tag will be securely fastened. No dog shall be permitted to remain within the limits of the Village unless the owner or keeper thereof shall have caused such dog to be licensed and provided with such collar and tag. Any owner or keeper of a dog failing to provide such collar and tag shall be guilty of a misdemeanor. (1991 Code)

3-3-3: **CRUELTY TO ANIMALS:**

- A. Cruelty and Abandonment Prohibited: No person or owner may beat, cruelly treat, torment, starve, overwork, or otherwise abuse any animal within the corporate limits of the Village. No owner may abandon any animal where it may become a public charge, or where it may suffer injury, hunger or exposure.
- B. Poisoning: No person shall place, leave or expose in any place accessible to birds, fowl, domestic animals, dogs, cats or other such animals with the intent to kill or harm such birds, fowl or animals, any poisonous substance or ingredient which has in any manner been treated or prepared with any poisonous substance or ingredient.
- C. Shooting Birds, Taking Eggs: Every person who shall kill or wound, or attempt to kill or wound, by the use of firearms, slingshot, bow

- C) and arrow, pelting with stones or otherwise, any song, plumage or game bird within any private grounds or public parks, squares, streets or grounds, such bird not being the property of the person so offending, or taking the eggs or young of any such song, plumage or game bird, shall be deemed in violation of this subsection.
- D. Snares and Traps: The snaring or trapping of animals by any means or devices is hereby prohibited within the Village, except where done by the authority of the Village Board.
- E. Animal Fights, Indecent Exhibitions: No person shall instigate, cause or procure any dog fight, cockfight or any public or private fighting, or in any manner instigate, cause or procure or assist in any indecent or immoral show or exhibition of any animal. (1991 Code)

3-3-4: KEEPING CERTAIN ANIMALS RESTRICTED:

- A. Livestock: It shall be unlawful to keep any live swine, pigs, horses, ponies, mules, donkeys, cows, calves, sheep, lambs or goats in the Village, in an area with a residential zoning classification.
- B. Wild Animals: It shall be unlawful for any person to have, keep, maintain or have in his possession or under his control within the Village, any poisonous reptile or serpent, or any other dangerous or carnivorous wild animal or reptile, or vicious or dangerous domesticated animal or any of the following animals or reptiles: baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs, bears, cheetahs, crocodilians twelve inches (12") or larger, constrictor snakes, coyotes, foxes, hyenas, jaguars, leopards, lions, lynxes, ocelots, margays, piranha fish, pumas, raccoons, tigers and wolves. This shall not apply to circuses when properly licensed by the Village.
- C. Birds: It shall be unlawful for any person to have in his possession, or to sell, offer for sale, buy or barter any of the following defined species of birds: red-tailed hawk, *buteo jamaicensis*; red-shouldered hawk, *buteo lineatus*; broadwinged hawk, *buteo platypterus*; Swainson's hawk, *buteo swainsoni*; rough-legged hawk, *buteo lagopus*; ferruginous rough-leg, *buteo*

- C) regalis; marsh hawk, *circus cyaneous*; osprey, *pandion haliaetus*; goshawk, *accipiter gentilis*; Cooper's hawk, *accipiter cooperi*; sharpshinned hawk, *accipiter velox*; duck hawk, *falco columbarius*, pigeon hawk, *falco peregrinus*; sparrow hawk, *falco sparverius*; golden eagle, *aquila chrysaetos*; bald eagle, *haliaeetus leucocephalus*; all species of owls.
- D. Bees: It shall be unlawful to keep bees, bee hives, bee fixtures or appurtenances or to have an apiary.
- E. Poultry:
1. It shall be unlawful to keep, raise, sell or offer for sale, barter or give away live baby chicks, ducklings, goslings, pigeons, fowl or other poultry, domestic or otherwise, in the Village except in stores or other commercial establishments engaged in the business of selling baby chicks, ducklings, goslings, pigeons, fowl or other poultry for commercial purposes, and not less than six (6) of each of the aforementioned variety shall be sold to any one person.
 2. It shall be unlawful to raise for home or domestic purposes poultry of any kind.
- F. Keeping for Commercial Use or For Sale: It shall be unlawful to raise or keep any animals to be used for commercial uses or purposes or for sale, except dogs and domestic cats in a duly licensed pet shop or kennel. (1991 Code)

3-3-5: DANGEROUS ANIMALS:

- A. Nuisance Declared: Any dangerous dog or other animal is hereby declared to be a public nuisance.
- B. Running at Large: The owner of any dangerous dog or other animal shall keep the same confined in a secure enclosure or on a leash controlled by the owner or his or her agent at all times and shall not permit such dog or other animal to be at large within the Village.
- C. Exhibitions, Permit Required: Exhibitions of animals or birds which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the Chief of Police. (1991 Code)

3-3-6: DISEASED ANIMALS:

- A. **Running at Large, Confinement to Owner's Premises:** No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large or to be exposed in any public place whereby the health of man or beast may be affected, nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Health Officer or the State Veterinarian.
- B. **Bringing into Village Prohibited:** No such diseased animals shall be brought into the Village. (1991 Code)

3-3-7: RUNNING AT LARGE: No person shall cause or permit any dog or other animal owned by him to run at large on any public place, public hall, restaurant, office, grocery, meat market, bakery or within any other shop or store within the Village which is open to the general public, or on any privately-owned premises other than those of the owner. (1991 Code)

3-3-8: ANIMALS ON PUBLIC PROPERTY:

- A. **Leash Required:**
1. It shall be unlawful for a dog or other animal, except when on a leash controlled by the owner or his or her agent, to use or be upon any public street, sidewalk, parkway or public area within the Village.
 2. No person shall, within the Village, bring, drive, lead, carry or permit any dog or cat on any street, public way or in any part of the park system without being leashed.
 3. It shall be unlawful for any dog or other animal, even though on leash, to be in or enter upon any public hall, restaurant, confectionery shop, coffee shop, ice cream parlor, office, store, grocery, meat market, bakery or any store or shop for the sale of food, except any shop for the sale or treatment of animal pets, anywhere within the Village.

- A) 4. It shall be unlawful for any dog or other animal, even though on a leash, to be present at, or upon, any school premises, public playgrounds, public swimming pool or public park within the Village.
5. The provisions of this subsection shall not apply to dogs leading blind persons.
- B. Tying to or Injuring Trees and Shrubs: No person shall fasten any animal to any tree or shrub or to any protective device around any tree or shrub growing in any public way or parkway within the Village, nor shall any person allow any animal to injure or deface any tree, plant or shrub in any manner whatsoever.
- C. Horses Being Ridden or Driven: No person shall lead or allow to be loose upon any street, public way, park or school premises any animals, except that horses may be ridden by the persons in charge thereof, or driven before a vehicle attached thereto on such portions of the Village or park system as may be designated for riding and driving.
- D. Livestock and Poultry Running at Large: It shall be unlawful to permit any cattle, horses, goats or poultry to run at large in the Village. Any such animal running at large in any public place shall be impounded. (1991 Code)

3-3-9: OFFENSIVE ACTS OR CONDITIONS:

- A. Housing Animals: It shall be a misdemeanor and a nuisance to own, use or keep any yard, pen, place, railroad car or premises in or upon which animals, birds or fowl shall be confined or kept, so as to be offensive to those residing in the vicinity or an annoyance to others.
- B. Animal Wastes:
1. No person or owner shall allow or permit any animal owned, housed, under his control, custody or subject to his immediate response or call, to defecate or urinate in the Village except on property owned or leased by said person or owner.
 2. Any owner, keeper or person walking a dog, or permitting a dog to stray, shall be liable to clean up dog feces caused by his dog

- B2) outside of his own property. Any person walking a dog outside of his own property shall carry a litter bag and scoop, pick up his dog feces, and cause such feces to be removed to a feces disposal unit. It shall be unlawful for any person to walk a dog on property other than his own without having the litter bag and scoop as aforesaid, and it shall be unlawful not to remove any feces caused by his dog on any property.
- C. Animals Disturbing the Peace: It shall be unlawful to harbor or keep any animal or bird which disturbs the peace by loud noises at any time of the day or night.
- D. Dead Animals: All dead animals not impounded shall be disposed of by the owner. Deceased animals found on public property, streets or ways shall be disposed of by the Public Works Department.
- E. Female Dogs in Heat: The owner of any female dog or other animal in heat shall keep the same confined or on a leash at all times and shall not permit such dog or other animal to be at large on the streets, parks or other public places within the Village, or on any premises other than those of the owner. (1991 Code)

3-3-10: **PENALTIES:** Any person violating any provision of this Chapter shall be subject to penalties in accordance with Section 1-4-1 of this Code and shall in addition be guilty of a misdemeanor. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1991 Code)

CHAPTER 4
NUISANCES

SECTION:

- 3-4-1: Public Nuisances Prohibited
- 3-4-2: Public Nuisances Defined
- 3-4-3: Abatement of Public Nuisances
- 3-4-4: Cost of Abatement
- 3-4-5: Penalty

3-4-1: **PUBLIC NUISANCES PROHIBITED:** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Village. (1991 Code)

3-4-2: **PUBLIC NUISANCES DEFINED:**

- A. General: A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
 - 1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - 2. In any way render the public insecure in life or in the use of property; or
 - 3. Greatly offend the public morals or decency; or
 - 4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

- B. **Public Nuisances Affecting Health:** The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of subsection A of this Section;
1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
 2. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty four (24) hours after death;
 3. Accumulations of decayed animal, vegetable matter, trash, rubbish, garbage, debris, rotting lumber, bedding, packing material, abandoned or disabled vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;
 4. All stagnant water in which mosquitoes, flies or other insects can multiply;
 5. Garbage cans which are not flytight;
 6. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Village limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;
 7. The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial wastes or other substances;
 8. Any use of property, substance or things within the Village emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Village;
 9. All abandoned wells not securely covered or secured from public use;

- B) 10. Any barn, stable or shed used for keeping animals;
11. Any obstruction in or across any watercourse, drainage ditch or ravine;
12. The deposit of garbage, rubbish or any offensive substance on any street, sidewalk or public place, or on any private property, except as may be permitted by ordinance;
13. Any noxious weeds on private property as defined by the Illinois Revised Statutes.¹ Grass and other weed growth shall not exceed eight inches (8") in height.
- C. Public Nuisances Offending Morals and Decency: The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection A of this Section:
1. All bawdy or disorderly houses, houses of ill fame or assignation, and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse, or other sexual deviate acts, or for the publication, distribution, sale or exhibition of obscene or immoral publications, prints, pictures, films, illustrations, books, pamphlets or magazines;
2. All gambling houses, gambling devices and paraphernalia; slot machines; off-street betting parlors; or to advertise any gambling house or resort in any street, alley or other public place within the Village excepting therefrom the Illinois State lottery;
3. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by this Code;²
4. Any place or premises within the Village where ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

1. S.H.A. ch. 24, §§11-20-6, 11-20-7.

2. See Title 2, Chapter 2 of this Code.

- D. **Public Nuisances Affecting Peace and Safety:** The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection A of this Section:
1. All buildings erected, repaired or altered in violation of the provisions of the ordinances of the Village relating to materials and manner of construction of buildings and structures;
 2. All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic-control devices placed or maintained upon or in view of any public highway or railway crossing;
 3. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk;
 4. All limbs of trees which project over a public sidewalk less than eight feet (8') above the surface thereof or less than ten feet (10') above the surface of a public street;
 5. All dangerous trees or trees infected with Dutch elm disease;
 6. All uses or displays of fireworks except as provided by the laws of the State of Illinois and ordinances of the Village;
 7. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;
 8. All wires over streets, alleys or public grounds which are strung less than fifteen feet (15') above the surface of the street or ground;
 9. All loud and discordant noises or vibrations of any kind;
 10. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the

D10) ordinances of the Village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;

11. All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;

12. All abandoned refrigerators or iceboxes or other containers of a capacity of one and one-half ($1\frac{1}{2}$) cubic feet or more, from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only with the strength of a small child;

13. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks;

14. Any advertisements or signs affixed to any building, wall, fence, sidewalk, street or other private or public property without permission of the owner thereof;

15. Any sign, marquee or awning which is in an unsafe condition, or which overhangs any roadway, or which overhangs any sidewalk less than eight feet (8') above the sidewalk surface;

16. Any structure, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire;

17. Any nuisance so defined by the Illinois Revised Statutes. (1991 Code)

3-4-3: ABATEMENT OF PUBLIC NUISANCES:

A. Inspection of Premises: Whenever complaint is made to the Village President that a public nuisance exists, or has existed, within the Village, he shall promptly notify the Village official whom the Village President shall designate, who shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings to the Village President. Whenever

A) practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.

B. Summary Abatement:

1. Notice to Owner: If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Village President may direct the Village Clerk, or other official whom the Village President shall designate, to serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty four (24) hours and shall state that unless such nuisance is so abated, the Village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.

2. Abatement by Village: If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, some Village official whom the Village President shall designate shall cause the abatement or removal of such public nuisance.

C. Abatement by Court Action: If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Village President who shall cause an action to abate such nuisance to be commenced in the name of the Village. (1991 Code)

3-4-4: **COST OF ABATEMENT:** In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

- A. In addition to any other penalty imposed by this Chapter, any cost or expenses incurred for the removal of the nuisance set forth in subsection 3-4-2B3 (removal of garbage, etc.) may be charged, and said charges, expenses or debt shall be a lien upon the premises in accordance with the provisions of the Illinois Revised Statutes, chapter 24, paragraph 11-20-13, upon fulfillment of the provisions therein.
- B. For the removal of weeds, as set forth in subsection 3-4-2B13, the charge assessed by the Village against the owner or other person failing to comply with this Chapter shall be not less than thirty five dollars (\$35.00) per lot for each cutting performed by the Village.

Real estate subject to a lien for unpaid cutting costs and expenses may be sold for nonpayment of the same, subject to the statutory rights of bona fide purchasers or prior lienors, and the proceeds of such sale shall be applied to pay such costs and expenses, after deducting court costs and legal fees, as in the case of the foreclosure of statutory liens. The Village Attorney is directed to institute such foreclosure proceedings, which shall be in equity and in the name of the Village, in any court of proper jurisdiction, against any real estate for which the cutting costs and expenses have remained unpaid for sixty (60) days after being incurred. (1991 Code)

3-4-5: **PENALTY:** Any person violating any particular provision or section of this Chapter shall, upon conviction, be subject to penalties in accordance with Section 1-4-1 of this Code and the costs of prosecution. Each act of violation and each day upon which a violation occurs constitute a separate offense. (1991 Code)

CHAPTER 5
SMOKING IN VILLAGE HALL

SECTION:

- 3-5-1: Purpose
3-5-2: Prohibition
3-5-3: Penalty

3-5-1: **PURPOSE:** This Chapter shall regulate the activity of smoking or burning tobacco within the Village Hall. (Ord. 89-04, 6-14-89)

3-5-2: **PROHIBITION:** The smoking or burning of tobacco, whether in cigarettes, pipes, cigars or otherwise, within the confines of the Village Hall during public meetings is hereby prohibited. (Ord. 89-04, 6-14-89)

3-5-3: **PENALTY:** Any person violating or refusing or failing to comply with the provisions of this Chapter shall be fined as provided in Section 1-4-1 of this City Code. (Ord. 89-04, 6-14-89; 1991 Code)

CHAPTER 6
MOBILE HOMES

SECTION:

- 3-6-1: Definition
- 3-6-2: Location Restricted
- 3-6-3: Violation
- 3-6-4: Penalty

3-6-1: **DEFINITION:** The following definition shall apply hereunder:

MOBILE HOME A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons and which is subject to Iroquois County Mobile Home Privilege Tax. (Ord. 1990-11, 11-11-90)

3-6-2: **LOCATION RESTRICTED:** It shall be unlawful for a mobile home to be located within the Village anywhere except in a mobile home park. (Ord. 1990-11, 11-11-90)

3-6-3: **VIOLATION:** Any mobile homes located within the Village and not in conformity with this Chapter on its effective date

shall not be considered in violation of this Chapter; provided, however, that in the event such mobile home is removed from its present location and not replaced by a mobile home within one year from the date of its removal, a subsequent placement of a mobile home in that location shall be considered a violation of this Chapter. Each day a mobile home is located within the Village in violation of this Chapter shall be considered a separate offense and both the real estate owner and mobile home owner shall be considered in violation of this Chapter. (Ord. 1990-11, 11-11-90)

3-6-4: **PENALTY:** Any person in violation of any part of this Chapter shall be fined not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for each offense. (Ord. 1990-11, 11-11-90)

TITLE 4
PUBLIC WAYS AND PROPERTY

Subject	Chapter
Streets, Sidewalks and Public Ways	1
Water Regulations	2
Cross-Connections	2A

CHAPTER 1
STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION:

4-1-1: No Parking

4-1-1: **NO PARKING:**

- A. There shall be no parking allowed at any time in the following locations:
1. Along Adams Street from the drive of the Federated Bank building east to the alley;
 2. For thirty feet (30') in any direction from any stop sign whether now existing or hereafter erected; and
 3. For fifteen feet (15') in any direction from any fire hydrant whether now existing or hereafter erected.
- B. There shall be no parking allowed between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M. along the west side of Oak Street (Route 45) from Washington Street to two hundred feet (200') south of the intersection of Oak Street (Route 45) and Jackson Street.
- C. Parking shall be limited to ten (10) consecutive minutes between the hours of seven o'clock (7:00) A.M. and five o'clock (5:00) P.M. along the east side of Oak Street (Route 45) from thirty feet (30')

- C) north of the north intersection of Adams Street and Oak Street (Route 45) north to the south intersection of the first driveway and Oak Street (Route 45).
- D. Any person in violation of any part of this Section shall be fined not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) for each offense.
- E. The fact that a vehicle which is parked in violation of this Section is registered in the name of a person is considered prima facie evidence that such person was in control of that vehicle at the time of such parking in violation of this Section. (Ord. 90-07, 7-11-90)

CHAPTER 2
WATER REGULATIONS

SECTION:

4-2-1: Service Rates and Charges

4-2-1: **SERVICE RATES AND CHARGES:**

- A. Rates and Charges Established: The following shall be the rates for water supplied through meters, payable monthly on the fifth day of the month:
1. For the first 2,000 gallons per month, \$4.00 per 1,000 gallons;
 2. For 2,000 gallons to 25,000 gallons per month, \$3.50 per 1,000 gallons;
 3. For all over 25,000 gallons per month, \$3.15 per 1,000 gallons;
 4. The minimum monthly charge for service shall be \$8.00; and
 5. For each fire hydrant, a charge of \$1.25 per month shall be made to the Loda Fire Protection District. (Ord. 1990-10, 9-12-90, eff. 9-29-90)
- B. Service Bills; Delinquencies; Connection: Bills for water service shall be rendered monthly on the twentieth day of each month and payment shall be due on the fifth day of the following month. A ten percent (10%) late fee will be added to the balance due of any user who has not paid the bill by the seventh day of the following month. In the event of failure to pay bills by the twentieth day of

- B) the month following the month that the bills were rendered, water service shall be discontinued and may be reconnected only upon payment of a ten dollar (\$10.00) reconnection fee.

There shall be charged to each new user of water service a connection fee of twenty dollars (\$20.00) which shall be nonrefundable.

The legal title holder of the residence provided with water service shall be responsible for payment of the bill regardless of the name in which the bill was originally rendered.

In the event that a water user during any one month has water usage in excess of one hundred fifty percent (150%) of the average bill for the preceding three (3) months and this increased usage is due to a waterline leak, upon petition to the Board of Trustees, the user shall be entitled to a fifty percent (50%) reduction in the monthly bill. This relief is available to any water service user one time only. (Ord. 1990-10, 9-12-90, eff. 9-29-90)

CHAPTER 2
WATER REGULATIONS
ARTICLE A. CROSS-CONNECTIONS

SECTION:

- 4-2A-1: Compliance with State Plumbing Code Required
- 4-2A-2: Connections Other Than to the Regular Water Supply of Village
- 4-2A-3: Surveys and Investigations
- 4-2A-4: Cross-Connection Control Inspector
- 4-2A-5: Disconnection; Reconnection
- 4-2A-6: Liability of Consumer
- 4-2A-7: Board of Trustees' Rules and Regulations

4-2A-1: **COMPLIANCE WITH STATE PLUMBING CODE REQUIRED:** All plumbing installed within Village shall be installed in accordance with the Illinois Plumbing Code, 77 Illinois Administrative Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water will give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code and all applicable local regulations and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code and local regulations. (Ord. 89-06, 7-12-89, eff. 7-12-89)

4-2A-2: CONNECTIONS OTHER THAN TO THE REGULAR WATER SUPPLY OF VILLAGE: No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of Village, enters the supply or distribution system of the Municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and the Illinois Environmental Protection Agency. (Ord. 89-06, 7-12-89, eff. 7-12-89)

4-2A-3: SURVEYS AND INVESTIGATIONS: It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years or as often as the Superintendent of Water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years. (Ord. 89-06, 7-12-89, eff. 7-12-89)

4-2A-4: CROSS-CONNECTION CONTROL INSPECTOR: The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of verifying the presence or absence of cross-connection to the public water supply or distribution system of the Village for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupant of any property so served shall furnish to the Superintendent of Water any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this Chapter. (Ord. 89-06, 7-12-89, eff. 7-12-89)

4-2A-5: DISCONNECTION; RECONNECTION: The Superintendent of Water 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 Chapter 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 Chapter and until a reconnection fee of ten dollars (\$10.00) is paid to the Village. Immediate disconnection with verbal notice can be effected when the Superintendent of Water is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply; provided, that in the reasonable opinion of the Superintendent of Water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the public water supply, the Superintendent of Water, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice. (Ord. 89-06, 7-12-89, eff. 7-12-89)

4-2A-6: **LIABILITY OF CONSUMER:** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system. (Ord. 89-06, 7-12-89, eff. 7-12-89)

4-2A-7: **BOARD OF TRUSTEES' RULES AND REGULATIONS:** The Board of Trustees shall adopt rules and regulations to aid in the implementation of this Chapter. (Ord. 89-06, 7-12-89, eff. 7-12-89)

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