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**VILLAGE OF DAVIS**

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**ORDINANCE NO. 1996-1**

**AN ORDINANCE ADOPTING AND ENACTING A NEW MUNICIPAL CODE**

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**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF DAVIS**

**THIS 9TH DAY OF APRIL, 1996**

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**Published in pamphlet form by authority of the Village Board of the Village of Davis,  
Stephenson County, Illinois, this 9th day of April, 1996.**

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STATE OF ILLINOIS            )  
  )  
COUNTY OF STEPHENSON    )

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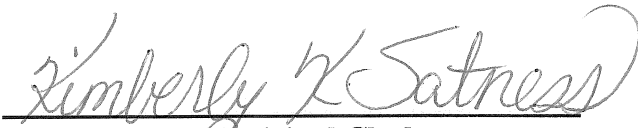
**CERTIFICATE**

**I, Kim Satness, certify that I am the duly appointed and acting municipal clerk of the Village of Davis, Stephenson, County, Illinois.**

**I further certify that on April 9, 1996, the Corporate Authorities of such municipality passed and approved Ordinance No. 1996-1, entitled "An Ordinance Adopting and Enacting a New Municipal Code for the Village of Davis" which provided by its terms that it should be published in pamphlet form.**

**The pamphlet form of Ordinance No. 1996-1, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 9, 1996, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.**

**DATED at Davis, Illinois, this 9th day of April, 1996.**

  
\_\_\_\_\_  
**Municipal Clerk**

## ORDINANCE 1996-1

An Ordinance Adopting and Enacting a New Municipal Code for the Village of Davis, Stephenson County, Illinois; Establishing the Same; Providing for the Repeal of Certain Ordinances not Included Therein, Except as Herein Expressly Provided; and Providing When This Ordinance Shall Become Effective.

Be It Ordained by the President and Board of Trustees of the Village of Davis, Illinois, as Follows:

**Section 1:** This ordinance, consisting of Chapters 1-26, inclusive, is hereby adopted and enacted as the "Municipal Code, Village of Davis, Illinois," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances previously passed by the President and Board of Trustees, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose. All provisions of such code shall be in full force and effect from and after May 14, 1996.

**State law reference:** 65 ILCS 5/1-2-3 et seq.

**Section 2:** All ordinances of a general and permanent nature of the Village of Davis previously enacted, and not in such Code, or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of such Code, except as hereinafter provided.

**Section 3:** The repeal provided for in Section 2 hereof shall not affect any of the following:

- (1) Any ordinance or resolution promising or guaranteeing the payment of money for the Village or authorizing the issuance of any bonds of the Village or any evidence of the Village's indebtedness.
- (2) Any appropriation ordinance or resolution providing for the levy of taxes or for an annual budget.
- (3) Any ordinance annexing territory to the Village or excluding territory as a part of the Village.
- (4) Any ordinance or resolution granting any franchise, permit or other right.
- (5) Any ordinance or resolution approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument.
- (6) Any zoning ordinance or any amendment thereto.
- (7) Any ordinance naming, renaming, opening, accepting or vacating streets or alleys in the Village.
- (8) Any ordinance levying special assessments.

- (9) Any ordinance relating to the compensation or salaries of Village officers or employees.
- (10) Any ordinance adopting, modifying, or amending a comprehensive or official plan.
- (11) Any ordinance accepting a plat of subdivision.
- (12) Any ordinance or portion thereof the purpose of which has been accomplished.
- (13) Any ordinance which is special although permanent in effect.
- (14) Any ordinance which is temporary although general in effect.

All ordinances and resolutions referred to above are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this section.

**Section 4:** All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 5:** This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**Section 6:** This ordinance and the Code adopted hereby shall be printed and published in book or pamphlet form by order of the President and Board of Trustees.

PASSED by the Board of Trustees of the Village of Davis, Illinois, this 9th day of April 1996.

Ayes 6  
 Nays \_\_\_\_\_  
 Abstentions \_\_\_\_\_

APPROVED by me as President of the Board of Trustees of the Village of Davis, Illinois, this 9th day of April, 1996.

  
 VILLAGE PRESIDENT

ATTEST:   
 VILLAGE CLERK

## **CHAPTER 1. GENERAL PROVISIONS**

### **Section 1-1. TITLE OF CODE.**

This codification by and for the Village of Davis shall be designated as the code of Davis and may be so cited.

### **Section 1-2. RULES OF CONSTRUCTION.**

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

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

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

### **Section 1-3. SEVERABILITY OF PARTS OF CODE.**

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

### **Section 1-4. AMENDMENTS TO CODE.**

Any and all additions or amendments to this Code, when passed in such form as to indicate the intention of the President and Board of Trustees to make the same a part thereof, shall be deemed to be incorporated in this Code so that reference to the "Municipal Code, Village of Davis, Illinois," shall be understood and intended to include such additions and amendments.

### **Section 1-5. EFFECT OF AMENDMENT OR REPEAL.**

(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed, nor impair the effect of any saving clause therein.

**State law reference: 5 ILCS 70/3**

(b) The reenactment, amendment, or repeal of an ordinance does not do any of the following, except as provided in division (c) of this section.

(1) Affect the prior operation of the ordinance or any prior action taken thereunder.

(2) Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder.

(3) Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal.

(4) Affect any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment. The investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the ordinance had not been repealed or amended.

**State law reference: 5 ILCS 85/2**

(c) If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.

**State law reference: 5 ILCS 70/4**

#### **Section 1-6. ERRORS AND OMISSIONS.**

If a manifest error is discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express the intent, the spelling shall be corrected, and the word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provision shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of the error.

#### **Section 1-7. TECHNICAL CODES.**

Whenever any technical codes are incorporated herein by reference, any subsequent amendments or revisions to such technical codes shall automatically become part of this code and shall be made available for public inspection by the Village. Further, to the extent of any conflict between technical provisions of this code and any technical codes adopted by reference, the most restrictive provision shall apply.



**Section 1-8. AVAILABILITY OF CODE.**

A copy of this Code shall be kept on file in the Office of the Village Clerk, preserved in looseleaf form. It shall be the express duty of the Village Clerk, or someone authorized by him, to insert in their designated places all amendments or ordinances which indicate the intention of the President and Board of Trustees to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may from time to time be repealed by the President and Board of Trustees. This copy of such Code shall be available for all persons desiring to examine the same and shall be considered the official Municipal Code of Davis, Illinois.

**Section 1-9. TAMPERING WITH CODE.**

It shall be unlawful for any person, firm, or corporation in the Village to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Davis to be misrepresented thereby. Whoever violates the provisions of this section shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each violation.

**Section 1-10. GENERAL PENALTY FOR VIOLATION OF CODE.**

Whenever in this Code or in any ordinance of the Village any act is prohibited or is made or declared to be unlawful, or whenever in this Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense. Each violation of this Code shall also be a misdemeanor, punishable by imprisonment for up to six months.

**State law reference**-Limitation on penalties, 5 ILCS 5/1-2-1, 5 ILCS 5/1-2-1.1.

**Section 1-11. IMPRISONMENT UNTIL FINE AND COSTS PAID.**

The person upon whom any fine or penalty is imposed, upon order of the court before which the conviction is had, may be imprisoned until the fine, penalty and costs are paid. No imprisonment, however, shall exceed six (6) months for any one offense.

**Section 1-12. OFFICERS, EMPLOYEES NOT LIABLE FOR FINES.**

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

VILLAGE OF DAVIS, ILLINOIS

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ORDINANCE NO. 2023 - 7-1

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AN ORDINANCE AMENDING SECTIONS 1-10 AND 1-14  
OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF DAVIS

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Adopted by the Village of Davis  
this 18<sup>th</sup> day of July, 2023.

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Published in pamphlet form by the Board of Trustees of the  
Village of Davis, Illinois the 19<sup>th</sup> day of July, 2023.

VILLAGE OF DAVIS, ILLINOIS: ORDINANCE NO. 2023 - 7-1

AN ORDINANCE AMENDING SECTIONS 1-10 AND 1-14 OF THE  
CODE OF ORDINANCES OF THE VILLAGE OF DAVIS

WHEREAS, Chapter 1 of the Village of Davis Municipal Code (the “Code”) sets forth general provisions with respect to violations the Code; and

WHEREAS, the Board of Trustees of the Village has, after due consideration, determined that it is necessary, appropriate, and in the best interest of the Village and its residents that Sections 1-10 and 1-14 of Chapter 1 of the Code be amended.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Davis, Stephenson County, Illinois as follows:

*Section One.* The foregoing recitals are incorporated herein as findings of the Board of Trustees.

*Section Two.* Section 1-10 of Chapter 1 of the Code is hereby amended and restated in its entirety, effective as of the date hereof, to read as follows:

**Section 1-10. GENERAL PENALTY FOR VIOLATION OF CODE.**

**Whenever in this Code or in any ordinance of the Village an act is prohibited or is made or declared to be unlawful or a misdemeanor or a violation of this Code, or whenever in this Code or in any ordinance of the Village the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or any ordinance of the Village shall be punishable by a fine of not more than Seven Hundred Fifty Dollars (\$750.00). Each day that a violation of this Code or any ordinance of Village continues, consecutive or not, shall constitute a separate offense. In addition to such fines, a person who violates this Code shall be liable to the Village for all reasonable costs, including reasonable attorney’s fees and court costs, incurred by the Village in enforcing a violation of this Code.**

*Section Three.* Section 1-14 of Chapter 1 of the Code is hereby amended and restated in its entirety, effective as of the date hereof, to read as follows:

**Section 1-14. NOTICE OF VIOLATION.**

**Police officers, the Village President, the Village Clerk, the Village attorney, and any other officer, employee, or agent of the Village designated by the Board of Trustees of the Village, may issue a citation, ticket, complaint, or notice for a violation of this Code. Notwithstanding any other provisions of this Code, the Village President, the Village Clerk, and any other authorized officer, employee, or agent of the Village, may, in lieu of filing a complaint in court in the first instance, issue the violator a Notice of Violation. The authority to issue a Notice of Violation in lieu of a complaint in court shall not include any offense under the Illinois Vehicle Code, or similar offense, which is a traffic regulation governing moving vehicles. Service of the Notice of Violation may be made by certified mail, return receipt requested, whether service is to be within or without the State, and shall have printed thereon statements which in substance: (A) identifies the nature of the Code violation; (B) directs the immediate cessation of the unlawful conduct or activity, or correction of the Code violation alleged, as applicable; (C) advises the**

violator they may compromise the Code violation by paying to the Village the sum of Seventy-five Dollar (\$75.00) as settlement of the Code violation and showing proof satisfactory to the Village of the correction of the Code violation, if applicable, within five (5) days from the date of delivery of the Notice; and (D) informing the alleged violator that upon failure to so settle and show proof satisfactory to the Village of the correction of the Code violation, if applicable, that a complaint may be filed in a court of competent jurisdiction, charging them with the violation.

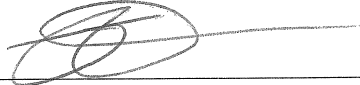
If the violator fails or refuses to settle and compromise the Code violation and show proof satisfactory to the Village of the correction of the Code violation, if applicable, within five (5) days from the date of delivery of the Notice, the Village may proceed with all enforcement rights and remedies available to the Village under the Illinois Municipal Code (65 ILCS 5/1-1 *et seq.*). The Village may retain attorneys and private collection agents for the purpose of enforcing violations of this Code and collecting any default in payment of any fine or penalty or installment of that fine or penalty. All reasonable fees or costs incurred by the Village with respect to attorneys or private collection agents retained by the Village shall be charged to the offender, and the offender shall be liable to the Village for said fees and costs.

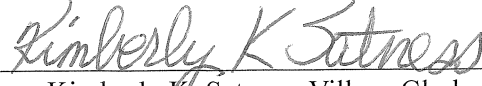
*Section Four.* This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

*Section Five.* Any section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining provisions, which shall remain in full force and effect thereafter.

PASSED THIS 18<sup>th</sup> DAY OF July, 2023.

VILLAGE TRUSTEES	AYE VOTE	NAY VOTE	ABSTAIN/ABSENT
Mike Wise	✓		
Rich Rote	✓		
Judy Lafurge	✓		
Brittany Kunz	✓		
Jody Pieper			Absent
Vacant			
TOTAL VOTES			

APPROVED:  , Date: 7/18 /2023.  
 Stephen Olson, Village President

ATTEST:  , Date: 7/18 /2023.  
 Kimberly K. Satness, Village Clerk

**Section 1-13. ACTS PUNISHABLE UNDER DIFFERENT SECTIONS.**

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

**Section 1-14. NOTICE OF VIOLATION.**

As a courtesy and accommodation, the Village Marshall shall make a good faith effort to deliver, in person or by first class mail, to any person believed to be in violation of any ordinance, a Notice of Intent to File Complaint. The Notice shall specify the date and nature of the alleged violation. If the person receiving such Notice shall pay to the Village Clerk the sum of Fifteen Dollars (\$15.00) within 72 hours of receiving such Notice, no Complaint shall be filed based upon the specific violation referred to in the Notice. A Notice shall be conclusively presumed delivered (1) when delivered in person; or (2) on the second business day after it is deposited in with the U.S. Postal Service in an envelope addressed to the alleged violator at his last known place of residence with first class postage affixed.

## **CHAPTER 2. ADMINISTRATION**

### **ARTICLE 1. OFFICERS AND EMPLOYEES GENERALLY**

#### **Section 2-1. APPLICATION OF ARTICLE.**

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

#### **Section 2-2. ELECTIONS.**

Elections for municipal offices shall be held in accordance with and at the times prescribed by state law.

**State law reference:** 65 ILCS 5/3-5-1, et. seq.

#### **Section 2-3. QUALIFICATIONS.**

(a) A person is not eligible for an elective Village office unless that person is a qualified elector of the Village and has resided in the Village at least one year next preceding the election. A person is not eligible for an elective Village office if that person is in arrears in the payment of a tax or other indebtedness due to the Village or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

**State law reference:** 65 ILCS 5/3.1-10-5

#### **Section 2-4. OATH OF OFFICE.**

Every officer of the Village shall, before entering upon his duties, take the oath prescribed by state law.

**State law reference:** 65 ILCS 5/3-14-3

#### **Section 2-5. BOND.**

Every officer and employee shall, if required by the Board of Trustees, upon entering his office or position, give a bond in such amount and with such sureties as may be determined by the Board, conditioned upon the faithful performance of the duties of his office or position.

**State law reference:** 65 ILCS 5/3-14-3.

**Section 2-6. FURTHER DUTIES.**

Every officer shall perform such duties, in addition to those which may be prescribed by law, and be subject to such other rules and regulations, as the Board of Trustees may provide by ordinance.

**State law reference:** 65 ILCS 5/3.1-10-40

**Section 2-7. COMPENSATION.**

(a) All Village officers, except as otherwise provided, shall receive the salary or other compensation that is fixed by ordinance. Salaries or other compensation shall not be increased or diminished, so as to take effect during the term of any elected Village officer. The salaries, fees, or other compensation of any appointed Village officer, not including those appointed to fill vacancies in elective offices, may be increased but not diminished so as to take effect during the term for which such officer was appointed.

**State law reference:** 65 ILCS 5/3.1-50-5

(b) The Board of Trustees may fix the salary of all Village officers and employees, in the annual appropriation ordinance or budget ordinance. They may fix the salary of all officers who are elected for a definite term in an ordinance other than the appropriation or budget ordinance. Salaries which are fixed in the annual appropriation ordinance shall neither be increased nor diminished during the fiscal year for which the appropriation is made. Salaries which are fixed by ordinance for those officers who are elected for a definite term shall neither be increased nor diminished during that term, and shall be fixed at least two (2) months prior to a general Village election in which voting is held for such offices.

**State law reference:** 65 ILCS 5/3.1-50-10

**Section 2-8. REMOVAL FROM OFFICE.**

Except where otherwise provided by statute, the President may remove any officer appointed by him under state law and this ordinance, on any written charge, whenever he is of the opinion that the interests of the Village demand removal, but he shall report the reasons for the removal to the Board of Trustees at a meeting to be held not less than five (5) nor more than ten (10) days after the removal. If the President fails or refuses to report to the Board of Trustees the reasons for the removal, or if the Board of Trustees by a two-thirds (2/3) vote of all its members authorized by law to be elected, disapproves of the removal, the officer thereupon shall be restored to the office from which he was removed.

**State law reference:** 65 ILCS 5/3.1-35-10

**Section 2-9. SURRENDER OF EFFECTS OF OFFICE.**

Every officer of the Village upon the termination of his office, for any cause whatsoever, shall deliver to his successor all books and records which may be property of the Village and if no

successor has been appointed within one (1) week after the termination of office such property shall be delivered either to the Village Clerk or to the Village Treasurer.

## **ARTICLE 2. VILLAGE BOARD OF TRUSTEES**

### **Section 2-10. GOVERNING OFFICERS.**

The Village shall be governed by an elected officer who is called the President, and by an elected legislative body which is called the Board of Trustees and which shall consist of the President and six (6) Trustees.

**State law reference:** 65 ILCS 5/3.1-45-5

### **Section 2-11. TRUSTEES.**

(a) Except as provided in 65 ILCS 5/3.1-25-10, the electors of the Village shall elect six (6) Trustees. The term of office of the Trustees shall be four (4) years and until their successors are elected and have qualified.

**State law reference:** 65 ILCS 5/3.1-25-5

(b) Whenever a vacancy in the office of a Trustee occurs during his term, the vacancy shall be filled for the remainder of the term at the next general Village election.

**State law reference:** 65 ILCS 5/3.1-10-50

### **Section 2-12. POWERS AND DUTIES.**

(a) The Board of Trustees shall have the powers and shall perform the same duties as the city council in cities. It shall pass ordinances, resolutions, and motions in the same manner as a city council. The President of the Board of Trustees may exercise the same veto power and powers in 65 ILCS 5/3.1-40-30, and with like effect, as the mayor of a city. The Trustees may pass motions, resolutions, and ordinances over the President's veto in like manner as the aldermen of city council.

**State law reference:** 65 ILCS 5/3.1-45-5

(b) The Board of Trustees shall consist of the President and six (6) Trustees. It shall meet in accordance with the State Open Meeting Act, 5 ILCS 120-1, et seq. It shall keep a journal of its own proceedings.

**State law reference:** 65 ILCS 5/3.1-40-5

(c) The Board shall be the sole judge of the election to office of the Trustees. It shall also be the sole judge whether, under 65 ILCS 5/3.1-10-5, Trustees are eligible for their offices.



However, a court shall not be prohibited from hearing and determining a proceeding in quo warranto.

**State law reference:** 65 ILCS 5/3.1-40-10

(d) The Board may prescribe, by ordinance, the times and places of the Board meetings, and the manner in which special Board meetings may be called. The President or any three (3) Trustees may call special meetings of the Board. In addition to any notice requirement prescribed by the Board, public notice of meetings must be given as prescribed in 5 ILCS 120/2.02 and 5 ILCS 120/2.03 of the Open Meeting Act.

**State law reference:** 65 ILCS 5/3.1-40-25

(e) In the absence of the President, acting President, or President Pro Tem, the Board may elect a Trustee to act as a temporary chairman. He shall have only the powers of a presiding officer and a right to vote in his capacity as Trustee on any ordinance, resolution, or motion.

**State law reference:** 65 ILCS 5/3.1-35-35(b)

### **Section 2-13. COMPENSATION.**

(a) Each Trustee shall receive the compensation that is fixed by ordinance. Such compensation shall be fixed at least two (2) months prior to the election in which voting is held for such Trustee's office.

(b) Such ordinance shall specify whether Trustees are to be compensated at an annual rate or for each meeting of the Board of Trustees actually attended by each Trustee.

(c) Each Trustee may receive reimbursement from the Village for expenses incurred by the member in attending committee meetings of the Board of Trustees or for other expenses incurred by the Trustee in the course of performing official duties.

**State law reference:** 65 ILCS 5/3.1-50-5, 65 ILCS 5/3.1-50-10

## **ARTICLE 3. RULES OF PROCEDURE**

### **Section 2-14. PROCEEDINGS BEFORE BOARD OF TRUSTEES.**

(a) Rules of Order. The current edition of Robert's Rules of Order shall govern the proceedings of the Board of Trustees where applicable and when not in conflict with statutes or ordinances; provided, however, that the Board may adopt rules of order revising, repealing, amending, supplementing, supplanting, in whole or in part, Robert's Rules of Order. Each new Board, upon inauguration of the Village officers newly elected at any consolidated election, shall have the right by a majority vote of the Board of Trustees to repeal, amend, or replace any rules of order adopted by a previous Board.

(b) Addressing meetings. It shall be unlawful for any person to address or attempt to address any regular or special meeting of the Board except upon the consent of the President or with the consent of a majority of the members present.

(c) Disturbing meetings. It shall be unlawful to disturb or interrupt any regular or special meeting of the Board. Any person violating this provision may be summarily ejected from the meeting and the Village Hall.

#### **Section 2-15. PRESIDING OFFICER.**

The President shall preside at all meetings of the Board of Trustees. Except as provided in 65 ILCS 5/4-1-1 et seq. and 65 ILCS 5/5-1-1 et seq., he shall not vote on any ordinance, resolution, or motion except where the vote of the Board of Trustees has resulted in a tie; or where one half (1/2) of the Board of Trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or where a vote greater than a majority of the Board of Trustees is required to adopt an ordinance, resolution, or motion. In each instance specified, the President shall vote. Nothing in this section shall deprive an Acting President or President pro tem from voting in his capacity as Trustee, but he shall not be entitled to another vote in his capacity as Acting President or President pro tem.

**State law reference:** 65 ILCS 5/3.1-40-30

#### **Section 2-16. MEETINGS.**

The Board of Trustees shall hold its regular meetings on the second Tuesday of each month beginning at 7:00 p.m. and no notice of such regular meeting shall be required. The meeting place of the Board shall be at the Village Hall, unless otherwise ordered by the Board. If a regular meeting date falls on a legal holiday, the meeting shall be held the next secular day at the same hour and place. The President or any three (3) Trustees may call special meetings of the Board of Trustees. In addition to any notice requirement prescribed by the Board of Trustees, public notice of meetings must be given as prescribed in 5 ILCS 120/ 2.02 and 5 ILCS 120/2.03 of the Open Meetings Act.

**State law reference:** 65 ILCS 5/3.1-40-20

#### **Section 2-17. QUORUM.**

A majority of the Board of Trustees shall constitute a quorum to do business.

#### **Section 2-18. ORDER OF BUSINESS.**

The order of business for meetings of the Board of Trustees shall be as follows:

(a) Call to role by presiding officer;

- (b) Roll call;
- (c) Establishment of quorum;
- (d) The reading and approval of minutes of previous meeting or meetings;
- (e) Reports and communications from President and other officers;
- (f) Reports from standing committees;
- (g) Communications, resolutions, or ordinances from Trustees;
- (h) Public discussion or comments from floor;
- (i) Old business;
- (j) New business;
- (k) Adjournment.

#### **ARTICLE 4. ORDINANCES**

##### **Section 2-19. ORDINANCES AND RULES TO EXECUTE POWERS.**

The Board of Trustees may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to the Village, with such fines or penalties as may be deemed proper, provided that no fine or penalty shall exceed Five Hundred Dollars (\$500.00).

**State law reference:** 65 ILCS 5/1-2-1

##### **Section 2-20. ORDAINING CLAUSE.**

The ordaining clause of ordinances shall be "Be it ordained by the President and Board of Trustees of the Village of Davis."

**State law reference:** 65 ILCS 5/1-2-2

##### **Section 2-21. VOTE REQUIRED; METHOD OF VOTING.**

(a) The passage of all ordinances for whatever purpose, and of any resolution or motion to create any liability against the Village or for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the Board of Trustees, including the President, unless otherwise expressly provided by this code or any other act governing the passage of any ordinance, resolution, or motion; provided that, where the Board

consists of an odd number of Trustees, the vote of the majority of the Trustees shall be sufficient to pass an ordinance.

(b) Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion at the request of any Trustee and shall be recorded in the journal.

**State law reference:** 65 ILCS 5/3.1-40-40

#### **Section 2-22. APPROVAL, DISAPPROVAL BY PRESIDENT.**

All resolutions and motions which create any liability against the Village or which provide for the expenditure or appropriation of its money, or to sell any Village property, and all ordinances passed by the Board of Trustees, shall be deposited with the Clerk. Except as provided in 65 ILCS 5/4-1-1 et seq., if the President approves of an ordinance or resolution, the President shall sign it. Those ordinances, resolutions and motions which he disapproves he shall return to the Board of Trustees, with his written objections, at the next regular meeting of the Board occurring not less than five (5) days after their passage. The 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 President may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the President fails to return any ordinance or any specified return any ordinance or any specified resolution or motion with his written objections within the designated time, it shall become effective despite the absence of his signature.

**State law reference:** 65 ILCS 5/3.1-40-45

#### **Section 2-23. RECONSIDERATION.**

(a) Every resolution and motion specified in the preceding paragraph and every ordinance which is returned to the Board of Trustees by the President shall be reconsidered by the Board of Trustees at the next regular meeting. If, after such reconsideration, two-thirds (2/3) of all the Trustees then holding office on the Board shall agree at such regular meeting 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.

**State law reference:** 65 ILCS 5/3.1-40-50

(b) No vote of the Board of Trustees shall be reconsidered or rescinded at a special meeting, unless there are present at the special meeting as many Trustees as were present when the vote was taken.

**State law reference:** 65 ILCS 5/3.1-40-55

#### **Section 2-24. PUBLICATION REQUIREMENTS; EFFECTIVE DATE.**

(a) All ordinances imposing any fine, penalty, imprisonment, or forfeiture, or making any appropriation, shall be printed or published in book or pamphlet form, published by authority of

the Board of Trustees, or be published at least once, within thirty (30) days after passage, in one or more newspapers published in the Village, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the Village. If there is an error in printing, the publishing requirement of this section shall be satisfied if those portions of the ordinance that were erroneously printed are republished, correctly, within thirty (30) days after the original publication that contained the error. The fact that an error occurred in publication shall not affect the effective date of the ordinance so published. If the error in printing is not corrected within thirty (30) days after the date of the original publication that contained the error, as provided in the preceding sentence, the corporate authorities may by ordinance declare the ordinance that was erroneously published to be nevertheless valid and in effect no sooner than the tenth day after the date of the original publication, notwithstanding the error in publication, and shall order the original ordinance to be published once more within thirty (30) days after the passage of the validating ordinance.

(b) Except as provided in 65 ILCS 5/1-2-4, no such ordinance shall take effect until ten (10) days after it is so published. However, ordinances establishing rules and regulations for the construction of buildings or any part thereof, or for the development or operation of camps accommodating persons in house trailers, house cars, cabins, or tents, where such rules and regulations have been previously printed in book or pamphlet form, may by their terms provide for the adoption of such rules and regulations or portions thereof by reference thereto without further printing, or publication, if not less than three (3) copies of such rules and regulations in book or pamphlet form have been filed in the office of the Clerk for use and examination by the public at least thirty (30) days prior to the adoption thereof.

(c) All other ordinances, resolutions, and motions, shall take effect upon their passage unless they otherwise provide.

(d) Anything in this section to the contrary notwithstanding, any ordinance which contains a statement of its urgency in the preamble or body thereof, other than an ordinance relating to finance, appropriations, or taxes, adopted under 65 ILCS 5/8-1-1 et seq. may take effect immediately upon its passage provided that the Board of Trustees, by a vote of two-thirds (2/3) of all the members then holding office, so direct. The decision of the Board of Trustees as to the urgency of any ordinance shall not be subject to judicial review except for an abuse of discretion.

**State law reference:** 65 ILCS 5/1-2-4

## **Section 2-25. RECORDATION.**

The Clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the Board of Trustees. Immediately following each ordinance the Clerk shall make a memorandum of the date of the passage and of the publication or posting, where required, of the ordinance. This record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and of the publication or posting of ordinances.

**State law reference:** 65 ILCS 5/1-2-5

## **Section 2-26. REVISION.**

The President may appoint, by and with the advice and consent of the Board of Trustees, one or more competent persons to prepare and submit to the Board of Trustees for adoption or

rejection, an ordinance to revise the Village ordinances. The compensation for this revision shall be fixed by the Board of Trustees and paid out of the Village treasury.

**State law reference:** 65 ILCS 5/1-2-3

**Section 2-27. ADOPTION OF CODES AND PUBLIC RECORDS BY REFERENCE.**

(a) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Public Record". Any village, state, or federal statute, rule, or regulation and any ordinance or resolution of the county in which the Village is located, adopted prior to the exercise by any village of the authority to incorporate by reference herein granted; however, this definition shall not include the village ordinances, rules, or regulations of any village except those of the village which is exercising the right to incorporate by reference, nor shall this definition include the state laws, rules, or regulations of any state other than the State of Illinois.

"Published". Printed, lithographed, multigraphed, mimeographed, or otherwise reproduced.

"Regulations". Any published compilation of rules and regulations which have been prepared by nationally recognized technical trade or service associations and shall include specifically, building codes; plumbing codes; electrical wiring codes; fire prevention codes; codes for the slaughtering, processing, and selling of meats and meat products for human consumption; codes for the production, pasteurizing, and sale of milk and milk products.

**State law reference:** 65 ILCS 5/1-3-1

(b) The Village is hereby authorized to adopt by reference, as criteria for the issuance of construction, reconstruction, alteration, or installation permits, the provisions of any regulations or portions of any regulations as defined in division (a) of this section, without setting forth the provisions of such regulations in full, provided that at least three (3) copies of such regulations which are incorporated or adopted by reference are filed in the office of the Clerk and there kept available for public use, inspection, and examination. The Village is likewise authorized and empowered to adopt by reference the provisions of any public records, provided, likewise, that three (3) copies of such public record are kept on file in the office of the Clerk as provided above for regulations. The filing requirement herein prescribed shall not be deemed to be complied with unless the required copies of such regulations or public record are filed with the Clerk for a period of thirty (30) days prior to adoption of the ordinance which incorporates such regulations or public record by reference. No regulations nor public record of any jurisdiction other than the state shall be adopted hereunder covering any subject matter for which standards are available in any public record of the state.

**State law reference:** 50 ILCS 200/1

## **ARTICLE 5. STANDING COMMITTEES**

### **Section 2-28. AUTHORITY TO ESTABLISH.**

The Board of Trustees may have one or more standing committees with the powers, functions, and duties established by ordinance. The standing committees which have been established are as follows:

- 1) Water/Sewer
- 2) Streets/Alleys
- 3) Park
- 4) Liquor
- 5) Finance
- 6) Police
- 7) Garbage
- 8) Cemetery

### **Section 2-29. MEMBERS.**

The members of each standing committee shall be appointed from time to time by the President with the advice and consent of the Board of Trustees.

## **ARTICLE 6. THE VILLAGE PRESIDENT**

### **Section 2-30. ELECTION AND TERM.**

The Village President shall be elected for a term of four (4) years.

**State law reference:** 65 ILCS, 5/3.1-15-5, 65 ILCS 5/3.1-15-10

### **Section 2-31. POWERS AND DUTIES.**

(a) The President of the Village shall be President of the Board of Trustees thereof and shall preside at all meetings of the Board. He shall devote to the duties of his office whatever time the faithful discharge thereof may require.

(b) The President shall perform all the duties which are prescribed by law, including applicable state statutes and Village ordinances, and shall take care that the laws and ordinances are faithfully executed. The President from time to time, may and annually shall give the Board of Trustees information relative to the affairs of the Village, and may recommend for their consideration such measures as he believes expedient.

**State law reference:** 65 ILCS 5/3.1-35-5

(c) The President shall have the power to administer oaths and affirmations upon all lawful occasions.

**State law reference:** 65 ILCS 5/3.1-15-20

(d) The President at all times may examine and inspect the books, records, and papers of any agent, employee, or officer of the village.

**State law reference:** 65 ILCS 5/3.1-35-20

(e) The President may designate in writing another person to affix the signature of the President to any written instrument or instruments required to be signed by the President. The President shall send written notice of this designation to the Board of Trustees, stating the name of the person whom he has selected and what instrument or instruments the person will have authority to sign. A written signature of the President executed by the person so designated, with the signature of the person so designated underneath, shall be attached to the notice. The notice, with the signatures attached, shall be recorded in the journal of the Board and then filed with Village Clerk. When the signature of the President is placed on a written instrument at the direction of the President in the specified manner, the instrument or instruments, in all respects, shall be as binding on the Village as if signed by the President in person.

**State law reference:** 65 ILCS 5/3.1-35-30

## **Section 2-32. COMPENSATION.**

The President shall receive the compensation that is established by the Board of Trustees in the annual appropriation or budget ordinance or by special ordinance. An increase or decrease in the salary of the President shall not take effect during the term for which that President is elected. His salary shall be fixed at least two (2) months before an election in which voting is held for his office.

**State law reference:** 65 ILCS 5/3.1-50-10

## **Section 2-33. ABSENCE OF PRESIDENT**

If the President is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the Board of Trustees shall elect one of their members to act as President Pro Tem. The President Pro Tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the President but shall not be entitled to vote both as President Pro Tem and as Trustee. In the absence of the President, Acting President, and President Pro Tem, the Board of Trustees may elect one of their members to act as temporary chairperson. The temporary chairperson shall have only the powers of a



presiding officer and a right to vote only in the capacity as Trustee on any ordinance, resolution or motion.

**State law reference:** 65 ILCS 5/3.1-35-35

**Section 2-34. VACANCY IN OFFICE.**

Whenever a vacancy in the office of President occurs during his term, the vacancy shall be filled for the remainder of the term in the manner provided in 65 ILCS 5/3.1-10-55. During the period from the time that the vacancy occurs until a President is elected, and has qualified, the vacancy may be filled by the appointment of an Acting President by the Board of Trustees.

**State law reference:** 65 ILCS 5/3.1-10-50, 65 ILCS 5/3.1-10-55

**ARTICLE 7. THE VILLAGE CLERK**

**Section 2-35. APPOINTMENT AND TERM.**

The Village Clerk shall be appointed by the Village President with the concurrence of the Board of Trustees and serve for a four (4) year term and until his successor is appointed and qualified as is provided by statute.

**State law reference:** 65 ILCS 5/3.1-25-90

**Section 2-36. POWERS AND DUTIES.**

(a) The Clerk shall keep the corporate seal, to be provided by the Board of Trustees, and all papers belonging to the Village the custody and control of which are not given to other officers. The Clerk shall attend all meetings of the Board of Trustees, and keep a full record of its proceedings in the journal. The record of those proceedings shall be made available for public inspection within ten (10) days after being approved or accepted by the Board of Trustees as the official minutes of their proceedings. Copies of all papers duly filed in the Clerk's office, and transcripts from the journals and other records and files of the Clerk's office, certified by the Clerk under the corporate seal, shall be evidence in all courts in the same manner as if the originals were produced.

**State law reference:** 65 ILCS 5/3.1-35-90

(b) The Clerk shall perform such duties, in addition to those which may be prescribed by law, and be subject to such other rules and regulations, as the Board of Trustees may provide by ordinance.

**State law reference:** 65 ILCS 5/3.1-10-40

(c) The Clerk shall have power to administer oaths and affirmations upon all lawful occasions.

**State law reference:** 65 ILCS 5/3.1-15-20

**Section 2-37. COMPENSATION.**

The Clerk shall receive the compensation that is established by the Board of Trustees in the annual appropriation or budget ordinance or by special ordinance.

**State law reference:** 65 ILCS 5/3.1-50-10

**ARTICLE 8. THE VILLAGE TREASURER**

**Section 2-38. APPOINTMENT AND TERM.**

There is hereby created the office of Village Treasurer, who shall be appointed by the Village President with the advice and consent of the Board of Trustees for a term of four (4) years.

**State law reference:** 65 ILCS 5/3.1-30-5

**Section 2-39. POWERS AND DUTIES.**

(a) 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 the money or from the hands of such other officer or employee as may receive it.

(b) The Treasurer shall keep such 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.

(c) The Treasurer shall keep such books and accounts as may be required by the Board of Trustees, and shall keep them in the manner required by the Village Board.

(d) The Treasurer shall make monthly reports to the Village Board showing the state of the finances of the Village and the amounts received and spent during the month, which reports shall be filed. And he shall make an annual report at the close of the fiscal year with the total amount of all receipts and expenditures of the Village and his transactions during the preceding year. Each report shall be verified under oath and shall comply with the requirements of law.

**State law reference:** 65 ILCS 5/3-10-1

**Section 2-40. COMPENSATION.**

The Clerk shall receive the compensation that is established by the Board of Trustees in the annual appropriation or budget ordinance or by special ordinance.

**State law reference:** 65 ILCS 5/3.1-50-10

**Section 2-41. COMMINGLING OF FUNDS.**

The Treasurer shall keep all money belonging to the Village and in his custody separate and distinct from his own money, and shall not use, either directly or indirectly, the Village's money or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this provision shall subject him to immediate removal from office by the Board of Trustees, who may declare the Treasurer's office vacant.

**State law reference:** 65 ILCS 5/3.1-35-55

**ARTICLE 9. APPOINTMENT OF OTHER VILLAGE OFFICIALS**

**Section 2-42. APPOINTMENT OF OTHER VILLAGE OFFICIALS.**

The President, with the advice and consent of the Board of Trustees, shall appoint such other officers and commissioners as are deemed necessary to carry into effect the powers conferred upon municipalities.

**State law reference:** 65 ILCS 5/3.1-30-5

**Section 2-43. DUTIES, FEES, AND BOND.**

The President and Board of Trustees may prescribe the duties of the officers appointed pursuant to this section and the amount to be charged for services rendered by those officers, and may require them to execute whatever bonds are prescribed by statute or ordinance.

**State law reference:** 65 ILCS 5/3.1-45-10

**ARTICLE 10. FINANCE AND REVENUE.**

**Section 2-44. ADMINISTRATION OF FINANCES.**

The Board of Trustees shall control the finances of the Village.

**State law reference:** 65 ILCS 5/8-1-1

**Section 2-45. FISCAL YEAR.**

The fiscal year for the Village shall begin on May 1 of each year and shall end on April 30 of the following year.

**Section 2-46. ANNUAL APPROPRIATION ORDINANCE.**

(a) The Board of Trustees shall pass an ordinance within the first quarter of each fiscal year, to be termed the annual appropriation ordinance. In this ordinance, the Board may appropriate sums of money deemed necessary to defray all necessary expenses and liabilities of the Village and shall specify the objects and purposes for which these appropriations are made, and the amount appropriated for each object or purpose.

(b) Except as provided in section 2-47, no further appropriations shall be made at any other time within the same fiscal year, unless a proposition to make each additional appropriation has been first sanctioned by a petition signed by the electors of the Village numbering more than 50% of the number of votes cast for the candidates for President at the last preceding general election at which a President was elected, by a petition signed by them, or by a majority of those voting on the question at a regular election or at an emergency referendum authorized in accordance with the general election law. The Board of Trustees may by ordinance initiate the submission of such proposition.

(c) The Board of Trustees shall file with the County Clerk within 30 days of their adoption a certified copy of its appropriation and budget ordinances or resolutions, as well as an estimate, certified by the chief fiscal officer of the Village, of revenues, by source, anticipated by the Village in the following fiscal year. Failure of the Board to file the required documents shall authorize the County Clerk to refuse to extend the tax levy imposed by the Board until such documents are so filed and upon giving timely notice of such failure to file to the Board by the County Clerk.

**State law reference:** 35 ILCS 205/162

**Section 2-47. SUPPLEMENTAL APPROPRIATION AND TRANSFERS.**

(a) During any fiscal year, the Board of Trustees may adopt a supplemental appropriation ordinance in an amount not in excess of the aggregate of any additional revenue available to the Village, or estimated to be received by the Village after the adoption of the annual appropriation ordinance for that fiscal year, or from fund balances available when the annual appropriation ordinance was adopted but that were not appropriated at that time. The provision of section 2-46 prohibiting further appropriations without sanction by petition or election shall not be applicable to the supplemental appropriation for that fiscal year.

(b) The Board of Trustees at any time, however, by a two-thirds (2/3) vote of all the members of such body, may make transfers within any department or other separate agency of the Village government, of sums of money appropriated for one corporate object or purpose to another corporate object or purpose, but no appropriation for any object or purpose shall thereby be reduced below an amount sufficient to cover all obligations incurred or to be incurred against such appropriation. Nothing herein contained shall deprive the Board of Trustees of the power to provide for and cause to be paid from the funds of the Village any charge imposed by law without the action of the Board of Trustees, the payment of which is ordered by a court of competent jurisdiction.

**State law reference:** 65 ILCS 5/8-2-9

**Section 2-48. LIMITATIONS AND EMERGENCY BORROWING.**

(a) Neither the Board of Trustees nor any department or officer of the Village shall add to the Village expenditures in any fiscal year anything over and above the amount provided for in the annual appropriation ordinance of that year. No expenditure for an improvement to be paid for out of the General Fund of the Village shall exceed in any fiscal year the amount provided for that improvement in the annual appropriation ordinance.

(b) Nothing herein contained shall prevent the Board of Trustees, by two-thirds (2/3) vote, from making additional appropriations for the purpose of making improvements or restorations, the necessity for which is caused by any casualty or accident happening after the annual appropriation ordinance is passed, nor from making additional appropriations necessary to meet any emergency, happening after and unforeseen at the time of passing the annual appropriation ordinance. "Emergency", as used in this section, means a condition requiring immediate action to suppress or prevent the spread of disease, or to prevent or remove imminent danger to persons or property. For the purpose of providing for these additional appropriations, the Board of Trustees, by a two-thirds (2/3) vote, may authorize the President to borrow the amount of money necessary therefor for a space of time not extending beyond the close of the next fiscal year. The sum borrowed and the interest thereon, shall be added to the amount authorized to be raised in the next general tax levy and embraced therein.

(c) Should a judgment be obtained against the Village, the President, under the sanction of the Board of Trustees, may borrow a sufficient amount to pay the judgment for a space of time not extending beyond the close of the next fiscal year. This sum and the interest thereon shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.

**State law reference:** 65 ILCS 5/ 8-1-6

**Section 2-49. LEVY AND COLLECTION OF TAXES.**

The Board of Trustees shall levy and collect taxes for corporate purposes in the manner provided in 65 ILCS 5/8-3-1, and subject to the Truth in Taxation Act, 35 ILCS 215/1.

**Section 2-50. ANNUAL AUDIT AND REPORTS.**

(a) The Board of Trustees shall cause an audit of the funds and accounts of the Village to be made by an accountant as required by 65 ILCS 5/8-8-3.

**State law reference:** 65 ILCS 5/8-8-3.

(b) The Village shall, within six (6) months after the close of each fiscal year, unless an extension is granted, file with the State Comptroller an audit report and supplemental report or a financial report as by state law.

**State law reference:** 65 ILCS 5/8-8-3, 65 ILCS 5/8-8-4.

**Section 2-51. CONTRACTS.**

(a) No contract shall be entered into by the Village for goods or services unless such contract shall be approved by resolution or ordinance duly passed by the Board of Trustees, except as hereinafter provided.

(b) The President may approve contracts for goods and services where the contract amount is less than Five Hundred Dollars (\$500.00), without the approval of the Board of Trustees. However, the President shall report such a contract to the Board of Trustees at the Board meeting next following approval of the contract.

(c) All contracts of the Village shall be signed by the President.

(d) No contract shall be approved for which there is no prior appropriation.

(e) Any work or other public improvement not paid for in whole or in part by special assessment or special taxation, when the expense thereof shall exceed Ten Thousand Dollars (\$10,000.00) shall:

(1) Be let to the lowest responsible bidder after advertising for bids in one or more newspapers of general circulation within the Village; or

(2) Let without bids if authorized by a vote of two-thirds of the Trustees then holding office, the President not voting.

**State law reference:** 65 ILCS 5/8-9-1, et seq.

ORDINANCE NO. 2020-1-1

AN ORDINANCE AMENDING THE MUNICIPAL CODE  
OF THE VILLAGE OF DAVIS  
BY THE ADDITION OF CHAPTER 2, ARTICLE 11,  
CREATING A VILLAGE OF DAVIS POLICE DEPARTMENT

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens, and has adopted Codified Ordinances of the Village; and

**WHEREAS**, this Ordinance is adopted pursuant to the provisions of the Public Health Safety and Welfare Act, 65 ILCS 5/11-1-1, *et. seq*; and

**WHEREAS**, the Board of Trustees of the Village of Davis believes it is in the best interests of the health, safety, and welfare of the citizens of the Village to establish a police department;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Davis as follows:

**SECTION 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**SECTION 2. Creation of Police Department.** Chapter 2 of the Municipal Code of the Village of Davis shall be amended by the addition of Article 11 that will read as follows:

**ARTICLE 11. POLICE DEPARTMENT**

**SECTION 2-53.**

There is hereby created a police department of the Village.

State Law Reference: 65 ILCS 5/11-1-1, *et. seq.*

**SECTION 2-54. Composition of Department.**

The police department shall consist of the Village Chief of Police and as many Village Police Officers as may be authorized from time to time by the President and Board of Trustees.

State Law Reference: 65 ILCS 5/11-1-1, *et seq.*

**SECTION 2-55. Office of Village Chief of Police.**

**(a) There is hereby created the Office of Village Chief of Police.**

**(1) The Village Chief of Police shall be a part time position. In the event the population of the Village, as established by census, exceeds One Thousand and One (1,001) the Board of Trustees shall have the authority, at the sole discretion of the Board of Trustees, to pass an ordinance changing the Office of Village Chief of Police from a part time position to a full time position.**

**(b) The Village Chief of Police shall be appointed by the Village President, with the advice and consent of the Board of Trustees.**

**(c) Qualifications.**

**The minimum qualifications for the Village Chief of Police shall be as follows:**

**Have served as a professional police officer for at least five (5) consecutive years;  
and**

**Have obtained a high school diploma; and**

**Have three (3) years of law enforcement supervisory experience with a department of comparable or larger size to the Village of Davis Police Department; and**

**Have successfully completed all law enforcement officer training required by the Illinois Law Enforcement Police Training and Standards Board pursuant to the Illinois Police Training Act (50 ILCS 705/1, *et seq.*); and**

**Have successfully completed all firearm training pursuant to the Illinois Peace Officer Probation Officer Training Act (50 ILCS 710/1, *et seq.*); and**

**As of the date of appointment, establish and maintain a legal and permanent residency within a twenty-five (25) mile radius from the Davis Village Hall, as established from time to time by the Board of Trustees, and notwithstanding the 25 mile radius, be a resident of the State of Illinois.**

**State Law Reference: 65 ILCS 5/11-1-1, *et. seq.* 65 ILCS 5/3.1-30-5**

**SECTION 2-56. Village Police Officers.**

**All Village Police Officers shall be subject to the following regulations:**

**(1) All individuals serving as Village of Davis Police Officer shall be part time police officers as defined in Section 8.2 of the Illinois Police Training Act (50 ILCS 705/8.2). No officer shall work as a part time police officer for the Village more than thirty (30) hours per week.**



(2) All part time police officers shall be hired by the Village President, upon recommendation of the Village of Davis Chief of Police, and with the approval of the Board of Trustees.

(3) Qualifications. All part time Village of Davis Police Officers shall meet the following standards and qualifications:

(a) At least twenty-one (21) years of age as of the date of hire by the Village; and

(b) Have received, prior to being hired by the Village, a certificate of successful completion from the Illinois Law Enforcement Training and Standards Board, or a waiver thereof of the training required for part time police officers.

(1) If the applicant is a full time law enforcement officer for another law enforcement agency and the number of annual hours worked for that other law enforcement agency plus the anticipated annual hours worked for the Village would exceed One Thousand Five Hundred and Sixty (1,560) hours per year, this requirement shall be waived upon the presentation of a certificate of successful completion of requirements of a full time police officer from the Illinois Law Enforcement Training and Standards Board, or a waiver of the same training.

(c) Be of good moral character; and

(d) Have not been convicted of or placed on court supervision for any misdemeanor or felony offences; and

(e) At the time of hire shall not be indebted in any amount to the Village; and

(f) Be physically able, with or without reasonable accommodation, to perform all of the essential job functions, as approved by the Board of Trustees from time to time in the job description for the Office of Village Police Officer; and

(g) Possess a valid Illinois State Firearm Owners Identification Card at the time of hire and maintain said Card throughout employment as a Village Police Officer; and

(h) Successfully complete all requirements of the Village hiring process. The Village hiring process may include, but is not limited to, a written test, a physical agility test, psychological evaluation, lie detector test, and interviews with Village Officials upon request; and

(i) Establish a legal and permanent residency within a twenty-five (25) mile radius from the Davis Village Hall, as designated from time to time by the Village

**Board of Trustees. The residency must be established within one hundred and twenty (120) days of hire by the Village. This 120 day period may be extended for an additional one hundred and twenty (120) days by a vote of the Village Board of Trustees for good cause shown.**

**SECTION 2-57. Duties of the Chief of Police.**

**The Village Chief of Police shall keep such records and make such reports concerning the activities of the Village Police Department as may be required by Statute or by the President and Board of Trustees. In the absence of or vacancy in the office of Chief of Police, the Village Police Officer shall perform each of these duties. In the event there is more than one Village Police Officer, the Chief of Police shall appoint a Village Police Officer who shall perform each of the Chief of Police duties in the absence or vacancy of the Office of Chief of Police. In the event the vacancy or absence is due to the firing or otherwise improper conduct of the Chief of Police, the President of the Village of Davis shall appoint a Village Police Officer to perform each of the duties of the Office of Chief of Police.**

**SECTION 2-58. Duties.**

**It shall be the duty of the Village Chief of Police and of each Village Police Officer to enforce all Illinois State and Federal Laws, the Ordinances of the Village and all Statutes applicable herein; and to preserve order and prevent infractions of the law and to arrest violators thereof. A member of the Department shall have power to arrest persons without warrants, within the Village, for any criminal offense committed or attempted in the presence of the arresting officer, or for criminal offense which has in fact been committed when there are reasonable grounds for believing that person arrested has committed such offense. The term "reasonable grounds" shall include, inter alia, information received from any reputable citizen identifying the person to be arrested as the person having committed the criminal offense. The Chief of Police shall also attend the mandatory annual twenty (20) hours of training as required of all Chiefs of Police by Illinois law.**

**SECTION 2-59. Serving Processes.**

**Members of the Department are hereby authorized to serve and execute warrants for violation of ordinances, and criminal warrants, and to serve writs, summonses or other processes within the corporate limits of the Village.**

**SECTION 2-60. Conduct of Members.**

**It shall be the duty of the members of the Department to conduct themselves at all times in a proper and law-abiding manner, to avoid the use of unnecessary force, or engage in any conduct which brings discredit upon the Department or interferes with job performance.**

**SECTION 2-61. Witness Fee.**

**Members of the Department shall appear as a witness whenever necessary in the prosecution of any violation of Village ordinances, State, or Federal Law. No such member shall retain any witness fee for service as witness in any action or suit to which the Village is a party; and fees paid for such services shall be turned over to the Village Treasurer.**

**SECTION 2-62. Rules and Regulations.**

**The Village President shall recommend, and the President and Board of Trustees shall approve, such rules and regulations for hours of duty, vacations, conduct, and discipline of members of the Department as deemed advisable from time to time.**

**SECTION 2-63. Auxiliary Police.**

**Any citizen of the United States, who is a resident of the Village, or lives within a twenty-five (25) mile radius of the Davis Village Hall, is at least eighteen (18) years of age, has no felony or misdemeanor convictions, and is of good character, may be appointed an Auxiliary Policeman by the Chief of Police or President provided that no such Auxiliary Policeman shall be entitled to any compensation from the Village, nor shall such Auxiliary Policeman be considered an employee of the Village by reason of such appointment. Auxiliary Policemen shall obey all rules of the Village applicable to them and may be deprived of their appointment at any time or for any reason by the Chief of Police. Auxiliary Policemen are not considered conservators of the peace, and shall not carry firearms as part of their duties. Any identification in uniforms worn by an Auxiliary Policeman shall be different and distinct from those use by members of the Village of Davis Police Department. The duties of Auxiliary Policeman shall be as prescribed from time to time by the Chief of Police, or as set from time to time in an ordinance by the President and Board of Trustees.**

**State Law Reference: 65 ILCS 5/3.1-30-20.**

## CHAPTER 3. OFFENSES-MISCELLANEOUS

### Section 3-1. DISORDERLY CONDUCT.

A person commits disorderly conduct, which is a violation of this section, when he knowingly:

(a) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

(b) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or

(c) Transmits in any manner to the fire department a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(d) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or

(e) Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or

(f) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it.

**State law reference:** 720 ILCS 5/26-1

### Section 3-2. ASSAULT.

A person commits an assault and is guilty of a violation of this section, when, without lawful authority, he engages in conduct which places another in reasonable apprehension of receiving a battery.

**State law reference:** 720 ILCS 5/12-1

### Section 3-3. BATTERY.

A person commits battery, which is a violation of this section, if he intentionally or knowingly without legal justification and by any means:

(a) Causes bodily harm to an individual; or

(b) Makes physical contact of an insulting or provoking nature with an individual.

**State law reference:** 720 ILCS 5/12-3

**Section 3-4. CRIMINAL DAMAGE TO PROPERTY.**

Whoever commits any of the following acts shall be guilty of a violation of this section:

- (a) Knowingly damages any property of another without his consent; or
- (b) Recklessly by means of fire or explosive damages property of another; or
- (c) Knowingly starts a fire on the land of another without his consent; or
- (d) Knowingly injures a domestic animal of another without his consent; or
- (e) Knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building; or
- (f) Damages any property with intent to defraud an insurer.

**State law reference:** 720 ILCS 5/21-1

**Section 3-5. CRIMINAL DEFACEMENT OF PROPERTY.**

A person commits criminal defacement of property when the person knowingly damages the property of another without his or her consent by defacing, deforming, or otherwise damaging the property by the use of paint or any other similar substance, or by the use of a writing instrument, etching tool, or any other similar device.

**State law reference:** 720 ILCS 5/21-1.3(a)

**Section 3-6. PUBLIC INDECENCY.**

(a) Any person of the age of seventeen (17) years and upwards who performs any of the following acts in a public place commits public indecency, which shall be a violation of this section:

- (1) An act of sexual intercourse; or
- (2) An act of deviate sexual conduct; or
- (3) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person; or
- (4) A lewd fondling or caressing of the body of another person of either sex.

(b) "Public place" for purposes of this section means any place where the conduct may reasonably be expected to be viewed by others.

**State law reference:** 720 ILCS 5/11-9

### **Section 3-7. LOITERING.**

Any person who shall obstruct or encumber any street, crossing or other public place of the Village by lounging or loitering in or upon the same, after being requested to move on by an officer, shall violate this section.

### **Section 3-8. DISCHARGING FIREARMS.**

It shall be unlawful to discharge any firearms within the Village; provided, however, that this section shall not be construed to prevent any police officer from discharging a firearm in the performance of his/her duty, nor any citizen from discharging any firearm when lawfully defending his/her person or property.

### **Section 3-9. UNLAWFUL USE OF WEAPONS.**

(a) A person commits the offense of unlawful use of weapons, which shall be a violation of this section, when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slung-shot, sand-club, sandbag, metal knuckles or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife; or

(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, or any other dangerous or deadly weapon or instrument of like character; or

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; or

(4) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or

(5) Sets a spring gun; or

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade,

bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; or

(8) Carries or possesses any firearm or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted; or

(9) Carries or possesses in a vehicle or on or about his person any pistol, revolver or firearm, when he is hooded, robed or masked in such manner as to conceal his identity.

(b) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a) (7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

(1) If such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or

(2) If such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver.

**State law reference:** 720 ILCS 5/24-1

### **Section 3-10. DISCHARGING FIREWORKS.**

It shall be unlawful to fire or discharge any fireworks in the Village other than at an approved public display in accordance with state law.

**State law reference:** 425 ILCS 35/2

### **Section 3-11. AIRGUNS AND SLINGSHOTS.**

It shall be unlawful for any person to shoot, throw, cast or project, by means of any slingshot, air-gun, or other device, any ball, bullet or other missile or projectile in any place where any person or property is apt to be struck or in any way injured thereby.

### **Section 3-12. MOB ACTION.**

Mob action, which shall be a violation of this section, consists of any of the following:

(a) The use of force or violence disturbing the public peace by two (2) or more persons acting together and without authority of law; or

(b) The assembly of two (2) or more persons to do an unlawful act; or

(c) The assembly of two (2) or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.

### **Section 3-13. NUISANCES GENERALLY.**

(a) It shall be unlawful for any person to permit or maintain the existence of any nuisance on any property under his, her or its control. A nuisance is hereby defined as a highly obnoxious or annoying thing; something offensive or annoying to individuals or to the community to the prejudice of their legal rights.

(b) The Village Marshall is hereby authorized to abate any nuisance existing in the Village, whether such nuisances are specifically recognized by ordinance or not.

### **Section 3-14. BARBED WIRE AND ELECTRICALLY CHARGED FENCES.**

It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electric current, anywhere within three (3) feet of any public place, street, sidewalk, alley, park or other public way.

### **Section 3-15. DENSE SMOKE.**

(a) It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

(b) For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart as published and used by the United States Geological Survey, shall be, and is hereby adopted as, a standard for such grading, and smoke shall be, and is hereby, defined as and declared to be "dense" when it is of a degree of number three of the said chart, or greater, for more than six (6) minutes in any one (1) hour whether such period of time is consecutive or not.

### **Section 3-16. USE OF SOUND AMPLIFIERS.**

It shall be unlawful to cause or permit to be operated any sound amplifier or radio so as to cause unnecessary sound audible on any street or other public place.

### **Section 3-17. CLIMBING TELEPHONE POLES.**

No person shall climb upon any telegraph pole, telephone pole, electric light pole, or sign pole, unless in the performance of his duties.



**Section 3-18. CURFEW FOR MINORS.**

(a) It shall be unlawful for a person less than eighteen (18) years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least twenty-one (21) years of age approved by a parent or legal guardian, or unless engaged in a business or occupation which the laws of this state authorize a person less than eighteen (18) years of age to perform:

- (1) Between 12:00 a.m. and 5:00 a.m. Saturday.
- (2) Between 12:00 a.m. and 5:00 a.m. Sunday.
- (3) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 5:00 a.m. on the following day.

(b) It shall be unlawful for a person less than sixteen (16) years of age to be present at or upon any public assembly building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least twenty-one (21) years of age approved by a parent or legal guardian, or unless engaged in a business or occupation which the laws of this state authorize a person less than sixteen (16) years of age to perform.

- (1) Between 11:00 p.m. on Friday and 5:00 a.m. Saturday.
- (2) Between 11:00 p.m. Saturday and 5:00 a.m. Sunday.
- (3) Between 10:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(c) It shall be unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate subsection (a) or (b) of this section.

**State law reference:** 720 ILCS 555/1

**Section 3-19. PENALTY.**

Whoever violates the provisions of this ordinance shall be subject to the penalties set forth in Chapter 1, Section 1-10

**VILLAGE OF DAVIS**

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**ORDINANCE NO. 1999-1**

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES  
OF THE VILLAGE OF DAVIS**

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**ADOPTED BY THE VILLAGE BOARD OF TRUSTEES OF  
THE VILLAGE OF DAVIS  
THIS 11th DAY OF MAY 1999**

**Published in pamphlet form by authority of the Village Board of the Village of  
Davis, Stephenson County, Illinois, this 11<sup>TH</sup> day of May, 1999.**

STATE OF ILLINOIS            )  
  )  
COUNTY OF STEPHENSON    )

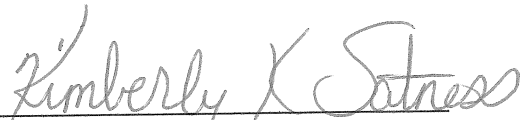
CERTIFICATE

I, Kim Satness, certify that I am the duly appointed and acting municipal clerk of the Village of Davis, Stephenson County, Illinois.

I further certify that on May 11, 1999, the Corporate Authorities of such municipality passed and approved Ordinance No. 1999-1 entitled "An Ordinance Amending Chapter 3 of the Code of Ordinances of the Village of Davis" which provided by its terms that it should be published in pamphlet form.

The pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 11, 1999, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Davis, Illinois this 11<sup>th</sup> day of May, 1999.

  
\_\_\_\_\_  
MUNICIPAL CLERK

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF DAVIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Davis,  
Illinois:

Chapter 3 of the Village of Davis Code is hereby amended by the inclusion of the  
following:

3-20. ADOPTION OF CANNABIS CONTROL ACT

The Illinois Cannabis Control Act, 720 ILCS 550/1, et. seq., as amended, is hereby  
adopted and incorporated by reference.

3-21. ADOPTION OF CONTROLLED SUBSTANCES ACT

The Illinois Controlled Substances Act, 720 ILCS 570/100, et. seq., as amended, is  
hereby adopted and incorporated by reference.

3-22. ADOPTION OF DRUG PARAPHERNALIA CONTROL ACT


The Illinois Drug Paraphernalia Control Act, 720 ILCS 600/1, et. seq., as amended, is  
hereby adopted and incorporated by reference.

PASSED by the Board of Trustees of the Village of Davis, Illinois, this  
11<sup>th</sup> Day of May, 1999.

APPROVED:

  
Village President

ATTEST:

  
Village Clerk

**VILLAGE OF DAVIS**

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**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES  
OF THE VILLAGE OF DAVIS**

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**ADOPTED BY THE VILLAGE BOARD OF TRUSTEES OF  
THE VILLAGE OF DAVIS  
THIS \_\_\_\_\_ DAY OF AUGUST 1997**

**Published in pamphlet form by authority of the Village Board of the Village of  
Davis, Stephenson County, Illinois, this \_\_\_\_\_ day of August, 1997.**

**AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF DAVIS**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Davis,  
Illinois:

Chapter 3 of the Village of Davis Code is hereby amended by deleting Sub-Sections 3-13  
(a)-(b) of said Chapter and replacing said Sub-Sections with the following:

**3-13-1. GENERAL PROHIBITION**

No person shall permit the existence of a nuisance, as hereinafter defined, upon any  
premises which he owns, occupies or controls.

**3-13-2. NUISANCE GENERALLY DEFINED**

In addition to the specific definitions and provisions hereinafter set forth, the term  
"nuisance" shall mean and include any act, condition or offense which is injurious to safety or  
health, indecent or offensive to the senses or morals, or is an obstruction to the free use of any  
public property or way.

**3-13-3. PROPERTY CONDITIONS CONSTITUTING A NUISANCE**

(A) It shall be a violation and shall constitute a nuisance to maintain private property in  
all residential districts in such a manner so as to cause a detrimental effect to adjacent properties,  
by causing to have stored on the exterior of the premises any of the following:

- (1) Materials and items stored in a haphazard or unorganized manner so as to present an  
objectionable visual appearance or a nuisance; but not to include stacked fire wood  
for use on the premises or compost material for use on the premises;
- (2) Yard maintenance equipment including, but not limited to, lawn mowers, garden  
tractors, snow blowers, garden tools, and yard maintenance material, including, but  
not limited to, fill dirt, mulch, and building materials, which are not used for their  
purposes or improvements within 90 days, or which merely constitute outdoor  
storage of said equipment, material or items.
- (3) Material or items brought to the premises for planned improvements such as  
landscaping, construction, and similar purposes, including but not limited to, fill, dirt,  
mulch, and building materials, and which are not used for said improvements within  
90 days, or which merely constitute storage of said material or items;
- (4) Recreational equipment or parts thereof, including, but not limited to, bicycles,  
motorcycles, boats, jet skis, and snowmobiles, which are stored on the exterior  
premises out of the normal season of usage, and which are stored in a haphazard,  
unorganized, or unprotected manner;

- (5) Household, commercial and industrial objects and materials which are not ordinarily found in residential districts, stored for more than two weeks on the exterior premises visible from adjacent properties or public right of way.

(B) The detrimental effect to adjacent properties caused by said lack of proper maintenance to any given property shall include, but not be limited to, diminished property value to adjacent properties, the creation of an unsightly and un-aesthetic appearance in the neighborhood in general, and a decline or loss of comfort, convenience, well being and mental health of adjacent property owners.

#### 3-13-4. NUISANCES RELATING TO GARBAGE

No person shall discharge, deposit, place or permit the discharge or deposit or placing on any premises, except the sanitary landfills in Stephenson County, of any garbage, filth, offal or refuse accumulations of animal, fruit or vegetable matter, other nauseous matter or substance or waste from sewage disposal facilities, which by reason of its quantity or decomposition would become foul, odorous, subject to spontaneous combustion, or otherwise become detrimental to public health or conducive to the spread of disease.

#### 3-13-5. OPENINGS

Any open, abandoned wells, or unused cisterns must be filled and sealed.

#### 3-13-6. ABATEMENT PROCEDURE

(A) Upon notice from the Village Board or any law enforcement official in writing, delivered in person or by Certified Mail, any such owner or occupants shall correct all deficiencies set forth in such written notice within ten (10) days.

(B) Upon failure of any owner or occupant to comply with the provisions of 3-13-6 (A), each such owner and occupant shall be individually liable for payment of a fine of twenty-five dollars (\$25.00) per day for each day that such violation shall continue.

(C) Upon failure of any owner or occupant to comply with the provisions of 3-13-6 (A), the Village may mow or clean the property or hire such work to be done. The owner of said property and any occupants of said property shall be jointly and severally liable to the Village for any costs incurred at the actual price paid by the Village for hired work, or in the case that the Village performed the work with the Village employees, at the rate of \$25.00 per manhour for labor and \$45.00 per hour equipment charge for any truck or tractor utilized. The owner and any occupants of the age of 18 years or greater shall be jointly and severally liable for such expenses.

(D) Any charge authorized by 3-13-6 (B) and 3-13-6 (C) shall constitute a lien against the property of the owner until paid in full. The Village Clerk, upon direction of the Village Board, shall record a notice of such lien with the office of the Recorder of Deeds of Stephenson County. Upon full payment, the Village Clerk is authorized to release such lien.

**3-13-7. SUMMARY ABATEMENT**

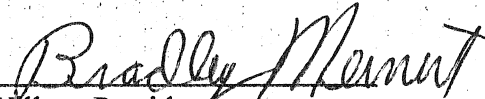
Nothing contained herein shall prevent the summary abatement by the Village Marshall of any nuisance from which there is imminent danger to the life, health or limb of any person.

**3-13-8. STATUTORY NUISANCE PROVISIONS**

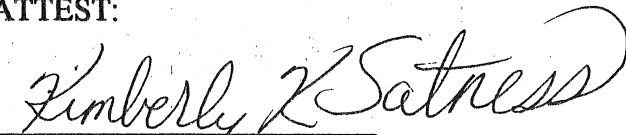
In addition to all provisions of this Article, all pertinent and applicable provisions of the Illinois Statute on Nuisances are incorporated by reference as to acts or conditions prohibited, and as to procedures.

PASSED by the Board of Trustees of the Village of Davis, Illinois, this  
12 th day of August, 1997.

APPROVED:

  
Village President

ATTEST:

  
Village Clerk



## CHAPTER 4. MOTOR VEHICLES AND TRAFFIC

### Section 4-1. GENERALLY.

In all matters affecting motor vehicles and traffic not referred to in the Village Code, and where applicable, the provisions of the Illinois Vehicle Code, 625 ILCS 5/1-100 et. seq., shall govern and such Act is hereby incorporated by reference.

VILLAGE OF DAVIS, ILLINOIS: ORDINANCE NO. 2014-4-2

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF DAVIS

WHEREAS, Chapter 4 of the Municipal Code (the "Code") of the Village of Davis, Illinois (the "Village") generally governs matters affecting motor vehicles and traffic within the Village; and

WHEREAS, the Board of Trustees of the Village has, after due consideration, determined that certain amendments to Chapter 4 of the Code are necessary and appropriate and in the best interest of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Davis, Stephenson County, Illinois as follows:

Section One. The foregoing recitals are incorporated herein as findings of the Board of Trustees:

Section Two. Chapter 4-3 of the Village Code is amended by adding to it the following:

**Section 4-3 GOLF CARTS.**

Section Two.

(F) This addendum applies to UTV's which do not conform to the Original ordinance.

(1) An ATV or UTV may be operated on the roadways within the Village of Davis limits without the use of registration pursuant to the following limitations as defined below:

(2) ATV or UTV shall follow all rules of the road as defined in the Illinois Vehicle Code.

(3) ATV or UTV shall not exceed the Village speed limit as posted.

(4) ATV or UTV shall have the following minimum safety equipment: properly functioning headlights, taillights, brakes, brake lights, slow moving emblem and speedometer (if no speedometer is equipped by manufacturer then operation shall not exceed posted speed limit).

(5) ATV or UTV shall only be operated on the roadways within the Village of Davis under the following conditions: while actively transporting implements for snow removal or recreation park maintenance equipment, or while in direct transport to/from a location for snow removal or recreation park maintenance without delay.

Section Three. Any section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining provisions, which shall remain in full force and effect thereafter.

PASSED THIS 14th DAY OF June , 2022.

VILLAGE TRUSTEES	AYE VOTE	NAY VOTE	ABSTAIN/ABSENT
<u>Rich Rote</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Judy LaForge</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Jason McLoy</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Scott Miller</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Mike Wise</u>	<u>_____</u>	<u>_____</u>	<u>Absent</u>
<u>Craig Perkins</u>	<u>_____</u>	<u>_____</u>	<u>Absent</u>
TOTAL VOTES	<u>_____</u>	<u>_____</u>	<u>_____</u>

APPROVED:



Stephen Olson, Village President

DATE

6/14/2022

ATTEST:



Kimberly K. Satness, Village Clerk

DATE

6-14-22

**VILLAGE OF DAVIS, ILLINOIS: ORDINANCE NO. 2014-4-2**

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF DAVIS**

WHEREAS, Chapter 4 of the Municipal Code (the "Code") of the Village of Davis, Illinois (the "Village") generally governs matters affecting motor vehicles and traffic within the Village; and

WHEREAS, the Board of Trustees of the Village has, after due consideration, determined that certain amendments to Chapter 4 of the Code are necessary and appropriate and in the best interest of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Davis, Stephenson County, Illinois as follows:

Section One. The foregoing recitals are incorporated herein as findings of the Board of Trustees:

Section Two. Chapter 4-3 of the Village Code is amended by adding to it the following:

**Section 4-3 GOLF CARTS.**

A. **Authorization.** Golf carts and UTV's, as defined and qualified herein, may be operated on Village streets under the conditions stated herein.

B. **Policy Statement.** This Ordinance is adopted in the interest of public safety. Golf carts and UTV's are not designed or manufactured to be used on public streets and roadways, and the Village in no way advocates or endorses their operation on Village streets. The Village, by regulating such operation is merely addressing safety issues. This Ordinance is not be relied upon as a determination that operation on Village streets is safe or advisable even if done in accordance with this Ordinance. All persons operating golf carts or UTV's must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, and pedestrians. All persons who operate golf carts or UTV's on Village streets do so at their own risk and peril. The Village has no liability for permitting golf carts and UTV's to be operated on Village streets.

C. **Definitions.** For purposes of this Section, the following definitions shall apply to the terminologies indicated whenever they are used in this Section, unless the context clearly indicates or requires a different meaning:

**UTV:** The term "UTV" means a electric or gasoline-powered utility vehicle designed and intended for the purposes of transporting one or more persons and equipment. The UTV must have a manufactured Top Speed of 25mph or less. The definition of UTV specifically excludes ATV's and any other vehicle that is not a UTV or a UTV with a manufactured top speed of 25mph or greater.

D. **Requirements.** Golf carts and UTV's may only be operated on Village streets in accordance with the following requirements:

(1) The golf cart or UTV must be inspected by the person(s) or entity(s) designated by the Village President or Village Board of Trustees, and must be registered with the Village and display a valid Village issued registration platen on the front or rear of the golf cart/UTV. A current year sticker shall be affixed to the front windshield of the golf cart/UTV. The burden of proof for manufactured "Top Speed"

of a UTV shall fall upon the owner of the UTV. This proof must be furnished by the owner and must come from a direct source of the manufacturer of the UTV.

(2) Any person who operates a golf cart or UTV must be at least sixteen (16) years of age and possess a valid driver's license issued in his or her name by the Illinois Secretary of State or by any other state.

(3) Any person who operates a golf cart or UTV within the Village shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of the Illinois Vehicle Code, and must possess written proof of current liability insurance.

(4) Golf carts or UTV's may be driven on Village streets only from sunrise to sunset. Golf carts/UTV's may not be operated when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

(5) No golf cart or UTV shall be operated on a Village street unless, at minimum, it is equipped with the following:

- brakes and brake lights;
- turn signals;
- steering wheel apparatus;
- tires;
- a rear view mirror;
- red reflectorized warning devices in the front and rear;
- a slow-moving emblem (as required of other vehicles under Section 12-709 of the Illinois Vehicle Code [625 ILCS 5/12-709]);
- a headlight that emits a white light visible from a distance of five hundred (500) feet to the front, which must illuminate when in operation;
- a tail lamp that emits a red light visible for at least one hundred (100) feet from the rear, which must be illuminated when in operation;
- seatbelts for operator and all passengers; and
- all additional equipment requirements made necessary by amendments to the Illinois Vehicle Code.

(6) No unsafe modifications may be made to the golf cart or UTV's suspension.

(7) At all times when a golf cart or UTV is being operated on a Village street, the golf cart/UTV shall have its head light illuminated and the operator and any passenger(s) shall wear a seat belt.

(8) Golf carts/UTV's shall not be operated on sidewalks or in Village parks other than parking areas. Golf carts/UTV's shall not be operated on the following streets, except to make a direct crossing at an intersection of those streets with another public street:

- Stanton Street
- West Street

(9) Golf carts/UTV's shall be operated on Village streets which have a posted speed limit of thirty-five miles per hour or less, but golf carts/UTV's may never exceed twenty (20) miles per hour.

(10) Golf carts/UTV's must be operated in obeisance with all traffic laws of the State of Illinois and the Village.

(11) A person operating or in actual physical control of a golf cart/UTV while under the influence of drugs or alcohol shall be subject to Sections 11-500 through 11-502 of the Illinois Vehicle Code (625 ILCS 5/11-500 through 5/11-502).

E. **Permits.** No person shall operate a golf cart/UTV without obtaining a permit from the Village as provided herein.

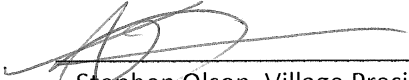
(3) (a) The golf cart/UTV must pass an inspection by the designated representative of the Village to insure that the golf cart/UTV is safe to operate on Village streets and is otherwise in compliance with this Section 4-3 and with the State of Illinois Motor Vehicle Code.

(5) The Village may suspend or revoke a permit granted here under if the Village has reason to believe that the permit holder cannot safely operate a golf cart/UTV on the Village streets.

Section Three. Any section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining provisions, which shall remain in full force and effect thereafter.

PASSED THIS 9th DAY OF March , 2021.

VILLAGE TRUSTEES	AYE VOTE	NAY VOTE	ABSTAIN/ABSENT
<u>Judy LaFurge</u>	✓	_____	_____
<u>Rich Rote</u>	✓	_____	_____
<u>Candy Feinstein</u>	✓	_____	_____
<u>Mike Wise</u>	✓	_____	_____
<u>Stacey Gaither</u>	_____	_____	✓
<u>Scot Miller</u>	_____	_____	✓
<b>TOTAL VOTES</b>	<u>4</u>	<u>0</u>	<u>2</u>

APPROVED:  DATE 3/9/2021  
Stephen Olson, Village President

ATTEST:  DATE 3/9/2021  
Kimberly K. Satness, Village Clerk

VILLAGE OF DAVIS, ILLINOIS: ORDINANCE NO. 2009 - 10-1

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES  
OF THE VILLAGE OF DAVIS

WHEREAS, Chapter 4 of the Municipal Code (the "Code") of the Village of Davis, Illinois (the "Village") generally governs matters affecting motor vehicles and traffic within the Village; and

WHEREAS, the Illinois Municipal Code provides the Village with the authority to regulate noise within the Village limits (65 ILCS 5/11-5-2), and to define, prevent, and abate nuisances occurring in the Village (65 ILCS 5/11-60-2); and

WHEREAS, the Illinois Vehicle Code provides the Village with the authority to regulate the operation of vehicles within the Village limits (625 ILCS 5/11-208), and to post signs that prohibit the driver of a commercial vehicle from operating or actuating any engine braking system that emits excessive noise (625 ILCS 5/12-602.1); and

WHEREAS, the Board of Trustees of the Village has, after due consideration, determined that the use of engine braking by commercial vehicles can cause unnecessarily loud and excessive noise in the Village thereby disturbing the repose and peace of Village residents, and, accordingly, finds and declares the emission of excessive noise from engine braking a nuisance; and

WHEREAS, the Board of Trustees of the Village finds that, consistent with the foregoing provisions of the Illinois Municipal Code and Illinois Vehicle Code, it is in the best interest of the Village to amend the Village Code to prohibit excessive noise from the use of commercial vehicle engine braking within the Village limits.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Davis, Stephenson County, Illinois as follows:

*Section One.* The foregoing recitals are incorporated herein as findings of the Board of Trustees.

*Section Two.* Chapter 4 of the Village Code is amended by adding to it the following section to be known as Section 4-2:

**Section 4-2. EXCESSIVE ENGINE BRAKING NOISE.**

A. It shall be unlawful for the driver of any commercial vehicle, as defined in Section 1-111.8 of the Illinois Vehicle Code (625 ILCS 5/1-111.8), to operate or actuate on any street, highway, or road within the Village limits, any engine braking system, which shall include without limitation the use of any engine compression brake, engine retarder or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle, that emits excessive noise.

B. This section shall not apply to the use of an engine braking system that has an adequate sound muffling system in proper working order that prevents excessive noise.

Furthermore, this section shall not apply if the driver used an engine braking system that emits excessive noise in an emergency to avoid a collision with a person or another vehicle.

*Section Three.* On the effective date of this Ordinance, the Superintendent of Streets for the Village shall procure, install and maintain engine braking signs at locations where streets and roads enter the Village limits, and may add such additional engine braking signs along the prohibited section, as necessary, to effect the prohibitions contained in this Ordinance; provided, however, that any engine braking signs to be placed along Illinois Route 75 shall be done so only after receiving the permission of the Illinois Department of Transportation in accordance with Section 11-303(b) of the Illinois Vehicle Code (625 ILCS 5/11-303(b)). Such signs shall state "EXCESSIVE ENGINE BRAKING NOISE PROHIBITED" and shall conform to the rules adopted by the Illinois Department of Transportation. The provisions of this Ordinance are in full force and effect even if no signs are installed.

*Section Four.* This Ordinance is hereby ordered to be published in pamphlet form by the Village Clerk and said Clerk is ordered to keep at least three (3) copies thereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

*Section Five.* This Ordinance shall be in full force and effect from and after its passage, approval, and the ten (10) day period of publication in the manner provided by law.

PASSED THIS 13<sup>th</sup> DAY OF October, 2009, BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DAVIS, ILLINOIS.

VILLAGE TRUSTEES	AYE VOTE	NAY VOTE	ABSTAIN/ABSENT
Bret Meier	✓		
Brad Ward	✓		
Tom Liszka	✓		
Mary Zaleski			✓
Doug Heilemeier	✓		
Norm Truessel	✓		
TOTAL VOTES	5	0	1

APPROVED: Bradley C. Meinert, Date: 10/13/2009  
Bradley C. Meinert, Village President

ATTEST: Kimberly K. Satness, Date: 10/13/2009  
Village Clerk

Date Published: \_\_\_\_\_

Date Effective: \_\_\_\_\_



VILLAGE OF DAVIS

ORDINANCE NO. 2014 - 4-2

AN ORDINANCE AUTHORIZING THE OPERATION OF  
GOLF CARTS  
ON THE VILLAGE OF DAVIS PUBLIC STREETS

Adopted by the Village of Davis  
this 14 day of April, 2014

Published in pamphlet form by the Village Board of the Village of  
Davis, Stephenson County, Illinois the 14 day of April, 2014

VILLAGE OF DAVIS, ILLINOIS: NO. 2014 - 4-2

ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES OF THE VILLAGE OF DAVIS

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE VILLAGE OF DAVIS PUBLIC STREETS

WHEREAS, Chapter 4 of the Municipal Code (the "Code") of the Village of Davis, Illinois (the "Village") generally governs matters affecting motor vehicles and traffic within the Village; and

WHEREAS, the residents of the Village have requested that the Village permit the use of golf carts for travel on Village streets; and

WHEREAS, Section 5/11-1426.1 of the Illinois Vehicle Code provides the Village with authority to regulate and allow golf carts to be driven upon Village streets under certain circumstances and conditions (625 ILCS 5/11-1426.1); and

WHEREAS, the Board of Trustees of the Village has considered the volume, speed, and character of traffic on the Village streets, and determined that the usage authorized by this Ordinance will not jeopardize the public safety; and

WHEREAS, it is the intent of this Ordinance is to regulate the use of golf carts within the corporate limits of the Village as authorized by Section 5/11-1426.1 of the Illinois Vehicle Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Davis, Stephenson County, Illinois as follows:

*Section One.* The foregoing recitals are incorporated herein as findings of the Board of Trustees.

*Section Two.* Chapter 4 of the Village Code is amended by adding to it the following section to be known as Section 4-3:

**Section 4-3. GOLF CARTS.**

A. **Authorization.** Golf carts, as defined and qualified herein, may be operated on Village streets under the conditions stated herein.

B. **Policy Statement.** This Ordinance is adopted in the interest of public safety. Golf carts are not designed or manufactured to be used on public streets and roads, and the Village in no way advocates or endorses their operation on Village streets. The Village, by regulating such operation is merely addressing safety issues. This Ordinance is not to be relied upon as a determination that operation on Village streets is safe or advisable even if done in accordance with this Ordinance. All persons operating golf carts must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, and pedestrians. All persons who operate golf carts on Village streets do so at their own risk and peril. The Village has no liability for permitting golf carts to be operated on Village streets.

C. **Definitions.** For purposes of this Section, the following definitions shall apply to the terminologies indicated whenever they are used in this Section, unless the context clearly indicates or requires a different meaning:

**Golf cart:** The term "golf cart" means an electric or gasoline-powered vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course. The definition of golf cart specifically excludes ATVs, UTVs, and any other vehicle that is not a golf cart.

**Village streets:** The term "Village streets" means any of the streets maintained by and within the corporate boundaries of the Village of Davis, Stephenson County, Illinois. This definition does not include roadways maintained by and under the jurisdiction of the State of Illinois or Stephenson County.

D. **Requirements.** Golf carts may only be operated on Village streets in accordance with the following requirements:

- (1) The golf cart must be inspected by the person(s) or entity(s) designated by the Village President or Village Board of Trustees, and must be registered with the Village and display a valid Village issued decal on the front or rear of the golf cart.
- (2) Any person who operates a golf cart must be at least sixteen (16) years of age and possess a valid driver's license issued in his or her name by the Illinois Secretary of State or by any other state.

- (3) Any person who operates a golf cart within the Village shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of the Illinois Vehicle Code, and must possess written proof of current liability insurance.
- (4) Golf carts may be driven on Village streets only from sunrise to sunset. Golf carts may not be operated when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.
- (5) No golf cart shall be operated on a Village street unless, at a minimum, it is equipped with the following:
  - brakes and brake lights;
  - turn signals;
  - steering wheel apparatus;
  - tires;
  - a rearview mirror;
  - red reflectorized warning devices in the front and rear;
  - a slow-moving emblem (as required of other vehicles under Section 12-709 of the Illinois Vehicle Code [625 ILCS 5/12-709]);
  - a headlight that emits a white light visible from a distance of five hundred (500) feet to the front, which must illuminate when in operation;
  - a tail lamp that emits a red light visible for at least one hundred (100) feet from the rear, which must be illuminated when in operation;
  - seatbelts for operator and all passengers; and
  - all additional equipment requirements made necessary by amendments to the Illinois Vehicle Code.
- (6) No unsafe modifications may be made to the golf cart's suspension.
- (7) At all times when a golf cart is being operated on a Village street, the golf cart shall have its head light lighted and the operator and any passenger(s) shall wear a seat belt.
- (8) Golf carts may not be operated on sidewalks or in Village parks other than parking areas. Golf carts may not be operated on the following streets, except to make a direct crossing at an intersection of those streets with another public street:
  - Stanton Street
  - West Street

- (9) Golf carts may be operated on Village streets which have a posted speed limit of thirty-five miles per hour or less, but golf carts may never exceed twenty (20) miles per hour.
- (10) Golf carts must be operated in obedience with all traffic laws of the State of Illinois and the Village.
- (11) A person operating or in actual physical control of a golf cart while under the influence of drugs or alcohol shall be subject to Sections 11-500 through 11-502 of the Illinois Vehicle Code (625 ILCS 5/11-500 through 5/11-502).

E. **Permits.** No person shall operate a golf cart without obtaining a permit from the Village as provided herein.

- (1) The cost of the annual permit shall be Fifty Dollars (\$50.00) or such other amount as be determined from time to time by the Village Board of Trustees.
- (2) Every application for a permit shall be made on a form supplied by the Village, and shall include the following information:
  - Name and address of applicant;
  - The serial number, make, model and description of the golf cart;
  - Name of the applicant's liability insurance carrier;
  - Photocopy of applicable liability insurance coverage card, specifically for the golf cart to be operated pursuant to the permit;
  - A signed release and waiver of liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their golf cart on Village streets; and
  - Such other information as the Village may require.
- (3) No permit shall be granted unless the following conditions precedent are met:
  - (a) The golf cart must pass an inspection by the designated representative of the Village to insure that the golf cart is safe to operate on Village streets and is otherwise in compliance with this Section 4-3 and with the State of Illinois Motor Vehicle Code.

- (b) A physically handicapped applicant must submit a certificate signed by a physician, certifying the applicant is able to safely operate a qualified golf cart on Village streets.
- (c) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois statutes regarding minimum liability insurance.
- (4) Permits that are granted shall be for a period of one year and may be renewed annually.
- (5) The Village may suspend or revoke a permit granted hereunder if the Village has reason to believe that the permit holder cannot safely operate a golf cart on the Village streets.

F. **Violations.** A violation of any provision of this Ordinance shall be punishable by a payment of a fine not less than seventy-five dollars (\$75.00) and not more than seven hundred fifty dollars (\$750.00). Any second or subsequent offense shall result in such fine and the revocation of the permit for a period of not less than one (1) nor more than three (3) years. In the event a permit is revoked, there shall be no refund of any of the permit fee paid. In addition to such fine or penalty, any person convicted of violating any provision of this Ordinance shall also be required to pay the Village all reasonable attorney's fees and costs incurred by the Village for its part in the adjudication of the violation. A default in the payment of a fine or penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The Village may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty or installment of that fine or penalty. Any fees or costs incurred by the Village with respect to attorneys or private collection agents' retained by the Village shall be charged to the offender.

G. **Severability.** If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

## CHAPTER 5. INOPERABLE MOTOR VEHICLES

### Section 5-1. DEFINITIONS.

As used in this ordinance, the term "Inoperable Motor Vehicle" shall include:

- (a) Any motor vehicle from which the engine, wheels, or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being operated under its own motor power for more than seven (7) days;
- (b) Any engines, wheels or other automotive parts which are detached and separated from a motor vehicle and remain so for a period in excess of seven (7) days;
- (c) Any motor vehicle which remains on public or private property within the Village for more than seven (7) days which is not currently registered with the State of Illinois or other State;
- (d) Any motor vehicle which remains abandoned at the same location on public property or on a parcel of private property which is not owned or lawfully occupied by the owner of the motor vehicle for more than seven (7) days.

### Section 5-2. EXEMPTIONS.

The term "Inoperable Motor Vehicle" shall NOT include any of the following:

- (a) A motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations, provided that the repairs are completed within thirty (30) days of the date the motor vehicle was rendered incapable of being driven under its own motor power;
- (b) A motor vehicle which, when not in use, is kept within a building, totally concealed from public view;
- (c) An operable historic motor vehicle in excess of twenty-five (25) years of age;
- (d) A motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles; or
- (e) A motor vehicle located on the sale lot of a licensed automobile dealer.

### Section 5-3. VIOLATIONS; DECLARATION OF PUBLIC NUISANCE.

It is declared to be a violation of this ordinance and a public nuisance to maintain, keep, store or permit an Inoperable Motor Vehicle on any private or public property within the Village.

**VILLAGE OF DAVIS, ILLINOIS**

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**ORDINANCE NO.**

2006 - 4 - 1

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**ADOPTED BY THE VILLAGE BOARD OF TRUSTEES OF  
THE VILLAGE OF DAVIS, ILLINOIS  
THIS 11th DAY OF APRIL 2006**

**Published in pamphlet form by authority of the Village Board of the Village of  
Davis, Stephenson County, Illinois, this 11th day of April 2006.**



STATE OF ILLINOIS            )  
  )  
COUNTY OF STEPHENSON    )

CERTIFICATE

I, Kimberly K Satress, certify that I am the duly appointed and acting municipal clerk of the Village of Davis, Stephenson County, Illinois.

I further certify that on 4/11/06, 2006, the Corporate Authorities of such municipality passed and approved Ordinance No. 2006-4-1 which provided by its terms that it should be published in pamphlet form.

The pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 11, 2006 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Davis, Illinois this April 11, 2006.

Kimberly K Satress  
MUNICIPAL CLERK

**AN ORDINANCE AMENDING CHAPTER 5, OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF DAVIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Davis,  
Illinois:

Chapter 5, Section 5-2, of the Village of Davis Code is hereby amended to provide as  
follows:

- 1) The following section shall be deleted

**Section 5-2 ( c ) Inoperable Motor Vehicles--Exemptions**

An operable historic motor vehicle in excess of twenty –five (25) years of age.


- 2) All other provisions of Chapter 5 shall remain in full force and effect.

PASSED by the Board of Trustees of the Village of Davis, Illinois, this 11<sup>th</sup> day of April  
2006.

APPROVED:

  
Village President

ATTEST:

  
Village Clerk

AN ORDINANCE AMENDING THE INOPERABLE VEHICLE ORDINANCE IN  
THE VILLAGE OF DAVIS  
ORDINANCE NO.:

WHEREAS the Village of Davis desires to amend the existing inoperable vehicle ordinance;

NOW THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Davis, Illinois, as follows:

Chapter Five (5), Section 5-2, of the Village of Davis Code of Ordinances is hereby amended by the addition of the following:

Section 5-2. EXEMPTIONS

(f) A motor vehicle located in the "A" Industrial District shall not be deemed inoperable.

This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as required by law.

PASSED by the Board of Trustees of the Village of Davis, Illinois, this 9th day of January, 1997.

APPROVED:

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

#### **Section 5-4. SERVICE OF NOTICE**

Upon complaint or observation of an Inoperable Motor Vehicle upon any public or private property, a notice shall be given to the owner of the Inoperable Motor Vehicle as follows:

(a) When the owner of the vehicle can be identified by reasonable means:

- (1) The notice shall be sent by certified or registered mail, return receipt requested, or shall be personally served upon the owner by the Village Marshall; and
- (2) A copy of the notice shall be affixed to the Inoperable Motor Vehicle in a conspicuous location.

(b) For an Inoperable Motor Vehicle lacking registration plates and other indicia of ownership, the notice shall be affixed to the Inoperable Motor Vehicle in a conspicuous location.

#### **Section 5-5. CONTENTS OF NOTICE.**

The notice referred to in section 5-4 shall contain the following information, as a minimum:

(a) A statement that the vehicle is an Inoperable Motor Vehicle, as defined by this ordinance;

(b) A warning that the owner has seven (7) days within which to restore the vehicle to operating condition or remove the vehicle from the Village;

(c) Advice that the owner is entitled to a hearing concerning the Village's decision to classify the vehicle as inoperable;

(d) Advice that a request for a hearing must be made to the Village Clerk within seven (7) days of the date of the notice; and

(e) A warning that, if the owner fails to restore the vehicle to operating condition or remove it from the Village within the time limit specified by the notice, the Village may have the vehicle towed and stored at the owner's expense and the owner of the Inoperable Motor Vehicle shall be subject to the penalties prescribed in this ordinance.

#### **Section 5-6. TOWING.**

(a) The Village Marshall is hereby authorized to arrange for the towing, removal and storage of any motor vehicle which is in violation of Section 3 and whose owner has not restored the vehicle to operating condition or removed it from the Village within seven (7) days after the service of the notice as provided in Section 4. The owner of the vehicle towed and stored shall be financially responsible for the costs of such towing and storage.

(b) As to each Inoperable Motor Vehicle towed and stored pursuant to this ordinance, the Village shall establish and maintain a record containing the following information, as a minimum:

- (1) The color:

- (2) The year of manufacture, if ascertainable;
- (3) The name of the manufacturer;
- (4) The model;
- (5) The body style (2 Door, 4 Door, Pickup Etc.);
- (6) The vehicle identification number, if visible;
- (7) The State of Registration, if reasonably ascertainable;
- (8) The registration plate number, if any;
- (9) The year shown on the registration sticker, if any;
- (10) The date and hour of the tow;
- (11) The location from which the vehicle was towed;
- (12) The location at which the vehicle is stored; and
- (13) The name of the Village Marshall.

**Section 5-7. DISPOSAL OF VEHICLES IN VIOLATION.**

Upon the expiration of the seven-day period set forth in section 5, the failure of the owner of an Inoperable Motor Vehicle to restore the vehicle to operating condition or remove it from the Village shall entitle the Village to remove and dispose of the vehicle in accordance with 625 ILCS 5/4 201, et seq.

**Section 5-8. COMPLIANCE REQUIRED; VIOLATION.**

Compliance with the provisions of this ordinance is required. Persons failing to comply with this ordinance shall be deemed to be in violation of this ordinance.

**Section 5-9. PENALTY.**

Whoever violates any of the provisions of this ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the first violation and not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for the second and each subsequent violation. Each day a violation occurs or continues shall constitute a separate violation.

## CHAPTER 6. SNOWMOBILES

### Section 6-1. OPERATION GENERALLY.

- (a) Snowmobiles shall use the shortest routes when entering and leaving the Village.
- (b) Snowmobiles shall travel in single file on the right-half side of the street, and shall not travel at a speed in excess of twenty (20) miles per hour anywhere in the Village.
- (c) The operation of snowmobiles shall be permitted within the Village between the hours of 6:00 a.m. to 12:00 a.m., Sunday through Thursday, and from 6:00 a.m. to 1:00 a.m. Friday and Saturday.
- (d) Snowmobiles are not allowed in the Village Park at any time.

It shall be unlawful for any person to drive or operate any snowmobile within the corporate limits of the Village in the following ways:

- (e) At a rate of speed too fast for conditions and the fact that the speed of the snowmobile does not exceed the applicable maximum speed limit allowed does not relieve the driver from the duty to decrease speed as may be necessary to avoid colliding with any person or vehicle or object within legal requirements and the duty of all persons to use due care.
- (f) In a careless, reckless or negligent manner.
- (g) While under the influence of intoxicating beverages or narcotic or dangerous drugs.
- (h) At any time without at least one lighted headlamp and one lighted tail lamp on the snowmobile.
- (i) On private property belonging to another, without the written consent of the owner or lessee thereof. Any person operating a snowmobile upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and, if requested to do so by the landowner shall promptly remove the snowmobile from the premises.

### SECTION 6-2. LIABILITY OF LANDOWNERS.

An owner, lessee, or occupant of premises owes no duty to keep the premises safe for entry or use by others for snowmobiling, or to give warning of any unsafe condition or use of or structure or activity on such premises. This subsection does not apply where permission to snowmobile is given for valuable consideration other than to the State or any political subdivision or municipality thereof.

An owner, lessee or occupant of premises who gives permission to another to snowmobile upon such premises does not thereby extend any assurance that the premises are safe for such purpose, or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted. This subsection shall not apply where permission to snowmobile is given for valuable consideration other than to the State or any political subdivision or municipality thereof.

**State law reference:** 625 ILCS 40/5-1.

### **Section 6-3. OPERATION ON HIGHWAYS.**

(a) On highways other than tollways, interstate highways and limited-access highways, snowmobiles may make a direct crossing provided:

(1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) The snowmobile is brought to a complete stop before crossing a highway; and

(3) The operator yields the right of way to all on-coming traffic which constitutes a hazard.

(b) On highways other than state highways, tollways, interstate highways and limited-access highways, snowmobiles may be operated not less than fifteen (15) feet from the roadway and in the same direction as traffic.

(c) On highways other than state highways, tollways, interstate highways and limited-access highways, snowmobiles may be operated on roadways when it is necessary to cross a bridge or culvert or when it is impracticable to gain immediate access to an area adjacent to a highway where a snowmobile is to be operated.

**State law reference:** 625 ILCS 40/5-2.

### **Section 6-4. OPERATING WITH FIREARMS, EMITTING POLLUTANTS.**

(a) No person, except persons permitted by law, shall operate or ride any snowmobile with any firearm in his possession unless it is unloaded and enclosed in a carrying case or any bow unless it is unstrung in a carrying case.

(b) No person shall operate any snowmobile emitting pollutants in accordance with the standards established pursuant to the State Environmental Protection Act.

(c) No person shall deposit from a snowmobile on the snow, ice, ground surface, trash, glass, garbage, insoluble material, or other offensive matter.

**State law reference:** 625 ILCS 40/5-3.

### **Section 6-5. PENALTY.**

Whoever violates any of the provisions of this ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00).

## CHAPTER 7. SNOW EMERGENCIES

### Section 7-1. DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

a) "Snow Emergency" is a period of time when there is two (2) or more inches of snow on the ground or when freezing rain, sleet, snowdrifts, or other natural phenomena create or are likely to create hazardous road conditions or road conditions impeding or likely to impede the free movement of fire, health, police, emergency or other vehicular traffic vital to the health, safety and welfare of the community.

b) "Business District" is the Segment of Stanton Street between Snyder Street and Stanton Road, and Dawson Street between Turner Street and Salisbury Street.

c) "Motor Vehicle" a vehicle which is self-propelled except for vehicles moved solely by human power and motorized wheelchairs.

d) "Odd-numbered and even-numbered sides of the Street" refers to the street address assigned each property by the Village. Properties on the North and West sides of each street are assigned even numbers. Properties on the South and East sides of each street are assigned odd numbers.

e) "Odd-numbered days" and "Even-numbered days" are the days identified with even and odd numbers assigned each day on the calendar for the current month and year.

### Section 7-2. DECLARATION OF SNOW EMERGENCY.

Upon determining the conditions for a Snow Emergency exist, the Village President, or in his absence, the Village Marshall, may declare a Snow Emergency. Notice, such as can reasonably be given under the circumstances, shall be given of the existence of a Snow Emergency.

### Section 7-3. TOWING OF VEHICLES.

During the existence of a Snow Emergency, the Village Marshall, may direct that vehicles parked in violation of this ordinance be towed to the nearest available on-street or off-street parking area. In addition, the Village Marshall may issue a citation to the owner of the vehicle. Neither the Village nor the towing service shall be liable for any damage to any vehicle so towed.

### Section 7-4. RULES FOR PARKING DURING SNOW EMERGENCIES.

Following the declaration of a Snow Emergency, no person shall obstruct the orderly removal of snow from the Village streets by parking or otherwise leaving unattended any motor vehicle, between the hours of 1:00 A.M. and 7:00 A.M., upon:



- (1) Stanton Street between Depot Street and East Snyder Street. Dawson Street between Turner Street and Salisbury Street.
- (2) All other Village streets. During the time of a Snow Emergency, no person shall leave parked or standing any motor vehicle on the "even-numbered" side of a street in the Village on an "odd-numbered" day of the month, nor shall any such vehicle be parked or standing on the "odd-numbered" side of the street in the Village on an "even-numbered" day of the month. For the purpose of this ordinance, "odd" and "even" numbered days shall be considered as beginning at the hour of 8:00 a.m.

The parking restrictions of this subsection shall terminate block by block as soon the accumulated snow has been removed from the full width of the street, and at such time regular parking regulations shall go back into effect. Nothing contained in this subsection shall be construed to permit parking on streets where parking is otherwise restricted or prohibited.

#### **Section 7-5. PRESUMPTION OF RESPONSIBILITY FOR VIOLATIONS.**

For the purpose of prosecution under this ordinance, if a vehicle is found parked or left unattended in violation of the provisions of this ordinance, the registered owner thereof shall be responsible for such violation.

#### **Section 7-6. SNOW ON RIGHT OF WAY.**

Excepting the clearing of snow from sidewalks or entries located upon a public right of way, no person shall pile or cause to be piled any snow of streets, alleys, sidewalks, or any other Village owned property, except at the direction or with the permission of the Village. Further, no person shall pile or cause to be piled any snow so as to obstruct the vision at any intersection of any street, within the Village.

#### **Section 7-7. PENALTY.**

Whoever violates any of the provisions of this ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each violation, if the fine is paid within five (5) days from the issuance of the ticket. If not paid within five (5) days, the fine shall be not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each such violation.

12 1991-A

AMMENDED SNOWFALL PARKING ORDINANCE

December 10, 1991

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES that:

Sec. 1: Following a two inch snowfall, the parking of vehicles will be prohibited between the hours of one o'clock A.M. and seven o'clock A.M. so that the streets may be cleared of snow in the following designated areas:

( On Stanton Street between Depot Street and E. Snyder Street  
On Dawson Street between Turner and Salisbury Streets.

Sec. 2: The proper parking procedure is as follows:

Vehicles should be parked on the odd numbered side of the street (the west side) on the even numbered days of the week. This will allow the even numbered side of the street to be plowed on the even dated days of the week.

Sec. 3: Vehicles hindering snow removal in the designated areas will be towed away at the owner's expense.


Sec. 4: This Ordinance shall apply from November 1st to April 15th.

Sec. 5: This Ordinance shall be in full force and effect from and after it's passage as prescribed by law.

Passed: December 10, 1991

Approved: December 10, 1991

  
Village President

  
Village Clerk

VILLAGE OF DAVIS, ILLINOIS

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ORDINANCE NO. 2022 - 2-1

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AN ORDINANCE AMENDING CHAPTER 8  
OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF DAVIS

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Adopted by the Village of Davis  
this 8<sup>th</sup> day of February, 2022.

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Published in pamphlet form by the Board of Trustees of the  
Village of Davis, Illinois the 8<sup>th</sup> day of February 2022.

VILLAGE OF DAVIS, ILLINOIS: ORDINANCE NO. 2022 - 2-1

AN ORDINANCE AMENDING CHAPTER 8 OF THE  
CODE OF ORDINANCES OF THE VILLAGE OF DAVIS

WHEREAS, Chapter 8 of the Village of Davis Municipal Code (the "Code") provides regulations pertaining to alcoholic liquor, including the licensing of retail establishments in connection with the sale of such alcoholic liquors; and

WHEREAS, Section 5/4-1 of the Liquor Control Act of the State of Illinois (235 ILCS 5/4-1) authorizes the Village of Davis (the "Village") jurisdiction over various matters pertaining to the retail selling of alcohol in the Village; and

WHEREAS, the Board of Trustees of the Village has, after due consideration, determined that certain amendments to Chapter 8 of the Code are necessary and appropriate and in the best interest of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Davis, Stephenson County, Illinois as follows:

*Section One.* The foregoing recitals are incorporated herein as findings of the Board of Trustees.

*Section Two.* CHAPTER 8. ALCOHOL of the Code is hereby deleted in its entirety and the following new CHAPTER 8. ALCOHOL substituted in lieu thereof:

**Section 8-1. DEFINITIONS.**

All definitions contained in the "Liquor Control Act", 235 ILCS 5/1-1 of the State of Illinois are hereby incorporated herein by reference, as though set forth at length herein, and shall be fully binding on this ordinance except only insofar as the same are clearly in conflict with the provisions of this ordinance. Reference is hereby particularly made to the definitions in said act of "spirits", "wine", "beer", "alcoholic liquor", "retailer", "sell at retail", "sale", and "to sell".

**Section 8-2. LICENSE REQUIRED.**

It shall be unlawful for any person, firm or corporation, to sell or offer for sale at retail in the Village of Davis any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

### Section 8-3. APPLICATION.

Application for such license shall be made to the President of the Village Board in writing under oath, setting forth the same information as is required in the application of obtaining a retail liquor dealer's license from the State of Illinois. All applications for renewals of licenses issued hereunder shall be filed with the President of the Village Board at least fifteen (15) days prior to the expiration of the term of the current license.

### Section 8-4. PERSONS INELIGIBLE FOR LICENSE.

No license shall be issued to, or renewed for:

- (a) A person who is not a resident of the Village of Davis, Illinois.
- (b) A person who is not of good character and reputation.
- (c) A person who is not a citizen of the United States.
- (d) A person who has been convicted of a felony under the laws of any state.
- (e) A person who has been convicted of being the keeper or is keeping a house of ill fame.
- (f) A person who has been convicted of any crime or misdemeanor opposed to decency and morality.
- (g) A person whose license has been revoked for cause.
- (h) A partnership unless at least one partner is qualified hereunder.
- (i) A corporation, if any office, manager or director thereof, or stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, is or are unqualified hereunder for any reason other than citizenship and residence. To be eligible, a corporation must employ a full-time manager of the business who is qualified under this section 4.
- (j) A person whose place of business is conducted by a manger or agent unless said manager or agent possesses the same qualifications required of a license.
- (k) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor.
- (l) A person who does not own the premises for which a license is sought, or does not have a written lease thereon for the full period for which the license is to be issued.

(m) A person unqualified by reason of residence shall have ninety (90) days after commencement of ownership or management to establish residence.

Section 8-5. TERMS, PAYMENT AND PRORATING OF FEE.

Each license issued hereunder shall terminate on the 15<sup>th</sup> day of May 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 entire license fee for each year, or unexpired portion of the year, shall be paid in one sum in advance.

Section 8-6. CLASSIFICATION OF LICENSES; FEES PAYABLE.

A. Classification of Licenses. Licenses issued under this Chapter shall be divided into classes as follows:

1. *Class A licenses.* Class A licenses shall authorize the retail sale on the licensed premises of alcoholic liquor in the original package for consumption on or off the licensed premises, and by the drink for consumption on the licensed premises only, but not for sale at a location which also sells gasoline or other fuel for dispensing into motor vehicles. There shall be issued in the Village no more than two (2) Class A licenses at any one time.

2. *Class B licenses.* Class B licenses shall authorize the retail sale of beer and wine (and no other alcoholic liquor) by a market, but not for consumption on the premises where it is sold and not for sale at a location which also sells gasoline or other fuel for dispensing into motor vehicles. All beer and wine must be sold in the original package and may not be sold, individually. There shall be issued in the Village no more than one (1) Class B license at any one time.

3. *Class C licenses.* Class C licenses shall authorize the retail sale of beer, wine and/or distilled spirits in its original package, not for consumption on the premises where sold, and also authorizes the retail sale on the specified premises of beer (and no other alcoholic liquor) by the drink for consumption on the premises.

B. Fees Payable. The fees to be paid to the Village for a license under each class specified in Section A is as follows:

Class A -	\$ 750.00 per renewal
Class B -	\$ 750.00 per renewal
Class C -	\$ 1,500.00 per renewal

#### **Section 8-7. PROOF OF LIABILITY INSURANCE.**

Each application for issuance or renewal of a license shall be accompanied by a certificate of insurance from a reputable insurance company licensed to do business in the State of Illinois, showing evidence of insurance against liability under the provisions of the Illinois Dram Shop Act, 235 ILCS 5/6-21 in no less than the minimum amount required thereby, and liability insurance coverage in an amount not less than (a) 1 million dollars (\$1,000,000.00) per person/occurrence and two million (\$2,000,000.00 in the aggregate) or (b) two millions dollars (\$2,000,000.00) combined single limits for bodily injury, personal injury and property damage liability.

#### **Section 8-8. DISPOSITION OF FEES.**

In the event that the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be deposited in the corporate fund of the Village.

#### **Section 8-9. RECORD OF LICENSES ISSUED AND REVOKED.**

The President of the Village Board shall keep, or cause to be kept, a complete record of all such licenses issued by him and shall furnish the Clerk and Treasurer each with a copy thereof. Upon the issuance of any new license, or the revocation of an existing license, the President shall notify in writing said officers of such action within forty-eight (48) hours of such action.

#### **Section 8-10. QUALITIES OF LICENSE - CHANGE OF LOCATION.**

A license shall be purely a personal privilege, valid for a period not to exceed one year after issuance unless sooner revoked, and shall not be alienable or transferable, voluntarily or involuntarily. Such license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written consent to make such change by the President. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of the State of Illinois and the ordinances of the Village of Davis.

#### **Section 8-11. RESTRICTED AREAS.**

It shall be unlawful for any person or persons to consume any alcoholic beverage while on any street, sidewalk, alley or park situated in or controlled by the Village of Davis, Illinois.

No license permitting the sale of alcoholic liquors under this ordinance shall be issued to any person, firm, or corporation, for all of the Village of Davis except those lots and plots abutting Stanton Street between Snyder and Carnefix streets.

**Section 8-12. AGE RESTRICTIONS.**

It shall be unlawful for any person to purchase or consume alcoholic liquors in or from any licensed premises in the Village of Davis, Illinois, in violation of the age restriction provisions in the statutes of the State of Illinois with reference to purchase or consumption of alcoholic liquors, as they exist from time to time.

**Section 8-13. HOURS OF SALE - SUNDAYS.**

It shall be unlawful to sell, or offer for sale, at retail any alcoholic liquor in the Village of Davis, between the hours of 1:00 o'clock a.m. and 6:00 o'clock a.m. It shall be unlawful to sell, offer for sale, dispense, or give away any alcoholic liquor on Sunday.

**Section 8-14. LIMITATIONS OF NUMBER OF LICENSES.**

There shall be issued in the Village of Davis no more than a total of two (2) Class "A" licenses at any one time.

**Section 8-15. BOND.**

No applicant shall be required to file a bond payable to the Village of Davis for the application of a license. This Section solely pertains to a bond payable to the Village of Davis and does not eliminate any bonds required by the State pursuant to the Liquor Control Act of the State of Illinois.

**Section 8-16. REVOCATION.**

The President may revoke any retail liquor dealer's licenses for any violation of any provision of this ordinance, for non-payment of any part of a license fee, or for any violation of any law of the State of Illinois pertaining to the sale of alcoholic liquor.

**Section 8-17. PENALTY.**

Whoever violates or fails to comply with any of the provisions of this Chapter 8, including any provision of any statute or code adopted by reference in this Chapter 8, and including any rule or regulation promulgated under authority of any such statute or code adopted by reference to this Chapter 8, shall be fined not less than Two Hundred and Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues. The penalty provided for herein shall be in addition to any and all other remedies which may be available to the Village under Chapter 8 or any other provision of the Village Code, or federal or Illinois law.



Section Three. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Section Four. Any section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining provisions, which shall remain in full force and effect thereafter.

PASSED THIS 8<sup>th</sup> DAY OF February, 2022.

VILLAGE TRUSTEES	AYE VOTE	NAY VOTE	ABSTAIN/ABSENT
Mike Wise	✓		
Rich Rote	✓		
Judy LaForge	✓		
Scot Miller	✓		
Jason McCoy			Absent
TOTAL VOTES	4		

APPROVED: , Date: 02/08/2022.  
Stephen Olson, Village President

ATTEST: , Date: 2/8/2022.  
Kimberly K. Satness, Village Clerk

VILLAGE OF DAVIS, ILLINOIS

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ORDINANCE NO.

2005-07-01

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ADOPTED BY THE VILLAGE BOARD OF TRUSTEES OF  
THE VILLAGE OF DAVIS, ILLINOIS  
THIS 19th DAY OF JULY 2005

Published in pamphlet form by authority of the Village Board of the Village of  
Davis, Stephenson County, Illinois, this 19th day of July 2005.

STATE OF ILLINOIS            )  
  )  
COUNTY OF STEPHENSON    )

CERTIFICATE

I, Kimberly K Satness certify that I am the duly appointed and acting municipal clerk of the Village of Davis, Stephenson County, Illinois.

I further certify that on 7/19/05, 2005, the Corporate Authorities of such municipality passed and approved Ordinance No. 2005-07-01 which provided by its terms that it should be published in pamphlet form.

The pamphlet form of said Ordinance, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on July 20, 2005 and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at Davis, Illinois this July 19, 2005.

Kimberly K Satness  
MUNICIPAL CLERK

VILLAGE OF DAVIS, ILLINOIS: ORDINANCE NO. 2019-9-1

AN ORDINANCE AMENDING CHAPTER 8 OF THE  
CODE OF ORDINANCES OF THE VILLAGE OF DAVIS

WHEREAS, Chapter 8 of the Village of Davis Municipal Code (the "Code") provides Regulations pertaining to alcoholic liquor, including the licensing of retail establishments in connection with the sale of such alcoholic liquors; and

WHEREAS, the Board of Trustees of the Village has, after due consideration, determined that certain amendments to Chapter 8 of the Code are necessary and appropriate and in the best interest of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Davis, Stephenson County, Illinois as follows:

Section One. The foregoing recitals are incorporated herein as findings of the Board of Trustees:

Section Two. Section 8-12 – (HOURS OF SALE) of Chapter 8 of the Code is hereby deleted in its entirety and the following new Section 8-6 substituted in lieu thereof:

**Section 8-12. HOURS OF SALE**

It shall be unlawful to sell, or offer for sale, at retail any alcoholic liquor in the Village of Davis, between the hours of 1:00 o'clock a.m. and 5:00 o'clock a.m.

Section Three. Any section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining provisions, which shall remain in full force and effect thereafter.

PASSED THIS 8<sup>th</sup> DAY OF October, 2019.

VILLAGE TRUSTEES	AYE VOTE	NAY VOTE	ABSTAIN/ABSENT
<u>Scot Miller</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Candy Feinstein</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Rich Rote</u>	<u>_____</u>	<u>_____</u>	<u>Absent</u>
<u>Judy LaFurge</u>	<u>✓</u>	<u>_____</u>	<u>_____</u>
<u>Stacey Gaither</u>	<u>_____</u>	<u>_____</u>	<u>Absent</u>
<u>Vacant Seat</u>	<u>_____</u>	<u>_____</u>	<u>—</u>
<b>TOTAL VOTES</b>	<u>3</u>	<u>0</u>	<u>2</u>

APPROVED:

  
\_\_\_\_\_  
Steven Olson, Village President

DATE 10/8/19

ATTEST:

  
\_\_\_\_\_  
Kimberly K. Satness, Village Clerk

DATE 10/8/19

## CHAPTER 8. ALCOHOL

### Section 8-1. DEFINITIONS.

All definitions contained in the "Liquor Control Act", 235 ILCS 5/1-1 of the State of Illinois are hereby incorporated herein by reference, as though set forth at length herein, and shall be fully binding on this ordinance except only insofar as the same are clearly in conflict with the provisions of this ordinance. Reference is hereby particularly made to the definitions in said act of "spirits", "wine", "beer", "alcoholic liquor", "retailer", "sell at retail", "sale", and "to sell".

### Section 8-2. LICENSE REQUIRED.

It shall be unlawful for any person, firm or corporation, to sell or offer for sale at retail in the Village of Davis any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.

### Section 8-3. APPLICATION.

Application for such license shall be made to the President of the Village Board in writing under oath, setting forth the same information as is required in the application of obtaining a retail liquor dealer's license from the State of Illinois. All applications for renewals of licenses issued hereunder shall be filed with the President of the Village Board at least fifteen (15) days prior to the expiration of the term of the current license.

### Section 8-4. PERSONS INELIGIBLE FOR LICENSE.

No license shall be issued to, or renewed for:

- (a) A person who is not a resident of the Village of Davis, Illinois.
- (b) A person who is not of good character and reputation.
- (c) A person who is not a citizen of the United States.
- (d) A person who has been convicted of a felony under the laws of any state.
- (e) A person who has been convicted of being the keeper or is keeping a house of ill fame.
- (f) A person who has been convicted of any crime or misdemeanor opposed to decency and morality.
- (g) A person whose license has been revoked for cause.
- (h) A partnership unless at least one partner is qualified hereunder.
- (i) A corporation, if any officer, manager or director thereof, or stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, is

or are unqualified hereunder for any reason other than citizenship and residence. To be eligible, a corporation must employ a full-time manager of the business who is qualified under this section 4.

(j) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of a license.

(k) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor.

(l) A person who does not own the premises for which a license is sought, or does not have a written lease thereon for the full period for which the license is to be issued.

(m) A person unqualified by reason of residence shall have ninety (90) days after commencement of ownership or management to establish residence.

#### **Section 8-5. TERMS, PAYMENT AND PRORATING OF FEE.**

Each license issued hereunder shall terminate on the 15th day of May 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 entire license fee for each year, or unexpired portion of the year, shall be paid in one sum in advance.

#### **Section 8-6. CLASSIFICATION OF LICENSE - FEES PAYABLE.**

Such licenses shall be of one class, termed Class "A". The annual fee for such license shall be Six Hundred Dollars (\$600.00).

#### **Section 8-7. DISPOSITION OF FEES.**

In the event that the license applied for is denied, the fee shall be returned to the applicant; if the license is granted, the fee shall be deposited in the corporate fund of the Village.

#### **Section 8-8. RECORD OF LICENSES ISSUED AND REVOKED.**

The President of the Village Board shall keep, or cause to be kept, a complete record of all such licenses issued by him and shall furnish the Clerk and Treasurer each with a copy thereof. Upon the issuance of any new license, or the revocation of an existing license, the President shall notify in writing said officers of such action within forty-eight (48) hours of such action.

#### **Section 8-9. QUALITIES OF LICENSE - CHANGE OF LOCATION.**

A license shall be purely a personal privilege, valid for a period not to exceed one year after issuance unless sooner revoked, and shall not be alienable or transferable, voluntarily or involuntarily. Such license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon the written consent to make such change by the President. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of the State of Illinois and the ordinances of the Village of Davis.

**Section 8-10. RESTRICTED AREAS.**

It shall be unlawful for any person or persons to consume any alcoholic beverage while on any street, sidewalk, alley or park situated in or controlled by the Village of Davis, Illinois.

No license permitting the sale of alcoholic liquors under this ordinance shall be issued to any person, firm, or corporation, for all of the Village of Davis except those lots and plots abutting Stanton Street between Snyder and Carnefix streets.

**Section 8-11. AGE RESTRICTIONS.**

It shall be unlawful for any person to purchase or consume alcoholic liquors in or from any licensed premises in the Village of Davis, Illinois, in violation of the age restriction provisions in the statutes of the State of Illinois with reference to purchase or consumption of alcoholic liquors, as they exist from time to time.

**Section 8-12. HOURS OF SALE - SUNDAYS.**

It shall be unlawful to sell, or offer for sale, at retail any alcoholic liquor in the Village of Davis, between the hours of 1:00 o'clock a.m. and 6:00 o'clock a.m. It shall be unlawful to sell, offer for sale, dispense, or give away any alcoholic liquor on Sunday.

**Section 8-13. LIMITATIONS OF NUMBER OF LICENSES.**

There shall be issued in the Village of Davis no more than a total of two (2) Class "A" licenses at any one time.

**Section 8-14. BOND.**

Before any license shall be issued, the applicant shall file with his application a bond payable to the Village of Davis in the penal sum of One Thousand (\$1,000.00) Dollars with two or more sureties satisfactory to the President, conditioned that such applicant shall at all times comply with the provisions of this ordinance and the laws of the State of Illinois and pay all fines, penalties and costs which the applicant may incur by reason of any violation thereof. The bond shall, upon approval, be filed in the office of the Village Clerk.

**Section 8-15. REVOCATION.**

The President may revoke any retail liquor dealer's licenses for any violation of any provision of this ordinance, for non-payment of any part of a license fee, or for any violation of any law of the State of Illinois pertaining to the sale of alcoholic liquor.

**Section 8-16. PENALTY.**

Whoever violates any provision of this ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.



VILLAGE OF DAVIS, ILLINOIS

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ORDINANCE NO. 2015 - 4-1

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AN ORDINANCE AMENDING CHAPTER 8  
OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF DAVIS

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Adopted by the Village of Davis  
this 14<sup>th</sup> day of April, 2015.

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Published in pamphlet form by the Board of Trustees of the  
Village of Davis, Illinois the 14<sup>th</sup> day of April 2015.

VILLAGE OF DAVIS, ILLINOIS: ORDINANCE NO. 2015 - 4-1

AN ORDINANCE AMENDING CHAPTER 8 OF THE  
CODE OF ORDINANCES OF THE VILLAGE OF DAVIS

WHEREAS, Chapter 8 of the Village of Davis Municipal Code (the "Code") provides regulations pertaining to alcoholic liquor, including the licensing of retail establishments in connection with the sale of such alcoholic liquors; and

WHEREAS, Section 5/4-1 of the Liquor Control Act of the State of Illinois (235 ILCS 5/4-1) authorizes the Village of Davis (the "Village") to determine the number, kind and classification of licenses, for sale at retail of alcoholic liquor within the Village and the amount of the local licensee fees to be paid for the various kinds of licenses to be issued within the Village; and

WHEREAS, the Board of Trustees of the Village has, after due consideration, determined that certain amendments to Chapter 8 of the Code are necessary and appropriate and in the best interest of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Davis, Stephenson County, Illinois as follows:

*Section One.* The foregoing recitals are incorporated herein as findings of the Board of Trustees.

*Section Two.* Section 8-6 (Classification of License - Fees Payable) of Chapter 8 of the Code is hereby deleted in its entirety and the following new Section 8-6 substituted in lieu thereof:

**Section 8-6. Classification of Licenses; Fees Payable.**

**A. Classification of Licenses.** Licenses issued under this Chapter shall be divided into classes as follows:

1. *Class A licenses.* Class A licenses shall authorize the retail sale on the licensed premises of alcoholic liquor in the original package for consumption on or off the licensed premises, and by the drink for consumption on the licensed premises only, but not for sale at a location which also sells gasoline or other fuel for dispensing into motor vehicles. There shall be issued in the Village no more than two (2) Class A licenses at any one time.

2. *Class B licenses.* Class B licenses shall authorize the retail sale of beer and wine (and no other alcoholic liquor) by a market, but not for consumption on the premises where it is sold and not for sale at a location which also sells gasoline or other fuel for dispensing into motor vehicles. All beer and wine must be sold in the original package and may not be sold, individually. There shall be issued in the Village no more than one (1) Class B license at any one time.

3. *Class C licenses.* Class C licenses shall authorize the retail sale of beer, wine and/or distilled spirits in its original package, not for consumption on the premises where sold, and also authorizes the retail sale on the specified premises of beer (and no other alcoholic liquor) by the drink for consumption on the premises.

B. Fees Payable. The fees to be paid to the Village for a license under each class specified in Section A is as follows:

Class A -	\$ 750.00 per renewal
Class B -	\$ 750.00 per renewal
Class C -	\$ 750.00 per renewal

*Section Three.* Section 8-16 (Penalty) of Chapter 8 of the Code is hereby deleted in its entirety and the following new Section 8-16 substituted in lieu thereof:

**Section 8-16. Penalty.**

Whoever violates or fails to comply with any of the provisions of this Chapter 8, including any provision of any statute or code adopted by reference in this Chapter 8, and including any rule or regulation promulgated under authority of any such statute or code adopted by reference to this Chapter 8, shall be fined not less than Fifty Dollars (\$50.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues. The penalty provided for herein shall be in addition to any and all other remedies which may be available to the Village under Chapter 8 or any other provision of the Village Code, or federal or Illinois law.

*Section Four.* This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Section Five. Any section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining provisions, which shall remain in full force and effect thereafter.

PASSED THIS 14 DAY OF April, 2015.

VILLAGE TRUSTEES	AYE VOTE	NAY VOTE	ABSTAIN/ABSENT
Scot Miller			Absent
Judy LaFuge	✓		
Sandra Bahls			Absent
Mary Zaleski	✓		
Greg Thomas	✓		
Norm Truessel	✓		
TOTAL VOTES	4		2

APPROVED: Bradley C. Meinert, Date: 4/14/2015.  
Bradley C. Meinert, Village President

ATTEST: Kimberly K. Satness, Date: 4/14/2015.  
Kimberly K. Satness, Village Clerk

## CHAPTER 9. NOISE CONTROL

### Section 9-1. DISTURBING, ENDANGERING HEALTH, PEACE OR SAFETY.

It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the Village.

State law reference: 65 ILCS 5/11-5-2

### Section 9-2. ACTS DECLARED IN VIOLATION OF ORDINANCE.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but such enumeration shall not be deemed to be exclusive, namely:

- (a) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the Village, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.
- (b) Radios; phonographs; sound-producing or reproducing machines and devices. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the persons who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (c) Loudspeakers; amplifiers for advertising. The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeakers, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure except with permission of the Board of Trustees.
- (d) Yelling, shouting, hooting, whistling or singing. Yelling shouting, hooting, whistling, or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of

persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

- (e) Animals; birds. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (f) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (g) Defect in vehicle or load. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (h) Construction or repairing of buildings. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Board of Trustees.
- (i) Churches. The creation of any excessive noise on any street adjacent to any church while the same is in use.
- (j) Hawkers; peddlers. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (k) Piledrivers; hammers; other power tools or devices. The operation between the hours of 9:00 p.m. and 6:00 a.m. of any piledriver, power mower, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other power tool, saw or device, the use of which is attended by loud or unusual noise.
- (l) Blowers. The operation of any noise creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.

### **Section 9-3. PENALTY FOR VIOLATION.**

Whoever violates any provision of this ordinance shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each violation.

VILLAGE OF DAVIS, ILLINOIS

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ORDINANCE NO. 2023 - 8-1

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AN ORDINANCE AMENDING CHAPTER 10  
OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF DAVIS

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Adopted by the Village of Davis  
this 8<sup>th</sup> day of August 2023.

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Published in pamphlet form by the Board of Trustees of the  
Village of Davis, Illinois the 9<sup>th</sup> day of August 2023.

VILLAGE OF DAVIS, ILLINOIS: ORDINANCE NO. 2023 - 8-1

**AN ORDINANCE AMENDING CHAPTER 10 OF THE  
CODE OF ORDINANCES OF THE VILLAGE OF DAVIS**

WHEREAS, the Illinois Municipal Code provides the Village of Davis (the “Village”) with the authority to define, prevent, and abate nuisances within the corporate limits (65 ILCS 5/11-60-2); and

WHEREAS, Chapter 10 of the Village of Davis Municipal Code (the “Code”) currently sets forth the rules and regulations concerning animal control within the corporate limits of the Village; and

WHEREAS, the Board of Trustees of the Village has, after due consideration, determined that it is necessary, appropriate, and in the best interest of the Village and its residents to amend Chapter 10 of the Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Davis, Stephenson County, Illinois as follows:

*Section One.* The foregoing recitals are incorporated herein as findings of the Board of Trustees.

*Section Two.* Chapter 10 of the Code is hereby amended and restated in its entirety, effective as of the date hereof, to read as follows:

**CHAPTER 10. ANIMAL CONTROL**

**SECTION 10-1. DEFINITIONS.**

**For the purposes of this Chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.**

**ANIMAL.** Every living creature, other than man, both domesticated and wild, male and female.

**BITE.** Seizure with the teeth or jaws of an animal so that the skin of the human being or animal has been nipped, gripped, wounded, pierced, or broken, and further includes contact of saliva with any break or abrasion of the skin.

**CAT.** All members of the feline family (Felis Catus).

**CODE ENFORCEMENT OFFICER.** A designee of the Village, including but not limited to the Village President, Village Clerk, and the County Animal Services Administrator, who may enforce the provisions contained in this Chapter, and has the power and authority to issue and serve citations for any violation of this Chapter.

**COUNTY.** Stephenson County, State of Illinois.

**DANGEROUS ANIMAL.** Any animal listed in Section 10.8 herein, as may be amended from time to time.



**DOG.** Includes all animals of the canine species (*Canis Familiaris*).

**DOMESTIC ANIMAL.** Any animal, except a farm animal or dangerous animal, which has been domesticated so as to be kept in a tame condition as a household pet or guardian.

**DOMESTIC ANIMAL AT LARGE.** Any animal that is not leashed and under the control of the owner or a responsible person over fourteen (14) years of age. If the animal is on the owner's property, it is at large if it is not contained on the property by means of a visible or invisible fence at all times able to contain the domestic animal within the confines of the owner's property, along with appropriate signage, fence, chain, owner's direct supervision, leash, or other visible means of restraint sufficient to protect pedestrians on public property.

**EUTHANASIA.** Death brought about by any medically recognized method that produces instant loss of consciousness and results in death.

**FARM ANIMAL.** Includes fowl, roosters, rabbits, horses, ponies, mules, bison, cattle, goats, sheep, swine, potbelly pigs or any other hoofed animals, for no matter what purpose such animal is kept.

**FOWL.** Includes the larger, domesticated birds used as food, including chickens, ducks, emus, geese, peafowl, ostriches, and turkeys.

**KENNEL.** Any establishment wherein any person engages in the business of boarding, building, buying, grooming, letting for hire, training for a fee, or selling dogs; provided, however, that the ownership of dogs which are a part of the household shall not constitute the operation of a kennel.

**LEASH.** A cord, rope, strap, or chain which is 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.

**OTHER ENTERPRISE.** Any public or private animal attraction or exhibition staged temporarily, with or without charge to viewers, in compliance with applicable ordinances of the Village, statutes of the State of Illinois and federal laws, including but not limited to circuses, pony rides, rodeos, dog shows, cat shows, livestock exhibitions, horse shows, other shows or expositions utilizing or displaying animals, and businesses of any kind that place animals on display to the public for promotion or advertising purposes.

**OWNER.** Any person having a right of property in an animal, or who keeps or harbors any animal, or for purposes of this Chapter, who has an animal in their care or custody or acts as its custodian, or who knowingly permits it to remain on or about any premises owned or occupied by the person.

**PERSON.** Any individual, corporation, unincorporated organization, limited or general partnership, limited liability company, society, association, or other entity.

**STRAY ANIMAL.** Any animal not under restraint and not in the presence of its owner.

**TRAP.** To capture, or attempt to capture, by setting or placing a leg hold trap, cushion-hold trap, body-gripping trap, cage or box trap, spring trap, dead/fall trap, pit/trap, snare, or another similar device to capture, hold or kill any animal.

**VICIOUS ANIMAL.** Any domestic animal that bites or attacks, or which is known to have bitten or attacked a human being or other animal, without provocation and where such human being or animal is lawfully entitled to be. Once an animal has been declared to be a vicious animal, the designation remains for the life of the animal.

**SECTION 10.2. LIMIT ON TYPE AND NUMBER OF ANIMALS WITHIN THE VILLAGE.**

(A) Only domestic animals shall be allowed to be kept within any household or building or on any real property located in the Village.

(B) There shall be a maximum limitation per household or building located within the Village of five (5) domestic animals, excepting households previously lawful on the effective date of this amendatory Ordinance and so continuing; provided however, that any newborn domestic animals born from the same litter shall be allowed to remain in the household despite the limitation of this Section for up to four (4) months from the date of birth. The Code Enforcement Officer or their designee may impound immediately every animal exceeding the limit per household.

(C) Any violation of this Section is hereby declared to be a public nuisance and each day this Section is violated shall constitute a separate offense.

(D) Notwithstanding Subsection (A) above, there shall be no limitation on the maximum number of domestic animals allowed to be kept in any building located in a district zoned for commercial use if such animals are kept pursuant to veterinarian services by licensed veterinarians, or by authorized dog or cat grooming services.

**SECTION 10.3. REGISTRATION OF DOGS AND CATS.**

Every person who owns, keeps, or harbors a dog or cat within the limits of the Village shall, within thirty (30) days of acquisition of the dog or cat, and annually on such date as may be determined by the County, register the dog or cat or cause it to be registered with the Village, and provide proof of rabies inoculation and registration in compliance with Section 10.4. License tags from the County shall be presented to the Village and displayed and/or attached to the collar of the registered dog or cat at all times. The owner of any dog or cat that has been microchipped shall provide proof of such microchipping with the Village Clerk at the time of registration.

**SECTION 10.4. RABIES.**

All provisions of the Animal Control Act (510 ILCS 5/1 *et seq.*) and Chapter 205 (Animals) of the Code of Ordinances of the County with regard to rabies inoculation and registration are hereby adopted and incorporated as part of this Chapter, and enforceable as such.

**SECTION 10.5. DOMESTIC ANIMALS AT LARGE.**

(A) No person who owns, keeps, or harbors a domestic animal shall cause or permit such animal to run at large within the Village. Any domestic animal running at large is hereby declared a public nuisance, whether currently licensed or not, and may be promptly impounded.

**(B) Persons who utilize invisible fencing to contain any domestic animal must display prominently on their property immediately adjacent to the public right-of-way a sign which indicates that any domestic animal located thereon is contained by way of invisible fencing. Invisible fencing installed after the effective date of this Chapter must be at all times able to confine the domestic animal within the boundaries of the owner's property.**

#### **SECTION 10.6. ANIMAL DISTURBING THE PEACE.**

**It shall be unlawful for the owner or any person who keeps or harbors any animal, or for any person who has the power or authority to prevent same, to suffer or permit any such animal to bark, howl, cry or make any other noise which unreasonably disturbs the peace and quiet of any place, family, person, or neighborhood in the Village. Such disturbance of the peace is a public nuisance, and it shall be unlawful for any person to suffer or permit such nuisance to exist on their property.**

#### **SECTION 10.7. BITES AND ATTACKS; VICIOUS ANIMALS.**

**(A) It shall be the duty of every owner of an animal to prevent such animal from biting or attacking any person, animal, or property of another. Any animal that, without provocation, bites or attacks any person, animal, or property of another is hereby declared to be a public nuisance.**

**(B) It shall be unlawful to keep or harbor in the Village any vicious animal unless the owner of such vicious animal complies with the requirements of Animal Control Act (510 ILCS 5/1 *et seq.*).**

#### **SECTION 10.8. DANGEROUS ANIMALS.**

**(A) No person shall own, keep, or harbor within the Village:**

**(1) Any farm animal;**

**(2) Any snake, reptile or lizard that is physically capable of causing serious bodily injury to any person or animal, regardless of age, by bite, poison, constriction, or other means;**

**(3) Any lion, tiger, cougar, jaguar, panther, bobcat, mountain lion, lynx, ocelot, leopard, wolf, coyote, jackal, fox, wild dog, squirrel, opossum, raccoon, skunk, bird of prey, or any hybrid of any of the foregoing, or any other exotic animal, or any other animals not allowed to be owned, kept or harbored under any applicable local, state or federal law.**

**(B) Any animal listed in Subsection (A) above is declared a public nuisance and may be removed in accordance with this Chapter.**

**(C) Each day any dangerous animal is kept in violation of this Section shall constitute a separate offense. It is no defense to a violation of this Section that the owner or keeper of any such animal which is prohibited in this Section has attempted to domesticate such animal. The owner shall be held strictly liable for all expenses incurred in removing the animal from the Village.**

**(D) Any such dangerous animal found to be within the Village may be apprehended and impounded by the Code Enforcement Officer or his or her designee. The disposition of such**

animals covered by this Section shall be in accordance with the provisions of the laws of the State of Illinois.

#### **SECTION 10.9. WASTES TO BE DISPOSED OF BY OWNER.**

The owner of every animal shall be responsible for the removal and sanitary disposition of feces deposited by their animal anywhere in the Village. When accompanying the animal outside their property, the owner shall have on their person suitable means for the removal of such excreta which must then be placed in a refuse container for sanitary removal.

#### **SECTION 10.10. REMOVAL OF DEAD ANIMALS.**

Every animal owner must within a reasonable amount of time notify the Village upon the death of any animal which the owner registered with the Village pursuant to Section 10.3, and must properly dispose of such animal.

#### **SECTION 10.11. CRUELTY TO ANIMALS PROHIBITED.**

(A) No person or owner shall treat any animal cruelly in any manner, including, but not limited to the following:

(1) By failing to provide any animal in their care or custody with proper food, water, air, and sanitary shelter. Such shelter to be sufficient to provide adequate bedding and protection from the weather, and space within sufficient for the animal to stand in an upright position, and lie down stretched out so that no part of its body need touch the sides of the shelter structure. Animals kept in an outside enclosure must have sufficient space for movement and exercise according to the animal's size and weight;

(2) By abandoning any animal where it may become a public charge or may suffer injury, hunger, or exposure;

(3) By overloading, overdriving, overworking, hitting, torturing, tormenting, or mutilating any animal, or cause or knowingly allow the same to be done;

(4) By failing to provide necessary veterinary attention to sick animals in need which are in any persons care or custody;

(5) By cruelly working any old, maimed, infirm, sick, or disabled animal, or cause or knowingly allow same to be done;

(6) By carrying, keeping, driving or causing to be carried, driven or kept, any animal in a cruel manner;

(7) By leaving or confining any animal in a motor vehicle, trailer, or other enclosure in such a manner that it places the animal in a life or health threatening situation due to exposure to heat or cold, without sufficient ventilation or other protection from such heat or cold;

(8) By intentionally wounding or attempting to wound or kill, or by intentionally and knowingly poisoning or causing to be poisoned, any animal with the exception of insects, snakes, skunks, gophers, chipmunks, bats, rats, or mice located or found within any household, garage, shed or other fully enclosed structure located on a person's property;

(9) By tethering any animal to a fixed object unless such chains, ropes or leashes are so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and convenient access to food, water, and shelter. Such tethering shall be located so as not to allow such animal to trespass on public property or private property belonging to others, nor in such a manner as to cause harm or danger to persons or other animals;

(10) By transporting an animal on any public thoroughfare in any vehicle unless such animal is totally enclosed within such vehicle.

(B) If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to illness, incarceration or other circumstance, the animal may be removed by the Code Enforcement Officer and impounded until such time said owner may be located and able to redeem the animal. The owner shall be held strictly liable for all expenses incurred.

#### **SECTION 10.12. ANIMALS USED FOR ENTERTAINMENT; PROHIBITED ACTS.**

(A) No person shall own, capture, breed, train or lease any animal which he or she knows or should know is intended for use in any show, program or other activity featuring or otherwise involving a fight between such animal and any other animal or person, or the intentional killing of any animal for the purpose of sport, wagering or entertainment.

(B) No person shall promote, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering or entertainment, any show, program or other activity involving a fight between two (2) or more animals or the intentional killing of any animal.

(C) No person shall sell or offer for sale, ship, transport or otherwise move or deliver, or receive any animal which he or she knows or should know has been captured, bred or trained, or will be used to fight another animal or be intentionally killed. for the purpose of sport, wagering or entertainment.

(D) No person shall sell or offer for sale, ship, transport or otherwise move any equipment or device which such person knows or should know is intended for use in connection with any show, program or activity featuring or otherwise involving a fight between two (2) or more animals or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(E) No person shall make available any site structure or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, program or other activity involving a fight between two (2) or more animals or the intentional killing of any animal.

(F) No person shall attend or otherwise patronize any show, program or other activity featuring or otherwise involving any animals or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

### **SECTION 10.13. TRAPPING OF ANIMALS PROHIBITED.**

It shall be a violation of this Chapter for any person to trap, attempt to trap or aid and abet any person in trapping any animal, with the exception of insects, snakes, skunks, gophers, chipmunks, bats, rats, or mice. Provided, however, that this Section shall not apply to any authorized Village employee acting in the course of their official duties, or any other person so authorized in writing by the Code Enforcement Officer, and shall not apply to any appropriately licensed animal trapper.

### **SECTION 10.14. AUTHORITY OF CODE ENFORCEMENT OFFICER.**

The Code Enforcement Officer or his or her designee is authorized to impound animals wherever impoundment is called for in this Chapter.

### **SECTION 10.15. DISPOSITION OF UNCLAIMED ANIMALS.**

(A) If an impounded animal is not redeemed by its owner within seven (7) days after being sent written notice of the impoundment to the owner's last known address, the animal shall be placed for adoption, destroyed or disposed of, as determined by the Code Enforcement Officer or his or her designee in accordance with all applicable laws, rules or regulations of the State of Illinois. Upon expiration of the 7-day notice period, the owner shall forfeit any and all ownership or property interest in the impounded animal. The owner shall be held strictly liable for all expenses incurred by the Village under this Subsection.

(B) Whenever it shall become necessary to destroy an animal, the method of destruction shall be in accordance with accepted practices of euthanasia from a humane standpoint.

### **SECTION 10.16. FEES AND COSTS.**

Notwithstanding any other provisions of this Chapter, the Village or County, as the case may be, may ascertain and bill the owner or keeper of any animal that is being harbored or maintained in violation of this Chapter the actual costs incurred by the Village or County in seizing and confining such animal including but not limited to veterinary costs, all direct or indirect costs incurred for animal confinement and/or maintenance and any reasonable attorney fees and/or court costs that are incurred.

### **SECTION 10.17. ENFORCEMENT AND PENALTIES**

(A) It shall be a violation of this Chapter for any person to obstruct, impede or interfere with the capture, impound or disposal of any animal in accordance with this Chapter.

(B) The Code Enforcement Officer or any Village employees or other persons authorized to enforce the provisions of this Chapter shall not be held liable for the injury, death or disease which may occur to any animal as a consequence of the enforcement of the provisions of this Chapter; provided such injury, death or disease was not the result of willful and wanton acts or omissions of any said persons.

(C) Every owner or any other person who violates any of the provisions of this Chapter shall, upon a finding of liability, be punished by a fine of not less than \$75 and not more than \$500. For a second offense of the same nature, the fine shall equal not less than \$150 and not more than \$750 and for a third offense of the same nature, the fine shall equal not less than \$250 and not more than \$1000. Each occurrence of any violation of this chapter shall


constitute a separate offense. This penalty shall be in addition to other penalties or remedies provided by this chapter, or by state or federal law.

*Section Three.* This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

*Section Four.* Any section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining provisions, which shall remain in full force and effect thereafter.

PASSED THIS 8<sup>th</sup> DAY OF AUGUST 2023.

VILLAGE TRUSTEES	AYE VOTE	NAY VOTE	ABSTAIN/ABSENT
Mike Wise	✓		
Rich Rote	✓		
Judy LaForge	✓		
Brittney Konz	✓		
Jody Pieper	✓		
Vacancy			—
TOTAL VOTES	5		

APPROVED: , Date: 8 / 8 /2023.  
Stephen Olson, Village President

ATTEST: , Date: 8 / 8 /2023.  
Kimberly K. Satness, Village Clerk