

CHAPTER 10. ANIMAL CONTROL

Section 10-1. DEFINITIONS.

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

a) "Animal" means any type of animal or fowl, both domesticated and wild, male and female.

b) "Dog" means all members of the canine family, three (3) months or more of age, and includes pet foxes and wolves.

c) "At Large" means off the premises of the owner and not under the immediate control of the owner or other custodian.

d) "Owner" means any person who has a right of property in an animal, keeps or harbors an animal, has it in his or her care, acts as its custodian or knowingly permits an animal to remain on or about premises occupied by him or her.

Section 10-2. CRUELTY TO ANIMALS.

(a) No owner shall fail to provide his animals humane care and treatment including sufficient food and water, proper shelter and veterinary care when needed to prevent suffering.

(b) No person shall be cruel to any animal by overloading, overdriving, overworking, abandoning, beating, torturing, mutilating, or cruelly killing such animal, or by causing or allowing such acts to be done knowingly; by cruelly working an animal which is maimed, infirm, or disabled, or causing the same to be done.

Section 10-3. ANIMALS AT LARGE.

No person owning an animal, or having an animal in his or her custody, shall permit such animal to be At Large. An animal which is At Large is declared to be a nuisance and dangerous to the public health and safety.

Section 10-4. NOISES.

It shall be unlawful to harbor or keep any animal which disturbs the peace by making noise at any time of day or night.

Section 10-5. KILLING DANGEROUS ANIMALS.

If an animal poses a threat to the public safety, any law enforcement officer may destroy the animal.

Section 10-6. ANIMAL BITES.

It shall be the duty of the owner or person having custody of any animal which bites any human to notify the Stephenson County Department of Public Health; to have such animal locked in an enclosure for a period of ten (10) days following the day the animal has bitten the person; and to have the animal examined by a licensed veterinarian at the commencement and termination of this ten (10) day period. If such animal, during this period shall die or show signs of illness, it shall be the duty of the owner or person having custody of the animal to turn the animal over to the Village Marshall so that it can be determined whether or not the animal had rabies. If the animal is found to be suffering from rabies, it shall be destroyed immediately.

Section 10-7. DOGS.

(a) Display of Identification. Every dog shall be provided, by its owner, with a collar to which a license tag shall be securely fastened.

- (1) No person shall remove, without the consent of the owner, the collar registration tag or inoculation tag, from any dog.

(b) Rabies Inoculation. All dogs shall be inoculated as required by the rabies control law of the State of Illinois.

Section 10-8. 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.

VILLAGE OF DAVIS, ILLINOIS

ORDINANCE NO.

03-05-01

ADOPTED BY THE VILLAGE BOARD OF TRUSTEES OF
THE VILLAGE OF DAVIS, ILLINOIS
THIS 8th DAY OF MARCH 2005

Published in pamphlet form by authority of the Village Board of the Village of
Davis, Stephenson County, Illinois, this 8th day of March 2005.

STATE OF ILLINOIS)
)
COUNTY OF STEPHENSON)

CERTIFICATE

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

I further certify that on March 8TH, 2005, the Corporate Authorities of such municipality passed and approved Ordinance No. 0305-1 _____ 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 March 8TH 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 March 8TH, 2005.


MUNICIPAL CLERK

AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-3 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 10, Section 10-3 of the Village of Davis Code is hereby amended to provide as
follows:

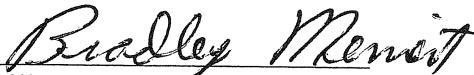
Section 10-3. Animals At Large.

No person owning an animal, or having an animal in his or her custody, shall permit such
animal to be At Large. An animal which is At Large is declared to be a nuisance and dangerous to
the public health and safety.

While in any public place such as a park or playground, or on a public street or sidewalk,
the owner of a dog shall cause the dog to be on a leash, chain, or cord of not more than six (6)
feet in length and in the custody of a person of sufficient age to adequately control the dog at all
times.

PASSED by the Board of Trustees of the Village of Davis, Illinois, this day 8th of March
2005.

APPROVED:


Village President

ATTEST:


Village Clerk

Ayes - 6
Nays - 0

CHAPTER 11. DANGEROUS BUILDINGS

Section 11-1. DANGEROUS BUILDING DEFINED.

The term "dangerous building" as used in this section shall mean and include any building or structure, whether dwelling or otherwise, as follows:

(a) Any building or other structure which is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants or of neighboring structures;

(b) Any building or other structure which, by reason of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire, and constitutes or creates a fire hazard;

(c) Any building or other structure which, by reason of faulty construction, age, lack of proper repair or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such a structure.

(d) Any building, or other structure which, because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

Section 11-2. NUISANCE.

Any dangerous building is hereby declared to be a nuisance.

Section 11-3. OBLIGATION.

No person shall maintain or permit the existence of a dangerous building; no owner, occupant, or person in custody of a dangerous building shall permit it to remain in a dangerous condition, or occupy such building or permit it to be occupied while it is in a dangerous condition.

Section 11-4. PLACARDING.

A dangerous building may be so designated and placarded by the Village Clerk.

Section 11-5. VACATION.

Any placarded dangerous building shall be forthwith vacated by all persons, and shall not be again reoccupied until the defects have been removed.

Section 11-6. ABATEMENT.

Upon the finding that a building is dangerous, the Village Clerk shall cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared dangerous, and that

the dangerous condition must be removed, by repair or demolition, at once. If the condition is not removed subsequent to service of the notice, the Village may repair or demolish the dangerous building by following the procedures set forth in the applicable state statute.

Section 11-7. STANDARDS FOR DECISIONS.

The following standards shall be followed in ordering the repair, vacation, or demolition:

(a) If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this section, it shall be ordered repaired.

(b) If the dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered vacated.

(c) If the dangerous building is fifty (50%) percent damaged, decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this section, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this section, or any ordinance of the Village or statute of the State of Illinois, it shall be demolished.

Section 11-8. CHOICE OF REMEDIES.

All remedies provided and specified in this section shall be cumulative and one, some, or all of them may be used in any particular case or against any particular dangerous building.

Section 11-9. UNKNOWN OWNERS.

If the owner of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this ordinance may be made by posting a copy thereof on the premises and by publishing onetime a copy thereof in a newspaper qualified by statute.

Section 11-10. COURT PROCEDURE.

All proceedings for demolition of buildings by court action, or for injunction, shall be conducted in accordance with 65 ILCS 5/11-31-1.

Section 11-11. PENALTY.

Whoever violates any provision of this Ordinance shall be fined not less than Twenty-Five Dollars (\$25.00), nor more than Two Hundred Fifty Dollars (\$250.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER 12. LITTER

Section 12-1. DEFINITIONS.

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

(a) "Garbage" is a putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(b) "Litter" is "garbage", "refuse", and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare.

(c) "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

(d) "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, printed matter, wrappings, cigarettes, cardboard, tin cans, yard clippings, wood, glass, bedding, metal crockery, and similar materials.

Section 12-2. LITTER IN PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place except in public or private receptacles for collection.

Section 12-3. PLACEMENT OF LITTER IN RECEPTACLES.

Persons placing litter in private receptacles shall do so in such a manner as to prevent it from being carried therefrom by the elements.

Section 12-4. MERCHANT'S DUTY.

Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.

Section 12-5. PERSONS IN VEHICLES.

No persons, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place, or upon private property.

Section 12-6. TRUCK LOADS.

No person shall drive or move any vehicle unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being blown or shaken therefrom.

Section 12-7. MAIL AND NEWSPAPERS.

Mail and newspapers shall be placed on private property so as to prevent their being carried away by the elements.

Section 12-8. LITTER ON PRIVATE PROPERTY.

No person shall throw, keep, maintain, or deposit litter, including tree leaves or grass clippings, on any private property, whether occupied or not and whether owned or controlled by such person or not, except that the owner or person in control of private property may maintain receptacles for collection so that litter will not be carried or deposited by the elements upon any streets, sidewalk or other public or place.

Section 12-9. CLEARING OF LITTER.

Upon the failure or refusal of any owner or agent to properly dispose of litter, after reasonable notice, the Village may arrange for the disposing of such litter. The owner or agent shall be responsible for the cost of such work, in addition to the penalties set forth below.

State law reference-65 ILCS 5/11-20-13.

Section 12-10. 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 offense.

CHAPTER 13. SOLID WASTE AND RECYCLING

ARTICLE 1. IN GENERAL

Section 13-1. DEFINITIONS.

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

"Bags": Plastic sacks or receptacles designed to store household waste with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a bag and its contents shall not exceed 50 lbs.

"Base Rate": The minimum monthly charge assessed by the Village to each residential dwelling for basic household waste collection and disposal, and recycling services. The Base Rate shall be set by contract and shall not include the charge assessed for additional bags of household waste collected in addition to the first thirty (30) gallon bag for each household.

"Bulky Household Waste": Rubbish such as stoves, refrigerators, water heaters, washing machines, white goods, furniture and waste materials other than construction debris, dead animals, hazardous waste or stable matter with weights or volumes greater than those allowed for containers.

"Commercial Solid Waste": Garbage or refuse generated by a producer within the corporate limits other than a residential dwelling unit, including, but not limited to, multi-family dwellings, business, commercial or industrial producers.

"Construction Debris": Waste building materials resulting from construction, remodeling, repair, renovation and demolition operations.

"Residential Household Waste": Household waste generated by a producer at a residential dwelling unit.

"Residential Dwelling Unit": Any single or multi-family dwelling of _____ or less within the corporate limits of the Village.

"Rubbish": All non-putrescible solid wastes consisting of both combustible and noncombustible waste, including but not limited to paper, plastics, bottles, glass, cardboard, metal, cans, bricks, ashes, sod, dirt, rocks, cement, trees, wood, leather, and any other like materials small enough for one man to handle. Rubbish does not include yard waste, bulky household waste, dead animals, garbage, stable matter and hazardous wastes.

"Self-Adhesive Sticker": A sticker produced and printed for placement on each bag of household waste not included in the Base Rate charge to residential dwelling units.

"Stable Matter": All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock, or poultry enclosure, and resulting from the keeping of animals or livestock.

"Solid Waste": Garbage or rubbish.

"Volume based rates": Billing method that uses a base rate and a self-adhesive sticker to provide an incentive for producers to recycle and to more fairly apportion the costs of providing collection and recycling services.

"Yard Waste": Compostible, organic material consisting of dead plants, weeds, Christmas trees, tree or hedge trimmings, grass clippings and leaves, but excluding tree limbs over 2" in diameter and 48" in length.

ARTICLE 2. COLLECTION AND DISPOSAL

Section 13-2. FRANCHISE AUTHORITY.

The Village shall collect residential household waste from all residential dwelling units as defined. The Village, subject to Village Board authorization and approval, may collect solid waste itself or it may franchise the authority to collect commercial solid waste and/or residential solid waste to one or more contractors through the use of either competitive bidding or negotiated contracts. The Village shall also have the authority to regulate and/or to require all producers to separate recyclable materials from waste materials as a condition for collection.

Section 13-3. RESIDENTIAL SOLID WASTE COLLECTION.

Household waste collection from residential dwelling units shall be made only by the Village or designated contractors and only in the following manner:

- (a) Collection shall occur at least once every seven (7) days.
- (b) Collection shall be made curb-side or in a location mutually agreed between the Village Board and the Contractor.
- (c) Collections shall be from containers or bags no larger than thirty (30) gallons, larger containers or bags being subject to pick-up refusal, and enforcement action;
- (d) Billing for collection shall be made using volume based rates, and residents shall be encouraged, but not required, to separate household wastes from recyclable materials. However, household waste commingled with hazardous waste or yard waste shall be refused for collection and subject to enforcement action.
- (e) Participation in the Village's residential household waste collection program is mandatory and shall apply to all residential dwelling units.

Section 13-4. GARBAGE BAG STICKER.

Residential household waste collection charges shall be based on the dwelling unit's disposal volume. The Base Rate shall apply to each residential dwelling unit rate and shall apply to each residential dwelling unit rate and shall include the cost of disposal for one (1) 30-gallon bag of waste. Each additional 30-gallon bag of waste set by out for collection shall display a self-adhesive sticker at a rate and in a manner to be set by contract, and failure to do so shall be considered a violation of this ordinance. It shall be unlawful to tamper with, remove, change, alter or deface any sticker.

Section 13-5. STORAGE.

Residential household waste stored outside of a dwelling, garage or utility building must be placed in clean garbage containers with tight fitting lids at the rear of the dwelling unit or a suitable place out of public view. Filthy, leaking or defective containers shall be cleaned, repaired or replaced by the owner or occupant of the dwelling unit, at his or her expense. All containers shall be kept clean and disinfected with an antiseptic solution as often as necessary to prevent odors from becoming a nuisance. Neglect of these requirements or use of unsafe, unsanitary, or unsightly containers shall subject residential dwelling unit owners and/or occupants to enforcement action. Producers shall not allow solid waste to accumulate on their property past the established collection day.

Section 13-6. CONTAINER PLACEMENT.

Containers shall be placed at or near the curb in front of each dwelling unit where they can be seen from the street or road on scheduled pick-up days. The Village Board and the Contractor may mutually agree to a different location for pickup for the Village or parts of the Village. Garbage container bags placed for collection shall be tightly bound and closed by means of a staple or twist-tie. Containers may be placed by the curb or roadside no earlier than after dusk or 8:00 p.m., whichever is later, on the day prior to the scheduled residential waste collection. Containers must be returned to their dwelling or out of public view by 6:00 p.m. on the day of collection.

Section 13-7. COMMERCIAL STORAGE.

Institutional, commercial, business or industrial establishments, as well as apartment buildings of greater than 8 units, any of which produce solid waste within the corporate limits of the Village shall provide sufficient and adequate containers for the storage of all solid waste produced by such establishments. When bulk containers are provided by private firms, the name and telephone number of the firm shall be printed on the side. All containers shall be waterproof, leakproof and shall be covered at all times subsequent to depositing waste therein or removing the contents thereof. It shall be the responsibility of the owner, operator or manager of the establishment to see that they are maintained in a sanitary condition.

Section 13-8. COMMERCIAL DISPOSAL.

Establishments producing large quantities of solid waste and other refuse shall cause the removal and disposal of all such waste or refuse, from containers as often as necessary, but no less than every seven (7) days, to ensure a healthy environment around the establishments. Such establishments shall not allow solid waste or refuse to spill over from the container and they shall make arrangement for the proper removal and disposal of any such spillage.

Section 13-9. WASTE DESIGNATION.

The City of Freeport's Municipal Sanitary Landfill shall be the exclusive site for the processing and disposal of all solid waste collected by commercial solid waste collection firms within the geographical confines of the Village. The terms and conditions of this section shall be specified in an inter-governmental agreement between the Village and the City. A commercial solid waste collection firm violating this section shall be subject to a fine of not less than Two

Hundred Dollars (\$200.00), nor more than Five Hundred Dollars (\$500.00), with each day a violation occurs being a separate offense.

Section 13-10. REGULATIONS.

The provisions of any contract for the collection of solid waste and/or the collection of recyclable materials subsequently adopted to this ordinance shall be consistent with this Chapter. All contract provisions may by passage of a resolution of the Village Board be adopted by reference as if fully set forth herein. The Village Board may adopt additional regulations by resolution to implement the intent of this Chapter. The Chapter does not imply a right to a contract nor restrict the Village from insuring its rights by contract nor restrict the Village from insuring its rights by contract, including, but not limited to, contractual provisions regarding financial responsibility and the Village's rights to insure compliance with this Chapter and with its contract.

Section 13-11. PENALTY.

Whoever violates any provision of this ordinance or its regulations shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

ARTICLE 3. RECYCLING

Section 13-12. RECYCLING COLLECTION.

There is hereby established in the Village a curb-side recycling program operated by the Village or contractors of the Village for residential dwelling units to provide for the separation of designated recyclable materials and for placement of such materials in special designated recycling containers. The Village shall designate the special recycling containers to be used for the purpose of storing recycling materials on site at the residential dwelling unit and placement of those materials curb-side. Residents shall use only the Village designated recycling containers or a container approved by the contractor.

Section 13-13. RECYCLING CONTAINERS.

The Village shall provide specially labeled recycling containers to each residential dwelling unit. The Village shall maintain ownership of the containers. However, each residential dwelling unit shall be responsible for the normal and reasonable care of the recycling containers entrusted to the dwelling unit's care, and the cost of replacement of containers which are damaged or lost through misuse, misplacement, theft or neglect.

Section 13-14. PLACEMENT AND STORAGE OF RECYCLING CONTAINERS.

Recycling containers shall be stored on the residential dwelling unit's premises and may be placed at the dwelling unit's designated location for collection only during the time specified for household solid waste collection.

Section 13-15. RECYCLING MATERIALS.

The Village's recycling program shall provide, at minimum, for the collection of household metal, newsprint, corrugated cardboard, number one and number two plastic bottles which are separated from the waste stream and placed in the recycling container for collection on the regularly scheduled pick-up day. The Village Board may from time to time change the materials to be separated from the waste stream and include new materials in the recycling program, upon satisfactory evidence of a marketing outlet or disposal network for such materials. Residents shall be notified in writing and by public notice of any change in recycling materials collected from residential dwelling units. Such changes in collected materials shall be binding upon contractors.

Section 13-16. SCAVENGING PROHIBITED.

Once recyclable material has been placed in and along recycling containers, and set curbside or at the designated collection point, recycling materials become the property of the Village until lifted into the contractor's truck or recycling vehicle, at which time such materials shall be and become the property and responsibility of the contractor. It shall be unlawful for person, firms or corporations to remove any recyclable material set out or aside for collection.

Section 13-17. COST OF COLLECTION.

The cost of collection of recyclable materials shall be included within the Base Rate for household waste collection and disposal charged to residential dwelling units by the Village; no additional charges shall be levied on any residential dwelling unit as a condition of recycling collection. The revenue derived from the sale of recyclable materials shall be the contractor's revenue.

Section 13-18. ADDITIONAL RECYCLING PROGRAMS.

Institutions, firms, factories, businesses, commercial establishments, and apartment complexes that do not fit the definition of residential dwelling unit may be included in the Village's recycling program upon promulgation of regulations by the Village Board.

ARTICLE 4. YARD WASTE

Section 13-19. YARD WASTE DISPOSAL.

No producer of yard waste shall mix or commingle yard waste with solid waste or household waste or with any recyclable material. Any such commingling of yard waste or landscape waste is hereby prohibited. If the Freeport Municipal Landfill lifts its prohibition against commingling yard waste with solid waste, the Village Board may, by resolution, waive the prohibition established in this section.

The Village is empowered to contract a private firm, individuals or other public entities to operate a yard waste collection program either separately or in conjunction with the Village's residential household waste collection and recycling program.

CHAPTER 14. VEGETATION

ARTICLE 1. WEEDS

Section 14-1. NUISANCE.

All weeds determined to be noxious weeds by state law and applicable rules and regulations thereunder and vegetation, including grass and weeds exceeding eight (8) inches in height or eight (8) inches in length if matted down, not covered by Illinois Compiled Statutes, but which serve as a breeding place for mosquitoes and rodents are a menace to health and are hereby declared to be a public nuisance. Landscape shrubbery, ornamental plants and congestion plating are exempt when properly maintained.

Section 14-2. DUTY TO CUT.

All such brush, weeds, and vegetation shall be cut, pulled or sprayed and destroyed by the owner, lessee, tenant, occupant or person in control of the plot of ground, when their height or length, if matted down, exceeds eight (8) inches.

Section 14-3. FAILURE TO CUT.

If the owner, lessee, tenant, occupant or person in control of the plot of ground neglects or refuses to cut weeds so that such weeds shall exceed eight (8) inches in height, the Village may cut the weeds or authorize some person to cut the weeds on behalf of the Village. The owner shall be responsible for the costs associated with such cutting or removal.

Section 14-4. LIEN DECLARED.

If the charges for the cutting or removal of weeds by the Village are not paid, such costs or expenses are liens against the real estate affected. A notice of lien shall be sent to the owner setting forth the following:

- (1) A description of the real estate sufficient for identification thereof;
- (2) The amount of money representing the cost and expense incurred or payable for the services; and
- (3) The date when the cost and expense was incurred by the Village.

State law reference: 65 ILCS 5/11-20-7

Section 14-5. PENALTY.

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

ARTICLE 2. TREES AND SHRUBS

Section 14-6. PURPOSE.

It is declared to be the policy of the Village to regulate and control the planting of trees in the Village in order to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks, or property of the Village; to promote and enhance the beauty and general welfare of the Village; and to prevent damage to streets, curbs, sidewalks, or other public property. It is the intent of the Board of Trustees that the provisions of this Chapter shall apply to all trees growing or hereafter planted in or upon any land located within the Village.

Section 14-7. DEFINITIONS.

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

(a) "Private tree" means any tree located or to be planted on any property within the Village not otherwise classified as public tree.

(b) "Public tree" means any tree located or to be planted on any park, playground, or other property owned or controlled by the Village or on any public street, alley, sidewalk, or highway within the public right-of-way.

Section 14-8. PERMITS REQUIRED.

No person shall plant, transplant, or move a tree or shrub on public property without first obtaining a written permit for such work from the Board of Trustees. The permit shall be issued without charge and shall expire six (6) months after the date of issuance.

Section 14-9. PROXIMITY TO DRIVEWAYS, SIDEWALKS AND CURBS.

Trees shall not be planted within six (6) feet of any driveway, five (5) feet of any sidewalk, curb or curblin, or projection thereof.

Section 14-10. HEIGHT.

Trees and shrubs standing in any public right-of-way between the lot line and the curb or edge of the improved street or upon any adjacent private premises shall be kept trimmed by the owner of the premises upon or in front of which such trees or shrubs are standing, so that the lowest branches projecting over the public street or right-of-way provide a clearance of not less than fifteen (15) feet and over all other public places of not less than eight (8) feet. The Board of Trustees may waive the provisions of this section for newly planted trees if they determine that they do not interfere with public travel, obstruct the light of any streetlight or endanger public safety. Any tree or shrub not trimmed as provided in this section is hereby declared to be a public nuisance.

Section 14-11. OBSTRUCTING VISIBILITY AT INTERSECTIONS.

No person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more streets or alleys in the Village any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle approaching such intersection to the extent that such operator is unable to observe other vehicles or pedestrians approaching or crossing the intersection. Any such hedge, tree, shrub or growth is hereby declared to be a public nuisance.

In order to maintain clear vision at intersecting streets, no trees shall be planted closer than forty (40) feet from the intersecting property lines at street intersections in the approaching traffic lane and twenty (20) feet on the far side of the intersection.

Section 14-12. DEAD OR DISEASED SHRUBS AND TREES DECLARED NUISANCE.

Dead trees, tree branches or dead bushes and shrubs or other plants or parts thereof, as well as diseased plants of any type which threaten to spread disease to other plants or animals or harbor rodents or pests, are hereby declared to be a nuisance and unlawful.

Section 14-13. DUTY TO REMOVE.

It shall be the duty of every owner of a lot and of the occupant thereof including businesses, corporations, organizations and individual persons to remove all dead or infected plant materials from their lots.

Section 14-14. 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.

Village of Davis

Ordinance No. 2000-59

Tree Ordinance for the Village of Davis

Adopted by the

Davis Village Board of Trustees

This ____ Day of _____, 2000

TREE ORDINANCE FOR _____ ILLINOIS

BE IT ORDAINED by the Board of Trustees of the Village of _____
County of Stephenson, and State of Illinois:

SECTION 1. Definitions

Street trees: "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Village.

Park trees: "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Village, or to which the public has free access as a park.

SECTION 2. Creation and Establishment of a Tree Board

There is hereby created and established a Village of _____
Tree Board. It shall consist of 3 Village Trustees
appointed by the Village President with the approval of the
entire board.

SECTION 3. Term of Office

The term of office shall 1-4 years depending on the trustees
term of office.

SECTION 4. Compensation

Members of the _____ Tree Board shall serve without
compensation other than that recieved as Village Trustees.

SECTION 5. Duties and Responsibilities

It shall be the responsibility of the Board to study,
investigate, council and develop and/or update as required,
and administer a written plan for the care, preservation,
pruning, planting, replanting, removal or disposition of
trees and shrubs in parks, along streets and in other public
areas. Such a plan will be presented to the Board of
Trustees and upon their acceptance and approval shall
constitute the official comprehensive tree plan for the
Village of _____

The _____ Tree Board, when requested by the Village Board,
shall consider, investigate, make finding, report and
recommend upon any special matter of question coming within
the scope of its work.

SECTION 6. Operation

The _____ Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said tree is in accordance with Section 7 through 11 of this ordinance.

SECTION 13. Tree Topping

It shall be unlawful as a normal practice of any person, firm, or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back on limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the _____ Tree Board.

SECTION 14. Pruning, Corner Clearance

Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

No Conifers (evergreen) trees shall be planted any closer than 45 feet from any street corners, or near any driveway where they could obstruct the view of the street and oncoming traffic. The same is true for trees which have a bushy growing style.

SECTION 15. Dead or Diseased Tree Removal on Private Property

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village when such trees constitute a hazard to life and property, or harbor insects and disease which constitute a potential threat to other trees within the Village. The

not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) per offense.

SECTION 21. This ordinance shall be in full force and effect from and after ten day from the publication thereof.

SECTION 22. It is the intention of this Ordinance that it shall apply only to trees that are located on Village property. This shall include property that is owned by the Village outright such as parks and areas such as parkways and curbing areas that adjoin streets and shall be considered for purposes of this Ordinance to be Village property.

PASSED and APPROVED this _____ day of _____, A. D. _____

Village President

ATTEST

Village Clerk

Official Street Tree List

Small Trees (30Ft)

Flowering Crabapple	Maple, Amur	Redbud
Hornbeam, American	Maple, Japanese	Serviceberry
Hornbeam, Eastern Hop	Mountain Ash, European	
Hawthorn (thornless)	Purple Leaf Plum	

Medium Trees (30ft - 40ft)

Bradford Pear	Maple, Red (cultivars)
Corktree, Amur	Maple, Schwelder
Linden, Littleleaf (cultivars)	Maple, Crimson King
Linden, Redmond	Japanese Pagodatree
Maple, Norway (cultivars)	Birch, River

Large Trees (Over 40 ft)

Ash, White (cultivars)	Honeylocust (thornless)
Ash, Green (cultivars)	Linden (cultivars)
Basswood	Maple, Sugar (cultivars)
Bald Cypress	Oak, Northern Red
Beech, American	Oak, Bur
Beech, European	Oak, White
Coffeetree, Kentucky	Oak, Chinquapin
Gingko (male)	Yellow Poplar
Hackberry, Common	Horse Chestnut, Common

Shrubs

Yews	Junipers
Dogwoods	Eyonymus
Arborvitaes	Viburnums
Cranberry, High Bush	Mugho Pine

Evergreen Trees

Cedar, Eastern Red	Spruce, Colorado
Fir, Concolor	Spruce, Norway
Hemlock	Spruce, White
Larch, American	Spruce, Serbian
Larch, European	Pine, Austrian
Pine, Red	Pine, White



Village of
Davis
Arbor Day Proclamation

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, I, _____ President of the Village of Davis
do hereby proclaim from this day forward the last Friday in April as

ARBOR DAY

in the Village of Davis and I urge all citizens to support efforts to protect our trees and woodlands and to support our city's urban forestry program, and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

DATED 4/28/00

Bradley Meiner

CHAPTER 15. OUTSIDE BURNING

Section 15-1. GENERALLY.

(a) Outside burning may be carried on only in a covered metal container or incinerator having adequate openings in the bottom to insure good combustion.

(b) No burning device may be located within three (3) feet of any property line, public street or sidewalk, or within ten (10) feet of any combustible material.

(c) Only paper, paper goods or cardboard may be burned in an outdoor burning device.

(d) Paper, paper goods and cardboard shall be placed in a burning device and burned only when any resultant fire hazard will be minimized.

(e) No burning device shall be used for the storage of rubbish.

(f) Every burning device must be clean and in good repair in order that safe burning may be carried out with a minimum nuisance to the neighborhood.

(g) No substance that gives off noxious smoke, such as drugs, chemicals, home wastes and animal wastes shall be burned.

Section 15-2. PERMIT REQUIRED FOR OTHER FORMS OF OUTSIDE BURNING.

Any other form of outside burning shall require a permit from the Village Board of Trustees.

Section 15-3. EXEMPTIONS.

The following activities are not in violation of this Chapter unless they cause air pollution as defined in section 9(c) of the state Environmental Protection Act of 1970:

(a) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the Board of Trustees.

(b) The burning of fuels for legitimate campfire, recreational, and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws.

(c) Small open flames for heating tar, for welding, acetylene torches, highway safety flares, and the like.

(d) The burning of leaves shall be permitted on private property from April 1 through June 1 and October 1 through December 1 between the hours of 8:00 a.m. and 8:00 p.m. Leaves cannot be burned on public streets or property, sidewalks, or close to any building so as to create a fire hazard and must be attended by an adult at all times.

Section 15-4. PENALTY.

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

CHAPTER 16. GAMES OF CHANCE

Section 16-1. DEFINITIONS.

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

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

(b) "Raffle" means a form of lottery, conducted by an organization licensed under this ordinance, in which:

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

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

(c) "Non-Profit" means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

(d) "Charitable" means an organization or institution organized and operated to benefit an indefinite number of the public. The services rendered to those eligible for benefits must also confer some benefit on the public.

(e) "Education" means an organization or institution organized and operated to provide systematic instruction in the useful branches of learning by methods common to schools and institutions of learning which compare favorable in their scope and intensity with a course of study presented in tax supported schools.

(f) "Religious" means any church, congregation, society, or organization founded for the purpose of religious worship.

(g) "Fraternal" means an organization of persons having a common interest, the primary interest of which is to promote the welfare of its members and provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.

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

(i) "Labor" means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

Section 16-2. GENERAL PROVISIONS.

(a) The Village Board hereby establishes the following limitations in the conduct of operating the raffles licensed under this ordinance.

- (1) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed \$30,000.00.
- (2) The maximum retail value of each prize awarded by licensee in a single raffle shall not exceed \$12,000.00.
- (3) The maximum price which may be charged for each raffle chance issued or sold shall be \$10.00.
- (4) The maximum number of days during which chances may be issued or sold shall be 120.

(b) The license fee for each raffle conducted pursuant to this ordinance shall be \$10.00. The Village Board shall act on a license application within thirty (30) days after the date of that application. This fee may be waived by approval of the Village Board.

(c) The license issued under this ordinance shall authorize the sale of raffle chances only within the corporate limits of the Village of Davis, Illinois.

(d) Licenses shall be issued only to bonafide religious, charitable, labor, fraternal, education or veterans organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years immediately before making application for a license and which has had during that entire five (5) year period a bonafide membership in carrying out their objectives.

Section 16-3. LICENSES.

Licenses issued under this ordinance are subject to the following restrictions:

(a) No person, firm or corporation shall conduct raffles or chances without first having obtained a license therefore pursuant to this ordinance.

(b) The license and application for licenses must specify the area or areas within the Village in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of the winning chances and the location or locations at which winning chances will be determined.

(c) The license application must contain a sworn statement attesting to the not-for-profit character of the prospective licensing organization signed by the presiding officer and the secretary of that organization.

(d) A license issued under this ordinance shall be only to conduct raffles as defined in this ordinance. Each license is valid for one raffle only.

The following are ineligible for any license under this ordinance:

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

- (2) A person who is or who has been a professional gambler or gambling promoter;
- (3) Any person who is not of good moral character;
- (4) Any firm or corporation in which a person defined in (1), (2), or (3) has a proprietary, equitable or credit interest, or in which such person is active or employed;
- (5) Any organization in which a person defined in (1), (2), or (3) is an officer, director, or employee, whether compensated or not;
- (6) Any organization in which a person defined in (1), (2), or (3) is to participate in the management or operation of a raffle as defined in this ordinance.

Section 16-4. CONDUCT OF RAFFLES.

The conducting of raffles is subject to the following further restrictions:

- (a) The entire net proceeds of any raffle must exclusively be devoted to the lawful purpose of the organization permitted to conduct the raffle.
- (b) No person except a bonafide member of the sponsoring organization may participate in the management or operation of the raffle.
- (c) No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (d) A licensee may rent a premise on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this ordinance.
- (e) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.
- (f) No person under the age of 18 years may participate in the conduction of the raffles or chances. A person under the age of 18 years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

Section 16-5. MANAGER OF RAFFLE.

(a) All operation and conduct of the raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in a sum equal to the estimated gross revenue of the raffle in favor of the organization, conditioned on his honesty and performance of his duties. The bond shall provide that notice shall be given in writing to the Village Clerk on behalf of the Village Board not less than thirty (30) days prior to its cancellation. The Village Board may waive this bond requirement by including a waiver provision in the license issued to an organization under this ordinance (provided that a license containing such waiver provision shall be granted only by an unanimous vote of the members of the licensed organization).

Section 16-6. RECORDS.

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

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

(c) Each organization licensed to conduct a raffle shall within thirty (30) days after the conclusion of each raffle report to its membership, and to the Village Board, by filing a written report with the Village Clerk, its gross receipts, its expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required in this section.

(d) Records required by this section shall be preserved for three (3) years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

Section 16-7. OTHER ACTIVITIES.

Nothing in this ordinance shall be construed to authorize the conduction or operation of any gambling scheme, enterprise, activity or device other than raffles as provided herein.

Section 16-8. PENALTY.

Whoever violates any provision of this ordinance shall be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each violation.

ORDINANCE NO. 2012 - 9-1

AN ORDINANCE AMENDING CHAPTER 16
OF THE CODE OF ORDINANCES OF
THE VILLAGE OF DAVIS

Adopted by the Village of Davis
this 11th day of September, 2012

Published in pamphlet form by the Board of Trustees
of the Village of Davis, Illinois the 11th day of September, 2012

VILLAGE OF DAVIS, ILLINOIS: ORDINANCE NO. 2012 - 9-1

AN ORDINANCE AMENDING CHAPTER 16 OF THE
CODE OF ORDINANCES OF THE VILLAGE OF DAVIS

WHEREAS, Chapter 16 of the Municipal Code (the "Code") of the Village of Davis, Illinois (the "Village") generally prohibits gambling within the Village limits other than raffles, as provided therein; and

WHEREAS, the Illinois General Assembly passed into law the Video Gaming Act, codified at 230 ILCS 40/1, *et seq.* (the "Video Gaming Act"), permitting the limited use of video gaming terminals at particular establishments within the State of Illinois; and

WHEREAS, the Board of Trustees of the Village recognize that the Video Gaming Act sets regulations over the licensing, registration, placement, number and usage of video gaming terminals and that the Illinois Gaming Board monitors the use and activity of such video gaming terminals; and

WHEREAS, the Video Gaming Act provides for enhanced law enforcement oversight and control of video gambling by eliminating video gaming devices that have historically operated in locations across the State of Illinois without any oversight; and

WHEREAS, the Video Gaming Act provides for revenue sharing wherein the Illinois Department of Revenue is required to allocate among municipalities of the State of Illinois that authorize video gaming terminals at licensed establishments within their respective corporate boundaries a portion of the tax revenue generated from video gaming terminals within the eligible municipality; and

WHEREAS, all tax revenue generated from licensed video gaming terminals within the Village which would be allocated and paid to the Village pursuant to the applicable provisions of Video Gaming Act may be used for any general corporate purposes authorized by the Village, thereby providing opportunity to enhance the economic development of the Village; and

WHEREAS, the Board of Trustees of the Village, after due consideration, have determined that it is advisable and in the best interest of the Village and its residents to amend the Village Code to permit licensed video gaming terminals, as defined by the Video Gaming Act, within the corporate limits of the Village.

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 16-7 (Other Activities) and Section 16-8 (Penalty) of Chapter 16 of the Village Code are hereby deleted in their entirety and the following new Sections 16-7, 16-8 and 16-9 substituted in lieu thereof:

Section 16-7. Other Gambling Activities.

Licensed Video Gaming.

A. Definitions. All definitions contained in the "Video Gaming Act," of the State of Illinois (230 ILCS 40/1, *et seq.*), including any subsequent amendments thereto, are hereby incorporated herein by this reference, as though set forth at length herein, and shall apply to the terminologies indicated whenever they are used in this Chapter, unless the context clearly indicates or requires a different meaning. Reference is hereby particularly made to the definitions in the Vide Gaming Act of "video gaming terminal," "licensed establishment," "licensed fraternal establishment," and "licensed veterans establishment."

B. Video Gaming Devices Prohibited Unless Licensed by State. The possession, placement, maintenance, operation, or use of a video gaming terminal in a public place within the corporate boundaries of the Village is prohibited, unless such video gaming terminal is licensed by the State of Illinois and such possession, placement, maintenance, operation or use is conducted in full compliance with all rules, regulations and restrictions imposed by the Video Gaming Act (230 ILCS 40/1, *et seq.*), including any subsequent amendments thereto, the provisions of this Chapter, as well as all federal and Illinois laws and regulations.

C. License Requirements. To operate a video gaming terminal in a public place within the corporate boundaries of the Village, each licensed establishment, licensed fraternal establishment, and licensed veterans establishment, shall possess a valid liquor license issued by the Village and a valid liquor license issued by the Illinois Liquor Control Commission, both of which must be in effect at the time of application and at all times thereafter during which a video gaming terminal is made available to the public for play at that location. In addition, a license issued by the Village shall be required annually for the operation of each video gaming terminal made available to the public for play. The license fee shall be \$25.00 per terminal, per year. The term of each license year shall run from the 1st day of July through the 30th day of June in the following year. Each license issued later than July 1 shall terminate on the 30th day of June, but said license fee shall not be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. There shall be no refund to owners of licenses that are canceled or revoked prior to expiration for any reason. The annual license fee shall be paid in advance of the ensuing license year. No license shall be issued to the applicant until payment in full for such license is received by the Village. The burden is upon each licensed establishment to demonstrate its

suitability for licensure. A license shall be purely a personal privilege, good for a time period not to exceed one (1) year after issuance, unless sooner revoked as provided by law, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferrable, voluntarily or involuntarily, or subject to being encumbered.

D. Regulations Governing Licensed Establishment Operating Video Gaming Terminals. The following regulations shall apply to the possession, placement, maintenance, operation, or use of a video gaming terminal in a public place within the corporate boundaries of the Village:

(i) No more than five (5) video gaming terminals may be located on the licensed establishment's premises.

(ii) Other than having up to five (5) video gaming terminals with valid video gaming licenses, a licensed establishment is prohibited from having, anywhere on its premises, any electronic video gaming machine that may be available to play or simulate the play of poker, line up, blackjack, faro, roulette, craps, slots, or any other card or dice game or other game of chance, or that is otherwise akin to a gambling or gambling device as defined in Article 28 of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/28-1, *et seq.*), even if solely for amusement purposes.

(iii) All video gaming terminals must be located in an area restricted to persons twenty-one (21) years of age or older. An entrance to such area, must, at all times, be within the view of at least one (1) employee who is at least twenty-one (21) years of age.

(iv) No licensed establishment may cause or permit any person under the age of twenty-one (21) years to use, play or operate a video gaming terminal.

(v) No video gaming terminal may be operated except during the legal hours of operation allowed for the consumption of alcoholic beverages at the licensed establishment pursuant to Chapter 8 of the Village Code.

(vi) The use and operation of video gaming terminals shall in all other respects conform with the Illinois Video Gaming Act (230 ILCS 40/1, *et seq.*), all rules and regulations promulgated by the Illinois Gaming Board, and all other applicable laws and regulations of the State of Illinois.

E. Revocation/Suspension of Village License. The Board of Trustees of the Village may revoke or suspend any video gaming establishment license issued by the Village if it determines that the licensed establishment has violated any of the provisions of this Chapter or any of the provisions of Chapter 8 of the Village Code. No

license(s) shall be so revoked or suspended, except after a hearing before the Board of Trustees, with a three (3) day written notice to the licensed establishment, affording the licensed establishment an opportunity to appear and defend. Notwithstanding the foregoing, any licensed establishment that has its liquor license revoked or suspended by the Village or by the State of Illinois Liquor Control Commission, or has its video gaming license revoked or suspended by the Illinois Gaming Board, shall automatically, without a hearing before the Board of Trustees of the Village, have its Village video gaming establishment license(s) revoked or suspended for the same time-frame as its liquor and/or Illinois Gaming Board gaming license(s) is/are suspended, whichever the case may be.

Section 16-8. All Other Gambling Activities Prohibited.

It is unlawful to gamble by any method within the corporate boundaries of the Village, except as permitted under the limited exceptions set forth in this Chapter 16 and in subsection (b) of Section 5/28.1 of Article 28 of the Illinois Criminal Code of 1961, as amended (720 ILCS 5/28-1(b)), including any subsequent amendments thereto. All applicable and pertinent provisions of 720 ILCS 5/28-1, *et seq.* are incorporated herein by reference, provided that if the provisions of the Village Code conflict with or contravene any applicable and pertinent provisions of 720 ILCS 5/28-1, *et seq.* the provisions of the Village Code shall control.

Section 16-9. Penalty.

Whoever violates or fails to comply with any of the provisions of this Chapter 16, including any provision of any statute or code adopted by reference in this Chapter 16, and including any rule or regulation promulgated under authority of any such statute or code adopted by reference in this Chapter 16, 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 16 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, 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 sections or provisions, which shall remain in full force and effect thereafter.

PASSED THIS 11th DAY OF September, 2012, BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DAVIS, ILLINOIS.

VILLAGE TRUSTEES	AYE VOTE	NAY VOTE	ABSTAIN/ABSENT
Scott Miller	✓		
Brad Ward	✓		
Tom Lizka			✓
Mary Zabeski	✓		
Greg Thomas	✓		
Norm Trussel	✓		
TOTAL VOTES	5		1

APPROVED: Bradley C. Meinert, Date: 9/11, 2012
 Bradley C. Meinert, Village President

ATTEST: Kimberly K Satness, Date: 9/11, 2012
 Village Clerk

Date Published: 9/11/12

Date Effective: 9/11/12

ORDINANCE NO. 1999-2

AN ORDINANCE OF THE VILLAGE OF DAVIS PROHIBITING THE SOLICITATION AND ACCEPTANCE OF GIFTS AND ADOPTING THE STATE GIFT BAN ACT (5 ILCS 425/1 ET. SEQ.; P.A. 90-737)

WHEREAS, the General Assembly has enacted the State Gift Ban Act (P.A. 90-737; House Bill 672; 5 ILCS 425/1 et seq.), which became effective on January 1, 1999; and

WHEREAS, Section 83 of the Act (5 ILCS 425/83) provides in pertinent part:

Within 6 months after the effective date of this Act, units of local government, home rule units, and school districts shall prohibit the solicitation and acceptance of gifts, and shall enforce those prohibitions, in a manner substantially in accordance with the requirements of this Act and shall adopt provisions no less restrictive than the provisions of this Act.

WHEREAS, in preparing to meet the mandatory July 1, 1999, deadline, imposed by the Act, the President and Board of Trustees of the Village of Davis have determined that the Act contains several procedural and substantive defects and several ambiguities and inconsistencies which make compliance with the dictates of Section 83 of the Act difficult and perhaps impossible; and

WHEREAS, while the Illinois Municipal League has requested the General Assembly to amend and clarify the Act so Illinois municipalities may have clear guidance in bringing themselves into compliance with the Act, it has become apparent that a legislative response will not be provided prior to the deadline imposed by Section 83; and

WHEREAS, the corporate authorities of the Village of Davis, in an effort to comply with the action required by Section 83, hereby pass and approve this Ordinance to bring the Village of Davis in compliance with the dictates of the Act; and

WHEREAS, the corporate authorities of the Village of Davis strongly encourage the General Assembly to take immediate action to clarify the procedural and substantive provisions of the Act so elected and appointed officials and the employees of Illinois municipalities will have clear and unequivocal ethical procedures and rules that will control their conduct.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF DAVIS, ILLINOIS, AS FOLLOWS:

SECTION 1: The Code of Ordinances of the Village of Davis is hereby amended with the addition of the following provisions:

I.

State Gift Ban Act

Sec. A-101. Adoption of Act.

- (a) The State Gift Ban Act (5 ILCS 425 et seq.) is hereby adopted as required by Section 83 of the Act (5 ILCS 425/83).
- (b) The solicitation or the acceptance of gifts prohibited to be solicited or accepted under the Act is prohibited by any elected or appointed official or any employee of the Village. All non-salaried appointed or elected officials are exempted from the Act and the provisions of this Ordinance.

Sec. A-102 Ethics Officer.

To the extent authorized by law and to the extent required by Section 35 of the Act (5 ILCS 425/35), the Village President is authorized to appoint an "ethics officer" of the Village. The ethics officer's duties shall be as provided in Section 35.

Sec. A-103 State and Legislative Commission; Complaints.

All complaints for violations of the Act and this Ordinance shall be filed with the State legislative ethics commission (created by Section 45(a)(6) of the Act).

Sec. A-104 Future Amendments to State Gift Ban Act.

Any amendment to the State Gift Ban Act (5 ILCS 425/1 et seq.) that becomes effective after the passage of this Ordinance shall be incorporated into this Ordinances by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Ordinance by reference without formal action by the corporate authorities of the Village.

Sec. A-105 Future Declaration of Unconstitutionality of State Gift Ban Act.

- (a) If the Illinois Supreme Court declares the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional in its entirety, then this Ordinance shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The Ordinance shall be deemed as repealed without further action by the corporate authorities

of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(b) If the Illinois Supreme Court declares part of the State Gift Ban Act (5 ILCS 425/1 et seq.) unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Ordinance shall remain in full force and effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

SECTION 2: This Ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED this 8th day of June, 1999.

Kimberly K Satness
VILLAGE CLERK

Roll Call Vote

Voting in favor: 5

Voting against: -0-

Not voting: -0-

APPROVED this 8th day of June, 1999

Bradley Mement
PRESIDENT

PUBLISHED in pamphlet form this 8th day of June, 1999

Kimberly K Satness
VILLAGE CLERK

PREPARED BY AND APPROVED AS TO FORM:

VILLAGE ATTORNEY

CHAPTER 17. PEDDLERS, SOLICITORS, AND VENDORS

ARTICLE 1. IN GENERAL

Section 17-1. PEDDLING OR SELLING ON STREETS.

It is unlawful for any person to peddle or sell merchandise on any ways.

ARTICLE 2. CHARITABLE SOLICITATIONS

Section 17-2. DEFINITIONS.

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

(a) "Charitable solicitation" means conduct whereby a person solicits property, financial aid, gifts in money, donations, contributions, any article representing monetary value, sells, or offers to sell, a product, article, tag, service, publication, ticket, advertisement, or subscription on the plea or representation, whether expressed or implied, that the proceeds from the solicitation or sale are for a charitable purpose.

(b) "Charitable purpose" means the use of money or property for the benefit of any charitable, religious, benevolent, human philanthropic or patriotic purpose.

Section 17-3. PROHIBITED ACTIONS.

(a) It shall be unlawful for any person to ring a bell or knock on a door, or otherwise enter a dwelling for the purpose of engaging in charitable solicitation when notice, bearing the words, "No Solicitors," or words of similar import indicating that such persons are not wanted on such premises, is painted, affixed, or otherwise exposed to public view.

(b) It shall be unlawful for any person to engage in charitable solicitation between the hours of 8:00 p.m. and 9:00 a.m.

(c) It shall be unlawful for any person engaged in charitable solicitation to fail, at the outset, to disclose honestly and correctly to the prospective donor his/her name and the name of the firm, organization or corporation he/she represents.

(d) It shall be unlawful for any person engaged in charitable solicitation to employ any ruse, plan, or scheme, or make any assertion, representation, or statement of fact which misrepresents the purpose of his/her call.

(e) It shall be unlawful for any person to engage in charitable solicitation after having been asked by the owner, manager, or occupant of the dwelling to leave such premises.

(f) It shall be unlawful for any person engaged in charitable solicitation to fail to provide at the request of the donor a written receipt acknowledging a contribution and personally signed by the person accepting such contribution.

(g) It shall be unlawful for any person engaged in charitable contributions to use threats, expressed or implied, or coercion as an inducement to obtain a contribution.

(h) It shall be unlawful for any person engaged in charitable solicitation to continue efforts to obtain a contribution when specifically requested to discontinue such efforts by the prospective contributor.

ARTICLE 3. DOOR-TO-DOOR VENDORS

Section 17-4. DEFINITIONS.

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

"Commercial home merchandising" means the selling, offering to sell, soliciting, taking orders, canvassing, offering services of any kind, character, or description, or making demonstrations of any goods, wares, chattel, or things of value for immediate delivery or to be delivered or performed in the future, by any person who goes from house to house or residential dwelling to residential dwelling within the Village.

Section 17-5. PROHIBITED ACTS.

(a) It shall be unlawful for any person to ring a bell or knock on a door, or otherwise enter a dwelling for the purpose of engaging in commercial home merchandising when notice, bearing the words, "No Solicitors," or words of similar import indicating that such persons are not wanted on such premises, is painted, affixed, or otherwise exposed to public view.

(b) It shall be unlawful for any person to engage in commercial home merchandising between the hours of 8:00 p.m. and 9:00 a.m.

(c) It shall be unlawful for any person engaged in commercial home merchandising to fail, at the outset, to disclose honestly and correctly to the prospective buyer his/her name and the name of the firm, organization or corporation he/she represents.

(d) It shall be unlawful for any person engaged in commercial home merchandising to employ any ruse, plan, or scheme, or make any assertion, representation, or statement of fact which misrepresents the purpose of his/her call.

(e) It shall be unlawful for any person to engage in commercial home merchandising after having been asked by the owner, manager, or occupant of the dwelling to leave such premises.

(f) It shall be unlawful for any person engaged in commercial home merchandising to fail to provide, at the request of the purchaser, a written receipt, which receipt shall be signed by the person making the sale and set forth a brief description of the goods or services sold, the total purchase price thereof, amount of cash payment, if any, and the balance due and terms of payment, if any.

(g) It shall be unlawful for any person engaged in commercial home merchandising to use threats, expressed or implied, or coercion as an inducement to make a sale.

(h) It shall be unlawful for any person engaged in commercial home merchandising to continue efforts to make a sale when specifically requested to discontinue such efforts by the prospective buyer.

(i) It shall be unlawful for any person engaged in commercial home merchandising to misrepresent the right of a buyer to rescind or cancel a sale under state and/or federal law.

(j) It shall be unlawful for any person engaged in commercial home merchandising to represent that goods or services have sponsorship, approval, characteristics, ingredient, uses, benefits, or qualities that they do not have or that a person has sponsorship, approval, status, qualification, affiliation, or connection with an individual, organization, firm, or corporation, that he/she does not have.

(k) It shall be unlawful for any person engaged in commercial home merchandising to represent that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or qualities that they do not have or that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand.

(l) It shall be unlawful for any person engaged in commercial home merchandising to make false or misleading representations concerning the availability of credit or the nature of the transaction or obligation incurred.

(m) It shall be unlawful for any person engaged in commercial home merchandising to advertise or attempt to sell his/her goods, wares, merchandise, chattel, things of value, or services of any kind, character, or description, by any type of public outcry, including the use of mechanical means.

Section 17-6. FURTHER PROHIBITIONS.

It shall be unlawful for any person engaged in commercial home merchandising to:

- (1) Obstruct any public street, public highway, public sidewalk, or public alley or way, or any other public place or building by hindering, or impeding or tending to hinder or impede, the free and uninterrupted passage of vehicles, traffic, or pedestrians;
- (2) Commit in or upon any-public street, public highway, public sidewalk, alley, or public way or any other public place or building, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public place or building, which prevents the free and uninterrupted ingress, egress, or regress therein, thereof, and thereto, and no person shall, by his presence or by other means, either alone or in consort with others, interfere with or interrupt the conduct of business in the offices located in such buildings; or
- (3) Obstruct or interfere with the free and uninterrupted use of private residential property as a residence by hindering or impeding, or

tending to hinder or impede, the free, uninterrupted passage of vehicles or persons.

Section 17-7. REGISTRATION REQUIRED.

Any person who engages in commercial home merchandising must, before commencing the commercial home merchandising, do the following:

- (1) Register with the Village Clerk five (5) working days before commencing any commercial home merchandising within the Village and provide the Village Clerk with the following information:
 - a. Full name, date of birth, and social security number of the individual who is to engage in the commercial home merchandising.

Section 17-8. EXEMPTION OF NOT-FOR-PROFIT GROUPS

Not-for-profit organizations, as defined in Chapter 16, shall be exempt from the registration requirements of this ordinance.

ARTICLE 4. PENALTIES.

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.

CHAPTER 18. VILLAGE PARK

Section 18-1. HOURS.

The Village Park shall be closed from sundown in the evening until daybreak the following morning. No person shall remain in the Park after closing time unless such person has obtained written permission from the Village Board to do so.

Section 18-2. ANIMALS.

(a) No person shall bring a dog, cat or other animal within the Park unless such animal is on a leash or otherwise restrained.

(b) No person shall ride, lead or allow to be loose within the Park, any horse, pony or other riding animal.

(c) Any person who brings a dog, cat or other animal within the Park shall pick up, remove, and deposit into an appropriate receptacle, any excrement deposited by such animal.

Section 18-3. CAMPING.

No person shall place, erect, or use any hammock, tent, or shelter or otherwise camp or sleep in the Park except such persons or groups who may have received written permission from the Village Board to do the same.

Section 18-4. FIRES.

No person shall light or make use of any fire in the Park, except in existing cooking grills provided by the Village. Every such fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is completely extinguished and all coals have cooled.

Section 18-5. TENNIS COURT USE.

Individuals using the tennis courts shall change every hour on the hour unless no other individuals are waiting to use said courts.

Section 18-6. INTOXICATION.

No person, under the influence of intoxicating liquor or narcotic drugs, shall enter or remain in the Park, nor shall any person bring within, possess, drink, sell, or transfer any intoxicating liquors or narcotic drugs in the Park. This section shall not apply to wine intended for use and used by any church or religious organization for sacramental purposes.

Section 18-7. PROTECTION OF PROPERTY.

(a) No person shall mark, injure, damage, destroy or take in any way Park property or the property of others in the Park. No person shall discharge any injurious substance upon property of any kind in the Park. No person shall climb upon any plants, fence, structure or property of any kind in the Park, except such recreational equipment as may be installed by the Village Board for such purposes.

Section 18-8. REFUSE.

No person shall deposit any garbage, refuse or other material of any kind within the Park. Paper, glass, cans, garbage and other refuse of every kind, resulting from picnics or other proper use of the Park shall be deposited only in receptacles provided for that purpose, and no person shall litter, or cause the Park to be littered in any way.

Section 18-9. WEAPONS.

No person shall bring, carry or use in any way, knives, firearms, air-guns, or other weapons of any kind, or any fireworks or other explosive substances of any kind in the Park. No person shall throw, cast, or shoot stones, arrows or other missiles of any kind within the Park, except at such place and times as the Village Board may designate for such purposes.

Section 18-10. KEEP TO DRIVES.

No person shall drive any automobile, truck, motorcycle, snowmobile, skateboard or motorized vehicle within the Park, except upon the parking lots and roadways provided for driving or parking the same.

Section 18-11. PARKING.

No person shall park or place any vehicle or other property of any kind within the Park so as to obstruct traffic or travel, or endanger the public safety. Further, no person shall park any vehicle in any of the following places, except where otherwise designated: (1) on lawn areas and grounds; (2) in front of public or private driveways; (3) in any position to block another car legally parked.

Section 18-12. PARKING LOT.

No person shall park any vehicle in the parking lot of the Park beyond the normal closing time of the Park except where an individual is attending a function where permission has been granted for a later closing hour by the Village Board.

Section 18-13. 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.

CHAPTER 19. NEW SUBDIVISIONS

Section 19-1. INTERPRETATION AND PURPOSE OF CHAPTER.

(a) The provisions of this chapter shall be held to be minimum requirements, adopted to promote the health, safety, and the convenience of the public and to lessen congestion and further the orderly layout and use of land.

(b) It is not intended by this chapter to repeal or impair any existing easement, covenant, or agreement between parties, or permits previously adopted or issued pursuant to the ordinances or resolutions of the Village and the state statutes; provided however, that where this chapter imposes a greater restriction upon the development of land than required by other rules, regulations or permits, the provisions of this chapter shall govern.

Section 19-2. DEFINITION OF SUBDIVISION.

The term "subdivision", as used herein, means the division of a parcel of land into two (2) or more parts, any of which parts is less than five (5) acres, said division being for the purpose of ownership transfer or building development.

Section 19-3. APPROVAL OF PLANS REQUIRED.

No land shall be subdivided and no street or other public space shall be laid out within the Village of Davis until the plans for such subdivision or street or other public space have been approved by the President and Board of Trustees. Such approval must be in writing or stamped on such plans. Such plans shall first be submitted to the Zoning Board of Appeals for its recommendation to the President and Board of Trustees.

No lot, tract, or parcel of land within any subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given, until such subdivision plans have been formally approved by the President and Board of Trustees.

Section 19-4. COPY OF PLAT.

Any person hereafter subdividing any parcel of land, block, lot or sub-lot or any part thereof in the Village, or outside its corporate limits but within one and one-half miles thereof, shall make a map or plat thereof, and before recording the same in the Recorder's Office of the County, shall submit it with a duplicate thereof, to the President and Board of Trustees for approval or rejection. No such map or plat shall be approved as aforesaid until the same shall have been properly certified by a surveyor and acknowledged by the owner. If approved, such approval shall be certified thereon, and signed by the President and attested by the Clerk; and no such map or plat shall be valid or entitled to record until it shall have been approved as aforesaid.

Section 19-5. CUSTODY OF PLATS.

The duplicate of such plat shall be kept on file with the Clerk.

Section 19-6. TAXES.

There shall be no delinquent taxes or assessments against the property within the subdivision at the time the plat is approved.

Section 19-7. REQUIREMENTS FOR PLANS.

All plans for the subdivision of land and the laying out of streets and other public places shall conform to the following:

(a) All plans submitted for approval shall be in triplicate, drawn to a scale of not more than one hundred (100) feet to the inch, and shall be clearly and neatly drawn. Preliminary or tentative plans may be first submitted before the final plans are prepared.

(b) All final plans shall indicate the proposed street line, sidewalk lines, lot lines, building lines and all property or subdivision boundaries.

(c) In accordance with an accurate land survey, the final plans shall also indicate the controlling points and lines around and within the subdivision itself, and also by distance, bearings and angles, the relation of such controlling survey points within or near the Village.

(d) All survey monuments shall be indicated, and there shall be at least one (1) permanent monument placed at each property corner of the subdivided area, and at least one (1) at each street intersection. Such monuments shall be placed when the surveys are made and shall consist of one-inch iron pipe driven at least two (2) feet into the ground and preferably embedded in concrete.

(e) Sufficient topography shall be shown to indicate the natural drainage and the probable finished grades of streets.

(f) All existing and proposed streets and alleys and other public places shall be shown, with the width and type of pavement or surfacing, and all other important features.

(g) Sufficient information shall be drawn to scale on the plans to indicate the relation of the proposed streets and other public places in the present street system of the Village.

(h) The dimensions of all lots, subdivisions and re-subdivisions of lots shall be indicated.

(i) The proposed use of each lot, or group of lots, or subdivision, shall be indicated. No lot shall be proposed for use of a classification other than as permitted in the zoning ordinance.

(j) The north point and scale shall be shown, and the names and addresses of the petitioner and of the engineer or surveyor shall be given on each plan.

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

**AN ORDINANCE AMENDING CHAPTER 19 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 19 of the Village of Davis Code regulating subdivision development is hereby amended by the inclusion of the following section: *

Section 19-9-1.1


In order to cover the costs of plat examination and other expenses incidental to the approval of a subdivision, the subdivider shall pay to the Village a deposit of 5000.00 at the time of application for approval of a tentative plat.

The Village shall not commence review of the application until said deposit is paid by the subdivider. The actual costs or fees that the Village incurs in reviewing the subdivider's application, including but not limited to, engineering, consulting, attorney or other professional fees, filing, recording, or publication costs shall be deducted from said deposit. The balance of the deposit, less the amounts deducted by the Village for actual fees and costs incurred in the course of reviewing the application, shall be refunded to the subdivider upon approval of the final plat, or the last portion thereof, or at such time as the subdivider withdraws the application. Upon request, the Village shall provide to the subdivider copies of receipts for any amounts deducted from the deposit.

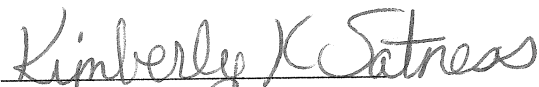
During the course of the application review process, the subdivider may be required to provide the Village with an additional deposit if the review of the application has resulted in, or reasonably will result in, the Village incurring fees or expenses that exceed the initial deposit provided by the subdivider. The Village shall not continue with the review of the application until said additional deposit is paid by the subdivider.

PASSED by the Board of Trustees of the Village of Davis, Illinois, this 14th day of May, 2002.

APPROVED:


Village President

ATTEST:


Village Clerk

VILLAGE OF DAVIS

ORDINANCE NO. 1996-__

AN ORDINANCE REGULATING MANUFACTURED HOUSING

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

THIS 9TH DAY OF JULY, 1996

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

**AN ORDINANCE REGULATING MANUFACTURED
HOUSING IN THE VILLAGE OF DAVIS**

ORDINANCE NO.: 19A

WHEREAS the Village of Davis desires to regulate manufactured housing within Village;

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

Section One-DEFINITIONS

“MANUFACTURED HOUSING” shall mean any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motorized power or by other means.

Section Two-REQUIREMENTS FOR INSTALLATION OF MANUFACTURED HOUSING

No manufactured housing shall be installed or utilized for residential, business, or storage purposes unless such unit complies with the following requirements:

- a) The unit has been purchased new from a manufacturer or dealer for the express purpose of conversion to a permanent structure;
- b) The unit has not been used for travel occupancy or otherwise transported over roads or highways except for the purpose of transporting the unit to the site of permanent installation in the Village;
- c) The unit is converted from a mobile state by being permanently affixed to a permanent foundation of cement or other masonry material built into the earth to below the frost line. Such foundation shall be at least six (6) inches in width, shall extend one (1) foot above the highest point of the grade, and shall have a continuous wall with no openings other than access openings for service work or for windows;
- d) The minimum width of the unit shall be twenty-four (24) feet unless a variance has been obtained;
- e) The maximum length of the unit shall be seventy-five (75) feet unless a variance has been obtained;
- f) The unit shall have a shingled roof having a minimum of a 3/12 pitch;

g) The unit shall have wooden floor joists.

Section Three-DENSITY

There is to be a limit of no more than two (2) manufactured housing units within one (1) block unless a variance has been obtained.

Section Four-EXEMPTIONS

Trailers which are used by contractors or construction-crews as a temporary site headquarters are exempt from the requirements of Section two

Section Five-EFFECTIVE DATE

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

PASSED by the Board of Trustees of the Village of Davis, Illinois, this ____ day of July, 1996

APPROVED:

Village President

ATTEST:

Village Clerk

Section 19-8. IMPROVEMENTS IN GENERAL.

No improvements, including but not limited to, water supply, drainage, sewage disposal, gas services, electric service or lighting, grading, paving or surfacing of streets shall be made within any such subdivision, by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or her or their agent, until the plans for the subdivision, and also the plans for such improvements have been formally approved by the President and Board of Trustees.

Section 19-9. COSTS PAID BY SUBDIVIDER.

All costs pertaining to the subdivision shall be paid by the subdivider.

Section 19-10. REQUIRED IMPROVEMENTS.

To be approved, each subdivision must meet the following minimum requirements:

(a) Sewers. All new subdivisions shall be supplied with central water and sewer facilities where:

(1) Water and sanitary sewer connections are reasonably available to the proposed lots from existing mains; or

(2) Existing water mains of the Village of Davis are within one thousand (1,000) feet of the subdivision; or

(3) Existing sanitary sewers are within one thousand (1,000) feet of the subdivision which may be connected to the system within the subdivision by gravity sewers; or

(4) Determination has been made by the Board of Trustees that an interim central water supply and/or sewage disposal facility is necessary pending future extensions of water and sewer lines;

Sanitary sewers shall be installed to comply with the regulations and specifications of the State of Illinois and the Village of Davis.

(b) Water. When required by the President and Board of Trustees under the provisions of this ordinance, water mains to furnish community water shall be constructed throughout the entire subdivision, and such mains, hydrants, fittings and method of construction shall be in accordance with the requirements of the Village of Davis. Necessary fire hydrants shall be furnished by the subdivider.

(c) Street Improvements. All residential streets shall be suitably graded to provide proper drainage and shall be not less than thirty (30) feet in width. Further, said streets shall have a gravel or crushed stone base having a minimum compacted thickness of eight (8) inches with a bituminous mat of no less than two (2) inches.

(d) Public Utilities. All utility lines for telephone, electric and gas service shall be placed in easements or dedicated public ways. All transformer boxes shall be located so as not to be unsightly or hazardous to the public.

(e) Sidewalks. Concrete sidewalks of a width of not less than four (4) feet and four (4) inches thick shall be installed on both sides of all streets and thoroughfares except in subdivisions with lots of not less than twenty thousand (20,000) square feet in area, where the installation of sidewalks or minor streets may be waived.

(f) Landscaping. All parkways and unimproved portions of dedicated street areas shall be graded and seeded.

(1) Street trees having a trunk diameter of not less than two and one-half (2 1/2) inches and of a species and variety approved by the Board of Trustees may be planted along all streets where trees do not exist.

(g) Street Lighting and Markings. Provisions and installation shall be made for the adequate lighting and name markers of public streets within the proposed subdivision in accordance with the standards and requirements established by the Board of Trustees.

Section 19-11. SPECIFIC REQUIREMENTS FOR STREETS AND LOTS.

(a) The minimum width for any street shall be thirty (30) feet except by special permit for purely local drives.

(b) All streets and other public places and easements shall conform to the official plans, both as to location and as to width or size.

(c) When adjoining undeveloped property, a half street may be dedicated. The minimum width of any alley, wherever provided, shall be sixteen (16) feet. Where alleys are not provided, then ten (10) feet easements shall be required along lot lines of, or across, lots where necessary for the extension of water mains, sewers and similar purposes.

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

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

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

(g) All lots shall be sufficiently wide and deep to permit full conformity with the provisions contained in this ordinance and in the zoning ordinance.

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

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

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

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

(l) All improvements shall conform to the best engineering standards. Due consideration shall be given throughout to the appearance of the subdivision and the various features thereof within its own boundaries, and also in its environment in the Village.

Section 19-12. PUBLIC GROUNDS.

Each subdivision plat shall designate such areas as may be needed for school sites, park sites, or other public lands as from time to time determined by the President and Board of Trustees.

Land so designated cannot be used for any other purpose for one (1) year following the approval of the plat; if such land is not acquired by purchase or condemnation by the appropriate board or commission within one (1) year after approval, it may be used in any manner consistent with the ordinances applicable thereto.

Section 19-13. RESTRICTIONS.

A copy of the restrictions, if any, pertaining to or affecting the use of the property within the subdivision shall be furnished to the Village before final approval of the subdivision plan.

Section 19-14. DEDICATION.

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

Section 19-15. SUBDIVISIONS OUTSIDE CORPORATE LIMITS.

The provision of this ordinance shall apply to any subdivision of land outside the corporate limits of the Village but within one and one-half (1 1/2) miles of the Village limits.

Section 19-16. PENALTY.

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

**SUBDIVISION ORDINANCE
VILLAGE OF DAVIS, ILLINOIS**

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

TABLE OF CONTENTS (Continued)

	Page
CHAPTER 5	21
PRELIMINARY PLATS	21
19-5-1 SUBMISSION TO THE PRESIDENT AND THE BOARD OF TRUSTEES	21
19-5-2 APPLICATION FOR APPROVAL	22
19-5-3 THE DRAWING	23
CHAPTER 6	26
FINAL PLATS	26
19-6-1 WHAT CONSTITUTES A FINAL PLAT	26
19-6-2 APPLICATION FOR APPROVAL	26
19-6-3 THE FINAL PLAT CONTENTS	27
19-6-4 RECORDING OF FINAL PLAT	30
CHAPTER 7	34
DESIGN STANDARDS	34
19-7-1 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS	34
19-7-2 STREET, ALLEYS AND SIDEWALKS	35
19-7-3 EASEMENTS	42
19-7-4 BLOCKS	42
19-7-5 LOTS	43
19-7-6 SANITARY SEWERS	44
19-7-7 WATER	45
19-7-8 PUBLIC GROUNDS	46
CHAPTER 8	48
IMPROVEMENTS	48
19-8-1 REQUIRED IMPROVEMENTS	48
19-8-2 RESTRICTIONS	51
19-8-3 DEDICATION	51
EFFECTIVE DATE	51

- E. All offerings or dedications of land to the Village for uses as streets, alleys, highways, schools, parks, playgrounds, or other public use shall be referred to the President and Board of Trustees for review and recommendation before being accepted by the Village Board of Trustees.
- F. Where a tract of land proposed for subdivision is part of a larger, logical subdivision unit in relation to the Village as a whole, the President and Board of Trustees may, before approval, cause to be prepared a plan for the entire area or neighborhood, such plan to be used by the Village Board as an aid to evaluate the merit and the impact of the proposed plat. The Village Board shall have authority to require adjustments in the plat or plan which are deemed to be in the best interests of the Village and the impact of the subdivision on Village facilities and infrastructure.
- G. The provisions of this Ordinance and rules and regulations promulgated pursuant to this Ordinance, shall be held to be the minimum requirements which a developer shall meet.
- H. This Ordinance wherever possible, shall be construed consistent with 765 ILCS 205-1 et seq. (also known as the "Plat Act"). In case of conflict, the Plat Act shall take precedence.

19-1-2: **RULES:** In interpreting this Ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number and the plural the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
-
- D. The masculine gender includes the feminine and neuter.

19-1-3: **DEFINITIONS:**

- A. **Alley** - is a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- B. **Block** - is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of the Village of Davis.

- P. Preliminary Plat - is the drawings and documents presented for tentative approval. A preliminary plat may be either for a planned unit development or for a subdivision.
- Q. Right-of-way - is a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "rights-of-way" for land platting purposes in Davis shall mean that every right-of-way is to be separate and distinct from the lots or parcels adjoining such rights-of-way, and not included with the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- R. Rational Method - A formula for calculating peak storm water flow for watersheds. $Q=CIA$: Accumulated concentrated flow (Q) at the outlet of a designated drainage area (A<50 acres) during a rainfall of intensity (I, inch/hour). C = a constant based on surface condition of the drainage area.
- S. Roadway - is a surfaced portion of the street available for vehicular traffic.
- T. Sewage Disposal System, Individual - is a septic tank seepage tile sewage disposal system or any other sewage treatment device approved and in accordance with the rules of the Stephenson County Health Department.
- U. Sidewalk - is that portion of a street or crosswalk way, paved or otherwise surfaced, and shall be for pedestrian use only.
- V. Street - is a public right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land throughway, or however otherwise designated, but excepting an alley or driveway to buildings.
- ~~W. Street, Half - is a street bordering one or more property lines of a tract of land in which the developer has only allocated a part of the ultimate right-of-way width and is not permitted by this Ordinance.~~
- X. Developer - is any person or corporation or duly authorized agent who undertakes the subdivision of land as defined herein.
- Y. Subdivision - is the division of any parcel of land into two or more parts, any of which parts is less than five (5) acres, for the purpose of ownership transfer or building development, or, if a new street is involved, any division of a parcel of land. The term includes any division of land that attempts to avoid the requirements of this Ordinance. Where appropriate to the context, the term shall relate to the process of subdividing or to the land subdivided.

CHAPTER 2

ADMINISTRATION AND ENFORCEMENT

SECTION 19-2-1:	ORGANIZATION
SECTION 19-2-2:	ENFORCEMENT AND PENALTY
SECTION 19-2-3:	VARIATIONS AND EXCEPTIONS
SECTION 19-2-4:	AMENDMENTS
SECTION 19-2-5:	FEEES
SECTION 19-2-6:	FIELD INSPECTION

19-2-1: **ORGANIZATION:** The following shall be administered according to the following provisions:

- A. The Village Board Of Trustees. The Village Board of Trustees reserves to itself the following functions.
1. Approval or disapproval of all preliminary and final plats referred to the Board of Trustees.
 2. Approval or disapproval of all variations and exceptions recommended by the Board of Trustees.
 3. Amendment of this Ordinance when necessary and desirable, as hereinafter provided.
-
4. Enforcement of this Ordinance's provisions.
 5. Administration of this Ordinance's provisions. (Until such time as a Village Planning and Zoning Board Plats Committee and Plats Officer are appointed.)
- B. The President and Board of Trustees (The Village Planning and Zoning Commission) shall administer the provisions of this, and shall:
1. Receive all preliminary plats (together with applications);
 2. Forward copies of the preliminary plat to appropriate officers and agencies for their recommendations, evaluations and reports;

19-2-2: **ENFORCEMENT AND PENALTY:**

- A. A person who disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the zoning provisions of this Ordinance shall be fined not less than \$50 nor more than \$500.00. Upon written notification that a violation of this Ordinance exists, the person notified shall have 15 days to eliminate such violation and/or comply with this Ordinance. Each day such violation or failure to comply is permitted to exist after the expiration of such 15-day period shall constitute a separate offense. The Village Board of Trustees may extend such 15-day period in such cases as they deem necessary.

- B. The Village of Davis shall defer permit requests for improvements on property until such time as the plat for such property has been approved and recorded in the manner provided by this Ordinance. No building permit shall be granted except for improvements on land for which a plat has been approved and recorded according to the requirements of this Ordinance or on those parcels of property platted or recorded as separate parcels of property prior to the effective date of this Ordinance.

- C. The Village Clerk and Township Assessors are hereby instructed not to divide for assessment or taxing purposes any properties that are being subdivided contrary to the rules and regulations as herein set forth, until such time as the Village Board and the Village Attorney have been notified and their recommendations made known.

19-2-3: **VARIATIONS AND EXCEPTIONS:**

- A. General Requirements. Where the President and Board of Trustees finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, they may recommend variations or exceptions to the regulations, provided that such variations or exceptions shall not have the effect of nullifying the intent and purpose of this Ordinance; and further provided the Village Board shall not recommend variations or exceptions to the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in such specific case that:
 - 1. The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

 - 2. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.

During the course of the application review process, the developer may be required to provide the Village with an additional deposit if the review of the application has resulted in, or reasonably will result in, the Village incurring fees or expenses that exceed the initial deposit provided by the developer. The Village shall not continue with the review of the application until said additional deposit is paid by the developer.

19-2-6: **FIELD INSPECTION:** All public improvements to be made under the provisions of this Ordinance shall be inspected on a regular basis by the developer's engineer. The frequency and duration of such inspections shall be adequate to insure that all improvements are constructed in strict accordance with the plans and specifications approved by the Village. The developer's engineer shall provide written certification that all improvements have been properly installed.

The Village's designated officer or employee in charge of public works and the Village Engineer shall be notified whenever construction is being done so that they may conduct independent inspections as deemed necessary.

The developer shall provide three (3) copies of construction record drawings of all improvements completed to the Village. These drawings shall be accurately dimensioned. Sanitary sewer manhole rims and invert elevations, water main locations, water service and sanitary sewer service locations shall be shown on the construction record drawings.

The construction record drawings shall be a condition of final acceptance of the improvements and release of the surety bond or letter of credit.

- F. The Village shall not recommend for approval any plat of subdivision which does not make adequate provisions for municipal water and sewer service as provided in Section 19-3-8 of this ordinance.
- G. The Village shall not recommend for approval any plat of subdivision which does not make adequate provision for the impact of the subdivision on the Village's infrastructure, including but not limited to, transportation, traffic flow, parking, curbs and gutters, and sidewalks.
- H. The Village shall not recommend for approval any plat of subdivision which does not make adequate provisions for the transportation of excess storm waters.
- I. No lot, tract, or parcel of land within any subdivision shall be offered for sale nor shall any sale, contract for sale, or option be made or given, until such subdivision plans have been formally approved by the President and Board of Trustees.

19-3-2: REVIEW OF SUBDIVISIONS WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE VILLAGE:

The Village shall make use of all extraterritorial jurisdiction granted by Illinois law and shall examine all subdivision plats within the extraterritorial jurisdiction of the Village. The intent of such examination will be to assure that subdivisions located in the extraterritorial jurisdiction of the Village conform to current Village standards for subdivision of lands.

19-3-3: UNSUITABLE LAND:

No land shall be subdivided for residential use which is held by the Village, after after investigation by the Village Engineer, to be unsuitable for such use by reason of flooding or bad drainage, adverse earth or rock formation or topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents in the proposed subdivision or of the community. However, the subdivision of land which is subject to stream overflow may be permitted if the special requirements described in Chapter 6 have been completed or proper assurance given that they will be completed subject to approval by the Village Engineer.

19-3-4: DEDICATION OF LAND FOR PUBLIC USE:

- A. When a final plat of a subdivision has been approved by the Village Board of Trustees and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public, including street dedication.

proposed development and a tentative schedule of construction. Failure on the part of the public agency to initiate acquisition within the prescribed twelve (12) months shall result in the removal of the "reserved" designation from the property involved and the freeing of the property for development.

19-3-6: **VACATION OF A PLAT OF SUBDIVISION:**

- A. Any plat or any part of a plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- B. Such an instrument shall be approved by the Village Board of Trustees in like manner as plats of subdivisions. The Village Board of Trustees may reject any such instrument which abridges or destroys any public rights in any of its streets or alleys. Such an instrument shall be executed, acknowledged or proved, and recorded or filed in the like manner as plats of subdivision; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- C. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing. The provisions of 765 ILCS 205-1 et seq., "Plats and Surveys" are also applicable.

19-3-7: **LAND DIVISIONS:**

- A. Subdivision. The provisions of this Ordinance apply to any division of land into two (2) or more parts, any of which is less than five (5) acres in area, the plat of which includes new public streets or easements or the widening of existing public streets or easements for access or utility purposes, providing however, that the following shall not be considered a subdivision and shall be exempt from the requirements herein:

 - 1. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access;
 - 2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access, provided further that the width of the lot at the building setback line will not be less than that of other recorded lots fronting on the same street within the same block;
 - 3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;

CHAPTER 4

PROCEDURE FOR APPROVAL

- SECTION 19-4-1: PRELIMINARY CONSULTATION
- SECTION 19-4-2: FILING OF PRELIMINARY PLAT
- SECTION 19-4-3: FINAL PLAT

Any person hereafter subdividing any parcel of land, block, lot or sub-lot or any part thereof in the Village, or outside its corporate limits but within one and one-half miles thereof, shall make a map or plat thereof, and before recording the same in the Recorder's Office of the County, shall submit it with a duplicate thereof, to the President and Board of Trustees for approval or rejection. No such map or plat shall be approved as aforesaid until the same shall have been properly certified by a surveyor and acknowledged by the owner. If approved, such approval shall be certified thereon, and signed by the President and attested by the Clerk; and no such map or plat shall be valid or entitled to record until it shall have been approved as aforesaid.

In planning and developing a subdivision within the corporate limits of the Village of Davis, the developer shall respect the following procedure.

19-4-1: **PRELIMINARY CONSULTATION:** Prior to the submission of a preliminary plat of any proposed subdivision within the jurisdiction of the Village of Davis, the developer shall make known his intentions to the President and Board of Trustees (Village). During this preliminary or preapplication stage, the following actions shall be taken:

- A. Action by the Developer. The developer shall meet informally with the President and/or Village Engineer for the purpose of presenting a general outline of his proposal, including but not limited to:

19-4-2: **FILING OF PRELIMINARY PLAT:** The developer shall prepare a preliminary plat of the proposed subdivision in accordance with the requirements of Chapter 5 of this Ordinance, and shall file with the President and/or Village Engineer an application in writing for the tentative approval of said plat accompanied by a reproducible subdivision drawing and five (5) black and white prints or other acceptable reproductions at least twenty (20) days prior to the meeting of the Village Board at which action is desired.

A. Action by the President and/or Village Engineer. The President and/or Village Engineer shall transmit copies of the preliminary plat to the Village Engineer and other Village officials and other agencies as deemed necessary by the Village Board for their recommendations. These recommendations in respect thereto shall be submitted to the Village Board not later than five (5) days before the meeting at which the preliminary plat will be reviewed.

B. Action by the Planning Commission

1. A preliminary plat shall be reviewed by the Village Board to determine its conformity to this Ordinance, the Comprehensive Land Use Plan (once created and enacted), and all other ordinances and regulations in force which affect subdivisions.
2. Upon submission of the preliminary plat to the Village Board, the Village Board shall schedule a public hearing giving not less than 15 days' notice. Each hearing shall be conducted and the records of the proceedings and hearing shall be made and preserved in a manner and according to such procedures as the Village Board shall prescribe from time to time by its rules.
3. The Village Board shall, within forty-five (45) days of the receipt of an application for the approval of a preliminary plat, approve or disapprove the plat, or approve it with modifications, noting thereon any changes that will be required. If agreed to by the developer, the time may be extended for no more than thirty (30) days after which one copy shall be returned to the developer with the date of the approval or disapproval, and the reason therefore, accompanying the plat.
4. If the preliminary plat as originally submitted, or as changed or modified, as required by the Village Board, meets the requirements of this Ordinance, the Village Board shall give it tentative approval. Within thirty (30) days of receipt of the preliminary plat, the Village Board shall approve or disapprove the plat. If the preliminary plat is disapproved, objections to it shall be noted and it shall be returned to the developer; if it is approved, the Village Clerk shall affix his signature to it with the notation that it has received Village Board approval and it shall then be returned to the developer for compliance with final approval requirements.

- C. Action by the Developer. Upon receipt of the final plat approval by the Village Board of Trustees, the developer shall record the plat with the Stephenson County Recorder's Office within ninety (90) days of the date of the Village Board of Trustees action and provide proof of recording to the Village Clerk. Failure to record the final plat within ninety (90) days will void the Village Board of Trustees action and necessitate reinstatement of the final plat procedure in accordance with the provisions of Section 19-4-3.

19-5-2: **APPLICATION FOR APPROVAL:** The owner or his agent shall file a "Declaration of Intent to Subdivide" on forms furnished by the Village Board and this shall be accompanied by the preliminary plat which contains the following information.

A. Declaration of Intent. The Declaration of Intent to Subdivide shall take the following form:

"I, _____ owner/sponsor/optionee of a parcel of land described as follows:

(General description, subdivision name, location by section, township and range, reference to roads)

hereby formally announce my intention to subdivide said property and to submit a preliminary plat of the subdivision to the Village Board within six (6) months of this date.

Signed this _____ day of _____, 20_____.

Signature _____."

B. Name for File Identification.

1. Name of subdivision if property is within an existing subdivision.
2. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in Stephenson County.
3. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)

C. Location and Description of Property. Location of property by government lot, section, township, range and county.

D. Basic Facts and Proposals Pertaining to the Property.

1. Size of tract in gross and net acres. Existing lots, if any, in square feet.
2. Existing zoning classification of property and any rezoning proposed to be requested.
3. Number of lots proposed in subdivision.

- F. The exact length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot.
 - G. Location and names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
 - H. Zoning on and adjacent to the subdivision.
 - I. Location, width, and names of all existing and platted streets, alleys, and other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges, and other pertinent data as determined by the Village Board.
 - J. The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the USGS datum plane.
 - K. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterway.
 - L. If a major course lies adjacent to or transverses the property, it should be necessary for the registered engineer to submit cross-section, drainage easements, building setback lines and supporting calculations based upon one hundred (100) year flood history.
 - M. Layout, width, grades and proposed names of all new streets and rights-of-way, including alleys, highways, easements for sewers and water mains, and other public utilities.
 - N. Existing sewers, water mains, culverts, and other underground structures within the tract or immediately adjacent thereto. The location and size of the nearest water main and sanitary and storm sewers are to be indicated in a general way upon the preliminary plat.
-
- O. Plans of proposed utility layouts (water, sewers and storm drains) showing connections to any existing or proposed utility systems.
 - P. Approximate dimensions and areas of lots. All lots over one (1) acre in size shall have the area marked within the lot.
 - Q. Proposed building setback lines.
 - R. Approximate radii of all curves, length of tangents, and central angles on all streets.

CHAPTER 6

FINAL PLATS

SECTION 19-6-1:	WHAT CONSTITUTES A FINAL PLAT
SECTION 19-6-2:	APPLICATION FOR APPROVAL
SECTION 19-6-3:	THE FINAL PLAT CONTENTS
SECTION 19-6-4:	RECORDING OF FINAL PLAT

19-6-1: WHAT CONSTITUTES A FINAL PLAT:

A final plat may constitute only a portion of the area contained in the approved preliminary plat provided that the public improvements constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety, and convenience of the proposed residents therein and for adequate access to contiguous areas.

19-6-2: APPLICATION FOR APPROVAL: Written application by the owner or his agent for approval, on forms furnished by the Village Board, shall accompany each final plat and contain the following information:

- A. Name of subdivision (which is subject to approval by the Village Board of Trustees and should be cleared with the Village Board prior to submission of the plat) and description of blocks and lots included on plat.
- B. Location of subdivision by government lot, section, township, range, and county.
- C. Name, date of approval, and file number of the preliminary plat upon which the final plat is based.
- D. Zoning classification of the property.
- E. Total number of lots and/or parcels included on the plat.
- F. Total area (gross area) shown on the plat, including streets, and total area dedicated to public use if any.

7. The length of boundary lines of all streets, alleys, blocks, lots, parcels, public grounds, easements, and rights-of-way or enough information so that the length of these lines can be derived by simple calculations. Where a boundary line is an arc of a circle, the length of the chord shall be shown.
8. The widths of all streets, alleys, easements and rights-of-way.
9. A graphic presentation of the minimum building setback lines on all lots and parcels and a notation of the distance between such lines and the street right-of-way line.
10. The area of each lot or parcel containing an area of one acre or more.
11. The words "Private Road" clearly marked on all streets shown on the plat which are not dedicated to public use.
12. Abutting street lines of adjoining subdivisions, shown in their correct locations by dashed lines.
13. The exact width of all easements, streets and alleys.
14. All lake or stream shore meander lines established by the surveyor in accordance with Section 19-6-3 D of this Ordinance, the distance and bearings thereof and the distance between the point of intersection of such meander lines with lot lines and the ordinary high-water mark.
15. The number of degrees and minutes in all exterior boundary and block angles. When such angles are between a curve and its tangent, the angle shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the angle between the main chord.
16. When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat more difficult to read, and when the information on the plat is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the Village Board, upon the recommendations of the Village Engineer, may waive such strict compliance.

B. Name, Location and Position. The name of the subdivision shall be printed on the plat in prominent letters, and the following information relating to the position and location of the subdivision shall be shown thereof:

1. The location of the subdivision by government lot recorded private claim, quarter section, section, township, range, and county noted immediately under the name given the subdivision.
2. The exact location of the subdivision, indicated by distances and bearings with reference to a corner or corners established in the U.S. public land survey.

19-6-4: **RECORDING OF FINAL PLAT:** To entitle a final plat to be entered in the proper record books in the Office of the County Recorder of Stephenson County the following certificates together with the certificate of approval of the Village Board of Trustees, shall accompany it. These certificates shall be lettered or printed legibly on the face of the final plat.

Certificates. The following certificates and affidavits shall appear on the final plat. They must be duly signed by the appropriate person before the plat is entitled to record.

A. Certification by Surveyor

I, _____, a Professional Land Surveyor in the State of Illinois, hereby certify that, at the request of _____ I have caused an accurate survey to be made of the property described above as _____. I further certify that a 5/8 inch reinforcing bar has been placed at each lot corner, at each block corner and points of curve in the street, and that concrete monuments have been set or found at the locations indicated on the plat. I further certify that the accompanying plat is a true and correct representation of said survey, and the dimensions shown are given in feet and decimals of a foot upon said plat.

I hereby further certify that _____ is located in the Special Flood Hazard Zone ___ identified for the Village of Davis, Illinois, by the Federal Emergency Management Agency on the Flood Insurance Rate Map, Panel No. ___, dated _____.

Signed at _____, Illinois this _____ day of _____, A.D., 20 ____.

Illinois Professional Land Surveyor

No. _____

B. Certification of Dedication by the Owner of the Land.

"As owner, I hereby certify that I have caused the land described in the foregoing affidavit of the surveyor, to be surveyed, divided, and mapped as presented on this Plat. All streets, alleys, walkways, parks, playgrounds and school sites shown on this plat are hereby dedicated to the public for public purposes, and all easements shown are subject to the Easement Provisions hereon."

Owner _____

Address: _____

equipment installed on said easement, but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or the rights therein granted."

If the grade of the subdivided property must be so altered or if storm and sanitary sewer facilities require that the underground utility be moved or otherwise altered, the owners, their respective successors and assigns, shall reimburse the utility company for the necessary expense involved.

F. Certification by the Village Engineer.

"All required improvements including but not limited to streets, sidewalks, sanitary sewers, storm sewers, water mains and drainage structures have been built as required, or have been provided for by bond contract or irrevocable letter of credit to my approval."

Approved this _____ day of _____, 20_____."

Signature

Seal

G. Certification by President.

"This is to certify that the Village Board of the Village of Davis did, at its meeting on the _____ day of _____, 20 ____ A.D. approve the Plat."

President

H. Certification by Village Clerk.

~~"This is certify that the Village Board of Trustees of the Village of Davis did, at its meeting on the _____ day of _____ A.D., 20 ____, approve the Plat and authorize it to be recorded."~~

"In witness whereof, I _____, Village Clerk of the Village of Davis hereunto set my hand and affixed the seal of said Village of Davis, this _____ day of A.D., 20 ____"

"I hereby further certify that the drainage report required by Chapter 109, Paragraphs 1 and 2 of the Illinois Revised Statutes is on file in my office.

Village Clerk

Seal

CHAPTER 7

DESIGN STANDARDS

- SECTION 19-7-1: CONFORMANCE TO APPLICABLE RULES AND REGULATIONS
- SECTION 19-7-2: STREET, ALLEYS, AND SIDEWALKS
- SECTION 19-7-3: EASEMENTS
- SECTION 19-7-4: BLOCKS
- SECTION 19-7-5: LOTS
- SECTION 19-7-6: SANITARY SEWERS
- SECTION 19-7-7: WATER
- SECTION 19-7-8: PUBLIC GROUNDS

No improvements, including but not limited to, water supply, drainage, sewage disposal, gas services, electric service or lighting, grading, paving or surfacing of streets shall be made within any such subdivision, by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or her or their agent, until the plans for the subdivision, and also the plans for such improvements have been formally approved by the President and Board of Trustees (Village Board).

19-7-1: CONFORMANCE TO APPLICABLE RULES AND REGULATIONS:

In addition to the design standards established herein, all subdivision plats shall comply with the following laws, ordinances, rules and regulations.

- A. The provisions of Chapter 24, Illinois Revised Statutes.
 - B. The Village of Davis Zoning Ordinance and all other applicable ordinances of the appropriate jurisdictions.
-
- C. The requirements of the Stephenson County Health Department and the Illinois State Department of Public Health in relation to lot size and lot elevation if the subdivision is not served by public water or by a public sewer and provision for one or both of these services has not been made.
 - D. The rules of the Illinois Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts a state trunk highway or connecting street.

C. Railroad and Highways. Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:

1. In residential districts a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for the planting of trees and shrubs by the owner. The placement of structures hereon is prohibited."
2. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance there from to ensure suitable depth for commercial or industrial sites.
3. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

D. Access to Major Streets. - Where a subdivision borders on or contains an existing or proposed major street, the Village Board may require that access to such streets be limited. The number of residential streets entering a major street shall be kept to a minimum.

E. Street (Residential).

1. All improvements shall conform to the best engineering standards. Due consideration shall be given throughout to the appearance of the subdivision and the various features thereof within its own boundaries, and also in its environment in the Village.
2. The following minimum standards shall apply to the design of residential streets.

URBAN

Right-of-Way	66'
Pavement width	36'
Type of curb	*
Sidewalk width	5
Sidewalk distance from R-O-W	1
Minimum center line rad.	250'
Design speed (MPH)	30

* Combination concrete curb and gutter, IDOT Standard M-6. 18.

3. Minimum curb radius shall be twenty-five (25) feet. In any case where more dedication is deemed necessary to provide safe sight distance or for traffic channelization, the Village Board may specify a greater cutoff than the normal cited above. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice, to permit safe vehicular movement.
 4. Where the grade of any street at the approach of an intersection exceeds five (5) percent, a leveling area shall be provided having not greater than four (4) percent grade a distance of twenty-five (25) feet, measured from the nearest right-of-way line of intersecting street.
 5. Intersections shall be designed with a flat grade wherever practical. In no case shall the vertical alignment within the intersection area exceed four (4) percent.
 6. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.
- K. Street Names. All street names are to be approved by the Village Board and the U.S. Post Office prior to final map approval. No street names shall be used which will duplicate or be confused with the names of existing streets. New streets which are extensions of or obviously in alignment with existing streets shall bear the name of the existing streets.
- L. Street Paving. Designated surface treatments shall meet the specifications of the Illinois Department of Transportation. All construction methods and materials shall conform to the applicable sections of the "Standard Specifications for Road & Bridge Construction in Illinois", latest edition.

Proper grade and detailed standards for construction shall be approved by the Village Engineer. Frost-free bank run sand and gravel, or comparable granular material shall be used for all a minimum of one year, or such greater time as maybe specified by the Village Engineer before an impervious surface is applied over a road bed.

- M. Alleys. Alleys shall not be required in residential areas.
- N. Sidewalks. Concrete sidewalks of a width not less than five (5) feet and four (4) inches thick shall be installed on both sides of all streets and thoroughfares except in subdivisions with lots of not less than twenty thousand (20,000) square feet in area, where the installation of sidewalks or minor streets may be waived. Where sidewalks cross driveways, the sidewalk shall be six (6) inches thick reinforced.
1. Perimeter Sidewalks and/or Bike Paths. The developer shall install and pay for perimeter sidewalks and/or bike paths along all public routes as part of the required public improvements. The location, design and installation of perimeter sidewalks are to be approved by the Village. Perimeter sidewalks shall be either constructed of concrete five feet wide or not less than four and one-half inches thick, or of two inches of bituminous over a minimum of eight inches of aggregate and ten feet wide. A cash equivalent, subject to acceptability and approval of the Village, may be substituted in lieu of the perimeter sidewalks.
- O. Storm Water Drainage System. The purpose of this section is to diminish threats to public health, safety and welfare caused by runoff of excessive storm water from new development and redevelopment. This excessive storm water could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources.
1. Compliance with Other Ordinances and Regulations. All drainage design shall be in compliance with applicable and current statutes of the State of Illinois and with the applicable and current ordinances of Stephenson County, Illinois. Where this section is more restrictive than those referenced in the above paragraphs, the requirements of this section shall govern.
 2. Storm Sewer Design. The storm sewer system shall be separate and independent of the sanitary sewer system. All storm sewers shall be designed by the rational method on the basis of a minimum of a 10-year recurrence frequency storm and shall be sized to adequately carry flows from the tributary areas. Inlets shall be provided so that surface water is not carried across or around any intersection in the gutter. Surface water drainage patterns shall be shown for each and every lot and block. Copies of the design computations, together with drawings showing the storm sewer layout and drainage areas shall be submitted to the Village Engineer for review.
 3. Detention Pond Design. Inflow hydrograph: For tributary areas of less than or equal to 50 acres the rational method may be used. The Soil Conservation Services, Urban Hydrology for Small Watersheds (TR-55) may be used for areas up to 50 acres and shall be used for areas greater than 50 acres. Rainfall data shall be taken from the Illinois State Water Survey, Bulletin 70, latest edition.

7. A Stormwater Drainage Report shall be submitted showing the details of the overall stormwater design as detailed above. The report shall be neat, typed, and signed by a Registered Professional Engineer.

19-7-3: **EASEMENTS:** In all new residential subdivisions, all utilities, community action cables, electrical and telephone distributions systems, or any other commercial service shall be laid underground, including storm, water, gas, drainage and sewer.

- A. Easements for electrical, telephone, gas and cable television services shall be a minimum of ten (10) feet wide and be established where practicable at the rear of each lot and along other such lot lines as to provide continuity of alignment from block to block; to be installed underground within easements or dedicated public ways. Sanitary sewer and water main easements shall be twenty feet (20') wide. Underground street light supply lines should be designated on the plat and necessary easements provided to furnish access to such positions. Easement provisions as set forth in Section 19-6-4 E should appear on the face of each final plat.
- B. Utility Easements. Easements not less than five (5) feet wide for all utilities other than sanitary sewer and water, and ten (10) feet wide for sanitary sewer and water should be provided on each side of all rear lot lines and where necessary, along side lot lines. An easement provision, as set forth in Section 19-6-4 E shall appear on the face of each final plat.
- C. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width or construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

19-7-4: **BLOCKS:**

A. Residential Blocks

1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions of this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
2. The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block length in residential areas shall not exceed twelve hundred (1,200) feet nor be less than four hundred (400) feet in length. Blocks over eight hundred (800) feet in length shall have one crosswalk not less than ten (10) feet in width, situated near the center of the block.

19-7-6: **SANITARY SEWERS**

- A. General Requirements. Sanitary sewers serving all lots shall be provided. They shall have sufficient capacity to serve the needs of the areas being developed and of all adjacent areas that would logically be served by extensions of such sewers. They shall be located and constructed so as to form part of an integrated system.
1. Material. Sewers shall be constructed using polyvinyl chloride pipe (PVC) meeting either ASTM D3034 or D2241 and SDR 35 or 26- watermain quality, with joints meeting ASTM D3212 and D3139 respectively. Any substitutions shall be approved by the Village Engineer prior to approving the plans.
 2. Minimum Size. Sewer mains, eight inches; sewer service lines, four inches for single family residential, six inches for all others.
 3. Depth. Sanitary sewers shall be installed at such depth as to give not less than five feet of cover. They shall be deep enough to provide gravity drainage from basements where practicable.
 4. Location. Sanitary sewer shall normally be located at or near the center of a traffic lane. At the time the mainline sewer is laid, the sewer service lines shall be installed to serve all lots in the subdivision. Sewer service lines shall be extended three feet beyond the property line and shall normally be located near the middle/center of the lot's front width, and maintain an 18 inch vertical and 10 foot horizontal separation from the water service line. They shall be laid at a minimum of one percent, but not more than nine percent. All sanitary sewers shall conform to the specifications and requirements of the Village and shall extend to the farthest extents of the development plat or public right-of-way.
 5. Back Flow Prevention Valves. Existing topographical features may require the need for back flow prevention valves. At time of tentative plat submittal, the Village Engineer will determine whether back flow prevention valves shall be required. If required, a back flow preventer valve shall be installed on sanitary sewer service lines for each lot by a properly licensed plumbing contractor. A clean-out shall be installed on the street-side of the valve. Also, no drive way shall be built over the sewer service line.
 6. Manholes. Manholes shall be of standard design. They shall be spaced not more than four hundred feet apart.

3. Depth. Water mains shall be installed at such depth as to give not less than five and one half feet of cover.
4. Location. Water mains shall normally be located as to maintain an 18 inch vertical and a 10 foot horizontal separation from the sanitary sewer mainline. At the time the water main is laid, the water service lines shall be installed to serve all lots in the subdivision. Water service lines shall be extended three feet beyond the property line and shall normally be located near the middle/center of the lot's front width, and maintain an 18 inch vertical and 10 foot horizontal separation from the sanitary sewer service line. They shall be laid as to maintain a five and one half feet of cover. All water mains shall conform to the specifications and requirements of the Village and shall extend to the farthest extents of the development plat or public right-of-way.
5. Fire Hydrants. Fire hydrants shall be located so as to be within two hundred feet (200') of all homes and shall be of manufacture approved by the Village with auxiliary valves and boxes.
6. Valve Boxes. Water service valve boxes are to be located at the back of sidewalk and inside the property line, wherever possible, or at a location approved by the Village in advance of installation. All valves (except hydrant auxiliary valves) shall be enclosed in valve boxes.
7. Existing Water Mains. All new subdivisions shall connect to existing water main systems if existing water mains are within one thousand feet (1,000') of the subdivision; or determination has been made by the Board of Trustees that an interim central water supply facility is necessary pending future expansion of water main lines.
8. Construction. The water mains, hydrants, water services shall be installed to comply with the regulations and specifications of the State of Illinois and the Village of Davis, and at the developer's expense.

19-7-8: **PUBLIC GROUNDS**

- A. An area of at least three and one half percent (3 ½%) of the total and unimproved residential area to be subdivided shall be designated as Public Site or Open Space and indicated on the Tentative Plat of any residential subdivision. A cash equivalent, subject to acceptability and approval of the Village, may be substituted in lieu of land requirement.

CHAPTER 8

IMPROVEMENTS

- SECTION 19-8-1: REQUIRED IMPROVEMENTS
- SECTION 19-8-2: RESTRICTIONS
- SECTION 19-8-3: DEDICATION

19-8-1: **REQUIRED IMPROVEMENTS:** The developer, at his own expense, shall provide all improvements required by this ordinance in the manner prescribed by this section prior to the recording of any lots or the sale of any lots or property within the platted subdivision.

- A. **Required Improvements.** The developer shall install street and utility improvements, and other improvements indicated on the plat, as hereinafter provided. If such improvements are not installed as required at the time the final plat is submitted for approval, the developer shall, before the recording of his plat enter into a contract with the Village of Davis agreeing to install the required improvements. The developer shall file, with said contract, a bond or irrevocable letter of credit meeting the approval of the Village Attorney and/or a certified check in an amount equal to the estimate of cost prepared by the developer's Engineer and approved by the Village Engineer or the contract bid price as submitted to the developer by a reputable contractor. Such bond, ~~or irrevocable letter of credit, or check shall constitute a guarantee that such~~ improvements will be completed by the developer or his subcontractors not later than one year from the date of recording of the plat, and that repairs necessitated by defects in material or workmanship will be made during the period not to exceed two years from and after completion of such improvements.

- F. Monuments. The developer shall place permanent reference monuments in the subdivision as required herein and as approved by the Village Engineer.
1. The external boundaries of a subdivision shall be monumented in the field by iron pins at least thirty-six (36) inches long and five-eighths (5/8) inch in diameter.
 2. All lot corners, internal boundaries, block corners, and each end of all curves shall be monumented in the field by monuments as described above.
 3. All such monuments shall be set in such a manner that they will not be removed by frost.
 4. In each platted subdivision, there shall be set a minimum of two (2) concrete monuments, not less than thirty-six (36) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded. These monuments shall be placed near opposite ends of the subdivision.
 5. All monuments shall be properly set in the ground by a Registered Illinois Professional Land Surveyor.
- G. Street Trees. Street trees having a trunk diameter (measured twelve (12) inches above the ground level) of not less than two and one-half (2 1/2") inches may be planted along all residential streets where trees do not exist. Only oak, honey locust, hard maples, ginkgo, or other long-lived shade trees acceptable to the Village Board of Trustees, may be planted.
- H. Other Improvements. It is also desirable to install other improvements such as electric lines, gas mains, and similar facilities in any subdivision. Whenever the Village Board of Trustees deems it necessary, they may require that any such improvements shall be installed before the plat is approved.
- I. Topsoil. Topsoil shall not be removed from the residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between sidewalks and curbs, and shall be stabilized by seeding or planting.
- J. Landscaping. All parkways and unimproved portions of dedicated street areas shall be graded and seeded.
- K. Street Lights. The developer shall install and pay for one streetlight at every intersection, and spaced not more than 400 feet apart. The design, location, and installation of all street lighting shall be consistent with current Village requirements, are subject to the approval of the Village, and shall be of the same type throughout all phases of the subdivision, unless otherwise approved by the Village. Any decorative street lighting proposed by developer shall be reviewed and approved by the Village prior to installation.

VILLAGE OF DAVIS

ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES
OF THE VILLAGE OF DAVIS *Fences***

**ADOPTED BY THE VILLAGE BOARD OF TRUSTEES OF
THE VILLAGE OF DAVIS
THIS _____ DAY OF NOVEMBER 1997**

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

AN ORDINANCE AMENDING THE FENCE ORDINANCE IN THE VILLAGE OF
DAVIS

ORDINANCE NO.:

WHEREAS the Village of Davis desires to amend the existing fence ordinance, Chapter 20, Section 20-3 of the Village of Davis Code of Ordinances;

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

Chapter Twenty (20), Section 20-3, of the Village of Davis Code of Ordinances is hereby amended to provide as follows:

Section 20-3. Fences and Retaining Walls.

a) Any person who desires to erect or maintain a fence or retaining wall within the Village shall first file an application with the Village Clerk asking for a permit therefor, which application must set forth the following:

- 1) the location of the proposed fence or retaining wall.
- 2) the height of the proposed fence or retaining wall.
- 3) the type of material which will comprise the proposed fence or retaining wall.
- 4) the distance of the proposed fence or retaining wall from any property line.

b) There shall be a Five Dollar (\$5.00) fee for said permit.

c) It shall be unlawful for any person to erect or maintain a fence or retaining wall of any kind which exceeds six (6) feet in height.

d) It shall be unlawful for any person to erect or maintain a fence or retaining wall of any kind which is within two (2) feet of any property line.

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 _____ day of November, 1997.

APPROVED:

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

CHAPTER 20. STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE 1. ENCROACHMENTS TO STREETS AND PUBLIC PROPERTY.

Section 20-1. ENCROACHMENTS IN GENERAL.

(a) For the purposes of this section, the expression "roadway right-of-way" is defined as those areas existing or acquired by dedication or by fee simple for roadway purposes; also, the areas acquired by temporary easement during the time the easement is in effect. The word "encroachment" is defined as any building, fence, sign or any other structure or object of any kind, with the exception of utilities and public road signs, which is placed, located or maintained in, on, under or over any portion of the roadway right-of-way.

(b) No person shall erect, construct or place any fence, steps, gallery or other encroachment in whole or part upon any street, alley, sidewalk, parkway or other public grounds within the Village.

(c) It shall be unlawful for any person to erect or cause to be erected, to retain or cause to be retained, an encroachment within the limits of the roadway right-of-way.

Section 20-2. CORRECTION OF VIOLATIONS BY VILLAGE.

The Village President is authorized to cause any obstruction, encroachment or other thing which may be in violation of the provisions of this ordinance to be removed, repaired to its former condition, refilled or made to comply with the provisions of this ordinance within a reasonable time after notice is served upon the owner, agent or person in possession of the premises where such violation occurs. In case the owner, agent or person in possession cannot be found, then summarily the Village President shall remove, repair or refill the same, and the owner, agent or party causing such violation shall pay all expenses and costs of such removal, repairing or refilling. It shall be unlawful for any person to wrongfully interfere with such removal, repairing or refilling.

Section 20-3. FENCES.

(a) Any person who desires to erect or maintain a fence within the Village shall first file an application with the Village Clerk asking for a permit therefor, which application must set forth the following:

- 1) the location of the proposed fence;
- 2) the height of the proposed fence;
- 3) the type of material which will comprise the proposed fence;
- 4) the distance of the proposed fence from any property line.

There shall be a Five Dollar ~~2~~(\$5.00) fee for said permit.

(b) It shall be unlawful for any person to erect or maintain a fence of any kind which exceeds six (6) feet in height.

(c) It shall be unlawful for any person to erect or maintain a fence of any kind which

is within five (5) feet of any property line.

Section 20-4. THROWING SNOW OR WATER ON PUBLIC PROPERTY.

No person shall cast, throw or place any snow, ice slush, or any water in freezing weather on or along any public property or public right-of-way.

Section 20-5. MERCHANDISE ON SIDEWALKS.

No person while receiving or delivering goods, wares or merchandise shall permit the same to remain on any sidewalk longer than two (2) hours. For this purpose, he/she shall occupy only so much of the outer edge of the sidewalk in front of a store or building as will leave an unoccupied space of at least four (4) feet in width of any such sidewalk for the use of pedestrians.

Section 20-6. USING PUBLIC WAYS FOR STORAGE.

Except as permitted in the above section, no person shall use any street, alley, sidewalk, parkway or other public place for the storage of any goods, wares or merchandise or any motor vehicle.

Section 20-7. VEHICLES SCATTERING LOAD.

(a) No vehicle shall be loaded with ashes, cinders, coal, mortar, snow or similar material so as to scatter such material along the street, avenue, or alley over which the same is being driven. Vehicles shall be so constructed that when loaded with ashes, cinders, coal, mortar or other similar matter, they shall not scatter such material along or upon any avenue, street or alley, over which the same is being delivered.

(b) The owner or operator of a vehicle which scatters or otherwise deposits ashes, cinders, coal, mortar, mud, dirt, construction materials, or the like on any Village roadway or property shall remove the same in a prompt manner. If the owner or operator fails to remove the above-referenced materials, the Village shall do so and the owner or operator shall be charged a fee of Fifty Dollars (\$50.00).

Section 20-8. SUBSTANCES INJURIOUS TO PERSONS, ANIMALS, VEHICLES.

(a) No person shall throw or deposit upon any street, alley or other public place any glass bottle, glass, nails, tacks, cans or any other substance likely to injure any person, animal or vehicle upon such street, alley or other public place.

(b) Any person who drops or permits to be dropped or thrown upon any street, alley or other public place any destructive or injurious material shall immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a street or alley shall remove any glass or other injurious substance dropped upon the street or alley from such vehicle.

Section 20-9. SCAFFOLDS AND LADDERS.

AN ORDINANCE GOVERNING THE CONSTRUCTION OF
SIDEWALKS ON THE STREETS OF THE VILLAGE OF DAVIS

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

Section 1. Special ordinances ordering construction. All sidewalks constructed shall be by order of the Board of Trustees by special ordinances. Each such special ordinance shall define the location of such proposed sidewalk with a reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, the grade thereof and shall provide that such sidewalk shall be constructed in the manner and according to the provisions of this ordinance and the special ordinance.

Section 2. Width. All sidewalks on all streets within the Village shall not be laid less than thirty inches in width.

Section 3. Cost of construction. The cost of construction of such sidewalks shall be borne by the property owners adjoining the public street where the sidewalk is to be constructed. Where any owner of a lot or parcel of land adjoining any public street in the city fails to construct a sidewalk along such lot or parcel of ground when required to do so by ordinance, the city may construct such sidewalk and collect the costs of such construction by special taxation, special assessment or any other method prescribed by law.

Section 4. No part to be taken for private use, etc. No part of any sidewalk shall be taken for private use by lowering or cutting down the same next to the building fronting thereon, or by railing off the same by any iron or other railing, or otherwise shutting off the public from using the same, except as provided by any special ordinance.

Section 5. Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed so far as conflict exists.

Section 6. Effective date. This ordinance shall be in full force and effect from and after its passage, approval as provided by law.

PASSED by the Board of Trustees of the Village of Davis, Illinois, this 6th day of February A.D. 1961.

APPROVED: _____
President of the Board
of Trustees of the Village
of Davis, Illinois

PASSED: February 6, 1961

APPROVED: February 6, 1961

ATTEST: _____
Village Clerk

Any scaffolds or ladders placed in such a position that they overhang or can fall into any public street, alley or other public place in the Village shall be firmly and properly placed, constructed and safeguarded. It shall be unlawful to place or leave any tools or articles on any such scaffold or ladder in such a manner that the same can fall onto such street, sidewalk or other public place.

Section 20-10. ARTICLES ABUTTING STREETS.

It shall be unlawful to place any movable article on any window ledge or other place abutting upon a public street, alley, or other public place at a height above four (4) feet from the ground in such a manner that the same can or is in danger of falling onto such street, alley or other public place.

ARTICLE 2. EXCAVATIONS AND WORK AFFECTING PUBLIC PROPERTY

Section 20-11. PERMIT REQUIRED.

It shall be unlawful for any person to in any manner alter, dig in, tunnel, or otherwise work in the public streets or public property of the Village without first applying and obtaining a permit for such work.

Section 20-12. APPLICATION FOR PERMIT.

Any person desiring to alter, dig in, tunnel or otherwise work in the streets or other property belonging to the Village must first file an application with the Village Clerk asking for a permit therefor, which application must set forth the following:

- (a) The place where the work is to be done.
- (b) The purpose of the work.
- (c) The time the work is to start and the time the work is to be completed.
- (d) The person doing the work.
- (e) The party on whose behalf the work is being done.

Section 20-13. BOND REQUIRED.

There shall be furnished to the Village Clerk a bond with good and sufficient security in the amount of One Thousand Dollars (\$1,000.00) guaranteeing the restoration of the street, where an excavation is being made, to its original condition.

Section 20-14. AGREEMENT AND APPROVAL REQUIRED.

No permit required by this ordinance shall be issued for any such work until an agreement is made with the Village providing that the streets or public property shall be restored to their original condition, and such agreement shall be approved by the Board of Trustees.

Section 20-15. AUTHORIZATION OF PERMIT.

No permit shall be issued to excavate, dig, tunnel or otherwise alter the public streets or public property of the Village, unless authorized and approved by the Village Board of Trustees.

Section 20-16. EMERGENCY EXCAVATIONS.

If in case of an emergency it is necessary to dig or excavate in the streets, alleys, parking strips or other property belonging to the Village so that any person is unable first to make application to obtain a permit, such person shall within twenty (24) hours after commencing such work, or not later than the earliest practicable hour following a holiday, make application of a permit so to do, which application shall, in addition to other matters required in this ordinance, set forth the circumstances under which the digging or excavating was done, which application must be obtained in the manner as provided in the above sections. The application shall, in the judgment of the Village President, show that an emergency did exist, and, if no emergency is shown to have existed, then such applicant shall be deemed guilty of a violation of this ordinance, and the Village Clerk shall refuse the permit.

Section 20-17. DUTY TO REPAIR INJURED PAVEMENT.

If any person shall break or otherwise injure the pavement of any street or sidewalk, they shall, within twenty (24) hours thereafter, cause the pavement to be repaired and mended to the satisfaction of the Village Board of Trustees.

Section 20-18. FAILURE TO REPAIR INJURED PAVEMENT.

Whoever shall injure any pavement of any street, alley or sidewalk or any part thereof, and shall refuse, neglect or fail to repair the same to its former condition shall be guilty of a misdemeanor.

Section 20-19. LIABILITY FOR DAMAGES DUE TO DAMAGED PAVEMENT.

Whoever shall cut, open or otherwise damage any pavement of any street, alley or sidewalk or any part thereof shall be held responsible and liable to the Village for any and all damages to person or property in consequence of such damage which the Village shall suffer or be required to pay.

Section 20-20. SAFETY PRECAUTIONS AT EXCAVATIONS.

It shall be the duty of any person making or maintaining any excavation in or obstruction to any street, alley or sidewalk to place or erect adequate railings or barricades to protect the public. Such railings, barricades, excavations and obstructions shall be adequately lighted at night. The railings, barricades and lights shall be placed, extended and maintained to the satisfaction and approval of the Village Board of Trustees.

Section 20-21. DAMAGING OR REMOVING SAFETY PRECAUTIONS.

It shall be unlawful to injure, destroy or remove any barricade, railing or light at any obstruction or excavation.

Section 20-22. DUTY TO REMOVE TOOLS AND MATERIALS.

Whoever constructs, builds or repairs any street, alley or sidewalk shall remove all materials, tools, appliances or other articles used in or about the construction, building or repairing within twenty (24) hours from and after the completion of the construction, building or repairing.

Section 20-23. PENALTY FOR VIOLATION.

Whoever violates any provision of this ordinance shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.

CHAPTER 21. WATER.

ARTICLE I. GENERAL PROVISIONS.

Section 21-1. ESTABLISHMENT OF WATER DEPARTMENT.

There is hereby established an executive department of the Village to be known as the Water Department.

Section 21-2. CONSUMPTION OF WATER IN VILLAGE.

All water consumers within the Village shall be supplied by the Village and shall pay for water at the rates and in the manner set forth in this Chapter.

Section 21-3. USERS SUBJECT TO REGULATIONS

Every user of water from the Village water system shall be governed by and subject to the provisions and conditions of this Chapter and other ordinances of the Village, in effect or to become in effect, and the regulations, policies and procedures established by the Board of Trustees to implement the same.

Section 21-4. DISCONTINUING SERVICE FOR VIOLATIONS.

The Chairman of the Water Committee shall have the responsibility and the authority to order termination of the Village Water service to any premises where a violation or neglect or refusal to comply with this Chapter is not corrected within ten (10) days after a notice stating the intent to terminate service and the reason therefor has been served on the premises.

Section 21-5. DEPARTMENT'S RIGHT OF ENTRY.

Agents and employees of the Water Department shall, in the performance of their duly assigned duties and upon presentation of proper credentials identifying them, have free access, between the hours of 7:00 a.m. and 6:00 p.m., or such other times as may be required by emergency, to any and all premises supplied with Village water.

Section 21-6. APPLICATION FOR CONNECTION REQUIRED.

Any person desiring to make any connection with the Village water system, or to use water therefrom, shall first make application to the Chairman of the Water Committee upon a form furnished by the Village. Every such applicant shall state specifically and in detail the location, type, and size of connection sought, the purpose for which the water is to be used, and all the plumbing or plumbing work in any manner or way connected therewith.

Section 21-7. PERMIT REQUIRED FOR EACH CONNECTION.

A permit must be obtained for each connection to the Village water system. Each connection shall serve a single building, residence, premises, or place, except where specifically allowed by the Board of Trustees.

Section 21-8. ISSUANCE OF CONNECTION PERMIT.

(a) After an applicant for water has complied with all of the provisions of this Chapter and other ordinances of the Village, the Board of Trustees shall issue a permit authorizing the connection to be made and specifying the location and size thereof. The connection, from the public water main through the meter setting, must be constructed by a plumber licensed and bonded to work in the Village.

(b) If any work is to be performed in a public right-of-way, a permit must be obtained from the Board of Trustees.

(c) The plumber shall be solely responsible for the work performed and for any and all damages resulting from such work.

Section 21-9. INSPECTION AND APPROVAL OF PLUMBING.

(a) Every connection to the Village water system and all plumbing served by such connection shall be subject to inspection, supervision, and approval by the Chairman of the Water Committee or an authorized agent of the Chairman, and shall be constructed in compliance with specifications prepared by the Chairman.

(b) Every person intending to make a connection to the Village water system shall notify the Chairman of the Water Committee in advance of the date and time connection will be made.

(c) After a connection to the Village water system has been made, the person who made such connection shall report its exact location in plan and profile, its size, and its materials of construction to the Chairman of the Water Committee.

Section 21-10. PREREQUISITES TO TURNING ON WATER.

(a) Water shall not be turned on for use in any premises or property except upon the order of the Chairman of the Water Committee, who shall not issue such order unless the requisite application has been made and all amounts owed the Water Department have been paid in full.

(b) Except for purposes of testing their work, plumbers are strictly prohibited from turning water on to any service connection without the express order and permission of the Chairman of the Water Committee. After completing any test of their work, plumbers must turn off water to a service which was turned on to perform the test.

Section 21-11. LOCATION OF PRIVATE HYDRANTS.

No private hydrant shall be located in any public right-of-way or on any public property.

Section 21-12. CONSUMERS SUPPLYING WATER TO OTHERS.

No owners or occupants of any property to which Village water is supplied shall supply water to other persons or properties.

Section 21-13. CONNECTIONS FOR MULTIPLE PREMISES.

(a) Where a service connection is intended to supply two (2) or more distinct premises or apartments, a separate and distinct shutoff valve must be provided for each premises or apartment, located outside of the same.

(b) No service connection shall supply more than one (1) property.

Section 21-14. RIGHT TO RESTRICT WATER USE.

(a) The President and the Board of Trustees shall have authority to restrict the use of water when, in their opinion, the public exigencies require it.

Section 21-15. VILLAGE NOT LIABLE FOR DAMAGES.

(a) All connections to the Village water system and all water used therefrom shall be upon the express condition that the Village shall not be liable, nor shall any claim be made against it, for damages or injury resulting from the breakage of or leakage from any pipe or appurtenances connected with the system, nor for any interruption of the supply for any reason whatsoever.

(b) To the extent permitted by conditions and demands of time, the Water Department shall notify customers in advance of interruptions of water service.

Section 21-16. PROPERTY OWNERS RESPONSIBLE FOR PAYMENTS.

Property owners shall be responsible for the payment of water and sewer charges notwithstanding the fact that they may lease their property to others. The senior citizens apartment complex known as "Rose Hill Apartments" shall be exempt from the requirements of this section and, accordingly, tenants of said complex shall be responsible for their own water and sewer costs.

Section 21-17. NOTICE OF LEASE OR SALE OF PROPERTY.

(a) Every owner of property served by the Village water system shall notify the Chairman of the Water Committee within ten (10) days after making any lease or contract of sale of such property. The notice shall include the name of the tenant or purchaser, the duration of the lease or the period of the contract, and the street address of the property. A Twenty-Five (\$25.00) fee shall be assessed upon an individual who does not report a change of occupants of a residence within thirty (30) days of the occurrence.

Section 21-18. OBSTRUCTING OR DAMAGING SYSTEM.

(a) It shall be unlawful for any person, in any manner, to obstruct access to, hamper with, or damage any facility or appurtenance of the Village water system.

(b) Any person who damages any water system facility or appurtenance in any manner shall be responsible to the water department for the cost of any and all replacements or repairs made necessary by such damage. In addition, the person responsible for any damage to the water system shall be responsible for any and all damage to other persons resulting from the damage from the water system.

Section 21-19. OPERATION OF VALVES AND SHUT-OFF VALVES.

(a) No person not duly authorized by the Board of Trustees shall operate or open any valve belonging to the Village water system or the shut-off valve of any service connected to the system.

(b) No person not duly authorized by the Board of Trustees shall operate, open, or tamper with any fire hydrant, public or private, connected to the Village water system.

(c) Any member of a fire department shall be authorized to operate fire hydrants connected to the Village water system for the purposes of extinguishing a fire.

Section 21-20. SUSPENSION OF LAWN WATERING.

The Board of Trustees shall have the authority to suspend the use lawn fountains and hoses for sprinkling lawns and gardens when circumstances deem such suspension necessary.

ARTICLE 2. FEES AND COLLECTION PROCEDURE.

Section 21-21. TURN ON AND TURN OFF FEES.

There shall be a Four Hundred Dollar (\$400.00) charge for connecting with the Village water system. There shall be a One Hundred and Fifty Dollar (\$150.00) charge for connecting with the Village sewer system. Additionally, the property owner shall pay all costs associated with said connections.

Section 21-22. DEPOSIT REQUIRED.

Each applicant for water supply shall deposit with the Village Clerk the sum of Fifty Dollars (\$50.00). Such deposit shall be held by the Village in an interest bearing account for a period of one (1) year following the commencement of such service. If, during such one (1) year period, the charges owing to the Village have been kept currently paid by the user, such sum shall be refunded to the user, at the end of such year, together with any interest earned on such sum by the Village for such period. If the user is not entitled to such refund, under the terms of this section, the deposit shall be held by the Village until service is terminated, and during such period of service the Village may draw upon such deposit for payment of any default in payment. Any sum remaining on deposit at termination of service shall be refunded to the user, without interest.

Section 21-23. MONTHLY WATER AND SEWER CHARGES.

<u>Amount</u>	<u>Description</u>
\$11.50	A month for water
\$.06	For every 100 gallons
\$10.00	Base charge for sewer
\$1.40	Per person sewer charge
\$1.20	Sewer charge
	For residential use only
	For metered read/commercial
	Both residential and commercial
	For residential use
	For business using minimum sewer

A flat fee of Four Dollars (\$4.00) will be assessed if no one is residing in a residence and water service has not been turned off.

Section 21-24. DELINQUENT BILLS.

(a) Water Bills. All water bills not paid on the due date of the bill shall be deemed and are hereby declared to be delinquent, in violation of the requirements of this Chapter, and the premises shall be subject to termination of Village water service.

(b) Other Water Charges. Charges for water benefits, services, materials, equipment or labor for repairs or new installations, etc. not paid on the due date of the bill shall be deemed and are hereby declared delinquent, in violation of the requirements of this Chapter, and the premises served, if any, shall be subject to termination of Village water service.

Section 21-25. TERMINATION PROCEDURE.

(a) A person notified of the intention of the Board of Trustees to terminate Village water service shall have ten (10) days to respond by either paying the amount owed to the Village, correcting the violation, or requesting a hearing.

(b) If such person requests a hearing, the Chairman of the Water Committee shall notify the person of the date, time, and place of the hearing. The termination shall be stayed pending the outcome of the hearing.

(c) When a hearing is requested, the Chairman of the Water Committee shall act as hearing officer for the Water Department and shall conduct the hearing. The Chairman shall reduce the facts to writing and shall make a determination based on the facts. A copy of the decision shall be provided to the person requesting the hearing; and, if the decision is adverse to such person, he or she shall be given ten (10) days from the date of the decision to pay the amount owed and/or correct the violation before service is terminated. The decision shall constitute final notice.

(d) If no request for a hearing on the merits is made within ten (10) days after the first notice of intention to terminate service, a final notice shall be served that service will be terminated on or after a specific date.

(e) If the amount owed is not paid and/or violation is not corrected within ten (10) days after the final notice, service shall be terminated at the convenience of the Board of Trustees without further notice.

(f) For purposes of this section, notice may be served by registered or certified mail or by personal service on the premises.

Section 21-26. DELINQUENT BILLS WITHOUT WATER SERVICE.

If a water charge is due from a person who is not a customer of the Village water system, the Chairman of the Water Committee is authorized and directed to file a statement of lien claim with the County Recorder of Deeds.

Section 21-27. RESTORATION OF TERMINATED SERVICE.

(a) When service has been terminated to a property or premises for non-payment of amounts owed to the Water Department and/or violations of the provisions of this Chapter, service shall not be restored until the amounts due have been paid in full, or arrangements have been made satisfactory to the Board of Trustees for their payment, and/or until the violations have been corrected.

(b) In addition to subsection (a) of this section, the service restoration fee, which recovers the cost of the work of shutting the water off and turning it on, shall be paid before service is restored.

(c) After all of the conditions of this section have been satisfied, the Chairman of the Water Committee shall order the service to be restored to the property or premises at once.

Section 21-28. TREASURER TO ISSUE BILLS AND COLLECT AMOUNTS DUE.

It shall be the duty of the Village Treasurer to issue all bills for water use, fees, charges, and deposits owed to the Department and to collect such amounts when they become due.

Section 21-29. LATE PAYMENT PENALTY.

When any bill is not paid within the time allowed by this Chapter, a penalty charge of ten percent (10%) shall be added to the total amount due.

ARTICLE 3. LIEN FOR RATES AND CHARGES.

Section 21-30. DECLARED.

The Village shall have a continuing lien upon the premises and real estate upon or for which water is used or supplied for all water rates, charges or benefits accruing by reason of the provisions of this Chapter.

by law or ordinance, but the remedy provided in this Section shall be taken and held as an additional means to enforce payment of such delinquent water rates, charges or benefits.

CHAPTER 22. CROSS-CONNECTIONS

Section 22-1. DEFINITIONS.

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

"Backflow" shall mean water of questionable quality, wastes, or other contaminants entering a public water supply system due to a reversal of flow.

"Cross-connection" shall mean any physical connection or arrangement between a potable water supply and any other source of water of unknown or questionable quality or of steam, gases, chemicals or mixtures whereby backflow may occur to the potable water supply.

"Secondary water supply" shall mean a water supply system maintained in addition to a public water supply, including but not limited to water systems from ground or surface sources not meeting the requirements of Act No. 98 of the Public Acts of 1913, as amended being Sections 325.201 to 325.214 of the Compiled Laws of 1948, or water from a public water supply which in any way has been treated, processed or exposed to any possible contaminant or stored in other than an approved storage facility.

Section 22-2. GENERAL REQUIREMENTS.

(a) The Village water supply system, including its service connections and all of their downstream plumbing, shall be designed, constructed, and maintained to prevent contamination of the potable water supply by nonpotable liquids, solids, or gases entering it through cross-connections.

(b) Cross connections between the Village public water supply system and other water supplies or plumbing systems or equipment containing water or other substances of unknown or questionable quality are prohibited.

(c) Interconnections between the Village public water supply system and other public water supply systems shall only be made with the approval of the Board of Trustees.

(d) All plumbing systems connected to or supplied by the Village public water supply system shall be installed and maintained in full compliance with the state plumbing code.

Section 22-3. RIGHT OF INSPECTION.

The Chairman of the Water Committee, or any agent authorized by the Chairman, shall have the right of entry, during reasonable hours, into any building or premises served by the Village water system for the purpose of inspecting the plumbing therein. With respect to single-family dwellings, however, consent to such inspection shall first be obtained from persons of suitable age and discretion in control thereof.

Section 22-4. PROVISION OF INFORMATION.

The Chairman of the Water Committee, or any agent authorized by the Chairman, may require the owner or occupant of any building or premises served by the Village water system to provide information concerning the plumbing in such places or concerning uses of such places which might constitute a hazard to the Village water system.

Section 22-5. TERMINATION OF SERVICE.

The failure or refusal of a customer to correct plumbing defects, or to otherwise comply with the provisions of this Chapter after reasonable notice, shall constitute a violation of the requirements of this Chapter, and the premises concerned shall be subject to termination of Village water service. In addition, when there has been actual contamination of the Village water supply or when, in the opinion of the Chairman of the Water Committee, there is imminent danger of such contamination, Village water service to the premises shall be terminated immediately and without prior notice.

Section 22-6. CORRECTIONS AND PROTECTIVE DEVICES.

Any user of Village water shall first obtain written approval from the Board of Trustees before using or installing any proposed corrective or protective device.

Section 22-7. PIPING IDENTIFICATION.

When a secondary water source is used in addition to the Village water supply, exposed Village water and secondary water piping shall be identified by distinguishing colors or tags and so maintained that each pipe may be traced readily in its entirety.

Section 22-8. PRIVATE WATER STORAGE TANKS.

A private water storage tank supplied from the Village water supply system shall be deemed a secondary water supply unless it is designed and approved for potable water usage.

Section 22-9. LIABILITY TO VILLAGE.

If contamination of the Village water supply system occurs through an unlawful cross connection or an improperly installed, maintained or repaired cross connection control device, or a device which has been by passed, the owner of the building or premises from which such contamination originated shall be liable to the Village for the cost of decontaminating the Village water supply.

Section 22-10. LIABILITY TO WATER CUSTOMERS.

If contamination of the Village water supply system occurs as in subsection 22-9, the owner of the building or premises from which such contamination originated shall be liable to the customers of the Village water system for any damages suffered or losses incurred by such customers.

Section 22-11. PENALTY.

The owner and/or the authorized agent of the owner responsible for the maintenance of the plumbing system in a building or premises who knowingly permits a violation of this Chapter to exist after notice of the same, shall be required to pay a fine of no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each violation. Each day of failure to comply with the requirements of this Chapter shall constitute a separate violation.

CHAPTER 23. SEWERS

ARTICLE 1. DEFINITIONS

Section 23-1. DEFINITIONS.

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

FEDERAL GOVERNMENT

"Federal Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243).

"Administrator" means the Administrator of the U.S. Environmental Protection Agency.

"Federal Grant" shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

STATE GOVERNMENT

"State Act" means the Illinois Anti-Pollution Bond Act of 1970.

"Director" means the Director of the Illinois Environmental Protection Agency.

"State Grant" shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

LOCAL GOVERNMENT

"Ordinance" means this ordinance.

"Village" means the Village of Davis, Illinois.

"Approving Authority" means the Superintendent of Sewers of the Village of Davis, Illinois.

OTHER ENTITIES

"Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

PERMITS

"NPDES Permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Water

Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

WORD USAGE

"Shall" is mandatory; "may" is permissible.

WASTEWATER AND ITS CHARACTERISTICS

"Wastewater" shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

"Sewage" is used interchangeably with "wastewater".

"Effluent Criteria" are defined in any applicable "NPDES Permit".

"Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.

"Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

"ppm" shall mean parts per million by weight.

"Milligrams per Liter" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

"pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods".

"Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

"Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"Population Equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is ___ gallons of sewage per day, containing ___ pounds of BOD and ___ pounds of suspended solids.

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

"Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

"Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works that: (a) Has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or (d) is found by the permit issuance authority, in connection with the issuance of the NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

SEWER TYPES AND APPURTENANCES

"Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

"Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary (or combined sewer system), even though those sewers may not have been constructed with Village funds.

"Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

"Storm Sewer" shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

"Combined Sewer" shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Building Drain" shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building

and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Stormwater Runoff" shall mean that portion of the precipitation that is drained into the sewers.

"Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

TREATMENT

"Pretreatment" shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

"Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

"Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

USER TYPES

"User Class" shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

"Residential or Commercial" or "Non-industrial" user, shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.

"Industrial User" shall mean any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following division:

- (a) Division A - Agriculture, Forestry, and Fishing.
- (b) Division B - Mining.
- (c) Division D - Manufacturing.
- (d) Division E - Transportation, Communications, Electric, Gas and Sanitary Services.
- (e) Division I - Services.

A user in the Divisions listed may be excluded if it is determined by the Approving Authority that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

"Control Manhole" shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.

TYPES OF CHARGES

"Wastewater Service Charge" shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Chapter 24, Article 3 and shall consist of the total or the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

"User Charge" shall mean a charge levied on users of treatment works for the cost of operation and maintenance.

"Basic User Charge" shall mean a basic assessment levied on all users of the public sewer system.

"Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding and shall be computed by dividing the annual debt service by the number of users connected to the Wastewater Facilities.

"Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Chapter 24, Article 4.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and contracted. The term "operation and maintenance" includes replacement.

"Useful Life" shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be ___ years from the date of start-up of any wastewater facilities constructed with a State grant.

"Sewerage Fund" is the principal accounting designation for all revenues received in the operation of the sewerage system.

ARTICLE 2. USE OF PUBLIC SEWERS REQUIRED

Section 23-2. UNLAWFUL DEPOSITS.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.

Section 23-3. UNLAWFUL DISCHARGE.

It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 23-4. PRIVY MAINTENANCE.

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

Section 23-5. CONNECTION TO SEWAGE SYSTEM REQUIRED.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

ARTICLE 3. PRIVATE SEWAGE DISPOSAL

Section 23-6. CONNECTION TO PRIVATE DISPOSAL SYSTEMS.

Where a public sanitary (or combined) sewer is not available under the provisions of Article 1, Section 23-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article 3.

Section 23-7. PERMIT REQUIRED.

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Approving Authority. The application for such permit shall be made on a form furnished by the Village, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Approving Authority. A permit and inspection fee of Ten Dollars (\$10.00) shall be paid to the Village at the time the application is filed.

Section 23-8. INSPECTION OF WORK.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Approving Authority. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Approving Authority when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty eight (48) hours of the receipt of written notice by the Approving Authority.

Section 23-9. COMPLIANCE WITH STATE REGULATIONS.

The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet (1395 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 23-10. ABANDONMENT OF PRIVATE SYSTEM.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article 2, Section 23-5, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Section 23-11. SANITARY MAINTENANCE.

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

Section 23-12. ADDITIONAL REQUIREMENTS.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Village.

Section 23-13. CONNECTION TO PUBLIC SYSTEM.

When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

ARTICLE 4. BUILDING SEWERS AND CONNECTIONS

Section 23-14. UNAUTHORIZED CONNECTIONS.

No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Approving Authority.

Section 23-15. UNLAWFUL DISPOSAL.

All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

Section 23-16. CLASSES OF PERMITS.

There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Approving Authority. A permit and inspection fee of Ten Dollars (\$10.00) for a residential or commercial building sewer permit shall be paid to the Village at the time the application is filed. The Industry, as a condition of permit authorization,

must provide information describing its wastewater constituents, characteristics, and type of activity.

Section 23-17. CONDITIONS OF ISSUANCE.

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

Section 23-18. COSTS BORNE BY OWNERS.

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

Section 23-19. SEPARATE SEWER FOR EACH BUILDING.

A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 23-20. OLD BUILDING SEWERS.

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

Section 23-21. CONSTRUCTION SPECIFICATIONS.

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

Section 23-22. ELEVATION.

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

Section 23-23. ROOF DOWNSPOUTS.

No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 23-24. CONNECTION TO PUBLIC SEWER.

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

Section 23-25. INSPECTION.

The applicant for the building sewer permit shall notify the Approving Authority when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Approving Authority or his representative.

Section 23-26. EXCAVATIONS.

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

ARTICLE 5. USE OF THE PUBLIC SEWERS

Section 23-27. STREET EXCAVATIONS.

No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 23-28. STORMWATER DISCHARGE.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Approving Authority. Industrial cooling water or unpolluted process waters may be discharged on approval of the Approving Authority, to a storm sewer, combined sewer, or natural outlet.

Section 23-29. PROHIBITED DISCHARGE.

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

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(c) Any waters or wastes having pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 23-30. INDUSTRIAL DISCHARGE.

No industrial user may discharge sewage into any public sewer until the Village has adopted an industrial cost recovery system which:

(a) meets the requirements of Section 204(b)(1)(8), of the Federal Water Pollution Control Act Amendments of 1972 [citation] and applicable federal regulations; and

(b) has been approved by the Agency in accordance with the conditions of any grant made to the Village by the United States Environmental Protection Agency or by the State of Illinois for the construction of any part of the sewer system or sewage treatment works of the Village.

Section 23-31. HARMFUL WASTES.

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

(a) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit.

(b) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150°F), (0 and 65°C).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Approving Authority.

(d) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Approving Authority for such materials.

(f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Approving Authority as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Approving Authority in compliance with applicable State or Federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Approving Authority in compliance with applicable State and Federal regulations.

(j) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Approving Authority in compliance with applicable State and Federal regulations.

(k) Materials which exert or cause:

(1) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

(1) Waters or waste containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

Section 23-32. DECLARATION OF NUISANCE.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 23-31 of this Article, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendments thereto, and which in the judgment of the Approving Authority may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Approving Authority may:

- (a) reject the wastes;
- (b) require pretreatment to an acceptable condition for discharge to public sewers;
- (c) require control over the quantities and rates of discharge; and/or
- (d) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 23-36 of this Article.

If the Approving Authority permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Approving Authority, and subject to the requirements of all applicable codes, ordinances, and laws.

Section 23-33. INTERCEPTORS.

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

Section 23-34. PRELIMINARY TREATMENT FACILITIES.

Where preliminary treatment or flow-equalizing facilities are provide they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 23-35. CONTROL MANHOLE.

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

Section 23-36. TESTS AND ANALYSIS OF WATER.

(a) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analysis to the Village at such times and in such manner as prescribed by the Village. The owner shall bear the expense of all measurements, analysis, and reporting required by the Village. At such times as deemed necessary, the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.

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

Section 23-37. SPECIAL AGREEMENTS.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with Chapter 24, Article 1, hereof, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

ARTICLE 6. PROTECTION OF SEWAGE WORKS FROM DAMAGE

Section 23-38. TAMPERING WITH SEWAGE WORKS.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE 7. POWERS AND AUTHORITY OF INSPECTORS

Section 23-39. ENTRY OF PREMISES.

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

Section 23-40. INDEMNITY.

While performing the necessary work on private properties referred to in Article 7, Section 23-39 above, the Approving Authority or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article 4, Section 23-35.

Section 23-41. EASEMENTS.

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

ARTICLE 8. PENALTIES

Section 23-42.

Any person found to be violating any provision of this ordinance except Article V shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

Section 23-43.

Any person who shall continue any violation beyond the time limit provided for in Article 8, Section 23-42, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding Fifty Dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 23-44.

Any person violating any of the provisions of this ordinance shall become liable to the Village by reason of such violation.

CHAPTER 24. WASTEWATER SERVICE CHARGES AND COST RECOVERY

ARTICLE 1. DEFINITIONS.

Section 24-1. DEFINITIONS.

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

FEDERAL GOVERNMENT

"Federal Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq) as amended by the Federal Water Pollution Control Act of 1972 (Pub. L. 92-500) and (Pub. L. 93-243).

"Administrator" means the Administrator of the U.S. Environmental Protection Agency.

"Federal Grant" shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

STATE GOVERNMENT

"State Act" means the Illinois Anti-Pollution Bond Act of 1970.

"Director" means the Director of the Illinois Environmental Protection Agency.

"State Grant" shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

LOCAL GOVERNMENT

"Ordinance" means this ordinance.

"Village" means the Village of Davis, Illinois.

"Approving Authority" means the Superintendent of Sewers of the Village of Davis, Illinois.

OTHER ENTITIES

"Person" shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

PERMITS

"NPDES Permit" means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Water

Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

WORD USAGE

"Shall" is mandatory; "may" is permissible.

WASTEWATER AND ITS CHARACTERISTICS

"Wastewater" shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

"Sewage" is used interchangeably with "wastewater".

"Effluent Criteria" are defined in any applicable "NPDES Permit".

"Water Quality Standards" are defined in the Water Pollution Regulations of Illinois.

"Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

"ppm" shall mean parts per million by weight.

"Milligrams per Liter" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

"pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in "Standard Methods".

"Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

"Floatable Oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

"Population Equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is ___ gallons of sewage per day, containing ___ pounds of BOD and ___ pounds of suspended solids.

"Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

"Industrial Waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

"Major Contributing Industry" shall mean an industrial user of the publicly owned treatment works that: (a) Has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or (d) is found by the permit issuance authority, in connection with the issuance of the NPDES Permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

SEWER TYPES AND APPURTENANCES

"Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

"Public Sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary (or combined sewer system), even though those sewers may not have been constructed with Village funds.

"Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

"Storm Sewer" shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

"Combined Sewer" shall mean a sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Building Drain" shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building

and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Stormwater Runoff" shall mean that portion of the precipitation that is drained into the sewers.

"Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

TREATMENT

"Pretreatment" shall mean the treatment of wastewaters from sources before introduction into the wastewater treatment works.

"Wastewater Treatment Works" shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

"Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

USER TYPES

"User Class" shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

"Residential or Commercial" or "Non-industrial" user, shall mean any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.

"Industrial User" shall mean any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following division:

- (a) Division A - Agriculture, Forestry, and Fishing.
- (b) Division B - Mining.
- (c) Division D - Manufacturing.
- (d) Division E - Transportation, Communications, Electric, Gas and Sanitary Services.
- (e) Division I - Services.

A user in the Divisions listed may be excluded if it is determined by the Approving Authority that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

"Control Manhole" shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.

TYPES OF CHARGES

"Wastewater Service Charge" shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Chapter 24, Article 3 and shall consist of the total or the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

"User Charge" shall mean a charge levied on users of treatment works for the cost of operation and maintenance.

"Basic User Charge" shall mean a basic assessment levied on all users of the public sewer system.

"Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding and shall be computed by dividing the annual debt service by the number of users connected to the Wastewater Facilities.

"Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Chapter 24, Article 4.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and contracted. The term "operation and maintenance" includes replacement.

"Useful Life" shall mean the estimated period during which the collection system and/or treatment works will be operated and shall be ___ years from the date of start-up of any wastewater facilities constructed with a State grant.

"Sewerage Fund" is the principal accounting designation for all revenues received in the operation of the sewerage system.

ARTICLE 2. WASTEWATER SERVICE CHARGES

Section 24-2. BASIS FOR WASTEWATER SERVICE CHARGES.

The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village of Davis shall consist of a basic user charge for operation and maintenance plus replacement, and a surcharge, if applicable. The basic user charge shall be based on the following normal concentration:

- (a) Five (5) day, 20°Centigrade biochemical oxygen demand of 250 mg/l.
- (b) A suspended solids content of 300 mg/l.

It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- (a) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund, for the next fiscal year for all work categories.

- (b) Proportion the estimated cost to wastewater facility categories by volume, suspended solids and BOD.
- (c) Estimate wastewater volume, pounds of suspended solids, and pounds of BOD to be treated.
- (d) Compute unit cost for volume (\$__ per 1,000 gallons) for suspended solids (\$_ per pound) and for BOD (\$__ per pound).
- (e) Compute cost per 1,000 gallons for volume, suspended solids, and BOD at normal sewage strength. Add these costs to determine the charge for operation and maintenance including replacement.

A surcharge will be levied to all users whose wastes exceed the normal concentrations for BOD (250 mg/l) and suspended solids (300 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 250 mg/l and 300 mg/l concentrations for BOD and suspended solids respectively. The wastewater service charge shall be reviewed annually by certified public accountants to the Village in their annual audit report. It shall be revised periodically to reflect the change in debt service or a change in operation and maintenance including replacement costs.

Section 24-3. MEASUREMENT OF FLOW.

- (a) Residential volume shall be based on 80 gallons per capita per day.
- (b) Non residential use and/or all users whose wastes exceed normal concentrations for BOD and suspended solids shall be based on metered water consumption read to the lowest even increment of 100 gallons. If the person discharging waste into the public sewers procures any part or all of his water from sources other than the public water works system, all or a part of which is discharged into the public sewers, the person shall install and maintain at his expense, water meters of a type approved by the Superintendent for the purpose of determining the volume of water obtained from these other sources.
- (c) Devices for measuring the volume of waste discharged may be required by the Superintendent if these volumes cannot otherwise be determined from the metered water consumption records. Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed without the consent of the Superintendent.

Section 24-4. SERVICE CHARGES.

(a) The charge for combined sewage treatment and sewer service for the different properties in the Village shall be in accordance with the schedule hereinafter set forth. Such charge shall be paid in monthly installments on or before the 10th day of each month, unless otherwise provided by contract. The schedule of rates is as follows:

- (1) Dwelling Units. For each residential unit:

	<u>Monthly Charges</u>
1 member family	\$11.40

2 member family	12.80
3 member family	14.20
4 member family	15.60
5 member family	17.00
6 member family	18.40

For residential dwelling units with families in excess of six members the monthly charge shall increase over \$18.40 at the rate of \$1.40 for each person in excess of six.

(2) Non-Dwelling. For each commercial, institutional, business or other non-residential unit served the charge shall be \$10.00 monthly, plus \$.06 cents for each 100 gallons of water used, as shown by properly installed water meters.

(3) Combined Dwelling and Non-Dwelling. For each served unit described in the preceding section in which one or more persons reside the charge shall be \$20.00 monthly, plus \$.06 cents for each 100 gallons of water used, as shown by properly installed water meters.

(b) Each apartment or separate residential quarter in a multiple dwelling building shall be considered a residential unit.

(c) Real estate owners, as well as tenants shall be liable for service charges and, in the discretion of the Village may be billed monthly or periodically.

(d) All water meters, as herein required, shall be furnished by, installed and repaired by, and remain the sole property of, the Village of Davis. Any person, other than a person duly authorized by the Village, who attempts to repair, alter, tamper with, or circumvent any such meter shall be fully liable for damages and shall be liable to criminal prosecution and fine pursuant to ordinance and statute.

Section 24-5. SURCHARGE RATE.

The rates of surcharge for BOD5 and suspended solids shall be as follows:

- (a) For biochemical-oxygen demand (BOD) \$.09 per pound.
- (b) For Suspended Solids (SS) \$.06 per pound.

Section 24-6. COMPUTATION OF SURCHARGE.

The surcharge per person shall be computed by the following formula:

$$S = V (0.00834) [A (BOD-250) + B (SS-300)]$$

where S = Amount of Surcharge (\$)

V = Wastewater Volume in thousand gallons per billing period

0.00834 = Unit weight of water x 10⁻⁶ per thousand gallons

A = Unit charge per lb. for BOD5 per lb. (Sec. 4)

BOD5 = 5 day Biochemical Oxygen Demand, mg/l

250 = Allowable BOD5 strength
B = Unit charge per lb of SS, mg/l
300 = Allowable SS, mg/l

The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Superintendent and shall be binding as a basis for surcharges. Sampling stations shall be provided and maintained by the person.

ARTICLE 3. INDUSTRIAL COST RECOVERY

Section 24-7.

No industrial user may discharge sewage into any public sewer until the Village of Davis has adopted an industrial cost recovery system which:

(a) meets the requirements of Section 204 (b) (1) (B) of the Federal Water Pollution Control Act Amendments of 1972 (citation) and applicable federal regulations; and

(b) has been approved by the Agency in accordance with the condition of any grant made to the Village of Davis by the United State Environmental Protection Agency or by the State of Illinois for the construction of any part of the wastewater system or sewage treatment works of the Village of Davis.

ARTICLE 4. GENERAL PROVISIONS

Section 24-8. BILLS.

Said rates or charges for service shall be payable monthly or quarterly depending on the classification of service for which bills are rendered.

The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the Village.

Bills for sewer service shall be sent out by the Village treasurer on the first day of the month or quarter succeeding the period for which the service is billed.

All sewer bills are due and payable thirty (30) days after being sent out. A penalty of ten percent (10%) shall be added to all bills not paid by the 15th day after they have been rendered.

Section 24-9. DELINQUENT BILLS.

If the charges for such services are not paid within sixty (60) days or thirty (30) days herein above mentioned after the rendition of the bill for such services, such services shall be discontinued without further notice and shall not be reinstated until all claims are settled.

Section 24-10. LIEN-NOTICE OF DELINQUENCY.

Whenever a bill for sewer service remains unpaid for thirty (30) days for monthly service after it has been rendered, the Village treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the Village treasurer has notice of this, notice shall be mailed to the owner of the premises if his address be known to the treasurer, whenever such bill remains unpaid for the period of forty-five (45) days for a monthly bill or one hundred and five (105) days for a quarterly bill after it has been rendered.

The failure of the Village treasurer to record such lien or to mail such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

Section 24-11. FORECLOSURE OF LIEN.

Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty-five (45) days in the case of a monthly bill or one hundred and five (105) days in the case of a quarterly bill after it has been rendered.

Section 24-12. REVENUES.

All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without deductions whenever, shall be delivered to the Village treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Board of Trustees.

The Village treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund" of the Village." Said treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

Section 24-13. ACCOUNTS.

The Village treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to

indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- (2) Billing data to show total number of gallons billed.
- (3) Debt service for the next succeeding fiscal year.
- (4) Number of users connected to the system.
- (5) Number of non-metered users.
- (6) A list of users discharging non-domestic wastes (industrial users and volume of waste discharged).

Section 24-14. NOTICE OF RATES.

A copy of this article properly certified by the Village treasurer, shall be filed in the office of the recorder of Deeds of Stephenson County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said Village on their properties.

Section 24-15. PENALTY.

Any person, firm or corporation violating any provisions of this article shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) for each offense.

Section 24-16. ACCESS TO RECORDS.

The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

CHAPTER 25. SWIMMING POOLS

Section 25-1. COMPLIANCE REQUIRED.

No person shall maintain on any property within the boundaries of the Village a swimming pool for public or private use without complying with the provisions of this chapter.

Section 25-2. DEFINITIONS.

The following words and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section:

Fence. Any structure of wood, metal or other material constituting a permanent obstruction to the free access to a swimming pool.

Swimming pool. Any structure, apparatus, or excavation of an area of more than one hundred (100) square feet and of a depth of more than two (2) feet.

Section 25-3. HEALTH AND SAFETY REQUIREMENTS FOR PRIVATE POOLS.

(a) A wall or fence enclosure of four (4) feet minimum height shall be constructed to completely enclose the pool area for all swimming pools built below the ground level and those built above ground level of less than four (4) feet height. These fences shall be equipped with self-closing and self-latching devices placed in such a manner as to be an effective barrier to small children.

(b) All above ground pools of four (4) feet height or more need not have an additional fence or a wall enclosure. Each of these pools, however, shall have retractable ladders installed in such a way as to be an effective barrier to small children. It is the responsibility of the owners of said pools to enforce the provisions of this section and to see that said retractable ladders are effective barriers to small children.

Section 25-4. LOCATION PERMIT REQUIRED.

Prior to the commencement of any construction or installation of a swimming pool, a location permit shall be secured from the Board of Trustees of the Village.

Section 25-5. LOCATION PERMIT FEE.

The fee for a location permit as required by section 25-4 shall be the same as for other types of construction in the Village.

Section 25-6. LOCATION OF POOL.

No pool or any attachment thereto shall be constructed, installed, or maintained within ten (10) feet of any property line.

Section 25-7. LIABILITY OF AGENT OR TENANT FOR VIOLATION.

Any person in possession of the property, either as agent or tenant in any manner or form shall be equally liable with the owners of said property for the violation of this chapter.

CHAPTER 26

Section 26-1. PARALLEL AND ANGLE PARKING.

(a) Where parallel parking is permitted upon a roadway, every vehicle shall be so parked that the right wheels, or the left wheels where parking on the left side is permissible, are parallel to the edge of the roadway.

(b) When angle parking is permitted upon a roadway, every vehicle shall be parked such that the front of the vehicle is pointed toward the curb and such that one of the front wheels is within eighteen (18) inches of the curb.

(c) All streets on which parking is permitted shall be parallel parking streets, except those streets within the Business District.

Section 26-2. BUSINESS DISTRICT.

(a) Stanton Street between _____

Section 26-3. PROHIBITED PARKING AREAS.

No person shall park a vehicle in, or move a vehicle not lawfully in his or her control into, any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of an authorized officer or traffic control device:

- (a) On a sidewalk;
- (b) In front of a driveway in a street or alley;
- (c) In an intersection or crosswalk, or within twenty (20) feet thereof;
- (d) Within fifteen (15) feet of a fire hydrant located on a corner at intersecting streets and within seven and one-half (7 1/2) feet on either side of all other fire hydrants;
- (e) Within thirty (30) feet of a traffic-control device at the side of a roadway;
- (f) Alongside or opposite any street excavation or obstruction when parking would obstruct traffic;
- (g) On the roadway side of any vehicle stopped at the edge of a street;
- (h) Upon a bridge or elevated structure;
- (i) When parking will reduce the usable width of an alley to less than ten (10) feet;
- (j) On the left side of a roadway;
- (k) In a fire zone;
- (l) In the traffic lane of any street or roadway.

Section 26-4. PARKING FOR PURPOSES OF SALES OR NONEMERGENCY REPAIRS.

No person shall park a vehicle upon any roadway for the purpose of display for sale, greasing or nonemergency repair, or for selling merchandise therefrom, unless otherwise licensed or authorized to do so by the Village.

Section 26-5. UNATTENDED VEHICLES, DUTY TO REMOVE KEY, SHUT OFF ENGINE, SET BRAKE, ETC.

No person driving or in charge of a motor vehicle shall permit it to stand unattended under any of the following circumstances:

- (a) With the key in the ignition switch.
- (b) With the engine running.
- (c) When parking in a parking space on a perceptible grade, without effectively setting the brake.

Section 26-6. REMOVAL OF ILLEGALLY PARKED VEHICLES.

The Village Marshall may remove, or have towed away by a commercial towing service, any illegally parked vehicles under the following circumstances:

Emergencies

Vehicles illegally parked in a fire zone, as provided in Section 26-3 (k), within fifteen (15) feet of a fire hydrant located on a corner at intersecting streets and within seven and one-half (7 1/2) feet on either side of all other fire hydrants, as provided in Section 26-3 (d), on a bridge, as provided in Section 26-3 (h) or in a traffic lane of any street or roadway, as provided in Section 26-3 (1), are hereby declared to create emergency situations and may be towed away without notice.

Nonemergencies

1) Except as provided in the above subsection, upon complaint or observation of any illegally parked motor vehicle upon any public or private property, the Village Marshall shall issue a notice to the owner of such illegally parked motor vehicle as follows:

A. For a motor vehicle with proper registration and licensing, notice shall be sent by certified or registered mail, return receipt requested, or by personal delivery as provided in the Illinois Code of Civil Procedure; or

B. For a motor vehicle without identifiable licensing, registration or ownership, the notice shall be affixed to the illegally parked motor vehicle in a conspicuous location.

(1) The notice provided hereof shall contain the following information:

- a. That the vehicle is parked illegally as defined by this Ordinance;

- b. That the owner has three (3) days within which to remove the motor vehicle;
- c. That the owner is entitled to a hearing concerning the Village's decision to classify the vehicle as illegally parked;
- d. That a request of a hearing must be made within three (3) days of the date of the notice; and
- e. That the failure of the owner to remove the motor vehicle will subject the motor vehicle to being towed at the owner's expense and will subject the owner of the motor vehicle to the penalties prescribed in this ordinance.

2) The Village Marshall is hereby authorized to cause the towing, removal and storage of any motor vehicle which is in violation of this chapter, and whose owner has not removed or caused the removal of such motor vehicle after the service of the notice as provided in this subsection within the three-day period. The owner of the vehicle towed shall be financially responsible for the cost of such towing, removal and storage.

3) Upon the towing and removal of the illegally parked motor vehicle, the Village shall keep and maintain a record of the vehicle towed, including the following information concerning such vehicle:

- (a) The color;
- (b) The year of manufacture;
- (c) The manufacturer's trade name;
- (d) The manufacturer's series number;
- (e) The body style;
- (f) The vehicle identification number;
- (g) The license plate;
- (h) The license plate number;
- (i) The registration sticker year;
- (j) The registration number displayed;
- (k) The date and hour of the tow;
- (l) The location from which the vehicle was towed;
- (m) The location to which the vehicle was towed;
- (n) The reason for the tow; and
- (o) The name of the Village Marshall.

Section 26-7. DOUBLE PARKING.

No person shall double park a vehicle.

Section 26-8. FIRE ZONES.

The following is designated as a fire zone, within which is prohibited as provided in Section 26-3 (k):

- (a) Within 20 feet of the driveway entrances of the fire station.

Section 26-9. RESPONSIBILITY FOR VIOLATIONS.

The owner, as well as the driver, of any vehicle operated or parked in violation of any of the provisions of this chapter shall be liable and responsible for any such violation and for the penalties therefor provided in Section 26-10.

Section 26-10. PENALTY.

(a) Whoever violates any of the provisions of this Chapter shall be fined not less than Ten Dollars (\$10.00) 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, and, if not paid within five (5) days, than not less than Twenty Dollars (\$20.00) nor more than Two Hundred Dollars (\$200.00) for each such violation.

2019-2-1

SMALL WIRELESS FACILITIES DEPLOYMENT ORDINANCE

AN ORDINANCE PROVIDING FOR THE REGULATION OF AND APPLICATION FOR SMALL WIRELESS FACILITIES

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0585, known as the Small Wireless Facilities Deployment Act (the Act), which becomes effective on June 1, 2018; and

WHEREAS, the Village of Davis is an Illinois municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to small wireless facilities, distributed antenna systems and other personal wireless telecommunication facility installations in the public right-of-way as long as it does not conflict with State and federal law; and

WHEREAS, the Act sets forth the requirements for the collocation of small wireless facilities by local authorities.

NOW, THEREFORE, be it ordained by the corporate authorities of the Village of Davis as follows:

Section 1. Purpose and Scope.

Purpose. The purpose of this Ordinance is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for commercial or industrial use, in a manner that is consistent with the Act.

Conflicts with Other Ordinances. This Ordinance supersedes all Ordinances or parts of Ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Ordinance, the wireless provider shall comply with the requirements of this Ordinance to the maximum extent possible without violating federal or State laws or regulations.

Section 2. Definitions.

For the purposes of this Ordinance, the following terms shall have the following meanings:

Antenna – communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes – uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

Applicant – any person who submits an application and is a wireless provider.

Application – a request submitted by an applicant to the Village for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

Collocate or collocation – to install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

Communications service – cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

Communications service provider – a cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

FCC – the Federal Communications Commission of the United States.

Fee – a one-time charge.

Historic district or historic landmark – a building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

Law – a federal or State statute, common law, code, rule, regulation, order, or local ordinance or resolution.

Micro wireless facility – a small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Municipal utility pole – a utility pole owned or operated by the Village in public rights-of-way.

Permit – a written authorization required by the Village to perform an action or initiate, continue, or complete a project.

Person – an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

Public safety agency – the functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

Rate – a recurring charge.

Right-of-way – the area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.

Small wireless facility – a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Utility pole – a pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

Wireless facility – equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

Wireless infrastructure provider – any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

Wireless provider – a wireless infrastructure provider or a wireless services provider.

Wireless services – any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

Wireless services provider – a person who provides wireless services.

Wireless support structure – a freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

Section 3. Regulation of Small Wireless Facilities.

Permitted Use. Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in paragraph (9) regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

Permit Required. An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

- (1) Application Requirements. A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:
 - a. Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
 - b. The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
 - c. Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
 - d. The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
 - e. A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
 - f. Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.
 - g. In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.
- (2) Application Process. The Village shall process applications as follows:
 - a. The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.

- b. An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within 90 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.

- c. An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the Village fails to approve or deny the application within 120 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Ordinance.

- d. The Village shall deny an application which does not meet the requirements of this Ordinance.

If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall

approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within 30 days of denial shall require the applicant to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

- e. Pole Attachment Agreement. Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

- (3) Completeness of Application. Within 30 days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within 30 days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.

- (4) Tolling. The time period for applications may be further tolled by:
 - a. An express written agreement by both the applicant and the Village; or
 - b. A local, State or federal disaster declaration or similar emergency that causes the delay.
- (5) Consolidated Applications. An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small

wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

- (6) Duration of Permits. The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Ordinance.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal.

- (7) Means of Submitting Applications. Applicants shall submit applications, supporting information and notices to the Village by personal delivery at the Village's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

Collocation Requirements and Conditions.

- (1) Public Safety Space Reservation. The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.
- (2) Installation and Maintenance. The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Ordinance. The wireless provider shall ensure that its employees, agents or contractors that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.
- (3) No interference with public safety communication frequencies. The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent

with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

- (4) The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

- (5) The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.
- (6) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Village ordinance, written policy adopted by the Village, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.
- (7) Alternate Placements. Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

- (8) Height Limitations. The maximum height of a small wireless facility shall be no more than 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

- a. 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
 - b. 45 feet above ground level.
- (9) Height Exceptions or Variances. If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a SPECIAL USE PERMIT in conformance with procedures, terms and conditions set forth in Chapter 13 OF ZONING ORDINANCE.
- (10) Contractual Design Requirements. The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
- (11) Ground-mounted Equipment Spacing. The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.
- (12) Undergrounding Regulations. The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.
- (13) Collocation Completion Deadline. Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul

services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

Application Fees. Application fees are imposed as follows:

- (1) Applicant shall pay an application fee of \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and \$350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
- (2) Applicant shall pay an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
- (3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.
- (4) The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
 - a. routine maintenance;
 - b. the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section titled Application Requirements; or
 - c. the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
- (5) Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

Exceptions to Applicability. Nothing in this Ordinance authorizes a person to collocate small wireless facilities on:

- (1) property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;
- (2) property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way

located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

- (3) property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Ordinance shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Ordinance.

Pre-Existing Agreements. Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on Village utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Ordinance.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Ordinance for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this paragraph.

Annual Recurring Rate. A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) \$200 per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be \$200 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

Abandonment. A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

Section 4. Dispute Resolution.

The Circuit Court of Stephenson shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

Section 5. Indemnification.

A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Ordinance and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

Section 6. Insurance.

The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

- (i) property insurance for its property's replacement cost against all risks;
- (ii) workers' compensation insurance, as required by law;

OR

(iii) commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of Village improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

Section 7. Severability.

If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 8. Effective Date.

This Ordinance shall be in full force and effect on 02/12/2019.

PASSED THIS 12th day of February, 2019.


AYES: 4

NAYS: 0

ABSTENTIONS: 2


ABSENT:

APPROVED THIS 12th day of February, 2019.



Mayor/Village President

ATTEST:


City/Village Clerk

MUNICIPAL OFFICIALS SHOULD REVIEW THIS DOCUMENT WITH RETAINED LEGAL COUNSEL OR OTHER QUALIFIED ATTORNEY.

ORDINANCE NO. 2021-3-1

AN ORDINANCE AMENDING THE MUNICIPAL CODE
OF THE VILLAGE OF DAVIS
BY THE ADDITION OF CHAPTER 28
RENEWABLE ENERGY

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

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

Section One. Solar energy installations

Section Two. Wind energy installations

Section 1. Solar energy installations.

- I. Scope** – This article applies to all solar energy installations within the Village of Davis.
- II. Purpose** – The Village of Davis has adopted this regulation for the following purposes:
 - A. Comprehensive Plan Goals** – To meet the goals of the Comprehensive Plan and preserve the health, safety, and welfare of the Community’s citizens by promoting the safe, effective, and efficient use of solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy. The following solar energy standards specifically implement the following goals from the Comprehensive Plan:
 - 1. Goal:** Encourage the use of local renewable energy resources, including appropriate applications for wind, solar and biomass energy.
 - 2. Goal:** Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future generations.
 - 3. Goal:** Assist local businesses to lower financial and regulatory risks and improve their economic, community, and environmental sustainability.
 - 4. Goal:** Efficiently invest in and manage public infrastructure systems to support development and growth.

III. Definitions

Solar Energy System: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical or chemical means.

Building-integrated Solar Energy Systems: A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Grid-intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground-Mount: A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

Off-grid Solar Energy System: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System: A solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement: An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

Renewable Energy System: A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

Roof-Mount: A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

Roof Pitch: The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access: Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Garden: A commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located off-site from the location of the solar energy system. A community solar system may be either an accessory or principal use.

Solar Resource: A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00AM and 3:00PM Standard time on all days of the year.

Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

Solar Collector Surface: Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Daylighting: A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

Solar Heat Exchanger: A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System: A solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating a re-circulating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south facing-wall.

Solar Hot Water System: A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Storage Unit: A component of a solar energy device that is used to store solar generated electricity or heat for later use.

IV. Permitted Accessory Use. Solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below.

A. Height: Solar energy systems must meet the following height requirements:

1. Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district.

B. Set-back: Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

1. **Roof or building-mounted Solar Energy Systems.** In addition to the building setback, the collector surface and mounting devices for roof-mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.

2. **Ground-mounted Solar Energy Systems.** Ground-mounted solar energy systems shall not be permitted within Village limits.

C. Visibility: Solar energy systems shall be designed to blend into the architecture of the building as described in C.2., or otherwise be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.

1. **Building Integrated Photovoltaic Systems.** Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

2. **Solar Energy Systems with Mounting Devices.** Solar energy systems using roof mounting devices shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley. Roof-mount systems on pitched roofs that are visible from the nearest edge of the street frontage right-of-way shall not have a highest finished pitch steeper than the

roof pitch on which the system is mounted, and shall be no higher than ten (10) inches above the roof.

3. **Reflectors.** All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.

D. Coverage: Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted.

E. Historic Buildings: Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the community Heritage Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

F. Approved Solar Components: Electric solar energy system components must have a UL listing or approved equivalent and solar hot water systems must have an SRCC rating.

G. Compliance with Building Code: All solar energy systems shall meet approval of local building code officials, consistent with the State of Illinois Building Code, and solar thermal systems shall comply with HVAC-related requirements of the energy code.

H. Compliance with State Electric Code: All photovoltaic systems shall comply with the Illinois State Electric Code.

I. Compliance with State Plumbing Code: Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements.

J. Utility Notification: All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

V. Principal Uses. Village of Davis encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems are not permitted within Village limits.

A. Solar gardens: Village of Davis permits the development of community solar gardens, subject to the following standards and requirements:

1. **Rooftop Gardens Permitted.** Rooftop community systems are permitted in all districts where buildings are permitted.

2. **Ground-Mount Gardens.** Ground-mount community solar energy systems are not permitted within Village limits.

3. **Interconnection.** An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

4. **Dimensional Standards.** All structures must comply with setback, height, and coverage limitations for the district in which the system is located.

B. Solar farms: Ground-mount solar energy arrays are not permitted within the Village limits.

C. Power and Communication Lines. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with building shall be buried underground. Exemptions may be granted by the Village of Davis in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes underground infeasible, at the discretion of the zoning administrator.

D. Site Plan Required. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, flood plains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the Village of Davis. The site plan should also show all zoning districts and overlay districts.

E. Decommissioning. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Village of Davis Solid Waste Ordinance. Village of Davis may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

VI. Restrictions on Solar Energy Systems Limited. Consistent with 765 ILCS 165/, no homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of the Village of Davis shall prohibit or restrict homeowners from installing solar energy systems. No energy policy statement enacted by a common interest community shall be more restrictive than the Village of Davis's solar energy standards.

VII. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

ADOPTED THIS 9th day of March, 2021.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

APPROVED THIS 9th day of March, 2021.



Village President

ATTEST:

Kimberly K. Satness
Village Clerk