OAKLAND, ILLINOIS

CITY CODE

(This Code was last updated by Ordinance 2020-O-2 passed September 3, 2020)

Mayor:	Jack Turner
City Council Members:	Bradley Lee, Jr. Jim Craven Anthony Bennett Dee Ann Pearcy Fred Ehler Donna Taylor
City Clerk:	Vickie McQueen
City Treasurer:	Belinda Clifton
City Attorney:	Jacob N. Smallhorn

TABLE OF CONTENTS

TITLE 1 – ADMINISTRATION
Chapter 1 - Official Municipal Code
Chapter 2 - Saving Clause
Chapter 3 - Definitions; Interpretations
Chapter 4 - General Penalty
Chapter 5 - Wards
Chapter 6 - Elective Officers, Terms and Duties
Chapter 7 - City Government
Chapter 8 - Fiscal Year, Official Depositories, and Investment Policy
Chapter 9 - City Offices
Chapter 10 - City Employees
Chapter 11 - City Government and Employee Ethics

TITLE 2 – PUBLIC SAFETY
Chapter 1 - Minors
Chapter 2 - Animal Control
Chapter 3 - General Offenses
Chapter 4 - Drugs, Drug Paraphernalia, and Synthetic Alternative Drugs
Chapter 5 - Cannabis

TITLE 3 - HEALTH AND SANITATION
Chapter 1 - Controlling the Dumping, Collection and Hauling of Garbage and Refuse
Chapter 2 - Regulating Use of City Controlled Trash "Dumpsters"
Chapter 3 - Regulating "Junkyards, Vehicular Salvage Yards" and Scrap Processing Facilities
Chapter 4 - Inoperable Motor Vehicles
Chapter 5 - Emergency Services and Disaster Agencies (ESDA)
Chapter 6 - Grass and Weed Control
Chapter 7 - Trees
Chapter 8 - Regulating Public Burning and Bonfires
Chapter 9 - Nuisances

TITLE 4 – TRAFFIC AND VEHICLES
Chapter 1 - Traffic Code; General Provisions
Chapter 2 - Traffic Schedules
Chapter 3 - Parking Regulations
Chapter 4 - Bicycles
Chapter 5 - Non-Highway Vehicles

TITLE 5 – UNIFIED DEVELOPMENT CODE
Chapter 1 Zoning
Chapter 2 - Control of Land Subdivision Development
Chapter 3 - Regulating Placement and Use of Mobile Homes
Chapter 4 - Regulating Development in Floodplain Areas
Chapter 5 - Prohibiting Discrimination in Housing
Chapter 6 - Prohibiting Encroachment Upon Right-of-Way of F.A.P. Route 749 (Illinois Route 133)

TITLE 6 –LICENSING REGULATIONS
Chapter 1 - Regulating and Licensing of Itinerant Merchants and Transient Vendors
Chapter 2 - Regulating Gambling
Chapter 3 - Regulating and Licensing of Coin-Operated Amusement Devices
Chapter 4 - CATV System Adoption
Chapter 5 - Raffles

TITLE 7 – PUBLIC WAYS AND PROPERTY
Chapter 1 - Public Rights of Way
Chapter 2 - Municipal Parks
Chapter 3 - Regulating the Use of Lake Oakland
Chapter 4 - Moving Buildings

TITLE 8 – WATER AND SEWER
Chapter 1 - Sewer Use
Chapter 2 - Prohibiting the Discharge of Sanitary Sewage
Chapter 3 - Tax for Chlorination of Sewage
Chapter 4 - Rules, Regulations, Water Rates, Fees, Control of Back-Flow of the Municipal Water Supply

Title 1 – Administration

Chapter 1 - Official Municipal Code
Chapter 2 - Saving Clause
Chapter 3 - Definitions; Interpretations
Chapter 4 - General Penalty
Chapter 5 - Wards
Chapter 6 - Elective Officers, Terms and Duties
Chapter 7 - City Government
Chapter 8 - Fiscal Year and Official Depositories
Chapter 9 - City Offices
Chapter 10 - City Employees
Chapter 11 - City Government and Employee Ethics

Title 1

Chapter 1 – Official Municipal Code

Section 1-1-1. – Title.

Upon the adoption by the City Council, this Code is hereby declared to be, and shall hereafter constitute the official Code of the City of Oakland, Illinois. This Code of ordinances shall be known and cited as the OAKLAND CITY CODE, and it is hereby published by authority of the City Council and shall be kept up to date as provided in section 1-1-3 of this Chapter. Any reference to the number of any Section contained herein shall be understood to refer to the position of the same number, its appropriate Chapter and Title heading when reference is made to this Code by title in any legal documents.

Section 1-1-2. – Acceptance.

This Code shall hereafter be received without further proof in all courts and in administrative tribunals of this State as the ordinances of the City, except the excluded ordinances expressly repealed pursuant to Section 1-2-1 of this Title.

Section 1-1-3. – Amendments.

Any ordinance amending the Code shall set forth the Title, Chapter and Section number of the Section or Sections of the Code to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code.

Section 1-1-4. – Code Alterations.

Any alterations to the contents of this Code shall be made pursuant to duly authorized ordinance passed by the City Council, in be in compliance with all applicable local, state, and federal laws.

Title 1

Chapter 2 – Saving Clause

Section 1-2-1. – Repeal of General Ordinances.

All general ordinances of the City passed prior to the adoption of this Code, including, but not limited to any prior codifications of the Code, are hereby repealed to the extent they are superseded by the terms of this Code, except such as are included in this Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; and ordinances relating to the transfer or acceptance of real estate by or from the City.

Section 1-2-2. – Public Utility Ordinances.

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding Section, excepting as the Code may contain provisions for such matters, in which case this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

Section 1-2-3. – Court Proceedings.

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

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

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

Section 1-2-4. – Severability Clause.

If any Section, Subsection, Subdivision, Paragraph, Sentence, Clause or Phrase of this Code, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof.

Title 1

Chapter 3 – Definitions; Interpretations

Section 1-3-1. – General Rules of Interpretation.

(a) Liberal Construction: All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.

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

(c) Computation Of Time: The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a holiday as defined or fixed in any statute now or hereafter in force in Illinois, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday, then such succeeding day shall also0 be excluded.

(d) Delegation Of Authority: Whenever a provision appears requiring the head of a department or some other City officer to do some act or perform some duty, it is to be construed to authorize the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or perform the duty unless the terms of the provision or section specify otherwise.

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

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

(g) May; Shall: The word "may" is permissive; the word "shall" is mandatory.

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

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

(j) Officers and Employees Generally: Whenever any officer or employee is referred to by title only, such reference shall be construed as if followed by the words "of the City of Oakland".

(k) Tense: Words used in the past or present tense include the future as well as the past and present.

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

Section 1-3-2. – General Definitions.

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

AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

CITY: The City of Oakland, Coles County, Illinois.

CITY COUNCIL: Mayor and the Aldermen of the City Council of Oakland, Illinois.

CODE: The municipal Code of the City of Oakland, Illinois.

COUNTY: The County of Coles, State of Illinois.

FEE: A sum of money charged by the City for the carrying on of a business, profession, or occupation.

LICENSE: The permission granted for the carrying on of a business, profession, or occupation.

MAYOR: The mayor of the City.

MISDEMEANOR: Any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the City, or any activity which, by its perpetuation, can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

OATH: Shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

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

OFFENSE: Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OPERATOR: The person who is in charge of any operation, business, or profession.

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

PERSON: Any public or private corporation, firm, partnership, association, organization, government, or any other group acting as a unit, as well as a natural person.

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

PROPERTY: Shall include real, personal, and mixed property.

REAL PROPERTY: Shall include lands, tenements, and hereditaments.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

SIDEWALK: Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians, excluding parkways.

STATE: The State of Illinois.

STREET: Includes streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public ways in the City, and shall include all areas thereof embraced between the property lines and dedicated to the public use.

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

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

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

Section 1-3-3. – Headings.

The headings of the several Sections of the Code are intended to indicate the content of the Section and shall not be deemed or taken to be Titles of such Sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such Sections, including the headings, are amended or reenacted.

Title 1

Chapter 4 – General Penalty

Section 1-4-1. – Penalty.

Any person convicted of a violation of any Section of this Code shall be fined in a sum not to exceed seven hundred fifty dollars ($750.00).

Section 1-4-2. – License Revocation.

When a person is convicted of a violation of any Section of this Code, any license previously issued to such person by the City may be revoked by the court or by the City Council.

Section 1-4-3. – Judicial Supervision.

The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or finding of guilt, defer further proceedings and the imposition of a sentence and enter an order of supervision for the defendant, if the defendant is not barred from receiving an order of supervision after considering the circumstances of the offense and the history, character and condition of the offender, if the court is of the opinion that:

(1) The defendant is not likely to commit further ordinance violations.

(2) The defendant and the public would be best served if the defendant were not to receive a conviction of an ordinance violation.

(3) In the best interest of justice, an order of supervision is more important than a conviction of an ordinance violation.

Section 1-4-4. – Application of Provisions.

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

(b) Acts Punishable Under Different Sections: In all cases where the same offense is made punishable or is created by different Clauses or Sections of this Code, the prosecuting officer

may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty being enforced.

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

Section 1-4-5. – Liability of Officers.

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

Title 1

Chapter 5 – Wards

Section 1-5-1. – Description.

The City shall be divided into the three (3) wards described as follows:

(1) Ward One: All that part of the City lying Easterly of a line commencing at the intersection of Ashmore Street and the South corporate limits; thence Northerly along the centerline of Ashmore Street to State Route 133; thence Easterly on the centerline of State Route 133 to Hazel Street; thence Northerly on the centerline of Hazel Street to Lincoln Street; thence Westerly along the centerline of Lincoln Street to the Danville Road; thence Northeasterly along the centerline of the Danville Road to the Northerly corporate limits.

(2) Ward Two: All that part of the City lying Westerly of the West boundary line of Ward One (1) as described above, and Easterly of the centerline of Parker Street and the centerline of Parker Street if extended due North and South to the Northerly and Southerly corporate limits.

(3) Ward Three: All that part of the City lying West of Parker Street and the centerline of Parker Street if extended due North and South to the Northerly and Southerly corporate limits; to the Western, Northern and Southern corporate limits.

Title 1

Chapter 6 – Elective Officers, Terms and Duties

Section 1-6-1. – Mayor.

(a) Qualifications: Any qualified elector of the City of Oakland, Coles County, Illinois, who has resided in said City for one (1) year next preceding such person's election, shall be eligible to be elected to the office of Mayor.

(b) Terms: The Mayor shall be elected for a four (4) year term and shall serve until the Mayor's successor is elected and qualified as provided by statute.

(c) Duties: The Mayor shall be the chief executive officer of the City, shall preside over the meetings of the City Council, and shall perform such duties as may be required of the Mayor by ordinance or statute. The Mayor shall have supervision over all appointed offices and employees of the City and shall be authorized to inspect all books and records pertaining to City affairs.

(d) Appointments: The Mayor shall appoint by and with the advice and consent of the City Council, all offices of the City whose election or appointment is not otherwise provided for. Any vacancies in such offices shall be filled in the same manner.

(e) Designation of Duties: Whenever there is a dispute as to the duties and powers of any appointed officer of the City this dispute shall be settled by the Mayor after consultation with the City Attorney.

(f) Mayor Pro-Tem: During a temporary absence or disability of the Mayor, the City Council shall elect one of its members to act as Mayor Pro-Tem, who shall during such temporary absence or disability possess the powers of Mayor, as provided by statute.

(g) Acting Mayor: In the event of vacancy in the office of Mayor, as defined by the statute provided, the City Council may appoint one of its members as Acting Mayor to serve until such vacancy is filled at a regular or special election as provided by statute.

(h) Bond: Before entering upon the duties of office, the Mayor shall execute a bond in such amount and with such sureties as may be required by the City Council, conditional upon the faithful performance of the Mayor's duties of office, provided the amount of such bond shall not be less than three thousand dollars ($3,000.00).

Section 1-6-2. – Alderman.

(a) Qualifications: Any qualified elector of the City of Oakland, Coles County, Illinois, who is a resident of the Ward from which such person runs, and has resided in the City for one (1)

year next preceding election shall be eligible to be elected to the office of Alderman of that specific Ward.

(b) Terms: An Alderman shall be elected and serve for a four (4) year term and shall serve until a successor is elected and qualified. There shall be no more than two (2) Aldermen representing each Ward of the City, and such Aldermen shall serve staggered terms so that one-half of the Aldermen are elected every two (2) years.

Section 1-6-3. – City Clerk.

(a) Qualifications: Any qualified elector of the City of Oakland, Coles County, Illinois, who has resided in the City for one (1) year next preceding election, shall be eligible to be elected to the office of City Clerk.

(b) Terms: The City Clerk shall be elected for a four (4) year term, at the same election as the Mayor and City Treasurer. The Clerk shall serve until a successor is elected and qualified so provided by the statute.

(c) Duties: The duties of the City Clerk are as follows:

(1) The City Clerk shall be the custodian of the City Seal and shall attend all meetings of the City Council and take and keep the minutes and records of all Council meetings.

(2) The City Clerk shall keep duly filed at the City Hall copies of all papers, documents and records filed with the City; all transcripts, journals, plats and other records prepared or on behalf of the City, custody and control of which is not expressly given other offices.

(3) The City Clerk shall, within thirty (30) days after their passage, record and index in a book for that purpose, all ordinances passed by the City Council, and shall further cause the publication of all ordinances imposing any fine, penalty or imprisonment, or making any appropriation, or any other documents required to be published in said thirty (30) days, in a newspaper published in the City of Oakland and file the certificate of such publication, or by notice and pamphlet form.

(4) The City Clerk shall be responsible for the proper recording of deeds and the records of issuance of licenses of the City.

(5) The City Clerk shall maintain an office in the City Hall and shall keep such office open to the public on such days and hours as may, from time-to-time, be set by the City Council.

(6) The City Clerk shall also act as Ex-Officio Collector and as such, shall receive and collect all proper payments to the City for water, sewer and other services, and such annual or other license fees as may be due the City, and shall keep records thereof

and pay over to the City Treasurer all such receipts collected by the Clerk from any source whatever, taking the City Treasurer's receipt therefor.

(7) The City Clerk may, when authorized by the City Council, appoint one (1) Deputy Clerk who will be responsible for such duties as assigned by said Clerk and/or the Mayor.

(8) The City Clerk will comply with all requirements of the Freedom of Information Act of the State of Illinois as by the statute made and provided (65 ILCS 140,1 et seq.).

(d) Bond: Before entering upon the duties of office, the City Clerk shall execute a bond in such amount and with such sureties as may be required by the City Council, conditional upon the faithful performance of the City Clerk's duties of office, provided the amount of such bond shall not be less than three thousand dollars ($3,000.00).

Section 1-6-4. – City Treasurer.

(a) Qualifications: Any qualified elector of the City of Oakland, Coles County, Illinois, who has resided in said City for one (1) year next preceding election, shall be eligible to be elected to the office of City Treasurer.

(b) Terms: The City Treasurer shall be elected for a four (4) year term, at the same election as the Mayor and City Clerk and shall serve until a successor is elected and qualified as provided by statute.

(c) Duties: The City Treasurer shall receive all money belonging to the City, shall keep books and accounts by standard bookkeeping practices; shall keep a separate account of each fund or appropriation; shall receipt for all monies received; and pay out all monies specified by lawful warrant, and perform such other duties are required of the City Treasurer by statute (65 ILCS 5/3-10-1 *et seq*.).

(d) Bond: Before entering upon the duties of office, the City Treasurer shall execute a bond in such amount and with such sureties as may be required by the City Council, conditional upon the faithful performance of the City Treasurer's duties of office, provided the amount of such bond shall not be less than three thousand dollars ($3,000.00).

Section 1-6-5. – Salaries.

(a) Establishment: The officials and employees designated herein shall receive the annual salaries indicated:

Title	**Annual Amount**
Mayor	$ 4,200.00
Alderman	$ 900.00
City Clerk	$ 15,652.08
City Treasurer	$ 7,800.00

For any meeting attended in addition to the regular monthly meeting, the above-mentioned officials and employees designated herein shall receive an additional $25.00 per meeting.

In addition to the salary schedule described above, the Mayor shall receive a stipend of $50.00 each month for travel reimbursement, and the Clerk and City Treasurer shall receive a $25.00 monthly stipend for travel.

(b) Payment: All salaries shall be paid in not more than equal monthly installments unless provision is made to the contrary by the City Council. The City Treasurer shall prepare a payroll list not more than monthly, which when signed by the Mayor and City Clerk shall authorize the issuance of checks indicated to be due.

Section 1-6-6. – Vacancies.

(a) Vacancy Defined: A vacancy occurs in any elective office by reason of resignation, death, failure to qualify or elect, permanent physical or mental disability, conviction of a disqualifying crime, or removal from office or from residence in the Ward from which elected, or from the City of Oakland, Illinois.

(b) Temporary Filling: If a vacancy occurs in the office of Mayor or Alderman, such vacant office shall be filled as provided by statute (65 ILCS 5/3.1-10-50). If a vacancy is in any elective office other than Mayor or Alderman, the office shall be filled at the next regularly scheduled general municipal election, and until such office is filled by such election the Mayor shall appoint a qualified person to such office, subject to the advice and consent of the City Council.

Title 1

Chapter 7 – City Government

Section 1-7-1. – Functions.

The Mayor and Aldermen shall form the City Council which shall be the legislative division of the City Government and shall perform such duties and have such powers as may be authorized by statute and the ordinances of the City.

Section 1-7-2. – Meetings.

(a) Regular Meetings: The regular meetings of the City Council shall be held on the first Thursday of each month at the hour of 7:00 p.m.; provided that if the regular meeting falls on a legal holiday, the meeting shall take place on the next secular day at the same hour. Adjourned meetings may be held at such times as the City Council may determine.

(b) Special Meetings: Special meetings of the City Council may be called by the Mayor or any three (3) Aldermen; provided that a written notice of such special meeting shall be given to each member of the Council and the standard members of the news media at least twenty-four (24) hours before the time set for the meeting. It is further required that in case all of the elected members of the City Council are present at any special meeting then the requirement of notice shall be unnecessary and shall be deemed waived.

(c) Open Meetings: All meetings of the Council shall be open to the public pursuant to 5 Illinois Compiled Statutes 120/1 et seq.

Section 1-7-3. – Calendar and Notices.

At the start of each fiscal year, the City Clerk shall prepare and deliver to the members of the news media a calendar of the regular meetings of the City Council, and when required twenty-four (24) hour notices of any special meetings of said Council.

Section 1-7-4. – Presiding Officer.

The Mayor shall be the presiding officer of the City Council at all regular and special meetings and when the City Council meets as a committee of the whole.

Section 1-7-5. – Quorum.

A majority of the elected members of the City Council shall constitute a quorum thereof, but no ordinance or measure for the expenditure of monies shall be passed except upon the favorable vote of a majority of the elected members as provided by statute.

Section 1-7-6. – Standing Committee.

The following shall be the Standing Committees of the City Council:

(1) Street and Alley
(2) Water, Sewer, and Insurance
(3) Police
(4) Ordinance
(5) Personnel

Section 1-7-7. – Special Committees.

The Mayor shall appoint such special committees as the Mayor deems necessary, or as may be directed by the City Council.

Section 1-7-8. – Committee Membership.

The Mayor shall appoint the members of all Standing and Special Committees in absence of specific direction by the City Council; shall designate the chairman of each committee; and each committee shall consist of three (3) council members including the chairman, unless the City Council shall provide otherwise.

Section 1-7-9. – Records.

The City Clerk shall keep the minutes and records of all City Council meetings.

Section 1-7-10. – Order of Business.

Order of business (agenda) at all regular meetings of the City Council shall be as follows:

I. Call to Order – Roll Call
II. Pledge of Allegiance (U.S.)
III. Approval of Prior Minutes
IV. Treasurer's Report
V. Approval of Agenda

VI. Public Comments
VII. General Business (Police and Public Works Reports)
VIII. Unfinished Business
IX. New Business.
X. Committee Reports/Building Permits
XI. Bills Reviewed for Payment

Section 1-7-11. – Rescinded Actions.

No vote or action of the City Council shall be rescinded at any special meeting unless there be present at such special meeting as many members of the City Council as were present at the meeting when such vote or actions was taken, as provided by statute.

Section 1-7-12. – Enactment of Measures.

No ordinance or proposition to create an office or position of employment, or to incur an expenditure, or any other resolution of the City Council shall, prior to submission and vote, be reduced to writing and then passed upon a favorable vote of the majority of the City Council on roll call vote, the results to be entered in the minutes of the meeting.

Section 1-7-13. – Addressing Meetings.

No member other than the Mayor or an Alderman, or a municipal officer or employee shall address the City Council at any regular or special meeting except upon the consent of a majority of the members of the City Council present.

Section 1-7-14. – Suspension of Rules.

The rules of order, other than those prescribed by statute, may be suspended at any time by the consent of a majority of the members of the City Council present at any meeting.

Section 1-7-15. – Robert's Rules of Order.

Except where in conflict with the foregoing provisions, Robert's Rules of Order shall govern the conduct of regular and special meetings of the City Council.

Section 1-7-16. – Disturbing Meetings.

It shall be unlawful to disturb any meetings of the City Council or of any committee thereof, or to behave in a disorderly manner at any such meeting.

Section 1-7-17. – Board of Local Improvements and Benefits.

The Board of Local Improvements is to be comprised of the Mayor and two (2) Aldermen, as selected by the City Council. The Mayor shall act as President of such Board which shall act pursuant to statute made and provided (65 ILCS 5/9-2-7).

Title 1

Chapter 8 – Fiscal Year, Official Depositories, and Investment Policy

Section 1-8-1. – Fiscal Year.

The fiscal year of the City of Oakland shall commence on May 1 and end on April 30 of the following calendar year.

Section 1-8-2. – Official Depositories.

The following, or their successors, are hereby designated official depositories for the funds and monies of the City of Oakland in custody of the City Treasurer:

(1) Arcola First Bank
(2) First Farmers Bank & Trust
(3) First Neighbor Bank
(4) Peoples Bank & Trust
(5) Prairie State Bank
(6) Prospect Bank

Section 1-8-3. – Investment Policy.

It is the policy of the City to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds.

(1) Scope – This policy includes all funds governed by the City Council.

(2) Prudence – Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.

(3) Objective – The primary objective, in order of priority, shall be:

(A) Legality - Conformance with federal, state, and other legal requirements

(B) Safety - Preservation of capital and protection of investment principal

(C) Liquidity - Maintenance of sufficient liquidity to meet operating requirements

(D) Yield - Attainment of market rents of return

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

(4) Delegation of Authority – Management and administrative responsibility for the investment program is hereby delegated to the City Treasurer who, under the delegation of the City Council, shall use this policy as a guide for the operation in the investment program of the City.

(5) Ethics and Conflicts of Interest – Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

(6) Authorized Financial Dealers and Institutions – The City Treasurer will give preference to local financial institutions on the basis of their providing employment for Oakland area residents, their payment of local property taxes; and to enable them to have funds available for loans to Oakland residents.

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

(7) Authorized and Suitable Investments - Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public fund, preferable bank certificates of deposit.

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

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

(9) Safekeeping and Custody -All security transactions, including collateral for repurchase agreements, entered into by the City, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third-party custodian designated by the City Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

(10) Diversification - The City shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

(11) Maximum Maturities - To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements.

(12) Internal Control -The City Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

(A) Control of collusion

(B) Separation of transaction authority from accounting

(C) Custodial safekeeping

(D) Written confirmation of telephone transactions for investments and wire transfers

(13) Performance Standards - This investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates.

(14) Reporting - The City Treasurer shall prepare an annual investment report to be provided to the Council.

(15) Investment Policy Adoption -The investment policy shall be adopted by the City Council by resolution. The policy shall be reviewed on an annual basis by the City Treasurer and any modifications made thereto must be approved by the City Council in a like manner.

Title 1

Chapter 9 – City Offices

Section 1-9-1. – Police Department.

There is hereby created a police department, as an executive department of the City. The police department shall consist of the chief of police and one (1) full-time police officer. Any additional full-time or part-time police officers shall be appointed by the Mayor and City Council upon the recommendation of the City Council committee on Police.

Section 1-9-2. – Chief of Police.

Chief of Police: There is hereby created the office of Chief of Police for the City of Oakland who shall be appointed by the City Council upon such terms and salary as shall be agreed by the City Council.

(a) The chief of police is the chief administrative officer of the police department and the final departmental authority in all matters of policy, operations, and discipline. The chief of police exercises all lawful powers of the office and issues such lawful orders as are necessary to assure the effective performance of the police department.

(b) Through the chief of police, the department is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. The chief of police is responsible for planning, directing, coordinating, controlling and staffing all activities of the department, for its continued and efficient operation, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority, and for the department's relations with local citizens, the City government and other related agencies.

(c) The chief of police shall make written and verbal reports to the City Council as directed and shall keep the City Council informed of incidents or developments that may unusually affect public or official relations.

(d) The chief of police is responsible for the training of all members of the department. This includes the preliminary training of members upon their appointment to the department, and the continued training of all members of the department to improve their ability to serve the public more efficiently and to keep them abreast of new developments in the law enforcement field.

(e) The chief of police shall be required to certify to the correctness of all bills incurred by the department.

(f) The chief of police shall be the custodian of all property coming into the possession of the police department, and shall be accountable for all such property delivered into the police department's custody, and be responsible for the safekeeping, proper disposition and accurate record of same. The chief of police shall see that all property is returned to its lawful owner when no longer needed by the department.

(g) The chief of police shall make or prescribe such rules and regulations for the conduct and guidance of the employees of the police department as the chief of police shall deem advisable, and such rules shall be binding on such matters.

Section 1-9-3. – Part-Time Police.

(a) Employment. The CITY OF OAKLAND, ILLINOIS may employ part-time police officers from time to time as they deem necessary.

(b) Duties. A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Oakland Police Department, but the number of hours a part-time officer may work within a calendar year is restricted. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (50 ILCS 705/1 et. seq.) and the rules and requirements of the Illinois Law Enforcement Training Standards Board.

(c) Hiring Standards. Any person employed as a part-time police officer must meet the following standards:

(1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.

(2) Be at least twenty-one (21) years of age.

(3) Possess a high school diploma or GED certificate.

(4) Possess a valid State of Illinois driver's license.

(5) Possess a valid State of Illinois Firearms Owners Identification (F.O.I.D.) Card.

(6) Possess no prior felony convictions.

(7) Be subjected to and pass criminal background check.

(d) Discipline. Part-time officers shall be under the disciplinary jurisdiction of the chief of police. Part-time police officers serve at the discretion of the chief of police, shall not have any property rights in said employment, and may be removed by the chief of police at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

Section 1-9-4. – School Crossing Guards.

(a) The Chief of Police shall present to the City Council for hiring the names of not less than two (2) regular and one (1) substitute school crossing guards for the City Council's consideration and hiring.

(b) Upon selection and employment, the Chief of Police shall instruct and advise such crossing guards in the basic elements of both City and State pedestrian and auto traffic laws as pertain to school crossings, and set the hours and specific locations of their duties with particular attention to the immediate elementary school area and the Illinois Route 133 area.

(c) The Chief of Police shall generally supervise and review the crossing guards; and if necessary shall assign other or different duties for said guards; and shall immediately report to the Mayor any actions of the guards that would necessitate the discharge or replacement of said guards for absence, misuse of authority, or any other conduct detrimental to their duties.

Section 1-9-5. – Superintendent of Public Works.

(a) Office Created; Term: There is hereby created the Office of Superintendent of Public Works, an executive office of the City. The Superintendent of Public Works shall be appointed and serve at the pleasure and discretion of the City Council upon such terms and salary as shall be approved by the City Council.

(b) Duties:

(1) The Superintendent of Public Works shall direct and supervise the public work programs and projects, including the planning, funding, design and administration of public improvements; review subdivision and development site plans; investigate and resolve various organizational, citizen requests/complaints, and public infrastructure problems; and advise the Mayor and City Council on all public works matters.

(2) The Superintendent of Works shall further be responsible for the overall administration of the Public Works Departments; shall supervise all Public Works office staff and monitor employee relations; and shall further perform such other duties and functions as designated by the City Council from time to time.

(3) The Superintendent of Public Works shall have supervision over maintenance and improvements of the public streets and alleys, including parking lots, traffic control, pavement, curbs and gutters, sidewalks and bridges, except when repairs are paid by special assessment; any public improvements funded in whole or in part out of money received from the State as a share of the Motor Fuel Tax.

(4) The Superintendent of Public Works shall have supervision over the operation, maintenance and improvement of the public water supply and wastewater facilities, including the water treatment plant, water storage facilities, water distribution system, the wastewater treatment plant, sanitary sewer system, storm sewer systems, drainage facilities, the upper reservoir with regard to water quality control and maintenance and the enforcement of laws and ordinances as they relate to the treatment of water or wastewater.

Section 1-9-6. – City Attorney.

The City Council shall appoint an Attorney to be the legal advisor of the City and shall advise the Mayor and City Council regarding matters of law in which the interests of the City are involved. When required by the Mayor or City Council, or committee thereof, the City Attorney shall furnish written opinions upon any such subject submitted to the City Attorney pertaining to the City and its interests. The City Attorney shall prepare all ordinances and resolutions required by the City Council and attend all regular and special meetings of the City Council, and when directed by the Mayor, attend meetings of boards of the City and of committees of the City Council. The City Attorney must be admitted to the Illinois Bar and be licensed to practice law in the State of Illinois.

Title 1

Chapter 10 – City Employees

Section 1-10-1. – Adoption of Personnel Handbook.

The City of Oakland Personnel Handbook of 2015, as further amended by any subsequent ordinance, is hereby adopted by reference and on file in the City Clerk's Office.

Section 1-10-2. – Equal Opportunity Employer.

The City of Oakland is subject to all equal employment opportunity statutes mandated by the Federal Government and the State of Illinois.

Section 1-10-3. – Federal Social Security Act.

The City of Oakland, a municipal corporation, is a participating municipality of the Federal Social Security Act (40 ILCS 5/7-136 et seq.) effective January 1, 1956.

Section 1-10-4. - Policy Relating to Facilities and Equipment.

All employees shall pay for the use of any facilities or services of the City the employee utilizes for personal use. The use of City vehicles or equipment will not be permitted for personal use. No passengers(s) shall be allowed in any City vehicle or to ride upon any City equipment unless said passenger(s) are for the express betterment and related to an official City use of said equipment or vehicle. Any employee found to be using the City purchase supplies for any kind of personal use will be subject to immediate dismissal. Excessive use of the City's telephone for personal use will not be permitted. City employee shall not conduct business other than City business on City time. The use of City tools by employees shall be regulated by the department head. The department head, prior to the approval of use of tools, shall take into consideration the City's liability in regard to such use. There shall be no use of the City's computer hardware or software by employees, or other City personnel for any purposes other than in the betterment and for the direct benefit of the City. No employee or other City personnel shall cause to be placed upon the computer any programs, or place or store any files upon any of said computers for personal use. No City employee or City personnel shall place any program upon the computer system of rite City without first having had said program cleared by the department head. Any employee damaging City properly through negligence will be responsible for damage up to, but not in excess of $100.00 per incident. A preliminary review shall be made by the department head or superintendent of all accidents. If negligence is determined by the department head or superintendent, the employee may request a review by the accident review committee comprised of the department head and two impartial peers from another department selected by the department head.

If negligence is determined, the employees shall make arrangements for payment to the City Clerk in the amount not to exceed $100.00 by one of the following methods:

(1) Reduction of accrued compensatory time, personal leave, or accrued vacation time;

(2) Payroll deduction;

(3) Cash

Title 1

Chapter 11 – City Government and Employee Ethics

Section 1-11-1. - State Regulations Adopted.

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

Section 1-11-2. – Definitions.

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

Section 1-11-3. – Interpretation.

This Chapter does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of City officers and employees. However, to the extent that any such existing ordinances or policies are less restrictive than this Chapter, the provisions of this Chapter shall prevail in accordance with the provisions of Section 430/70-5(a) of the Act.

Section 1-11-4. – Prohibited Acts.

(a) Gifts:

(1) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City, is hereby prohibited.

(2) The offering or making of gifts prohibited to be offered or made to an officer or employee of the City under the Act is hereby prohibited.

(b) Political Activities: The participation in political activities prohibited under the Act, by any officer or employee of the City, is hereby prohibited.

Section 1-11-5. – Penalties.

The penalties for violations of this Chapter shall be the same as those penalties set forth in Section 430/50-5 of the Act.

Section 1-11-6. – Amendments.

Any amendment to the Act that becomes effective after the effective date hereof shall be incorporated into this Chapter by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Chapter by reference without formal action by the City Council.

Section 1-11-7. – Unconstitutionality of Provisions.

(a) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Chapter shall be repealed as of the date that the Illinois Supreme Court decision becomes final and not subject to any further appeals or rehearings. This Chapter shall be deemed repealed without further action by the City Council if the Act is found unconstitutional by the Illinois Supreme Court.

(b) If the Illinois Supreme Court declares part of the Act unconstitutional, but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act, as adopted by this Chapter, shall remain in full force and effect. However, the part of this Chapter relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the City Council.

Title 2 – Public Safety

Chapter 1 - Minors
Chapter 2 - Animal Control
Chapter 3 - General Offenses
Chapter 4 Drugs, Drug Paraphernalia, and Synthetic Alternative Drugs
Chapter 5 - Cannabis

Title 2

Chapter 1 - Minors

Section 2-1-1. – Curfew

(a) Curfew offenses.

(1) A minor commits a curfew offense when he or she remains in any public place or on the premises of any establishment during curfew hours.

(2) A parent or guardian of a minor or other person in custody or control of a minor commits a curfew offense when he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

(b) Curfew Defenses. It is a defense to prosecution under subsection (a) that the minor was:

(1) accompanied by the minor's parent or guardian or other person in custody or control of the minor;

(2) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) in a motor vehicle involved in interstate travel;

(4) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;

(5) involved in an emergency;

(6) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(7) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;

(8) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) married or had been married or is an emancipated minor under the Illinois Emancipation of Minors Act.

(c) Enforcement. Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (b) is present.

(d) Definitions. In this Section:

(1) "Curfew hours" means:

(A) Between 12:01 a.m. and 6:00 a.m. on Saturday;

(B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and

(C) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(2) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) "Establishment" means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

(4) "Guardian" means:

(A) a person who, under court order, is the guardian of the person of a minor; or

(B) a public or private agency with whom a minor has been placed by a court.

(5) "Minor" means any person under 17 years of age.

(6) "Parent" means a person who is:

(A) a natural parent, adoptive parent, or stepparent of another person; or

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(7) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(8) "Remain" means to:

(A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(9) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(e) Penalties. A violation of this Section is a petty offense with a fine of not less than $10 nor more than $500, except that neither a person who has been made a ward of the court under the Illinois Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this Section, the court may order a parent, legal guardian, or other person convicted of a violation of subsection (a) of this Section to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Illinois Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of subsection (a) of this Section shall not conflict with the dates and times that the person is employed in his or her regular occupation.

(f) It is intended that this Section be consistent with 720 ILCS 5/12C-60. If the Illinois Compiled Statue is amended so that the hours for curfew violation are changed, then this City Code Section will be automatically amended, without need for further City Council approval, to reflect the State statute then in effect.

Section 2-1-2. - Tobacco Products, Electronic Cigarettes, and Alternative Nicotine Products; Persons Under Twenty-One Years of Age.

(a) Definitions:

ADULT-ONLY FACILITY: A facility or restricted area (whether open-air or enclosed) where the operator ensures or has a reasonable basis to believe (such as by checking identification as required under State law, or by checking the identification of any person appearing to be under the age of 30) that no person under legal age is present. A facility or restricted area need not be permanently restricted to persons under twenty one (21) years of age to constitute an adult-only facility, provided that the operator ensures or has a reasonable basis to believe that no person under twenty one (21) years of age is present during the event or time period in question.

ALTERNATIVE NICOTINE PRODUCT: A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. "Alternative nicotine product" excludes cigarettes as defined in section 1 of the Cigarette Tax Act and tobacco products as defined in section 10-5 of the Tobacco Products Tax Act of 1995; tobacco product and electronic cigarette as defined in this section; or any product approved by the United States Food and Drug Administration as a nontobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

ELECTRONIC CIGARETTE: Any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or any solution or substance, whether or not it contains nicotine intended for use in the device.

"Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device.

"Electronic cigarette" does not include: cigarettes as defined in section 1 of the Cigarette Tax Act and tobacco products as defined in section 10-5 of the Tobacco Products Tax Act of 1995; tobacco product and alternative nicotine product as defined in this section; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.

TOBACCO PRODUCTS: Any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include: an electronic cigarette and alternative nicotine product as defined in this section; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

VENDING MACHINE: Any mechanical, electric, or electronic, self-service device which, upon insertion of money, tokens, or any form of payment, dispenses tobacco products, electronic cigarettes, or alternative nicotine products.

(b) Prohibited Sales and Delivery; Signs Posted:

(a) Minimum Age to Sell 0r Distribute To: No person shall sell, buy for, distribute samples, or furnish any tobacco product, electronic cigarette, or alternative nicotine product to any person under twenty-one (21) years of age.

(b) Signs: Signs informing the public of the age restriction provided for in this subsection shall be posted at or near every display of tobacco products, electronic cigarettes, alternative nicotine products, tobacco accessories and smoking herbs and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

THE SALE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, ALTERNATIVE NICOTINE PRODUCTS, TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW

The text of such signs shall be in red letters on a white card with letters to be at least one-half inch (1/2") high.

(c) Minimum Age to Sell Tobacco Products: No person under sixteen (16) years of age may sell any tobacco product, electronic cigarette, or alternative nicotine product at a retail establishment selling tobacco products, electronic cigarettes, or alternative nicotine products. This subsection does not apply to a salesclerk in a family-owned business which can prove that the salesclerk is in fact a son or daughter of the owner.

(d) Proximity To Certain Institutions Prohibited: It shall be unlawful for any person to sell, buy for, distribute samples or furnish tobacco products, electronic cigarettes, or alternative nicotine products within one hundred feet (100') of any school, child-care facility, or other building used for education or recreation programs for persons under twenty one (21) years of age.

(e) Free Distributions Prohibited: A person shall not distribute without charge samples of any tobacco product to any other person, regardless of age, except for smokeless tobacco in an adult-only facility. This subsection does not apply to the distribution of a tobacco product, electronic cigarette, or alternative nicotine product sample in any adult-only facility.

(f) Vending Machines: Tobacco products, electronic cigarettes, and alternative nicotine products may be sold through a vending machine only if such tobacco products, electronic cigarettes, and alternative nicotine products are not placed together with any other type of product, other than matches, in the vending machine and the vending machine is in any of the following locations:

(A) Places to which persons under twenty-one (21) years of age are not permitted access at any time; or

(B) Places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.

(c) Purchase Prohibited: No person under twenty-one (21) years of age shall buy any tobacco product, electronic cigarette, or alternative nicotine product. No person under twenty- one (21) years of age in the furtherance or facilitation of obtaining any tobacco product, electronic cigarette, or alternative nicotine product shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(d) Possession Prohibited: It shall be unlawful for any person under the age of twenty-one (21) years to possess any tobacco products, electronic cigarettes, or alternative nicotine products.

(e) Penalty:

(1) Any natural person under the age of twenty-one (21) who violates any provision of this section shall be fined in an amount not to exceed one hundred dollars ($100.00) for a first offense, and for a second or subsequent offense, shall be fined in an amount not to exceed two hundred fifty dollars ($250.00).

(2) Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, or natural person twenty-one (21) years of age or older who violates any provision of this section shall be fined in an amount not to exceed five hundred dollars ($500.00) for a first offense, and for a second or subsequent offense, shall be fined in an amount not to exceed seven hundred fifty dollars ($750.00).

Section 2-1-3 - Truancy.

(a) Prohibited: It shall be unlawful for any person under the age of eighteen (18) enrolled in a public, private or parochial school to absent himself or herself from attendance at school without parental permission. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and be subject to the penalty set forth in this Code. Emergency or unforeseen absences due to illness or causes beyond the control of the person so absenting himself or herself from school without parental permission shall not constitute truancy if permission for such absence has been subsequently obtained from the parent or guardian of said person, and such permission is submitted in writing to the proper school authorities within twenty four (24) hours immediately following said absence.

(b) Responsibility Of Parent Or Guardian: It is hereby made unlawful for any parent, guardian or other person having the legal care and custody of any person under eighteen (18) years of age to allow or permit any such child, ward, or other person under such age enrolled in a public,

private or parochial school to absent himself or herself from attendance without fully complying with the policies and requirements of the school district in which the child is enrolled.

(c) Penalties:

(1) Each day that such person under eighteen (18) years of age absents himself or herself from school attendance shall constitute a separate offense and shall be punishable as such.

(2) Each day that any parent, guardian or other person having the legal care and custody of any person under the age of eighteen (18) years of age violates the provisions of subsection B of this section shall constitute a separate offense and shall be punishable as such.

Section 2-1-4. - Encouraging Delinquency.
It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

Title 2

Chapter 2 – Animal Control

Section 2-2-1. - Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

DAY: A calendar day consisting of a twenty-four-hour period from one midnight to the next succeeding midnight.

ANIMAL: Any vertebrate species, other than man.

ANIMAL SHELTER: The entity that has contracted with the City to provide impoundment and animal shelter services.

AT LARGE: Off the premises of the owner and not under the control of a leash of the owner, a member of the owner's family or an authorized person. For the purposes of this chapter, voice control shall not be considered as control.

DANGEROUS ANIMAL: Any individual animal which when either unmuzzled, unleashed, or unattended by its owner, or a member of the owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any other public place.

DOG: All members of the family Canidae.

FERAL: An animal that (i) is born in the wild or is the offspring of an owned or feral animal and is not socialized, or (ii) is a formerly owned animal that has been abandoned and is no longer socialized or lives on a farm.

FOUND TO BE VICIOUS: The circuit court or other court of competent jurisdiction has found the animal to be vicious as defined under this section and has entered an order based on that finding.

LEASH: A cord, rope, strap, or chain securely fastened to the collar or harness of a dog and of sufficient strength to keep such dog under control.

OWNER: Any person having a right of property in an animal who keeps or harbors an animal, or who has it in his/her care, or acts as its custodian, exerts control over it, or who knowingly permits an animal to remain on or about premises owned by such person.

STRAY ANIMAL: Any domestic animal that has left an enclosure or its proper place and is at large.

VICIOUS ANIMAL:

(a) Any individual animal that, unprovoked, inflicts bites or attacks a human being or other animal either on public or private property; or

(b) Any individual animal with a known propensity, tendency, or disposition to attack, without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(c) Any individual animal that has as a trait or characteristic and a generally known reputation for being vicious or dangerous, or for making unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment; or

(d) Any individual animal which attacks a human being or domestic animal without provocation; or

(e) Any individual animal which has been found to be a "dangerous animal" upon two (2) separate occasions; or

(f) Any individual animal that has been trained as an attack or guard dog and is found off the owner's property; or

(g) Any individual animal that has been trained for fighting or is owned, kept or used for the purpose of fighting.

CHICKEN: An individual animal of the species Gallus gallus domesticus.

HEN: The female of the species Gallus gallus domesticus or chicken.

ROOSTER: The male of the species Gallus gallus domesticus or chicken.

COOP: A structure that is designed to house hens which is enclosed on all sides with a roof, door, and windows. A mobile coop or 'chicken tractor' will be considered a chicken coop. Also referred to as 'coop.'

RUN: An outdoor area that is enclosed on all vertical sides by fencing. The run must be attached to or must surround a chicken coop with a doorway or hatch that allows access into the space by chickens.

Section 2-2-2. – Animal Control Warden; Enforcement of Chapter.

(a) The Chief of Police shall be ex officio Animal Control Warden for the City. Provision shall be made for the appointment of such animal control officers as may be necessary. The animal control officers, employed by contractual agreement or otherwise, shall be

authorized to investigate matters regarding the provisions of this chapter and issue citations for violations of this chapter. The Animal Control Warden is charged with enforcement of this chapter.

(b) Any violation of this chapter is hereby declared to be a nuisance. In addition to any other relief provided by this chapter, the City attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of the provisions of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.

(c) A separate offense under this chapter shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2-2-3. - Animal Shelter.

(a) The City shall contract with an Animal Shelter to provide services to include the impounding of all animals delivered to the Shelter by authority of the Animal Control Warden. The Shelter shall maintain a pound enclosure or other suitable means for impounding such animals in accordance with the provisions of this chapter and the applicable provisions of the laws of the State. All such animals shall be kept, maintained, humanely treated, and fed by the shelter until redeemed or otherwise disposed of.

Section 2-2-4. - Cruelty to Animals Prohibited.

(a) No person shall commit cruelty to animals. A person commits cruelty to animals when that person knowingly:

(1) Confines the animal in such a manner so that it is forced to stand, lie, or sit in its own excrement;

(2) Fails to provide an exercise quarter of at least twenty-four (24) square feet;

(3) Fails to provide living quarters of sufficient size to exercise and move about;

(4) Fails to provide quarters that are protected from excessive heat or cold;

(5) Fails to keep an animal in a clean, sanitary, and healthy manner;

(6) Deprives the animal of proper veterinary care or necessary sustenance;

(7) Tethers an animal with a choke collar;

(8) Tethers an animal on a leash of less than twelve (12) feet in length;

(9) Tethers an animal on a leash of a weight or in such a manner that prevents the animal from moving freely without entanglement;

(10) Abandons, overworks, tortures, or torments any animal;

(11) Unjustifiably kills, wounds, or attempts to kill any domestic animal in a cruel manner;

(12) Allows an animal to remain unattended by a competent person in a motor vehicle when the outside ambient air temperature exceeds eighty (80) degrees Fahrenheit or confines an animal in an area without adequate air circulation;

(13) Crop an animal's ears, dock an animal's tail, or perform similar surgeries except as a licensed veterinarian of the State of Illinois;

(14) Causes, instigates, permits, or attends any dogfight or other combat between animals or between animals and humans.

(b) Cruelly treated animals shall be impounded and may be euthanized at the owner's expense when necessary to prevent further suffering.

Section 2-2-5. - Keeping Animals Other Than Domesticated Pets.

(a) Except as otherwise expressly provided for in this chapter or in the Oakland Code, no person shall keep, harbor or allow to be kept within the City limits any live rooster, turkey, geese, duck or any other poultry or byproduct birds, goats, sheep, swine, cattle, horses, or any type of hoof stock, any type of farm animal including the pygmy or miniature variety; any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, bear, hyena, wolf, wolf-hybrid, poisonous reptile, or other animal normally wild and dangerous to human life. It is no defense to a violation of this section that the owner or keeper of the animal has attempted to domesticate the animal.

(b) Animals maintained by a zoological park, humane society, federally licensed exhibit, veterinary hospital, or educational institutions shall not be regulated by the provisions of this chapter.

(c) Hens and/or rabbits shall be permitted according to the standards set forth in Section 2-2-19.

(e) Any non-domestic animal named in paragraph (a) or (d) above, not maintained in an approved manner as set forth in paragraphs (b) and (c) above, is hereby declared to be a nuisance, and shall be subject to impoundment as provided in Article II of the chapter.

Section 2-2-6. - Keeping of Dangerous Animals.

(a) No person shall keep or harbor any dangerous animal in violation of this section within the City. Such animals are hereby declared nuisances and are subject to impoundment.

(b) All owners or keepers of dogs found to be dangerous must post in clear view at all times, and in the most conspicuous or prominent point of entry to the premises, a sign indicating dangerous dog on the premises. Such sign shall be at least eight and one-half (8½) inches by eleven (11) inches in size, and shall contain in words and pictures, a clear indication that a dangerous dog is on the premises.

(c) All dogs found to be dangerous must be controlled by a leash whenever the dog is not contained within an enclosed area or structure located on the owner's or keeper's property from which the dog could not voluntarily leave.

(d) It is not the intent of this chapter to prohibit law enforcement officers from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined in accordance with police department policy at all times.

Section 2-2-7. - Keeping of Vicious Animals Prohibited.

(a) No person shall keep, harbor, sell or give away any vicious animal within the City, whether or not owned by such person. Such animals are hereby declared nuisances and are subject to impoundment.

(b) An animal impounded under this section will not be returned to the owner unless the animal is not found to be vicious. Animals subsequently found to be vicious will be turned over by the City to an appropriate agent or agency for humane destruction.

(c) No landlord or landlord's agent shall knowingly permit any tenant to move a vicious dog into or keep a vicious dog in any building or premises owned or controlled by such landlord or agent. No landlord or landlord's agent shall knowingly permit any tenant to keep a vicious dog in any building or premises owned or controlled by such landlord or agent. Any landlord or agent thereof learning of any vicious dog in any building or premises owned or controlled by such a landlord or agent thereof shall notify the person having such dog to remove the dog from the premises immediately.

(d) It is not the intent of this chapter to prohibit the police department from using any trained dog that may attack on command, provided that each such dog must be in the presence of its handler or confined in accordance with police department policy at all times.

Section 2-2-8. - Killing Dangerous Animals.

If any dangerous or vicious animal shall be found running at large and cannot be taken up or tranquilized and impounded, such animal may be slain by any police officer or agent authorized to perform any duty under this chapter, when it is necessary for the protection of any person or property.

Section 2-2-9. - Diseased Animals.

No animal afflicted with a contagious or infectious disease shall be allowed to be exposed in any public place whereby the health of human beings or other animals may be affected.

Section 2-2-10. - Disturbing the Peace.

(a) No animal shall disturb the peace and quiet of the neighborhood by barking or making other loud or unusual noise.

(b) The offenses specified in this section shall be an absolute liability offense against the owner.

Section 2-2-11. - Exposing Dead Animals to View.

(a) No person shall haul, drag, transport, or otherwise move any dead animal along or upon any street, alley or other public place within the City unless such dead animal is wholly covered so as to conceal the same from view.

(b) No person within the City shall skin or otherwise mutilate any dead animal within the view of any public place or private property other than the private property owned or controlled by said person.

Section 2-2-12. - Dogs Running at Large; Impoundment.

(a) No dog shall run at large or be on any public right-of-way or property other than that of the owner without being securely restrained by a leash or other means.

(b) Any dog running at large is hereby declared a nuisance and may be impounded as provided in this division.

(c) A dog on its owner's property is at large if it is not contained on the property by means of a fence, chain, leash, competent supervision, or other visible means of restraint sufficient to protect pedestrians on City sidewalks or parkways.

(d) The offense specified in this section shall be an absolute liability offense against the owner.

Section 2-2-13. - Holding for reward strayed or stolen animals.

No person shall harbor or hold for reward an animal which strayed upon the person's premises or which has been picked up on a public street, highway or other public place unaccompanied by its owner or other person, or which has been stolen from its owner.

Section 2-2-14. - Removal of Excrement.

(a) No owner or person in control of a dog shall permit the dog to deposit fecal matter on any public right-of-way or property, other than that of the owner or person in control, without providing a means for disposing of the fecal matter. The owner or person in control of a dog shall promptly remove any fecal matter deposited on any property, other than that belonging to the owner or person in control of the dog. This section shall not apply to support dogs or guide dogs for the blind, visually handicapped, hearing impaired or otherwise physically disabled persons.

(b) The offense specified in this section shall be absolute liability offense.

Section 2-2-15. - Animals for Use in Entertainment.

(a) No person may use, own, capture, breed, train or lease any animal which he or she knows is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between such animal and other animal or the intentional killing of any animal for the purpose of sport, wagering, or entertainment.

(b) No person shall own, possess, offer for sale, ship, or transport any equipment or device which such person knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between two (2) or more animals or the intentional killing of any animal for purposes of sport, wagering or entertainment.

(c) No person shall make available any site, structure or facility, whether enclosed or not, which he or she knows or should know is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between two (2) or more animals or the intentional killing of any animal.

(d) No person shall attend or otherwise patronize any show, exhibition program, or other activity featuring or otherwise involving a fight between two (2) or more animals or the intentional killing of any animal for the purposes of sport, wagering or entertainment.

Section 2-2-16. - Seizure and Disposition of Animals and Other Items Illegally Used in Entertainment.

(a) Law enforcement officers with the Police Department for the City of Oakland shall seize and impound any and all animals and seize any equipment, money or other proceeds utilized in or directly related to any violation of section 2-2-15 herein. Animals and other items impounded or seized shall be held for evidence and for final disposition by the Court.

(b) The City shall give notice to the person from whom the animals, equipment, money or other proceeds were seized pursuant to paragraph (a) above, or to the person in possession as owner, or lessee of the premises where said items were found, or if the names of any of these persons are unknown to the City, by posting notice upon the outer door of the premises. The notice shall be directed to any person claiming an interest in the property or money, to come before the Court on a specified date, not less than three (3) days from the date of the notice, and to show cause, if any, why the items should not be sold at public auction as contraband, or otherwise be forfeited as contraband to the City for disposition as authorized herein.

(c) If in the Court's opinion, after a full hearing, or upon the default of those notified to appear, it appears to the Court that the items seized are in fact contraband, the Court shall order disposition of said items in one or more of the following ways:

(1) Any animals forfeited under this section shall be either humanely euthanized, offered for adoption, or otherwise disposed of in accordance with any controlling Coles County or City of Oakland ordinances, or provisions of state law.

(2) Any money forfeited under this section shall be forfeited to the City Treasury.

(3) Any other items forfeited under this section shall be sold at a public auction to the highest bidder for cash, and the proceeds paid into the City Treasury.

Section 2-2-17. - Prohibition of Possession of Dogs While Possessing Illegal Drugs.

No person shall be in possession of any dog while said person is manufacturing, delivering, or possessing with the intent to manufacture or deliver any controlled substance or cannabis in violation of the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.) or the Cannabis Control Act (720 ILCS 550/1 et seq.) or any amendments thereto. No person shall possess a dog in any dwelling unit or in or on the premises of any single-family dwelling while any person in said dwelling unit or in or on the premises of said single-family dwelling is manufacturing, delivering, or possessing with the intent to manufacture or deliver any controlled substance or cannabis in violation of the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.) or the Cannabis Control Act (720 ILCS 550/1 et seq.) or any amendments thereto. For the purpose of this section, any person present in said dwelling unit or in or on the premises of said single-family dwelling during the violation of the Controlled Substances Act or the Cannabis Control

Act shall be irrebuttably presumed to be in possession of any dog found in said dwelling unit or in or on the premises of said single-family dwelling at that time.

Section 2-2-18. - Seizure and Disposition of Dogs Possessed in Violation of Section 2-2-17.

Any dog possessed in violation of section 2-2-17 shall be impounded and held for final disposition by the Circuit Court at a hearing on the violations of section 2-2-17. If the name and address of the owner of said dog can be readily ascertained, and said owner is not charged with a violation of section 2-2-17, then the City shall give written notice to said owner by mail at least ten (10) days prior to any hearing on the violation of section 2-2-17, informing said owner that said dog may be subject to forfeiture because of the violation of section 2-2-17.

If the Court finds that said dog was possessed in violation of section 2-2-17, then said dog shall be forfeited, and shall either be humanely euthanized, offered for adoption, or otherwise disposed of in accordance with any controlling Coles County or City of Oakland ordinances, or provisions of state law. If, at the hearing on the violation of section 2-2-17, the Court finds in favor of any and all defendants regarding said alleged violation, and dismisses the charge, then said dog shall be released to any individual who can establish ownership in said dog, subject to the payment of any fees owed for the dog's impoundment. If no one attempts to reclaim said dog within seven (7) days of the Court's finding in favor of all defendants on the violation of section 2-2-17, then said dog shall be disposed of in the same manner as with a finding of a violation of section 2-2-17.

Section 2-2-19. – Hens and/or Rabbits.

(a) Any person may possess hens and/or rabbits for non-business purposes only, within the corporate limits of the City of Oakland, as set forth in this section.

(b) The total number of hens shall not exceed twenty (20) at any one time.

(c) The total number of rabbits shall not exceed ten (10) at any one time.

(d) No roosters will be allowed.

(e) Such hens and/or rabbits shall be kept and contained in an outside enclosed case or pen which shall be maintained in a clean and healthy manner.

(f) No neighbor owning or occupying any property within a one square block area of the premises where such hens and/or rabbits are kept objects, in writing, to the presence of such hens and/or rabbits; provided, however, if any neighbor objects in writing, and said objection is found to be reasonable by the City Council, hen such hens and/or rabbits will not be allowed. The decision of the City Council shall be final and binding.

(g) It shall be deemed a violation if any such hens and/or rabbits are kept contrary hereto.

(h) Any person, partnership, corporation, or other entity convicted of a violation of this Ordinance or any provision thereof shall be fined not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00). In addition to the foregoing, the complainant may at his election have recourse to the Circuit Court of Coles County, Illinois, for injunctive relief to prevent recurrence of such acts or the permanent abatement thereof and the Court in its discretion may issue both temporary and permanent restraining orders or injunctions as the Court may deem proper. A separate offense shall be deemed committed on each day on which a violation occurs or continues.

Section 2-2-20. - Animal Nuisance.

No person owning, possessing, or harboring any animal within the City shall permit said animal to become a nuisance. In addition to those nuisances set forth elsewhere in this Chapter, any animal, other than a dog trained for law enforcement in the performance of its duty, shall be considered a nuisance and may be impounded under the following circumstances:

(a) Any dog found in the City without proper rabies tags.

(b) Any animal found to be running at large and any animal which is able to come into contact with pedestrians on a public right-of-way or on adjacent private properties because of inadequate leashing or design of enclosures on the property of the animal's owner.

(c) Any female dog or cat that is readily accessible to a male animal of the same species during periods of estrus (heat) for said female animal, whether said female animal is on or off the property of said animal's owner, except as part of a planned, supervised breeding.

(d) Any dog found during a violation of section 2-2-17 of this chapter.

Section 2-2-21. - Stray Animals.

Any person who picks up any stray animal shall immediately notify the City's contracted Animal Shelter.

Section 2-2-22. - Notice of Impoundment.

(a) Immediately after receiving any animal for impounding, it shall be the duty of the Animal Shelter to enter upon the records of the pound in a book to be kept by the Animal Shelter for such purpose the date of impounding, a description of the animal impounded, and a record as to whether or not such animal has been inoculated and tagged with a proper rabies tag as required by this chapter.

(b) Public notice of the impounding of such an animal shall be given by posting one copy of the description of such an animal and date of impoundment at the pound.
(c) If any such impounded animal has tags identifying the owner thereof, the Animal Shelter shall attempt to notify such owner within seven (7) days of the receipt of the animal.

Section 2-2-23. - Redemption.

(a) Except as otherwise provided herein, the owner of any impounded animal may redeem the animal by paying an impoundment fee of twenty-five dollars ($25.00) the first time he or she has an animal impounded and fifty dollars ($50.00) for second time and each successive time.

(b) The owner shall additionally pay a daily impoundment fee for each day or any part thereof during which the animal has been held in the pound, and any additional amounts necessary to cover veterinary costs or other charges incurred in maintaining such animal. Veterinary costs must be paid to the Animal Shelter by the owner prior to the release of the animal.

(c) The Chief of Police is hereby authorized to set the daily impoundment fee from time to time in an amount deemed necessary to cover the City's reasonably anticipated costs related to said impoundment. The Chief of Police shall set the amount of the daily fee in writing and shall provide a copy of said written determination to the City Clerk and the contracted Animal Shelter.

(d) If any impounded animal does not have a current rabies tag, the owner redeeming such animal shall, in addition to the above charges, pay the necessary fee for inoculation and/or registration for the current year.

(e) Any impounded animal found to be vicious shall not be subject to redemption but shall be turned over by the City to an appropriate agent or agency for humane destruction. Any animal impounded in relation to a charge for a violation of section 2-2-5 or 2-2-7 herein shall not be subject to redemption until the court hearing that charge either dismisses that charge, or it expressly authorizes said redemption as part of any other order entered in that case.

Any animal impounded in relation to a charge for a violation of section 2-2-4 or 2-2-6 shall not be redeemed as long as there is outstanding a hold placed on said animal by an Animal Control Officer, based on that officer's determination that the release of the animal will pose a danger to the public, and/or to the welfare and safety of the animal so impounded; provided that said animal shall be subject to redemption as otherwise provided herein if said hold is released by said Animal Control Officer, or if a court hearing the charge dismisses the charge or otherwise orders the release of the animal in question. Any hold on an impounded animal or any release of such a hold as provided herein shall be issued in writing by the Animal Control Officer in question to staff of the Animal Shelter where said animal is impounded. Any court order that is the basis for releasing an animal otherwise subject to impoundment as provided herein shall be in

writing, and shall be transmitted to the Animal Shelter within seventy-two (72) hours of the entry of said order, excluding weekends and holidays.
In the event that the Court finds an owner guilty of a charge under section 2-2-4, 2-2-5 or 2-2-6, and the court determines that it is not appropriate to authorize redemption of the animal in question because of a concern about the animal's welfare or the safety of the public, then said animal shall be confiscated and placed in an approved facility, unless an approved facility is not available, in which case said animal shall be ordered turned over to an appropriate agent or agency for humane destruction and disposal in accordance with State Law. Approved facilities include but are not limited to those facilities listed in paragraphs (b) and (c) of Section 2-2-5 herein.

(f) Any dog impounded because of a violation of section 2-2-17 herein shall not be subject to redemption but shall either be forfeited or released pursuant to the provisions of section 2-2-18 herein.

(g) Any feral animal that is impounded shall not be subject to redemption and shall be humanely destroyed.

Section 2-2-24. - Disposition When Unredeemed.

Any animal not redeemed by the owner or any other person within seven (7) days after the impoundment, or, in the case of animals not initially subject to redemption as provided herein, within seven (7) days of receipt by the Animal Shelter of a copy of a written order or release authorizing said animal's redemption, is hereby declared to be a public nuisance. Such animal shall be disposed of in accordance with the provisions of State Law.

Section 2-2-25. - Rabies Vaccination Required.

(a) It shall be the duty of any person having ownership or control of any dog kept or otherwise found to be in the City to have the dog vaccinated against rabies in compliance with the State Animal Control Act (510 ILCS 5/1 et seq.). Every dog shall be properly tagged showing compliance with this section. If a vaccine capable of conferring immunity for more than one year is used, additional tags designating those years shall be obtained and displayed.

(b) It shall be the duty of any person having ownership or control of any cat kept or otherwise found to be in the City, to have the cat vaccinated against rabies as often as the manufacturer and federal vaccine licensing officials accept and recommend. Every such person shall display evidence of current immunization of the cat upon demand made by any duly authorized officer or agent of the City.

Section 2-2-26. - Examination of animal biting persons

(a) Whenever any animal bites a person, the owner or person in charge of such animal shall immediately notify the Animal Control Officer, who in turn shall notify the person designated by the Coles County Board as the Administrator of the provisions of the Animal Control Act, 510 ILCS 5/1 et seq., hereinafter referred to as the County Animal Control Administrator.

(b) Whenever it has been reported that an animal has bitten any person, the animal shall be confined in a place selected by the Animal Control Officer or the County Animal Control Administrator and placed under the observation of a licensed veterinarian, at the owner's expense, for a period of ten (10) days, to determine whether the animal has rabies. When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of ten (10) days, if the Animal Control Officer or the County Animal Control Administrator, adjudges such confinement satisfactory.

(c) The owner of such animal, at the end of the examination period, shall present to an Animal Control Officer, on forms furnished by the Animal Control Officer, the findings of the veterinarian. The form shall be signed by the veterinarian. An animal control officer shall provide copies of any completed, signed forms to the County Animal Control Administrator.

(d) If the animal dies while impounded its head shall be sent to the State Department of Health for examination of rabies.

(e) If the animal is found to be suffering from rabies, it shall be destroyed. If the owner of an animal which has bitten or mutilated any person refuses to surrender it, the Animal Control Officer, may lawfully enter upon the premises where the animal is located and may seize and impound the animal for the purposes of this section.

Section 2-2-27. - Confining Animal Which Has Attacked or Bitten a Person.

(a) If a dog is believed to have rabies the dog shall be confined by a leash or chain on the owner's premises and placed under observation of a veterinarian at the expense of the owner for a period of ten (10) days. The owner shall notify an Animal Control Officer of the fact that the dog has been placed under observation and said officer shall in turn notify the County Animal Control Administrator of this fact. At his/her discretion, an Animal Control Officer, in cooperation with the County Administrator, is authorized to have the dog removed from the owners premises to a veterinary hospital and there placed under observation for a period of ten (10) days.

(b) No person knowing or suspecting that a dog has rabies shall allow the dog to be taken off the person's premises or beyond the City limits without the written permission of an Animal Control Officer.

(c) Any person upon ascertaining that a dog is rabid, shall immediately notify the Animal Control Officer, who, in cooperation with the County Animal Control Administrator, shall either remove the dog to the pound or if required, under the circumstances, summarily destroy the dog.

Section 2-2-28. - Examination of Animals by Either an Animal Control Officer or County Animal Control Administrator.

Either an Animal Control Officer, the County Animal Control Administrator, or other qualified person so authorized by an Animal Control Officer or the County Animal Control Administrator, shall be permitted by the owner or person in charge of an animal which has attacked or bitten a person, to examine the animal at any reasonable time, and daily if desired, within a period of ten (10) days after the animal has attacked or bitten a person, to determine whether the animal shows symptoms of rabies.

Section 2-2-29. - Report of Suspected Cases of Rabies.

Whenever a dog or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner or person in charge of such dog or animal or any person having knowledge thereof, shall immediately notify either an Animal Control Officer or the County Animal Control Administrator.

Section 2-2-30. - Report of Person Bitten by Animal.

(a) Every physician shall, within twelve (12) hours after the physician's first professional attendance upon any person bitten by a dog or other animal, report to an Animal Control Officer, the name, age, sex, race and precise location of the person so bitten.

(b) When a physician is not in attendance of a person bitten by an animal, then any person in charge of or in control of or responsible for the person bitten shall report the incident to an Animal Control Officer and provide same information as set out in subsection (a).

Section 2-2-31. - Confining Animal Bitten by Another Animal.

An Animal Control Officer shall serve a notice, in writing, upon the owner or person in charge of a dog or other animal known or suspected to have been bitten by an animal known or suspected of being affected by rabies, requiring the owner or person in charge of the animal to confine it for a period of not less than six (6) months.

Section 2-2-32. - Confining Animals to Prevent Spread of Rabies.

(a) Whenever an Animal Control Officer has reason to believe that there is a danger that rabies may spread within the City said Officer shall serve a notice in writing upon all persons owning or having charge of any animal requiring such person to confine such animal or, the above authorities, in lieu of serving such notice in writing may cause a notice to be published in the official newspaper of the City.

(b) Other animals may be included in the order whenever, in the opinion of an animal control officer, this is necessary.

(c) Whenever the State Department of Agriculture has knowledge that any case of rabies exists among dogs or other domestic animals within the State, and in its judgment the disease is liable to spread, the Department may issue an order requiring an Animal Control Officer to order animals confined as provided in this section, and to cause the enforcement of these provisions by appropriate proceedings either in law or equity.

Section 2-2-33. - Permit to Release Animals.

An animal confined under the order of an Animal Control Officer shall not be released until a certificate of release has been issued by the official who ordered the confinement.

Title 2

Chapter 3 – General Offenses

SECTION 2-3-1. - IN GENERAL

Section 2-3-1-1. – Aiding and Abetting.

Any person who aids, abets, assists, advises or encourages the commission of any act prohibited by this Code or by any ordinance, or by any indirect means procures any such offense to be committed or who commits an offense through the intervention of an agent, servant, employee or person under his/her control shall be deemed guilty to the same extent and may be proceeded against in the same manner as though the offense had been committed by him/her directly and with his/her own hand. Any such agent, servant or other person, doing any prohibited act for and on behalf of another shall be deemed guilty of such act equally with his/her employer or principal and be subject to the same penalty, except in such cases where a different or other penalty is provided by ordinance for such agent or employee.

Section 2-3-1-2. – Mental State in Offenses.

A person is not guilty of an offense other than an offense which involves absolute liability unless, with respect to each element described by the section defining the offense, such person acts while having one of the mental states described below:

(a) Knowledge. A person knows, or acts knowingly or with knowledge of:

(1) The nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that such fact exists.

(2) The result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is practically certain to be caused by his/her conduct.

Conduct performed knowingly or with knowledge is performed willfully, within the meaning of a section using the latter term, unless the section clearly requires another meaning.

(b) Recklessness. A person is reckless or acts recklessly, when he/she consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, described by the section defining the offense; and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation. An act performed recklessly is performed wantonly, within the meaning of the section using the latter term, unless the section clearly requires another meaning.

(c) Negligence. A person is negligent, or acts negligently, when he/she fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, described by the section defining the offense; and such failure constitutes a substantial deviation from the standard of care which a reasonable person would exercise in the situation.

SECTION 2-3-2. – OFFENSES AFFECTING GOVERMENTAL FUNCTIONS

Section 2-3-2-1. - Resisting or Obstructing a Peace Officer.

(a) No person shall knowingly resist or obstruct the performance by one known to the person to be a peace officer of any authorized act within the peace officer's official capacity.

(b) No person shall persist in any attempt to engage a peace officer in conversation in person when the person knows the person to be a peace officer while the peace officer is engaged in attempting to control other persons or traffic after a peace officer directs the person to cease the attempt at conversation.

Section 2-3-2-2. - Impersonation of City Officers and Employees.

No person shall impersonate any officer or employee of the City by representing to be such officer or employee, or without being duly authorized, exercise or attempt to exercise any of the duties and functions of a City officer or employee.

Section 2-3-2-3. - False Alarms and Reports.

(a) No person shall knowingly make, turn in or give a false alarm of fire or of need for police or ambulance assistance, or aid or abet in the commission of such an act.
(b) No person shall make or file with the Police Department any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the City.

Section 2-3-2-4. - Escape.

No person shall escape, attempt to escape or to assist any prisoner to escape or attempt to escape from the custody of the Police Department.

Section 2-3-2-5. – Aid in Escape.

It shall be unlawful for any person to aid or assist any person to escape from lawful confinement or assist any person to escape from the custody of any peace officer.

Section 2-3-2-6. – Obstructing Justice.

No person shall knowingly obstruct justice. A person obstructs justice when, with the intent to prevent apprehension or to obstruct the prosecution or defense of any person, the person knowingly commits any of the following acts:

(a) Destroys, alters, conceals, or disguises physical evidence, plants false evidence, furnishes false information; or

(b) Induces a witness having knowledge material to the subject at issue to leave the State or conceal himself; or

(c) Possession knowledge material to the subject at issue leaves the State or conceals himself.

SECTION 2-3-3. - OFFENSES AGAINST THE PERSON

Section 2-3-3-1. – Assault.

(a) A person commits an assault when, without lawful authority, such person engages in conduct which places another in reasonable apprehension of receiving a battery.

(b) No person shall commit an assault in the City.

Section 2-3-3-2. – Battery.

(a) A person commits battery if such person intentionally or knowingly without legal justification and by any means:

    (1) Causes bodily harm to an individual; or

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

(b) No person shall commit a battery in the City.

Section 2-3-3-4. – Reckless Conduct.

(a) A person who causes bodily harm to or endangers the bodily safety of an individual by any means commits reckless conduct if such person performs recklessly the acts which cause the harm or endanger safety, whether they otherwise are lawful or unlawful.

(b) No person shall commit reckless conduct in the City.

Section 2-3-3-5. – Fighting.

No person shall knowingly start a fight or fight in the City.

SECTION 2-3-4 - OFFENSES AGAINST PROPERTY

Section 2-3-4-1. – Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

DECEPTION: to knowingly:

(1) Create or confirm another's impression which is false and which the offender does not believe to be true;

(2) Fail to correct a false impression which the offender previously has created or confirmed;

(3) Prevent another from acquiring information pertinent to the disposition of the property involved;

(4) Sell or otherwise transfer or encumber property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or

(5) Promise performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not evidence that the offender did not intend to perform.

OBTAINS CONTROL: includes but is not limited to the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in, or possession of property.

OWNER: means a person other than the offender who has possession of, or any other interest in, the property involved even though such interest or possession is unlawful and without whose consent the offender has no authority to exert control over the property.

PERMANENT DEPRIVATION: to:

(1) Defeat all recovery of the property by the owner; or

(2) Deprive the owner permanently of the beneficial use of the property; or

(3) Retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

(4) Sell, give, pledge, or otherwise transfer any interest in the property or subject it to the claim of a person other than the owner.

PROPERTY: anything of value, including real estate, money, commercial instruments, admission or transportation tickets, written instruments representing or embodying rights concerning anything of value, labor or services; things growing in, affixed to or found on land, or affixed to any building; electricity, gas and water; birds, animals and fish which ordinarily are kept in a state of confinement; food and drink; and records, recording, documents, blueprints, drawings, maps and photographs.

Section 2-3-4-2. – Trespass Generally.

(a) No person shall commit a trespass. A person commits a trespass when that person:

(1) Enters upon the lands or premises, or any part thereof, of another, after receiving prior to such entry, notice from the owner, occupant or authorized person that such entry is forbidden, or remains upon the lands or premises of another after receiving notice from the owner, occupant, or authorized person to depart; or

(2) Enters upon any vehicle, aircraft or watercraft of another after receiving immediately prior to such entry, notice from the owner, occupant or authorized person that such entry is forbidden, or remains upon the vehicle, aircraft or watercraft of another after receiving notice from the owner, occupant or authorized person to depart.

(b) For the purpose of this section, a person has received notice from the owner, occupant or authorized person if that person has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land, premises, or forbidden part thereof.

(c) For the purposes of this section, lands or premises shall include all lands or premises whether publicly or privately owned.

Section 2-3-4-3. - Criminal Trespass to Government-Supported Land.

(a) Any person who enters upon land supported in whole or in part with City funds, or Federal or State funds administered or granted through the City or any of its agencies, or any building on such land, after receiving, immediately prior to such entry, notice from the City or its representative that such entry is forbidden, or remains upon such land or in such building after receiving notice from the City or its representative to depart, and who thereby interferes with another person's lawful use or enjoyment of such building or land, shall be guilty of an offense.

(b) A person has received notice from the City within the meaning of this section if notified personally, either orally or in writing, or if a printed or written notice forbidding such entry to such person or a group of which such person is a part, has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

Section 2-3-4-4. - Breaking and Entering.

Any person who unlawfully, willfully, maliciously and forcibly breaks and enters, or unlawfully, willfully and maliciously, without force through open doors or windows, enters into any dwelling, office, shop, storehouse, warehouse, factory or other business establishment, garage, trailer, motor vehicle, watercraft or any other building within the City, without the implied or express consent of the owner thereof shall be guilty of the offense of breaking and entering.

Section 2-3-4-5. - Damaging City Property.

No person without lawful authority shall damage, destroy, deface, or interfere with any property belonging to the City.

Section 2-3-4-6. - Removing from or Damaging Property on Vacant Structures or Buildings.

No person shall remove or in any manner damage any fixture, attachment or other property belonging to, connected with or used in the construction of any vacant structure or building, or break into any vacant structure or building unless authorized by the owner thereof to enter and remove any fixture, attachment or other property belonging to, connected with or used in the construction on any vacant structure or building, whether built or in the process of construction or damage the structure or building in any way, whether intentional or not, in attempting to enter the structure or building or in removing, or attempting to remove, any such fixture, attachment or other property belonging to, connected with or used in the construction of the structure or building.

Section 2-3-4-7. - Damaging Property.

No person shall damage, destroy, or deface the property of another without first having obtained the consent of the owner.

Section 2-3-4-8. - Theft Generally.

No person shall commit theft. A person commits theft when such person knowingly:

(a) Obtains or exerts unauthorized control over property of the owner; or

(b) Obtains by deception control over property of the owner; or

(c) Obtains by threat control over property of the owner; or

(d) Obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce the person to believe that the property was stolen, and:

(1) Fails to promptly notify the owner or Police Department of such possession; or

(2) Intends to deprive the owner permanently of the use or benefit of the property; or

(3) Knowingly uses, conceals, or abandons the property in such manner s to deprive the owner permanently of such use or benefit; or

(4) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(e) Obtains the permanent or temporary use of property, labor or services of another which are available only for hire by means of threat or deception or knowing that such use is without the consent of the person providing the property, labor or services.

Section 2-3-4-9. - Retail Theft.

(a) Definitions. For the purposes of this section, the following words and phrases have the meanings ascribed to them unless a contrary meaning is clear from the context:

CONCEAL: To "conceal" merchandise means that, although there may be some notice of its presence, that merchandise is not visible through ordinary observation.

FULL RETAIL VALUE: the merchant's stated or advertised price of the merchandise.

MERCHANDISE: any item of tangible personal property.

MERCHANT: an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee or independent contractor of such owner or operator.

MINOR: a person who is less than nineteen (19) years of age, is unemancipated and resides with his/her parents or legal guardian.

PERSON: any natural person or individual.

PEACE OFFICER: "Peace officer" has the meaning ascribed to that term in 720 ILCS 5/2-13.

PREMISES OF A RETAIL MERCANTILE ESTABLISHMENT: includes, but is not limited to, the retail mercantile establishment; and common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment.

RETAIL MERCANTILE ESTABLISHMENT: any place where merchandise is displayed, held, stored, or offered for sale to the public.

SHOPPING CART: those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.

THEFT DETECTION DEVICE REMOVER: any tool or device used or specifically designed and intended to be used to remove any theft detection device from any merchandise.

THEFT DETECTION SHIELDING DEVICE: any device designed or intended to be used to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

UNDER-RING: to cause register or other sales recording device to reflect less than the full retail value of the merchandise.

(b) Offense of retail theft. No person shall commit retail theft. A person commits the offense of retail theft when such person knowingly:

(1) Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or

(2) Alters, transfers or removes any label, price tag, marking, indicia of value or other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or

(3) Transfers any merchandise displayed, held, stored or offered for sale, in a retail merchandise establishment from the container or place in or on which such merchandise is displayed to any other container or place with the intention of depriving the merchant of the full retail value of such merchandise; or

(4) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or

(5) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart; or

(6) Represents to a merchant that he or another is the lawful owner of property, knowing that such representation is false, and conveys or attempts to convey the property to a merchant who is the owner of the property in exchange for money, merchandise credit or other property of the merchant; or

(7) Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant permanently of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise; or

(8) Obtains or exerts unauthorized control over property of the owner and thereby intends to deprive the owner permanently of the use or benefit of the property when, as the lessee of the personal property of another, fails to return it to the owner, or fails to pay the full retail value of such property to the lessor in satisfaction of a contractual provision requiring such, within thirty (30) days after written demand from the owner for its return. A notice in writing, given after the expiration of the leasing agreement, by registered mail, to the lessee at the address given by the lessee and shown in the leasing agreement shall constitute property demand; or

(9) Removes or attempts to remove any theft detection device with the intention of depriving the merchant permanently of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise.

(c) Presumptions. If any person:

(1) Conceals upon his/her person or among his/her belongings, unpurchased merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment; and

(2) Removes that merchandise beyond the last known station for receiving payments for merchandise in that retail mercantile establishment without paying the full retail value of such merchandise such person may be presumed to have possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise.

(d) Detention. Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

(1) To request identification;

(2) To verify such identification;

(3) To make reasonable inquiry as to whether such person has in his/her possession unpurchased merchandise and, to make reasonable investigation of the ownership of such merchandise;

(4) To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;

(5) In the case of a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of that minor of this detention and to surrender custody of such minor to such person.

(e) Affirmative defense. A detention as permitted in this section does not constitute an arrest or an unlawful restraint, as defined in 720 ILCS 5/10-3, nor shall it render the merchant liable to the person so detained.

Section 2-3-4-10. - Theft of Lost or Mislaid Property.

A person who obtains control over lost or mislaid property commits theft when such person:

(a) Knows or learns the identity of the owner or knows, or is aware of, or learns of a reasonable method of identifying the owner; and

(b) Fails to take reasonable measures to restore the property to the owner; and

(c) Intends to deprive the owner permanently of the use or benefit of the property.

Section 2-3-4-11. - Burglar's Tools; Altering Keys.

(a) No person shall have in his/her possession any burglar's nippers, pick lock, skeleton key, bit jimmy or any other burglar's instrument or tool unless such possession is innocent or for a lawful purpose.

(b) No person shall make or alter or attempt to make or alter any key or other instrument that will open the lock of a building unless requested to do so by some person having the right and authority to make such request.

Section 2-3-4-12. - Tampering with Cable Television Equipment.

(a) No person shall damage, destroy, or cause to be damaged or destroyed, any wire, cable, conduit, apparatus or equipment belonging to a person authorized by the City to provide cable television service within the City without first having obtained the consent of the owner.

(b) No person shall tap, tamper with, or connect any wire or device to a wire, cable, conduit, or equipment of another authorized by the City to provide cable television service within the City with intent to obtain a signal or impulse therefrom without first having obtained the consent of the owner.

SECTION 2-3-5. - OFFENSES AGAINST PUBLIC PEACE

Section 2-3-5-1. - Loitering.

(a) No person shall loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:

(1) Obstruct any public street, public highway, public sidewalk, or any other public place or building by hindering or impeding or tend 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 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 sidewalk or any other public place or building, all of which

prevents the free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto.

(b) When any person causes or commits any of the conditions enumerated in subsection (a) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

Section 2-3-5-2. - Disorderly Conduct.

No person shall commit disorderly conduct. A person commits disorderly conduct when such person knowingly:

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

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

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

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

(5) In a public or private place, engages in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance;

(6) With the intent to harass, annoy, intimidate, or torment another, makes a telephone call, whether or not conversation ensues;

(7) Activates a security system for the purpose of summoning the police knowing at the time of such activation that there is no reasonable ground for believing that Police services are needed; or

(8) Transmits or causes to be transmitted in any manner to the Fire Department a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists.

Section 2-3-5-3. - Disturbing the Peace.

It shall be unlawful for any person to act in such manner willfully, maliciously, intentionally, negligently, or unnecessarily so as to alarm or disturb another and to provoke a breach of the peace by:

(a) Creating loud or unusual noises or indecent behavior or by offensive or unbecoming conduct; or

(b) Allowing or permitting loud or unusual noises or indecent behavior, or by allowing or permitting offensive or unbecoming conduct to occur on premises under said person's control.

Section 2-3-5-4. - Mob Actions Prohibited.

No person shall engage in mob action. Mob action consists of any of the following:

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

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

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

Section 2-3-5-5. - Disturbing Lawful Assemblies Prohibited.

No person shall disturb any lawful assemblage in the City, whether in a building or enclosure or outside.

Section 2-3-5-6. – Unlawful Assemblies.

(a) It shall be unlawful for two (2) or more persons to assemble together for the purpose of disturbing the peace or for the purpose of committing an unlawful act and not to disperse upon the command of an officer so to do.

(b) It shall be unlawful for any person to collect within the City a crowd of people to the annoyance of the citizens thereof or to the annoyance or injury of the public.

Section 2-3-5-7. – Riot.

It shall be unlawful for any person to fail or refuse to disperse immediately upon an order to do so by a police officer, when two (2) or more persons are assembled for the purpose of disturbing the peace or committing any unlawful act.

SECTION 2-3-6. - OFFENSES AGAINST PUBLIC MORALS AND DECENCY

Section 2-3-6-1. - Public Indecency.

(a) No person shall commit a public indecency. Any person of the age of seventeen (17) years and upwards who performs any of the following acts in a public place commits a public indecency:

(1) An act of sexual penetration or sexual conduct; or

(2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.

Breast-feeding of infants is not an act of public indecency.

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

Section 2-3-6-2. - Public Urination and Defecation Prohibited.

No person shall urinate or defecate on any street, alley, sidewalk, parking lot, floor of any public building or any building where the public gathers, or in any other place commonly open to the public except in such public place that has been designated as a restroom.

Section 2-3-6-3. – Indecent Exposure; Improper Dress.

It shall be unlawful for any person to appear in a state of nudity or in any indecent or lewd dress or condition in any public place, or in any such place to make any indecent exposure of his or her person or private parts thereof or the private parts of another, or to conduct himself in a lewd or lascivious manner.

Section 2-3-6-4. – Public Drunkenness.

It shall be unlawful for any person to be found drunk, intoxicated or under the influence of intoxicating liquor upon any public thoroughfare or other public place.

Section 2-3-6-5. - Prostitution.

No person shall commit an act of prostitution. Any person who performs, offers, or agrees to perform any of the following acts for money commits an act of prostitution:

(1) Any act of sexual intercourse; or

(2) Any act of sexual penetration, as defined in the State Criminal Code, as amended (720 ILCS 5/11-0.1).

Section 2-3-6-6. - Solicitation.

(a) No person shall solicit or otherwise entice any other person to visit or patronize any prostitute or place of prostitution.

(b) No person shall make public display of himself/herself on any street or other public place in any manner so as to attract attention to himself/herself for the purpose of soliciting customers for prostitution.

Section 2-3-6-7. - Keeping a Place of Prostitution.

No person shall keep a place of prostitution. Any person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution who performs any of the following acts keeps a place of prostitution:

(1) Knowingly grants or permits the use of such place for the purpose of prostitution; or
(2) Grants or permits the use of such place under circumstances from which he/she could reasonably know that the place is used or is to be used for purposes of prostitution; or

(3) Permits the continued use of a place after becoming aware of facts or circumstances from which he/she should reasonably know that the place is being used for purposes of prostitution.

Section 2-3-6-8. – Swindling.

It shall be unlawful for any person, who by color, or aid of any trick or sleight of hand performance, or by fraud or by fraudulent scheme, cards, dice or device, to win for himself or for another any money or property or a representative of either.

Section 2-3-6-9. – False Pretenses.

It shall be unlawful for any person to obtain any food, drink, goods, wares or merchandise under false pretenses, or to enter any public place and call for refreshments or other articles and receive and refuse to pay for same, or depart without paying or satisfying the person from whom he received the food, goods, wares and merchandise.

Section 2-3-6-10. - Distribution of Obscene Literature.

It shall be unlawful for any person to exhibit, pass, give, or deliver to another any obscene, lewd or indecent book, pamphlet, picture, card, print, paper, writing, mold, cast, or figure or to have same in his possession.

SECTION 2-3-7. - OFFENSES AGAINST PUBLIC SAFETY

Section 2-3-7-1. - Throwing of Dangerous Materials.

(a) No person shall throw or cause to be thrown litter or any dangerous or offensive substance at a person or object.

(b) No person shall knowingly cast, toss, drop or project, or encourage others to throw, cast, toss, drop or project any item, including fluids, from a property in such a manner as to cause harm, discomfort, offense or damage to person or property.

(c) Any resident, occupant or other individual having control of the property or residential unit in or from which a violation of this section occurs shall be responsible for the activity. This shall be a strict liability offense.

Section 2-3-7-2. – Weapons Possession.

No person shall carry or possess any weapons or firearms in the City in violation of the laws of this State.

Section 2-3-7-3. - Discharge of weapons.

(a) No person shall discharge any firearm or air gun, BB gun or any toy gun projecting lead or metal missiles or that projects a missile or object capable of inflicting bodily harm or under circumstances that could cause a threat to public safety in the City except in a licensed shooting gallery.

(b) It shall be unlawful to shoot any bow or to discharge any arrow in the manner that could cause a threat to public safety in the City.

(c) This section shall not be construed to prohibit any officer of the law from discharging a firearm or other device in the performance of his/her duty, nor to any citizen to discharge a firearm when lawfully defending person or property.

Section 2-3-7-4. - Forfeiture of Handguns.

All persons convicted under sections 2-3-34 and 2-3-35, including the forfeiture of any bond in connection with charges under sections 2-3-34 and 3-35, for the use of a handgun shall forfeit the handgun in connection with such conviction or forfeiture. The Chief of Police shall lawfully cause to be destroyed or otherwise disposed of any such forfeited handguns. The forfeiture provided for in this section shall be in addition to any other lawfully imposed fine or other penalty.

Section 2-3-7-5. – Windowsills to be Kept Clear.

It shall be unlawful for any person to place or keep on any windowsill, porch or other projection above the first story of any building abutting on any sidewalk any article which might do injury by falling upon any person on the sidewalk in front of such building, unless said article be securely fastened or protected by screens.

Title 2

Chapter 4 - Drugs, Drug Paraphernalia, and Synthetic Alternative Drugs

Section 2-4-1. – Title.

This chapter shall be known and cited as CITY OF OAKLAND Drugs, Drug Paraphernalia, and Synthetic Alternative Drugs Chapter.

Section 2-4-2. – Definitions.

All defined terms used in this chapter which are not expressly defined herein shall have the meaning ascribed to such term in the Illinois controlled substances act or the Illinois Cannabis Control Act. As used in this chapter, unless the context otherwise requires:

CANNABIS: Shall have the meaning ascribed to it in section 3 of the Illinois Cannabis Control Act, as if that definition were incorporated herein.

CONTROLLED SUBSTANCES: Shall have the meaning ascribed to it in section 102 of the Illinois controlled substances act, as if that definition were incorporated herein.

DELIVER OR DELIVERY: The actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

DRUG PARAPHERNALIA:

(a) All equipment, products and materials of any kind which are used, intended for use or assigned for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the cannabis control act or the Illinois controlled substances act. It includes, but is not limited to:

    (1) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing cannabis or controlled substances.

    (2) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is cannabis or a controlled substance.

    (3) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances.

    (4) Scales and balances used, intended for use, or designed for use in weighing or measuring cannabis or controlled substances.

(5) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use, or designed for use in cutting cannabis or controlled substances.

(6) Separation gins and sifters used, intended for use, or designed in removing twigs and seeds from, or in otherwise cleaning or refining cannabis.

(7) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding cannabis or controlled substances.

(8) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of cannabis or controlled substances.

(9) Containers and other objects used, intended for use, or designed for use in storing or concealing cannabis or controlled substances.

(10) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting cannabis or controlled substances into the human body.

(11) Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.

(B) Water pipes.

(C) Carburetion tubes and devices.

(D) Smoking and carburetion masks.

(E) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

(F) Miniature cocaine spoons and cocaine vials.

(G) Chamber pipes.

(H) Carburetor pipes.

(I) Electric pipes.

(J) Air driven pipes.

(K) Chillums.

(L) Bongs.

(M) Ice pipes or chillers.

(b) In determining whether an object is "drug paraphernalia", a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use.

(2) Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to any controlled substance.

(3) The proximity of the object in time and space to direct violation of this chapter.

(4) The proximity of the object to cannabis or controlled substance.

(5) The existence of any residue of cannabis or controlled substances on the object.

(6) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows or should reasonably know intend to use the object to facilitate a violation of the cannabis control act or the Illinois controlled substances act. The innocence of an owner or of anyone in control of the object as to a direct violation of the cannabis control act or the Illinois controlled substances act shall not prevent a finding that the object is intended for use or assigned for use as "drug paraphernalia".

(7) Instructions, oral or written, provided with the object concerning its use.

(8) Descriptive materials accompanying the object which explain or depict its use.

(9) National and local advertising concerning its use.

(10) The manner in which the object is displayed for sale.

(11) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributer or dealer of tobacco products.

(12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.

(13) The existence and scope of legitimate uses for the object in the community.

(14) Expert testimony concerning its use.

MANUFACTURER: The production, preparation, propagation, compounding, conversion or processing of cannabis or controlled substances, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of cannabis or controlled substances or labeling of its container; except, that "manufacturer" does not include the preparation, compounding, packaging or labeling of cannabis or controlled substances as an incident to lawful research, teaching or chemical analysis and not for sale.

PERSON: Any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

PRODUCE OR PRODUCTION: Planting, cultivating, tending, or harvesting.

PRODUCT CONTAINING A SYNTHETIC ALTERNATIVE DRUG: Any product containing a "synthetic cannabinoid", stimulant or psychedelic/hallucinogen, as those terms are defined herein, or a drug that is misbranded or falsely advertised as a product containing a synthetic alternative drug.

STATE: Includes the state of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

SYNTHETIC CANNABINOID: Any compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist.

SYNTHETIC PSYCHEDELIC/HALLUCINOGEN: Any compound that functions similar to the active ingredient of any substance listed on schedule I(d) and schedule III(g) of the Illinois controlled substances act, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their "controlled substance analog" (including salts, isomers, esters, ethers and salts of isomers) which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain.

SYNTHETIC STIMULANT: Any compound that functions similar to the active ingredient of any substance listed on schedule I(f), schedule II(d) and schedule III(b) of the Illinois controlled substances act (such as cathinone, methcathinone, MDMA and MDEA), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their "controlled substance analog" (including salts, isomers, and salts of isomers) which have a stimulant effect on the central nervous system.

Section 2-4-3. - Unlawful Use or Possession of Drug Paraphernalia.

It is unlawful for any person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body cannabis or a controlled substance in violation of the cannabis control act or the Illinois controlled substances act.

Section 2-4-4. - Delivery or Intent to Deliver Drug Paraphernalia.

(a) Prohibited Generally: It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, inject, inhale or otherwise introduce into the human body cannabis or a controlled substance in violation of the cannabis control act or the Illinois controlled substances act.

(b) Minors: Any person who is at least eighteen (18) years of age who violates subsection A of this section by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior may be sentenced to imprisonment for a term up to twice the maximum otherwise authorized by subsection A of this section.

Section 2-4-5. - Advertising Drug Paraphernalia.

It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

Section 2-4-6. - Sale or Delivery of a Synthetic Alternative Drug.

It is unlawful for any person to sell, offer for sale, publicly display for sale, or attempt to sell, give, deliver, or barter any product containing a synthetic alternative drug.

Section 2-4-7. - Possession of a Synthetic Alternative Drug.

It is unlawful for any person to knowingly possess or deliver a product containing a synthetic alternative drug with the intent of using the product for ingestion, consumption, inhaling, or intravenous use. In determining intent under this section, a trier of fact may take into consideration, among other things: the proximity of the product to drug paraphernalia; the presence of the product on or within drug paraphernalia; the proximity of the product to a

different controlled substance; and whether or not the individual in possession of the product is exhibiting physical effects commonly associated with being under the influence of a controlled substance.

Section 2-4-8. - Use of a Synthetic Alternative Drug.

It is unlawful for any person to be under the influence of a product containing a synthetic alternative drug.

Section 2-4-9. – Manufacture.

It shall be unlawful for any person to manufacture, or assemble the ingredients with the intent to manufacture, a product containing a synthetic alternative drug. In determining intent under this section, a trier of fact may take into consideration, among other things: the proximity of the product or ingredients to drug paraphernalia; the presence of the product or ingredients on or within drug paraphernalia; the proximity of the product or ingredients to a different controlled substance.

Section 2-4-10. – Penalties

(a) Any person found to be in violation of section 2-4-6 or 2-4-9 of this chapter shall be subject to fine of not less than seven hundred fifty dollars ($750.00) for each violation thereof.

(b) Any person found to be in violation of section 2-4-7 or 2-4-8 of this chapter shall be subject to fine of not less than five hundred dollars ($500.00) and not more than seven hundred fifty dollars ($750.00) for each violation thereof.

(c) Any person found to be in violation of sections 2-4-6, 2-4-7, 2-4-8, and 2-3-9 of this chapter shall be subject to a fine as permitted above plus restitution. Restitution shall be the cost of testing the substance and associated testing expenses of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00) for each violation thereof.

(d) Each violation of this chapter, or everyday a violation continues to exist, shall constitute a new and separate violation.

Title 2

Chapter 5 – Cannabis

Section 2-5-1. – Definitions.

The following terms as used in this chapter shall have the meanings respectively ascribed to them in this article, or if a term is not defined in this article, then the definition ascribed in the Cannabis Regulation and Tax Act, unless the context otherwise requires.

Section 2-5-1.1. – Cannabis defined.

"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as Indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction. However, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means cannabis flower, cannabis concentrate, and cannabis-infused products.

Section 2-5-1.2. – Cannabis business establishment defined.

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization, as defined and licensed pursuant to the Cannabis Regulation and Tax Act.

Section 2-5-1.3. – Cannabis concentrate defined.

"Cannabis concentrate" means a product derived from cannabis that is produced by extracting cannabinoids, including tetrahydrocannabinol (THC), from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO 2 , ethanol, or isopropanol and with the intended use of smoking or making a cannabis-infused product. The use of any other solvent is expressly prohibited unless and until it is approved by the State of Illinois Department of Agriculture.

Section 2-5-1.4. – Cannabis container defined.

"Cannabis container" means a sealed, traceable, container, or package used for the purpose of containment of cannabis during transportation.

Section 2-5-1.5. – Cannabis flower defined.

"Cannabis flower" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as Indica, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

Section 2-5-1.6. – Cannabis-infused product defined.

"Cannabis-infused product" means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis or cannabis concentrate that is not intended to be smoked.

Section 2-5-1.7. – Cannabis paraphernalia defined.

"Cannabis paraphernalia" means equipment, products, or materials intended to be used for planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or otherwise introducing cannabis into the human body.

Section 2-5-1.8. – Cannabis Regulation and Tax Act and "CRTA" defined.

"Cannabis Regulation and Tax Act" and/or "CRTA" shall mean the "Cannabis Regulation and Tax Act" enacted by the State of Illinois as 410 ILCS 705/1, et seq., and as may be amended from time to time, and all State of Illinois rules and regulations promulgated thereunder or related thereto.

Section 2-5-1.9. – Cardholder defined.

"Cardholder" shall have the meaning ascribed to it in the Compassionate Use of Medical Cannabis Program Act.

Section 2-5-1.10. – Compassionate Use of Medical Cannabis Program Act defined.

"Compassionate Use of Medical Cannabis Program Act" shall mean the "Compassionate Use of Medical Cannabis Program Act" enacted by the State of Illinois as 410 ILCS 130/1 et seq., and as may be amended from time to time, and all State of Illinois rules and regulations promulgated thereunder or related thereto.

Section 2-5-1.11. – Dispensary defined.

"Dispensary" means a facility operated by a dispensing organization at which activities licensed pursuant to the Cannabis Regulation and Tax Act may occur.

Section 2-5-1.12. – Enclosed, locked space defined.

"Enclosed, locked space" means a closet, room, greenhouse, building or other enclosed area equipped with locks or other security devices that permit access only by authorized individuals under the Cannabis Regulation and Tax Act. An "enclosed, locked space" may include:

(a) A space within a residential building that: (i) is the primary residence of the individual cultivating 5 or fewer cannabis plants that are more than 5 inches tall; and (ii) includes sleeping quarters and indoor plumbing. The space must only be accessible by a key or code that is different from any key or code that can be used to access the residential building from the exterior; or

(b) A structure, such as a shed or greenhouse, that lies on the same plot of land as a residential building that: (i) includes sleeping quarters and indoor plumbing; and (ii) is used as a primary residence by the person cultivating 5 or fewer cannabis plants that are more than 5 inches tall, such as a shed or greenhouse. The structure must remain locked when it is unoccupied by people.

Section 2-5-1.13. – Kief defined.

"Kief" means the resinous crystal-like trichomes that are found on cannabis and that are accumulated, resulting in a higher concentration of cannabinoids, untreated by heat or pressure, or extracted using a solvent.

Section 2-5-1.14. – Ordinary public view defined.

"Ordinary public view" means within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property.

Section 2-5-1.15. – Person defined.

"Person" means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

Section 2-5-1.16. – Possession defined.

"Possession" and any form of the word possess as used in this chapter shall mean and include actual or constructive possession. A person has actual possession when he has immediate and exclusive control over a thing. A person has constructive possession when he lacks actual possession of a thing, but he has both the power and the intention to exercise control over a thing, either directly or through another person. If two (2) or more persons share the immediate and exclusive control over a thing or share the intention and the power to exercise control over a thing, then each person has possession.

Section 2-5-1.17. – Possession limit defined.

"Possession limit" means the amount of cannabis under 410 ILCS 705/10-10 of the Cannabis Regulation and Tax Act that may be possessed at any one time by a person 21 years of age or older or who is a registered qualifying medical cannabis patient or caregiver under the Compassionate Use of Medical Cannabis Program Act.

Section 2-5-1.18. – Primary residence defined.

"Primary residence" means a dwelling where a person usually stays or stays more often than other locations. It may be determined by, without limitation, presence, tax filings; address on an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card; or voter registration. No person may have more than one primary residence.

Section 2-5-1.19. – Public place defined.

"Public place" means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" includes all areas in a park, recreation area, wildlife area, or playground owned in whole or in part, or managed by the State or a unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises.

Section 2-5-1.20. – Purchaser defined.

"Purchaser" means a person 21 years of age or older who acquires cannabis for a valuable consideration. "Purchaser" does not include a qualifying patient under the Compassionate Use of Medical Cannabis Program Act.

Section 2-5-1.21. – Qualifying patient defined.

"Qualifying patient" has the meaning ascribed to it in the Compassionate Use of Medical Cannabis Program Act.

Section 2-5-1.22. – Sale (to sell) defined.

"Sale" and all forms of the verb "to sell" shall mean any transfer or exchange in any manner or by any means whatsoever for direct or indirect consideration, and including all sales made by any person, including but not limited to whether as principal, proprietor, agent, servant or employee, includes, but is not limited to, all of the following acts:

(a) The selling of cannabis;
(b) The giving away of cannabis;
(c) The dispensing of cannabis.

"Sale" or "sell" shall also be presumed to include the exchange of money or other consideration for admission to an outdoor area, structure, dwelling unit, or any part of a structure where alcoholic liquor is being served in conjunction with the cost of admission or the event at which the liquor is served, whether or not other goods, services, or entertainment being provided for in the admission charge.

Section 2-5-1.23. – Seller defined.

"Seller" shall mean any individual who:

(a) Directly or indirectly sells, serves, dispenses, or offers to sell any cannabis, regardless of where and whether such cannabis is sold, served, dispensed, offered for sale, or offered for service;

(b) Verifies identification for the purpose of determining whether an individual is of lawful age to enter an establishment where cannabis is sold, served, dispensed, or offered for sale, and/or is of lawful age to purchase, possess, and/or consume cannabis; or

(c) Monitors, supervises, or otherwise manages, or will monitor, supervise, or otherwise manage any other person who sells, serves, dispenses, offers for sale, or offers to serve cannabis.

Section 2-5-1.24. – Smoking defined.

"Smoking" means the inhalation of a substance caused by the combustion, aerosolization, or vaporization of cannabis, whether or not a heating element is involved.

Section 2-5-1.25. – Tincture defined.

"Tincture" means a cannabis-infused solution, typically comprised of alcohol, glycerin, or vegetable oils, derived either directly from the cannabis plant or from a processed cannabis extract. A tincture is not an alcoholic liquor as defined in the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq. A tincture shall include a calibrated dropper or other similar device capable of accurately measuring servings.

Section 2-5-2. – Adoption of Cannabis State Law by reference.

(a) Each and every part of the Cannabis Control and Regulation Act and rules and regulations promulgated thereunder, which relate in any manner to the sale of cannabis, is hereby adopted by this reference and made a part of this Chapter, to the same extent and with the same legal effect as if fully set forth in this section except for all provisions of the Cannabis Regulation and Tax Act that require specific local approval to take effect, if such approval has not occurred. Where this Chapter conflicts with the Cannabis Regulation and Tax Act and where the Cannabis Regulation and Tax Act specifically preempts home rule authority, the Cannabis Regulation and Tax Act shall control. Where the Cannabis Regulation and Tax Act does not specifically preempt home rule authority, this Chapter shall control. Any violation of such applicable and adopted provisions of such Act shall be deemed a violation of this Chapter and be subject to penalties provided in this chapter.

(b) Nothing in this Chapter shall be construed to prevent or limit the possession and/or use of cannabis that is otherwise authorized under the Compassionate Use of Medical Cannabis Program Act.

Section 2-5-3. – Possession of cannabis; possession limits.

(a) No person shall possess an amount of cannabis greater than the following within the City limits of the City of Oakland:

(1) 30 grams of cannabis flower;

(2) No more than 500 milligrams of THC contained in cannabis-infused product;

(3) 5 grams of cannabis concentrate; or

(4) For registered qualifying patients, any cannabis produced by cannabis plants grown pursuant to section 10.5-19 of this Chapter, provided any amount of cannabis produced in excess of 30 grams of raw cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.

(b) The possession limits found in subsection (a) of this section are to be considered cumulative.

(c) No person shall knowingly obtain, seek to obtain, or possess an amount of cannabis that would cause him or her to exceed the possession limit under this section, including cannabis that is cultivated by a person under the Cannabis Regulation and Tax Act or obtained under the Compassionate Use of Medical Cannabis Program Act.

Section 2-5-4. – Purchases, possession of cannabis by persons less than twenty-one (21) years old.

(a) No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept a gift of, grow, or have possession of or consume cannabis, except where authorized by the Compassionate Use of Medical Cannabis Program Act or by the Community College Cannabis Vocational Pilot Program, as defined in the Cannabis Regulation and Tax Act.

(b) If any person under the age of twenty-one (21) years is located in a hotel or motel room in the presence of cannabis, in the absence of that person's parent or legal guardian, such person shall be presumed to be in possession of such cannabis.

(c) A violation of this section 10.5-4 may be proven by evidence which tends to indicate that the breath or person of the person, or items or substances in the actual or constructive possession of the person, had a smell associated generally or specifically with cannabis. Such evidence shall create a rebuttable presumption that the person is in violation of this Chapter.

Section 2-5-5. – Sale of cannabis to persons less than twenty-one (21) years old.

(a) No person shall sell, give or deliver cannabis to any person under the age of twenty-one (21), or allow a person under 21 years of age to purchase, possess, use, process, transport, grow, or consume cannabis, except where authorized by the Compassionate Use of Medical Cannabis Program Act.

(b) No person shall order, purchase, or by any manner directly or indirectly obtain cannabis for any person under the age of twenty-one (21), except where authorized by the Compassionate Use of Medical Cannabis Program Act.

(c) No person shall allow any person under the age of twenty-one (21) years to remain on the premises of a cannabis business establishment, except where authorized by the Compassionate Use of Medical Cannabis Program Act.

(d) The City shall establish a prima facie case of a violation of this section with the following evidence:

(1) The actual or copy of the ID used to enter the business;

(2) A copy of the Secretary of State's Biometric sheet;

(3) A photograph of the minor on the day he or she received the Notice to Appear; and/or

(4) A copy of the Notice to Appear and receipt of payment signed by the minor or a copy of the Circuit Clerk's docket indicating an adjudication of guilt or entry of a plea of guilty.

(e) No parent or guardian shall permit his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Chapter. A parent or guardian is deemed to have knowingly permitted his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used in violation of this Chapter if he or she authorizes or permits consumption of cannabis by underage invitees. In this subsection (e), where the residence or other property has an owner and a tenant or lessee, the trier of fact may infer that the residence or other property is occupied only by the tenant or lessee.

(f) No person may facilitate the use of cannabis by any person who is not allowed to use cannabis under the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

(g) No person may transfer cannabis to any person contrary to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

Section 2-5-6. – Purchases, possession of cannabis paraphernalia by persons less than twenty-one (21) years of age.

(a) No person under the age of twenty-one (21) years shall purchase, attempt to purchase, accept delivery, accept a gift of, or have possession of cannabis paraphernalia, except where authorized by the Compassionate Use of Medical Cannabis Program Act or by the Community College Cannabis Vocational Pilot Program, as defined in the Cannabis Regulation and Tax Act.

(b) If any person under the age of twenty-one (21) years is located in a hotel or motel room in the presence of cannabis paraphernalia, in the absence of that person's parent or legal guardian, such person shall be presumed to be in possession of such cannabis paraphernalia.

(c) A violation of this section 10.5-4 may be proven by evidence which tends to indicate that the breath or person of the person, and/or items or substances in the actual or constructive possession of the person, had a smell associated generally or specifically with cannabis. Such evidence shall create a rebuttable presumption that the person is in violation of this Chapter.

Section 2-5-7. – Sale of cannabis paraphernalia to persons less than twenty-one (21) years old.

(a) No person shall sell, give or deliver cannabis paraphernalia to any person under the age of twenty-one (21), or allow a person under 21 years of age to purchase, possess, use, or transport cannabis paraphernalia, except where authorized by the Compassionate Use of Medical Cannabis Program Act.

(b) No person shall order, purchase, or by any manner directly or indirectly obtain cannabis paraphernalia for any person under the age of twenty-one (21), except where authorized by the Compassionate Use of Medical Cannabis Program Act.

Section 2-5-8. – Verification of identity.

(a) Before a cannabis business establishment sells cannabis to a purchaser, its agent or employee shall:

(1) Verify the age of the purchaser by checking a government-issued identification card by use of an electronic reader or electronic scanning device to scan a purchaser's government-issued identification, if applicable, to determine the purchaser's age and the validity of the identification;

(2) Verify the validity of the government-issued identification card;

(3) Offer any appropriate purchaser education or support materials required pursuant to the Cannabis Regulation and Tax Act; and

(4) Enter the required information into the State's cannabis electronic verification system that is required pursuant to the Cannabis Regulation and Tax Act.

(b) A cannabis business establishment shall refuse to sell cannabis to any person unless the person produces a valid identification showing that the person is 21 years of age or older.

(c) A medical cannabis organization may sell cannabis to a person who is under 21 years of age if the sale complies with the provisions of the Compassionate Use of Medical Cannabis Program Act.

(d) For the purposes of this section, valid identification must: (i) be valid and unexpired; and (ii) contain a photograph and the date of birth of the person.

Section 2-5-9. – Identification, false identification.

No person who is under 21 years of age may present or offer to a cannabis business establishment or the cannabis establishment's principal, agent, or employee any written or oral evidence of age or identity that is false, fraudulent, or not actually the person's own, for any purpose, including but not limited to:

(1) Purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain cannabis or any cannabis product, or

(2) Gaining access to a cannabis business establishment.

Section 2-5-10. – License required (cannabis).

(a) All sellers of cannabis within the City of Oakland must be licensed to sell cannabis at retail pursuant to the Cannabis Regulation and Tax Act.

(b) In the City of Oakland, no person shall sell, expose, or offer for sale or display for sale, either personally or through an agent, any cannabis without first obtaining a license pursuant to the Cannabis Regulation and Tax Act.

Section 2-5-11. – Locations where cannabis possession prohibited.

No person may possess cannabis:

(1) In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(2) On the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(3) In any correctional facility; or

(4) In a private residence that used at any time to provide licensed childcare or other similar social service care on the premises.

Section 2-5-12. – Locations where cannabis use prohibited.

(a) No person may use cannabis:

(1) In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(2) On the grounds of any preschool or primary or secondary school, unless permitted for a cardholder pursuant to the Compassionate Use of Medical Cannabis Program Act;

(3) In any correctional facility;

(4) In a private residence that is used at any time to provide licensed childcare or other similar social service care on the premises;

(5) In any public place; or

(6) Knowingly in close physical proximity to anyone under 21 years of age who is not a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act.

(7) No person may smoke cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act.

Section 2-5-13. – Private property and private businesses.

(a) Nothing in this chapter shall prevent a private business from restricting or prohibiting the use of cannabis on its property, including areas where motor vehicles are parked.

(b) Nothing in this chapter may be construed to require any person or establishment in lawful possession of property to allow a guest, client, lessee, customer, or visitor to use cannabis on or in that property, including on any land owned in whole or in part or managed in whole or in part by the State of Illinois.

(c) An owner or lessor of residential property may prohibit the cultivation of cannabis by a lessee.

Section 2-5-14. – Payment for cannabis.

Payment for cannabis at retail shall be made in accordance with State law.

Section 2-5-15. – Civil rights in cannabis businesses.

No cannabis business establishment shall deny or permit its agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which cannabis is authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens.

Section 2-5-16. – Advice on avoiding compliance with law.

(a) No cannabis business establishment, or anyone on a cannabis business establishment's behalf, including his or her agents, servants or employees, shall advise anyone on how to avoid complying with laws pertaining to the purchase, possession or consumption of cannabis.

(b) It shall not be a defense to this section that any person, after receiving such advice, did not purchase, possess, or consume cannabis.

(c) By way of example, but not to be construed as a limitation of this section, the following would constitute a violation of this section:

(1) A seller advising a person under the age of twenty-one (21) that such person may obtain cannabis by having a person twenty-one (21) years or older purchase cannabis on behalf of the person under twenty-one (21);

(2) A seller advising a person under the age of twenty-one (21) regarding methods of transferring or falsifying identification, to facilitate the purchase and/or use of cannabis.

Section 2-5-17. – Cannabis in motor vehicles.

(a) No person shall transport, carry, possess or have any cannabis within the passenger area of any motor vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving.

(b) No person may use or in any way ingest cannabis in a motor vehicle.

Section 2-5-18. – Adult responsibility (cannabis).

(a) No parent or guardian shall permit, cause, or in any way authorize any child under the age of twenty-one (21) years of age of which he/she is the parent or guardian to violate any provisions of this chapter. Such parent or guardian shall be in violation of this section when he/she knew, or in the exercise of reasonable care, should have known of such violation by the child.

(b) No owner or occupant of any premises located within the City shall allow any person under the age of twenty-one (21) years of age to remain on such premises while in the possession of or consuming cannabis in violation of this chapter. Such owner or occupant shall be in violation of this section when he/she knew, or in the exercise of reasonable care, should have known of the possession or consumption of cannabis on his/her premises by a person under the age of twenty-one (21) years.

Section 2-5-19. – Home cultivation.

(a) (1) No person may cultivate cannabis in a household or other location that is not a licensed cannabis business establishment unless that person is:

(A) Aged 21 years or older;

(B) Domiciled in the State of Illinois for a period of at least 30 days before cultivation; and

(C) A registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act.

(2) If a person meets the requirements of subsection (a)(1), no more than the number of plants and size of plants permitted for home cultivation pursuant to the Cannabis Regulation and Tax Act may be kept or grown.

(b) Cannabis cultivation under this section must take place in an enclosed, locked space.

(c) Cannabis plants shall not be stored or placed in a location where they are subject to ordinary public view.

(d) A person who cultivates cannabis under this section shall take precautions to ensure the plants are secure from unauthorized access, including unauthorized access by a person under 21 years of age.

(e) Cannabis cultivation may occur only on residential property lawfully in possession of the cultivator or with consent of the person in lawful possession of the property.

(f) A dwelling, residence, apartment, condominium unit, enclosed, locked space, or piece of property not divided into multiple dwelling units shall not contain more than 5 plants at any one time.

(g) Cannabis plants shall only be tended by registered qualifying patients pursuant to the Compassionate Use of Medical Cannabis Program Act, who reside at the residence, or their

authorized agent attending to the residence for brief periods, such as when the qualifying patient is temporarily away from the residence.

(h) No person shall sell or give away cannabis, cannabis plants, or cannabis seeds produced under this section.

Section 2-5-20. – Nuisance declared.

Any premises, licensed or unlicensed, used to conduct the sale, use, or possession of cannabis in violation of the Cannabis Regulation and Tax Act or this chapter, is hereby declared a public nuisance per se.

Section 2-5-21. – Absolute liability offenses.

Except in those provisions where the mental state of knowledge, recklessness or negligence is specifically required, the violation of any prohibition or requirement contained in this chapter is hereby declared to be an absolute liability offense. The terms "knowledge", "recklessness" and "negligence" as used in this section shall have the same meanings as provided in section 2-3-1-2. of this Code.

Title 3 – Health and Sanitation

Chapter 1 - Controlling the Dumping, Collection and Hauling of Garbage
Chapter 2 - Regulating Use of City Controlled Trash "Dumpsters"
Chapter 3 - Regulating "Junkyards, Vehicular Salvage Yards" and Scrap Processing Facilities
Chapter 4 - Abandoned or Inoperable Vehicles
Chapter 5 - Emergency Services and Disaster Agency (ESDA)
Chapter 6 - Grass and Weeds
Chapter 7 - Trees
Chapter 8 - Regulating Public Burning and Bonfires
Chapter 9 - Nuisances

Title 3

Chapter 1 - Controlling the Dumping, Collection and Hauling of Garbage

Section 3-1-1. – Definitions.

The following words, when used in this Chapter, have the meanings respectively ascribed to them in this Section:

GARBAGE: The animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food, including but not limited to any offal, whole or partial carcasses, or any portion of a dead domesticated or wild animal.

REFUSE: Including, but not limited to combustible or non-combustible waste materials, radioactive materials or waste, excluding garbage as defined above but including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, vinyl or styrofoam packaging material, rubber, leather, tin cans, mineral matter, glass, crockery, dust and other similar materials or inorganic matter. "Rubbish" does not include tires, batteries, hazardous substances, and other regulated items disallowed for disposal in the landfill.

COLLECTOR: Any person who hauls garbage or refuse to a licensed landfill, who is primarily in the business of collecting, removing, or disposing of garbage or refuse and who is for hire.

OCCUPANT: Owner, tenant, head of family, proprietor of hotel, restaurant or store, or other person living on, conducting business on, or otherwise occupying premises.

OWNER: Person or persons holding actual fee or life estate title to premises.

LANDSCAPE WASTE: Weeds, grass, yard clippings, tree and shrubbery cuttings, leaves, detached tree limbs and other materials collected as the result of landscape and lawn care.

Section 3-1-2. – Disposal.

Garbage, rubbish, refuse and landscape waste shall be disposed subject to the following regulations:

(a) It is unlawful for any person to dump or deposit any garbage, refuse or other offensive substance in any street, alley, or public ground in the City.

(b) It is unlawful for any person to dump, deposit or place any garbage, rubbish, trash or refuse upon real property owned by another without the consent of the owner or person in possession of such real property.

(c) All garbage and refuse shall be hauled away or otherwise safely disposed of and shall not be stored or allowed to accumulate within the City.

(d) All landscape wastes shall be collected and bagged separately from other refuse and garbage and such shall be disposed of or hauled away separately and never dumped or deposited in any street, alley, sidewalk or any public or private grounds within the City

(e) It is unlawful for any person to knowingly mix landscape waste that is intended for collection or for disposal at a landfill with any other garbage or refuse.

(f) It is unlawful for any person to knowingly put landscape waste into a container intended for collection or disposal at a landfill.

(g) Composting on the site of origin must be done within a wire mesh enclosure so as to prevent blowing and scattering of the waste.

(h) Burning of garbage and rubbish is strictly prohibited.

Section 3-1-3. - Collection and Handling Requirements.

(a) Required: Every owner, or his agent, or the occupant of any house, building or apartment in the City wherein persons reside, board or lodge shall provide for each such house, building or apartment and at all times maintain in good order and repair, containers for garbage, rubbish and combustible materials, in a number sufficient to store and to handle for disposal the accumulations for each such house, building and apartment according to the specifications in subsection B of this section.

(b) Specifications:

(1) Garbage:

(A) For garbage, all properties with curbside service shall use a "tote" container or other garbage storage container approved by the City. For garbage, all properties with backyard service shall either use a "tote" container approved by the City and provided by the hauler or provide their own containers.

(B) All garbage containers shall be watertight, made of metal, plastic, or other suitable material to be approved by the City and have a close-fitting cover in order that animals be unable to force the lid open.

(C) The name of the garbage hauler shall be denoted on all garbage containers used for curbside service and shall be readily visible and obvious for easy identification. The hauler shall provide the appropriate emblem. The containers shall have a capacity of not less than twenty (20) gallons and not

more than forty (40) gallons, and shall be fitted with suitable handles unless it is a "tote" type of container provided by a licensed collector.

(2) Rubbish and Landscape Waste: For rubbish and landscape waste, the size and type of containers shall be identical to the containers used for garbage; except, that plastic bags may be used.

(c) Placement for Collection: For curbside collection, containers and totes shall be placed at the curb no earlier than seven o'clock (7:00) P.M. the day before the scheduled collection by a licensed hauler, and shall be removed from the curb no later than seven o'clock (7:00) P.M. the day of scheduled collection. Should the hauler fail to collect items on the scheduled day, the owner/agent/occupant of the property must remove the items from the curb by the prescribed time above. Items too large for containers (furniture, appliances, landscape waste, etc.) shall not be placed at the curb and shall be concealed from sight at all times until collected. Arrangement for the timely removal of such items shall be the responsibility of the owner/agent/occupant.

(d) Maintenance of Receptacle Area: The garbage collector is responsible for cleaning up only that garbage, rubbish and landscape waste which is scattered in the process of conveying the material to his truck. It is the sole responsibility of the customer to clean up any garbage, rubbish and landscape waste which is strewn about from the ravages of animals or other causes.

(e) Screening Requirements:

(1) Owners/agents/occupants with backyard collection shall conceal or screen all containers and large items from sight at all times.

(2) Owners/agents/occupants with curbside collection shall conceal or screen all containers and large items from sight at all times; except, that containers, only, may be placed at the curb during the time prescribed in this chapter.

(f) Open Containers Restricted:

(1) Refuse and landscape waste may be placed in open containers or plastic bags as long as there is no danger of the contents being blown about by the wind or improperly discharged in any manner. Failure to properly store rubbish and landscape waste shall be unlawful.

(2) The use of open containers for food cans, cartons or any other material which will draw flies is strictly unlawful. Such containers must be tightly covered in metal or plastic cans which have the same specifications as garbage cans.

(g) Businesses, restaurants, hotels, apartment complexes, industries, and any similar establishments, may use garbage and refuse containers other than those outlined above, such as dumpsters with cubic yard capacity, which shall be leak-proof. Containers used for

garbage shall have an operable lid, which shall be kept closed when any garbage is contained therein. Collection shall be on an as needed and necessary basis.

Section 3-1-4. - Regulation of Collectors.

(a) Each collector who operates within the corporate limits of Oakland shall abide by this ordinance and all other applicable City, county, or state laws.

(b) Each collector who operates within the corporate limits of Oakland shall obtain a permit before any garbage or refuse is collected. Application for a permit shall be in writing and filed with the City Clerk. The City Council shall review the application at the next regular City Council meeting and shall within thirty (30) days either approve or disapprove the application. In the event of disapproval, grounds shall be stated in writing and sent to the applicant. Not more than three (3) permits shall be issued and in effect at any time. Upon approval of the application, the permit shall be obtained by the payment of one hundred dollars ($100.00) to the City Clerk subject to the depositing of a bond of one thousand dollars ($1,000.00). The permit and bond must be renewed May 1 of each year. The permit may be terminated for cause at any time prior to its expiration date, or renewal may be denied upon cause.

(c) Each collector shall submit a copy of his contract or agreement with residential purchasers of the refuse hauling service before operations under the contract or agreement are commenced, or in the event of no written contract or contracts, a statement under oath of the terms, rates, collection dates and hours of collection shall be furnished.

(d) All garbage, refuse, and/or landscape waste loads hauled by open truck shall be covered.

Section 3-1-5. - General Regulations.

No promiscuous dumping of refuse and garbage shall be allowed within the corporate limits, except as specifically designated by the City Council. Refuse and garbage may be deposited by non-commercial haulers in roll off binds which are specifically designed for that purpose, but no obligation shall exist by the City to furnish said binds.

Section 3-1-6. – Violations & Penalties.

(a) Citation: Any violation of this chapter will, unless otherwise specified, result in the issuance of a complaint or citation for an ordinance violation by a police officer or the building official or his designee.

(b) Separate Offenses: A separate offense may be deemed committed on each day during or on which violation occurs or continues.

(c) Fines: Any person violating the provisions of this chapter shall be subject to the following fines:

(1) First Offense - $120.00.

(2) Second offense within 12 months of the first offense - $250.00.

(3) Third offense and subsequent offenses within 12 months of the first offense - $500.00.

Title 3

Chapter 2 - Regulating the Use of the City Controlled Trash "Dumpsters"

Section 3-2-1. No person or entity residing or located outside the corporate limits of the City of Oakland shall at any time deposit or remove trash, garbage, junk, or throw-away material in or from said City dumpsters.

Section 3-2-2. No resident or entity residing or located within the corporate limits of the City of Oakland shall, at any time, remove trash, garbage, junk, or other materials from the aforesaid City dumpsters.

Title 3

Chapter 3 - Regulating "Junkyards, Vehicular Salvage Yards" and Scrap Processing Facilities

Section 3-3-1. - Definitions:

JUNK: Old iron, old glass, old copper, old brass, rope, rags, old paper, old rubber or rubber debris, and other items or materials, ferrous or non-ferrous material commonly known as "junk".

SALVAGE: Old, dilapidated, or wrecked motor vehicles whose value is in recycling, rebuilding, or resale of their parts.

JUNKYARD: Any establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk.

SALVAGE YARD: Any establishment or place which is maintained, operated, or used for storing, keeping, buying, or selling wrecked, scrapped, damaged or dismantled motor vehicles or their parts.

SCRAP PROCESSING FACILITY: Means any establishment having facilities for processing iron, steel, non-ferrous scrap for sale for remelting purposes. This facility may or may not be operated in conjunction with or as a part of a "junkyard" or "salvage yard."

Section 3-3-2. - Prohibition.

It shall be unlawful for any person to establish, operate, or maintain a junkyard, salvage yard, or scrap processing facility or any combination thereof, within the corporate limits of the City of Oakland, Coles County, Illinois.
(Passed 8-28-89)

[Consider allowing with permit and only within appropriate zoned areas]

Title 3

Chapter 4 - Abandoned or Inoperable Vehicles

Section 3-4-1. - Definitions.

Unless the context otherwise clearly requires, the following words and phrases shall have the meaning set forth herein:

ABANDONED VEHICLE: Any vehicle located on public property or a highway that has not been moved for seven (7) consecutive days or more after being tagged by the Police Department and apparently deserted or abandoned.

ANTIQUE VEHICLE: Any motor vehicle that is over twenty-five (25) years of age or older.

HIGHWAY: Any street, alley, boulevard, or other public way within the corporate limits of the City of Oakland, Illinois.

INOPERABLE VEHICLE: Any motor vehicle located on either public property, highway or private property that for a period of at least seven (7) days from the time of being tagged by the Police Department has continuously deflated tires, or lacks an engine, or lacks one or more wheels, or which cannot upon ignition be started or moved due to lack of or damages to wheels, and the parts necessary to the proper and ordinary operation of the vehicle, and is incapable of being moved under its own motor power, or lacks current state registration plates.

JUNK VEHICLE: A vehicle which has been or is being disassembled or otherwise dismantled, stripped, crushed, compressed, or otherwise reduced to a state in which it cannot be reasonably returned to an operable state.

PROPERTY OWNER: The person or entity in whose name or names the legal title to real estate is recorded.

VEHICLE: Shall include an automobile, truck, bus, motorcycle, motor home, or any other similar equipment designed to be operated on public highways.

VEHICLE OWNER: The person or entity in -whose name or names the legal title to the vehicle is recorded.

STORED VEHICLE: A vehicle that is kept within a building when not in use.

Section 3-4-2. – Violation.

It shall be unlawful to abandon or store any inoperable vehicle outside an enclosed building on private property, or upon any highway within the corporate limits of the City of Oakland,

Illinois. This prohibition shall not apply to any antique vehicle, any vehicle on the premises of a place of business legally engaged in the wrecking or junking of vehicles, or any vehicle which has been rendered temporarily inoperable and is in the visible state of being repaired to an operable condition.

Section 3-4-3. - Abandonment.

It shall be unlawful to abandon a vehicle anywhere within the corporate limits of the City of Oakland, Illinois, and such abandonment upon private property is hereby declared a nuisance to the City of Oakland.

Section 3-4-4. - Notice.

When any motor vehicle has been tagged as "abandoned" by the Police Department, or in the event any abandoned, lost, stolen or unclaimed vehicle comes into the possession or custody of a person in this City, not the owner of such vehicle, such person shall immediately notify the Police Department. Upon receipt of such notification and after the Police Department have made a reasonable and prudent attempt to determine the legal title owner of such vehicle, the Police Department shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. Such towing service will safely keep the towed vehicle and its contents and maintain a record of the tow until such vehicle is claimed by the legal title owner or other person legally entitled to possession thereof, or until it is disposed of as hereinafter provided. In the event the legal owner or possessor of the vehicle can be readily ascertained, the Police Department shall first give such legal owner or possessor written notice to remove the vehicle within forty-eight (48) hours, and if ignored the Police Department may order its removal as set forth above. In the event the vehicle has been tagged by the Police Department as inoperable, wherever located, the Police Department shall first give written notice to the legal owner or possessor to repair and make operable such vehicle within thirty (30) days of such notice.

Section 3-4-5. - Removal.

(a) When a motor vehicle is abandoned on a highway or public property in the City of Oakland, Illinois, and its legal owner or possessor cannot be reasonably ascertained by the Police Department, or in the event that due notice of abandonment or inoperability of a vehicle has been duly delivered to the legal owner or possessor and such person or entity has ignored such Notice or has made no contact with the Police Department for other arrangements, the removal by a towing service may be authorized by the Police Department.

(b) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because its position or location is impeding normal highway traffic, its immediate removal from such position by a towing service may be by order of the Police Department.

(c) When any abandoned or inoperable vehicle is removed from either public or private property under the order of the Police Department, the owner or legal possessor shall be responsible for all towing costs.

Section 3-4-6. - Unknown Owner.

When the Police Department is unable to ascertain the identity of the vehicle owner or other legally entitled person, after search of the registration records of the State of Illinois and the stolen vehicle records of the Illinois State Police, or from the registration files of a foreign state, the Police Department shall authorize the immediate removal by towing of such vehicle and shall inform the Illinois State Police for the purposes of identifying the vehicle's owner and notifying the proper authorities of the location of the vehicle. In the event such authorities inform the Police Department of the name and address of the legal owner, the Police Department shall send such located owner notification by certified mail requesting the owner's instructions for disposition and/or setting forth the City's practice of disposal.

Section 3-4-7. - Public Sale or Disposal.

Whenever an abandoned, lost, stolen, unclaimed or inoperable vehicle ordered removed by the Police Department under the provision of this Ordinance remains unclaimed by the registered owner or others legally entitled to possession for a period of thirty (30) days after its removal pursuant to notice given as hereinabove provided, the Police Department may cause any such vehicle or vehicles be sold at public sale to the highest cash bidder. Notice of the time and place of the sale shall be published in the local newspaper and/or posted in a conspicuous public place for at least ten (10) days prior to any such sale to be held at the premises the vehicle has been impounded. In addition to that, the Police Department shall cause written notice of the time and place of such sale to be sent by certified mail to the registered owner or other person legally entitled to possession of the vehicle at least ten (10) days prior to the sale. Such notice shall contain a complete description of the vehicle or vehicles to be sold and what steps must be taken by the legal owner to reclaim the vehicle. In those instances of required notice by certified mail and such mail has been returned to the Police Department by the U.S. Postal Service due to the addressee having moved without forwarding address, or being unknown, the sending of further notice is not required. In the event of any vehicle seven (7) years of age or older, or any damaged or inoperable vehicle, the Police Department may authorize the sale or disposal of that vehicle as junk.

Section 3-4-8. - Release to Owner.

Any time before a vehicle is sold at public sale or otherwise disposed of as provided herein, the registered owner or other person legally entitled to its possession may reclaim the vehicle by presenting the Police Department proof of ownership or proof of right of possession of the

vehicle and by payment to the City of Oakland all towing and storage fees, costs of notices, and the minimum fines due and recoverable under Title 1.

Section 3-4-9. - Report of Disposition.

When any vehicle is reclaimed by the registered owner, or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of pursuant to this Ordinance, a written report of the transaction will be made and maintained by the Police Department for a period of one (1) year from the date of sale or disposition.

Title 3

Chapter 5 - Emergency Services and Disaster Agency (ESDA)

Section 3-5-1. – Establishment.

The Emergency Services and Disaster Agency created by the City to prevent, minimize, repair and alleviate injury or damage resulting from a natural or manmade disaster, major emergencies, enemy attack, sabotage or other hostile action in accordance with the "Illinois Emergency Management Agency Act" is no longer established. The City does not maintain its own emergency services and disaster agency.

Section 3-5-2. – Coles County Emergency Management Agency.

The Coles County Emergency Management Agency, hereinafter referred to as EMA, established and maintained by Coles County, Illinois, serves the entire Coles County and is the agency responsible for emergency management within the City's corporate limits.

Section 3-5-3. – Appropriation, Levy of Taxes.

The City Council may make an appropriation for EMA purposes in the manner provided by law, and may levy, in addition, for EMA purposes only, a tax not exceeding five cents ($0.05) per one hundred dollars ($100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by the "Illinois EMA Act"; however, that amount collectible under such levy shall in no event exceed twenty five cents ($0.25) per capita.

Title 3

Chapter 6 – Grass and Weeds

Section 3-6-1. - Weeds and Other Matter.

(a) No person or other entity in possession of any property or City right-of way adjacent to that premise on which the owner or person having control or the agent of the person having control of such way shall permit any grass, weeds or those weeds defined as noxious weeds under the Nuisance Ordinance of this City, to grow in excess of six (6) inches in height, without having the same regularly cut or trimmed to a uniform height of not more than three (3) inches, or to allow such weeds, grass or dead vegetation to remain on such premises where the same is a menace to health and safety of the public, or is liable to be subject to accidental or intentional burning, dangerous to the subject or adjoining property.

(b) It shall be unlawful to rake, place, or mow fallen tree leaves, grass clippings and or garden waste of any type onto the pavement or into the gutter of any public street or sidewalk unless directed by the City. No person shall permit grass clippings from mower swaths to remain upon sidewalks, street pavements, gutters of any public street, or on abutting property not owned or occupied by said person.

Section 3-6-2. – Notice to Destroy.

The City, annually, at or near the commencement of the growth season, shall notify, by general publication in a newspaper published within the City, all such owners, person in control, or agents, to cut, destroy, or remove any such weeds, grass, growths, or matter found growing, lying or located on such properties and areas regulated by section 3-6-1 of this chapter.

Section 3-6-3. – Action Upon Noncompliance.

Upon the failure, neglect or refusal of any such owner, person in control or agent so notified to cut, destroy or remove such weeds, grass, growths or matter, after publication of the notice provided for in section 3-6-2 of this chapter, the City or its authorized agent shall cut, destroy or remove such weeds, grass, growth or matter, and any expense incurred by the City or its authorized agent in so doing shall be a charge against the owner, person in control or agent so failing, which charge may be recovered in an appropriate action at law; provided, however, that no land clearance made necessary by excessive growth shall be done unless the City or its authorized agent shall first post a notice on such property to clear such excessive growth, and such owner, person in control or agent shall fail for seven (7) days after such notice to so clear such land. In addition to reimbursement of costs incurred by the City, handling fee(s) and/or late fee(s) may be imposed as determined by the City.

Section 3-6-4. – Notice of Lien.

If such weeds, grass, growth or matter are cut, destroyed or removed by this City or its agent, a notice of lien of the cost and expense thereof incurred shall be recorded in the following manner: The City or its agent shall file notice of lien in the office of the recorder of deeds of Coles County, Illinois. Such notice of lien shall contain a description of the real estate sufficient for identification thereof, the amount of money representing the cost and expense incurred or payable for the service, and the date or dates when said costs and expense were incurred. Such notice shall be under oath and shall be filed within sixty (60) days after the cost and expense is incurred. Such liens are assessed to recover the expenses incurred by the City and shall not serve as an exemption from any penalties imposed for violation of this chapter.

Section 3-6-5. – Penalty for Violation.

Any owner, person in control, or agent who does not maintain property subject to section 3-6-1 of this chapter in compliance with the provisions of said section 3-6-1 of this chapter, shall, upon conviction thereof, be fined not less than ten dollars ($10.00) nor more than seven hundred fifty dollars ($750.00). Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 3-6-6. – Foreclosure of Liens.

In addition to any other legal remedy available under this Code or applicable state or federal law, any lien filed pursuant to this chapter may be enforced by proceedings to foreclose, as in the case of mortgage or mechanic's liens under Illinois law, against the property subject to said lien for the collection of weed cutting costs incurred by the City plus any and all administrative, filing and/or legal fees or costs for the enforcement of the provisions under this chapter or such unpaid liens may be sent to the Coles County clerk for collection through property tax billing as allowed under Illinois law. Such action shall be commenced only upon those liens which equal or exceed a total amount of two hundred fifty dollars ($250.00) collectively against a parcel of property (i.e., 1 or more weed liens filed on the same property for weed cutting costs, including administrative, filing and legal fees) and has been recorded in the Coles County recorder's office for a one year period or longer.

Title 3

Chapter 7 – Trees

Section 3-7-1. – Title.

This chapter shall be known and may be cited as the TREE ORDINANCE FOR THE CITY OF OAKLAND.

Section 3-7-2. – Definitions

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given in this section:

CITY: The City of Oakland, Coles County, Illinois.

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

TREE: A tree in a public place except where otherwise indicated.

Section 3-7-3. – Duties of Property Owners.

It shall be the duty of any person growing trees, plants or bushes within a public highway or property abutting on public places or property:

(a) To trim his trees, plants or bushes so as not to cause a hazard to public places or interfere with the proper lighting of public highways by the streetlights, or interfere with the free flow of traffic along the public way, or obstruct the view of motorists using the public way, and so that the minimum clearance of any overhanging portion of any tree shall be nine feet (9').

(b) To treat or remove any tree or plant so diseased or insect ridden as to constitute a hazard to trees or plants in public places.

Section 3-7-4. – Violation; Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Title 3

Chapter 8 – Regulating Public Burning and Bonfires

Section 3-8-1. It shall be unlawful to light or maintain any fire anywhere in the City so close to any building or structure or any flammable material other than that to be burned as to cause a fire hazard. The term "Fire" as used in the ordinance shall not be construed to mean or include a fire in a furnace, stove, boiler, or fireplace.

Section 3-8-2. It shall be unlawful to burn rubbish of any kind, other than papers, paper goods, cardboard, or leaves, anywhere except in a stove, furnace, or incinerator inside a building.

Section 3-8-3. It shall be unlawful to burn leaves or paper goods anywhere excepting in a stove, furnace, incinerator or fireplace so constructed and used as to prevent the spread of fire by any arresting screen or similar devise which prevents the escape of igniting particles or burning material therefrom. Provided, that leaves may be burned in the open if properly piled away from any structure and attended; and provided, further, that this may not be done on a windy day.

Section 3-8-4. It shall be unlawful to burn off the leaves or vegetation from any area unless done within the hours hereinafter set forth and is attended and provided further that this may not be done on a windy day.

Section 3-8-5. It shall be unlawful to burn paper goods or leaves anywhere excepting from 6:00 a.m. to 6:00 p.m.

Section 3-8-6. It shall be unlawful, within the corporate limits of the City, to light or maintain any fires to burn papers, paper goods and cardboard except under the following conditions:

(a) No such fire shall be lit within five feet (5') of a fence or property line.

(b) The area in which the incinerator to be used is located shall have a surface of sand, gravel, cinders, cement, or similar incombustible material.

(c) Such burning shall be done in an incinerator no larger than two feet (2') in width and no more than three and one-half feet (3 1/2') in height. It shall be constructed of twelve-gauge steel or fire brick. The top of such incinerator shall be equipped with a spark arrestor having openings of not more than 3/4 inch.

(d) Any person, firm or corporation maintaining or using any incinerator not complying with this ordinance, shall upon written notice from the Police Department, cease to use such incinerator until said incinerator is altered or repaired to comply with this Ordinance.

(e) No fire shall be built or allowed to burn on any street or sidewalk asphalt pavement.

Title 3

Chapter 9 – Nuisances

Section 3-9-1. – Purpose.

The purpose of this chapter is to identify and deal with, within a timely manner, certain public nuisances.

Section 3-9-2. - Definitions.

BULK WASTE:

(1) Appliances, including, but not limited to: washer, dryer, refrigerator, freezer, stove, television, and water heater; or

(2) Indoor furniture, including, but not limited to: bed springs, mattresses, carpet, couch, chairs, and cushions; or

(3) Other items exposed to the elements not designed for exterior use.

YARD: That portion of a single unit or tract of real estate that surrounds or partially surrounds the improved building or buildings located on said unit or tract of real estate owned by any person or persons.

GARBAGE: The animal and vegetable waste resulting from the handling, preparation, cooking or consumption of food, including but not limited to any offal, whole or partial carcasses, or any portion of a dead domesticated or wild animal.

JUNK: Scrap and old iron; steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals; scraps of woolens, clips, bagging, rubber and glass and empty bottles of different kinds and sizes when the number of each kind or size is less than one gross; wrecked or dilapidated motor vehicles; engines; machinery stored or held; and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any one or more of the materials or articles herein mentioned.

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

PREMISES: Any real property or improvements thereon as the case may be.

PROPERTY: See definition of Premises.

RUBBISH: Including, but not limited to, combustible or non-combustible waste materials; radio-active materials or waste, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, vinyl or Styrofoam packing material, rubber, leather, tree branches, yard clippings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials.

WEEDS: Including, but not limited to, all noxious weeds such as buckhorn, bull nettle, burdock, Canadian thistle, cocklebur, curled dock, dodders, field bindweed, giant foxtail, hoary cress, Hemp/marijuana (sativa), jimson, Johnson grass, leafy spurge, sorghum-almum, ox-eye daisy, perennial sow thistle, quack grass, ragweed, Russian knapweed, sweet clover, wild carrot, wild garlic, wild mustard, poison oak, poison ivy and similar flora.

Section 3-9-3. Nuisances Enumerated.

It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in the City to maintain such premises in such manner that any one or more of the following subsections are found to exist:

(a) Junk And Rubbish: The keeping, storage, depositing or accumulation on the premises of any junk, garbage or rubbish, including, but not limited to, abandoned, wrecked, dismantled, unlicensed or inoperative vehicles, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials or debris which is within view of persons on adjacent property or public right of way and which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values; provided, however, that wood and building materials being used or to be used for a project of construction or repair or renovation for which a building permit has been obtained may be stored for such period of time as is necessary to expeditiously complete the project.

(b) Dirt, Sand, Gravel: The keeping, storage, depositing or accumulation of dirt, sand, gravel, concrete or other similar materials for an unreasonable period, which constitutes visual blight or reduces the aesthetic appearance of the neighborhood or is offensive to the senses or is detrimental to nearby property or property values.

(c) Weeds And Grass: Any premises or City right of way adjacent to that premises on which the owner or person having control or the agent of the person having control permits any grass or weeds over six inches (6") in height or deleterious, unhealthful growth or other noxious matter that may be growing, lying or located thereon.

(d) Bulk Waste: The keeping, storage, depositing or accumulation of bulk waste. The keeping of bulk waste shall not be permitted on open porches, carports, open garages, pavilions, or similar structures.

(e) Offensive Premises: Any premises which is not maintained so as to pose a threat to the health, safety or welfare of the public, is littered with animal feces, or which has improperly

maintained trees, shrubs or vegetation that pose a threat to the health, safety or welfare of the public or has conditions which constitute a mosquito harborage.

(f) To cause or permit the carcass of any animal or any offal, filth or noise some substance, to be collected, deposited or to remain on any property in the corporate limits of the City.

(g) To throw or deposit any offal or the carcass of any dead animal, ashes, manure, any garbage, or other offensive matter in any lake or common sewer, street, alley, or public highway within the corporate limits of the City.

(h) To corrupt or render unwholesome or impure the water off any lake within the jurisdiction of the City.

(i) To obstruct or encroach upon any public highway, street, or alley within the corporate limits of the City.

(j) To ride or drive any animal upon or across any sidewalk, except at regular street crossings, or levy any horse or animal, hitched to any cart, wagon, carriage, or other vehicle in any of the streets, without securely fastening such horses, animal or animals, or engage in any sport of exercise likely to scare horses or injure passengers.

(k) To erect, continue or use any building or other place for the exercise, trade, employment, or manufacture, which by occasioning noxious exhalations, offensive smells, or otherwise is offensive or dangerous to individuals or the public.

(l) The carrying, possession or control by any person under the age of fourteen (14) years of any air rifle upon the streets, roads, alleys, sidewalks or public properties of the City, unless such air rifle is unloaded and un-cocked.

(m) The discharge of any air rifle any place within the City corporate limits except within the confines of an enclosed target range.

(n) Any act defined as a nuisance under the Illinois Lewdness Public Nuisance Act (740 ILCS 105/0.01), as amended.

Section 3-9-4. – Unlawful Dumping or Deposition of Materials.

(a) Bodies of Water: It is unlawful to dump or empty garbage, rubbish or refuse of any kind, or the washings from any tank, truck, car or building, into any running stream, swamp or pool or stagnant water within the City limits.

(b) Vacant Lots; Public Property:

(1) The depositing of any garbage, rubbish, landscape waste, combustible material, or junk on any vacant lot within the City limits is unlawful.

(2) The dumping or spreading of any garbage, rubbish, landscape waste, combustible material or junk on any street, parkway, public right of way or other publicly owned property is unlawful.

Section 3-9-5. - Responsibility of Owner or Occupant.

(a) Every owner of real property within the City is required to maintain such property in a manner so as not to violate the provisions of this chapter, and such owner remains liable for violations hereof regardless of any contract or agreement with any third party regarding such property.

(b) Every occupant, lessee, or holder of any interest in property other than as owner thereof is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from similar duty.

Section 3-9-6. - Abatement Notice and Proceedings.

The City shall cause the owner who violates subsections 3-9-3 of this chapter to abate such violation on his property. If any owner fails to abate said violation on his property within ten (10) days of notice by certified mail or personal service, the City may order the abatement of the violation. The cost thereof shall be charged against the real estate upon which the violation is located, and there shall be a lien upon said real estate. In addition to the filing of a lien upon such real estate, the City shall have authority to collect the cost by filing a personal collection action against the owner in court.

Section 3-9-7. – Lien Provisions.

Charges for the cost incurred by the City for the abatement of a violation from any property pursuant to this chapter shall be a lien upon the premises with priority as provided in 65 Illinois Compiled Statutes 5/11-20-13, as amended. At any time after a bill has been sent to the owner for abatement of the violation, a lien may be filed with the recorder of deeds in the manner provided by 65 Illinois Compiled Statutes 5/11-20-13, paragraph 1. The failure of the City to record such lien claimed or to mail notice, or the failure of the owner to receive notice of such lien shall not affect the right to foreclose on the lien for those charges established in subsections A and B of this section. For the purpose of this section, the City shall be deemed to incur the cost of the abatement, as follows:

(1) If the abatement is done by City personnel, the cost transmitted by the superintendent of the department which performs the abatement to the building official, a calculation of the number of hours required to do the abatement by those employees times the hourly wage of said employees (including cost of benefits of employment per hour), the fair market

rental of all pieces of equipment necessary to perform the abatement, plus the cost of disposal of all materials removed.

(2) If the abatement is done by private contractor, the amount said contractor invoices the City for work, plus disposal of materials removed.

Section 3-9-8. – Inspections.

(a) In order to safeguard the safety, health and welfare of the public, the duly authorized agent of the City is authorized to access any property at any reasonable time for the purpose of making inspections and performing duties under this chapter.

(b) If any owner, occupant, or other person in charge of a structure or premises subject to the provisions of this chapter refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structure or premises where inspection authorized by this chapter is sought, the City shall seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge shall permit an inspection of his premises.

Section 3-9-9. – Violations; Penalties:

(a) Citation: Any violation of this chapter will, unless otherwise specified, result in the issuance of a complaint or citation for an ordinance violation by the Police Department.

(b) Penalty: Any person violating the provisions of this chapter shall be subject to a fine of not less than twenty-five dollars ($25.00) nor greater than five hundred dollars ($500.00). A separate offense may be deemed committed on each day during or on which violation occurs or continues.

(c) Temporary Restraining Order: In any action or proceedings brought pursuant to the provisions of this chapter, the circuit court shall have the power and, in its discretion, may issue a temporary restraining order or a temporary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the provisions of this chapter.

(d) Other Remedies: In addition to the foregoing, the City shall have such other powers to abate nuisances as may be provided by law.

Title 4 – Traffic and Vehicles

Chapter 1 - Traffic Code; General Provisions
Chapter 2 - Traffic Schedules
Chapter 3 - Parking Regulations
Chapter 4 - Bicycles
Chapter 5 - Non-Highway Vehicles

Title 4

Chapter 1 – Traffic Code; General Provisions

Section 4-1-1. – Illinois Motor Vehicle Code Adopted.

For the purpose of regulating and controlling traffic on City streets and public ways, there is hereby adopted, by reference, the provisions of the Illinois Vehicle Code, 625 Illinois Compiled Statutes, and all amendments from time to time made therein.

Section 4-1-2. – Use of Certain Streets Restricted.

(a) Closed Streets: It shall be unlawful to drive any vehicle, other than an emergency vehicle on duty, upon any street or portion thereof which is closed to traffic and so marked by signs, barricades or otherwise.

(b) Local Delivery Only: It shall be unlawful to operate any semi-trucks, trucks, or any vehicle of the second division over or upon any streets which are properly marked "No Trucks, Local Service Vehicles Only".

Section 4-1-3. – Crosswalks.

(a) Driving Through Crosswalks: Generally, it shall be unlawful for anyone to drive a motor vehicle through or across, from any direction, a crosswalk when said crosswalk is occupied by a pedestrian.

(b) School Crosswalks; Speed Restrictions: No person shall drive a motor vehicle at a speed in excess of twenty (20) miles per hour while passing a school zone or while traveling upon any street or highway on or across which children pass along or over going to or from school during school days when children are present.

(c) Crossing Guards:

(1) Designated: Any person who is employed by the City or its agent for the purpose of entering upon the roadway within a crosswalk in order to stop vehicular traffic is designated a crossing guard.

(2) Uniform: Every crossing guard within the City shall wear such distinctive clothing as is necessary to warn vehicular traffic of his presence and as is required by the laws, rules, and regulations of the state department of transportation. Each guard shall carry in an upright position a sign bearing the letters "STOP", said sign being in conformity of design with the laws of the state.

(3) Authority: Each and every crossing guard within the City shall have the power to enter upon the designated crosswalks and, upon raising the handheld traffic control device, stop vehicular traffic for the purpose of allowing pedestrians to walk across the roadway within the crosswalks.

Section 4-1-4. – Operation of Vehicles on Public Property.

(a) It shall be unlawful for any person to operate any motor vehicle, motorcycle, motor driven cycle, or snowmobile upon or in any public park, nature reserve, or reservoir area owned or operated by the City, excepting on the driveways, parking lots or appurtenances constructed by the City for motor vehicle use.

(b) "Low speed vehicles" shall have the same meaning as set forth in 625 Illinois Compiled Statutes 5/1-140.7 of the state of Illinois motor vehicle code and each such vehicle shall have all of the equipment required therein, including, but not limited to, a vehicle identification number that conforms to federal requirements; moreover, a "low speed vehicle" must also display current registration plates issued by the Illinois secretary of state under 625 Illinois Compiled Statutes 5/3-412.

(c) Low speed vehicles may lawfully be used within the corporate limits of the City of Oakland upon streets where the posted speed limit is twenty-five (25) miles per hour or less.

Section 4-1-5. – Clinging to Vehicles.

It shall be unlawful for any person on any street riding a bicycle, motorcycle, or any toy vehicle to cling to or to attach himself or his vehicle to any moving motor vehicle or wagon.

Section 4-1-6. – Toy Vehicles.

(a) It shall be unlawful for any person upon skates, a coaster, sled, or other toy vehicle to go upon any roadway other than within a crosswalk.

(b) It shall be unlawful for any person upon skates, a coaster, sled, or other toy vehicle to go upon any public sidewalk in front of any place of business or in front of any public building.

Section 4-1-7. – Equipment Restrictions.

(a) Mufflers; Unnecessary Noise: It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise, and it shall be unlawful for any person operating any motor vehicle to use a cutout, bypass or similar muffler elimination appliance.

(b) Lug Wheels: It shall be unlawful for tractors with wheels injurious to pavement to be permitted upon the public thoroughfares unless the operator of such vehicle shall first plank such streets.

Section 4-1-8. – Towed Vehicles; Responsibility for Costs.
When a vehicle is removed from either public or private property, as authorized by order of the chief of police, the owner of the vehicle will be responsible for all towing costs.

Section 4-1-9. – Highway Solicitation.

(a) Definitions: The following definitions shall apply in the interpretation and enforcement of this section:

HIGHWAY SOLICITATION: Attempting to make personal contact with a person in their vehicle on a highway for the primary purpose of seeking or attempting to obtain contributions of money or any other thing of value for the benefit of any person, association, organization, corporation, or program.

SOLICITING AGENCY: Any person, association, organization, corporation, or program engaged in highway solicitation:

(1) registered with the attorney general as a charitable organization as provided by "an act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor", approved July 26, 1963, as amended; and

(2) engaged in a statewide fundraising activity.

(b) Provisions: No person shall stand on a highway for the purpose of highway solicitation except:

(1) A person sixteen (16) years of age or more wearing a high visibility vest;

(2) Acting on behalf of a soliciting agency; and

(3) Where and when designated by the City in this section, based on the safety of the highway solicitors and the safety of motorists, and taking into account the orderly flow of traffic and lack of interference with the operation of official traffic control devices:

(A) Soliciting agencies must obtain a one-day license from the City clerk prior to any highway solicitation.

1. No more than one highway solicitation license will be issued for the same date at the same intersection;

2. No highway solicitation license will be issued to the same soliciting agency on more than two (2) dates in any given calendar month and no more than four (4) days during any calendar year;

3. The soliciting agency must file a current certificate of liability insurance with the City clerk, insuring the soliciting agency against any claims for injuries or damage to property which is causally related to an act of ordinary negligence of the soliciting agency, naming the City as an additional primary insured, and providing aggregate limits of not less than one million dollars ($1,000,000.00); and

(B) Highway solicitation must take place during daylight hours when traffic has come to a full stop.

(C) Highway solicitation is prohibited when it interferes with the orderly flow of traffic, including:

1. Seven o'clock (7:00) A.M. to nine o'clock (9:00) A.M., Monday through Friday;

2. Four o'clock (4:00) P.M. to six o'clock (6:00) P.M., Monday through Friday; and

3. Such other times as determined by any police officer, fireman, person authorized by a local authority to direct traffic, or school crossing guard invested by law with authority to direct, control, or regulate traffic.

(D) Highway solicitation is permitted within one hundred feet (100') of the intersection of:

1. Walnut Street and Main Street;
2. Pike Street and Main Street; and
3. Logan Street and Main Street; and
4. Ashmore Road and Illinois Route 133

(c) Soliciting Agency Liable: The soliciting agency is liable for any injuries to any person or property during highway solicitation which is causally related to an act of ordinary negligence of the soliciting agency.

(d) Door to Door Solicitation: Door to door solicitation is governed by Title 6, Chapter 1 of this Code.

Section 4-1-10. – Exemptions.

The provisions of this ordinance regulating the movement or parking of vehicles shall not apply to emergency vehicles while the driver thereof is engaged in the performance of an emergency duty. Nor shall such provisions apply to persons engaged in repairing or otherwise improving the streets under authority of the City Council, or of the State of Illinois.

Section 4-1-11. – Accident Reporting.

The driver of a vehicle which has collided with, or been in an accident with, any vehicle, person or property, in such manner as to cause injury or damage, shall stop immediately, and to render such assistance as may be possible, and to give his or her true name and residence to the injured person, or any other persons requesting the same on behalf of the injured person, or the owner of the property damaged, and to a police officer, if one is present. A report of each such accident shall be given by the driver of each vehicle concerned in it, to the Police Department, within twenty-four (24) hours after the accident.

Section 4-1-12. – Placement of Signs.

All signs shall be placed in conformity with procedures as delineated in the Illinois Vehicle Code of the Illinois Compiled Statutes as amended in Chapter 625.

Section 4-1-13. – Non-Licensed Motor Vehicles Operation Prohibited.

It shall be unlawful for any individual to operate within the City limits of Oakland, Illinois any unlicensed, unregistered, or unpermitted motor vehicles including but not being limited to motorcycles, automobiles, all-terrain vehicles, motorized scooters, or any other vehicle propelled by its own power.

Section 4-1-14. – Violations of this Traffic Control Ordinance, unless stated otherwise, shall be subject to fines and penalties as specified in the Illinois Vehicle Code of the Illinois Compiled Statutes as amended in Chapter 625.

Section 4-1-15. – Violation; Penalty.

Notwithstanding any other remedies available to the City pursuant to this chapter, any person violating any of the provisions of this chapter shall be punished by a fine of not more than seven hundred fifty dollars ($750.00) for each offense, to which court or adjudication costs may be added. A separate offense shall be deemed committed on each day on which the violation occurs or continues to occur.

Title 4

Chapter 2 – Traffic Schedules

Section 4-2-1. – Stop Intersections.

It shall be unlawful to drive any vehicle into the intersection of the following named streets without first bringing such vehicle to a full stop:

TRAFFIC TRAVELING ON	SIGN	STOPS AT
Teeter Street	Stop	Illinois Route 133
Logan Street	Stop	
Illinois Street	Stop	
Hazel Street	Stop	
Ashmore Road	Stop	
Oak Street	Stop	
Pike Street	Stop	
Walnut Street	Stop	
Main Street	Stop	
Reel Street	Stop	Main Street
Mill Street	Stop	
Jonathan Street	Stop	
Parker Street	Stop	
Pike Street	Stop	
Oak Street	Stop	
Hazel Street	Stop	
Logan Street	Stop	
North on Teeter Street	Stop	
South on Teeter Street	Stop	
Main Street	Stop	Walnut Street
Montgomery Street	Stop	
Washington Street	Stop	
North Street	Stop	
Moore Street	Stop	
Lincoln Street	Stop	
Mill Street	Stop	Lincoln Street
Jonathan Street	Stop	

TRAFFIC TRAVELING ON	SIGN	STOPS AT
Parker Street	Stop	
Pike Street	Stop	
Hazel Street	Stop	
Montgomery Street	Stop	Logan Street
Washington Street	Stop	
North Street	Stop	
Byron Street	Stop	
Main Street	Stop	
Montgomery Street	Stop	Pike Street
Washington Street	Stop	
2nd Street	Stop	Ashmore Road
3rd Street	Stop	
Strawberry Street	Stop	
Maple Street	Stop	Blevins Street
Twin Oak Street	Stop	
Park Side Street	Stop	
Logan Street	Stop	
Blevins Street	Stop	Danville Road
Lake Shore Drive	Stop	
Lincoln Street	Stop	Reel Street
Montgomery Street	Stop	Hazel Street
North Street	Stop	
Hazel Street	Stop	Washington Street
East Montgomery Street	Stop	Teeter Street
East Main Street	Stop	

Section 4-2-2. – Yield Intersections.

The following streets or intersections shall be known as yield intersections:

TRAFFIC TRAVELING ON	**SIGN**	**YIELDS TO**
Main Street	Yield	Logan Street
Montgomery Street	Yield	
Washington Street	Yield	
North Street	Yield	Pike Street
Washington Street	Yield	Parker Street
North Street	Yield	
Sycamore Street	Yield	
North Street	Yield	Jonathan Street
Washington Street	Yield	
Sycamore Street	Yield	
Cemetery Road	Yield	Lincoln Street
Park Street	Yield	North Street
Cemetery Road	Yield	
Hazel Street	Yield	
Byron Street	Yield	Hazel Street
Park Street	Yield	Bryon Street
Pike Street	Yield	2nd Street

Section 4-2-3. – No Parking on Certain Streets.

(a) There shall be no parking on the following streets in the City.

(1) On both sides of Pike Street between Montgomery Street and Washington Street.

(2) On both sides of Logan Street from Byron Street to Blevins Street.

(3) On the north side of Main Street from Reel Street to Walnut Street.

(4) On the south side of Main Street between Logan Street and Hazel Street

(5) On the south side of Main Street between Logan Street and Teeters Street between a point ten (10) feet east of the western most driveway of that business property commonly known as McQueen's Lumber Yard, to a point ten (10) feet west of said western most driveway, at any time.

(6) On the south side of Main Street between Logan Street and Teeters Street for a period of more than two (2) hours in any consecutive three (3) hour period at any time.

(7) On the east side of Reel Street north of Main Street on the west side of Reel Street south of Lincoln Street.

(8) On both sides of Lincoln Street east from the intersection of Lincoln Street and Reel Street.

(9) On both sides of Teeter Street north of North Street.

(10) On both sides of Pike Street south of Main Street to alley.

(11) On both sides of Logan Street between Montgomery Street and Washington Street.

(12) On either side of State Route No. 3, except where State Route No. 3 adjoins the City Park and then parking shall be permitted only on that side of the street adjoining said park.

(13) On either side of F.A.P. Route 749 (Illinois Route 133) between the point of intersection of the western corporate limits of the City with the western right-of- way of said Route 749 (Illinois Route 133) and extending easterly to the point of intersection of the eastern corporate limits of the City with the eastern right-of-way of said Route 749 (Illinois Route 133).

(14) No Parking along either side of State Route 133 from the East City limit to West Main Street Intersection with State Route 133.

(b) The owner or operator of any vehicle or trailer which is parked or permitted to stand in violation of these provisions shall be fined a minimum of fifteen dollars ($15.00), if paid within forty eight (48) hours after said violation has been written, or in the event that said violation is not paid within forty eight (48) hours of said violation notification, said fine shall be in the amount of twenty dollars ($20.00), and shall increase by one dollar ($1.00) per day up to, but not to exceed ten (10) days.

(c) Payment: The foregoing violation ticket shall be payable to the City Clerk at City Hall, Oakland, Illinois.

(d) Unpaid Violation Tickets: If said violation ticket is not paid within ten (10) days of receipt of same, the fine per violation shall be as prescribed in section 1-4-1 of this Code. The City may proceed against either the registered owner or the operator of such vehicle or trailer by complaint before any Judge entitled to hear City Misdemeanor Cases, in addition to any other remedy herein provided. The registered owner of the vehicle or trailer at the time of violation(s), shall be presumed to be a violator as well as any operator thereof, and proceedings against the registered owner of such vehicle or trailer shall be the same as herein provided.

(e) Towing of Vehicles: In all cases of violation of this section, the police department and the City reserve the right to have vehicles towed, towing being without waiver of any remaining penalties for violation of this section.

Section 4-2-4. – Snow Removal Routes.

It shall be unlawful to park any vehicle on the following designated streets during any period of snowfall accumulation in excess of two inches (2") and thereafter for a period of twelve (12) hours or for a period of less than twelve (12) hours if the Superintendent of streets and public works, or in his absence, the chief of police, determines that snow removal efforts on said streets have been completed:

STREET	**FROM**	**TO**
Main Street	Reel Street	Teeter Street
Montgomery Street	Walnut Street	Pike Street
Washington Street	Jonathan Street	Teeter Street
Lincoln Street	Reel Street	Danville Road
Ashmore Road	Illinois Route 133	Strawberry Street
Walnut Street	Illinois Route 133	Burtner Drive
Pike Street	Illinois Route 133	Lincoln Street
Logan Street	Illinois Route 133	Blevins Street

Section 4-2-5. – Speed Limits.

(a) Speed Limits throughout the City of Oakland shall be 25 miles per hour unless otherwise posted by authorization of the City Council.

(b) School Zones: School speed zone of twenty (20) miles per hour when school is in session and children are present as set forth by Illinois Compiled Statutes.

Title 4

Chapter 3 – Parking Regulations

Section 4-3-1. - Parking Prohibited in Certain Places.

(a) It shall be unlawful at any time to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic signal:

(1) In any intersection.

(2) In crosswalks, provided however, that if said crosswalk is located within a designated school zone that said prohibition shall extend to all areas within said crosswalk and twenty feet (20') to either side of said crosswalk.

(3) Upon any bridge or viaduct, or in any subway or the approach thereto.

(4) In any painted zone.

(5) Between a safety zone and the adjacent curb or within twenty feet (20') of a point on the curb immediately opposite the end of a safety zone.

(6) Within twenty feet (20') of the radius point at any intersection.

(7) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen feet (18').

(8) Within fifteen (15) feet of fire hydrants.

(9) At any place where the vehicle would block the use of a driveway.

(10) Within fifty feet (50') of the nearest rail of a railroad grade crossing.

(11) Within twenty feet (20') of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station within seventy-five feet (75') of such entrance.

(12) On any sidewalk or parkway, except for bicycles, which may not be ridden or driven on any sidewalk.

(13) At any place where an official sign prohibits parking.

(14) All parking in the business section must be between the marked parking lanes.

(15) There shall be no double parking within the City limits.

(16) On a two-way roadway in any manner other than with the right hand wheels parallel to and within twelve inches (12") of the right hand curb line, or as close as practicable to the right edge of the right hand shoulder, and upon a one-way roadway in any manner other than parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with the right hand wheels within twelve inches (12") of the right hand curb line or as close as practicable to the right edge of the right hand shoulder, or with the left hand wheels within twelve inches (12") of the left hand curb line or as close as practicable to the left edge of the left hand shoulder.

Section 4-3-2. – General Parking Restrictions.

(a) Vehicles For Sale; Sale Of Merchandise From Vehicles: It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any business street from which vehicle merchandise is peddled.

(b) Street Cleaning: It shall be unlawful to park any vehicle on any public street or portion thereof in the City at any time when such street is being cleaned. Signs indicating that a street or portion thereof is being cleaned shall be posted immediately before the cleaning of the street and shall be removed after the cleaning of the street is finished.

(c) Snow Emergency.

(1) Parking Unlawful: It shall be unlawful to park any vehicle on any public street within the City at any time during which the mayor, or in his absence, the chief of police, declares that a snow emergency exists. Such a snow emergency shall be deemed to exist in the event that streets become especially dangerous or impassible due to heavy snowfall accumulations and/or icy conditions.

(2) Violations: The owner or operator of any vehicle parked in violation of this subsection may be issued a nonmoving violation ticket and, in addition thereto or in lieu thereof, any vehicle wrongfully parked may be towed at the owner's/operator's expense.

Section 4-3-3. – Parking for Persons with Disabilities.

It shall be unlawful to park any vehicle in any parking space designated for handicapped parking, whether in a public parking lot or privately owned parking lot used by the general public, other than a vehicle bearing registration plates issued to a physically handicapped person pursuant to 625 Illinois Compiled Statutes 5/3-616, or to a disabled veteran pursuant to 625 Illinois Compiled Statutes 5/3-609 of the Illinois vehicle code, as amended, or any vehicle bearing a special decal of a handicapped motorist authorized by the secretary of state pursuant to 625 Illinois Compiled Statutes 5/11-1301.2.

Title 4

Chapter 4 – Bicycles

Section 4-4-1. – Traffic Laws Apply.

(a) Bicycles and persons riding them shall be subject to all applicable traffic laws of the City and the State, including particularly:

(1) Reasonable speed;

(2) Proper parking;

(3) Observing of stop signs;

(4) Obeying traffic signals, police officers and school patrols;

(5) Driving on the right side of the street;

(6) Giving proper hand signals; and

(7) Not driving recklessly nor weaving in and out of traffic.

Section 4-4-2. – Operation of Bicycles.

(a) Bicycles and persons riding them shall be subject to the following special regulations:

(1) No bicycle shall be ridden at any time on a public sidewalk in front of any place of business or in front of any public building.

(2) No person of the age of twelve (12) years or older shall ride a bicycle at any time on a public sidewalk in front of a private residence except those persons actually delivering messages, mail, newspapers, magazines, advertising matter or merchandise.

Title 4

Chapter 5 – Non-Highway Vehicles

Section 4-5-1. – Definitions.

GOLF CART: Means a vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition or the grounds on a public or private golf course.

UTV: means any recreational motor vehicle other than an ATV, motorbike, or snowmobile, designed for an capable of travel over designated unpaved roads, traveling on four (4) or more low-pressure tires of twenty (20) PSI or less, maximum width less than seventy-four (74) inches, maximum weight less than two-thousand (2,000) pounds, or having a wheel base of ninety-four (94) inches, or less. UTV does not include golf carts, vehicles specifically designed to carry a disabled person or implements of husbandry.

Section 4-5-2. – Operation on Streets.

(a) It shall be unlawful to operate a golf cart or UTV on City streets, which are under the jurisdiction solely of the CITY OF OAKLAND, COLES COUNTY, ILLINOIS subject to the requirements and regulations of this Ordinance.

(b) It shall be unlawful to operate a golf cart or UTV on Illinois Route 133 except as provided in Section 4-5-3 of this ordinance.

(c) It shall be unlawful to operate a golf cart or UTV on sidewalks, alleys, or any other locations, except as permitted by this ordinance.

(d) It shall be unlawful to operate a golf cart or UTV within the extraterritorial limits of the CITY OF OAKLAND, COLES COUNTY, ILLINOIS. No carts are permitted north of the lake or east of the railroad tracks.

(e) It shall be unlawful to operate any golf cart or UTV on any City street adjacent to any of the public schools within the CITY OF OAKLAND, COLES COUNTY, ILLINOIS, during school hours and children are present.

Section 4-5-3. – Permitted Crossings.

(a) Golf carts ad UTV's shall be allowed to cross Illinois Route 133 at the following intersections:

(1) Hazel Street

(2) Pike Street

Section 4-5-4. – Required Equipment.

(a) Any golf cart or UTV to be operated on a City Street shall always have the following equipment in good working condition .

(1) Brakes
(2) Steering apparatus
(3) Tires
(4) A rear view mirror
(5) A red reflectorized waring device on the front and rear
(6) A slow-moving emblem as required by 635 ILCS 5/12-709 attached to the rear
(7) A head light that emits white light visible from at least 500 feet to the front
(8) A tail lamp that emits red light visible from at least 100 feet from the rear
(9) Brake lights on the rear
(10) Turn signals on the front and rear
(11) Seat belts

Section 4-5-5. – Lights.

A golf cart or UTV operated on a City Street shall have the head lights on during times when rain, snow, fog, or other atmospheric conditions require the windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the City Streets are not clearly discernible at a distance of 1,000 feet.

Section 4-5-6. – Required Seating; Passengers.

(a) A golf cart or UTV may transport only the number of passengers for which the specific golf cart or neighborhood vehicle was designed.

(b) Every passenger shall sit in a seat that was installed by the manufacturer of the golf cart or UTV.

(c) Children must be properly secured in a child restraint system as required pursuant to the Child Passenger Protection Act (625 ILCS 25/1 et seq.). Children eight (8) years of age and younger must be equipped with properly sized head protection. An open face or “3/4” style helmet, shall be the minimum coverage allowed hereunder.

(d) It shall be unlawful for the operator of a golf cart or UTV to transport passengers unless each passenger is in a seat.

(e) Each driver and passenger shall wear a properly fastened and adjusted seat safety belt.

(f) The operator of a golf cart or UTV shall not transport anyone who is sitting on the lap of a passenger, or in any other location except in a seat.

Section 4-5-7. – Trailers.

It shall be unlawful to pull trailers or any other equipment or device with a golf cart or UTV.

Section 4-5-8. – Modification.

It shall be unlawful for the owner of a golf cart or UTV to modify or alter a golf cart or UTV from the original manufacturer's specifications, except to bring the golf cart or neighborhood vehicle into compliance with section 4-5-4.

Section 4-5-9. – Sale of Registered Neighborhood Vehicle.

If a golf cart or UTV that has a current permit is sold, the new owner shall sign an Ownership Transfer Form at the Oakland Police Department and apply for a permit pursuant to the provisions of Section 4-5-14.

Section 4-5-10. – Age of Operator; License.

No person shall operate a golf cart or UTV on a City street unless the operator is at least eighteen (18) years old and has a valid driver's license.

Section 4-5-11. – Speed Limit.

No person shall operate a golf cart or UTV on a City street in excess of twenty (20) miles per hour.

Section 4-5-12. – Ordinance and Vehicle Code Obeyance.

The operator of a golf cart or UTV on a City street shall obey all ordinances of the CITY OF OAKLAND, COLES COUNTY, ILLINOIS, and the provisions of the Illinois Vehicle Code, as amended from time to time.

Section 4-5-13. – City Permit; Annual Fee.

(a) No person shall operate a golf cart or UTV on a City street unless the golf cart or UTV has been issued a permit by the City. A person desiring a permit shall make application to the Chief of Police, or his designee, on forms provided by the City. Permits shall be granted for a period of one (1) year and may be renewed annually on May 1st of each year.

(b) Prior to the issuance or renewal of the permit an annual fee pf fifty dollars ($50.00) shall be paid to the City Clerk by the applicant and the applicant shall present the golf cart or UTV to the Mayor of the City, Chief of Police, or his designee, for an inspection to determine whether the golf cart or UTV may be operated on a City street. If the applicant and golf cart or UTV are qualified a permit (sticker) shall be issued to the applicant. The sticker must be displayed on the front uppermost part of the body on the driver's side of the vehicle at all times.

Section 4-5-14. – Mandatory Insurance.

(a) no person shall operate, and no owner shall allow another person to operate a golf cart or UTV on a City street unless;

    (1) The golf cart or UTV is covered by a liability insurance policy as required by Section 7-601 of the Illinois Vehicle Code (625 ILCS 5/7-602).

    (2) The operator of a golf cart or UTV carries with him proof of liability insurance as required by Section 7-602 of the Illinois Vehicle Code (625 ILCS 5/7-602).

Section 4-5-15. – Release of Liability.

No person shall operate a golf cart or UTV within the CITY OF OAKLAND, COLES COUNTY, ILLINOIS until they have signed an unconditional and full general release of liability, waiver, discharge, and covenant not to sue form provided by the City, a copy being attached hereto marked as Exhibit "A" and incorporated herein by reference.

Section 4-5-16. – Permit Revocation.

(a) The permit issued pursuant to section 4-5-14 of this Ordinance may be revoked by the Chief of Police, or his designee, if:

    (1) There is any material misrepresentation made by the applicant on the application, or

    (2) The required liability insurance is no longer in full force and effect; or

(3) There is evidence that the permit holder can no longer operate the golf cart or UTV; or

(4) There has been a violation of any City Ordinance or provision of the Illinois Vehicle Code by the permit holder.

(b) The Chief of Police, or his designee, shall issue a notice of revocation of a permit in writing and either hand deliver the notice to the permit holder, or send the notice by certified mail return receipt requested to the permit holder at the address on the application. The revocation of the permit shall be effective immediately after personal service, or on the third day after the post mark of the certified mail receipt. The permit holder shall not be entitled to any portion of the annual fee upon a revocation of the permit.

Section 4-5-17. – Violations; Punishment

Any person violating or aiding or abetting the violation of any provisions of this Ordinance is guilty of a petty offense and shall be fined not less than $100.00 nor more than $750.00.

(6-1-11; 2011-O-1, Revised 8-1-19; 2019-O-3)

Title 5 – Land Use

Chapter 1 - Zoning
Chapter 2 - Control of Land Subdivision Development
Chapter 3 - Regulating Placement and Use of Mobile Homes
Chapter 4 - Regulating Development in Floodplain Areas
Chapter 5 - Prohibiting Discrimination in Housing
Chapter 6 - Prohibiting Encroachment upon Right-of-Way of F.A.P. Route 749 (Illinois Route 133)

Title 5

Chapter 1 - Zoning

Section 5-1-1. – Purpose.

For the purpose of dividing the City into zones, or districts, restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for trade, industry, residence and other specified uses; to regulate the intensity of the use of lot areas, and to regulate and determine the area of open spaces surrounding such buildings; to establish building lines and the location of buildings designed for specified industrial business, residential and other uses within such areas; to fix standards to which buildings or structures shall conform therein; to prohibit uses, buildings or structures incompatible with the character of such districts, respectively; to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder; to limit congestion in the public streets by providing for the off-street parking and loading and unloading of vehicles; providing for the gradual elimination of nonconforming uses of land, building and structures; and prescribing penalties for the violation of the ordinance; to less congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to conserve the taxable value of land and buildings throughout the City; and to promote the public health, safety, and general welfare.

Section 5-1-2. - Definitions.

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular; the word "building" shall include the word "structure"; and the word "lot" shall include the word "plot"; and the word "shall" is mandatory and not directory.

ACCESSORY BUILDING OR USE: A subordinate building or use which is located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

ACREAGE: Any tract or parcel of land which has not been subdivided and platted.

ALLEY: A public thoroughfare, not less than twenty (20) feet wide, and not more than forty (40) feet in width, which affords only a secondary means of access to abutting property.

APARTMENT: A room or suite of rooms in a multiple-family structure, which is arranged, designed, used, or intended to be used as a housekeeping unit for a single family.

AUTOMOBILE REPAIR: General repair, engine rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

AUTOMOBILE SERVICE STATION: A place where gasoline stored only in underground tanks, kerosene or motor oil and lubricants or grease, for operation of automobiles, are retailed directly to the public on premises, and including minor accessories and services for automobiles, but not including automobiles, but not including automobile repairs and rebuilding. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

AUTO WRECKING OR JUNK YARD: Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof; and including any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavenging of any other goods, articles or merchandise.

BASEMENT: A story partly or wholly underground. Where more than one-half of its height is above the average level of the adjoining ground, a basement shall be counted as a story for purpose of height measurement.

BILLBOARD: Any structure or portion thereof upon which are signs or advertisements used on an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or signs advertising the sale or lease of the premises on which the sign is located.

BOARDING HOUSE: A building other than a hotel or restaurant, where meals are provided for compensation for four (4) or more persons, but not exceeding twelve (12) persons.

BUILDING: Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals, or chattels.

BUILDING AREA: The buildable area of a lot is the space remaining after the minimum open space requirements of this ordinance have been complied with.

BUILDING HEIGHT: The vertical distances measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof to the deck line of a mansard roof and to mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

BUILDING LINE: For the purpose of this ordinance the building line is the same as a front yard set-back line.

CAR PORT: A structure attached or made a part of the main structure, and which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor driven vehicles.

DISTRICT: A section or sections of the incorporated area of the City for which the regulations and provisions governing the use of building and land are uniform for each class of use permitted therein.

DWELLING: A building or portion thereof, but not an automobile house trailer, designed exclusively for residential occupancy, including one-family, two-family and multiple dwelling, but not including hotels, boarding, and lodging houses.

FRONTAGE: All property on one (1) side of a street between two (2) intersecting streets, or natural barriers.

S GARAGE, PRIVATE: An accessory building for the storage of not more than three (3) motor-driven vehicles, of which not more than one shall be a commercial vehicle of not more than two (2) ton capacity.

GARAGE. PUBLIC: A building other than a private garage, used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale within the structure.

GUESTHOUSE: A structure for human habitation, containing one or more rooms with a bath and toilet facilities, but not including a kitchen or facilities which would provide a complete housekeeping unit.

HOME OCCUPATION: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family. Clinics, doctors' offices, hospitals, barber shops, beauty shops, dress shops, millinery shops, real estate offices, tea rooms, tourist homes, animal hospitals, kennels, among others, shall not be deemed to be home occupations.

HOSPITAL OR SANITARIUM: An institution open to the public, in which sick patients or injured persons are given medical or surgical care; or for the care of contagious diseases or incurable patients.

HOTEL: A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, which there are six (6) or more guest rooms, and in which no provisions are made for cooking in any individual room or suite.

INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public or semipublic use.

KENNEL: Any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.

LABORATORY: A place devoted to experimental study such as testing and analyzing. Manufacturing of product or products is not to be permitted within this definition.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

LODGING HOUSE: A building with not more than five (5) guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or transients.

LOT: A parcel of land occupied or suitable for occupancy by one main building or use, with accessory buildings, including the open spaces required by this ordinance, and having its principal frontage upon a public street or highway.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets.

LOT FRONTAGE: The front of a lot shall be that boundary of a lot along a public street; and for a corner lot the front shall be the shorter lot boundary along a street.

LOT, INTERIOR: A lot other than a corner lot.

LOT, WIDTH: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

NONCONFORMING USE: Any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the regulations of this ordinance.

NURSING HOME OR REST HOME: A private hospital for the care of children or the aged or informed, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries, or for surgical care.

PARKING AREA, PRIVATE: An open area for the parking of privately owned automobiles and not for public use.

PARKING AREA, PUBLIC: An open area, other than street, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE: An area, enclosed in the main building, in an accessory building, or unenclosed, sufficient in size to store one (1) standard automobile, which has adequate access to a public street or alley and permitting satisfactory ingress and egress of an automobile.

PORCH: A roofed entrance to a building, projecting out from the wall or walls of the main structure and commonly open to the weather in part.

SIGNS, OUTDOOR ADVERTISING: Any card, cloth, paper, metal, painted, glass, wooden. plaster, stone or other sign of any kind or character whatsoever, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

STRUCTURE: Anything constructed or erected, which required location on the ground or attached to something having location on the ground.

STRUCTURAL ALTERATIONS: Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.

TERRACE, OPEN: A level and rather narrow plain, or platform, which for purposes of this ordinance is located adjacent to one or more faces of the main structure, and which is constructed not more than four (4) feet in height above the average level of the adjoining ground.

TOURIST COURT: A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking spaces conveniently located to each unit, including auto courts, motels, or motor lodges.

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests.

TRAILER, AUTOMOBILE: A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons or property, including a trailer coach or house trailer.

TRAILER CAMP, AUTOMOBILE: Any premises occupied or designed to accommodate more than one family living in an automobile house trailer.

USE: The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let, or leased.

YARD: An open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

YARD, FRONT: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE: That part of the yard lying between the main building and a side lot line, and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.

Section 5-1-3. - Use Districts. The City is hereby divided into three (3) use districts.

A. Business
B. Industrial
C. Residential

The boundaries of designated districts are shown upon the map made a part of this ordinance, which map is designated as the zoning map of the City. The zoning map made a part of this ordinance and on file in the office of the City Clerk and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if the zoning map and all such notations, references, and other information shown thereon were fully set forth or described herein.

Section 5-1-4. - General Provisions.

(a) All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, or railroad right-of-way. Where the center line of a street or alley serves as a district boundary the zoning of such street or such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

(b) No building or structure shall be created, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which the building or land is located.

(c) No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, radio and television aerials or antennas, wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than twenty-five (25) feet the height limits of the district in which it is

located, except that aerials or antennas designed to aid home television reception may erected to a height not to exceed sixty (60) feet from the ground level, provided said aerial or antenna is attached to the building or erected in the rear yard area.

(d) No building or structure other than a building for conditional use shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.

(e) No space which for the purpose of a building or dwelling group has been counted or calculated as part of a side yard, rear yard, front yard, court or other open space required by this ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard, court, or other open space requirement of or for any other building.

(1) An open terrace, but not including a roofed over porch or terrace, may occupy a front yard provided the unoccupied portion of the front yard has a depth of not less than fifteen (15) feet. A one-story bay window may project into a front yard not more than three (3) feet. Overhanging eaves, including gutters, may project over the minimum required side yard not more than eighteen (18) inches.

(2) The minimum yards or other open spaces, including lot areas per family required by this ordinance for each and every building existing at the time of passage of this ordinance or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building.

(f) Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined and in no case shall there be more than one such building on one lot unless otherwise provided in this ordinance.

(g) Any separate tract the title of which was of record at that time of the adoption of this ordinance, that does not meet the requirements of this ordinance for yards, courts, or other area of open space may be utilized for single residence purpose provided the requirements for such yard or court (or lot) area, width, depth or open space is within seventy-five percent (75%) of that required by the terms of this ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

(h) No building shall be constructed or erected upon a lot, or parcel of land, which does not abut upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of twenty-five (25) feet unless an easement of lesser width was of record prior to the adoption of this amended ordinance.

(i) An area indicated on the official "zoning map" as a public park or recreation area, public utility area, cemetery, public school site, or semipublic open space, shall not be used for any other purpose, and when the use of the area is discontinued, it shall automatically be zoned "Residential," until otherwise zoned.

Section 5-1-5. The following regulations shall apply:

(a) Business Use Regulations: Permitted uses are:

(1) Retail businesses and businesses involving compensation for services rendered.
(2) Closed-storage warehousing where the building construction suitably fits the general character of the business neighborhood wherein situated.
(3) Offices.
(4) Hotels.
(5) Motels.
(6) Nursing homes.
(7) Hospitals.
(8) Churches or similar places of worship including Parish Houses and Convents.
(9) Private clubs and lodges.

(b) Industrial Use Regulations. Permitted uses are:

(1) Industrial Uses.
(2) Junk and scrap storage and auto wrecking located in a position and in a manner approved by the Board of Appeals in accordance with the purposes and regulations set forth in this ordinance and amendments thereto.
(3) All uses permitted and excluded in other districts not inconsistent with other provisions of this section.

(c) Residential Use Regulations. Permitted uses are:

(1) Single family dwelling.
(2) Multiple family dwelling.
(3) Municipality or County owned parks and playground with customary buildings.
(4) Public elementary, high school or college; or private or parochial schools with a curriculum equivalent to that of a public elementary, high school or college.
(5) Public libraries.
(6) Garage housing private motor vehicles in compliance with the requirements of this ordinance and amendments thereto.
(7) Accessory buildings and uses customarily incident to the uses permitted by this section, not involving the conduct of an independent business.
(8) Temporary buildings, equipment, or materials for uses incidental to construction work, which buildings, equipment or materials shall be removed upon completion or abandonment of such work.
(9) A professional office of a surgeon, physician, dentist, lawyer, clergyman, or other professional person using his residence for the consultation, emergency treatment, or performance of religious rites only, and for the general practice of a profession.
(10) General farming involving tillage of the soil only.
(11) Student houses, lodging houses, tourist homes, fraternity house and sorority houses.

(12) Churches or similar places of worship including Parish houses and Convents, but only when the building construction suitably fits the general character of the neighborhood, when adequate off-street parking is provided, when such use creates no great or more disturbing noise than the rest of the neighborhood and when the congregation pledge allegiance to the United States.

Section 5-1-6. - Off-Street Parking and Loading.

(a) Off-Street Parking

(1) For the purpose of this section, one hundred and eighty (180) square feet of lot or floor area, which has a means of ingress or egress from an alley or street, shall be deemed parking space for one vehicle. Such space shall not occupy any part of any required front yard, but where open may be included as part of a required open space for side or rear yard. On corner or through lots, parking space may not be included as part of required yards lying adjacent to either street. Such parking spaces and access driveways, required in residential districts, when used in compliance with the provisions of this ordinance, shall be paved or otherwise surfaced with an all-weather, dust-proof material. That part of the driveway connecting from the curb line to the property line shall be paved with concrete or asphaltic materials.

(2) Parking areas serving nonresidential uses of property shall be hard surfaced and graded so as to drain off all surface water to storm sewer inlets. When such parking areas or lots abut upon adjacent residential properties, there shall be provided a wall or solid screen planting of appropriate shrubs to a height of not less than four (4) feet, along the entire boundary, common to both the residential and parking areas. Walls or solid screen planting to a height of not less than four (4) feet shall also be placed along the street line where a parking lot abuts upon a street which provides access to adjacent residential properties. Lights used to illuminate such parking lots shall be so arranged as to reflect lighting away from the adjoining premises in the residential district. Such parking spaces shall be reserved for the sole use of the occupants of the building or lots, their customers, and visitors thereto. Churches, theaters, stadiums, auditoriums, and other places of assembly may make arrangements for joint use of parking spaces as hereinafter specified.

(3) In any district, except as noted below, every building built, or structurally altered, enlarged or increased in capacity, and every land use initiated subsequent to the adoption of this section shall be provided with minimum off-street parking facilities as follows:

(a) One (1) and two (2) family dwellings and multiple family dwellings: One (1) parking space for each dwelling unit.

(b) Hotels, rooming houses, clubs, and fraternal homes: One (1) parking space for each two (2) guest sleeping room.

(c) Hospitals: One (1) parking space for each three (3) hospital beds.

(d) Tourist homes: One (1) parking space for each transient sleeping room offered for tourist accommodation in addition to parking spaces required for permanent residents of the building.

(e) Tourist courts and motels: One (1) parking space for each lodging unit.

(f) Churches, auditoriums, gymnasiums, stadiums, theaters, and other places of public or private assembly with fixed seats: One (1) parking space for each five (5) seats or bench seating spaces, based upon maximum seating capacity. For the purpose of this type of use, parking spaces already provided to meet off-street parking requirements for stores, office buildings and industrial establishments, or off-street parking facilities provided by the municipality, lying within three hundred (300) feet of the place of public assembly as measured along the lines of public access, and that are not normally in use between the hours of 6:00 p.m. and midnight, and are made available for other parking, may be used to meet up to seventy-five (75) per cent of the total requirements of parking space for places of public assembly.

(g) Dance halls, bowling alleys and private clubs: One (1) parking space for each two hundred (200) square feet of floor area, to be provided on the premises or within three hundred (300) feet of the entrance.

(h) Funeral homes: Fifteen (15) parking spaces on the premises, plus five (5) spaces for each area which can be used as a parlor.

(i) Stores and other retail establishments where such uses are permitted, except in the central business district: One parking space for each three hundred (300) square feet of store space, to be provided on the premises or within two hundred (200) feet of the entrances and off of the street, except that restaurants or establishments whose primary use is to serve means and refreshments to patrons shall provide one parking space for each one hundred (100) square feet of floor space in the building.

(j) Wholesale and distributing establishments including telephone exchanges: One parking space for each three (3) employees.

(k) Manufacturing establishments: One parking space for each five (5) employees, based on the greatest number, of employees at work at one time, to be provided on the premises or at other off-street locations within one thousand (1,000) feet of the main entrance.

(1) Parking space required under this section may be reduced at a time when the capacity or use of a building is changed in such a manner that a new use or capacity would require less space before the change. Such reduction may not be below the standards set forth in the section.

(m) Loading and unloading areas shall not be considered as parking spaces.

(n) The joint use of parking facilities may be permitted in cases where major parking demands occur on different days of the week or during different hours, provided (1) that parking spaces will be available for each use in accordance with the above standards, and (2) that the owners agree in writing that any subsequent sale or division of the property or change in use thereof will not interfere with the joint use of the parking facilities.

(o) A plan of parking facilities shall accompany each application for a building permit or certification of compliance. The completion of the improvements for parking according to such plan shall be a requisite for the validity of the permit or certification.

(p) The City council may authorize a special permit to allow a parking lot in a residence zone for the purpose of meeting the requirements of this section, subject to the following limitations:

(1) Public notice must be given and a public hearing held by the board of zoning appeals on the request for a special permit in the same manner in which said notice is given and such hearing is held on a request for a variance.

(2) Notice must be given by registered mail to all owners or property lying within three hundred (300) feet of the land for which the special permit is sought.

(3) A special permit shall not be granted unless the application shows and warrants that in the proposed development of the parking area, that front and side yards will be met and maintained.

(b) Off-Street Loading Facilities: On the same lot with every building or part thereof, erected hereafter to be used for other than exclusive dwelling purposes, or as an accessory use for dwelling, there shall be provided on the lot, adequate space for motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space, with fifteen (15) feet height clearance, and one such space shall be provided for each twenty thousand (20,000) square feet or fraction thereof of floor or lot area used for other than residence purposes.

Section 5-1-7. - Additive Provisions.

Accessory buildings, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

(a) Where an accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this ordinance applicable to the main building.

(b) An accessory building may not be located nearer than five (5) feet to any interior lot line and not nearer than five (5) feet to the rear lot line.

(c) No detached accessory building shall be located closer than ten (10) feet of any main building.

(d) An accessory building shall not be erected prior to the establishment or construction of the principal use of building.

Section 5-1-8. - Nonconforming Uses.

The lawful use of land or buildings existing at the time of the adoption of this ordinance may continue although such use does not conform to the regulations specified by this ordinance for the district in which such land or building is located.

Section 5-1-9. - Enforcing Officer.

The building commissioner of the City is designated as the officer to be responsible for enforcing the zoning ordinance. Said building commissioner shall have the power and shall exercise the function prescribed by the state law and by terms of all ordinances now in force or hereafter passed.

Section 5-1-10. - Building Permit, Certificate of Compliance, Use Permits.

(a) Building Permit. No building or structure shall hereafter be erected or structurally altered until a building permit shall be issued by the building commissioner stating that the building or structure, and use of land comply with the regulations of this ordinance and all building and health laws and ordinances.

(1) All applications for building permits shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to erected or structurally altered, its location on the lot or lots and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and Oats shall be kept in the office of the building commissioner.

(2) No building shall be constructed, and no permit shall be issued for any building, on any premises not served by a sewer unless the area of the lot on which such building is to be erected complies with the ordinances relative to septic tanks as to size and condition of soil.

(b) Certificate of Compliance: No building or structure hereafter erected or structurally altered shall be occupied and used until a certificate of compliance has been issued by the building commissioner. The certificate of compliance shall be issued only after the building commissioner makes a finding that the building or structure has been erected or structurally altered in conformance with the provisions of this ordinance and other health and building laws and in accordance with building permit. Certification of compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alterations of such buildings shall have been satisfactorily completed. A record of all certificates shall be kept on file in the office of the building commissioner and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected.

(c) Use Permit: No change shall be made in the use of a building or part thereof now or hereafter erected or structurally altered, or in the use of land now or hereafter occupied, without a use permit having first been issued by the building commissioner. No such is permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance or amendments thereto hereafter duly enacted.

(d) Continuance of Existing Uses: Nothing in this article shall prevent the continuance of the present occupancy or lawful use of any existing building, except as may be necessary for the safety of life and property, and except as provided in Section 5-1-8.

Section 5-1-11. - Community Unit Plans.

The City council may, by ordinance and after a public hearing and a recommendation by the Board of Zoning Appeals and Planning held and made in the manner provided by law for amendments to this ordinance, authorize, in any residential district, the location and development of a planned residential development of single or multiple family dwellings, or both, on not less than five (5) acres of land, and provided:

(a) The plan is consistent with the intent and purpose of this ordinance to promote health, safety, morale, and general welfare.

(b) The buildings shall be used for single-family dwellings, two-family dwellings or multiple-family dwellings, and the usual accessory uses such as garages, storage space or project activities.

(c) Adequate open spaces are provided between buildings to create an appearance and character of development suitable for the district in which the improvement is to be located.

(d) Off-street parking facilities to be provided to meet all requirements of Section 5-1-7.

(e) The specific requirements of this ordinance for yards, height of buildings and intensity of use of land may but need not be required in part or whole of any planned residential development authorized under this section.

Section 5-1-12. - Board of Zoning Appeals and Planning.

(a) Board of Zoning Appeals and Planning Established: There is hereby established a board of zoning appeals and planning. Said board shall consist of seven (7) members appointed as provided by law.

(1) The board of zoning appeals and planning shall select one (1) member as its chairman and another to serve as its vice-chairman, each for a term of one (1) year and subject to re-election. The chairman, or in his or her absence, the vice-chairman, may administer oaths and compel the attendance of witnesses.

(2) The board shall also select one (1) member as secretary to keep minutes and maintain the records of the board of zoning appeals.

(b) Meetings: All meetings of the board of zoning appeals and planning and all hearings shall be open to the public. Meetings shall be held at the call of the chairman and at such other times as the board may determine. Meetings may be called at the request of three (3) members of the board. The board shall keep minutes of its proceedings showing the vote of each member upon every question decided by it, or if any member is absent or fails to vote, indicating such fact. Statement of the facts found by the board shall be included in the minutes of each case heard or considered by it. The reason for recommending or denying an exception as herein provided shall also appear in the minutes. In every instance, a statement of the facts upon which such recommendations are based shall appear in the minutes. The board shall adopt its own rules of procedure, a copy of which and all amendments thereto shall be filed in the office of the clerk. The minutes of the board shall be open to public examination at reasonable hours. Expenses incurred by the board of appeals are to be itemized and shall be borne by the City.

(c) Jurisdiction:

(1) The board shall hear and decide appeals from, and review any order, requirement, decision, or determination, made by the administrative official charged with the enforcement of this ordinance.

(2) The board of zoning appeals and planning shall also hear all application for variations to the provisions of this ordinance and shall submit its recommendations, based upon a finding of fact, for enactment in an amended ordinance. The board of appeals shall not have the power to recommend a variation until a public hearing has

been held by the board of appeals, pursuant to notice and upon receiving the board's report with a finding of fact.

(3) The board of zoning appeals and planning shall have no authority to authorize charge in the use or any parcel or property or structure.

(4) The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the officer from whom an appeal is taken or to decide in favor of the applicant any matter in which said board is required to pass under the provisions of this ordinance.

(d) Appeals and Review: Any person aggrieved by a ruling of the building commissioner, respecting the interpretation of this ordinance or any officer, department, board or bureau of the City affected by a ruling of the building commissioner concerning the interpretation of the ordinance, may take an appeal to the board of zoning appeals. Such appeal shall be taken within such time as shall be prescribed by the board of appeals by general rules adopted by it, and shall be taken by filing with the building commissioner and with the board of zoning appeals, a notice of appeal, specifying the grounds thereof, together with such plats and exhibits as are necessary. Such appeal shall be taken upon forms provided by the board of zoning appeals. The building commissioner shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.

(e) Stay of Proceedings.

(1) The appeal shall stay all proceedings and furtherance of the action appealed from unless the commissioner certifies to the board of zoning appeals after the notice of appeal has been filed with him that by reason of the facts stated in the certification, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of zoning appeals or by court of record on application, with notice to the building commissioner, and all due causes shown.

(2) The board of zoning appeals shall fix a reasonable time and place for the hearing of appeals and shall give notice thereof to the persons appealing and to the officer from whom the appeal is taken. It shall hear and decide the appeal within a reasonable time. At the hearing, the parties of interest may appear in person or by agent or attorney.

(3) The board of zoning appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

(f) Variations. The City council, by ordinance, may authorize in the manner provided by law variations from the provisions of this ordinance where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the provisions of this

ordinance relating to the use, construction or alteration of buildings or structures or the use of land. However, no such variations shall be made, except in a specific case and after a public hearing before the board of appeals, pursuant to notice and after a report with a finding of fact of the board of zoning appeals, as provided by the laws of this state.

(g) Rules Governing Variations: No variation shall be allowed:

(1) To permit a nonconforming use which will materially interfere with the use of adjoining premises in conformity with the regulations applicable to the use district in which it is located.

(2) To permit a billboard to be erected or maintained.

(3) To permit a nonconforming use in any residence district, excepting that when there are two or more similar nonconforming uses in the same block, a variation may be allowed.

(4) To permit a nonconforming industrial district use in a business district, (a) unless it is an extension of a permitted nonconforming use by enlarging a building or erecting additional buildings as part of one establishment upon a lot or lots adjoining a lot on which such nonconforming uses exist; or (b) unless a separate tract, the title of which was of record on the effective date of this ordinance is divided by a district boundary line, but such variation shall be limited to the use permitted in the adjoining district and shall not be extended more than twenty-five (25) feet beyond the district boundary lines.

(h) Notice: Decisions and recommendations of the board of zoning appeals shall be reached only after a public hearing and after notice has been given by registered mail to the applicant. In addition, notice of the time and place of such public hearing shall be published in a paper of general circulation in the City not less than fifteen (15) days nor more than thirty (30) days previous to the hearing. Such notice shall contain the address or location of the property for which a hearing by the board is sought, as well as a brief description of the nature of the application.

Section 5-1-13. - Conditional Uses.

(a.) Applications for conditional uses, as defined in this ordinance, shall be considered at a public hearing before the board of zoning appeals and planning, pursuant to the requirements of this ordinance. Said board shall make its findings of fact and recommendations to the council within thirty (30) days after the public hearing.

(b.) The plan commission may recommend such restrictions upon the height and bulk of any structure so approved for conditional use as may be reasonable under the particular circumstances, provided that such restrictions shall not be more restrictive than the requirements established for the district in which such structure is proposed to be located.

Section 5-1-14. - Interpretations. Purpose and Conflict.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. It is not intended by this ordinance to interfere with, abrogate, annul or repeal any ordinance, rules, regulations, previously adopted, and not in conflict with any of the provisions of this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces that are imposed or required by such other ordinances or such easements, covenants or other agreements, the provisions of this ordinance shall control.

Section 5-1-15. - Fees.

Fees pertaining to petitions for zoning amendments, use permits, certification of compliance, variations, and for appeals to the board of zoning appeals, shall be established by action of the council from time to time. Such fees shall be paid to the clerk, who shall give a receipt therefor. (Passed 3-4-68)

Title 5

Chapter 2 - Control of Land Subdivision Development

Section 5-2-1 - Establishment of Control.

No plat or replat of a subdivision of land located within the City or outside of the City and within one and one-half (1 1/2) miles of the City limits, shall be recorded until it is in full compliance with the provisions of this Chapter and it shall have been approved by the Board of Zoning Appeals and Planning, and such approval shall have been entered in writing on the plat by the Chairman and Secretary-Treasurer of the Board. No major grading, building or construction relating to permanent development of land when such land is within the definition of subdivision, shall be started except in accordance with these regulations.

Section 5-2-2. - Definitions.

For the purpose of this Chapter, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense include the future tense. The term "shall" is always mandatory.

ALLEY: A permanent service way providing a second means of access to abutting lands.

BLOCK: Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway or other definite barrier.

BOARD: The Oakland Board of Zoning Appeals and Planning.

BUILDING SET BACK LINE: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

CITY: The City of Oakland, Illinois.

CUL DE SAC (COURT OR DEAD-END STREET): A short street having one end open to traffic and permanently terminated by a vehicle turnaround.

EASEMENT: A grant by the property owner of the use of a strip of land by the public, a corporation, or person, for specified purposes.

LA: A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development.

OFFICIAL PLAN. The complete plan, or any of its parts, for the development of the City prepared and adopted in accordance with the Illinois Compiled Statutes, as is now or may hereafter be in effect.

OWNER: Includes subdivider and the plural as well as the singular, and may mean either a natural person, firm., association, partnership, private corporation, public or quasi-public corporation, or combination of any of them.

MAT: A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

STREETS: A right-of-way, dedicated to the public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place, or other appropriate name. A street may also be identified, according to type of use as follows:

(1) Arterial Streets are those designated for large volumes of traffic movement. Certain Arterial Streets may be classified as Business Streets, Parkways, Primary or Secondary Arterials, and others as Limited Access Highways to which entrances and exits are provided only at or controlled intersections and access is denied to abutting properties.

(2) Feeder Streets are important streets planned to facilitate the collection of traffic from residential streets, and to provide circulation within neighborhood areas and convenient way for traffic to reach arterial streets. Certain Feeder Streets may be classified as Primary or Secondary Feeder Streets.

(3) Residential Streets are those designated primarily to provide access to abutting residential properties. Certain residential streets may be Cul-de-sacs, or Marginal Access Streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets.

SUBDIVISION: The division of any parcel of land shown as a unit, part of a unit, or as contiguous units on the last preceding transfer of property, into two (2) or more parcels, sites or lots, any of which is less than five (5) acres in area, for the purpose, whether immediate or future, of transfer of ownership; provided, however, that the division or partition of land into parcels of more than five (5) acres, not involving any new streets or easements of access, shall not be considered a subdivision.

THOROUGHFARE PLAN: The part of the Official Plan, now or hereafter adopted which sets forth the location, alignment, dimensions, identification, and classification of existing and proposed public streets, highways, and other thoroughfares.

Section 5-2-3. - Procedure Preliminary Considerations.

In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner should consult with the Board prior to the preparation of the tentative plan of the subdivision. The Official Plan should be reviewed to determine how the proposed subdivision will fit into the Plan. Requirements for thoroughfares, school and recreational sites; shopping centers; community facilities; sanitation, water supply and drainage; and relationship to other developments, existing and proposed, in the vicinity, should be determined in advance of the preparation of the subdivision plan. A thorough estimate of the situation will result in sound decisions with respect to the form, character, and extent of the proposed subdivision. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, or if such land is considered by the Board to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible residents and the community as a whole.

Section 5-2-4. - Application for Approval.

A person or corporation desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Board, shall submit a written application therefor to the Board at least ten (10) days prior to the date of a regular or special Board meeting. Such application shall be accompanied by the following information and plans:

(a) A Location Map showing:

(1) Subdivision name and location.
(2) Major existing thoroughfares related to the subdivision.
(3) Public Transportation lines.
(4) Community or neighborhood stores.
(5) Elementary and high schools.
(6) Parks and playgrounds.
(7) Other Community features.
(8) Title, scale, north point, and date. The location map need not be a special drawing. The data may be shown by notations on available maps.

(b) A Site Map showing:

(1) Topographical data in one of the following forms which shall be determined by the Board during preliminary consideration of the plan.

(A) A Contour Map with contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%), and at a vertical Interval of five (5) feet if the general slope is greater than ten percent (10%).

(B) A Land Inspection Sketch showing terrain features, wooded areas, buildings and other natural or artificial features which would affect the plan of the subdivision.

(2) Tract boundary line, showing dimensions, bearings, angles, and references to section, township and range lines or corners.

(3) Streets and right-of-ways, on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and other pertinent data.

(4) Easements: Locations widths and purposes.

(5) Utilities, including sanitary and storm sewers, other drainage facilities; water lines, gas mains, electric utilities, and other facilities. Size or capacity of each- should be shown and the locations of or distance to each existing utility indicated.

(6) Zoning of the site and adjoining property.

(7) Existing or proposed platting of adjacent land.

(8) Other features or conditions which would affect the subdivision favorably or adversely.

(9) Title, scale, north point, and date.

(c) A Tentative Plan of the subdivision, drawn to scale of not less than fifty (50) feet to one (1) inch nor more than one hundred (100) feet to one (1) inch, providing however, that if the resulting drawing would be over thirty-six (36) inches in the shortest dimension, a scale as recommended by the Board may be used. The Tentative Plan shall show:

(1) Proposed name of the subdivision.

(2) Names and addresses of owner and subdivider and the City planner, land planning consultant, engineer, or surveyor, who prepared the plan.

(3) Street pattern, showing the names (which when not extensions of existing streets, shall not duplicate other names of streets in the community) and widths of rights-of-way of streets, and sidewalks and widths of easements or alleys.

(4) Layout of lots, showing dimensions and numbers.

(5) Building setback or front yard lines.

(6) Key plan, legend, and notes.

(7) Scale, north point, and date. Note: The information called for in items B and C above, may be submitted as one or two (2) maps or plans.

(d) Engineering Plans showing:

(1) Profiles, typical cross-sections, and specifications for proposed street improvements

(2) Profiles and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution systems.

(e) A description of the protective covenants or private restrictions to be incorporated in the subdivision plan.

(f) Information as to any agreements which may have been entered into with the owners of other property within the neighborhood in which the proposed subdivision is located as to general plans for the entire neighborhood. Reference should be made to the Official Plan for suggestions as to the general street pattern and design of the neighborhood. Wherever possible all the property owners within the neighborhood should endeavor to agree upon a general plan for its development, in order that each subdivision may be designed as an integral part of a well-considered overall plan.

Section 5-2-5. - Approval.

After an application for approval of a plat of a subdivision, together with two (2) copies of all maps and data, has been filed, the Board shall review the application and shall approve the Plat proposed in the application, subject to its receipt of an acceptable Final Plat, as described in Section 5-2-7 of this ordinance, or disapprove the plat, setting forth its reasons in its own records and providing the applicant with a copy. An approval shall be effective for a period of twelve (12) months, unless, upon request of the applicant, the Board grants an extension. If the Final plat is not received by the Board within the period of time specified, all previous actions by the Board with respect to the plat shall be deemed to be null and void.

Section 5-2-6. – Appeal.

Any party aggrieved by a decision of the Board may within fifteen (15) days thereafter, appeal therefrom to the City Council and he shall file with the Board a written notice of appeal specifying the decision from which such appeal is taken. Procedure for appeal shall be provided by the Council.

Section 5-2-7. - Final Plat.

Following the approval of the plat, the Board will notify the applicant in writing that it is ready to receive the Final Plat. The Final Plat shall meet the following specifications:

(a) The Final Plat may include all or only a part of the approved plat as proposed in the application.

(b) The original drawing of the Final Plat of the subdivision shall be drawn to a scale suitable that the required data may be clearly shown on the plat. Three (3) black or blue line prints shall be submitted with the original final plat, or, in order to conform to modern drafting and reproduction methods, lettering may be applied to the final plat in a manner-which will permit the plat to be reproduced by film, litholoid or other photographic process at the designated scale, and in such case three (3) black line prints and a reproducible print shall be submitted.

(c) The following basic information shall be shown on the Final Plat:

(1) Accurate Boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.

(2) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan.

(3) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

(4) Accurate metes and bounds description of the boundary.

(5) Source of title to the land as shown by the books of the County Recorder.

(6) Street names.

(7) Complete curve data for all curves included in the plan.

(8) Street and sidewalk lines with accurate dimensions in feet and tenths of feet, with angles to streets, alleys, and lot lines.

(9) Lot numbers and dimensions.

(10) Easements of utilities and any limitations of such easements.

(11) Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.

(12) Building setback for front yard lines and dimensions.

(13) Location, type, material, and size of all monuments and lot markers.

(14) Restrictions of all types which will run with the land and become covenants in the deeds for lots.

(15) Name of the subdivision.

(16) Name and address of the owner and subdivider.

(17) North point, scale, and date.

(18) Certification by a registered Illinois Land Surveyor.

(19) Certificates for approval by the Board and when the plat is located wholly or in part outside of the City, by the County Board of Supervisors.

(d) The Board shall not consider approval of the Final Plat unless and until the subdivider has guaranteed completion of all required improvements within a reasonable period and in compliance with approved working drawings and specifications and has guaranteed to maintain such improvements until they are accepted by the City. As a guarantee, the subdivider shall post a performance bond prepared in a form approved by the City Attorney and underwritten by not less than two (2) financially responsible individuals acceptable to the Board and to the Council of said City. The amount of the bond shall not be less than one hundred percent (100%) of the final estimate of cost of the improvements as checked by a Committee of three (3) members of the Board. The bond shall require the completion of the improvements within a period of three (3) years following the approval of the Final Plat, except that the Board may, upon recommendation of the Board, extend such period as required to complete the improvements required by this Chapter and when they have been completed by the subdivider, the Board shall authorize their acceptance by the City and, upon their acceptance, shall release the subdivider from any further obligation, including the performance bond, in connection with the improvements.

Section 5-2-8 - Final Plat Approval.

Upon full compliance with this Chapter, and the receipt of a written agreement by the owner wherein he agrees to make and install the improvements herein provided for, all in accordance with the requirements of this Chapter, the Board shall affix its seal upon the Final Plat together with the certifying signature of its Chairman and Secretary. Following final approval by the Board and City Council, the Final Plat may be legally recorded in compliance with the laws of the State of Illinois. Such final approval shall be null and void if the said Plat is not recorded within ninety (90) days after the date of approval, unless application for an extension of time to so record is made in writing during said ninety (90) day period to the City Council and by it granted.

Section 5-2-9. - Principles and Standards.

The Tentative Plan of the subdivision shall conform to the following principles and standards of design:

(a) General: The subdivision plan shall conform to the principles and standards which are generally exhibited in the Official Plan.

(b) Streets.

(1) The street and alley layout shall conform to the Thoroughfare Plan for the development of the neighborhood in which the proposed subdivision is located and shall provide access to all lots and parcels of land within the subdivision. Where streets cross other streets, jogs shall not be created. The minimum distance between center lines of parallel or approximately parallel streets intersecting a cross street should be one hundred twenty (120) feet.

(2) Proposed streets should be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

(3) Certain proposed streets where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

(4) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted.

(5) The widths of streets shall conform to the width specified according to type of use in the Thoroughfare Plan, the minimum right-of-way width of residential streets being sixty (60) feet. All cul-de-sacs shall have a right-of-way width of fifty (50) feet and shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet. The length of cul-de-sacs should not exceed six hundred (600) feet.

(6) Alleys shall be discouraged in residential districts but should be included in commercial and industrial areas where needed for loading and unloading or access purposes and where platted, shall be at least twenty (20) feet in width.

(7) The center lines of streets should intersect as nearly at right angles as possible.

(8) At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.

(9) If the small angle of intersection of two (2) streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Board.

(10) Intersections of more than two (2) streets at one point shall be avoided.

(11) Whenever the proposed subdivision contains or is adjacent to a highway designated as a Limited Access Highway by the appropriate highway authorities, provision shall be made for a Marginal Access Street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway and such street.

(12) Unobstructed sign distances measured from a point five (5) feet above the proposed grade line, to permit horizontal visibility on all streets, must be established along the center line of such streets as follows:

(A) Limited Access Highways: To be determined by the Board but generally not less than five hundred (500) feet.

(B) Arterial Streets and Parkways: Six hundred (600) feet.

(C) Feeder and Residential Streets: Three hundred (300) feet.

(13) Curvature measured along the center line shall have a minimum radius as follows:

(A) Limited Access highways: One thousand (1,000) feet.

(B) Arterial Streets: Five hundred (500) feet.

(C) Parkways: Three hundred (300) feet.

(D) Feeder and Residential Streets: One hundred (100) feet.

(14) Between reversed curves on arterial streets a tangent of not less than one hundred (100) feet shall be provided.

(15) Maximum Grades.

(A) Arterial Streets, not greater than four percent (4%).

(B) Feeder and residential street, not greater than six percent (6%).

(C) The minimum grade of any street gutter shall not be less than three-tenths percent (.3%).

(c) Blocks. Blocks shall not exceed one thousand (1,000) feet in length.

(d) Lots:

(1) All lots shall abut on a street.

(2) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible but pointed or very irregular lots should be avoided.

(3) Double frontage lots should not be platted, except that where desired along Arterial, Limited Access Highways, or streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip for a screen at least twenty (20) feet in width shall be provided along the back of the lot.

(4) Lot Width and Area.

(A) Within the City the width and area of lots shall be not less than provided in the City Zoning Chapter for single-family dwelling for the district in which the subdivision is located, provided that in no case shall the width of the lot at the building setback line be less than fifty (50) feet and the area of the lot be less than six thousand five hundred (6,500) square feet.

(B) Outside of the City and within a radius of one and one-half (1 1/2) miles of the City limits, the width and area of lots shall not be less than provided in the City Zoning Chapter for single-family dwellings for the district in which the subdivision is located, or as hereinbelow set forth; whichever is greater:

(i) In subdivisions provided with sanitary sewers and public water supply systems: Width at Building Setback Line--sixty (60) feet; Area--seven thousand two hundred (7,200) square feet.

(ii) In subdivisions provided with either a sanitary sewer system, or a public water supply system: Width at Building Setback Line--seventy-five (75) feet; Area--ninety-six hundred (9,600) square feet.

(iii) In subdivisions provided with neither a sanitary sewer system nor a public water supply system.: Width at Building Setback Line--one hundred (100) feet; Area--fifteen thousand (15,000) square feet.

(iv) The depth-to-width ratio of the usable area of a lot shall be at a maximum of three (3.0) to one (1.0)

(v) Corner residential lots shall be wider than interior lots to permit appropriate setbacks from both streets.

(vi) Wherever possible, unit shopping center, based upon sound development standards should be designated in contrast to the platting of lots for unrestricted commercial uses.

(e) Easements: Where alleys are not provided, easements for utilities shall be provided. Such easements shall have a minimum width of twelve (12) feet and where located along lot line,

one-half (1/2) the width shall be taken from each lot. All utilities shall be placed underground. Before determining the location of easements, the plan shall be discussed with the local public utilities to assure proper location of easements for the installation of such services.

(f) Building Setback Lines. Such lines shall be established back of highway and street right-of-way lines as established by the Thoroughfare Plan, as follows:

(1) Along State or Federal Highways, a minimum distance of seventy-five (75) feet.

(2) Within the City, the minimum distance required by the City Zoning Chapter for residential use.

(3) Outside of the City, and within a radius of one and one-half (1 1/2) miles of the City limits, the minimum distance required by the City Zoning Chapter for that district.

(g) Variance: Where the subdivider can show that a provision of this Section would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Board, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the Board may recommend a variance. Any variance thus recommended is required to be entered in writing in the minutes of the Board and the reasoning on which the departure was justified shall be set forth. Procedures for application for such variance are set forth in the City Zoning Chapter.

Section 5-2-10. - Final Plat Standards.

The Final Plat of the subdivision shall conform to the following standards of improvements:

(a) Monuments:

(1) Shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument is level with the surface of the surrounding ground.

(2) Monuments shall be set:

(A) At the intersection of all lines forming angles in the boundary of the subdivision.

(B) One monument on northeast (NE) corner of each block where street right-of-way lines intersect.

(3) Monuments shall be of concrete or stone with a minimum diameter of six (6) inches and a minimum length of three (3) feet, and shall be marked on top either with an

iron or copper dowel set flush with the top of the monument or a cross scored deeply on top.

(4) Steel pipes, at least twenty-four (24) inches in length, shall be placed and set at each lot corner.

(b) Streets. Streets (and alleys where provided) shall be completed to grades shown on plans, profiles and cross sections prepared by the subdivider and approved by the Board and Council. The streets and alleys shall be graded, surfaced, and improved to the dimensions required by the cross sections and the work shall be performed in the manner prescribed by the Illinois Division of Highway Standard Specifications for road and bridge construction, adopted January 7, 1958, as amended. Prior to placing the street surface, adequate sub-surface drainage for the streets shall be provided by the subdivider. Upon the completion of the street and alley improvements, plans and profiles as built shall be filed with the Board.

(c) Driveway Entrances: Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, the type of surface to be the same as specified in this Chapter for streets. Where sidewalks are installed, the required driveway surfacing will end at the street side of the sidewalk.

(d) Sewers. In the event the City shall have a sewer system, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the City sanitary sewer system. If the Board determines that a sewer of larger size than is required to serve the subdivision is necessary to provide for the future development of the City, it may contract, on behalf of the City, to have the subdivider install the sewer of larger size at his expense, the subdivider to be reimbursed in an amount equal to his excess cost of the larger sewer. In the event no sewer system is available, the subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the State Board of Health, except that when such approved outlet is not available one of the following methods of sewage disposal shall be used:

(1) A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with minimum requirements of the State Board of Health.

(2) Private sewage disposal system on individual lots consisting of septic tank and tile absorption field or other approved sewage disposal system, when laid out in accordance with minimum standards of the State Board of Health. The plans for the installation of a sanitary sewer system shall be prepared by the subdivider and approved by the State Board of Health. Upon, the completion of the sanitary sewer installation, the plans for such system as built shall be filed with the Board. In this paragraph 5-2-10 D and the new paragraph 5-2-10 E the phrase “The subdivider shall provide” shall be interpreted to mean that the subdivder shall install the facility referred to, or, whenever a private sewage disposal system or an individual water supply is to be provided, that the subdivder shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these paragraphs shall be installed by the developer of the lots in accordance with these regulations.

The storm water drainage system shall be separate and independent of the sanitary sewer system.

(e) Water: Within the City the subdivder shall provide the subdivision with a complete water main supply system to be installed by the City in accordance with the requirement of the City Council, said water mains to be at least six (6) inches in diameter of cast iron. Outside of the City the subdivider shall provide the sub-division with a complete water main supply system, which shall be connected to the City system or a community water supply approved by the State Board of Health, except, that when the City or community water supply is not available, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with minimum requirement of the State Board of Health. If the subdivider installs a water main supply system which is connected with the City water supply system, in a subdivision located outside of the City, said water mains shall be at least six (6) inches in diameter, and subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the owners of such lot or parcel shall not object or demonstrate in any manner any future action of the City with respect to the annexation of such lot or parcel to the City. The plans for the installation of a water main supply system not connected with the City System, shall be prepared by the subdivider, and approved by the State Board of Health. Upon the completion of the water supply installation, the plans for such system as built shall be filed with said Council.

(f) Storm Drainage: The subdivider shall provide the subdivision with an adequate storm water system which shall be connected to an outlet approved by the Council, whenever curb and gutter is installed and when evidence available to the Council indicated that the natural surface drainage is inadequate. When the surface drainage is adequate easements for such surface drainage shall be provided.

(g) Curb and Gutter: Curb and gutter shall be installed on each side of the street surface. The curb and gutter shall of the construction type shown in Figure 1 and 2, and shall be constructed of Portland cement concrete, and shall be built separate from the street in all subdivisions.

Section 5-2-12 - Plat Certificates:

The following forms shall be used in Final Plats:

(a) UNDER AUTHORITY PROVIDED BY ILLINOIS COMPILED STATUTES, AND ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF OAKLAND, ILLINOIS, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF ZONING APPEALS AND PLANNING OF THE CITY OF OAKLAND, AS FOLLOWS:

Approved by the Board of Zoning Appeals and Planning at a meeting held this __day of _____, 20__

_____
Chairman

Attest:

_____
Secretary

(b) WHENEVER THE SUBDIVISION IS LOCATED WHOLLY OR IN PART OUTSIDE OF THE CITY, THE FOLLOWING CERTIFICATE IS ALSO REQUIRED:

UNDER AUTHORITY PROVIDED BY ILLINOIS COMPILED STATUTES, THIS PLAT WAS GIVEN APPROVAL BY THE BOARD OF SUPERVISORS OF COLES COUNTY, ILLINOIS, AT A MEETING HELD THIS _____ DAY OF _____, 20__.

County Board of Supervisors

_____
Chairman

Attest:

_____
County Clerk

(c) UNDER AUTHORITY PROVIDED BY ILLINOIS COMPILED STATUTES, AND ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF OAKLAND, ILLINOIS, THIS PLAT WAS GIVEN APPROVAL BY THE CITY OF OAKLAND, ILLINOIS, AS FOLLOWS:

Approved by City Council of the City of Oakland, Illinois, at a meeting held this __day of _____,20__

_____
Mayor

Attest:

_____
County Clerk

Said certificates to be included on the plat:

1. Certificate of the surveyor.
2. Certificate of the subdivider.
3. Notary of subdivider
4. Approval of Board of Zoning Appeals and Planning .
5. Approval by the City Council.
6. County Clerk's Certificate

(d) Each final plot submitted to the Board for approval shall carry a certificate signed by a surveyor in substantially the following form:

"I, (Name), hereby certify that I am a Land Surveyor in compliance with the laws of the State of Illinois; that this plat correctly represents a survey completed by me on (Date) ; that

all monuments shown thereon actually exist; and that their location, size, type, and material are accurately shown.

(Seal) (Signature)

(e) Each final plat submitted to the Board for approval shall carry a deed of dedication in proper form approved by the City Attorney.

Title 5

Chapter 3 - Regulating Placement and Use of Mobile Homes

Section 5-3-1. - Definitions.

MOBILE HOME: A structure designed for permanent habitation, dwelling place and sleeping place for one or more persons, and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from its place of construction or sale to the location at which it is intended to become a permanent habitation and single-family dwelling.

PERMANENT HABITATION: A period of two (2) or more consecutive months in a single location as a dwelling or sleeping place for one (1) or more persons.

MOBILE HOME PARK: A tract of land or two (2) or more contiguous tracts of land upon which contain sites with the necessary utilities for five or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park.

TRAVEL TRAILER: A trailer, not used commercially, designed to provide living quarters for recreational, camping or travel use, and of a size or weight not requiring an over-dimension permit when towed on a highway.

Section 5-3-2. It shall be unlawful to park, place or harbor any mobile home within the corporate limits of the City of Oakland unless that mobile home is located within a mobile home or trailer park that has been approved and licensed by the applicable laws of the State of Illinois, County of Coles, or the City of Oakland, unless such placement and maintenance is done in accordance with the conditions hereinafter set forth.

Section 5-3-3. It shall be unlawful to park, place or harbor any travel trailers for the purposes of permanent habitation within the corporate limits of the City of Oakland.

Section 5-3-4. A single unit or "double-wide" mobile home shall be permitted to be placed or located within the corporate limits of said City in those districts zoned Residential upon the following terms and conditions:

(a) No such mobile home unit shall be placed or located on any lot less than forty (40) feet in width and one hundred (100) feet in length and the Placement of such unit shall conform to all existing set-back lines whether established on the plat of the lot or by the general set-back line of the majority of the established buildings in the block.

(b) No such mobile home unit shall be placed or located on any such lot until the lot owner and unit owner shall apply for a proper building permit from the City of Oakland.

(c) Such application shall be in writing, signed by the lot owner and unit owner and shall be accompanied by a plat of the lot showing lot dimensions, the proposed placement of the unit on said lot, together with color photographs of the front, side and rear of the mobile home unit.

(d) Any such permit application shall also be accompanied by the written consent of not less than ninety percent (90%) of all property owners of lots or tracts of land lying within a radius of three hundred (300) feet of the proposed location.

(e) Any such application shall provide for the removal of all wheels and trailer tongues from the unit and the emplacement of the unit upon a permanent or semi-permanent foundation and anchored pursuant to the statutes of the State of Illinois.

(f) In addition, prior to placement or location, an adequate and proper sewer line connection must be made to the nearest City sanitary sewer, such connection to be approved by the proper employee of the City Water and Sewer Department.

(g) In addition, prior to final location, separate electric, gas and City water line services must be provided and connected with separate official meters, all services to be approved in writing by the proper utility officer or City official. No hook-ups to existing buildings will be allowed or permitted.

(h) In addition, such lot owners shall provide off-street parking for not less than one (1) automobile.

(i) No such mobile home unit shall be more than ten (10) years old when replacing or putting it on such lot for the first time.

(j) The size of any mobile home shall be no smaller than twelve feet (12') by sixty feet (60').

(k) Any person setting a mobile home unit in place must honor the setback lines and maintain the five-foot (5') property lines, and in addition must be ten feet (10') from any alley or roadway.

Section 5-3-5. Any mobile home existing on any tract of land within the corporate limits of the City not legally licensed as a mobile home park, or which has not met the requirements of this ordinance, shall be deemed a non-conforming use, and in the event it shall be moved, razed, destroyed or abandoned for two (2) consecutive months, shall not be re-occupied as a dwelling place, or no new or replacement mobile home shall be located on the same tract of land without full compliance with the requirements of this ordinance.

Section 5-3-6. It is the duty of the City Building inspector to determine whether any violation or violations of this ordinance or any part thereof exists at any time, and to report such violations in writing by date and year, to the Mayor and City Council for action.

Title 5

Chapter 4 - Regulating Development in Floodplain Areas

Section 5-4-1. - Purpose.

This ordinance is enacted pursuant to the police powers granted to this City by the Illinois Revised Statutes in order to accomplish the following purposes:

(a) To prevent unwise developments from increasing flood or drainage hazards to others.

(b) To protect new buildings and major improvements to buildings from flood damage.

(c) To protect human life and health from the hazards of flooding.

(d) To lessen the burden on the taxpayer for flood control, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations.

(e) To maintain property values and a stable tax base by minimizing the potential for creating flood blight areas.

(f) To make federally subsidized flood insurance available for the property in the City.

(g) To provide for the orderly growth and development of an environment that is especially sensitive to changes from human activity.

Section 5-4-2. - Definitions.

For the purposes of this ordinance:

SPECIAL FLOOD HAZARD AREAS: Those areas of the City delineated as such on the Flood Insurance Rate Map, effective December 7, 1984.

DEVELOPMENT: Erecting, replacing, or adding to buildings, structures, fences, walls, roads, or other facilities; storing materials, siting mobile homes, grading, paving, dredging, drilling, filling, excavation or dumping and any other man-made changes to improved or unimproved real estate.

REVIEWING AGENCY: The Coles County Regional Planning Commission, which shall cooperate with the City as specified in an Agreement which is hereby authorized in accordance with the Illinois Intergovernmental Cooperation Act.

Section 5-4-3. - Activities Prohibited.

Except as provided in sections 5-4-4 and 5-4-5 in this Code, no person, firm, or corporation shall undertake any development in the Special Flood Hazard Areas.

Section 5-4-4. - Activities Permitted.

The following activities are permitted within the Special Flood Hazard Areas:

(a) Maintenance activities that do not change the shape or dimensions of the facility of the ground.

(b) Gardening, plowing, and similar agricultural practices that do not involve filling or regrading the shape of the ground; and

(c) Construction of parking lots, roads, airport landing strips, tennis courts, golf courses, and similar facilities built at grade so there is no obstruction to flood flows and no buildings subject to flood damage.

Section 5-4-5. - Variances.

Persons aggrieved by the provisions of this Code may apply to the Board of Zoning Appeals for a variance. Plans for the proposed development shall be submitted to the Reviewing Agency. The Board of Zoning Appeals may grant a variance by resolution which shall state the legal description of the property, describe the development project to be undertaken, and list any and all conditions of the variance. The Board may grant a variance if the applicant can demonstrate all of the following:

(a) The project cannot be built outside of the Special Flood Hazard Areas.

(b) A substantial economic hardship would result if the variance was not granted.

(c) There will be no additional threat to public health and safety, creation of a nuisance, or additional public expense.

(d) The Reviewing Agency has reviewed the plans and states, in writing, that the project is in accordance with the "General Provisions" and "Criteria for Land Management and Use" of the National Flood Insurance Program (44 CFR 59 and 60, as reprinted by the Federal Emergency Management Agency, 1980).

(e) Any and all State or Federal permits identified as necessary by the Reviewing Agency have been obtained.

Section 5-4-6. - Records.

The City Clerk shall maintain on file the following documents:

(a) At least three copies of the Flood Hazard Boundary Map.

(b) At least three copies of the "General Provisions" and "Criteria for Land Management and Use" of the National Flood Insurance Program and related information provided by the Illinois Department of Transportation, Division of Water Resources.

(c) Copies of variance application papers and variance resolutions.

(d) Copies of elevation or floodproofing certificates, and such other documents the Reviewing Agency states are necessary to ensure that a project is constructed in compliance with a variance resolution. Copies of annual reports and other correspondence with the Federal Emergency Management Agency.

(Passed 10-31-83)

Title 5

Chapter 5 - Prohibiting Discrimination in Housing

Section 5-5-1. - Declaration of Policy.

It is declared to be the policy of the City in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, to prohibit discrimination in housing by any persons.

Section 5-5-2. - Definitions.

DISCRIMINATION OR DISCRIMINATORY HOUSING PRACTICE: Any difference in treatment based upon race, color, religion, sex, or national origin; or any act that is unlawful under this ordinance.

FINANCIAL INSTITUTION: Includes any person, as defined herein, engaged in the business of lending money or guaranteeing losses.

HOUSING ACCOMMODATION: Includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home or residence of one or more individuals.

MORTGAGE BROKER. An individual who is engaged in or who performs the business or services of a mortgage broker as the same as defined by Illinois Statutes.

OPEN MARKET: The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

OWNER: Includes a lessee, sublessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

PERSON: Includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

REAL ESTATE BROKER OR SALESMAN: A person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents, or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these.

REAL PROPERTY: Includes buildings, structures, lands, tenements, leaseholds, cooperatives, and condominiums.

Section 5-5-3. - Unlawful Practices.

In connection with any of the transactions set forth in this section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any housing accommodation, it shall be unlawful for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex, or place of birth; or

(b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

(c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, sex, or place of birth; or

(d) To refuse to negotiate for the sale, purchase, rental, or lease of any housing accommodation to a person because of race, color, religion, ancestry, national origin, sex, or place of birth; or

(e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation because of his race, color, religion, national origin, sex or place of birth; or

(f) Print, circulate, post, mail, publish or cause to be so published a written or oral statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which expresses any limitation founded upon, or indicates, directly or indirectly, an intent to engage in unlawful discrimination.

(g) To offer, solicit, accept or use a listing of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

(h) To induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, sex, national origin or place of

birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

(1) The lowering of property values in the area.

(2) An increase in criminal or antisocial behavior in this area.

(3) A decline in the quality of schools serving the area.

(i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing for any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the City for the purpose of including or attempting to induce any such listing or any of the above transactions; or

(j) To engage in, or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental, lease, or the listing for any of the above, of any housing accommodation; or

(k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this ordinance; or

(l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this ordinance; or to obstruct or prevent any person from complying with the provisions of this ordinance; or any order issued thereunder; or

(m) By canvassing, to commit any unlawful practices prohibited by this ordinance; or

(n) Otherwise to deny to, or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, sex, or place of birth; or

(o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, because of race, color, religion, sex or national origin of such person or of any other person associated with him in connection with such loan or other financial assistance or the purpose of such loan or other financial assistance or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; or

(p) To deny any qualified person access to a membership or participation in any multiple-living service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation on account of race, color, religion, sex or national origin.

Section 5-5-4. - Other Remedies.

Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled or from filing his or her complaint with any appropriate governmental agency.
(Passed 1-28-91)

Title 5

Chapter 6 - Prohibiting Encroachments Upon Right-Of-Way of F.A.P. Route 749 (Illinois Route 133)

Section 5-6-1 - Regulation.

It shall be unlawful and hereby is prohibited for any person or entity to place or cause to be placed, left, constructed, or built any structure, building, pole, sign or other object that in any way blocks, obstructs or encroaches upon the right-of-way of F.A.P. Route 749 (Illinois Route 133) at any point between the Western and Eastern corporate boundaries of said City wherein said Route lies.

Section 5-6-2. - Penalty.

Each day that the aforesaid violation occurs shall be deemed a separate violation of this ordinance. In addition, the City may and shall have cause for both temporary and permanent injunctive relief against any such violator.
(Passed 5-31-88)

Title 6 – Licensing Regulations

Chapter 1 - Regulating and Licensing of Itinerant Merchants and Transient Vendors
Chapter 2 - Regulating Gambling
Chapter 3 - Regulating and Licensing of Coin-Operated Amusement Devices
Chapter 4 - CATV System Adoption
Chapter 5 - Raffles

Title 6

Chapter 1 - Regulating and Licensing of Itinerant Merchants and Transient Vendors

Section 6-1-1. - Definitions.

Unless the context otherwise requires, the words and phrases used in this chapter are defined as follows:

ALCOHOL: The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the original thereof, and includes synthetic ethyl alcohol. The term “alcohol” does not include denatured alcohol or wood alcohol.

ALCOHOLIC LIQUOR: Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and containing an alcohol concentration of five-tenths of one percent (0.5%) or greater, and capable of being consumed as a beverage by a human being.

BEER: A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

BULK ALCOHOLIC LIQUOR: Includes beer sold in a keg or other container requiring a tapper or other mechanical devise for beverage removal and containing two (2) gallons of beer or more, or a quantity in excess of two (2) cases of “beer”, as defined in this section, to any one individual at any one time.

CLUB: A corporation organized under the laws of the state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such "club" files with the local liquor control commissioner at the time of its application for a license under this chapter two (2) copies of a lists of names and residences of its members, and similarly files, within ten (10) days of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary and other compensation, any profits from the distribution of sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the

members or by its board of directors or other governing body out of the general venue of the club.

CONVENIENCE STORE: Establishment or building or part thereof where the majority of sales are retail- including gas, milk, and other convenience items.

GOLF COURSE: A Public or private golf facility with at least nine (9) holes with outside areas within the City of Oakland, Illinois.

GROCERY STORE: A full serve market which sells all components of grocery and household needs to its customers, said products including, but not being limited to, produce, dairy products, eggs, canned goods, meat, frozen goods, household cleaners, paper products and breads. A convenience store which offers a limited availability of food items shall not be considered a "grocery store" for the purposes of this definition.

LICENSEE: Any person, corporation, partnership, or club holding a license under the terms and provisions of this chapter and includes the principal, proprietor, agent, servant, or employee of said licensee.

LOCAL LIQUOR CONTROL COMMISSIONER: The major of the City of Oakland, Illinois, a municipal corporation.

MINOR: Any person under the age of eighteen (18) years of age.

ORIGINAL PACKAGE: Any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

PERSON: Any individual, partnership, club or association not incorporated.

RESIDENT: Any person living in the City of Oakland, Illinois as his or her home, for a period of not less than one (1) calendar year.

RETAILER: A person who sells, or offers for sale, alcoholic liquor for use of consumption and not for resale in any form.

SALE: Any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, for a consideration and includes any means all sales made by any person, whether principal, proprietor, agent, servant or employee.

SELL AT RETAIL AND SALE AT RETAIL: Sales for use or consumption and not for resale in any form.

SPIRITS: Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whisky, gin, or other spirituous liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

TO SELL: Includes to keep or expose for sale and to keep with intent to sell.

WINE: Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of "alcohol" or "spirits", as defined in this section.

Section 6-1-2 - Local Liquor Control Officials:

(a) Local Liquor Control Commissioner:

(1) Mayor Serve As: The Mayor shall be the Local Liquor Control Commissioner and shall be charged with the administration in his jurisdiction of the provisions of this chapter, or any provision of this Code. However, the Mayor may appoint a person or persons to assist him in the exercise of the powers and performances of the duties herein provided for such local liquor control commissioner.

(2) Powers and Duties: The Local Liquor Control Commissioner shall have the following powers, functions, and duties with respect to licenses:

(A) Grant or Suspend Licenses; Impose Fines: To grant or suspend for not more than thirty (30) days or revoke for cause all licenses issued for premises within the CITY. The Local Liquor Control Commissioner may further, in addition thereof or in lieu thereof, levy a find or any licensee for violation of the provisions of this Code. Said fine and suspension shall not be less than Two Hundred Fifty Dollars ($250.00) and/or a minimum three (3) day suspension for the first offense within a twelve (12) month period; a minimum Five Hundred Dollar ($500.00) fine and/or a minimum seven (7) day suspension for a second violation within a twelve (12) month period; and a minimum One Thousand Dollar ($1,000.00) fine and/or a minimum thirty (30) day suspension for a third violation within a twelve (12) month period. Said "twelve (12) month period" shall be defined as beginning upon the date of the first violation for the purposes of imposition of a fine and/or suspension.

(B) Inspect Premises: To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this chapter have been or are being violated and at such time to examine said premises or said licensee in connection therewith.

(C) Receive Complaints: To receive complaint from any citizen within his jurisdiction that any of the provisions of this Code have been or are being violated and to act upon such complaints in the manner hereinafter provided.

(D) Collect Fees: To receive local license fees and pay the same forthwith to the comptroller.

(E) Call for Hearing Before Liquor Control Advisory Commission: Upon filing of an application, the Mayor may convene the Liquor Control Advisory Commission to conduct a hearing thereof before said commission. Notice of said hearing shall be given by publication in a newspaper having general circulation within the CITY not more than fifteen (15) days nor less than seven (7) days prior to the hearing date. Defects in the giving of such notices provided for in this subsection A.2.(e) shall not be grounds for challenge to any decision to issue or not to issue a liquor license. The City Clerk, upon receipt of an application for liquor license, shall send notice of such application to the building official, fire and police departments of the CITY and the Health Department of Coles County. Said departments shall inspect the premises or plans for premises sought to be licensed and report their findings to the Liquor Control Commissioner. If a hearing is convened to consider an application for a liquor license the Liquor Control Advisory Commission shall receive such evidence as it may deem necessary to make a factual determination that the application complies with the provisions of this chapter. An application or applications received for a given category or license, in addition to all other provisions of this chapter and Illinois State Statutes, shall be ranked or otherwise evaluated by the Liquor Control Commissioner in terms of the desirability based on the following criteria:

(i) Whether most of the establishment's anticipated gross revenue will be from the sale of alcohol or other sources.

(ii) The character and nature of the proposed establishment.

(iii) The general design, layout, and contents of the proposed establishment.

(iv) Whether the proposed establishment complies with the nature and intent of the category of license applied for.

(v) The location of the proposed establishment and the probable impact of a liquor establishment at the location upon the surrounding neighborhood or the City as a whole.

(vi) The probable demand for the proposed liquor establishment in the City.

(vii) The financial responsibility of the applicant.

(viii) Whether the applicant, or (if the applicant is a partnership or corporation) whether any partner, officer or director of the applicant has ever held a liquor license and his or her performance as a licensee.

(ix) The date of application for a license shall not be considered as a factor in the ranking of applications.

(x) Whether the applicant intends to furnish live entertainment in the establishment, and if so, the nature of such entertainment.

(xi) Whether a current City liquor license had been issued for the premises sought to be licensed in the application.

(xii) Whether the premises comply with all pertinent health, building, zoning, and fire safety Codes applicable within the City.

(F) Examination of License Applicant or Licensee: The Local Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined the books and records of any such applicant or licensee, and to hear testimony and take proof for his information in the performance of his duties. For the purpose of obtaining any of the information desired by the Local Liquor Control Commissioner under this subsection A.2.(f), he may authorize his agent to act in his behalf.

(b) Local Liquor Control Advisory Commission: There is hereby established a Local Liquor Control Advisory Commission. Said commission shall consist of three (3) members appointed by the Mayor. Said members shall serve for a period concurrent with the term of office of the Mayor. Vacancies shall be filled for the unexpired term only. The Mayor shall act as chairperson of said commission and may appoint vice chairpersons to serve in his absence.

Section 6-1-3. - License and Compliance Required; Failure to Obtain License.

(a) It shall be unlawful or any person, either by himself, herself, or agent, or any person acting as an agent, barkeeper, clerk or servant of another, to sell or offer for sale at retail any alcoholic liquor without first having obtained a license to do so as hereinafter provided, and it shall likewise be unlawful for any such person to sell or offer for sale any alcoholic liquor in violation of the terms and conditions of such license.

(b) Any individual who violates this chapter by the sale, or offers of sale, at retail any alcoholic liquor, without having first obtained a license shall be fined in an amount not to be less than Three Hundred Fifty Dollars ($350.00).

Section 6-1-4. - Ineligibility for License.

No license shall be issued to:

(a) A person not an actual resident of the City for more than one (1) year.

(b) A person not of legal age, or under any legal disability.

(c) A person who is not of good character and reputation in the community in which he resides.

(d) A person who is not a citizen of the United States.

(e) A person who has convicted of a felony under any federal law or under the laws of the state.

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

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

(h) A person, partnership, limited liability company, or corporation whose license issued under this chapter has been revoked for cause.

(i) A person, partnership, limited liability company, or corporation who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(j) A partnership, limited liability company, or corporation unless its place of business is conducted by a manager or agent and said manager or agent possesses the same qualifications required of a person licensed as a sole proprietor.

(k) A person whose place of business is conducted by a manager or agent, unless said manager or agent possesses the same qualifications required of a person licensed as a sole proprietor.

(l) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor after the effective date hereof, or shall have forfeited his bond by failure to appear in court to answer charges for any such violation.

(m) A person, partnership, limited liability company, or corporation who does not own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is to be issued.

(n) Any law enforcing public official, any mayor, or member of the City council or commission, and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

(o) Any person, partnership, limited liability company, or corporation not eligible for a state retail liquor dealer's license.

(p) Any person, partnership, limited liability company, or corporation whose principal business in the premises described in the application is the sale at retail or wholesale of dry goods.

(q) Any person, partnership, limited liability company, or corporation who fails to furnish or furnishes false information or who fails to make or falsely makes statements required in the application for license as set forth in this chapter.

(r) No person, individually or as a partner or shareholder in any corporation, shall own any interest in more than two (2) licenses issued hereunder.

Section 6-1-5. -Application for License

(a) Application for license shall be made in writing to the Local Liquor Control Commissioner, signed by the applicant, if any individual; by all parties, if a partnership; or by a duly authorized officer thereof, if a club or corporation; verified by affidavit, and shall be submitted and filed with the local liquor control commissioner at least fifteen (15) days prior to the issuance of any license, and shall contain the following information and statements.

1. The name, age and. address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; and in the case of a corporation, for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors; and if a majority in interest of the stock of such corporation is owned by one person or his nominees, the name and address of such person.

2. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time, and place of his naturalization.

3. The character of business of the applicant, and in case of a corporation, the objects for which it was formed.

4. The length of time that said applicant has been in business of that charter, or in the case of a corporation, the date on which its charter was issued.

5. The amount of goods, wares, and merchandise on hand at the time application is made.

6. The location and description of the premises or place of business which is to be operated under such license, and that the licensee owns said premises or has a lease thereon for the full term for which the license is requested. In the event the applicant has a lease for the premises, a photostatic copy of the lease shall be attached to the application.

7. Whether applicant has made similar application for a similar other license on premises other than described in this application and the disposition of such application.

8. That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, the laws of the state, or this Code.

9. Whether a previous license by any state, or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.

10. Length of time the applicant has resided in the CITY, prior to the submission of the application.

11. That the applicant will not violate any of the laws of the state or of the United States, or any ordinance of the CITY, in the conduct of his place of business.

12. That applicant will testify under oath to all competent, relevant and material questions propounded to him in any hearing conducted by the local liquor control commissioner or by his designated representative, either before or after the issuance of a license to him and that his failure to so testify shall be sufficient reason for the refusal to issue any such license to him or for the suspension or revocation of any license which has been issued to him.

13. Responses to all questions asked of applicant on forms provided by the CITY to the applicant.

14. A certified check in the sum of Fifty Dollars ($50.00) payable to the CITY as reimbursement to the CITY for the cost of processing the application, whether granted or not granted.

15. That the applicant shall be wholly responsible and shall prepay to the City Clerk any and all costs associated with criminal background checks actually paid to other law enforcement agencies. Said amount shall be prepaid and shall be set by the City Clerk based upon actual costs. Said costs shall not be reimbursable and shall be due and owing regardless of whether said license is granted or not granted.

(b) If the Local Liquor Control Commissioner finds that any change in the applicant's plan is necessary to comply with the requirements of CITY ordnance, or state liquor control requirements, the Local Liquor Control Commissioner may make such change a condition of the granting of a license, and the failure of the applicant at any time to adhere to or perform such condition shall be grounds for revocation of the applicant's license.

Section 6-1-6. - Bond Requirements.

Each person desiring a liquor license shall execute a penal bond in the sum of Two Thousand Dollars ($2,000.00) with a solvent surety company licensed to do business in the state, to be approved by the CITY attorney. Said bond shall be filed with the Mayor at the same time the application is presented and upon renewal of the application, and shall be conditioned upon the faithful observance by the licensee of the provisions of this chapter and the laws of the state and of the United States of America applying to the sale and possession of intoxicating liquor and shall be further conditioned upon the payment of any judgment for damages and costs that may be recovered against such license in accordance with 235 Illinois Compiled Statutes 5/6-21.

Section 6-1-7. - Issuance of License:

Subject to the limitations and restrictions herein set forth, and all other lawful limitations and restrictions, the Local Liquor Control Commissioner may, from time to time, grant licenses for the retail sale of alcoholic liquor to any resident, or any Illinois corporation qualified to receive such license, or any company, association or partnership where all of the members thereof are residents of the City; provided, however, that an application is made to him in writing; and, provided further, that any and all persons furnish sufficient evidence to satisfy the Local Liquor Control Commissioner that he or she or they are persons of good moral character, have never been convicted of a felony, and have never possessed a license to sell at retail alcoholic liquor that was revoked by either the City or state authorities.

Section 6-1-8. - Payment and Disposition of Fees.

(a) Payment: All license fees must be paid in one (1) installment. Said installment must be paid prior to the effective date of the liquor license.

(b) Disposition of Fees: All such fees shall be paid to the Local Liquor Control Commissioner at the time application is made and shall be forthwith turned over to the comptroller. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the general corporate fund or in such other fund as shall have been designated by the council by proper action thereof.

Section 6-1-9. - Term of License; Expiration; Renewals.

(a) Term: A license shall be purely personal privilege, good for not to exceed one (1) year after issuance unless soon revoked.

(b) Expiration of License: If such license expires, the holder must reapply for a new license as provided by this chapter.

(c) Renewal of License: Any license holder may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which renewal license is sought is suitable for such use. All applications for the renewal of a license shall be made in writing to the Mayor not later than December 15 of each year. If the information and statements contained in the original application have not changed, in lieu of an application for renewal, a licensee may file with the Mayor not later than December 16 of each year, an affidavit stating that such facts and statements have not changed.

Section 6-1-10. - Change of Location; Transfer of License.

(a) Change of Location: A license issued under the provisions of this chapter shall be good for a period not to exceed the end of the semiannual period of the calendar year next following its issuance, unless sooner revoked as herein provided, and shall permit the sale of alcoholic liquor only in the premises described in the application and license and only under the conditions and restrictions imposed in this chapter on the particular class of license described therein. The location described in the license and application may be changed only upon a written permit to make such a change issued by the Local Liquor Control Commissioner and only then if the proposed new location is a proper one for the retail sale of alcoholic liquor under the provisions of this chapter and the laws of the state.

(b) Transfer of License:

(1) A license issued under the provisions of this chapter shall not be subject to attachment, garnishment, or execution, nor shall it be subject to being hypothecated or encumbered. Such license shall not descend by the laws of testate or intestate devolution, but shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of the license, but no longer than six (6) months after the death, bankruptcy or insolvency of such licensee. Upon the death of a licensee, if the executor or administrator does not continue the business under such license, there shall be a refund made of that portion of the license fee paid for any period in which the executor or administrator may not operate.

(2) There shall be no refund of any license fee paid hereunder except as above provided, but any licensee hereunder shall have and be given the right to a renewal or reissue of such license at the same place upon compliance with the provisions of this chapter now in force, or which may hereafter be enacted, governing the issuance of such licenses, and such licensee may assign or convey the right to a renewal or reissue thereof to another person in accordance with the procedure hereinafter set forth, who, upon full compliance with the provisions of this chapter then in force in the CITY governing the issuance of such licenses, shall be entitled to a renewal or

reissue of such license in his, their, or its own name and which holder of a license, in turn, may assign or convey such right to renewal or reissue of such license upon the same terms and conditions as the original owner thereof could do hereunder; provided, however, that the privilege or renewal and reissue provided in this subsection shall apply only so long as the license in each case shall have been kept in force continually and uninterruptedly in the name of the licensee or his successor in interest, and nothing herein provided shall be deemed to restrict the right of the Local Liquor Control Commissioner to revoke any such license.

(3) All such assignments shall be in writing, signed by the licensee, and shall be filed with the Local Liquor Control Commissioner, who shall keep, or cause to be kept, a true and complete record of all such assignments. Upon the filing of any such assignment, the Local Liquor Control Commissioner shall endorse thereon the time of filing, and upon compliance by the assignee with all the laws then in force pertaining to the qualifications of an applicant for such license and the surrender of the old license for cancellation, there shall (unless the old license shall have been revoked and not thereafter restored) be issued to the assignee named in such assignment, a license for the same place as that specified in the old license, in lieu of the one so surrendered for the unexpired portion of the period covered by the license so surrendered; upon condition, however, that such new license shall be issued only upon the payment of a fee to the issuing officer of Ten Dollars ($10.00).

Section 6-1-11. - Classification of License; Fees.

All licenses shall be classified as follows:

(a) Class A. License: Class A licenses shall authorize the sale of alcoholic liquor at retail on the premises specified, for consumption off said premises. The annual fee for such license shall be One Thousand Two Hundred Dollars ($1,200.00).

(b) Class B. License: Class B licenses shall authorize the sale of alcoholic liquor by a "club", as defined in section 1. of this chapter, for consumption only on the premises where sold. A Class B license shall be issued only to a club. To obtain a club license, the applicant must have the qualifications as provided by the laws of the state and this Code relating to alcoholic liquor. The annual fee for such license shall be One Thousand Two Hundred Dollars ($1,200.00).

(c) Class C. License:

(1) Class C licenses shall authorize the sale of alcoholic liquor only for consumption off the premises. A "grocery store", as defined in section 1. of this chapter, may be allocated a Class C License, provided:

(A) All displays of alcoholic liquor shall be conducted in a partitioned area so as to be screened completely from view within the remainder of the store premises.

(B) One (1) entrance/exit with a maximum width of eight feet (8') is provided to the liquor display area for customer ingress/egress.

(C) That the privilege to sell alcoholic beverages granted pursuant to a Class C license to a "grocery store", as defined in section 1. of this chapter, shall be limited to the sale of beer and/or wine only.

(2) That Class C licenses shall authorize the distribution of alcoholic liquor for consumption on premises provided that said consumption on premises is limited to consumption of sample quantities only, said consumption being for the purposes of marketing and advertising certain alcoholic products on sale within said licensed establishment.

All other requirements and restrictions contained in this chapter shall be applicable.

(3) The annual fee for such license shall be One Thousand Two Hundred Dollars ($1,200.00).

(d) Class D License: Class D licenses shall authorize the sale of alcoholic liquor (beer and/or wine only) by a "golf course", as defined in section 1. of this chapter, for consumption only on the premises where sold. A Class D license shall be issued only to a golf course. To obtain a golf course license, the applicant must have the qualifications as provided by the laws of the state and this Code relating to alcoholic liquor. The annual fee for such license shall be One Thousand Two Hundred Dollars ($1,200.00).

Section 6-1-12. Number of Licenses.

(a) The total number of licenses issued and in force at any one time in any one year shall not exceed the following:

Class A — 1
Class B — 1
Class C — 1
Class D — 1

(b) The total number of licenses permitted by this section all be increased by action of the City Council.

Section 6-1-13. - Restrictions on and Conditions of License.

(a) Consumption on Premises: It shall be unlawful for anyone not having a valid liquor license to sell or offer to sell alcoholic liquor for consumption on the premises where sold or to permit the same to be consumed on the premises where sold.

(b) Posting License: Every licensee shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises.

(c) Change of Location; Expansion of Premises: a liquor license shall permit the sale of alcoholic beverages and sales as defined only on the premises described in the application and license. Such location may be changed or expanded in terms of the total floor area of building only upon written permit to make such change issued by the Mayor. No change in location may be made unless the proposed new location or expanded premises meets all applicable City and state requirements for the proposed occupancy of such premises.

(d) Curb Service Prohibited: No curb service for the sale of alcoholic liquor shall be carried on in connection with premises for which a license has been granted for the sale of alcoholic liquor for consumption upon the premises, either upon the public street or private property contiguous to such premises so licensed.

(e) Employee Health Standards: It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with or who is a carrier of any contagious, infections or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any such premises or to engage in any way in the handling, preparation or distribution of such liquor; provided, the commissioner of public safety may require such employee to submit to a physical examination, at the expense of the CITY, by a duly licensed physician named by such commissioner, if such commissioner suspect such employee of being afflicted as herein set forth.

(f) Gambling Prohibited: It shall be unlawful for any licensee to permit or allow anyone to play for money or other valuable thing any game with cards, dice or checks, or with any other article, instrument or thing whatsoever, which may be used for the purpose of playing or betting upon or winning or losing money, or any other thing or article of value or be bet on any game others may be playing, upon any premises licensed under this chapter; provided, however, that specific gambling and games of change including video gambling shall be authorized in a licensed premises provided that said gambling has previously been authorized by the State of Illinois in a licensed premises.

(g) Sales to Certain Persons Prohibited:

(1) No licensee or any officer, associate, member, representative, agent, or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or

in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of twenty-one (21) years except in the performance of a religious ceremony or service.

(2) Any person under the age of twenty-one (21) years, who violates this subsection shall be fined in an amount not less than Two Hundred Dollars ($200.00).

(3) It shall be an affirmative defense for any licensee, officer, associate, member, representative, agent or employee of such licensee and shall further negate the violation if it is found that the individual under the age of twenty-one (21) years used a fraudulent altered, defaced identification card or identification card of another individual to obtain the purchase of alcohol.

(4) Each licensee shall prominently display within the licensed premises a warning to the general public that the sale, gift, or delivery of alcoholic liquor to a person under the age of twenty-one (21) years is prohibited, and that any individual under the age of twenty-one (21) years who shall be found to be in possession of alcoholic liquor shall be fined an amount not less than Two Hundred Dollars ($200.00).

(h) Training Required: It shall be unlawful to sell or to offer for sale alcoholic liquor unless a minimum of one person is present who has successfully completed an alcohol training course as approved by the Liquor Control Commissioner. All original and renewal applications for all classes of liquor licenses shall be accompanied with proof of completion of the training for intervention procedures by servers of alcohol (TIPS) or beverage alcohol sellers and servers education and training (BASSET).

Section 6-1-14. - Hours of Sales:

(a) The sale of alcoholic beverages within the corporate City limits shall be limited to the following hours for all license holders:

Monday	6:00 a.m. until 12:00 a.m. Tuesday
Tuesday	6:00 a.m. until 12:00 a.m. Wednesday
Wednesday	6:00 a.m. until 12:00 a.m. Thursday
Thursday	6:00 a.m. until 12:00 a.m. Friday
Friday	6:00 a.m. until 12:00 a.m. Saturday
Saturday	6:00 a.m. until 12:00 a.m. Sunday
Sunday	12:00 p.m. (noon) until 6:00 p.m.

(b) The sale of alcoholic beverages by license holders shall be prohibited at all other times.

(c) It shall be unlawful to keep open for business or admit to any premises where alcoholic liquor is sold at retail during the hours for which the sale of liquor is prohibited; provided, however, that in the case of restaurants, clubs, grocery stores, hotels and

drugstores, such establishments may be kept open during such other hours, but no alcoholic liquor may be sold, served or consumed during such hours.

Section 6-1-15. - Location and Premises Requirements:

(a) Location Restrictions:

(1) No license shall be issued for the sale at retail or any alcoholic liquor within one hundred feet (100') of any church, school, home for aged or indigent persons or for veterans, their wives or children, or any military or naval station; provided, this prohibition shall not apply to hotels offering restaurant service, regular organized clubs or to restaurants, food shops or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempt shall have been established for such purposes prior to the effective date hereof.

(2) No person shall hereafter engage in the business as a retailer of any alcoholic liquor within one hundred feet (100') of any undertaking establishment or mortuary.

(3) Nothing herein contained shall be construed to permit the sale of alcoholic liquor in any place where the conduct of such business is prohibited under the terms and provisions of the CITY unified development code.

(b) Unobstructed View: In premises upon which the sale of alcoholic liquor for consumption upon the premises is licensed (other than as a restaurant, hotel, club or any bowling alley other than one situated on the first, or ground floor) no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such premises, which shall prevent a clear view into the interior of such licensed premises from the street, road or sidewalk at all times, and no booth, screen, partition, or other obstruction, nor any arrangement of lights or lighting, shall be permitted in or about the interior or such licensed premises which shall prevent a full view of the entire interior of such premises from the street, road or sidewalk, and said premises must be so located that there shall be a full view of the entire interior of such premises from the street, road or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural light or artificial white light so that all parts of the interior of the premises shall be clearly visible. In case the view into any such licensed premises required by the provisions of this subsection shall be willfully obscured by the licensee or by him willfully suffered to be obscured or in any manner obstructed, then such license shall be subject to revocation in the manner provided in this chapter. In order to enforce the provisions of this subsection, the Local Liquor Control Commissioner shall have the right to require the filing with him of plans, drawings and photographs showing the clearance of the view as above required.

(c) Sanitary Premises: All premises used for the retail sale of alcoholic liquor or for the storage of such alcoholic liquor for such sale shall be kept in a clean and sanitary condition, and

shall be kept in full compliance with the provisions regulating the condition of the premises used for the storage or sale of food for human consumption.

Section 6-1-16. - Underage Persons:

(a) Frequenting Licensed Premises:

(1) Definition: For the purposes of this subsection, "frequenting" shall be defined as an individual being located within a licensed premises.

(2) Prohibition; Exceptions: It shall be unlawful for any licensee to permit or allow any person under the age of twenty-one (21) years to frequent any premises licensed under the provisions of this chapter, and it shall be further unlawful for any individual under the age of twenty-one (21) years of age to frequent any premises licensed under the provisions of this chapter, with the following exceptions:

(A) Individuals under the age of twenty-one (21) years may frequent the dining rooms(s) or restaurant of any licensed establishments, provided said individual is in the establishment to purchase prepared food within the dining room(s) or restaurant area of such establishment.

(B) Individuals under the age of twenty-one (21) years may frequent licensed establishments for the purpose of special events wherein the licensed premises, or a portion thereof, are being used for the purposes of a "special event", and general access to said portion or the premises is denied to the general public; and further provided, that said individual or individuals under the age of twenty-one (21) years are with a parent or legal guardian.

(C) Individuals under the age of twenty-one (21) years may frequent designated portions of the licensed premises; provided, that said designated portion of the licensed premises serves no alcoholic beverages nor allows consumption of any alcoholic beverages in said portion of that premises during time of occupation by persons under the age of twenty-one (21) years; and further provided, that said portion of the licensed premises be segregated by physical barricades from any portion or portions of the premises which serves alcoholic beverages during times of frequenting by individuals under the age of twenty-one (21) years.

(D) Employees of the establishment who are eighteen (18) years of age or older and are in compliance with subsection B of this section.

(3) Penalty: Any individual under the age of twenty-one (21) years found in violation of this subsection shall be fined in the amount not to be less than One Hundred Dollars ($100.00).

(4) Affirmative Defense: It shall be an affirmative defense for any licensee, officer, associate, member, representative, agent or employee of such licensee, and shall further negate the violation, if it is found that the individual under the age of twenty-one (21) years used a fraudulent, altered, defaced identification card or identification card of another individual to gain entry into said licensed establishment, and if it is found that said reliance by the licensee, officer, associate, member, representative, agent or employee was responsible.

(5) Warning Posted: All licensees shall prominently post a warning to the general public that it shall be a violation of City ordinance for any individual under the age of twenty-one (21) years of age to be physically present within a licensed liquor establishment, unless said liquor establishment has a dining or restaurant area separated by a permanent wall from any bar area, lounge or place of dispensing alcoholic beverages, and said minor is either in the company of an adult or is allowed only to purchase prepared food within said dining room or restaurant area or establishment. Said warning prominently displayed shall also include that any individual found in violation of this subsection shall be fined an amount not less than One Hundred Dollars ($100.00).

(b) Employment of Persons Under Twenty-One (21) Years of Age:

(1) It shall be unlawful for any licensee to permit or to employ any person under the age of twenty-one (21) years of age to serve alcoholic liquor, except however, individuals eighteen (18) years of age and older may deliver alcoholic beverages when said alcoholic beverages have been delivered to him or her by a bar person twenty-one (21) years of age or older in the containers to be consumed by the consumer. The individual eighteen (18) years of age but less than twenty-one (21) years may then deliver said alcoholic beverages to the patron and receive the money for the alcoholic liquor from the consumer.

(2) It shall be unlawful for any licensee to employ or permit any person under the age of eighteen (18) to act as his agent, clerk, servant, employee or entertainer in or about any premises offering alcoholic liquor for sale.

(c) Misrepresentation of Age: It shall be unlawful for any person to misrepresent his or her age for the purpose of buying, accepting, or receiving alcoholic liquor from a licensee.

(d) Purchase or Acceptance of Gifts:

(1) It shall be unlawful for any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age, to purchase or accept a gift of alcoholic liquor. Any individual found to be in violation of this subsection D.1. shall be fined an amount not less than Two Hundred Dollars ($200.00).

(2) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or accept a gift of alcoholic liquor or have alcoholic liquor in

his possession. Any person found in violation of this subsection D.2. shall be fined in an amount not to be less than Two Hundred Dollars ($200.00).

(3) If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of alcoholic liquor is prohibitive because of the nonage of the prospective recipient, he shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

(e) False Identification:

(1) No person shall transfer, alter, or deface an identification card; use the identification card or another; carry or use a false or forged identification card; or obtain an identification card by means of false information.

(2) No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this subsection. Whoever violates any provisions of this subsection shall be punished by a fine of not less than Three Hundred Dollars ($300.00).

Section 6-1-17. - Bulk Sales.

It shall be unlawful to purchase, sell, transfer, give or offer for sale at retail "bulk alcoholic liquor", as defined in section 1. of this chapter, after the hour of ten thirty o'clock (10:30) P.M. on any day. There shall be imposed for a violation of this section a minimum fine of One Hundred Dollars ($100.00).

Section 6-1-18. Offenses by General Public.

(a) Peddling Liquor: It shall be unlawful to peddle alcoholic liquor within the corporate limits of the City.

(b) Possession in Motor Vehicle: No person shall transport, carry, possess, or have any alcoholic liquor in or upon or about any motor vehicle except in the original package and with the seal unbroken.

(c) Possession in Public: It shall be unlawful for any person to carry or possess any alcoholic liquor, other than in the original package with the seal unbroken, on any public street, parkway, alley, park, public or private school grounds, parking lot of any commercial establishment, or on the premises of any commercial establishment other than one licensed pursuant to the provisions of this chapter, or any other place that is accessible to the general public.

Section 6-1-19. Revocation or Suspension of License; Fine Imposed:

(a) Authority: The Local Liquor Control Commissioner may revoke or suspend any license for the sale of alcoholic liquor at retail or, at his sole discretion, he may impose a fine for the violation of any of the provisions of this chapter or for any violation of any state law pertaining to the sale of alcoholic liquor. Such revocation or suspension or fine may be in addition to a fine or penalty imposed for the violation.

(b) Hearing: No license shall be revoked or suspended and no licensee shall be fined, except after a public hearing held by the Local Liquor Control Commissioner, with a three (3) day written notice to the licensee, affording the licensee an opportunity to appear and defend. All hearings and proceedings shall be conducted in accordance with the Illinois Dram Shop Act. A record of said proceedings shall be made. The Local Liquor Control Commissioner shall, within five (5) days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee shall be fined, give the reason or reasons for such determination in a written order. The order shall set forth either the amount of the fine, period of suspension or that the license has been revoked. The commissioner shall, within five (5) days, serve a copy of said order upon the licensee.

(c) Appeals: The licensee or other interested party shall have such rights of appeal to the State Liquor Control Commission as are provided for by the Illinois Dram Shop Act. Review by the State Liquor Control Commission shall be limited to a review of the official record from the local proceedings. Upon appeal, the Local Liquor Control Commissioner shall file a certified copy of the local record, including all exhibits, within five (5) days after notice of such appeal, and only evidence from the record shall be considered on appeal by the State Liquor Control Commissioner.

Section 6-1-20. - Effective Date.

This Ordinance shall take effect and be in full force immediately.

Section 6-1-21. - Printing Error.

If there is an error in printing, the publishing requirement of this Ordinance shall be accomplished by reprinting that portion of the Ordinance which was in error within thirty (30) days after passage is validated.

Title 6

Chapter 2 - Regulating Gambling

Section 6-2-1. - A person commits gambling when he:

(a) Plays a game of chance or skill for money or other thing of value; or

(b) Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election; or

(c) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device; or

(d) Contracts to have or give himself or another the option to buy or sell or contract to buy or sell at a future time, any grain or other commodity whatsoever or any stock or security of any company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled not by the receipt or delivery of such property, but by the payment only of a difference in prices thereof; or

(e) Uses or keeps any book, instrument, or apparatus for the purpose of recording or registering bets or wages or holds any funds which have been bet or wagered; or

(f) All pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election; or

(g) Sets up or promotes any lottery or sells, offers to sell, or transfer any ticket or share for any lottery; or

(h) Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket or other similar device; or

(i) Knowingly drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games and raffles authorized by and conducted-in accordance with the laws of Illinois; or

(j) Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state; or

(k) Knowingly transmits information to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this

subdivision K. prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

Section 6-2-2. - Participants in any of the following activities shall not be convicted of gambling:

(a) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance; and

(b) Offers of prizes, awards, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in such contest; and

(c) Pari-mutuel betting as authorized by the law of this State; and

(d) The game commonly known as "bingo," when conducted in accordance with the "Bingo License and Tax Act"; and

(e) Lotteries when conducted by the State of Illinois in accordance with the "Illinois Lottery Law"; and

(f) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this subparagraph F., an antique slot machine is one manufactured twenty-five (25) years ago or earlier; and

(g) Raffles when conducted in accordance with "An Act to provide for licensing and regulating certain games of chance"; and

(h) Charitable games when conducted in accordance with the "Charitable Games Act."

Section 6-2-3. - Penalties.

Conviction of a Section 6-2-1 A through K or any one of said subsections is a Class A misdemeanor and is subject to the fine and/or imprisonment as is set forth for such crimes under the Illinois Compiled Statutes.

Section 6-2-4. - Circumstantial Evidence.

Circumstantial evidence shall have the same validity and weight in prosecutions under this ordinance as in any other criminal prosecution.

(Passed 8-27-90)

Title 6

Chapter 3 – Regulating and Licensing of Coin-Operated Amusement Devices

Section 6-3-1. - Definitions.

Coin-operated amusement device operated or operable by insertion of coins, tokens, chips, or similar objects, which returns to the player thereof no money or property or right to receive money or property.

Section 6-3-2. - License Required.

No person, firm or corporation shall place or install, maintain or operate for use by the public and for which a fee is charged, any coin-operated amusement device without first having obtained a license for such device or devices.

Section 6-3-3. – Application.

Any person, firm or corporation desiring to operate a coin-operated amusement device within the boundaries of the City shall make application to the City Clerk, said application to show the following information, and such additional information as the City Clerk shall request:

(a) Name of applicant.

(b) Address of applicant.

(c) Residential telephone number, and business telephone number where the coin-operated amusement device will be located.

(d) Location and character of the building or place where such coin-operated amusement device is to be located, maintained, or operated.

(e) Description of the type of device for which the license is being sought and serial number of device.

(f) Hours during which the device will be in operation.

(g) Has application been made to State of Illinois, Office of Department of Revenue, for annual privilege tax license? Approved on

(h) Date of application.

A separate application and license shall be required for each coin-operated amusement device placed in operation.

Section 6-3-4. - License Fee.

(a) The fee for a license to possess a coin-operated amusement device in a public place of business in the corporate limits of the City shall be twenty-five dollars ($25.00) per year per device.

(b) All license fees shall be due and payable upon May 1 of each year, provided that no license fee shall be required for the expired portion of the license year at the time such license is applied for.

(c) The requirements and procedures for granting and issuing a license renewal shall be the same as the requirements and procedures for granting and issuing a new license.

(d) Nothing in this section shall be construed as licensing the use of any coin-operated amusement device for any purpose in violation of any of the laws of the State of Illinois or ordinances of the City.

Section 6-3-5. - Approval of Application.

The Mayor shall determine that the application is satisfactory and shall approve the application by his signature thereon. The license shall be signed by the Mayor, attested by the City Clerk, and issued to the licensee. The license, as issued, shall be prominently displayed in a plainly visible area of the premises in which the coin-operated amusement device is located.

Section 6-3-6. - Disapproval of Application.

If the Mayor shall determine that granting the requested license would not be in the best interests of the City, he shall disapprove the application. His disapproval shall be in writing and shall specifically state the reasons for disapproval and shall be attached to the application. The City Clerk shall mail a copy of the Mayor's written disapproval to the applicant.

Section 6-3-7. - Licenses Not Assignable.

No license issued hereunder shall be assigned, sold, loaned, transferred, used as collateral, or otherwise encumbered. No person, firm or corporation shall use or display any licenses, tag, badge, or sticker that has been improperly acquired. No person, firm or corporation shall alter, deface, forge, or counterfeit any license issued hereunder.

Section 6-3-8. - Lawful Premises:

No license shall be issued for the operation of any coin-operated amusement device if the building within which it is to be used does not fully comply with all applicable ordinances and regulations of the City and the State of Illinois.

Section 6-3-9. - Location of Device.

No license issued hereunder shall be construed to permit operation of a coin-operated amusement device at any location other than that stated in the application. The location of any licensed coin-operated amusement device may be changed, provided that the office of the City Clerk shall be given at least thirty (30) days prior written notice of such intended change in location. If the Mayor shall determine, prior to the expiration of said thirty (30) day period, that the proposed new location conforms with all applicable ordinances and regulations of the City and the State of Illinois, then he shall approve the change in location. If the Mayor shall determine, prior to the expiration of said thirty (30) day period that the proposed new location does not conform with any and all applicable ordinances and regulations of the City and of the State of Illinois, then he or she shall, within said thirty (30) day period, notify the applicant, in writing, of disapproval of the proposed change in location.

Section 6-3-10. – Inspection.

The Mayor, or his delegate, may inspect the coin-operated amusement device licensed hereunder, and the building in which it is located, at any time during normal business hours, for the purpose of determining whether the licensee is in compliance with the provisions of this ordinance and the provisions of any ordinance or regulation of the City and of the State of Illinois. It shall be the duty of the licensee, or the person in charge of the building, to admit hereto the Mayor or his delegate, for the purpose of making inspections in accordance with this ordinance.

Section 6-3-11. - Revocation of License.

Any license issued under this section may be revoked by the Mayor or by the Council whenever in the judgment of either the public welfare requires such revocation, or when any mechanical amusement device is used in violation of the laws of the State of Illinois or the ordinances of the City.

(Passed 2-25-91)

Title 6

Chapter 4 - CATV System Adoption

Section 6-4-1. – Purpose.

(a) To ratify and affirm: (i) the construction, operation and maintenance of a CATV System in the City of Oakland, Illinois ("Grantor"), by Illini Cablevision of Illinois, Inc. ("Illini" or "Grantee"), and (ii) the grant of a Franchise by the Grantor to Illini to construct, operate and maintain a CATV System in the City of Oakland pursuant to Ordinance No. 95-0-12 (the "Enabling Ordinance").

(b) Approve the transfer of control of the Illini Franchise from Illinet Communications of Central Illinois, L.L.C. ("Transferor") to Mediacom Illinois LLC ("Mediacom").

Section 6-4-2. – Definitions.

Any capitalized terms used in this Ordinance that are not defined in this Ordinance shall have the meanings as contained in the Enabling Ordinance.

Sections 6-4-3. - Franchise Grant.

Grantor hereby ratifies and affirms the grant of a Franchise to Grantee under the provisions of the Granting Ordinance, including, but not limited to Section 4(B), to permit constructing, operating and maintaining a Cable System in the City of Oakland, Illinois, pursuant to the provisions of the Enabling Ordinance.

Section 6-4-4. - Franchise in Effect.

At the time of the enactment of this Ordinance:

(a) the Franchise was properly granted or transferred to Grantee;

(b) the Franchise is currently in full force and effect, and will expire on August 2, 2010, subject to options in the Franchise, if any, to extend such term;

(c) Grantee properly and timely accepted the grant of the Franchise on August 3, 1995;

(d) the Franchise supersedes all other agreements between the parties;

(e) the Franchise represents the entire understanding of the parties and the Grantee has no obligations to the Grantor other than those specifically stated in the Franchise; and

(f) Grantee is materially in compliance with the provisions of the Franchise and Ordinance No. 95-0-12 and there exists no fact or circumstance known to the Grantor which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or would allow the Grantor to cancel or terminate the rights thereunder.

Section 6-4-5. - Consent to Transfer and Change of Control.

Transferor may transfer control of the Illini Franchise to Mediacom. Grantee may transfer the Franchise or control related thereto to Mediacom or to any entity controlling, controlled by, or under common control with Mediacom. Grantor acknowledges that any such transfer or change in control does not trigger any right it may have to exercise any first purchase right or other right to acquire the system. Grantor shall release Transferor, effective upon the closing of the proposed transaction ("Closing Date") from all obligations and liabilities under the Franchise that accrue on and after the Closing Date; provided that Grantee shall be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.

Section 6-4-6. - Hypothecation Consent.

Grantor consents to and approves the assignment, mortgage, pledge, hypothecation, or other encumbrance by Mediacom, if any, of the Franchise, the System, or assets relating thereto, as collateral for a loan.

Section 6-4-7. - Public Stock Trading.

Absent changes in actual working control of Mediacom or its parent, purchases and sales of stock on a public exchange will not constitute a transfer or change in control of the Franchise that requires the consent of Grantor.

Section 6-4-8. - Binding Effect.

This Ordinance shall have the force of a continuing agreement with Mediacom, and the Grantor shall not amend or otherwise alter this Ordinance. Further, the Enabling Ordinance shall also have the force of a continuing agreement with Mediacom and if Grantor amends or otherwise alters the Enabling Ordinance or adopts any additional cable television ordinances, neither the provisions of the amendment of the Enabling Ordinance nor the new ordinances shall apply to Mediacom or its successors and assigns during the remaining term of this Franchise without the express written consent of Mediacom.

Title 6

Chapter 5 – Raffles

Section 6-5-1. - Title.

This Ordinance shall be known and cited as the Raffles Ordinance of the City of Oakland, Illinois.

Section 6-5-2. - Definitions.

CHARITABLE ORGANIZATION: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer benefit on the public.

EDUCATIONAL ORGANIZATION: An organization or institution organized and operated to provide systematic institution and useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools.

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

LABOR ORGANIZATION: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

NONPROFIT ORGANIZATION: 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.

RAFFLE: A form of lottery, as defined in section 28-2(b) of the "Criminal Code of 1961", conducted by an organization licensed under this Ordinance, in which:

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

(b) 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 conducted or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest. This includes Longaberger Bingo.

RELIGIOUS ORGANIZATION: Any church, congregation, society, or organization founded for the purpose of religious worship.
VETERANS ORGANIZATIONS: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

Section 6-5-3. - Licensing Provisions.

(a) Licenses Required: No person shall conduct raffles or chances without first having obtained a license therefor pursuant to this Ordinance.

The fee for a license issued under this Ordinance shall be Ten Dollars ($10.00).

(b) Licenses Issued by Clerk: The City Clerk shall issue a license to permit the conduct of raffles to any bona fide nonprofit, charitable, educational, religious, fraternal, veterans or labor organization. Said license shall be issued only upon written application signed by the president or secretary or other high officer of the organization applying for the license.

(c) Content of Application and License: The license and application for license must specify the area or areas within the City 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 winning chances and the location or locations at which winning chances will be determined.

(d) Licensee to be an Organization: Licensees must be organizations as previously defined in this Ordinance and must be organizations which have been in existence continuously for a period of not less than Five (5) years immediately prior to making application for a license under this Ordinance.

Section 6-5-4. - Licensing Prohibitions.

(a) Any person who has been convicted of a felony.

(b) Any person who is or has been a professional gambler or gambling promoter.

(c) Any person who is not of good moral character.

(d) Any firm or corporation in which a person defined in subsections A, B or C herein has a proprietary, equitable or credit interest, or in which such a person is active or employed.

(e) Any organization in which a person defined in subsections A, B, or C herein is an officer, director, or employee, whether compensated or not.

(f) Any organization in which a person defined in subsection A, B or C herein is to participate in the management or operation of a raffle as defined in this Ordinance.

Section 6-5-5. - Conduct of Raffles.

(a) General Rules: The conduct of raffles is subject to the following restrictions:

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

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

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

(4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Ordinance.

(5) 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.

(6) No person under the age of eighteen (18) years may participate in the conducting of the raffles or chances. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his parents or guardian.

(b) Records to be Kept:

(1) Each organization licensed to conduct raffles and chances 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 item or service or other reason for the deduction, and the recipient. The distribution of the net proceeds shall be itemized as to payee, purpose, amount, and date of payment.

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

(3) The licensee shall report promptly after the conclusion of each raffle to its membership, and to the City, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this Ordinance.

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

(c) Limitations on Value of Merchandise: The following limitations shall apply to all licenses:

(1) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed One Hundred Thousand Dollars ($100,000.00).

(2) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed One Hundred Thousand Dollars ($100,000.00).

(3) The maximum price which may be charged for each raffle chance issued or sold shall not exceed One Hundred Dollars ($100.00).

(4) The maximum number of days during which chances may be issued or sold for any one raffle shall not exceed one hundred eighty (180) days.

(5) Each license shall be valid for only one (1) raffle.

Section 6-5-6. – Penalty.

Any person guilty of any violation under this Ordinance shall be fined not less than One Dollar ($1.00) and not more than Five Hundred Dollars ($500.00) for each violation.

Section 6-5-7. - Effective Date.

This Ordinance shall take effect upon passage by the City Council.

AMENDED BY ORDINANCE 05-O-2 ON APRIL 7TH, 2005.

Title 7 – Public Ways and Property

Chapter 1 - Public Rights of Way
Chapter 2 - Municipal Parks
Chapter 3 - Regulating the Use of Lake Oakland
Chapter 4 - Moving Buildings

Title 7

Chapter 1 – Public Rights of Way

Section 7-1-1. – Encroachments.

(a) Definitions:

CONSTRUCTION EASEMENT AREA: That area lying between the project right of way limits and the platted street limits within which the City, by concurrence and the establishment of the project right of way lines, will permit the state or other governmental entity or contractor to enter to perform all necessary construction operations and shall specifically include "project right of way" which is defined as those areas within the project right of way lines established jointly by the City and state and the federal highway administration which will be free of encroachments except as defined herein.

ENCROACHMENT: Any building, fence, sign (permanent or temporary), 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 right of way.

PERMISSIBLE ENCROACHMENT: Any existing awning, marquee, advertising sign, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and safe flow of traffic on the highway; the permissible retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the right of way line and not confined by adjacent buildings.

RIGHT OF WAY: Those areas existing or acquired by dedication or by fee simple for highway or roadway purposes; also, the areas acquired by temporary easement during the time of the easement.

(b) Encroachments Prohibited; Exceptions: It shall be unlawful and a violation of this section for any person to erect or cause to be erected, to retain or cause to be retained, any encroachment, except a "permissible encroachment", as defined in subsection A of this section, on rights of way located within the corporate limits of the City.

(c) Penalty: Any person violating any provisions of this section shall be punishable as provided in section 1-4-1 of this Code.

Section 7-1-2. – Sidewalk Access Ramps for Persons with Disabilities.

(a) When vehicular traffic turning movements are in the direction of the applicable corner, sidewalk access ramps shall be constructed in accordance with standard 2356 of the Illinois department of transportation publication "Highway Standards", as amended, three (3) copies

of which said standards have been, for more than thirty (30) days prior to the adoption of the ordinance imposing the requirement of this section, and remain, on file and available for public inspection in the office of the City clerk.

(b) When vehicular traffic turning movements are not in the direction of the applicable corner, standard 2566, type B ramp, of the Illinois department of transportation publication, "Highway Standards", as amended, three (3) copies of which said standards have been, for more than thirty (30) days prior to the adoption of the ordinance imposing the requirement of this section, and remain, on file and available for public inspection in the office of the City clerk, may be modified such that the entire curb area along the street or roadway and within or along the ramp proper may be eliminated in part or in whole.

Section 7-1-3. – Requirement of Permit to work on City Right of Way.

(a) Prior to any individual or entity other than the City of Oakland, or its agents, performing any work upon City right of way, said individual or entity must first obtain an application and receive permission by the City of Oakland to perform such work on City right of way.

(b) The application shall be maintained by the Superintendent of public works and shall require such information as said office deems necessary.

(c) Any individual desiring to obtain a permit to work on City right of way must apply for said permit and receive written notification to proceed at least forty-eight (48) hours prior to commencing said project. Said project must be completed within thirty (30) days of the date said permit is approved. Prior to obtaining a permit to work on City right of way, the applicant must meet the following criteria:

(1) The applicant represents all parties in interest and shall furnish material, do all work, pay all costs, and shall in a reasonable length of time restore the damaged portions of right of way to a condition similar or equal to that existing before the commencement of the described work, including any seeding or sodding necessary.

(2) The proposed work shall be located and constructed to the satisfaction of the director of public works, plumbing inspector, or their duly authorized representative. No revisions or additions shall be made to the proposed work on the right of way without the written permission of the Superintendent of public works or his duly authorized representative.

(3) The applicant shall at all times conduct the work in such a manner as to minimize hazards to vehicular and pedestrian traffic. Traffic controls and work site protection shall be in accordance with the applicable requirements of Illinois department of transportation standards for traffic control and the "Manual of Uniform Traffic Control Devices". All signs, barricades, flaggers, etc., required for traffic control shall be furnished by the applicant. The work may be done on any day except Sunday, and

all scheduled holidays of the City of Oakland as posted and published on an annual basis. Work shall be done only during daylight hours.

(4) The work performed by the applicant shall be for the bona fide purpose expressed and not for the purpose of, nor shall it result in, the parking or servicing of vehicles on the City right of way. Signs located on or overhanging the right of way shall be prohibited.

(5) The applicant, his successors or assigns, agrees to hold harmless the City of Oakland and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit. All work performed on City right of way shall comply with minimum OSHA standards for work safety.

(6) The applicant shall not trim, cut or in any way disturb any trees or shrubbery along the City right of way without the approval of the Superintendent of public works or his duly authorized representative.

(7) The permit applicant or owner of the improvement on City right of way shall be responsible for the maintenance of the improvement on City right of way. The City of Oakland reserves the right to make such changes, additions, repairs and relocations within its statutory limits to the facilities constructed under this permit or any such appurtenances to said facilities on the right of way as may at any time be considered necessary to permit the relocation, reconstruction, widening or maintaining of the City right of way and/or provide proper protection to life and property on or adjacent to the City right of way.

In the event this permit is granted to construct, locate, operate and/or maintain utility facilities on the City right of way, the applicant, upon written request by the City of Oakland, shall perform such alterations or change of location of said facilities, without expense to the City of Oakland. Should the applicant fail to make satisfactory arrangements to comply with this request within a reasonable time, the City reserves the right to make such alterations, to change the location, or to remove the work, and the applicant agrees to pay for the cost incurred.

(8) This permit is effective only if the City of Oakland has jurisdiction and does not presume to release the applicant from compliance with the provisions of any existing statutes or local regulations relating to the construction of such work.

(9) The construction of access driveways is subject to approval of the superintendent of public works, the regulations listed in this Code, and the "Policy on Permits for Access Driveways to State Highways". Any reference to the state of Illinois or Illinois department of transportation in this document shall be interpreted to reference the City of Oakland. Any deviation from this document shall be obtained in writing from the superintendent of public works prior to implementation. If, in the future, the land use of property served by an access driveway described and constructed in

accordance with this permit changes so as to require a higher driveway type as defined in that policy or by this Code, the owner shall apply for a new permit and bear the costs for such revisions as may be required to conform to the regulations specified in these documents.

(10) Utility installations shall be subject to approval of the superintendent of public works and shall conform to this Code and the "Policy on The Accommodation of Utilities on Right of Way of The Illinois State Highway System". Any reference to the state of Illinois or Illinois department of transportation in this document shall be interpreted to reference the City of Oakland. Any deviation from these documents shall be obtained in writing from the superintendent of public works prior to implementation.

(11) The applicant affirms that the property lines shown on the attached sheet(s) are true and correct and is bound and obligated to perform the operation in accordance with the description and attached sketch and to abide by the policy regulations.

(12) After obtaining a permit to work on City right of way, the applicant shall notify the City of Oakland a minimum of forty-eight (48) hours in advance of doing work on City right of way.

(13) A blanket permit to cover all permit work on City right of way for a period of one year is available. The permit format and requirements are the same except the permit period will be for one year.

(14) Prior to performing any work on City right of way, if the applicant proposes to cut or damage the pavement, the applicant shall file a copy of a surety bond or irrevocable letter of credit naming the City of Oakland as the sole beneficiary in the amount of five thousand dollars ($5,000.00) for each work location permitted by the City of Oakland. Surety shall remain in place for a period of one year after the inspection and approval of the work on City right of way.

(15) A surety bond will not be required for individual utility companies or contractors whose assets are greater than five hundred thousand dollars ($500,000.00). A copy of the company's latest annual report indicating assets greater than five hundred thousand dollars ($500,000.00) may be requested in lieu of a surety bond.

(16) A contractor may also provide a blanket bond good for a period of one calendar year from January 1 through December 31 of each year for ten thousand dollars ($10,000.00). This document shall be kept on file by the inspection department and all bonds shall be held for a period of one year after the work covered by the bond is complete and approved by City personnel.

(17) Once the appropriate blanket permit and bond, if required, are on file with the City, notification of work and location shall be made in writing to the superintendent of public works. No work on City right of way shall begin until approval to begin is

granted by the superintendent of public works and all other specifications of this construction permit shall apply.

(18) All work on City right of way shall comply with the preparation and backfill requirements in subsection D of this section.

(d) The following preparation and backfill requirements shall exist:

(1) All pavement, curbing or sidewalks shall be saw cut in a uniform manner.

(2) If water or sewer pipe is undercut, it must have a granular backfill FA-06 or similar gradation compacted beneath the pipe. Granular backfill shall be defined as FA-06 or similar gradation.

(3) The existing pipe must be covered by at least six inches (6") of granular backfill. The contractor shall not place backfill until a representative of the City has inspected the trench and the work that was done under the permit.

(4) The remaining portion of the backfill for areas in the roadway (street, sidewalk, or alley) and two feet (2') beyond the improved roadway shall be compacted trench backfill material, in accordance with section 208 of the current edition of the "Standard Specifications For Road And Bridge Construction", or a no air entrained controlled low strength material (commonly known as flowable fill). The trench backfill material shall be brought up to the top of subgrade, which is to the bottom of the existing street surface, in accordance with section 550.07 of the current edition of the "Standard Specifications For Road And Bridge Construction".

Excavations on City right of way not under the roadway shall be backfilled with suitable material, which was excavated from the trench.

(5) The remaining portion of the excavation, from the top of the subgrade to the finished surface shall be replaced with at least the same pavement cross section as the adjacent pavement, which was not disturbed. All materials incorporated into the replaced pavement structure shall be IDOT approved materials and mix designs.

(6) Sidewalk areas shall be backfilled with trench backfill up to four inches (4") below existing finished grade, and the sidewalk replaced using an IDOT approved concrete mix design. If sidewalk is in an ingress or egress area, the concrete thickness shall be six inches (6") instead of four inches (4").

(7) During normal hours of operation, City personnel may be contacted at 217-346-2651.

Title 7

Chapter 2 – Municipal Parks

Section 7-2-1. – Hours.

It shall be unlawful for any person, other than authorized personnel, to use, or to otherwise be located within any City property utilized as a municipal park, other than between the hours of six o'clock (6:00) A.M. and ten o'clock (10:00) P.M.

Section 7-2-2. – Vehicle Operation.

Motor vehicles may travel on designated public roadways only in any property owned by the City and/or used as a municipal park. Off road travel and use of park trails or other grounds by motorcycles, four (4) wheel drive vehicles or other types of motorized vehicles, other than by authorized personnel, is prohibited.

Title 7

Chapter 3 – Regulating the Use of Lake Oakland

Section 7-3-1. – Swimming, Bathing and Wading.

(a) No person or persons shall swim or wade in "Lake Oakland" nor allow, intentionally or negligently, any pet or other animal to do so at any time.

(b) No person shall walk, wade, slide or sit on the spillway of the dam of "Lake Oakland" at any time.

Section 7-3-2. – Restricted Uses and Conditions.

(a) Boating:

(1) Internal combustion engines may be operated within the area of Lake Oakland provided, that no wake is created at any time during the operation of such engines.

(2) Rowboats, paddleboats, sailboats, canoes, rafts, and other such hand or wind propelled craft may be operated within Lake Oakland.

(3) Electric trolling motors may be operated within Lake Oakland, provided such motors are powered by a maximum of twenty-four (24) volt batteries.

(4) Racing by boats propelled by internal combustion engines or motors in any part of Lake Oakland is prohibited.

(5) All boats and craft shall be subject to all boating rules and regulations of the state.

(6) No boat or craft shall be operated in any manner which would tend to endanger the life or safety of any person who may be boating upon the waters of Lake Oakland. No boat or craft shall be operated at a speed greater than is safe and prudent under the circumstances.

(7) No boat or craft of any kind or character shall be used, propelled or operated on Lake Oakland unless it carries for each occupant an adequate life preserver in good condition especially designated for that purpose and approved for such use by the state.

(8) Every motor craft shall carry the following lights from sunset to sunrise:

(A) A bright, white light aft to show all around the horizon; and

(B) A combined lantern in the forepart of the boat lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides; and

(C) Rafts, towboats, skiffs, dinghies, sailboats, and canoes, when underway or when anchored more than one hundred feet (100') from shore, shall carry a white light visible all around the horizon from sunset to sunrise.

(9) The business of renting boats for hire or carrying passengers for hire on Lake Oakland is prohibited except as may be authorized by special concession by the City.

(10) No boat or craft shall be used or operated, nor any horn or sound device sounded to create a nuisance or disturb the peace or quiet of any neighborhood.

(11) No boat or craft shall be operated within one hundred feet (100') of the Lake Oakland spillway, located in the west section of Lake Oakland.

(12) The City shall at all times have the power and authority to prohibit, restrict or otherwise limit or regulate the keeping, maintenance or operation of any or all boats and craft on the waters of Lake Oakland should it become necessary to do so in the interest of the Lake or other cause.

(13) Any boat or craft found abandoned or adrift in Lake Oakland or any unlicensed boat or craft thereon shall be taken up by the City, and the City shall have a lien thereon for the expenses of taking, towing, keeping, advertising, and selling of the same, and for all damages caused by such craft to property of the City, and may enforce such lien by advertisement and sale of such craft in like manner as chattel mortgages may be foreclosed under the laws of this State. Nothing herein shall be construed as exonerating the owner or operator of any boat or craft from personal injury caused by such boat or craft.

(14) A sign setting forth the size, quantities and species of fish that may be taken, and setting forth the wake policy, shall be erected at the boat launch, and Lake Oakland dam area located on the west side of Lake Oakland.

(15) Rowboats have the right-of-way over sailboats.

(16) Rowboats and sailboats have the right-of-way over motorboats.

(17) No powerboat or sailboat shall be operated by a person under twelve (12) years of age unless accompanied by an adult in the boat.

(18) No craft or person shall collide with, run against, strike, injure, deface, damage, or move any buoy or any other City property on the lake.

(b) Fishing and Hunting:

(1) Fishing: Fishing in Lake Oakland and waters controlled by the City shall comply and consistent with the rules and regulations of the Illinois Department of Natural Resources and the laws of the State of Illinois.

(2) Hunting: Hunting on Lake Oakland is hereby prohibited.

(c) Picnicking And Camping: Any person using the drainage area for picnicking, camping or other recreational purposes shall keep the premises neat and clean, pick up and remove in a sanitary manner all paper, garbage, rubbish and debris and, before leaving the premises, put out any fire made by said person.

(d) Buildings and Structures: No building or other structures, whether for habitation or otherwise, including any dock, wharf, boathouse, or anchored or stationary raft, shall be constructed, altered, or maintained within the limits of the lake area. Owners of private land or leased land adjacent to Lake Oakland may construct a dock, boathouse or similar structure between their land and Lake Oakland, provided an application is submitted to the building official setting forth the type of construction and specifications and said application is approved in writing by the building official.

Section 7-3-2. – Proper Conduct Required.

The provisions of this Code defining and establishing penalties for disorderly conduct, breach of the peace and intoxication shall be in effect throughout the lake area.

Section 7-3-3. – Revocation of permits and Licenses.

All permits or licenses issued under the provisions of this chapter, whether or not they are issued for a consideration, shall be subject to revocation by the City whenever the license holder or any permittee in any way violates or permits the violation of any of the provisions of this chapter.

Title 7

Chapter 4 – Moving Buildings

Section 7-4-1. – Permit Required.

No person shall move any dwelling, house, or other building over, along or upon any street without first having obtained permission from the building official and received instructions from the building official over what streets and in what manner the same may be moved.

Section 7-4-2. – Bond and Insurance Required.

No person shall begin the moving of buildings referred to in section 7-4-1 of this chapter until bond shall have been given to the City in the sum of five hundred dollars ($500.00) provisioned for the careful handling of said buildings while in transit, and to indemnify against any damage which may result from the moving of said buildings, and at the same time furnish to the City proof that such person has in full force and effect liability and property damage insurance in the amount of one hundred thousand dollars ($100,000.00) for injuries suffered by any one person, and three hundred thousand dollars ($300,000.00) for injuries suffered by more than one person, and property damage in the sum of fifty thousand dollars ($50,000.00). Before the work referred to herein may be entered upon, said bond and insurance coverage must have been examined and approved by the mayor and City attorney and have been filed in the office of the City clerk.

Title 8 – Water and Sewer

Chapter 1 - Sewer Use
Chapter 2 - Prohibiting the Discharge of Sanitary Sewage
Chapter 3 - Tax for Chlorination of Sewage
Chapter 4 - Rules, Regulations, Water Rates, Fees, Control of Back-Flow of the Municipal Water Supply

Title 8

Chapter 1 – Sewer Use

Section 8-1-1. – Definitions.

The following words, when used in this chapter, have the meanings respectively ascribed to them in this section:

FEDERAL GOVERNMENT:

(a) FEDERAL ACT: 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).

(b) ADMINISTRATOR: The Administrator of the U.S. Environmental Protection Agency.

(c) FEDERAL GRANT: 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:

(a) STATE ACT: The Illinois Anti-Pollution Bond Act of 1970.

(b) DIRECTOR: The Director of the Illinois Environmental Protection Agency.

(c) STATE GRANT: 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:

(a) ORDINANCE: This ordinance.

(b) CITY: The City of Oakland, Illinois.

(c) APPROVING AUTHORITY: The Mayor and Council of the City of Oakland.

PERSON: All persons, natural or artificial including any individual, firm, company, municipal, or Private Corporation, association, society, institution, enterprise, governmental agency, or other entity.

NPDES PERMIT: Any permit or equivalent document or requirements issued by the Administrator, or where appropriate 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.

CLARIFICATION OF WORK USAGE: "Shall" is mandatory; "may" is permissible.

WASTEWATER AND ITS CHARACTERISTICS:

(a) WASTEWATER: 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.

(b) SEWAGE: Used interchangeably with "wastewater."

(c) WATER QUALITY STANDARDS: Defined in the Water Pollution Regulations of Illinois.

(d) UNPOLLUTED WATER: 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 benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

(e) PPM: Parts per million by weight.

(f) MILLIGRAMS PER LITER: A unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

(g) "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."

(h) BOD: (denoting Biochemical Oxygen Demand) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter.

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

(j) STANDARD METHODS: 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.

(k) GARBAGE: Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(l) PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, and dispensing of food that has 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.

(m) FLOATABLE OIL: 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.

(n) POPULATION EQUIVALENT: A term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is one hundred (100) gallons of sewage per day, containing 0.20 pounds of BOD and 0.20 pounds of suspended solids.

(o) SLUG: 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.

(p) INDUSTRIAL WASTE: 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.

(q) MAJOR CONTRIBUTING INDUSTRY: An industrial user of the publicly owned treatment works that: (a) has a flow of fifty thousand (50,000) gallons or more per average work day; or (b) has a flow greater than ten percent (10%) 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:

(a) SEWER: A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface, and groundwater drainage.

(b) PUBLIC SEWER: a sewer provided by or subject to the jurisdiction of the City. It shall also include sewers within or outside the City boundaries that serve one or more persons and

ultimately discharge into the City's sanitary (or combined sewer system), even though those sewers may not have been constructed with City funds.

(c) SANITARY SEWER: 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.

(d) STORM SEWER: A sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

(e) COMBINED SEWER: A sewer which is designed and intended to receive wastewater, storm, surface, and groundwater drainage.

(f) BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal.

(g) BUILDING DRAIN: 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.

(h) STORMWATER RUNOFF: That portion of the precipitation that is drained into the sewers.

(i) SEWERAGE: the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

(j) EASEMENT: an acquired legal right for the specific use of land owned by others.

TREATMENT:

(a) "Pretreatment" shall mean the treatment of wastewater from sources before introduction into the wastewater treatment works.

(b) "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: The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

WATER COURSE AND CONNECTIONS:

(a) WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently

(b) NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

USER TYPES:

(a) USER CLASS: The type of user either "residential or commercial" (non- industrial) or "industrial" as defined herein.

(b) RESIDENTIAL OR COMMERCIAL or NONINDUSTRIAL USER: Any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.

(c) INDUSTRIAL USER: 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 divisions:

(1) Division A - Agriculture, Forestry, and Fishing.
(2) Division B - Mining.
(3) Division D - Manufacturing.
(4) Division E - Transportation, Communications, Electric, Gas and Sanitary Services
(5) Division I - Services.

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

(d) CONTROL MANHOLE: 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 City representative to sample and/or measure discharges.

(e) TYPES OF CHARGES:

(1) WASTEWATER SERVICE CHARGE: The charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Section 3-1-9 and shall consist of the total of the Basic User Charge and Rates, the Debt Service Charge and Rates, and a Surcharge, if applicable.

(2) USER CHARGE: A charge levied on users of treatment works for the cost of operation and maintenance.

(3) BASIC USER CHARGE: The basic assessment levied on all users of the public sewer system, for operation, maintenance, and replacement.

(4) DEBT SERVICE CHARGE: The amount to be paid each year for payment of interest, principal, and coverage of loan, etc., outstanding and shall be computed as outlined in Section 3-1-9 C. et seq.

(5) SURCHARGE: 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 Section 3-1-9 A. (6) et seq.

(6) REPLACEMENT: 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 constructed. The term "operation and maintenance" includes replacement.

(7) USEFUL LIFE: The estimated period during which the collection system and/or treatment works will be operated and shall be thirty (30) years from date of start- up of any wastewater facilities constructed with a State grant.

(8) SEWERAGE FUND: The principal accounting designation for all revenues received in the operation of the sewerage system.

Section 8-1-2. – Use of Public Sewers Required.

(a) 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 City of Oakland or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

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

(c) 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.

(d) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the City 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 sewer of the City, 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 one hundred (100) feet (30.5 meters) of his property line, except that the initial hook-up fee paid to the City shall constitute the expense for the installation of said connection, which will be performed by the City.

Section 8-1-3. – Private Sewage Disposal.

(a) Where a public sanitary sewer is not available under the provisions of Section 3-1-2 D., the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.

(b) Before commencement or construction of a private sewage disposal system the owner shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City. A permit and inspection fee of $25.00 shall be paid to the City at the time the application is filed.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. It shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City 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 City.

(d) 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 eight thousand (8,000) square feet (743 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 3-1-2 D., 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.

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

(g) No statement contained this Chapter shall be construed to interfere with any additional requirements that may be imposed by the City Health Inspector.

(h) 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.

Section 8-1-4. – Building Sewers and Connections.

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

(b) 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.

(c) There shall be two (2) classes of building sewer permits:

(1) for residential and commercial service, and

(2) 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 City, the permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City. A permit and inspection fee of $25.00 for a residential or commercial building sewer permit shall be paid to the City at the time the application is filed. Any industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

(d) 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 waste water treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

(e) 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 City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The maintenance responsibility of the building sewer shall be by the owner after the City's original sewerage system is in operation.

(f) 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. Special circumstances may warrant the use of one building (service) sewer to connect more than one building into the main sewer system. The City shall have sole responsibility to grant such use.

(g) Old building sewers may be used in connections with new buildings only when they are found, on examination and test by the City, to meet all requirements in this Ordinance.

(h) The size, slope, alignment, materials for 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 City. 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.

(i) 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 Section 3-1-4 B., and discharged to the building sewer.

(j) 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.

(k) 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 City, or the procedures set forth in appropriate specifications of the 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 City before installation.

(l) The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City or its representative.

(m) All excavations for building sewer installation shall be adequately guarded with barricades and lights 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 City.

Section 8-1-5. – Use of the Public Sewer.

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

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged on approval of the City, to a storm sewer or natural outlet.

(c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers (storm or sanitary):

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

(2) 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.

(3) Any waters or wastes having a 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.

(4) 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 fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

(d) No industrial user may discharge sewage into any public sewer until the City as adopted an industrial cost recovery system which:

(1) 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

(2) Has been approved by the Agency in accordance with the conditions of any grant made to the City 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 City.

(e) 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 City that such wastes can harm either the sewer's 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 City 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 limits established by regulatory agencies. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than one-hundred fifty degrees Fahrenheit (150 degrees F), (65 degrees C).

(2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one-hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty- two (32) and one hundred fifty degrees Fahrenheit (150 degrees F), (0 and 65 degrees C

(3) 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 City.

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

(5) 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 City for such materials.

(6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City 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.

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

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

(9) Any mercury or any of its compounds in excess of 0.0005 mg/1 as Hg at any time except as permitted by the City in compliance with applicable State and Federal regulations.

(A) Any cyanide in excess of 0.025 mg/1 at any time except as permitted by the City in compliance with applicable State and Federal regulations.

(10) Materials which exert or cause:

(A) 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);

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

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

(D) Unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.

(11) Waters or wastes 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.

(f) 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 3-1-5 E., 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 City 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 City may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or 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 analyses 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 analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

(g) No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, in accordance with Section 8-1-9, thereof, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

Section 8-1-6. - Extensions of Mains and Change in Occupancy.

(a) Extension of Mains: Determination of Who Pays Expense of Extension. The City Council of Oakland shall first determine if an extension of a sewer main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will be served by the extension. If the extension is economically feasible then the City may install and pay the cost of the extension at the discretion of the City Council. If the City elects not to pay the cost of extending the sewer main then the person or persons desiring sewer service shall install the extension at their own personal expense upon written consent of the City Council. The City shall not pay for any extensions to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible.

(b) Requirements if Extension is Installed by Someone Other than the City:

(1) The City must approve all plans and specifications for any extensions.

(2) Before any extensions are installed, the plans and specifications must be reviewed and approved by the State of Illinois, Environmental Protection Agency.

(3) Ownership, rights-of-way, and title must be conveyed to the City for all extensions installed by anyone other than the City. The City will maintain the mains thereafter; and,

(4) No extension will be permitted if in the opinion of the City Council the system does not have the necessary capacity to serve the proposed extension.

(c) Change in Occupancy: Notice to City. Any user requesting a termination of service shall give notice to the City ten (10) days prior to the time such termination of service is desired.

(d) Responsibility for Payment of Service Already Consumed. Responsibility for payment for sewer service prior to the date of termination shall be the property owners as well as the user.

(e) Charges for Change: There shall be no charge for transferring the sewer service to the subsequent user.

Section 8-1-7. – Protection of Sewage Works from Damage.

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.

Section 8-1-8. – Powers and Authority of Inspectors.

(a) The City and other duly authorized employees of the City, 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 purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The City or its 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.

(b) While performing the necessary work on private properties referred to in Section 8-1-5-A., above, the City or duly authorized employees of the City, the Illinois Environmental Protection Agency, and the 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 City employees, and the City shall indemnify the company against loss or damage to its property by City 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 Section 8-1-5.

(c) The City and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City 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.

Section 8-1-9. – Wastewater Service Charges.

(a) Basis for Wastewater Service Charges. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the City shall consist of a basic user charge and rates for operation and maintenance plus replacement, a minimum debt service charge, a debt service rate, and a surcharge, if applicable. The debt service charge shall be computed by dividing the annual debt service of all outstanding bonds by the number of users. Through further computations the monthly debt service charges and rates can be computed.

    (1) The basic user charge for OM&R shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

        (A) A five (5) day, 20 degree centigrade (20 degrees C) biochemical oxygen demand (BOD) of 240 mg/l.

        (B) A suspended solids (SS) content of 240 mg/l.

(2) 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 year, for all works categories.

(B) Proportion the estimated costs to the wastewater facility categories by forty percent (40%) of cost attributed to Volume, thirty percent (30%) attributed to Suspended Solids, and thirty percent (30%) attributed to BOD.

(C) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

(D) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids, and BOD.

(E) Compute costs per one thousand (1,000) gallons for normal sewage strength.

(F) Compute surcharge costs per one thousand (1,000) gallons per mg/1 in excess of normal sewage strength for BOD and SS.

(3) A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (240 mg/1) and SS (240 mg/1). The surcharge will be based on water meters and/or sewage meters for all wastes which exceed the 240 mg/l concentration for BOD and SS, respectively. Section3-1-9 G & H specifies the procedure to compute a surcharge. The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accountants for the City in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs.

(b) Measurement of Flow: The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of one hundred (100) gallons.

(1) If the person discharging wasters into the public sewers procures any part, or all of his water from sources other than the Public Waterworks System, all or 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 City for the purpose of determining the volume of water obtained from these other sources.

(2) Devices for measuring the volume of waster discharged may be required by the City if these volumes cannot otherwise be determined from the metered water consumption reports.

(3) Metering devices for determining the volume of waster shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the City.

(c) Debt Service Charge and Rates: A minimum debt service charge is established for users of the Wastewater Facility of the City in the following classifications at the rate per user set forth opposite each classification:

User Classification	**Minimum Charge**
Non-Institutional User Located Within Corporate Limits	$ 9.00 per month
Non-Institutional User Located Outside Corporate Limits	$ 18.00 per month
Institutional User Located Within or Outside Corporate Limits	$ 298.00 per month

In additional to the minimum debt service charge, each user within the corporate limits of the City shall pay a debt service rate of $0.07 per one hundred (100) gallons of water consumption per month, in excess of the first two thousand (2,000) gallons of water consumption per month. In addition to the minimum debt service charge, each user located outside the corporate limits of the City shall pay a debt service rate of $0.14 per one hundred (100) gallons of water consumption per month, in excess of the first two thousand (2,000) gallons of water consumption per month. “Institutional Users,” when used in this Ordinance, shall be defined to include each commercial, business, government, recreational, eleemosynary and other user which has an average daily population on the premises of such user, during at least four (4) hours of the day, of at least one hundred (100) (said daily average to be based on the daily average for the immediately preceding calendar year).

(d) Maximum Charges for Debt Service. There is hereby established a maximum charge per month for debt service only as follows: single family residence within the City limits - amount computed for eight thousand (8,000) gallons per month.

(e) Basic User Charge and Rates:

(1) There shall be and there is hereby established a minimum charge and a basic user rate for the use of and for service supplied (OM&R) by the wastewater facilities of the City of Oakland. A minimum charge of two dollars $2.00 per month shall be applied to all users whose water consumption does not exceed two thousand (2,000) gallons per month.

(2) A basic user rate of $0.10 per one hundred (100) gallons is applied to all users for water consumption in excess of two thousand (2,000) gallons per month.

(3) All non-metered residential users of the wastewater facilities within the City of Oakland of the wastewater facilities shall pay a minimum flat rate charge per month of $11.00 to cover the minimum debt service charge, the basic user charge, and those outside the corporate limits $20.00 per month. The flat rate charge will allow a maximum of two thousand (2,000) gallons per month.

(4) In the event use of the wastewater facilities is determined by the City to be in excess of two thousand (2,000) gallons per month, the City may require such flat rate users to install metering devices on the water supply or sewer main to measure the amount of service supplied.

(f) Charges When Sanitary Sewer Not Used: Those customers who have signed a user's contract but who are not connected into the sanitary service shall be charged a minimum rate of $9.00 per month for debt service only for those inside the City limits and $18.00 per month for debt service only for those outside the corporate limit. This minimum charge shall be limited to a total of five (5) years. Whenever the service is connected into the sewerage system then the wastewater service charge shall apply.

(g) Surcharge Rate: The rates of surcharges for BODS and SS shall be as follows:

(1) BOD Surcharge Rate $0.0006 per mg/1 in excess of 240 mg/1 per 1000 gallons

(2) SS Surcharge Rate $0.0006 per mg/I in excess of 240 mg/1 per 1000 gallons

(h) Computation of Surcharge: 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 City and shall be binding as a basis for surcharges.

Section 8-1-10. – General Provisions.

(a) Bills.

(1) Said rates or charges for service shall be payable monthly.

(2) 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 City only upon the condition that the owner of the premises, occupant and user of the services, are jointly and severally liable therefor to the City.

(3) Bills for sewer service shall be sent out by the City on the first day of the month succeeding the period for which the service is billed.

(4) All sewer bills are due and payable ten (10) days after being sent out. A penalty of ten percent (10%) shall be added to all bills not paid by the fifteenth (15th) day after they have been rendered.

(b) Delinquent Bills: If the charges for such services are not paid within fifteen (15) 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.

(c) Lien-Notice of Delinquency:

(1) Whenever a bill for sewer service remains unpaid for thirty (30) days after it has been rendered, the City 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 City claims a lien for this amount, as well as for all charges subsequent to the period covered by the bill.

(2) If the user whose bill is unpaid is not the owner of the premises and the City Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address is known to the Treasurer, whenever such bill remains unpaid for a period of forty-five (45) days after it has been rendered.

(3) The failure of the City Treasurer to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

(d) 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 City. The City attorney is hereby authorized and directed to institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty-five (45) days after it has been rendered.

(e) 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 monies shall be held by the City Treasurer separate and apart from his private funds and separate and apart from all other funds of the City and all of said sum, without any deductions whatever, shall be delivered to the City Treasurer not more than ten (10) days after receipt of same, or at such more frequent intervals as may from time to time be directed by the Mayor and Council. The City 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 or her and deposit the same in the account of the fund designated as the "Sewerage Fund of the City of Oakland." The Treasurer shall administer such fund in every

respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January 1942.

(f) Accounts: The City 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 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.

(g) Notice of Rates. A copy of this article properly certified by the City Treasurer, shall be filed in the office of the Recorder of Deeds of Coles County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said City on their properties.

(h) Access to Records. The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the City which are applicable to the City system of user charges 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.

Title 8

Chapter 2 – Prohibiting the Discharge of Sanitary Sewage Industrial

Section 8-2-1. – Regulation.

It shall and hereby is declared unlawful for any person or entity to either intentionally or negligently discharge or allow to be discharged any sanitary sewage, industrial waste water, or any other untreated water of any kind other than normal surface storm water into any storm sewer system, as now in place or hereinafter constructed, within the corporate limits of the City of Oakland, Coles County, Illinois. (Passed 5-31-88)

Title 8

Chapter 3 – Tax for Chlorination of Sewage

Section 8-3-1. – Tax for the Chlorination of Sewage.

That a Sewage Chlorination Fund be and hereby is established hereafter to be budgeted, appropriated, and levied in accordance with the needs of the City annually and incorporated within its Appropriation and Levy Ordinances. (Passed 5-26-87)

Title 8

Chapter 4 – Rules, Regulations, Water Rates, Fees, Control of Back-Flow of the Municipal Water Supply

Section 8-4-1. – Control.

The Municipal water supply system of the City of Oakland shall be under the supervision of the City Council through its Water Works Committee as created for this purpose, and actively supervised by a Superintendent appointed by the City Council in accordance with the provisions made therefor.

Section 8-4-2. – Definitions.

DEPARTMENT: The Water Department of the City of Oakland, functioning as a water serving utility under Municipal management.

CUSTOMER: The person, firm, corporation, or association who is, or who may be supplied with water service by the Department.

OWNER OR OWNERS: The fee owners of title or the life estate owners by title of the premises to which water service is supplied by the Department, whether in possession themselves, or as landlord or landlords of a tenant or tenants in actual possession of the premises so supplied.

TENANT: Any person, firm, corporation, or association occupying a premise under a lease, oral or written, from the owner or owners, and obtaining water service from the Department.

Section 8-4-3. – Permit and Meter Necessary.

No person or persons, save and except members of the Oakland Fire Protection District or employees of the Department shall take water from any main, hydrant, or portion of the Water Department's water plant or distribution system, other than by the usual use of the City's public fountains, except upon written application to the Department and the issuance by the City Clerk of a permit in accordance with the rules and regulations of the Department; and no permit other than a permit for a temporary water supply or service under rates applicable thereto, shall be issued for any water supply or service unless -the same be measured through a meter in accordance with the rules and regulations of this Department.

Section 8-4-4. – Application for Water Supply Service or Water Pipe Connection.

Each applicant for water supply or service shall file with the Department an application therefor, in writing, setting forth the name of such applicant, the location of the premises for which the

supply or service is sought, the name of the owner of the premises, if other than applicant, the nature and size of such service and the extent of such supply and the proposed use thereof. The form of such application shall be designated by the City Clerk and kept in her files after signature of the applicant is affixed thereto.

Section 8-4-5. – Terms and Conditions of Service.

(a) Equipment: The Department reserves the right to specify the size of fixtures, piping, etc., which shall be used by the customer in connection with the customer's equipment to the Department's service mains. All piping or other equipment used in connection with water service in the customer's premises or connecting said premises with the Department's service furnished by the customer shall be suitably maintained by the customer at all times in conformity with the requirements of the constituted authorities and with the Rules and Regulations of the Department in force from time to time.

(b) Owners' Consent to Occupancy: In case the customer is not the owner of the premises or of intervening property between the customer's premises and the Department's mains, the customer agrees to obtain from the property owner or owners, the necessary consent to the installation and maintenance in said premises and in and about such intervening property of all such piping or other equipment, as may be necessary or convenient for the supplying of water service hereunder.

(c) Access to Premises: The properly authorized agents of the Department shall at all times have free access to the customer's premises for the purpose of inspection, repairing or removing the Department's meters or other property, and for such purpose the customer hereby authorizes and requests his landlord, if any, to permit such access to the premises.

(d) Release of the Department from Liability: The customer agrees that the Department shall not be liable for damages resulting to the customer or to third persons from the use of water or the presence of the Department's appliances in the customer's premises unless due to willful default or neglect on the part of the Department.

(e) Meters to be Furnished by City: The water used shall be measured by a meter or meters to be furnished by the Department and installed by the customer at a point most convenient for the Department's service, and upon the registration of said meter or meters all bills shall be calculated.

(f) Average Bills: The quantity of water recorded by the meter shall be presumed to be the amount of water passing through the meter, which amount shall be conclusive as to both the customer and the Department, except when the meter is found to be registering inaccurately, or has ceased to register. In such cases the quantity of water used will be determined by the average registration of the meter in the corresponding past period when practicable, or by the average registration of an accurate meter in the following period, whichever method is deemed representative by the Department.

(g) Supply Others: No customer shall supply water to any person, except under purely temporary arrangement and then only by special permission from the Department.

(h) Property and Protection Thereof: All meters, piping and other appliances and equipment furnished by and at the expense of the Department, which may at any time be in said service line shall, unless otherwise expressly provided herein, be and remain the property of the Department, and the customer shall protect such property from loss or damage and no one who is not an agent of the Department shall be permitted to remove such property or tamper therewith.

(i) Continuous Service: The Department shall not be responsible for any failure or interruption is without willful default or negligence on its part. This disclaimer or responsibility shall apply to any damage to boilers, water heaters, refrigerators, or other devices.

(j) When Owners Must Apply for Water: Where more than one customer is supplied through one meter, as in apartment houses, the application for water service must be made by the owner of the premises.

(k) Special Arrangements: In case of unusual installations requiring special provisions, the foregoing conditions of service will apply, but the Department may impose such additional terms and conditions as may fit the individual installation.

(l) Scope: These terms and conditions shall apply to all services connected to the Department's mains.

(m) All trailers or mobile homes in the City of Oakland using the City water supply must be equipped with an adequate water meter as prescribed in said ordinance.

Section 8-4-6. – Rates for Water and Water Service.

(a) Materials Furnished by the Department Service Connections or Tap on Main: Upon application duly made and executed, and upon payment in advance to the Water Department of a cash sum equal to the actual costs thereof, the Department shall furnish one 3/4 inch brass corporation cock and the necessary machine, tools, . and devices necessary to make a tap on the main. All taps on water mains are to be made under the direction of the Department or Superintendent of the Department and at such points as are designated by him. The Department shall furnish a 5/8-inch meter, meter setter, copper line to setter, with tile, housing, and cover, which shall be installed by the Department. The amount of the deposit for said meter shall be posted with the water rates available at the City Hall upon request. No water shall be furnished to any property without the advance payment to the Department of such deposit or deposits. All larger taps will be charged by the rate of time and materials made by the tapping service hired by the City. All meters and materials furnished by the Department, of whatever description, shall remain the property of the Department and may be removed by the Department upon termination of service.

(b) Current Rates for Treated Water to All Residents in the City of Oakland shall be available and posted at the City Hall.

(c) Current Rates for Treated Water to All Users Outside the Corporate Limits of the City of Oakland shall be available and posted at the City Hall.

(d) Rates for treated water sold in bulk for use or resale shall be available and posted at the City Hall.

(e) A late charge of fifteen percent (15%) shall be assessed against all delinquent water and/or sewer bills. Water and sewer bills shall be considered delinquent if not paid on their due date. Water service shall be disconnected for any customer whose water and/or sewer bill is more than ten (10) days past due. Reconnection of said service must be scheduled during normal City business hours and shall require a $15.00 reconnect fee. Any unpaid water and/or sewer charges shall be placed as a lien against the property as provided by law until said charges are paid in full. The owner or owners of the property having City water service shall be responsible for unpaid water bills.

(f) Monthly Bills: Bills shall be rendered monthly for service. The term "month" for billing purposes hereunder shall be or mean the period between two (2) consecutive regular readings, made by the Department, of the meters at the premises, such readings to be taken as nearly as may be possible every thirty (30) days.

(g) Right to Cut Off: The Department shall have the right to discontinue its service to the customer on due notice and to remove its property from the customer's line or premises whenever bills for water service are in arrears or in case the customer fails to comply with or perform any of the conditions or obligations hereof.

(h) There shall be an annual charge of $1,000.00 per year to the Oakland Fire Protection District for water supplied for fire service.

Section 8-4-7. – Rules Governing Installation of Water Service.

(a) Meter Location: In general, and subject only to change when impractical, the meter installation shall be made immediately inside and adjacent to the property line. In all cases of deviation from this rule, meter installation shall be subject to the directions of the Superintendent of the Department.

(b) Materials Furnished by the Owner or Tenant: The customer shall provide, either himself or his landlord, all piping and other materials and shall install the entire service line from the meter setter to the premises to be serviced by water. Beyond the meter setter, the customer or owner shall comply with the specifications of Sections 8-4-9 through 8-4-14 thereinafter set forth.

(c) Leakage on Service Line Beyond Meter and Adjustments: Upon discovery of a leak in service line, fixtures, yard hydrants, valves, etc., on the customer's side of the meter, notice will be given to the customer who will make necessary repairs. If the leak occurs in a concealed location, without the knowledge of the customer, and it can be shown that the customer was not at fault, and upon certification of plumber that repairs were made on service line in such a concealed location, an adjustment shall be made on the following basis: Service line leakage: In such cases of service line leakage, the quantity of water used shall be determined by averaging the monthly water bill paid during the preceding three (3) months, plus the same billing period of the previous year. These four (4) months' average shall be billed to the customer.

(d) Damage to Meters: The customer shall be responsible for any damage to meter, meter housing, cover, etc., which may result from his negligent act.

(e) Check Valve and Relief Valve: The customer shall install at his own expense such check valve as shall prevent hot water from backing up to the meter at all mains, and shall at the same time provide and install a relief valve set as such pressure as will effectively protect his piping and fixtures from excessive pressures from heating devices. Each water relief valve shall conform to the standard specifications of the American Society of Mechanical Engineers and shall be stamped with the manufacturer's name and the maximum relief pressure.

(f) Cross Connections: The installation of water service from the mains of the Department shall be separate and independent of any other water connection of any description and shall comply with Sections 8-4-9 through 8-4-14 hereinafter set forth.

(g) Right to Shut Off Water: The Department may when necessary, with or without notice, shut off the water from its mains for the purpose of making repairs or extensions, or for unforeseen reasons, and no claim shall be made for damage on account of such shut off. The Department shall give notice of intention to shut off water whenever it is possible to do so.

(h) Testing Meters: The Department shall have the right to remove and test any meter at any time and to place another meter in its place.

(i) Private Fire Protection: The Department shall be prepared to accept applications for service to private fire hydrants, supply tanks, sprinkler systems, or other appurtenances on the premises of customers. The applicant shall submit plans and specifications for this type of service and the Department will consent to such service when the size of its mains will permit. The Department may impose such conditions of service that may be necessary to individual installations. The Department will not obligate itself to furnish continuous service or go beyond diligent effort to supply service or particular pressures, any more than its general obligations to all customers. Any such installation shall be made at the entire expense of the owner and subject to the direction and supervision of the Department. Such installation shall be for fire service only.

Section 8-4-8. – Enforcement of Statutory Lien.

It is hereby declared that the business of supply and distribution of water is essential to the health, safety, and industry of the City. The continuance of such water supply is dependent on the collection of water revenue and recognition of this is accorded by the creation of a lien by 65 ILCS 5/11-126¬4. If any bills for water service shall become delinquent the statutory provisions of the lien shall become operative and the City of Oakland may sell and assign its interest and either the City of Oakland or its assigns may foreclose in equity in any court having jurisdiction in the same manner and with like force and effect as in the foreclosure of liens of mortgages and trust deeds.

Section 8-4-9. – Code.

That all plumbing installed within the City of Oakland shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Admin. Code 890. That, if in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water will give notice to the water customer to install such an approved device immediately. The water customer, at his own expense, install an approved device at a location and in a manner in accordance with the Illinois Plumbing Code and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code and local regulation.

Section 8-4-10. – Private or Auxiliary Systems.

That no person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the City of Oakland enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and the Illinois Environmental Protection Agency.

Section 8-4-11. – Periodic Surveys.

That it shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two (2) years, or as often as the Superintendent of Water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five (5) years.

Section 8-4-12. – Reasonable Entry.

That the approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City of Oakland for the purpose of verifying the presence or absence of cross-connections, and that the Water Superintendent or his authorized agent has the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City of Oakland for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand the owner, lessees or occupants of any property so served shall furnish to the Superintendent of Water any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this ordinance.

Section 8-4-13. – Disconnection Notice.

That the Superintendent of Water of the City of Oakland is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this ordinance, and until a reconnection fee of $25.00 is paid to the City. Immediate disconnection with verbal notice can be effected when the Superintendent of Water is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Superintendent of Water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the City, the Superintendent of Public Works, or the City’s agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination was with or without notice.

Section 8-4-14. – Cost of Cleanup.

That the consumer responsible for back siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.