

**CODE OF ORDINANCES**  
**VILLAGE OF**  
**THOMASBORO, ILLINOIS**

Adopted \_\_\_\_\_

Effective \_\_\_\_\_

Published In Book or Pamphlet Form By  
Order of the Board of Trustees

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES FOR  
THE VILLAGE OF THOMASBORO, ILLINOIS;

WHEREAS, a Code of Ordinances consisting of three parts, "Code of Ordinances," "Subdivision Code," and "Zoning and Planning Code" have been compiled, consolidated and codified from certain existing ordinances of a general and permanent nature, and have now been filed in the Office of the Village Clerk of the Village of Thomasboro on \_\_\_\_\_, 2012, and there kept available for public use, inspection and examination.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF THOMASBORO, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** The Code of Ordinances, consisting of three parts, a copy of which is attached hereto, made a part hereof, and hereby incorporated by reference, together with such exceptions, changes, modifications, corrections, and amendments as are subsequently made herein, is hereby adopted and enacted as the "Code of Ordinances, Village of Thomasboro, Illinois," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all general and permanent ordinances of the Village adopted on or before January 1, 2012, to the extent provided herein.

**SECTION 2:** All provisions of each Code shall be in full force and effect from and after the 1<sup>st</sup> day of April, 2012, and all ordinances of a general and permanent nature of the Village of Thomasboro, adopted on final passage on or before January 1, 2012, and not included in this Ordinance or such Code, or recognized and continued in force by reference herein or therein, are hereby repealed from and after the 1<sup>st</sup> day of April, 2012.

**SECTION 3:** The following ordinances are expressly saved from repeal and shall remain in full force and effect:

- A. Appropriations ordinances;
- B. Tax levy ordinances;
- C. Ordinances related to issuance of bonds or other financing instruments in support of capital projects within the Village of Thomasboro. This includes but is not limited to the sewer collection system and the water system, tower and stand pipe maintenance programs;
- D. Ordinances related to recurring capital projects such as letting of contracts for street maintenance and improvement, and sewer and water programs.
- E. Ordinances approving any plat, subdivision or planned unit development both within and without the corporate limits of the City;
- F. Ordinances authorizing and approving intergovernmental and agency agreements
- G. All other special ordinances not in conflict with the provisions of this Code.

**SECTION 4:** The repeal provided for in Section 2 above shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance; nor shall such repeal abrogate or affect any pending litigation or prosecution; nor shall such repeal affect resolutions of the Village Board not in conflict with or inconsistent with the provisions of this Code; nor shall such repeal affect any ordinance adopted after January 1, 2012; and all amendments to the Village of Thomasboro Code adopted by the Village Board and approved by the President of the Board after January 1, 2012 shall be deemed and considered as amendments to provisions of such Codes adopted hereby.

**SECTION 5:** Neither the adoption of this Code nor the repeal hereby of any ordinances of the Village shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at the effective date due and unpaid under such provisions of such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereof pertaining shall continue in full force and effect.

**SECTION 6:** Any and all additions and amendments to the Code, when passed in such form as to indicate the intention of the Village Board to make the same a part of such Code, shall be deemed to be incorporated in such Code so that reference to the specific Code shall be understood and intended to include such additions and amendments.

**SECTION 7:** A copy of each Code shall be kept on file in the Village office of the Village Clerk, in a loose-leaf form. It shall be the express duty of the Village Clerk to insert in their designated places all amendments or ordinances which indicate the intention of the Village Board to make the same a part of such Code, and to remove or extract from such Code all provisions which may from time to time be repealed by the Village Board.

**SECTION 8:** It shall be unlawful for any person to change or amend, by additions or deletions, any part of or portion thereof, or to alter or tamper with such Codes in any manner whatsoever.

This Ordinance shall take effect and be in full force and effect upon its passage, approval and publication as provided by law.

Approved and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ATTEST:

\_\_\_\_\_  
President, Village Board of Trustees

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

## **PREFACE**

This code is a codification of the Village of Thomasboro=s ordinances. As stated in the Adopting Ordinance, the Code supercedes all such ordinances. Source materials used in the preparation of the Code were all ordinances adopted by the Village Board. As appropriate, a history is provided for each Chapter and Section of the Code.

The Chapters of the Code are arranged in alphabetical order and represent broad categories of subjects.

# VILLAGE OF THOMASBORO CODE

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## **CHAPTER I -ADMINISTRATION**

### **Section 1. RULES AND PROCEDURES FOR MONTHLY MEETINGS**

#### **A. Meeting Dates and Time**

The regularly scheduled monthly meeting of the Board of Trustees for the Village of Thomasboro shall be held on the first Monday of each month at 7:00 p.m. In the event that the first Monday is a holiday, then the meeting will be held the next available business day at the scheduled time.

#### **B. Order of Business**

The order of business to be addressed at the scheduled monthly meetings of the Board shall be as follows:

- (1) Call to Order by Board President
- (2) Roll Call
- (3) Pledge of Allegiance to Flag
- (4) Presentation and approval of minutes of previous Board meeting
- (5) Presentation and approval of bills
- (6) Reports of the Committees
- (7) Discussion of old business
- (8) Discussion of new business
- (9) Public Participation
- (10) Meeting adjournment

From time to time, this order of business may be changed at the Board President's discretion to facilitate the orderly conduct of the Board's business.

#### **C. Quorum**

A quorum of the board shall consist of three trustees plus the Board President or the duly appointed replacement. If a board member is unable to attend a board meeting, then that board member should notify the President of the Board

or his designated replacement as soon as possible.

#### D. Conduct of Meeting

The President of the Board of Trustees shall conduct the Board meeting in an orderly fashion. In the event that there is distractive behavior during a Board meeting that interferes with the orderly conduct of the Board's business, the President of the Board may order that the disruptive individual(s) be removed and/or that the meeting room be cleared.

#### E. Audience Participation

Members of the audience may make oral comments when invited by the President of the Board. Only one person may speak at a time. Under no circumstances shall the person use profanity or engage in name-calling or be disrespectful to any person. Comments shall be limited to three minutes. If it is anticipated that the three minute limit is not sufficient for the individual, then comments should be submitted in writing to the President of the Board not less than 24 hours prior to the meeting. The President shall then decide the amount of time to be allotted during the meeting for those comments.

#### F. Open Meetings Act

Any and all meetings of the Board shall be conducted in accordance with the requirements of the Illinois Open Meetings Act (5 ILCS 120/1 et seq).

### **Section 2. CODE OF ETHICAL CONDUCT**

The regulations of the State Officials and Employees Ethics Act, (5 ILCS 430/1-1 et seq.) (hereinafter the "Act") are adopted and incorporated by reference, made applicable to the officers and employees of the Village of Thomasboro to the extent required by Section 70-5 of the Act (5 ILCS 430/70-5), and are reproduced below.

#### A. Officers and Employees.

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

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

(3) The offering and making of gifts prohibited to be offered or made to an officer or employee of the Village of Thomasboro under the Act are hereby prohibited.

(4) The participation in political activities prohibited under the Act, by any officer or employee of the Village of Thomasboro is hereby prohibited.

(5) This Section does not repeal or otherwise amend or modify any existing Codes or policies which regulate the conduct of Village officers and employees. To the extent that any such existing Codes or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of Section 70-5(a) of the Act (5 ILCS 403/70-5(a)).

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

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

(8) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act as adopted by this section shall remain in full force and the part declared unconstitutional shall be deemed repealed without further action by the corporate authorities of the Village.

### **Section 3. FINANCES**

#### **A. Fiscal Year**

The fiscal year for the Village of Thomasboro shall commence on the first day of May of each year and end on the thirtieth day of April of each year.

#### **B. Appropriations**

Within the first quarter of each fiscal year, the Village shall adopt an

Appropriations Ordinance. The Ordinance shall appropriate such sums of money as deemed necessary to defray all necessary expenses and liabilities. The Ordinance must specify line items for specific objects and purposes for a definite dollar amount. Generally speaking, such determinations are made through a series of budget meetings with the corporate authorities and development of a working budget for the Village. The Appropriations Ordinance simply describes the outer limits of expenditures for line items, and does not in itself authorize spending to those limits. Corporate authorities must still approve accounts payable on a regular basis.

The Appropriations Ordinance shall include a Certified Estimate of Revenues signed by the Village Treasurer. A copy of the approved Appropriations Ordinance should be provided to the Champaign County Clerk.

#### C. Tax Levy

After adoption of the Appropriations Ordinance, the Village shall adopt a Tax Levy Ordinance. The Ordinance should show the amount appropriated for each line item and the amount of the tax levied in a separate, adjoining column. The same specificity requirements for the Appropriations Ordinance apply to the Levy Ordinance.

Prior to adoption, the current year's aggregate tax levy shall be compared to the prior year's aggregate tax extension. If the probable current year's levy is more than 105 percent of the prior year's (i.e., more than a 5 percent increase), then a public hearing must be held in compliance with the Illinois Truth in Taxation Law. If the increase is less than 5 percent, then the only action required is adoption of the Tax Levy Ordinance.

The Levy Ordinance shall include a Truth in Taxation Certificate of Compliance. A copy of the approved Levy Ordinance shall be provided to the Champaign County Clerk.

#### D. Municipal Service Occupation Tax

A tax is imposed upon all persons engaged in the business of making sales of services in the Village of Thomasboro, at the rate of one percent of the cost price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service.

E. Municipal Retailers' Occupation Tax

A tax is imposed upon all persons engaged in the business of selling tangible personal property at retail in the Village of Thomasboro, at one percent of the gross receipts from such sales.

F. Municipal Use Tax

A tax is imposed at the rate of one percent of the selling price upon the privilege of using any item of tangible personal property which is purchased at retail from a retailer outside the State of Illinois, and which is titled or registered with an agency of this State's government by persons whose Illinois address for such purposes is within the Village of Thomasboro.

G. Municipal Telecommunications Tax

(1) Creation of a Telecommunications Tax: A simplified municipal telecommunications tax is hereby imposed upon the act or privilege of originating in the municipality or receiving in the municipality intrastate or interstate telecommunications by a person under the provisions of the Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-1), at a rate of five percent (5%) of the gross charges for such telecommunications purchased at retail from a retailer.

(2) Tax Collection: The tax hereby imposed shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Section.

**Section 4. COMPENSATION AND SALARIES**

A. Village Officials

(1) President of Board of Trustees - Salary set at \$1,800.00 per year, payable in monthly installments of \$150.00.

(2) Trustees - Salary set at \$50.00 per meeting.

(3) Treasurer - Salary set at \$14.76 per hour.

(4) Clerk - Salary set at \$487.00 per month.

(5) ESDA Coordinator - Salary set at \$50.00 per meeting.

B. Non-Board Members

Citizens of the Village who have been appointed by the President of the Board of Trustees, and such appointment is approved by the Board of Trustees, to serve on Village committees or boards shall be paid fifty dollars (\$50.00) per committee or board meeting attended.

C. Reimbursement of Reasonable Expenses (Ord. #481)

(1) Elected Village of Thomasboro officials shall be entitled to reimbursement for reasonable and actual expenses that are incurred in the performance of official duties that take place outside the Village of Thomasboro corporate limits. Expenses to be reimbursed are those incurred for lodging, meals, transportation and enrollment or attendance fees supported by receipts or statements. Automobile expenses shall be reimbursed at the standard mileage rate as established from time to time by the Internal Revenue Service.

(2) Reimbursement will only be for reasonable expenses actually incurred and there will be no reimbursement for expenses incurred relating to the performance of non-official duties or for the performance of official duties taking place within the corporate limits of the Village of Thomasboro.

(3) Reimbursement for any expense over two hundred (\$200) dollars will not be allowed without approval by a majority of the Board of Trustees.

**Section 5. STANDING COMMITTEES**

A. Standing Committees.

Standing committees of the Board of Trustees shall consist of the following: Police & Safety; Building Permits & Liquor Licenses; Health, Sanitation & Public Relations; Water & Sewer; Streets & Alleys; Civil Defense & Parks; Zoning; Plat; and Personnel. The Zoning Board of Appeals shall be the sole standing board of the Board.

B. Appointment

Annually the President of the Board (Mayor) shall appoint a minimum of two Trustees to serve on each committees and board, and shall designate one Trustee as the Chairperson. Within the discretion of the President, citizens of the Village of Thomasboro who are not Trustees may be appointed to serve on a committee or board, in addition to the minimum of two (2) trustees.

### C. Authority and Responsibility

(1) Police & Safety Committee: Provides policy recommendations relating to police and safety issues to the Board of Trustees; makes detailed studies of pending proposals, to include development of annual budget and monitoring of expenditures for the Police Department; maintains close contact and oversight of the Village Police Department; and serves as a grievance forum for citations for violation of the Village's Motor Vehicle section of the Code.

(2) Building Permits & Liquor License Committee: Reviews and monitors all applications for building permits and liquor licenses within the Village of Thomasboro; provide policy recommendations and makes detailed studies of pending proposals regarding the Village of Thomasboro Building Code and liquor licensing to the Board of Trustees; maintains close contact and oversight of the Village Building Inspector; and serve as a grievance forum for citations issued for violations of the building permits and Code.

(3) Health, Sanitation & Public Relations Committee: Provide policy recommendations relating to the health, sanitation and public relations issues to the Board of Trustees; make detailed studies of pending proposals regarding health and sanitation issues within the Village; work closely with the Police & Safety Committee as well as the Police Department regarding issues of Health and Sanitation Code violations; coordinate activities for Village-wide events and activities; and serve as a grievance forum for citations issued for violations of the Village Health and Sanitation Code.

(4) Water & Sewer Committee: Provide policy recommendations relating to the Village water and sewer systems to the Board of Trustees; makes detailed studies of pending proposals, to include development of annual budget and monitoring of expenditures for the Water and Sewer Department and infrastructure; maintain close contact and oversight of the Water and Sewer Department; coordinate maintenance and repairs schedules between the Water and Sewer Department and the Village water and sewer engineers.

(5) Streets & Alleys Committee: Provide policy recommendations relating to the Village streets and alleys to the Board of Trustees; makes detailed studies of pending proposals, to include development of annual budget and monitoring of expenditures for the Street and Alleys Department; maintain close contact and oversight of the Street Department; coordinate maintenance and repairs schedules between the Street Department and the Village street engineers.

(6) Civil Defense & Parks Committee. Provide policy recommendations relating to the Village civil defense and parks to the Board of Trustees; makes

detailed studies of pending proposals, to include development of annual budget and monitoring of expenditures for civil defense and ESDA; maintain close contact and oversight of the ESDA Coordinator; coordinate maintenance and repairs to maintain the warning system and parks.

(7) Zoning Committee: Provide policy recommendations relating to the Village Zoning Code to the Board of Trustees; as required, make detailed studies of pending proposals for zoning code changes or amendments; maintain close contact and oversight the Village Zoning Administrator; and serve as a grievance forum for citations issued for violation of the Village Zoning Code.

(8) Plat Committee: Provide policy recommendations relating to the Village Subdivision Code; make detailed studies of pending proposals for Subdivision Code changes or amendments; conduct meetings as required for review and approval/disapproval of proposed subdivisions; maintain close contact with the Village Zoning Administrator and Village Attorney for proposed subdivisions.

(9) Personnel Committee: Provide policy recommendations relating to the Village Personnel policies and employment practices; make detailed studies of pending proposals for personnel, to include hiring and termination; coordinate among the various committees and departments for annual employee performance evaluations and merit awards; and conduct interviews and scoring for hiring of new employees.

(10) Zoning Board of Appeals: Conduct hearings for proposed zoning code amendments and variances as required; provide policy recommendations relating to the Village Zoning Code to the Zoning Committee.

#### D. Meetings

All committees shall meet at the discretion of the Chairperson. Notice of meeting must be posted 48 hours in advance and include an agenda for the meeting.

#### E. Conflicts of Interest

Any committee member shall recuse himself or herself when the committee is considering an issue in which the committee member has a personal or financial interest.

#### F. Grievances

Grievance for any Code violation shall be filed with the Village Clerk.



Upon receipt, the Village Clerk shall notify the Chairperson of the relevant committee and a hearing shall be scheduled within Ten (10) days. Specific notice shall be mailed by first class mail to the individual filing the grievance. Upon conclusion of the hearing on the grievance, the committee shall submit a report to the President of the Board, with a copy to the person filing the grievance, outlining the facts and stating the committee's recommendation. Final action shall be by the President of the Board with approval of the Board of Trustees.

## **Section 6. MUNICIPAL CONTRACTS**

### **A. Prevailing Wages**

The Village of Thomasboro shall maintain prevailing wages in accord with the Illinois Prevailing Wage Statutes (820 ILCS 130/1 et seq.). All necessary and applicable provisions thereof are incorporated into this Municipal Code by reference.

It is the policy of the Village of Thomasboro and the State of Illinois that a wage, of no less than the general prevailing hourly rate as paid for work of a similar character in the locality in which the work is performed, shall be paid to all laborers, workers, and mechanics employed by or on behalf of any and all public bodies engaged in public works.

### **B. Illinois Municipal League Risk Management Association**

The Village Board authorizes and approves membership in the Illinois Municipal League Risk Management Association and directs the President of the Board and Village Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership for a period of one (1) year beginning the date the Association commences providing risk coverage to its members and each year thereafter unless this Section is repealed.

Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of application based on the needs of the Association and the loss experience of the member, which sum shall constitute the cost of the member's first contribution for membership in the Association. Membership contributions for second and subsequent years shall be calculated in accordance with the loss experience of the Village and the needs of the Association including total losses and expenditures of the Self-Insured Retention Fund of the Association.

## **Section 7. HISTORY**

### **Section 1. – Rules and Procedures**

# 440 1994 Rules, Procedures for Scheduled Monthly Meetings of Trustees

### **Section 2. – Ethical Codes of Conduct**

# 471 July 5, 1999 Ordinance Prohibiting Solicitation of Gifts; superseded by # 512

### **Section 3.A. – Appropriations**

Ord. #	Fiscal Year	Ord #	Fiscal Year
200	1947-1948	202	1948-1949
206	1949-1950	209	1950-1951
211	1951-1952	214	1952-1953
217	1953-1954	220	1954-1955
224	1955-1956	227A	1956-1957
230	1957-1958	231	1958-1959
233	1959-1960	241	1960-1961
247	1961-1962	251	1962-1963
253	1963-1964	255	1963-1964
257	1964-1965	259	1965-1966
266	1966-1967	269	1967-1968
275	1968-1969	281	1969-1970
286	1970-1971	294	1971-1972
299	1972-1973	304	1973-1974
307	1974-1975	311	1975-1976
316	1976-1977	323	1977-1978
329	1978-1979	334	1979-1980
338	1980-1981	343	1981-1982
356	1982-1983	361	1983-1984
365	1984-1985	374	1985-1986
376	1986-1987	382	1987-1988
393	1988-1989	394	Amend 1988-1989
406	1989-1990	413	1990-1991
418	1991-1992	422	1992-1993
434	1993-1994	439	1994-1995
447	1995-1996	452	1996-1997
456	1997-1998	464	1998-1999
472	1999-2000	480	2000-2001
493	2001-2002	500	2002-2003
506	2003-2004	511	2004-2005

524	2005-2006	534	2006-2007
537	2007-2008	545	2008-2009
551	2009-2010	558	2010-2011
566	2011-2012	576	2012-2013
583	2013-2014	588	2014-2015
593	2015-2016	597	2016-2017
605	2017-2018		

**Section 3B. – Levies**

Ord. #	Fiscal Year	Ord #	Fiscal Year
201	1947-1948	203	1948-1949
208	1949-1950	210	1950-1951
212	1951-1952	215	1952-1953
218	1953-1954	222	1954-1955
225	1955-1956	228	1956-1957
232	1958-1959	234	1959-1960
243	1960-1961	249	1961-1962
252	1962-1963	254	1962-1963
256	1963-1964	258	1964-1965
264	1965-1966	267	1966-1967
272	1967-1968	276	1968-1969
282	1969-1970	291	1970-1971
295	1971-1972	297	1972-1973
300	1972-1973	305	1973-1974
309	1974-1975	312	1975-1976
317	1976-1977	325	1977-1978
330	1978-1979	336	1979-1980
341	1980-1981	346	1981-1982
359	1982-1983	363	1983-1984
366	1984-1985	375	1985-1986
377	1986-1987	384	1987-1988
395	1988-1989	408	1989-1990
416	1990-1991	419	1991-1992
427	1992-1993	436	1993-1994
443	1994-1995	450	1995-1996
453	1996-1997	459	1997-1998
466	1998-1999	474	1999-2000
483	2000-2001	495	2001-2002
501	2002-2003	507	2003-2004
520	2004-2005	526	2005-2006
535	2006-2007	538	2007-2008

546	2008-2009	552	2009-2010
562	2010-2011	569	2011-2012
578	2012-2013	584	2013-2014
589	2014-2015	594	2015-2016
599	2016-2017		

### **Other Tax History**

- # 213 December 3, 1951 Corporate Tax Increase Ordinance
- # 219 May 3, 1954 Rescission of # 213
- # 262 June 28, 1965 Special Election regarding Maximum Tax Rate

### **Section 3.C. – Municipal Service Occupation Tax**

- # 250 August 14, 1961 Superseded by # 271
- # 271 September 5, 1967 Superseded by # 274
- # 274 May 6, 1968 Superseded by # 284
- # 284 September 8, 1969

### **Section 3.D. – Municipal Retailers’ Occupation Tax**

- # 270 September 10, 1967 Superseded by # 283
- # 283 September 8, 1969

### **Section 3.E. – Municipal Use Tax**

- # 337 April 7, 1980

### **Section 4.A. – Compensation and Salaries for Village Officials**

- # 237 April 19, 1960 Superintendent of Waterworks and Treasurer
- # 239 May 2, 1960 Clerks’ Salaries
- # 277 December 2, 1968 President and Trustees of Board
- # 296 December 4, 1972 President and Trustees of Board and Village Clerk
- # 303 December 4, 1972 President and Trustees of Board and Village Clerk
- # 344 April 6, 1981 Various Officers
- # 444 March 6, 1995 Salaries for Municipal Officers

### **Section 4.B. – Compensation and Salaries for Non-Board Members**

- # 505 February 3, 2003 Amendment to # 444, Compensation of Non-Board Members

## CHAPTER II - ANIMALS AND THE ENVIRONMENT

### Section 1. ANIMAL CONTROL

#### A. Definitions

(1) “**At Large**” means off the premises of the owner, and not under the control of the owner or a member of his household. An animal shall only be deemed under control when it is restrained by a leash, chain, cage, or other means of sufficient restraint.

(2) “**Animal**” means any live creature, other than a human being.

(3) “**Department**” means the Champaign County Animal Control Department and its employees

(4) “**Domestic animal**” means a cat, dog, rabbit, hamster, or caged bird.

(5) “**Owner**” means any person or persons, firm, association or corporation owning or in possession of an animal within the corporate limits of the Village of Thomasboro. The parent or guardian of a minor owner shall be deemed to be the Owner for purposes of this Chapter.

(6) “**Police**” means the Village of Thomasboro Police Department and its duly sworn officers.

(7) “**Village Officials**” means the Village of Thomasboro Board of Trustees, Mayor, and employees.

#### B. Violation

(1) It shall be unlawful to house, keep, or otherwise maintain any animal other than a domestic animal within the corporate limits of the Village of Thomasboro.

(2) It shall be unlawful for the owner of a domestic animal to permit such animal to run at large or to be on any public place or private property other than that of the owner of the animal without being fully restrained by a leash or other suitable restraint, and to allow any such animal to defecate on public or private property not owned by the owner of the animal without cleaning up the feces left by such animal.

(3) No owner or person having custody of any domestic animal shall suffer or permit such animal to disturb the peace and quiet of the neighborhood by barking, howling, whining, or any other loud or disturbing noise.

(4) Any domestic animal found in the Village of Thomasboro running at large or disturbing the peace shall be considered a nuisance and the owner is subject to the provisions of this Section of the Municipal Code.

C. Impoundment.

Any animal found to be a nuisance may be impounded by the Police, Village Officials or the Department. The animal's owner shall be responsible for any and all costs and fees associated with impoundment, regardless if whether the owner reclaims the animal or not. All provisions of the Impoundment Agreement between the Village of Thomasboro and Champaign County regarding animal impoundment fees and holding periods shall control.

D. Penalty

Any person or entity found to be in violation of this Section of the Municipal Code shall be fined One Hundred Fifty Dollars (\$150.00) for the first offense, and a minimum of Three Hundred Dollars (\$300.00) for any subsequent offense. Such fines may be collected by the Department on behalf of the Village.

**Section 2. ANIMAL IMPOUND AND CONTROL SERVICES**

A. Intergovernmental Agreement for Animal Impound Services

Champaign County has provided an animal service facility primarily for the purpose of impounding animals for local municipalities. From time to time, the Village of Thomasboro will enter into an intergovernmental agreement with Champaign County for the purpose of using such facilities. Such agreement will provide for the fees to be charged, accessibility of the facilities to Thomasboro Police, and disposition of the animals.

B. Intergovernmental Agreement for Animal Control Services

Champaign County has the resources to remove stray animals through the Champaign County Animal Control Department. From time to time, the Village of Thomasboro will enter into an intergovernmental agreement with Champaign County for animal control services. Such agreement will provide for the fees to be charged and services to be provided to the Village.

### **Section 3. ANIMAL PROTECTION AND LAND CONSERVATION**

#### **A. Changes to Environmental Conditions**

Prior to the Village of Thomasboro performing funding or authorizing an action that changes existing environmental conditions, the Village shall consult with the Illinois Department of Conservation.

#### **B. Actions**

Actions include, but are not restricted to, the approval of subdivisions, issuance of permits for land disturbing activities, and the construction of municipal buildings and local state roads or parks.

#### **C. Evaluation of Project**

As part of the initial informal discussion activities for a project that affects an existing environmental condition, the requesting entity shall submit the necessary information and a map delineating the project to the Village of Thomasboro. The Village of Thomasboro shall submit the agency action report and the map to the Illinois Department of Conservation requesting an evaluation of the project.

#### **D. Illinois Department of Conservation Report**

No subdivision plat, Zoning Code amendment, or building permit shall issue for a project that affects an existing environmental condition until a favorable report has been received from the Illinois Department of Conservation in response to the Village's agency action report.

## **Section 4. HISTORY**

### **Section 1 – Animal Control**

301	July 10, 1972	Leash Law; superseded by # 397
397	August 1, 1988	Leash Law; superseded by # 426
426	September 8, 1992	Leash Law; superseded by # 529
516	October 3, 2004	Leash Law; amendment to #426
529	April 3, 2006	Animal Control Ordinance; superseded by # 539
539	November 5, 2007	Animal Control Ordinance
568	September 6, 2011	Increase in fees
592	April 6, 2015	Increase in fees



## **CHAPTER III. BUILDING AND BUILDING CODES**

### **Section 1 - DEFINITIONS**

The definitions contained in the Zoning and Planning Code for the Village of Thomasboro are incorporated herein by reference and made a part of this chapter to the same extent as if such definitions were included herein.

### **Section 2 - GENERAL PROVISIONS**

#### **A. Responsibility:**

It shall be the responsibility of the landowner to insure that provisions of this Section are complied with.

#### **B. Safety:**

It shall be the duty of the person, firm or corporation doing any construction, altering, moving or demolition work in the Village to do the same with proper care for the safety of persons and property.

#### **C. Permit Required:**

A building permit shall be required to

(1) Construct any building or structure other than a fence in the Village where such construction is more than one hundred (100) square feet;

(2) Alter or modify any building or structure so as to add to or change the weight bearing walls, beams, supports or roof thereof;

(3) Move any building on, through or over an alley or other public place  
Demolish any building or structure;

(4) Connect sanitary drains to the Village sanitary sewage system, or to install, repair, modify or alter a septic system;

(5) Connect to the Village water system;

(6) Upon purchase of a permit for construction of a building, a water meter shall be purchased from the Village;

(7) Connect to the village drains system;

(8) Place a mobile or modular home on any lot within the Village limits;

(9) Pave or otherwise cover any driveway with any permanent material, such as concrete, asphalt, or any bituminous product; and

(10) No permit shall be required to place gravel, rock, stone, road pack, or any similar material on a driveway.

### **Section 3 - PROCEDURES**

#### **A. Application**

Application must be submitted to the Village Building Official with the required fee prior to beginning the work. Drawings, blueprints or architectural drawings, when appropriate, should accompany the application.

#### **B. Inspection**

The Village Building Official shall review the application and inspect the work site to insure compliance with the Village Zoning Code, Department of Public Health Codes and Regulations and/or other applicable statute or regulations.

#### **C. Issuance**

Upon satisfactory inspection of the work site, the Building Permit shall be issued and posted in a conspicuous location on the job site.

#### **D. Termination**

All building permits shall terminate one hundred and eighty (180) days after the date of issuance. Any terminated building permit may be renewed once upon written request for renewal provided significant progress has been made in the project since the initial application.

### **Section 4 - FEES**

#### **A. Construction**

For residential homes, the fee for a permit to construct the main or principal building or structure on a lot or to place a modular home on a lot is two hundred dollars (\$200.00). The fee for a permit to construct an accessory building or structure on a lot, including garages and sheds, is fifty dollars (\$50.00). The fee for

a permit to construct a fence or deck is twenty-five dollars (\$25.00). If a principal and accessory building are to be built at the same time on the same lot (such as a house and garage with paved driveway), only one (1) permit is necessary and the fee shall be two hundred dollars (\$200.00).

For commercial and industrial structures, the fee for a permit to construct the main or principal building or structure on a lot is two hundred fifty dollars (\$250.00).

#### B. Alteration or Modification

The fee for a permit to alter, modify or add to any existing residential home or structure shall be fifty dollars (\$50.00). The fee for a permit to alter, modify or add to any existing commercial or industrial building or structure shall be seventy-five dollars (\$75.00).

#### C. Moving a Building

The fee for a permit to move any building, five hundred square feet or more in square footage, on, through, or over any street, alley or public place shall be fifty (\$50.00) dollars for every day, or fraction thereof, that the building will occupy such public place.

#### D. Demolition

The fee for a permit to demolish any building or structure shall be fifteen dollars (\$15.00).

#### E. Sanitary Sewer

The fee for a permit to tap-on to the Village sewer system is Two Hundred Fifty Dollars (\$250.00), payable to the Village of Thomasboro. A permit is valid for thirty (30) days. Any second or subsequent permit will require an addition Fifty Dollars (\$50.00) fee payable to the Village of Thomasboro.

#### F. Storm Drain System

The fee for connecting to the Village storm drain system is twenty dollars (\$20.00). At a property owner's request, driveway culverts may be replaced by the Village as part of its maintenance program. However, the replacement culvert must meet the Village's specifications. Cost of the culvert shall be borne by the property owner. The Village will provide excavation of gravel and dirt packed surfaces over the culvert. All other materials must be removed by the property owner. In the event that the Village, as part of its maintenance program, elects to replace a driveway

culvert that has failed, the property owner shall bear all costs for removal of asphalt, concrete, or other surfaces, other than gravel or dirt pack. The Village shall restore the driveway with gravel or dirt packed surface. The property owner shall be responsible for restoration of the asphalt, concrete or other materials.

G. Canopy Carports

The fee for a temporary use permit to erect and maintain a canopy carport is twenty-five dollars (\$25.00) and may be issued for a period not to exceed three (3) months in any calendar year. For the purposes of this section, a canopy carport shall be defined as a temporary detachable canvas, fabric or plastic vehicle shelter which is mounted on a rigid frame and supported by posts attached to the ground. The provisions of this section shall not be applicable to permanent carports, which are accessory structures and therefore subject to the provisions of Section (A) above.

**Section 5 - PENALTY**

Any person, firm or corporation who fails to submit the proper application and/or pay the required fee prior to beginning any construction, alteration, modification, demolition, moving or connection shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Each day that a violation of this Chapter continues shall be deemed a separate violation.

**Section 6 - SMOKE DETECTORS**

A. Requirements

Every building shall have on each floor and in each dwelling unit on each floor at least one approved smoke detector powered by battery or the building electrical service. When activated, the detector(s) shall initiate an alarm which shall be audible throughout the entire floor, or in the case of a dwelling unit, throughout the entire unit.

B. Duty

It shall be the duty of the landowner to insure that smoke detectors are installed in accordance with this chapter.

C. Location

The detectors should be mounted on the ceiling, or on the wall within twelve (12) inches of, but not closer than six (6) inches to, the ceiling. The detector should be placed away from any cooking area. Where unusual factors such as room configuration, air movement, stagnant air pockets, etc. require consideration, the owner shall seek the assistance and

direction of the Thomasboro Fire Protection District on the placement of the detector(s).

#### D. Exemption

Buildings which are equipped with comparable systems are not required to have smoke detectors provided that the comparable system provides the same or better protection than the smoke detectors.

### Section 7 - HISTORY

216		SEWER ORDINANCE
298	May 1, 1972	Building Code; superseded by # 385
369	July 2, 1984	Smoke Detection Devices
410	December 4, 1989	Amendment to # 385, Section 4, Fees
460	December 1, 1997	Amendment to # 385, Section 3, Termination
498	November 5, 2001	Amendment to # 385, Permit for Sewer Hook-up
510	December 1, 2003	Amendment to # 385, Connection to Sewer System
523	June 6, 2005	Amendment to # 385, Storm Drain System
525	August 1, 2005	Amendment to # 385, General Provisions and Construction Fees
602	March 6, 2017	Amendment to Permit Fees
604	June 5, 2017	Canopy Carports

## **CHAPTER IV. EMERGENCY SERVICES AND DISASTER AGENCY**

### **Section 1 - ESTABLISHMENT**

#### **A. Agency**

There shall be a Village of Thomasboro Emergency Services and Disaster Agency (ESDA). The ESDA will prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with The Illinois Emergency Management Agency Act (20 ILCS 3305/1 et seq.) (hereinafter referred to as the "Act.").

#### **B. Composition**

The ESDA shall consist of the coordinator and such additional members as may be selected by the coordinator.

(1) Coordinator. The coordinator of the Village ESDA shall be appointed by the President of the Board of Trustees and shall serve until removed by the President of the Board of Trustees.

(a) The coordinator shall have direct responsibility for the organization, administration, training and operation of the ESDA, subject to the direction and control of the President as provided by Illinois Consolidated Statutes and this section of the Thomasboro Municipal Code.

(b) In the event of the absence, resignation, death or inability to serve as the coordinator, the President of the Board of Trustees or any person designated by him/her, shall be and act as coordinator until a new appointment is made as provided in this section.

(2) Mobile Support Team. All or any members of the village ESDA organization may be designated as members of a Mobile Support Team created by the director of the State ESDA as provided by law.

(a) The leader of such Mobile Support Team shall be designated by the coordinator of the Village ESDA organization.

(b) Any member of a Mobile Support Team who is a Village employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Village, while so serving, shall

receive from the state reasonable compensation as provided by law.

### C. Functions

(1) The ESDA shall perform such ESDA functions within the Village as shall be prescribed in and by the state ESDA plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided in The Illinois Emergency Management Agency Act.

(2) Agreements with other Political Subdivisions. The coordinator of the ESDA may negotiate Mutual Aid Agreements with other cities and political subdivisions of the state, but no such agreement shall be effective until it has been approved by a favorable vote of a majority of the members of the Board of Trustees and by the State Director of ESDA.

(3) Emergency Action. If the Governor proclaims that a disaster emergency exists in the event of an actual enemy attack upon the United States, or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, the Village ESDA shall cooperate fully with the State ESDA and the Governor in the exercise of emergency powers as provided by law.

### D. Compensation

Members of the Village ESDA who are paid employees or officers of the Village, if called for training by the State Director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held. Members of the Village ESDA who are not Village employees or officers shall receive for such training time such compensation as may be established by a favorable vote of a majority of the members of the Board of Trustees.

### E. Oath.

Every person appointed to serve in any capacity in the Village ESDA organization shall, before entering upon his or her duties, subscribe to the following oath, which shall be filed with the coordinator:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Village of Thomasboro ESDA organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.

## **Section 2 - PURCHASES AND EXPENDITURES**

### **A. Reimbursement by State**

The Village Treasurer may receive and allocate to the appropriate fund or individual any reimbursement by the State to the Village for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a Mobile Support Team while serving outside the village in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

### **B. Contracts**

The Board of Trustees may, on recommendation of the Village coordinator of ESDA, authorize any purchase of contracts necessary to place the village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

### **C. Services, Supplies, Equipment**

In the event of enemy-caused or other disaster, the Village coordinator of ESDA is authorized, on behalf of the village, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency without regard to the statutory procedures or formalities normally



prescribed by law pertaining to Village contracts or obligations, as authorized by The State ESDA Act of 1975, provided that if the Board of Trustees meets at such time, the coordinator shall act in accordance with the directions and restrictions imposed by the Board. If the Board is not meeting at the time of such emergency or disaster, the coordinator shall act in accordance with the directions and restrictions imposed by the President if the President is available at such time.

#### D. Offices and Storage Facilities

The Board of Trustees is authorized to designate space in any village building, or elsewhere, for a village ESDA office and for storage of necessary equipment and supplies. The Board of Trustees is further authorized to enter into a contract with any private party or political subdivision of the State, in the manner provided by law, to obtain such office and storage facilities.

#### E. Appropriations

The Board of Trustees may make appropriations for the Village ESDA in the manner provided by law for making appropriations for the ordinary expenses of the village.

#### F. Levy of Taxes

The Board of Trustees may, in the manner provided by law, levy a tax solely for the Village ESDA purposes, provided that such tax does not exceed .05% of the full, fair cash value, as equalized or assessed by the Department of Local Government Affairs on all of the taxable property in the Village for the year in which the village ESDA tax levy is made. However, the amount collectible under such a levy shall in no event exceed twenty-five (25) cents per capita. The annual tax for village ESDA purposes shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes, as provided by the Act.

### **Section 3 - AMENDMENTS**

The Board of Trustees may from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal this Chapter, in the manner provided by law for such actions.

## CHAPTER V. HEALTH AND SANITATION

### Section 1. GARBAGE, TRASH AND PUBLIC APPEARANCE

#### A. Definitions

As used in this Chapter, the following terms shall have the meaning ascribed:

(1) “**Construction or demolition debris**” means solid waste containing a variety of materials resulting from the construction, demolition, remodeling or renovation of residential, commercial or industrial structures. Construction or demolition debris includes cement, concrete, asphalt, masonry debris as well as all wood products, drywall, roofing materials, insulation and any other product or material used in construction, or as a result of demolition.

(2) “**Garbage**” means any type of kitchen or food waste.

(3) “**Public appearance**” means the general appearance of the property as it is viewed by the passing public, or is viewed by neighbors.

(4) “**Screening**” means adequate screening for multiple or large trash containers such as vegetation (consisting of well-maintained bushes), fencing, lattice, or other appropriate screening. Such screening shall conceal the containers from the public view and serve to control the collection of garbage and trash.

(5) “**Suitable container**” means a trash can or receptacle, with a suitable tight fitting lid, manufactured for the purpose of holding garbage, trash, or refuse. It shall also mean a commercial dumpster.

(6) “**Trash**” means any type of household, business or industrial waste or refuse excluding landscape waste, and/or any item that has been discarded by the owner.

#### B. Violations

The following are by definition a nuisance and a violation of this Section:

(1) Failure of property owners to control and contain all garbage and trash in suitable containers for their property.

(2) Failure of a property owner of two or more residential units and

commercial property to provide adequate screening of large and/or multiple garbage and trash containers or to adequately maintain such screening and keep it in good repair.

(3) Large items placed outside of garbage and trash containers.

(4) Storage of building materials outside on the property, when no construction is underway, or no building permit has been issued in support of any construction.

(5) Accumulation of construction or demolition debris on the property for a period exceeding 30 days.

(6) Storage of furniture, appliances, automotive parts, building materials, and yard equipment outdoors on the property.

(7) Swimming pools in disuse and/or with stagnant water.

(8) Storage of commercial or business equipment outside in a residential neighborhood.

(9) Any structure that has openings in the structure boarded up or is missing doors or windows, is unoccupied and not maintained.

(10) Any property for which its public appearance is unnecessarily messy or lacks care and maintenance to support its value and the neighbors' property value.

(11) Placement of garbage or trash on public property or right-of-way.

#### C. Notice.

(1) Upon receipt of a complaint by the Village of Thomasboro of a correctable nuisance under this Section, the Village shall send a letter to the property owner requesting that the nuisance be corrected. The property owner shall have 10 days from the date of the letter to make the correction. If the property owner does not correct the condition, then the Village may issue a Complaint against the property owner for violation of the Section.

(2) In the case of a violation that is not correctable within ten days, the Village may issue a Complaint against the property owner immediately for violation of the Section.

D. Penalty

Any person who violates any provision of this Section of the Code shall be subject to a fine of not less than one hundred dollars (\$100.00) for the first offense, and three hundred dollars (\$300) for each subsequent offense.

**Section 2. YARD WASTE AND BURNING**

A. Yard Waste Disposal Sites

(1) Yard waste disposal sites may only be designated by the Village Board of Trustees.

(2) Designated sites will be marked prominently by a sign designating the area as a "Yard Waste Disposal Site." Use is restricted to residents of the Village of Thomasboro.

(3) Tree limbs, grass, brush, leaves, and other organic natural materials customarily found in and around a residential yard or lawn are the only items allowed to be disposed of on a designated yard waste disposal site. No man-made products or items may be disposed of on the site.

(4) Waste materials shall be placed on the site during daylight hours only.

(5) Only authorized Village employees shall have the authority to set fire or otherwise ignite materials on the site.

B. Burning

Landscape waste may be burned within the Village of Thomasboro between the hours of 8:00 A.M. and Sunset on Wednesdays and Saturdays only. Landscape waste shall consist of vegetable and plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings. All other items or forms of waste are prohibited from being burned regardless of the container used.

Any other provision of this section to the contrary notwithstanding, it shall be lawful for any person as a means of cooking food to burn combustible material ordinarily used for the purpose of cooking food outdoors in any permanent or temporary outdoor fireplace, grill, or barbeque pit. Provided, however, that any such fire must be kept under competent and continuous supervision and must be kept a sufficient distance from any building structure or other material so as not to

constitute a fire hazard.

The recreational burning of Fuel for pleasure, religious, ceremonial, cooking, warmth, or similar purposes may be allowed where the fire is contained to a Recreational Fire Enclosure and the owner of the property on which the Recreational Fire Enclosure is located has consented to such fire. A “Recreational Fire Enclosure” shall mean a pit on cleared earth enclosed on all sides by masonry, concrete, rock materials, or metal not exceeding sixteen (16) square feet or a metal, masonry, or ceramic container designed for such purposes not exceeding sixteen (16) square feet. Burn barrels of any sort may not be used for recreational fires. “Fuel” shall mean dry seasoned wood logs, twigs, small branches, or charcoal briquettes, as well as starter fluids or materials designed and used solely for the purpose of starting a fire.

### C. Penalty

Any individual found to be in violation of this Section of the Code shall be subject to a fine of fifty dollars (\$50.00) for the first offense, one hundred twenty-five dollars (\$125.00) for the second offense, and five hundred dollars (\$500.00) for each subsequent offense

## **Section 3. HISTORY**

### **Section 1.A. – Garbage, Trash and Public Appearance**

290	July 6, 1970	Garbage and Refuse Ordinance; superseded by # 475
442	October 3, 1994	Procedure for Removal of Garbage and Debris from Private Property within Corporate Limits
468	March 1, 1999	Garbage and Refuse Ordinance; amendment to # 290
475	April 3, 2000	Garbage and Trash Ordinance
492	August 6, 2001	Amendment to # 475, Hours for Burning
521	December 6, 2004	Amendment to # 475
539	November 5, 2007	Nuisance Ordinance

### **Section 2 – Yard Waste and Burning**

414	September 4, 1990	Yard Waste Disposal; superseded by # 425
425	August 3, 1992	Village Yard Waste Disposal Site
595	October 5, 2015	Permitting recreational fires

## CHAPTER VI - LIQUOR

### Section 1. SALE AT RETAIL OF ALCOHOLIC LIQUORS

#### A. Definitions

The words and phrases used in this Code have the meaning given them by the definitions contained in Section 3 of Article 1 of The Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) enacted by the General Assembly of the State of Illinois on January 31, 1934, and as amended.

#### B. Local Liquor Control Commissioner

The President of the Village Board of Trustees shall be the Local Liquor Control Commissioner, and shall be charged with the administration of this Chapter and shall have all the powers, duties, and functions as provided by the laws of the State of Illinois.

#### C. Liquor Licenses

(1) License Required. A duly issued Village of Thomasboro license is required to sell, or offer to sell, at retail any alcoholic liquor within the corporate limits of the Village of Thomasboro. Liquor licenses must be renewed annually. A liquor license is issued to a specific licensee for a specific location. A change in licensee and/or location shall require a new application to be filed with the Village.

#### (2) Classification of Licenses and Fees

(a) Class A License: Authorizes the retail sale of alcoholic liquor by the drink for consumption on the premises where sold; or in package form for consumption on or off the premises where sold. The annual license fee for a Class A License shall be seven hundred and fifty dollars (\$750.00).

(b) Class B License: Authorizes the retail sale of beer and wine only for consumption on or off the premises where sold. The annual license fee for a Class B License shall be two hundred and fifty dollars (\$250.00).

(c) Class C License: Authorizes the retail sale of alcoholic liquor in package form, for consumption off the premises where sold. Class C-1 License shall limit such retail sales to beer and wine only. Class C-2 License shall allow retail sale of all alcoholic liquor. The annual license fee for a Class C-1 License shall be one hundred and fifty dollars (\$150.00). The annual license fee for a Class C-2 License shall be seven hundred fifty

dollars (\$750.00).

(d) Class D License: Authorizes the retail sale of alcoholic liquors by the drink for consumption on the premises where sold, by any not-for-profit community improvement organization, or any religious corporation.

(e) Class E License: Authorizes the retail sale of alcoholic beverages for consumption at a specified venue on a specified date during specified hours. Such license shall be issued to a Special Event Retailer which is defined as and restricted to an educational, fraternal, political, civic, religious or non-professional organization residing and located within the corporate limits of the Village of Thomasboro. Application for the Special Event License shall be made at least sixty (60) days prior to the event and include information regarding insurance, security and traffic/parking control. Venue for a Special Event shall not be within 100 feet of any church or school unless sponsored by such organization. A license fee of twenty-five dollars (\$25.00) shall be paid with the application.

(f) Sunday Stamp: Authorizes the holder of a Class A, B, or C license to engage in the retail sale of alcoholic liquors between the hours of 12:00 noon on Sunday and 1:00 a.m. on Monday, subject to the restrictions of the license held.

### (3) Limitations on Number of Licenses

(a) Class A: There shall be issued no more than two (2) Class A licenses in the Village of Thomasboro. In the event that a Class A license is surrendered or cancelled/revoked, then a new Class A license may be issued.

(B) Class B: There shall be issued no more than two (2) Class B licenses in the Village of Thomasboro. In the event that the Class B license is surrendered or cancelled/revoked, then a new Class B license may be issued.

(c) Class C: There shall be issued no more than three (3) Class C licenses in the Village of Thomasboro. In the event that the Class C license is surrendered or cancelled/revoked, then a new Class C license may be issued.

### (4) Term of License.

All licenses issued by the Village of Thomasboro shall be valid from the date of issuance until midnight on June 30 each year, unless sooner revoked,

suspended, or surrendered. There shall be no proration of license fees, and no part of a license fee shall be refunded once the license has been issued.

(5) Transferral of License.

A liquor license issued by the Village of Thomasboro is non-transferable. The license is a privilege and not a right, nor is it property. It shall not be subject to attachment, garnishment, assignment, or lien, voluntarily or involuntarily, or in any other way subject to being encumbered. Upon the death, bankruptcy, or insolvency of the licensee, the license shall be revoked unless by order of a competent court, the business may be continued until expiration of the license, but under no circumstances more than six months after the death, bankruptcy, or insolvency of the licensee.

(6) Renewal of License.

A liquor license may be renewed, effective July 1 of each year, provided the license is available to be re-issued, the licensee continues to be qualified to hold the license, and the premises for which the license is issued continues to be suitable.

(7) Record.

The Liquor Control Commissioner shall keep or cause to be kept, a complete record of all liquor licenses issued and shall make such record shall be available to the Clerk and Treasurer. Upon issuance of a new license, or revocation or suspension of an old license, the Commissioner shall notify the Clerk and Treasurer within forty-eight hours of such action.

(8) Retail Sales near Churches or Schools.

No license shall be issued for the retail sale of any alcoholic liquor within 500 feet of any church or school except for a Class D license issued to a church or private school.

D. Liquor License Applications

(1) Application for Liquor License.

No liquor license shall be issued by the Village of Thomasboro without a properly completed application. The Village Liquor Control Commissioner shall prepare a standard application form to be used by all applicants for a liquor license. An application by a corporation shall include names and addresses of corporate officers, directors and shareholders having in the aggregate more than 5% of the



stock. If the applicant is a partnership, then the name and addresses of all partners will be included in the application. Failure of an applicant to provide all information on the application form shall be grounds for denying the applicant's request for a license.

(2) Qualify under State Law and Village of Thomasboro Code.

To receive a liquor license from the Village of Thomasboro, an applicant must also qualify under The Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.).

(3) Payment of Fees and Issuance of License.

One-half of the license fee is due and payable to the Village with the application being submitted. Upon approval of the application, the license shall be issued. The remaining one-half of the license fee will then be due and payable six months after the date of issuance, but not later than June 30 of the current year. In the event that the application is denied, then no fees will be refunded to the applicant.

E. Rules and Regulations

(1) Hours of Operation.

It shall be unlawful to sell or offer for sale at retail any alcoholic liquor in the Village of Thomasboro between the hours of 1:00 a.m. and 6:00 a.m. on any day, and between the hours of 1:00 a.m. on Sunday and 6:00 a.m. of the succeeding Monday. Any premises wherein liquor is sold for consumption on the premises, must be vacated within one-half (½) hour after the closing hour, except for the owner, manager, or custodial personnel.

(2) Zoning.

Any premises for which a liquor license is issued must conform and comply with the Village of Thomasboro Zoning requirements as defined in Thomasboro Zoning and Planning Code.

(3) Location.

A license is issued for a specific location as specified in the license application. The location may be changed only upon written request to and approval from the Village Liquor Control Commissioner.

(4) Health Requirements.

All premises from which alcoholic liquor is sold at retail, or stored for sale at retail, must comply with all requirements of the State of Illinois for the sale or storage of food for human consumption.

(5) Signage.

Every place of business in the Village of Thomasboro where alcoholic liquor is sold shall display in a prominent place a printed placard which reads as follows:

WARNING TO MINORS - You are subject to a fine of not less than \$50.00 nor more than \$750.00 under the Code of the Village of Thomasboro if you purchase, accept as a gift, or have in your possession alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.

(6) Minors Prohibited from Tending Bar.

No person under the age of twenty-one (21) shall at any time tend bar, or pour or mix any alcoholic liquor on the premises of any licensee.

(7) Restriction on Hours for Minors.

No person under the age of twenty-one (21) shall be on a premises of a Class A, B, or D licensee after 8:30 p.m. unless accompanied by a parent or legal guardian. This restriction shall not apply to a business that is primarily in the restaurant business, serving food and meals for consumption on the premises.

(8) Liability of Owner of Premises.

Every premises owner has the responsibility to insure that a licensee is using the premises in accordance with the provisions of this Code. Any violation by a licensee may also subject the owner of the premises to be guilty of a violation as well.

(9) Liability of Licensee for Actions of Employees.

Any and all actions of the licensee's employees which are in violation of this Chapter shall be deemed to be the actions of the licensee.

F. Suspension or Revocation of License

(1) Suspension or Revocation of License.

The Village's Liquor Control Commissioner may suspend or revoke any license issued under this Chapter for any violation of the provisions of this Chapter or the State of Illinois Liquor Control Act of 1934 as amended. Any false or inaccurate information on an application shall be sufficient for suspension or revocation.

(2) Procedure.

The procedure to be followed for the suspension or revocation of a license shall be as outlined in Section 7-5 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/7-5) and by this reference, said Section is incorporated herein and made a part hereof as if stated verbatim.

G. Penalty

(1) Penalty for Hours Violation.

Any license holder that violates the operating hours set forth in paragraph 1.E.(1) above shall be subject to a fine of one hundred dollars (\$100.00) for the first offense, and three hundred dollars (\$300.00) for each subsequent offense.

(2) Penalty for Other Violations.

Any license holder that violates any provision other than paragraph 1.E.(1) of this Chapter or the Illinois Liquor Control Act of 1934, and as amended, shall be fined not less than three hundred dollars (\$300.00) for the first offense, and seven hundred fifty dollars (\$750.00) for each subsequent offense. Each day on which an offense exists shall be deemed to be a separate offense. Fines levied under this Chapter provision shall be in addition to any fine imposed by the Illinois Liquor Control Act of 1934, and as amended.

**Section 2. SALE OF ALCOHOLIC LIQUOR TO MINORS**

A. Unlawful Sale.

It shall be unlawful for any licensee to sell, give, or deliver alcoholic liquor to any person under the age of twenty-one (21).

B. Unlawful Possession.

It shall be unlawful for any person under the age of twenty-one (21) to purchase, obtain, or have in their possession any alcoholic liquor, regardless of circumstances.

C. Unlawful Representation of Age.

It shall be unlawful for any person under the age of twenty-one (21) to misrepresent his or her age for the purpose of purchasing or obtaining alcoholic liquor within the Village of Thomasboro.

### Section 3. HISTORY

#### Section 1 – Sale at Retail Alcoholic Liquor

# 207	June 6, 1949	Liquor Ordinance; superseded
# 226	June 6, 1955	Amendment to # 207, Closing Hours
# 227	July 5, 1955	Amendment to # 207, Closing Hours
# 268	October 3, 1966	Amendment to # 207, Class A Licenses
# 292	September 9, 1970	Amendment to # 207, Classifications
# 302	September 10, 1972	Amendment to # 207, Classifications
# 301	November 4, 1974	Amendment to # 207, Class A Licenses
# 340	June 3, 1980	Amendment to # 207, Class A Licenses
# 348	1981	Amendment to # 207, Unlawful Sale
# 351	October 5, 1981	Amendment to # 207, Unlawful Sale
# 354	January 11, 1982	Amendment to # 207, Closing Hours
# 357	June 7, 1982	Amendment to # 207, Closing Hours
# 362	June 6, 1983	Liquor Ordinance; superseded
# 370	January 7, 1985	Amendment to # 362, Addition of Class D License
# 381	May 4, 1987	Limitations on Class B Licenses
# 391	February 1, 1988	Limitations on Class C Licenses
# 392	March 7, 1988	Amendment to # 379, Restriction on Hours, Minors
# 420	October 7, 1991	Limitations on Class C Licenses
# 513	October 4, 2004	Amendment to # 379, Penalty
# 582	March 4, 2013	Addition of Class E Special Event License
# 586	November 18, 2013	Creation of Class C-1 and Class C-2 License Categories
# 601	March 6, 2017	Increase Limitations on Class A Licenses

## **CHAPTER VII - MOTOR VEHICLE – TRAFFIC**

### **Section 1. TRAFFIC**

#### **A. Enforcement and Obedience to Traffic Regulations**

##### **(1) Authority of Police Officers**

(a) It shall be the duty of the officers of the Police Department to enforce the Thomasboro Municipal Code, all traffic and parking Codes of the Village, and all applicable laws of the State of Illinois.

(b) Officers of the Police Department are hereby authorized to direct all traffic by voice, hand, or signal in conformance with the traffic laws, provided that in the event of a fire or emergency, or to expedite traffic, or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions require notwithstanding the provisions of the traffic laws.

##### **(2) Authority of the Village to Regulate Traffic on Private Property (625 ILCS 5/11-209.1).**

The Village may establish and enforce traffic regulations on private property when:

(a) A written request is made to the Village Board by the owner, manager or the owner or manager's representative; and

(b) The property consists of a residential subdivision, development, apartment house or apartment project, containing a minimum of 10 apartments or single family residences; and

(c) The written request includes the name and address of the owner of the property and an accurate description of the private roads or streets to be regulated; and

(d) The requesting authority pays the cost of any required traffic signs and installation of same.

##### **(3) Required Obedience to Traffic and Parking Section.**

It is unlawful for any person to do any act forbidden in this Chapter or to fail to perform any act required in this Chapter.

(4) Obedience to Police Department Officials.

No person shall willfully fail or refuse to comply with the lawful order or direction of a Police Department Official.

B. Traffic Control Devices

(1) Authority to Install Traffic-Control Devices (625 ILCS 5/11-304).

The Village of Thomasboro shall have the authority to place and maintain traffic-control devices within the corporate limits of the Village of Thomasboro in accordance with this Chapter and any amendments thereto enacted by the Board of Trustees.

(2) Manual and Specifications for Traffic-Control Devices.

All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the Illinois Department of Transportation. All traffic control devices so created and not inconsistent with the provisions of the State Law of Illinois shall be official traffic-control devices.

(3) Obedience to Official Traffic-Control Devices.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this Chapter, unless otherwise directed by a Police Officer or Fire Official.

C. Stop and Yield Intersections

(1) Intersections Where Stop Signs are Required.

The intersections listed and described in Schedule I, having been found to be hazardous, require the protections of stop signs and are herewith approved as set forth in Schedule I.

(2) Intersections Where Yield Signs are Required.

The intersections listed and described in Schedule II, having been found to be hazardous, require the protections of yield signs and are herewith approved as set forth in Schedule II.

## D. Stopping, Standing or Parking Prohibited on Certain Streets

### (1) Parking Restrictions on Certain Streets

(a) **NO PARKING:** When signs are erected giving notice of **NO PARKING**, no person shall park a vehicle at any time upon any of the streets or portions thereof marked and posted. Schedule III attached hereto and made a part of this Chapter describes such streets and areas.

(b) **NO PARKING, SCHOOL BUS ZONE:** When signs are erected giving notice of **NO PARKING, SCHOOL BUS ZONE**, no person shall park a vehicle at any time in such zone or portion thereof marked and posted, unless such vehicle is a conspicuously marked and registered school bus engaged in loading or unloading of students. Such zones are described in Schedule III.

(c) **NO PARKING HERE TO CORNER:** When signs are erected giving notice of **NO PARKING, HERE TO CORNER**, no person shall park a vehicle at any time in the area or portion thereof from the sign posted to the nearest corner of the public right-of-way intersection. Such areas are described in Schedule III.

(d) **15 MINUTE PARKING:** When signs are erected giving notice of **15 MINUTE PARKING**, no person shall park a vehicle in such marked and posted area for a period of time longer than 15 minutes. Such areas are described in Schedule III.

(e) **TRUCK-TRACTOR AND SEMI-TRAILER PARKING:** It shall be prohibited to park any truck-tractor and/or semi-trailer on a public street in the Village of Thomasboro. It shall be prohibited to operate the engine of a truck tractor or refrigeration unit on a semi-trailer within 300 feet of a residence in the Village of Thomasboro between the hours of 11:00 p.m. and 6:00 a.m. for longer than one hour in one location.

(f) **TRAILER, RECREATIONAL VEHICLE, AND BOAT PARKING:** It shall be unlawful to park a trailer (both commercial and private), mobile home, water craft of any type, or recreational vehicle of any type, to include but not limited to: a park trailer, travel trailer, camping trailer, recreational vehicle, self-propelled camper trailer or truck camper, or any similar item on the public streets of the Village of Thomasboro. The only exception is for purposes of loading or unloading for a reasonable amount of time.



(g) **HANDICAPPED PARKING:** It shall be prohibited to park any motor vehicle which is not bearing registration plate, decal, or device issued to a handicapped person or disabled veteran in any parking place, including private or public off-street parking facility, that is specifically reserved, by posting of an official sign as designated by the Illinois Vehicle Code (625 ILCS 5/11-301) for handicapped persons.

Any person or local authority owning or operating any public or private off-street parking facility may, after notifying the police department, remove or cause to be removed any vehicle parked within a stall or space reserved for use by the handicapped which does not display handicapped registration plates, decal, or device.

(h) **VEHICLES AND TRAILERS CONTAINING HAZARDOUS MATERIALS PARKING:**

It shall be prohibited to park any motor vehicle or trailer which contains hazardous materials, as hazardous materials are defined by the United States Department of Transportation, within any residential area of the Village of Thomasboro, on private or public property. In all other business and industrial areas of the Village of Thomasboro, it shall be permissible to park a motor vehicle or trailer which contains hazardous materials only on private property. The owner of the property shall be responsible for identification of the hazardous materials to police and fire officials, when requested, and for properly safeguarding the materials.

(i) **PARKING ON PRIVATE PROPERTY:**

No person shall park any motor vehicle on private property without the consent of the owner of the private property.

No person shall park any vehicle on private property except on a weed-free surface made of gravel, crushed stone, asphalt, Portland cement concrete, or brick pavers as approved by the Superintendent of Streets and Alleys. No person shall park any motor vehicle in the yard of any lot containing a structure except on a weed-free surface that meets the requirements of this Section.

(j) **PARKING IN EXCESS OF 72 HOURS PROHIBITED:**

Parking any motor vehicle in excess of 72 consecutive hours on any street, alleyway, or Village owned parking lot is prohibited. For purposes of this Section, moving the vehicle to a different location on the same street,

alleyway, or parking lot does not restart or extend the 72 hour parking limitation.

(k) STOPPING, STANDING, OR PARKING:

Except when necessary to avoid conflict with other traffic or to comply with the law or the directions of a police officer or official traffic control device, no person shall:

(i) Stop, stand or park a vehicle:

- (A) On a sidewalk;
- (B) Within an intersection;
- (C) On a crosswalk;
- (D) On any railroad tracks;
- (E) In any fire lane;
- (F) At any place where official signs prohibit stopping;
- (G) In any place where the vehicle would reduce to less than 18 feet of the width of the roadway available for use by moving traffic; or
- (H) Upon any bridge or viaduct.

(ii) Stand or park a vehicle, whether occupied or not, except momentarily to pickup or discharge passengers:

- (A) In front of a public or private driveway;
- (B) Within 15 feet of a fire hydrant;
- (C) Within 20 feet of a crosswalk at an intersection;
- (D) Within 30 feet upon approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of a roadway.

(2) Penalty

(a) Any person who violates any of the provisions of (a), (b), (c), (d), (e), (i), or (k) of this Chapter may within 72 hours of the time when notice of the violation was attached to the vehicle pay the sum of five dollars (\$5.00) as penalty and in full satisfaction of such violation or after 72 hours, in like manner, pay the sum of twenty-five dollars (\$25.00) as penalty and in full satisfaction of such violation, and an additional twenty-five dollars (\$25.00) for each 72 hour period thereafter.

(b) Any person who violates any of the provisions of (f), (g), or (h) of this Chapter shall be fined Fifty dollars (\$50.00) in addition to any costs or charges connected with the removal or storage of a motor vehicle authorized under this Chapter for a first violation. For any subsequent violation, a violator of (f), (g), (h) or (i) shall be fined One Hundred dollars (\$100.00) in addition to any costs or charges connected with the removal or storage of a motor vehicle authorized under this Chapter.

(c) Any person who violates the provisions of (j) of this Chapter shall be fined the sum of twenty-five dollars (\$25.00) per vehicle per each violation.

#### E. Speed Limit Restrictions

##### (1) Speed Laws Applicable to Streets within Village

It is hereby determined upon the basis of traffic investigation that the speed allowed for safe operation of vehicles within the Village shall be as stated within this Ordinance. Except as stated below in Section (2) hereof, it shall be unlawful for any person to drive a vehicle at a speed in excess of 25 miles per hour on any street within this Village.

##### (2) Modifying Speed Limits in Certain Zones

It is hereby determined upon the basis of traffic investigation that in certain areas of the Village, as stated herein, the speed permitted in Section (1) above shall be altered in order to allow for safe operation of vehicles thereon. It is hereby declared that the maximum speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof, all as set forth in Schedule IV attached hereto and incorporated herein.

#### F. Snow Route

##### (1) Route Enforcement and Parking Restriction

The Village shall enforce a snow route consisting of all Village streets and alleyways after snowfall of two (2) or more inches. When the snow route is in effect, there shall be no parking on Village streets or alleyways in order to allow public works personnel to clear snow without having to plow around vehicles.

(2) Penalty

Any person who violates the parking restriction when the snow route is in effect shall have their vehicle towed at the vehicle owner's expense. No additional fine will be imposed by the Village.

G. Penalties and Procedure of Arrest

(1) General Penalties.

Any person violating any provision of this Chapter shall upon conviction thereof, unless a different penalty is expressly provided, be fined not to exceed seven hundred and fifty dollars (\$750.00).

(2) Disposition of Traffic Fines.

All fines collected upon conviction or upon forfeiture of bail of any person charged with violation of any of the provisions of this Chapter shall be paid into the Village Treasury and deposited into a general fund.

**Section 2 - VEHICLE IMPOUNDMENT**

A. Definitions

For purposes of this Code, and the interpretation and enforcement thereof, the words, terms and phrases below shall have the meanings respectively ascribed to them in this section.

(1) "Motor Vehicle" shall mean any vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles, motor scooters, all-terrain vehicles (ATVs) and snowmobiles

(2) "Owner of Record" shall mean collectively the record title holder or holders of the Motor Vehicle.

B. Violations

(1) Any Motor Vehicle used in the commission of one of the following violations shall be subject to impoundment or seizure:

(a) possession of more than ten (10) grams of cannabis as provided in Section 4 of the Cannabis Control Act (720 ILCS 550/4) or possession of a controlled substance as provided in Section 402 of the Illinois Controlled

Substances Act (720 ILCS 570/402).

(b) driving under the influence of alcohol, drugs and/or intoxicating compounds as provided in Section 11-501 of the Illinois Vehicle Code (625 ILCS 5/11-501).

(c) driving on a suspended or revoked license as defined in Section 5/303 of the Illinois Vehicle Code (625 ILCS 5/6-303).

(d) driving without a valid driver's license or permit as provided in Section 5/6-101 of the Illinois Vehicle Code (625 ILCS 5/6-101) unless the driver has a valid graduated driver's license as defined in Section 5/6-107 of the Illinois Vehicle Code (625 ILCS 5/6-107).

(2) For purposes of this Code, a Motor Vehicle is not considered to be used in commission of a violation that would subject the Motor Vehicle to seizure or impoundment if one of the following circumstances exist:

(a) the Motor Vehicle was stolen at the time of the violation and the theft was reported to the appropriate law enforcement agency within 24 hours of the time the theft was discovered or reasonably, should have been discovered.

(b) the Motor Vehicle was being operated as a common carrier and the violation occurred without the knowledge of the person in control of the Motor Vehicle.

(c) the alleged Owner of Record provides adequate evidence that the Motor Vehicle had been sold to another person prior to the violation.

#### C. Seizure and Impoundment

Whenever a police officer has probable cause to believe that a Motor Vehicle has been used in a violation as defined in Section 2 above, then the officer shall notify the person in control of the vehicle, if one is present, that the vehicle is being seized and impounded, and the Owner of Record can request a hearing under the provisions of this Code. The officer shall then make arrangements for the vehicle to be towed to a facility chosen by the Village of Thomasboro.

#### D. Bond

The Owner of Record may post a cash bond in the amount of \$500.00 with the

Village of Thomasboro for an impounded Motor Vehicle to be released. The Owner of Record shall be responsible for all towing and storage costs. However, if the Motor Vehicle was seized pursuant to a state or federal drug asset forfeiture act, then such vehicle shall be released only with appropriate notification from the state and/or federal authorities. Upon conclusion of the appropriate hearing, or in the event that the Owner of Record does not request a hearing, then the bond may be forfeited to the Village to satisfy the penalty imposed. In the event that the evidence shows that no violation was committed, then the bond will be returned to the Owner of Record. All bonds to be forfeited to the Village shall be held for 30 days to allow judicial review of the matter.

#### E. Notice

Within 72 hours of a Motor Vehicle impoundment, the Village of Thomasboro Police Department shall notify the Owner of Record by certified mail that the Motor Vehicle has been impounded and the Owner of Record has the right to request a hearing with the Chief of Police, Thomasboro Police Department, Thomasboro, Illinois. However, no such Notice shall be mailed if the Owner of Record was personally served with the Notice at the time the Motor Vehicle was seized and impounded. A request for a hearing shall be in writing and submitted to the Police Department within fifteen (15) calendar days of personal service of the Notice, or mailing of the Notice by certified mail. Only the Owner of Record has the right to request a hearing.

#### F. Police Department Hearing

The Thomasboro Chief of Police, upon receipt of a request for a hearing, shall schedule a hearing with the Owner of Record within ten (10) calendar days. After the hearing, the Chief of Police shall provide in writing within five Calendar days to the Owner of Record notice that one of the following actions shall be taken:

(1) The Chief of Police may determine that the Motor Vehicle should be released to the Owner of Record who shall be responsible for all towing and storage costs.

(2) The Chief of Police may accept payment of the penalty (see Section 8 below) and release the vehicle to the Owner of Record who shall be responsible for all towing and storage costs.

(3) The Chief of Police may refuse to release the vehicle at which time the Owner of Record may refer the matter to a hearing with the Village President.

## G. Village Hearing

The President of the Board of Trustees for the Village of Thomasboro shall convene a hearing panel to review the facts and circumstances surrounding the impoundment of a Motor Vehicle in the Village of Thomasboro. The panel shall consist of the President plus two Trustees. This hearing shall be convened only upon request by a Owner of Record of a Motor Vehicle that has been seized and impounded by the Village of Thomasboro Police Department. Any such hearing shall be held within fifteen (15) days of receipt of the request from the Owner of Record. Failure to appear at a scheduled hearing shall result in a default against the Owner of Record.

At such hearing, the Owner of Record may present any evidence and/or testimony appropriate to the violation and impoundment. The hearing panel shall determine whether the police officer had probable cause to determine that a violation of this Chapter had occurred, and whether the impoundment was proper. If it is determined that the seizure and impoundment was proper, then the penalty shall be imposed and the Owner of Record shall be responsible for all towing and storage costs. If the panel determines that the seizure and impoundment was improper, then they shall order the Motor Vehicle released to the Owner of Record and any Bond posted and towing and storage fees repaid to the Owner of Record. Upon a finding unfavorable to the Owner of Record, the Owner of Record may seek a review of the process and decision in the Circuit Court of Champaign Cou

## H. Penalty

A violation as defined by this Chapter shall result in a penalty of Five Hundred Dollars (\$500.00) for each violation plus towing and storage fees payable to the towing agent. No Motor Vehicle shall be released to the Owner of Record unless the penalty is paid or bond is posted for a violation. The only exception is when it has been determined that no violation occurred.

Penalties shall be paid by the Owner of Record within thirty (30) days of the violation, or final determination by the hearing panel. Failure to pay the penalty or to participate in any scheduled hearing shall result in the Motor Vehicle being declared an abandoned vehicle and disposed of in accordance with the applicable Code and/or law. Any vehicle seized and impounded pursuant to a state or federal asset forfeiture law shall not be released without the permission of the appropriate state or federal agency.

## I. Disposition of Impounded Vehicles

No Motor Vehicle shall be sold by the Village of Thomasboro, or otherwise

disposed of without notification to a lien holder. When no penalty has been paid, no bond posted or no notice of hearing has been provided to the Village within 30 days of the violation, then the Village shall notify the lien holder (if any) of the intent to dispose or sell the Motor Vehicle.

### **Section 3. SNOWMOBILES**

#### **A. Registration.**

No person shall operate any snowmobile within the corporate limits of the Village of Thomasboro without current and proper registration of the vehicle in accordance with the provisions of the Illinois Snowmobile Registration and Safety Act, with the Illinois Department of Natural Resources.

#### **B. Equipment.**

All snowmobiles operated within the corporate limits of the Village of Thomasboro shall be in good operating condition and have the following equipment:

- (1) At least one operating headlamp, white in color, and visible at a distance of 500 feet to the front.
- (2) At least one operating taillight, red in color, and visible at a distance of 500 feet to the rear.
- (3) A good and properly operating brake system.
- (4) A properly installed noise suppression device that meets the manufacturer's specifications.
- (5) Reflective material of a minimum of 16 square inches mounted on both sides of the cowling.

#### **C. Routes**

Snowmobiles shall be operated only on the designated Snowmobile Routes within the Village of Thomasboro, and to and from an operator's residence and the closest designated route.

Church Street - entire length

Central Street - entire length



Commercial Street - entire length

Schluter Drive - entire length

Eads Street from Commercial Street to Church Street

D. Traffic Control

(1) All snowmobiles must be operated in a reasonable and safe manner. Operators must observe all traffic signals and traffic laws of the State of Illinois and the Municipal Code of the Village of Thomasboro.

(2) No snowmobile shall be operated on private property without the express approval of the property owner.

(3) No person shall operate a snowmobile without a valid driver's license.

E. Penalty

Any person who violates this Section shall be subject to a fine of \$100.00 for the first offense, and \$300.00 for each subsequent offense.

**Section 4. BICYCLES**

A. Authority

The Village of Thomasboro hereby exercises its authority under the Illinois Vehicle Act (625 ILCS 5/11-208) to regulate and control the operation of bicycles within the Village of Thomasboro.

B. Parental Responsibility

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provisions of this Section.

C. Riding Bicycles on Roadways

Persons riding bicycles upon a roadway within the Village of Thomasboro shall ride as close as practicable to the right hand curb or edge of the roadway, except under the following conditions:

(1) When overtaking and passing another bicycle or vehicle proceeding the same direction; or

(2) When preparing for a left turn at an intersection or into a private road or driveway; or

(3) When reasonably necessary to avoid conditions, including but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedal cycles, pedestrians, animals, surface hazards, etc. that make it unsafe to continue along the right hand curb or edge.

(4) Under no circumstances shall bicycles be operated in anything other than single file order. No two or more bicycles may be operated or ridden abreast.

#### D. Bicycles on Sidewalks

A person propelling a bicycle upon and along a sidewalk or across a roadway shall yield the right-of-way to any pedestrian and shall give an audible signal when overtaking and passing such pedestrian.

#### E. Bicycle Parking.

A bicycle parked upon a sidewalk shall not impede the normal and reasonable movement of pedestrians or other traffic. When a bicycle rack or area is provided, a bicycle must be parked in such area and not in the roadway or on a sidewalk.

#### F. General Penalty

Any person violating any provision of this section shall be subject to a citation being issued by the appropriate authority and upon issue of said citation, the bicycle shall be confiscated by the proper authorities until such time as the appropriate fine is paid. Any person violating any provision of this section and upon conviction thereof shall be subject to a fine not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00).

### **Section 5 - Golf Carts and Neighborhood Vehicles**

#### A. Definitions

(1) Golf Cart: A vehicle specifically designed and intended for the purpose of transporting one or more persons and their golf clubs or maintenance equipment which engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course (625 ILCS 5/1-

123.9).

(2) Neighborhood Vehicle: A self-propelled, electric-powered, four-wheeled motor vehicle (or a self-propelled gasoline-powered, four-wheeled motor vehicle with an engine displacement under 1200 cubic centimeters) that is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which does not conform to federal regulations under Title 49 C.F.R. Part 571.500 (625 ILCS 5/1-148.3m).

#### B. Requirements

All persons operating a golf cart or neighborhood vehicle on the designated streets of the Village of Thomasboro must comply with the following requirements:

(1) A current Permit issued by the Village of Thomasboro.

(2) Operators must be at least 18 years of age and possess a valid driver's license.

(3) The golf cart or neighborhood vehicle must be equipped with horn, brakes, a steering wheel, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving vehicle emblem (as required of other vehicles in 625 ILCS 5/12-709) on the rear of the vehicle, a headlight that emits a white light that is visible from a distance of 500 feet in front of the vehicle, a tail lamp that emits a red light that is visible from a distance of 100 feet from the rear of the vehicle, and brake lights. When operated on a roadway, a golf cart or neighborhood vehicle shall have its headlights and taillights lighted. Operators must wear protective eyewear while operating any golf cart or neighborhood vehicle not equipped with a windshield.

(4) Persons in operation must obey all traffic laws of the State of Illinois and the Village of Thomasboro.

(5) Such vehicles may be driven on those streets (other than state highways) where the posted speed limit is 35 miles per hour or less. This section does not prohibit such vehicle from crossing a road or street at the intersection where the road or street has a posted speed limit more than 35 miles per hour.

(6) Any modification to the suspension system of a golf cart or neighborhood vehicle shall only be in accordance with the manufacturer's specifications or installed by an authorized dealership.

(7) Must not exceed 20 miles per hour.

(8) No such vehicle shall be operated upon any highway under the control of the State of Illinois.

(9) A person who drives or is in actual physical control of a golf cart or neighborhood vehicle on a roadway while under the influences of alcohol and/or drugs is subject to Section 11-500 through 11-507 of the Illinois Vehicle Code (625 ILCS 5/11-500 through 11-507).

(10) Golf carts or neighborhood vehicles may not be operated on sidewalks or other public property not accessible to or authorized to vehicular traffic.

(11) All drivers of a golf cart or neighborhood vehicle shall comply and be responsible for following and obeying Section 25/1 et. seq. of the Illinois Vehicle Code (625 ILCS 25/1 et. seq.) in regards to the proper transportation of children.

#### C. Permits

(1) No person shall operate a golf cart or neighborhood vehicle within the corporate limits of Thomasboro without obtaining a permit from the Village of Thomasboro.

(2) Permits, and renewal of Permits, shall be issued by the Clerk of the Village for a term of one (1) year, May 1 through April 30, under the following conditions:

(a) Satisfactory inspection by an authorized golf cart or neighborhood vehicle dealership or repair facility. Written evidence of the inspection shall state that the inspection was conducted in accordance with the requirements levied by the Village of Thomasboro Code of Ordinances Chapter VII, Section 5.

(b) Proof of insurance in compliance with minimum requirements for a vehicle operated in the State of Illinois.

(c) A handicapped applicant must provide a statement from a treating physician that the person is capable of operating a motorized golf cart or neighborhood vehicle.

(d) Completed Village of Thomasboro Application for Permit with a non-refundable \$20.00 fee. Fees shall not be prorated for any reason.

(e) A golf cart or neighborhood vehicle, without a permit, may not

be driven within the corporate limits of the Village of Thomasboro.

(3) The Village of Thomasboro Board of Trustees may suspend or revoke a permit upon a finding that the holder of the permit has violated any of the provisions herein, or if there is evidence that the permit holder has operated the golf cart or neighborhood vehicle in an unsafe manner.

D. Fines.

Any person who violates any requirement or provision of this portion of the Code shall be subject to a fine in the amount of \$75.00 for the first offense and \$150 for the second offense. A third offense will result in revocation of the permit.

**SCHEDULE I**

Stop Signs Pursuant to Section 1.C.(1)

In accordance with Section 1.C.(1), the following intersections are considered hazardous and when signs are erected giving notice thereof, drivers of vehicles shall stop before entering any of the following intersections:

<u>Stop Signs</u>	<u>Direction of Traffic That is to Stop</u>	<u>Cross Street</u>
Meyer Street	Westbound	Schluter Street
Schurbet Street	Westbound	Schluter Street
Frederick Street	Westbound	Schluter Street
Frederick Street	Eastbound	Schluter Street
Morris Street	Westbound	Schluter Street
Morris Street	Eastbound	Schluter Street
Schluter Street	Northbound	Morris Street
Schluter Street	Southbound	Morris Street
Pearl Street	Eastbound	Schluter Street
Pearl Street	Westbound	Schluter Street
Clark Street	Westbound	Schluter Street
Clark Street	Eastbound	Schluter Street
Park Street	Westbound	Schluter Street
Park Street	Eastbound	Schluter Street
Schluter Street	Northbound	Park Street
Schluter Street	Southbound	Park Street
Schluter Street	Southbound	Central Avenue
Bergman	Southbound	Central Avenue
John Street	Northbound	Elmore Drive
John Street	Southbound	Elmore Drive

John Street  
Jacobsen Drive  
Jacobson Drive  
Jacobson Drive  
Elmore Drive  
St. Joseph Drive  
Elizabeth Drive  
Elizabeth Drive  
Church Street  
Church Street  
Church Street  
Church Street  
Church Street  
Church Street  
Lincoln Street  
Lincoln Street  
Lincoln Street  
Phillips Street  
Phillips Street  
Phillips Street  
Phillips Street  
Phillips Street  
Phillips Street  
Osborne Street  
Osborne Street  
Commercial Street  
Commercial Street  
Commercial Street  
Arnold Avenue  
Arnold Avenue  
Arnold Avenue  
Clark Street  
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Clark Street  
Pearl Street  
Pearl Street  
Pearl Street  
Main Street  
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Saint Joseph Drive  
Saint Joseph Drive  
Elmore Drive  
Elmore Drive  
Church Street  
Church Street  
St. Joseph Drive  
Central Avenue  
Central Avenue  
Central Avenue  
Clark Street  
Clark Street  
Main Street  
Main Street  
Central Avenue  
Clark Street  
Eads Street  
Central Avenue  
Clark Street  
Clark Street  
Pearl Street  
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Main Street  
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Central Avenue  
Main Street  
Main Street  
Commercial Street  
Phillips Street  
Phillips Street  
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Commercial Street  
Phillips Street  
Phillips Street  
Commercial Street  
Commercial Street  
Church Street  
Schluter Street

Route 45 access from Industrial area  
Route 45 access from Industrial area

Church Street	Northbound	North Stree
Service Entrance to Thomasboro Grade School	Westbound	Commercial Avenue
Thomas Street	Northbound	Clark Street
Thomas Street	Southbound	Clark Street
Pearl Street	Eastbound	Thomas Street
Clark Street	Eastbound	Thomas Street
Park Street	Eastbound	Thomas Street
Thomas Street	Southbound	Central Avenue
Thomas Street	Northbound	Morris Street
Thomas Street	Southbound	Morris Street
Morris Street	Eastbound	Thomas Street
Rhodes	Westbound	Schluter
Meyer	Eastbound	Michael
Bradley	Westbound	Michael
Schluter	Northbound	Meyer
Schluter	Southbound	Meyer
North Street	Westbound	ICG Tracks
North Street	Eastbound	ICG Tracks
Elmore	Westbound	Jacobson Drive
Elmore	Eastbound	Jacobson Drive

## SCHEDULE II

### Yield Signs Pursuant to Section 1.C.(2)

In accordance with Section 1.C.(2), the following intersections are considered hazardous and when signs are erected giving notice thereof, drivers of vehicles shall yield before entering any of the following intersections:

<u>Yield Signs</u>	<u>Direction of Traffic That Must Yield</u>	<u>Cross Street</u>
Jacobsen Drive	Northbound	St. Joseph Drive
Arnold Avenue	Eastbound	Lincoln Street
Park Street	Eastbound	Lincoln Street
Park Street	Westbound	Phillips Street
Pearl Street	Eastbound	Osborne Street
Pearl Street	Eastbound	Church Street
Pearl Street	Westbound	Osborne Street
Osborne Street	Southbound	Clark Street
Osborne Street	Northbound	Eads Street
Alley/Snowplow Road	Southbound	Morris Street
Rhodes	Eastbound	Michael Street

**SCHEDULE III**

Parking Prohibited Pursuant to Section 1.D.(1)

In accordance with Section 1.D.(1), parking is restricted as follows:

**NO PARKING**

<u>Street</u>	<u>Side of Street</u>	<u>From</u>	<u>To</u>
U.S. Route 45	Both	South Village Limit	North Village Limit
John Street	East	Shelly	Elmore
Church Street	East	South Village Limit	75 ft. North of Central
Church Street	East	325 ft North of Central	500 N. Church St
Church Street	East	30 ft South of Main	U.S. 45 Access Road
Church Street	East	200 ft North of Access Road	North Village Limit
Church Street	West	Clark	132 ft. South of Clark
Schluter Street	West	Park	Central
Phillips Street	West	Main	132 ft. South from Main
Commercial Street	East	Clark	Pearl
Main Street	South	Osborne	Phillips
Osborne	West	Main	Eads
Michael Street	West	Meyer	Shurbet
Phillips Street	East	Park	150 feet North of Park

**NO PARKING SCHOOL BUS ZONE**

<u>Street</u>	<u>Side of Street</u>	<u>Defined area</u>
Phillips	West	Area in front of School

**NO PARKING HERE TO CORNER**

<u>Street</u>	<u>Defined Area from the Posted Sign</u>
Commercial	SE corner of Commercial and Main Streets
Church	SW corner of Church and Clark Streets



15 MINUTE PARKING

<u>Street</u>	<u>Side of Street</u>	<u>Defined Area</u>
Commercial	East	Two spaces directly in front of the building which houses the Post Office extending south to the front of the grocery store, approximately 1117 feet south of the intersection of Commercial and Eads

FIRE HOUSE RESTRICTED PARKING

<u>Street</u>	<u>Side of Street</u>	<u>Defined Area</u>
Church Street	West side	North from Central 360 feet
Central	North side	West from Church Street 129 feet

**SCHEDULE IV**

Speed Limit Restrictions Pursuant to Section 1.E.(2).

<u>Name of Street</u>	<u>Between</u>	<u>Speed Limit</u>
Schluter Street	Park Street and Central Avenue	20 mph
Central Avenue	In its entirety	30 mph

Commercial Avenue Arnold and Clark

**SCHOOL ZONE  
20 MPH WHEN  
CHILDREN PRESENT**

**Section 4. HISTORY**

**Section 1 - Traffic**

350	October 5, 1981	Local Traffic; superseded by # 486
486	December 4, 2000	Traffic and Parking
518	October 4, 2004	Amendment to # 486, Penalty
530	April 3, 2006	Traffic and Parking
549	December 1, 2008	Stop Signs
565	June 6, 2011	Deleted Snow Routes

**Section 2 - Vehicle Impoundment**

557	June 7, 2010	Vehicle Impoundment
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**Section 3 - Snowmobiles**

342	November 3, 1980	Snowmobiles
503	December 3, 2002	Amendment to # 486, Definitions
504	February 3, 2003	Amendment to # 486, Definitions

**Section 4 – Bicycles**

428	November 1992	Bicycle Ordinance; Merged into # 530
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**Section 5 - Golf Carts and Neighborhood Vehicles**

564	May 2, 2011	Originating Ordinance
577	August 6, 2012	Amendment to Code, Ch.V, Sect.5.B and 5.C
603	May 1, 2017	Amendment to Sect. 5.B(3)

**Section 1D. – Stop, Standing and Parking Restrictions**

415	October 1, 1990	Amendment to # 486, Local Traffic
596	March 7, 2016	Amendment to Code, Sect 1.D and 1.F

**Section 1.E.(2) – Speed Limit Restrictions**

349	1981	Speed Zones
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**Schedule I - Stop Signs**

400	November 7, 1988	Amendment to # 486
473	October 4, 1999	Amendment to # 486, Stop Signs/Yield Signs
499	February 4, 2002	Amendment to # 486, Stop Signs

**Schedule III - Parking**

355	April 5, 1982	Amendment to # 486, Schedule III and Section 1.D.(1).
367	July 2, 1984	Prohibition on Parking
372	May 6, 1985	Amendment to # 486, Schedule III and Section 1.D.(1)
389	January 4, 1988	Amendment to # 486, Schedule III, Section 1.D.(1), 1.D.(2)
398	August 1, 1988	Amendment to # 486, Schedule III and Section 1.D.(1)
445	May 1, 1995	Amendment to # 486, Schedule III
509	December 1, 2003	Amendment to # 486, No Parking
596	March 7, 2016	Church Street Parking

**Schedule IV - Speed Limits**

509	December 1, 2003	Amendment to #486, School Zone Speed Limit
591	November 3, 2014	Amendment to #530, Speed Limits

## **CHAPTER VIII - NUISANCE**

### **Section 1. INOPERABLE MOTOR VEHICLES**

#### **A. Definitions:**

- (1) Any motor vehicle which is incapable of being moved or driven under its own power shall be an "Inoperable Motor Vehicle."
- (2) Any motor vehicle which does not have a current registration sticker and/or plates shall be an "Inoperable Motor Vehicle."

#### **B. Nuisance**

Any "Inoperable Motor Vehicle," whether on public or private property and not garaged within an enclosed permanent building, shall be a nuisance subject to the conditions and penalties of this Section of this Chapter

#### **C. Notice Procedures.**

- (1) Private Property: Upon receipt of a notice from the Village to dispose of an "Inoperable Motor Vehicle" on private property, the property owner shall have twenty (20) days to demonstrate to the Village Police that the vehicle is no longer an "Inoperable Motor Vehicle," or shall have the vehicle removed from the Village
- (2) Public Property: Upon receipt of a notice from the Village to dispose of an "Inoperable Motor Vehicle" on public property, the vehicle owner shall have forty-eight (48) hours to remove the vehicle from the Village.

#### **D Exception**

This Chapter shall not apply to any motor vehicle garaged within an enclosed permanent structure or on the premises of a place of business duly engaged in the repair of motor vehicles or salvage yard, as authorized by the proper Village authorities.

#### **E. Penalties**

Failure to comply with any Notice under this Section of this Chapter shall be a violation and subject to issuance of a Complaint by a Village authority. Any violation of this Section of this Chapter shall be subject to a fine of \$100 for the first offense, and \$300.00 for any subsequent offense. The vehicle owner shall be responsible for any costs for a vehicle removed by the Village from public property.

## **Section 2. WEED AND FOLIAGE CONTROL**

### **A. Definitions**

(1) Any growth of vegetation, to include grasses, shrubs, bushes and trees, over eight inches tall shall be classified a “weed” within this Section of this Chapter with the exception of properly pruned and maintained bushes, shrubs, trees, flowers and flowering plants, clearly part of a landscaped portion of the property.

(2) Property will be classified as “unkempt” when it has the appearance of not being maintained within the standards of care and grooming for a residential yard and landscape. “Natural prairie landscaping” is not permitted within the corporate limits of Thomasboro.

### **B. Violation**

(1) Failure of a property owner to properly maintain the property within the guidelines of this Section of this Chapter shall be a violation.

(2) Failure of a property owner to respond to a Notice from the Village to correct a “weed” problem on the property shall be a violation.

(3) Failure of a property owner to maintain bushes, trees and bushes in such a manner that vehicle operator sight lines at intersections are impeded shall be a violation.

### **C. Notices**

(1) Upon receiving a complaint, a Village official shall inspect the property. Upon determining that the complaint is valid, the Village shall send a letter to the property owner stating that the property is in violation of this Section of this Chapter, and the violation must be corrected within ten days of the date of the letter.

(2) If the Owner of the property fails to take corrective action, then a Citation shall issue to the property owner.

(3) The Village shall have the option of cutting and removing the weeds from the property. The Village shall not be liable for identifying or preserving any growth on the property. Charges for the Village to cut the weeds shall be assessed against the Owner at the rate of \$100.00 per hour. Any damage to Village equipment shall also be charged to the property owner. All costs and fees shall be a lien upon the property pursuant to the provisions of the Illinois Municipal Code (65 ILCS 5/11-20-7).

#### D. Penalties

Any property owner found to be in violation of this Section of this Chapter shall be fined a minimum of \$100.00 for each offense in addition to the charges assessed in accordance with paragraph 3.C.(3) above.

### Section 3. NOISE

#### A. Definitions

- (1) Operation of motor vehicles without an appropriate muffler shall be a nuisance.
- (2) The squealing of vehicle tires shall be a nuisance.
- (3) Construction noise during the hours of 10:00 p.m. to 7:00 a.m. shall be a nuisance.
- (4) Amplified sound which can be heard at the boundary line of the property from which the sound is emanating shall be a nuisance. For a residential unit in a structure containing more than one residential unit, the boundary line shall be the perimeter of such unit. For all other properties, the boundary line shall be the property line.
- (5) Amplified sound from a motor vehicle which can be heard for seventy-five or more feet from the vehicle is a nuisance.
- (6) Parties sponsored by a private individual on private property, not open to the general public for which the Police Department receives multiple complaints, and in the opinion of the Police the noise is unreasonable, then the Police shall have the authority to classify the party as a public nuisance and order it terminated.

#### B. Exceptions

- (1) Cries for emergency assistance and warning calls.
- (2) Radios, sirens, horns and bells on police, fire or other emergency equipment.
- (3) Parades, fireworks displays and other special events for which a permit has been obtained from the Village, within such hours for which the permit was issued.
- (4) Activities on or in municipal or school athletic facilities, or on or in publicly owned property and facilities, provided such activities are authorized activities.

(5) Fire alarms and burglar alarms, prior to notice and opportunity for the owner or tenant in possession to deactivate such alarm.

(6) Religious worship activities, including but not limited to bells and organs.

(7) Locomotives and other railroad equipment, and aircraft.

(8) Noise which is a normal by-product of commercial and industrial activity in a properly zoned area.

(9) Operation of power equipment and power tools in a residential area during the hours of 8:00 a.m. to 10:00 p.m. daily.

(10) Parties sponsored by a private individual on private property, not open to the general public, are allowed up to 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday, and on the eve of holidays.

#### C. Penalties

Any violation of this Section of the Chapter may be fined \$100 for the first offense and \$300.00 for each subsequent offense.

### **Section 4. EXTERIOR STRUCTURES AND PROPERTY**

#### A. Property Nuisance Defined:

Property nuisance is defined as any lot, land, yard, premises, structure, or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, blight, substantial inconvenience or discomfort, damage or injury to any person in any one or more of the following particulars:

(1) Poses a threat, menace and/or hazard to the general health and safety of the public;

(2) By reason of lack of maintenance or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment, aesthetic appearance and use of properties in the immediate vicinity or neighborhoods, to such an extent that is detrimental to the Village at large;

(3) By reason of the manner, location or condition of storage of any materials or articles, regardless of whether such materials or articles are functional

or have value, where such manner, location or condition of storage results in visual or other blight;

## B. Structural Requirements.

All structures shall comply with the following requirements:

(1) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good repair:

(2) Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment;

(3) Peeling, flaking and chipped paint shall be eliminated and surfaces repainted;

(4) All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight;

(5) All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion;

(6) Oxidation stains shall be removed from exterior surfaces except for surfaces designed for stabilization by oxidation.

(7) Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads

(8) All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition as to prevent the entry of rodents and other pests.

(9) Manufactured homes that are not placed on a permanent foundation shall install an appropriate skirting or other similar manufactured product which is designed for use with a manufactured home, to enclose the space between the bottom of the manufactured home and the ground. Such skirting or other appropriate product shall be maintained in good condition and completely enclose the space on all sides.

(10) All exterior walls shall be free from holes, breaks and loose or rotting material. Walls shall be weatherproof and coated where required to prevent deterioration.

(11) All roofing materials and flashing shall be in good repair, tightly fastened and installed so as not to admit moisture. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Discharge shall not be in such a manner as to create a nuisance.

(12) Soffits, fascia, cornices and eaves shall be maintained in good repair, be sound, tight and not have defects. For appearances, they should be protected by periodic application of weather-coating materials, such as paint or similar surface treatments.

(13) All exterior stairways, decks, porches and balconies, and any attachments thereto, shall be maintained structurally sound, in good repair, with secure anchorage and capable to supporting the imposed loads.

(14) All chimneys, air conditioning units, smoke stacks and similar appurtenances attached to a structure shall be maintained structurally sound and in good repair. When required to prevent decay or rust, all exposed surfaces of metal or wood shall be protected from the elements by periodic application of weather-coating materials such as paint or similar surface treatments. Structures constructed of mortar and materials shall not have any loose or missing mortar or materials.

(15) All windows, skylights, doors and frames shall be kept in sound condition, good repair and weather tight. All glazing materials in windows, skylights and doors shall be maintained free from cracks and holes. Windows, other than a fixed window, shall be easily operable and capable of being held in position by the window's hardware.

### C. Violations.

Any violation of this Section of the Nuisance Chapter shall be the responsibility of the property owner. It is the intent of the Village to accommodate each citizen's circumstances to the extent necessary, without undermining the integrity of the Inspection process and enhance the overall appearance of the Village. The following outlines the procedure for a violation of this Section of the Nuisance Chapter:

(1) Complaint: A citizen or Village official may file a complaint with the Village that a particular piece of property is in violation of this Section of the



Nuisance Code. The Complaint must be in writing and identify the physical location of the property, and the violation for which the Complaint is being filed. Identity of the citizen filing the complaint shall be kept confidential.;

(2) Notice: Upon receipt of a Complaint, the Village shall notify the property owner in writing by certified mail of the Complaint received, and schedule a date and time for the Village Official and the property owner to inspect the property. Date and time for the inspection shall be within 30 days of the date of the Notice, as agreed upon by the property owner and the Village official.

(3) Inspection Report: Within ten calendar days after the inspection, the Village shall provide to the property owner an Inspection Report which shall identify all violations noted in the inspection, including those in the Complaint and those noted for the first time during the Inspection. The Inspection Report shall schedule a date and time for the Post-Inspection meeting. In the event that the condition of the property is unsafe or hazardous to the health and safety of the occupants, then the Village shall order that the property be vacated immediately.

(4) Post-Inspection Meeting. Within 30 days of the date of the Inspection Report, the property owner shall meet with the Village Official to develop a schedule of repairs to correct all items noted in the Inspection Report. The schedule of repairs must be submitted to the Housing Repair Committee of the Board for review.

(5) Housing Repair Committee. The Housing Repair Committee shall be a committee of the Board of Trustees, consisting of a minimum of three board members, appointed by the President of the Board. At the President's discretion, he or she may add no more than three non-board members to the Committee. The Committee is charged with the responsibilities to review all schedules for repairs, and to afford property owners an opportunity to be heard regarding any complaints and inspections regarding property located within the corporate limits of the Village of Thomasboro. The Committee shall have the authority to compromise dates for completion of repairs, and review the merits of hardship cases involving repairs to property. In the event that the property has been ordered vacated due to unsafe or hazardous conditions, then it shall be required that no occupancy shall be permitted until a Certificate of Occupancy is issued by the Village. The Certificate of Occupancy shall be issued after the property has been inspected and all safety and hazardous conditions have been corrected and the property is declared to be fit for human occupancy.

(6) Appeals. Any decision made by the Housing Repair Committee can be appealed to the full board by letter to the Chairperson of the Housing Repair Committee. Upon receipt of a letter appealing a decision by the Housing Repair

Committee, the chairperson shall provide a copy of the letter and all relevant documents (complaint, Notice, Inspection Report, Schedule of Repairs, etc.) to all members of the Board. The Appeal shall be placed on the agenda for the next regularly scheduled Board Meeting.

(7) Suit. In the event that all effort to effect a solution to the violations that have been cited fail, or, in the event that the property owner is uncooperative in formulating a solution, then the matter will be turned over to the Village Attorney for prosecution in the Circuit Court of Champaign County. The Village may seek enforcement of this Section of this Chapter for repairs or to have the court declare the property a nuisance and hazard to the public safety, and authority given to raze the property.

#### D. Penalties

Failure to correct any violation of this Section of the Nuisance Chapter shall incur a fine in the amount of \$100.00 per day that the violation remains uncorrected. Each notice issued to a property owner is considered a separate violation. The property owner shall also be responsible for reimbursement to the Village for all costs and expenses, to include attorneys' fees.

### **Section 5. UTILITY AND CABLE OBSTRUCTIONS**

#### A. Utility and Cable Obstruction Nuisance Defined:

Utility and Cable Obstruction nuisance is defined as any pole, cable, line or apparatus which has been placed, fallen or erupted from the ground in a location that interferes with the normal passage of pedestrian or vehicular traffic, or which lies across private or public property, and in all instances is within zero to fifteen feet above the ground.

#### B. Violations:

Any placement of a utility, telephone or cable line or cable as a result of installation and/or commencement of service which interferes with the normal passage of pedestrian or vehicular traffic, or which lies across private or public property, and in all instances is within zero to fifteen feet above the ground is a violation of this Section and shall be the responsibility of the utility, telephone or cable company, and not the Village of Thomasboro or the resident to whom service is being provided.

C. Procedure:

Upon receiving a complaint, either formally or informally, the Village shall notify the utility, telephone or cable company by telephone of the location of the violation. Each telephone call shall be followed up by written notification sent by first class mail. The utility, telephone, or cable company shall correct the violation as soon as possible, weather permitting. If a utility, telephone or cable line is on the ground or within zero to fifteen feet of the ground as the result of a storm or other natural disaster, then the utility, telephone, or cable company shall have a reasonable amount of time to correct the violation. **CABLES OR LINES WHICH ARE LIVE AND POSE A SAFETY THREAT TO INDIVIDUALS SHALL BE CORDON OFF OR BARRICADED BY THE VILLAGE AND THE UTILITY, TELEPHONE, OR CABLE COMPANY RESPONSIBLE SHALL RESPOND IMMEDIATELY.**

D. Penalties

Failure to correct any violation of this Section of the Nuisance Chapter within thirty (30) days shall incur a fine in the amount of \$100.00 per day that the violation remains uncorrected. If additional time is needed to correct the violation, then the utility, telephone or cable company shall notify the Village of a target date for correcting the violation. The utility, telephone, or cable company shall also be responsible for reimbursement to the Village for all costs and expenses, to include attorneys' fees.

**Section 6. HISTORY**

**Section 1 - Inoperable Motor Vehicles**

273	March 5, 1969	Inoperable Motor Vehicles superseded by 364
364	November 7, 1983	Abandoned Motor Vehicles superseded by 469
449	November 6, 1995	Amendment to Fines
469	May 3, 1999	Inoperable Motor Vehicles superseded by 491
491	August 6, 2001	Inoperable Motor Vehicles superseded by 539
515	October 2, 2004	Amendment to Fines
539	November 5, 2007	Included in Nuisance Ordinance

**Section 2 - Weed and Foliage Control**

308	August 5, 1974	Eradication of Weeds and Grass
409	January 4, 1990	Amendment to # 308, Section 3

519 October 4, 2004 Amendment to # 465, Fines for Violation  
539 November 5, 2007 Nuisance Ordinance

**Section 4 - Exterior Structures and Property**

556 February 1, 2010 Exterior Structures and Property

**Section 5 - Utility and Cable Obstructions**

561 September 7, 2010 Originating Ordinance

## **CHAPTER IX. POLICE**

### **Section 1. POLICE DEPARTMENT**

- A. There shall be a Police Department for the Village, which shall consist of a Village Police Officer, and such number of Deputy Village Police Officers and other members as shall be provided for from time to time by the Village Board.
- B. The Board of Trustees shall make appointments to the Police Department and shall have the power to make necessary rules setting forth the qualifications for appointment to the Department.
- C. The Village Police Officer shall be the head of the Department and shall have supervision over all Deputy Police Officers and other members of the Department.
- D. All members of the Department shall serve at the will of the Board of Trustees, whereby each member may be terminated by a majority vote of the Board. Each member may resign, prior to any termination by the Board, by submitting a written letter of resignation to the Board.
- E. The Village Police Officer and each Deputy Village Police Officer shall have such police powers and authority as provided by the Statutes of the State of Illinois and the Codes and Municipal Code of the Village. Officers shall enforce all laws of the State of Illinois, and Codes and Municipal Code of the Village and, and shall arrest, with or without warrant, according to the Statutes of the State of Illinois and the Codes and Municipal Code of the Village, all persons who may violate any of the laws of the State or the Codes or Municipal Code of the Village.
- F. Nothing in this Section of the Municipal Code shall be deemed to be a delegation of any power, other than as expressly set forth in this Section, to either the Village Police Officer or any Deputy Village Police Officer.
- G. The Village Police Officer shall keep records and make reports concerning the activities of the Department as may be required by the State of Illinois or by the Board of Trustees.
- H. Part-time Village Police Officers are limited as to the number of hours they can work within a calendar year. No part-time police officer shall work more than an average of 1,560 hours each calendar year.

**Section 2. PART-TIME POLICE OFFICERS (Ord. #457, amended by Ord. #587)**

A. Employment

The Village of Thomasboro may employ part-time police officers.

B. Duties

A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as outlined in the General Orders of the Thomasboro Police Department, but the number of hours a part-time police officer may work within a calendar year is restricted to 1,560 hours. 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 and 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) Pass a medical examination;
- (4) Possess a high school diploma or GED certificate;
- (5) Possess a valid driver's license;
- (6) Possess no prior felony, domestic violence or battery convictions, or crimes of moral turpitude;
- (7) Any individual who has served in the United States Military must have been honorably discharged.

D. Discipline

Part-time police officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the Village of Thomasboro corporate authorities, and shall not have any property rights in said

employment, and may be removed by the Village of Thomasboro at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Thomasboro Police Department.

### **Section 3. OFFENSES**

#### **A. Unauthorized Solicitation**

(1) License required: It shall be unlawful for any merchant or transient vendor of merchandise, goods, or wares, or transient or itinerant photographer or transient or itinerant solicitor for subscription for books, magazines, or other literature to solicit or canvass from house to house, or in business places within the Village of Thomasboro, for orders or sales whether a payment either in whole or in part is necessary or required to be paid prior to the delivery of the thing solicited for or not, without first obtaining a license from the Village Clerk to do so.

No license shall be required for children under the age of seventeen (17) engaged in fund raising for school, church or youth organizations.

(2) Application for License: Application for license required in the preceding section shall be made to the Village Clerk upon such form as shall be provided. On such application, the applicant shall state:

- (a) His or her name;
- (b) Place of residence;
- (c) Business address;
- (d) Age;
- (e) Occupation;
- (f) The name and address of the person by whom the applicant is employed;
- (g) The length of service of the applicant with such employer;
- (h) The place of residence and nature of employment of the applicant during the previous year; the nature; character, and description of the item being sold, or solicited for; a personal description of the applicant; the length of time for which the license is desired, provided the same shall not exceed one year;

- (i) An affidavit of the applicant as to the truth of the matters set forth in the application; and
- (j) Such other information as reasonably required by the village clerk.

Such application shall be accompanied by such credentials or other evidence of good moral character and identity of the applicant as may be required by the Village Clerk, together with the license fee hereinafter provided for.

(3) Bond Requirement: In addition to the application for license, the applicant shall furnish and file with the Village Clerk in a bond in the sum of two hundred dollars (\$200.00) of sufficient surety to be approved by the President of the Board of Trustees. Such bond shall run to the Village of Thomasboro and shall be conditioned on indemnifying and saving the Village of Thomasboro and any citizen thereof from any and all damage of fraud occasioned by the solicitation and such bond shall remain in force not to exceed one year and shall expire within six (6) months after the holder of such license notifies the Village Clerk in writing that such holder has ceased to solicit or canvass and surrenders such license to the Village Clerk. Nothing in this section 3.A., however, shall make it necessary for the agents or employees of any person having a permanent place of business in the Village to post such bond in the discretion of the Village Clerk.

(4) Issuance: Upon approval of the bond and application required by the previous provisions of this section 3.A., the Village Clerk shall issue the license required.

(5) License Fee. The fee required by this section shall be Thirty-Five dollars (\$35.00), which license shall be for a period of a year.

(6) License to be Carried, Revocation of License: The license required by this section 3.A. shall be carried at all times by the applicant to whom issued when soliciting or canvassing. It shall be exhibited by such applicant upon request to do so by any Village officer or person solicited or canvassed. Such license may be revoked by the Village Clerk for any violation by the holder of any Codes of the Village or of any State or Federal law for misrepresentation made in such application or whenever the holder of such license shall be guilty, in the judgment of the Village Clerk, of fraud, misrepresentation, or deceit or shall cease to possess the character and qualities of the issuance of such license.



(7) Violation: Any person who shall engage in solicitation within the corporate limits of the Village of Thomasboro without complying with all requirements of this section, and without acquiring the necessary license shall be in violation of this Code.

(8) Penalty: Any person who is in violation of this section of the Code shall be subject to a penalty of a fine not exceeding two hundred dollars (\$200.00).

## B. Curfew for Minors

(1) Authority: Section 11-1-5 of the Illinois Municipal Code (65 ILCS 5/11-1-5) states that each municipality may by Code declare a curfew and establish the conditions and restrictions. Any minor in violation of curfew shall be considered a nuisance and subject to the penalties imposed herein.

### (2) Violation:

(a) No minor under the age of fourteen (14) shall be on any street, alley or other public place within the Village between the hours of 10:30 p.m. and 6:00 a.m.

(b) No minor between the ages of fourteen (14) and sixteen (16) shall be on any street, alley or other public place within the Village between the hours of 11:00 p.m. and midnight Sunday through Thursday; or between the hours of 12:01 a.m. and 6:00 a.m. any day of the week.

(c) No parent, legal guardian, or responsible adult having custody of minor under the age of fourteen (14) shall allow such minor to violate any provision of this Code.

### (3) Exceptions:

(a) Any minor accompanied by his or her parent, legal guardian or other responsible adult having custody of the minor, shall not be in violation of this Section of this Chapter

(b) Any minor in transit to or from a school or church sponsored program, employment, or organized youth activity shall not be in violation of this Section of this Chapter.

(c) Any minor performing an errand for his or her parent, legal guardian or custodial adult shall not be in violation of this Section of this Chapter.

(4) Penalties:

(a) Any minor who violates curfew shall be subject to a fine of \$50.00 for the first offense, and \$100.00 for the second or any subsequent offense in a 12 month period.

(b) Any adult who violates this Code shall be subject to a fine of \$100.00 for the first offense, and \$200.00 for the second or any subsequent offense in a 12 month period.

C. Public Sexual Displays

(1) Definition:

A public sexual display is any display of human sex organs, to include the breasts of a female, where it can be viewed by the public, indoors and outdoors is a nuisance.

(2) Violation:

All buildings, apartments and property located within the Village of Thomasboro used for purposes of sexual displays shall be a public nuisance.

(3) Penalty:

(a) Any property owner who allows a public sexual display shall be fined not more than five hundred dollars (\$500.00) for each offense.

(b) Any person who shall visit, patronize, or frequent any-building, apartment or property within the Village of Thomasboro used for a public sexual display as herein defined shall be fined not more than five hundred dollars (\$500.00) for each offense.

D. Prostitution

(1) Definition:

Any person who engages in any sexual act in exchange for money, drugs, or anything else of value, shall be engaged in prostitution.

(2) Violation:

(a) All buildings and apartments and all places within Thomasboro used for purposes of lewdness, assignation or prostitution, prostitution to include a place where a commercial enterprise for masturbating its customers is carried on, are a public nuisance and may be abated as provided in the Lewdness Public Nuisance Act (740 ILCS 105/0.01 et seq.).

(b) Masturbatory massage parlors and commercial enterprises which masturbate their customers are hereby declared to be specialized houses of prostitution and as such are public nuisances within the meaning of this Section.

(3) Penalty

(a) If such public nuisance exists as herein defined, the President of the Board of Trustees or the Chief of Police of Thomasboro may initiate an action to abate such nuisance in the manner provided for in Section 2 of the Lewdness Public Nuisance Act (740 ILCS 105/2).

(b) Any person who shall visit, patronize, or frequent any building, apartment, or place within Thomasboro used for the purpose of lewdness, assignation, or prostitution as defined in this section shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand (\$1,000.00) for each separate offense. Any person who shall keep or maintain or be engaged in the practice of prostitution as herein defined or who shall knowingly rent or lease to another, suffer, or permit any premises owned or controlled or occupied by him to be used for any such purpose, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense.

## E. Disorderly Conduct

(1) Definitions: A person commits disorderly conduct if he or she:

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

(b) Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(c) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such place that its explosion or release would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in such place; or

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

(e) 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; or

(f) While acting as a collection agency as defined in the Collection Agency Act or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

(g) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act (325 ILCS 5/4); or

(h) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act (210 ILCS 45); or

(i) Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or

(j) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public; or

(k) Calls the number 911 for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

(2) Fighting: Any person engaged in a physical or verbal altercation with another person in a manner that disturbs the community or breaches the peace shall be guilty of disorderly conduct and in violation this Section of the Code.

(3) Intoxication/Public Intoxication: Any person who has consumed any amount of an alcoholic beverage or illegal substance and who has violated Section 1 and/or Section 2 of this Section, or is in a public place and under the influence of alcohol or any intoxicating substance, shall be guilty of disorderly conduct and in violation of this Section of the Code. A blood/alcohol rating of .08 or higher is prima facie evidence of intoxication.

(4) Penalty: Any person who violates this Section with respect to disorderly conduct, fighting or intoxication shall be subject to a fine of two hundred dollars (\$200.00) for the first offense, and a fine of three hundred dollars (\$300.00) for any subsequent offense. A violation of each subsection of this Section C. shall be a separate violation.

## F. Assault and Battery

### (1) Assault

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

(b) Any person who violates this sub-section shall be subject to a fine of two hundred dollars (\$200.00) for the first offense, and a fine of five hundred dollars (\$500.00) for any subsequent offense.

### (2) Battery

(a) A person commits battery if he or she intentionally or knowingly without legal justification and by any means,

(i) Causes bodily harm to an individual; or

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

(b) Any person who violates this sub-section shall be subject to a fine of two hundred dollars (\$200.00) for the first offense, and a fine of five hundred dollars (\$500.00) for any subsequent offense.

## G. Controlled Substances

### (1) Definitions

(a) "Cannabis" includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant

which is incapable of germination. The term “cannabis” shall also include any synthetic or fake marijuana, commonly known under the brand name “K2”, “K4” or “Spice”.

(b) “Controlled substance” shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act (720 ILCS 570/102) as amended, and that definition is incorporated herein.

(c) “Drug paraphernalia” shall mean all equipment, products, and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/10), which are intended to be used unlawfully 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 (720 ILCS 550/1 et seq.), the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.), or the Methamphetamine Control and Community Protection Act (720 ILCS 646/1 et seq.), including, but not limited to:

(i) Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;

(ii) Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;

(iii) Testing equipment intended to be used unlawfully for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;

(iv) Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;

(v) Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:

- Water pipes;

- Carburation tubes and devices;
- Smoking and carburation masks;
- Miniature cocaine spoons and cocaine vials;
- Carburetor pipes;
- Electric pipes;
- Air-driven pipes;
- Chillums;
- Bongs;
- Ice pipes or chillers;

(vi) Any item whose purpose, as announced or described by the seller, is for use in violation of this section.

(d) “Forfeiture” shall mean cannabis or drug paraphernalia as defined herein, seized by any peace officer pursuant to an arrest or issuance of notice to appear for a violation of this section, and said cannabis and/or drug paraphernalia shall be forfeited to the city upon a conviction for violation of this section, or upon payment of a minimum fine in settlement of said violation.

(2) Violation: It shall be a violation of this Section for any person to possess cannabis of any amount and/or any drug paraphernalia within the Thomasboro Village limits. Any person in possession of cannabis or drug paraphernalia within the Village limits will subject to forfeiture of same to the arresting peace officer, as well as subject to the penalties listed herein.

(3) Penalty: Any person who violates this Section with respect to possession of Cannabis or drug paraphernalia shall be subject to a fine of \$200 for the first offense, and \$300 for any subsequent offense.



## **Section 4 - SALE OF TOBACCO PRODUCTS TO MINORS**

### **A. Definition**

For purposes of this Section, “smokeless tobacco” means any tobacco products that are suitable for dipping or chewing.

### **B. Violation**

(1) No person under the age of eighteen (18) years of age shall possess, purchase, or attempt to purchase any cigar, cigarette, smokeless tobacco, or tobacco in any form.

(2) No person shall sell, buy for, distribute samples, or furnish without charge any cigar, cigarette, smokeless tobacco, or tobacco in any form to any person under eighteen (18) years of age.

### **C. Penalty**

(1) Any person who violates paragraph B(1) shall be subject to a fine in the amount of fifty dollars (\$50.00) for the first offense, and one hundred dollars (\$100.00) for any subsequent offense within twelve (12) months of any prior offense.

(2) Any person who violates paragraph B.(2) shall be subject to a fine in the amount of two hundred dollars (\$200.00) for the first offense, and four hundred dollars (\$400.00) for any subsequent offense within twelve (12) months of any prior offense. In any circumstance, the Village shall have the option to charge any offender under Illinois Law with a petty offense pursuant to the Sale of Tobacco to Minors Act (720 ILCS 675/1) or under this section.

## **Section 5 - HISTORY**

### **Section 1 – Police Department**

575 July 2, 2012 Amendment re: max hours/year for Part-time officers

### **Section 2 – Part-time Police Officers**

587 April 7, 2014 Recodifying hiring standards for Part-time officers

### **Section 3 – Offenses**

429 November 1992 Disorderly Conduct Ordinance  
514 October 4, 2004 Amendment to # 429, Fines

### **Section 5 – Noise**

517 October 4, 2004 Amendment to #494, Penalty

## **CHAPTER X. - UTILITIES**

### **Section 1 - CABLE COMMUNICATIONS**

From time to time, the Village of Thomasboro will enter into a franchise agreement with certain companies for the purpose of providing video programming and other services. Such programming and services shall be provided by means of closed transmission paths and associated signal generation, and reception designed to provide Cable Service to subscribers within the Village of Thomasboro. The cable company shall pay a franchise fee to the Village of Thomasboro which will be specified in the franchise agreement.

Each franchise agreement shall be enacted by an Ordinance in the normal course of the Village's business. Said Ordinance shall contain all terms and conditions imposed upon both parties to the agreement.

#### **HISTORY**

# 411 May 7, 1990

Franchise Renewal to Jones Intercable; repealed

## **Section 2 - ELECTRICAL**

### **A. Supply of Electric Energy**

The Village of Thomasboro has entered into a Contract Code with Illinois Power Company for the supply of electric energy to the Village. Said Code includes Appendices and Schedules that identify Delivery Points, Rates and cost comparisons. The Code is dated April 3, 1989 and for a term of ten (10) years.

### **B. Supply of Street Lighting**

The Village of Thomasboro has entered into a Contract Code with Illinois Power Company for furnishing of street lighting in the Village. Said Code includes Schedules for Service Classification and Rates. The Code is dated March 7, 1979 and for a term of ten (10) years.

## **Section 3 - GAS**

Construction, operation and maintenance of a natural gas system in the Village of Thomasboro -

The Village of Thomasboro enacted an Ordinance whereby it granted to Allied Gas Company the right to construct, operate and maintain a natural gas distribution system in the Village. The term of the agreement is Fifty (50) years.

## **Section 4 - SEWER**

### **A. Definitions**

For the purposes of this Section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The word “may” is directory and discretionary and not mandatory.

(1) “Approving authority” means the Local Superintendent of Public Works.

(2) “Basic user charge” shall mean the basic assessment levied on all users of the public sewer system.

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

(4) “Building drain” shall mean that part of the lowest point of the 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 feet (5 feet or 1.5 meters) inside the inner face of the building wall.

(5) “Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

(6) “Capital improvement charge” shall mean a charge levied on users to improve, extend or reconstruct the sewer treatment works.

(7) “Code” means the Village of Thomasboro Code.

(8) “Combined sewer” shall mean a sewer which is designed and intended to receive wastewater, storm, surface, and groundwater drainage.

(9) “Commercial user” shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering services

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

(11) “Debt service charge” shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(12) “Director” means the Director of the Illinois Environmental Protection Agency.

(13) “Easement” shall mean an acquired legal right for the specific use of land owned by others.

(14) “Effluent criteria” are defined in any applicable NPDES Permit.

(15) “Federal Act” means the Federal Clean Water Act (33 U.S.C. 1251 et seq.) and as amended.

(16) “Federal administrator” means the Administrator of the U.S. Environmental Protection Agency.

(17) “Federal grant” shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title 11- Grants for Construction Treatment Works of the Act and implementing regulations.

(18) “Floatable oil” is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pre-treated and the wastewater does not interfere with the collection system.

(19) “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

(20) “Industrial users” shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

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

(22) “Institutional/Governmental user” shall include schools, churches, penal institutions, and users associated with Federal, State, and local governments.

(23) “Local capital cost charge” shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. debt service and capital improvement costs.

(24) “Major contributing industry” shall mean an industrial user of the publicly owned treatment works that: (a) Has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or (d) is found by the permit issuing 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.

(25) “Milligrams per Liter” shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formally used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

(26) “Natural outlet” shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater

(27) “NPDES permit” means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

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

(29) “Ph” shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of laboratory Methods.

(30) “Population equivalent” is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(31) “Ppm” shall mean parts per million by weight.

(32) “Pretreatment” shall mean the treatment of wastewater from sources before introduction into the wastewater treatment works.

(33) “Properly shredded garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particles greater than one-half (½) inch ( 1.27 centimeters) in any dimension.

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

(35) “Replacement” shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful 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.

(36) “Residential user” shall mean all dwelling units such as houses, mobile homes, apartments, permanent multi-family dwellings.

(37) “Sanitary sewer” shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and ground waters or polluted industrial wastes are not intentionally admitted.

(38) “Sewage” is used interchangeably with wastewater.

(39) “Sewer” shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage

(40) “Sewerage” shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage.

(41) “Sewerage” Fund is the principal accounting designation for all revenues received in the operation of the sewerage system.

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

(43) “State Act” means the Illinois Anti-Pollution Bond Act of 1970.

(44) “State grant” shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

(45) “Storm sewer” shall mean a sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

(46) “Storm water runoff” shall mean that portion of the precipitation that is drained into the sewers.



(47) “Surcharge” shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in paragraph I.(c) below.

(48) “Suspended solids (SS)” 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 the IEPA Division of Laboratories Manual of Laboratory Methods.

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

(50) “Useful life” shall mean the estimated period during which the collection system and/or treatment works will be operated.

(51) “User charge” shall mean a charge levied on users of treatment works for the cost of operation, maintenance and replacement.

(52) “User class” shall mean the type of user residential, institutional/ governmental, commercial, or industrial as defined herein

(53) “Village” means the Village of Thomasboro.

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

(55) “Wastewater facilities” shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

(56) “Wastewater service charge” shall be the charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in paragraph I below and shall consist of the total or the basic user charge, the local capital cost and a surcharge, if applicable.

(57) “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.

(58) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

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

#### B. Use of Public Sewers Required

(1) General Superintendent of Public Works (the waterworks and sewage system) shall be appointed by the Village President with the approval of the Village Board of Trustees. It being hereby determined and declared that the appointment of any superintendent thereof is necessary and expedient for the best interest of the Village of Thomasboro. Said superintendent shall qualify for office in the same manner as any elected Official of said Village and shall post such bond in such amount as may be determined by the Village President. All necessary employees of the Public Works Department and each division thereof shall likewise be appointed by the Village President with the approval of the Village Board of Trustees.

(2) The Village shall install and maintain the sewer mains, and provide major repair of the service lines to the property line or a mutually agreed upon point, subject to the Board of Trustees' determination that a particular service is economically feasible to install. The user shall be responsible for installing the user's own sewer line to the property line. The user shall be responsible for the maintenance of the user's own sewer line and normal maintenance of the sewer line from the property line to the sewer main. The Village shall be responsible for any street opening and pavement replacement required as determined by the Board of Trustees. The user shall give such easements and rights-of-way as necessary to the Village and shall allow access for the purposes of construction, repair, maintenance, meter reading, relocation, or expansion of the sewer system. The necessity shall be determined by the Board of Trustees.

(3) The Village may at any time refuse additional or new sewer service to any applicant if in the judgment of the Board of Trustees the capacity of the system will not permit such use or that it is economically infeasible to provide such service.

(4) The Board of Trustees shall first determine if any extension of a sanitary sewer main is economically feasible based on estimated cost of the extension and the number of existing potential users that will use the sewer system along the extension. If the extension is economically feasible, then the Village may install and pay the cost of the extension at the discretion of the Board of Trustees. If the Village elects not to pay the cost of extending the sanitary sewer main, then the person or persons

desiring sewage service shall install the extension at their own personal expense upon a written consent by the Board of Trustees and upon such terms as the Board of Trustees may determine or may set forth in any Code or resolution. The Village shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there is sufficient existing residences or businesses to make the extension economically feasible.

The following steps must be completed prior to any sewer expansion:

- (a) The Village must approve all plans and specifications for any extensions. Before any extensions are installed, the plans and specifications must be reviewed and approved by the State of Illinois, Environmental Protection Agency.
  - (b) Ownership, right-of-way, and title must be conveyed to the Village for all extensions installed by anyone other than the Village. The Village will maintain the sanitary sewer mains after construction in accordance with Section 2 of this Article.
  - (c) No extension will be permitted if in the opinion of the Board of Trustees the system does not have the necessary capacity to serve the proposed extension.
  - (d) The applicant must pay all connection fees and all costs related to any extension.
- (5) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Thomasboro or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.
- (6) It shall be unlawful to discharge to any natural outlet within the Village of Thomasboro, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Municipal Code.
- (7) 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.
- (8) The owner of all the houses, building, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the

future be located any public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred feet (100 feet or 30.5 meters) of the property line.

(9) Installation of private sanitary sewer service to be connected to the Village sanitary sewer system shall only be performed by a duly licensed sewer contractor or plumber. A property owner must obtain a permit to install the private service line, to connect the service line to the Village sanitary sewer system and to connect the structure to the service line. A request for a permit must include identification of the property, a drawing showing the location of the existing sewer collection line, location of the structure, the location of the connect point of the service line to the collector line. Each request for a permit must include a two hundred fifty dollars (\$250.00) tap-on fee, payable to the Village of Thomasboro. A permit shall be valid for thirty (30) days. A single permit may be issued for all sewer work provided such work is completed and inspected by a Village official within the 30 day permit period. Any second or subsequent permit will require an addition fifty (\$50.00) dollar fee payable to the Village of Thomasboro.

(10) The storm drain system for the Village of Thomasboro is wholly contained within the Village Property and right-of-ways, and consists of the waterways, culverts, and ditches within the Village designed to control and move surface water and drainage. The storm drain system is under the absolute control of the Village of Thomasboro, and no modification, alteration or so-called improvement shall be made to the system or any part or segment of the system without the express approval and supervision of the Village authorities. From time to time, as determined by the village, maintenance will be performed on the storm drain system. Maintenance may include, but is not limited to, reshaping and excavation of waterways and ditches, and replacement and/or repair of culverts. Property owners within the Village of Thomasboro may connect privately owned drainage systems, such as sump pumps, to the Village storm drain system. Under no circumstances shall the discharge from a private septic system be discharged into the Village storm drain system. Any connection the Village storm drain system shall require a permit from the Village. The fee for connecting to the Village storm drain system is twenty dollars (\$20.00). At a property owner's request, driveway culverts may be replaced by the Village as part of its maintenance program. However, the replacement culvert must meet the Village's specifications. Cost of the culvert shall be borne by the property owner. The Village will provide excavation of gravel and dirt packed surfaces over the culvert. All other materials must be removed by the property owner. In the event that the Village, as part of its maintenance program, elects to replace a driveway culvert that has failed, the property owner shall bear all costs for

removal of asphalt, concrete, or other surfaces, other than gravel or dirt pack. The Village shall restore the driveway with gravel or dirt packed surface. The property owner shall be responsible for restoration of the asphalt, concrete or other materials.

### C. Private Sewage Disposal

(1) Where a public sanitary sewer is not available under the provisions of paragraph B, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this paragraph C.

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

(3) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of written notice by the Superintendent.

(4) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Illinois Private Sewage Disposal Licensing Act and Code (225 ILCS 225/1 et seq.) 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 lot is less than ten thousand square feet (10,000 sq. ft. or 929 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(5) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in paragraph B., a direct connection shall be made to the public sewer in compliance with this Chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

(7) No statement contained in this Chapter shall be construed to interfere

with any additional requirements that may be imposed by the Village Board.

(8) When a public sewer becomes available, the building sewer shall be connected to the available public 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.

#### D. Building Sewers and Connections

(1) No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. The fee for connection to the Village sewer main is Two Hundred and Fifty Dollars (\$250.00).

(2) Any 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.

(3) There shall be two (2) classes of building sewer permits:

(a) For residential, wastewater service, and

(b) To commercial, institutional/governmental or industrial wastewater service.

In either case, the owner or his agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of ten dollars (\$10.00) for a residential or commercial building sewer permit shall be paid to the Village at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

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

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

(6) 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.

(7) Old building sewers may be used in connection with new buildings only when they are found to meet all requirements of this Section after examination and test by the Superintendent.

(8) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of 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.

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

(10) No person(s) shall make connection of roof down spouts, exterior foundation drains, away 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.

(11) The connection of the building sewer into the public sewer shall conform to the requirements of the appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connection shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

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

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

(14) All occupied homes and businesses located within the corporate limits of the Village of Thomasboro must be connected to the Village public sewer system by October 1, 2005. After said date, any structure located within the corporate limits not connected to the public sewer system shall be declared as uninhabitable for human occupancy. The owner of record of any structure not connected to the public sewer systems and occupied after October 1, 2005, shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than seven hundred dollars (\$700.00) per day for each day the structure is occupied.

#### E. Use of the Public Sewers

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

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, or natural outlet.

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

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

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

(c) Any waters or wastes having 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;

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes



cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshes, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;

(4) 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 Superintendent that such wastes can harm either the sewers sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent 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:

(a) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F), (65°C);

(b) 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 (15°F), (0 and 65°C);

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of one-half ( $\frac{1}{2}$ ) or three-fourths ( $\frac{3}{4}$ ) horsepower or greater shall be subject to the review and approval of the Superintendent;

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

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

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the

composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters;

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

(h) Any wastes or water having a pH in excess of 9.5;

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

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

(k) Materials which exert or cause:

i. 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);

ii. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

iii. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; and

iv. Unusual volume of flow or concentrations of wastes constituting slugs as defined herein; and

(l) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable 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.

(5) 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 paragraph E, and/or which are in violation of the

standards for pretreatment provided in 40 C.F.R. 403, and any amendments thereto, and which in the judgment of the Superintendent 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 Superintendent may:

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

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

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

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

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

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

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

(10) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular 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 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.

(11) No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with paragraph I, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for user charge system.

#### F. 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.

#### G. Powers and Authority of Inspectors

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

(2) While performing the necessary work on private properties, the Superintendent or duly authorized employees of the Village, 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 Village employees and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions required herein.

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

#### H. Penalty

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

(2) Any person who shall continue any violation beyond the time limit provided for herein, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding three hundred dollars (\$300.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Any person violating any of the provisions of this Section shall become liable to the Village by reasons of such violation.

#### I. Wastewater Service Charges

(1) The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of basic user charge for operation and maintenance plus replacement, applicable surcharges and local capital cost charge composed of a debt service charge and a capital improvement charge. The debt service charge is computed by apportioning the annual debt service on a cost per 1000 gallon basis. The capital improvement charge is levied on all users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement is computed by apportioning the annual amount to be accrued as a cost per 1000 gallon.

(a) The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal domestic concentrations:

i. A five day, 20 degree centigrade (20°C) biochemical oxygen demand (BOD of 200 mg/l); and

ii. A suspended solids (SS) content of 250 mg/l.

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

i. Estimate wastewater volume, pounds of SS and pounds of BOD to be treated;

ii. Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories;

iii. Proportion the estimated OM&R costs to each user class by volume, suspended solids and BOD;

iv. Proportion the estimated operation, maintenance and

replacement (OM&R) costs to wastewater facility categories by Volume, Suspended Solids and BOD;

v. Compute costs per one thousand (1000) gallons for normal sewage strength; and

vi. Compute surcharge costs per one thousand (1000) gal. per mg/l in excess of normal sewage strength for BOD and SS.

(c) A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS respectively. Section 6 specifies the procedure to compute a surcharge.

(d) The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by certified public accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or a change in operation and maintenance costs including replacement costs.

(e) The users of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater treatment operation, maintenance and replacement.

(2) 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.

(a) If the person discharging wastes into the public sewers procures any part, or all, of his or her water from sources other than the public waterworks system, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Superintendent for the purpose of determining the volume of water obtained from these other sources.

(b) Devices for measuring the volume of waste discharged may be required by the Superintendent if these volumes cannot otherwise be determined from the metered water consumption records.

(c) Metering devices for determining the volume of waste shall

be installed, owned, and maintained by the person following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Superintendent.

(3) Debt Service Charge. A debt service charge of thirty dollars and twenty-seven cents (\$30.27) per month to each user of the wastewater facility of the Village is hereby established as a portion of the basic user rate.

(4) Basic Rates. There shall be and there is hereby established a minimum charge and a basic rate for the use of and for service supplied by the Wastewater Facilities of the Village.

(a) Residential: A monthly service charge of thirty-two dollars and two cents (\$32.00) shall be applied to all residential users. A monthly basic user rate of four dollars and twenty-five cents (\$4.25) per one thousand (1,000) gallons of water consumption shall be applied to all users. All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per month adequate to cover the costs of the minimum accrual capital cost charge, the minimum service charge and the basic user rate of fifty-seven dollars and fifty-two cents (\$57.52) per month. The flat rate charge will allow a maximum of six thousand (6,000) gallons per month. In the event use of wastewater facilities is determined by the Superintendent to be in excess of six thousand (6,000) gallons per month, the Superintendent may require such flat rate user to install metering devices on the water supply or sewer main to measure the amount of service supplied.

(b) Commercial: A monthly service charge of thirty two dollars and two cents (\$32.00) shall be applied to all commercial users. A monthly basic user rate of four dollars and twenty-five cents (\$4.25) per 1,000 gallons of water consumption shall be applied to all users. All commercial users will be metered and no flat fee rate will be charged.

(5) Surcharge rate. The rates of surcharges for BOD5 and SS shall be as follows:

(a) \$0.0050/1000 gallons wastewater/mg/1 BOD5 above 200 mg/1

(b) \$0.0040/1000 gallons wastewater/mg/1 SS above 250 mgA

(6) 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 Superintendent and shall be binding as a basis for surcharges.



(7) Computation of Wastewater Service Charge. The wastewater service charge shall be computed by the following formula:

$$CW = CM + (Vu - X) CU + CS$$

Where CW = Amount of waste service charge (\$) per billing period.

CM = Minimum Charge for Operation, Maintenance and Replacement

Vu = Wastewater Volume for the billing period.

X = Allowable consumption in gallons for the minimum charge

CU = Basic User Rate for debt service and capital improvement

CS = Amount of Surcharge (Sections 5 and 6)

#### J. General Provisions

(1) Bills. Said rates or charges for service shall be payable monthly. The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the Village. Bills for sewer service shall be sent out by the Village treasurer on the first day of the month succeeding the period for which the service is billed. All sewer bills are due and payable 10 days after being mailed. A penalty of 10 percent shall be added to all bills not paid within 15 days after the post mark.

(2) Delinquent Bills. If the charges for such services are not paid within 30 days 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.

(3) Lien Notice of Delinquency. Whenever a bill for sewer service remains unpaid for sixty (60) days after it has been rendered, the Village Treasurer shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill. If the user whose bill is unpaid is not the owner of the premises and the Village Treasurer has notice of this, notice shall be mailed to the owner of the premises if his address is known to the treasurer, whenever such bill remains unpaid for the period forty-five days after it has been rendered. The failure of the Village Treasurer to record such lien or to

mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

(4) Foreclosure of Lien. Property subject to a lien for unpaid charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid ninety (90) days after it has been rendered.

#### K. Revenues

All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten (10) days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees. The Village Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the Sewerage Fund of the Village. The Village Treasurer shall administer such fund in every respect in the manner provided by statute of the Revised Cities and Villages Act of 1941 (65 ILCS 20/0.01 et seq.).

#### L. Accounts

(1) The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

(2) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard,

the financial information to be shown in the audit report shall include the following:

- (a) Flow data showing total gallons pumped to the wastewater plant for the current fiscal year;
- (b) Billing data to show total number of gallons billed per fiscal year;
- (c) Debt service for the next succeeding fiscal year;
- (d) Number of users connected to the system;
- (e) Number of non-metered users; and
- (f) A list of users discharging non-domestic and industrial wastes and volume of waste discharged.

#### M. Notice of Rates

Each user will be notified by the Village in conjunction with a regular bill, of the rate and that portion of the user charges or Ad Valorem taxes which are attributable to wastewater treatment services, including the financial information of Section 6. In addition to this, a copy of this article properly certified by the Village treasurer shall be filed in the office of the Recorder of Deeds of Champaign County.

#### N. Access to Records

The IEPA or its authorized representative shall have access to any books, documents, papers, and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any State Grant.

#### O. Effective Date of Rates

The rates and service charges established for user charges herein shall be effective as defined by the Board of Trustees.

#### P. Validity

That if any section, paragraph, clause or provision of this Code shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such

section, paragraph, clause or provision shall not affect any of the remaining provisions of this Code.

#### Q. Appeals

The method for computation of rates and service charges established for user charges herein shall be made available to a user within ten (10) days of receipt of a written request for such. Any disagreement over the method used or in the computations there of shall be remedied by the Village within twenty (20) days after notification of a formal written appeal outlining the discrepancies.

### **Section 5 - WATER**

#### A. Creation of a Water Department

An executive department of the Village of Thomasboro is hereby established which is to be known as the Water Department. The President and Board of Trustees are hereby authorized to appoint a Superintendent of the Water Department, plus any other employees needed, for the operation of the Village waterworks system. The Superintendent shall have the general management and control of the waterworks system, subject to the supervision of the President and Board of Trustees.

#### B. Rules and Regulations

(1) Any property owner who wishes to be connected to the waterworks system must file an application with the Superintendent of the Water Department. A connect fee of two hundred and twenty-five dollars (\$225.00) shall be paid with the application to defray the costs of the Village installing a service connection from the water main to the property line. The applicant shall be responsible for all costs for installation that exceed the two hundred and twenty-five dollar (\$225.00) connection fee, including the curb stop and box. Installation of the service line from the curb stop to the structure shall be the responsibility of the property owner.

(2) Meters may be installed to measure the volume of water used by the water consumer at the rate specified in this section. The property owner shall be responsible for the cost of the meter supplied by the Village.

(3) Whenever any meter fails to accurately register the volume of water passing through it, for any reason, then the consumption by the customer shall be estimated based on the rate shown for the corresponding time of the previous year. If no record of the previous year exists, then the Waterworks Superintendent shall

estimate the amount of water consumed during the time the meter failed to record the volume of water consumed. Any such estimate shall be conclusive.

(4) The Village and its employees shall have unhindered access to the premises, places or buildings serviced by the waterworks system for reading, examining, testing and repairing of the meters; and to examine and test the use, flow and consumption of water on the property. It shall be a violation of this Code for any person to interfere with, prevent or obstruct the Village or its employees from performing such duties.

(5) No person shall in any manner obstruct the access to any stop-cock, hydrant, valve, or any public faucet or opening for taking water in any street, alley, public ground or place connected with or part of the waterworks system. No person shall pile or place any lumber, bricks, building construction materials, construction equipment or vehicles, or any other articles, thing or hindrance whatsoever within twelve feet of any stop-cock, hydrant, valve, or any other source for taking water. No person shall in any manner hinder, delay or obstruct the members of the fire department in reaching any source of water.

(6) It shall be unlawful for any person in any manner to interfere with or obstruct the flow, retention, storage or authorized use of water in the waterworks system, reservoir, or plant or any part thereof, or to injure, deface, remove or displace any water main, hydrant, service pipe, water meter, shut-off box, public fountain, valve, engine or building connected with the waterworks system, or plant, or to cause, suffer, or permit any of said things to be done. Any person who shall perform any act in violation of this section shall upon conviction thereof be fined not less than fifty dollars (\$50.00) and not more than seven hundred dollars (\$700.00) for each offense, and shall in addition be liable for the actual damage done or caused.

(7) No unauthorized person shall turn the water on at any fire hydrant or service cock, or use water therefrom when so turned on, under penalty of ten dollars (\$10.00) for each offense, and the person so using or wasting water in such unlawful manner shall be liable for the same.

(8) Temporary service may be provided upon receipt of a written application. The Waterworks Superintendent shall inspect the site for the temporary service and if approved, shall issue a permit. The Village shall install a service pipe from the main to inside the curb line where a service cock and meter will be installed with a pipe and faucet to the surface. Upon termination of the construction, the meter and faucet shall be removed and the water service turned off. If permanent service is desired, then the property owner shall install the service line from the structure to the service cock and the Village shall install the

appropriate meter.

(9) No water service customer shall allow any extension, tap or connection to its service line without a duly issued permit from the Village.

(10) The Village shall have the right to terminate service to any customer who violates these rules and regulations.

(11) A twenty-five dollar (\$25.00) fee shall be charged to restore service to any property for which service was terminated due to violation of the rules and regulation, or for non-payment of service.

#### C. Rates

The following rates for water supplied by the Village of Thomasboro shall apply to all bills sent after September 1, 2010.

Minimum Charge (1,000 gallons per month)    \$ 19.00

For each additional 1,000 gallons per month    \$    3.00

#### D. Billing

(1) Monthly water/sewer/garbage bills will be mailed by the Village the first of each month. Each bill shall be paid by the 15<sup>th</sup> of the month. Any bill not paid by the 15<sup>th</sup> of the month shall be delinquent and shall be assessed a 10% penalty. Upon a bill being delinquent, a Notice of Delinquency shall be delivered to the occupant of the property demanding payment.

(2) If two consecutive monthly bills become delinquent, or the total of the delinquency is \$150.00 or more, whichever occurs first, then the occupant of the property and the owner of the property, if not owner occupied, shall be sent a Disconnect Notice. The Owner or Occupant of the property shall have ten days from the date of the Notice to:

- (a) Pay the full amount delinquent; or
- (b) Enter into a written payment schedule with the Village; or
- (c) Provide medical documentation from a licensed physician as to why the service should not be terminated. Some payment schedule will still be required.

(3) Pursuant to the Illinois Municipal Code Section 11-126-4, (65 ILCS 5/11-126-4) the Village shall have the right to file a lien against the property for unpaid water/sewer/garbage bills. The Village shall also have the right to sue and reduce the amount owed to a judgment which can be filed as a lien against the property. Any lien filed against property for unpaid bills shall not be released until full payment has been made and the account is current. All costs and expenses incurred by the Village prosecuting its claim and/or lien, to include attorneys fees, shall be borne by the occupant/owner.

(4) Any violation of the rules set forth in this Code, or for failure to pay for water/sewer/garbage service, shall result in termination of water and garbage service. Prior to termination, the Village shall provide a Disconnect Notice to the occupant of the property and the owner of the property, if not owner occupied. The occupant/owner shall have ten days from the date of the Notice to cure the violation or service will be terminated. If a medical need for water service exists, it must be documented by a physician's report.

(5) Any water customer who knows they will be out of town for an extended period of time may make arrangements with the Village regarding their bill so that it will not be considered delinquent.

(6) Any water/garbage customer who has services terminated or decreased due to non-payment must pay all past-due billings (including collection costs if applicable) and make an advance payment equal to one billing period prior to reinstatement of service.

#### E. Disruption of Service

(1) From time to time it will be necessary for the Village to disrupt water service in order to perform repair, maintenance, and installation of connections or extensions to the system. During emergencies, it may be necessary to disrupt service in order to concentrate the availability of water to a particular area for firefighting. During periods of limitations on the availability of water, it may be necessary to restrict use or limit the availability of water service. Under any and all circumstances, the Village shall not be liable for any claim that may arise from the lack or limitation on water service.

(2) The water customer shall be responsible for any and all repairs to the water service line located on the property. Upon detection of a break, rupture or leak on private property by the Village, the Village will notify the water customer, and the customer will have twenty-four (24) hours to make the necessary repairs. If repairs are not made within twenty-four (24) hours of notification, then the Village shall have the option of making the necessary repairs and billing the

customer for the cost of such repairs. In the event that the specific location of said break, rupture or leak cannot be determined with any degree of certainty, the Village shall make such repairs as are necessary. If, upon excavation it is determined that the break, rupture or leak is located on private property, then the customer being served by the line shall be responsible for reimbursing the Village for the repairs. Failure to reimburse the Village for repairs shall result in termination of service to the property. No service shall be restored to the property until all repair costs have been paid to the Village by the customer and/or property owner.

#### F. Auxiliary Water Meters

A water consumer may purchase an auxiliary water meter from the Village which is designed to attach to an outside faucet or hydrant. The auxiliary meter is to be used to measure the amount of water consumed to water a lawn, water a garden, to wash vehicles or other uses which do not introduce waste water into the Village Sewer system. Village officials shall read the meter when reading the property's main water meter. The reading of the auxiliary meter shall be deducted from the main water meter reading when calculating the fee to be charged for the sewer system in a given month. Such use shall have no effect on the fee to be charged to the consumer for water. The water consumer shall be solely responsible for maintenance and repair of the meter. Only a meter acquired from the Village may be used for this purpose.

Any unauthorized use of the meter, or any attempt to inflate the reading beyond its authorized purpose shall be a violation of this Section and subject to a fine of one hundred and fifty dollars (\$150.00). Any subsequent violation shall subject to a fine of three hundred dollars (\$300.00) and grounds for the Village to terminate water service to the consumer.

#### G. Cross Connection Control

The Illinois Environmental Protection Agency Regulations, 35 Ill. Adm. Code 653.801, et seq. requires an active program of cross-connection control which will prevent the contamination of all potable water supply systems. Therefore, the following shall apply:

(1) If the Illinois Plumbing Code, or in the judgment of the Waterworks Superintendent, an approved backflow prevention device is necessary for the safety of the public water supply system, then the Waterworks Superintendent shall give notice to the water customer to install such an approved device immediately. The water customer, at his own expense, shall install such an approved device at a location and in a manner in accordance with the Illinois



Plumbing Code and all applicable local regulations, and shall have inspections and tests made of such approved devices as required by the Illinois Plumbing Code and local regulations.

(2) 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 public water supply system of the Village of Thomasboro 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 Waterworks Superintendent and the Illinois Environmental Protection Agency.

(3) It shall be the responsibility of the Waterworks Superintendent to cause surveys and investigations of industrial and other properties served by the public water supply system to determine whether actual or potential hazards to the public water supply exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every two years, or as often as the Waterworks Superintendent shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.

(4) The Waterworks Superintendent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Thomasboro for the purpose of verifying the presence or absence of cross-connections. The Waterworks Superintendent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessees or occupants of any property served by the public water system shall furnish to the Waterworks Superintendent any information which may be requested regarding the plumbing system or systems or water use on such property. The refusal of such information, when demanded, shall in accordance with the discretion of the Superintendent be deemed evidence of the presence of improper connections as provided in this section.

(5) The Waterworks Superintendent is authorized and directed, after reasonable notice to the property occupant, to discontinue water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any risk of contamination of the public water supply system. Water service shall not be restored to such property until such conditions have been eliminated or corrected in compliance with the provisions of this section, and until a reconnection fee is paid. Immediate disconnection with only verbal notice is

possible when the Waterworks Superintendent is convinced that there is imminent risk of harmful contamination of the public water supply system. Under such circumstances, written notification shall be provided to the property occupant after service has been discontinued.

(6) The customer is 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. Responsibility includes the cost of clean-up of the potable water supply system.

## **Section 6 – RESIDENTIAL COLLECTION OF WASTE, REFUSE AND RECYCLABLE MATERIALS**

### **A. Definitions**

As used in this Chapter, the following terms shall have the meaning ascribed:

- (1) “Garbage” means any type of kitchen or food waste. The terms “waste” and “refuse” are synonymous with garbage unless otherwise more specifically defined.
- (2) “Recyclable materials” means materials that would otherwise become trash, including, but not limited to, metals, glass, paper, and plastics, which are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.
- (3) “Residential unit” means an individual living unit, including, without limitation, single-family detached homes, townhomes, condominiums, and apartments in building with four (4) units or less.
- (4) “Residential waste hauling contractor” means any person(s) or entity(ies) with the right to collect and dispose of garbage, trash, and/or recyclable materials from residential units in the Village of Thomasboro pursuant to a contract with the Village of Thomasboro.
- (5) “Trash” means any type of household, business or industrial waste or refuse, excluding landscape waste, and/or any item that has been discarded by the owner.
- (6) “Waste hauler” means any person collecting and disposing of garbage, trash, and/or recyclable materials in the Village of Thomasboro whether done with or without compensation. Waste hauler does not include or mean an individual collecting garbage or trash from his or her home for purposes of disposing of same at a waste disposal site approved from the Illinois Environmental Protection Agency, provided, however, such garbage or trash is not produced, created or accumulated in the course of any business operations.

B. Use of Municipal Residential Collection Service Required

(1) Every person residing in or occupying a residential unit within the service area which comprises the Village of Thomasboro shall use the system of garbage and trash collection and disposal provided by the Village of Thomasboro.

(2) The Village of Thomasboro may enter into one or more contracts for residential garbage, trash, and recyclable materials collection and disposal throughout the Village of Thomasboro which shall entitle the residential waste hauling contractor to the exclusive right to collect and dispose of said materials from residential units.

C. Fee for Municipal Residential Collection Service

(1) A monthly fee in the amount of \$14.05 shall be imposed upon all persons or entities who receive curb side garbage, trash, and/or recyclable materials collection and disposal service pursuant to any contract between the Village of Thomasboro and qualified residential waste hauling contractor(s) as provided in this Section of the Code. Said fee may increase or decrease annually depending on the actual cost to provide such service.

(2) The person who receives the garbage, trash, and/or recyclable materials collection and disposal provided by the municipal system and the owner or occupant of the property, if different from the user, shall be jointly and severally liable for the payment of the monthly fee.

(3) All municipal garbage, trash, and/or recyclable materials collection fees shall be included as a part of the municipal water bills and shall be due and payable at the same time as the municipal water bills pursuant to Chapter X, Section 5.D of this Code. Any violation of the rules set forth in this Code, or failure or refusal to pay the fees when due, shall subject the person obliged to pay same to discontinuance of water and garbage service provided by the Village of Thomasboro pursuant to Chapter X, Section 5.D.4 of this Code.

## **Section 7 - HISTORY**

### **Section 4 - Sewer**

216	December 1, 1952	Sewage Drainage Districts; superseded Special Election regarding Construction of Municipal Centralized Wastewater Collection and Disposal System
463	July 6, 1998	
484	November 6, 2000	Village Sewer
489	May 7, 2001	Amendment to # 484
522	May 2, 2005	Amendment to # 484
536	April 2, 2007	Amendment to # 484

### **Section 5 – Water**

240	May 2, 1960	Regulation and Operation of Municipal Waterworks
347	August 3, 1981	Amendment to # 240, 6.C. Rates
373	May 6, 1985	Amendment to # 240, 6.D. Billing
378	November 3, 1986	Amendment to # 240, 6.C. Rates
380	April 6, 1987	Amendment to # 240, 6.G. Cross-Connection control
467	January 4, 1999	Amendment to # 240, 6.C. Rates
487	December 4, 2000	Amendment to # 240, 6.E.(2) Leaks
490	June 4, 2001	Amendment to # 240, 6.C. Rates
497	November 5, 2001	Amendment to # 240, 6.F. Auxiliary Water Meters
547	September 2, 2008	Amendment to # 240, 6.C. Rates
550	February 2, 2009	Authority to borrow from Public Water Supply
553	November 2, 2009	Amendment to # 240, 10 and 13 Billing
559	August 2, 2010	Issuance of Bonds
560	August 2, 2010	Amendment to # 240, Rates
563	August 7, 2011	Bond Ordinance for Water Towers
585	September 3, 2013	Amending delinquent water account procedures

### **Section 6 – Residential Collection of Waste, Refuse & Recyclable Materials**

598	November 7, 2016	Amendment to Create Sect. 6
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