

CODE OF ORDINANCES OF TILTON, ILLINOIS

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Title 1

GENERAL PROVISIONS

Chapters:

Chapter 1.01

CODE ADOPTION

ORDINANCE NO. _____

An ordinance adopting and enacting a Code of Ordinances of the Village of Tilton, Vermilion County, Illinois, providing for the manner of amending such Code of Ordinances and providing when this ordinance shall become effective.

Be it ordained by the President and Board of Trustees of the Village of Tilton, Vermilion County, Illinois, as follows:

SECTION 1: This ordinance is adopted and enacted as the "Code of Ordinances, Village of Tilton, Vermilion County, Illinois," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances, except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose, herein.

SECTION 2: All ordinances of a general and permanent nature of the Village of Tilton, Vermilion County, Illinois, not contained in this Code, or recognized and continued in force by reference herein, are hereby repealed from and after the effective date of this Code, except as hereinafter provided.

SECTION 3: The repeal provided for in Section 2 hereof shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right

established or accruing before the effective date of this Code; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds of the City or any evidence of the City's indebtedness, or any contract or obligation assumed by the city; nor shall such repeal affect the administrative ordinances or resolutions of the City not in conflict or inconsistent with the provisions of this Code; nor shall such repeal affect any right or franchise granted by any ordinances of the City; nor shall such repeal affect any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, or in any other way affecting any street or public way in the City, or establishing or changing any street grades or prescribing any plan for the City; nor shall repeal affect appropriation or levy ordinances; nor shall such repeal affect any ordinance granting annexation, or changing the boundaries of the City; nor shall such repeal affect the changing of any zoning districts, rezoning, the grant of any variance or special use; nor shall such repeal affect any amendments to the subdivision ordinances in effect prior to the effective date of this Code whether incorporated therein or not, nor shall such repeal affect any amendments to the building code whether incorporated in this enactment or not; nor shall such repeal affect any ordinance dedicating or accepting any plat or subdivision in the Village; nor shall such repeal affect any ordinance describing the number, classification or compensation of any village officer or employee, not inconsistent herewith; nor shall such repeal be construed to revive any ordinance or part thereof that has been repealed by subsequent ordinance which is repealed by this ordinance.

SECTION 4: This Code contains all deletions and changes intended to be made in the previous Code of the Village, so that reference to the "Code of Ordinances, Village of Tilton, Vermilion County, Illinois," shall be understood and intended to include such deletions, changes, additions and amendments.

SECTION 5: A copy of this Code shall be kept on file in the office of the Village Clerk, preserved in loose-leaf form. It shall be the express duty of the Clerk, or someone authorized by the Clerk, to insert in their designated places all amendments or ordinances to the Code, and to extract from this Code all provisions which may from time to time be repealed. This Code shall be available for all persons desiring to examine the same and shall be considered the official Code of Ordinances of Tilton, Illinois.

CERTIFICATION

Connie Weddle, Clerk of the Village of Tilton, Vermilion County, Illinois, hereby certifies that the foregoing is a true and correct copy of the Ordinance on file with me in the corporate records of the Village of Tilton, Illinois, and that said Ordinance was adopted by the vote as set forth above, with a quorum present at the meeting of the Tilton Village Board.

CLERK

Prepared by: John F. Martin, Meachum & Martin, 110 N.
Vermilion, Danville, IL 61832

Title 1

GENERAL PROVISIONS

Chapter 1.04

Sections:

- 1.04.010 Definitions.
- 1.04.020 Grammatical interpretation.
- 1.04.030 Prohibited acts include causing and permitting.
- 1.04.040 Construction.
- 1.04.050 Repeal not to revive any ordinances.

1.04.010 Definitions. A. The following words and phrases whenever used in the code of the village of Tilton, Illinois, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Board" means the board of trustees of the village of Tilton, Illinois. "All its members" or "all trustees" means the total number of trustees provided by general laws of the State of Illinois.

2. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day. If the last day is a Sunday or a legal holiday, that day shall be excluded.

3. "County" means the county of Vermilion, Illinois.

4. "Law" denotes applicable federal law, the constitution and statutes of the state of Illinois, the ordinances of the village of Tilton, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

5. "May" is permissive.

6. "Month" means a calendar month.

7. "Must" and "shall" are mandatory.

8. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath. In such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

9. "Ordinance" means a law of the village, provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution.

10. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

11. "Person" means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

12. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

13. "Preceding" and "following" mean next before and next after, respectively.

14. "Property" includes real and personal property.

15. "Real property" includes lands, tenements and hereditaments.

16. "Sidewalk" means that portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians.

17. "State" means the state of Illinois.

18. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this village which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

19. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

20. Title of Office. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the village of Tilton, Illinois.

21. "Village" means the village of Tilton, Illinois, or the area within the territorial limits of the village of Tilton, Illinois, and such territory outside of the village over which the village has jurisdiction or control by virtue of any constitutional or statutory provision.

22. "Written" includes printed, typewritten, mimeographed and multigraphed.

23. "Year" means a calendar year, unless otherwise specifically designated.

B. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

C. When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the

principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.04.020 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the village:

A. Gender. Designation in the form of any gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

1.04.030 Prohibited acts include causing and permitting. Whenever in the ordinances of the village any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

1.04.040 Construction. The provisions of the ordinances of the village and all proceedings under them are to be construed with a view to effect their objects and to promote justice.

1.04.050 Repeal not to revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Chapter 1.08

BOUNDARIES

Sections:

1.08.010 Boundaries described.

1.08.010 Boundaries described. The corporate limits of the village are not enumerated in this code. A description of the corporate limits may be found on file with the Village Clerk.

Chapter 1.12

SEAL

Sections:

1.12.010 Seal described.

1.12.010 Seal described. The corporate seal shall be circular and have engraved thereon the words, "Village of Tilton, Illinois, Seal."

Chapter 1.16

FISCAL YEAR

Sections:

1.16.010 Fiscal year designated.

1.16.010 Fiscal year designated. The fiscal year of the village shall commence on the first day of May.

Chapter 1.20

INSPECTION OF VILLAGE RECORDS

Sections:

1.20.010 Public records defined.

1.20.020 Notice--Time for inspection--Limitations on use.

1.20.010 Public records defined. "Public records" means any book, paper, map, photograph or other official documentary material, regardless of physical form or characteristics, made, produced, executed or received by any agency or officer, pursuant to law or in connection with the transaction of village business, and preserved or appropriated for preservation by such agency, officer or any successor thereof, as evidence of the organization, function, policies, decisions, procedures or other activities thereof, or because of the informational data contained therein. (Ord. 75-1 Sec.1, 1975).

1.20.020 Notice--Time for inspection--Limitations on use.

All public records of the village shall be available for public inspection by any person subject to the following regulations for the safety and preservation of such records:

A. Any person shall file with the village officer having such records in his charge a written notice requesting to inspect, examine or copy such records. The notice shall specify which records are to be inspected, examined or copied, and shall contain sufficient information to allow the officer having such records in his charge to identify the records sought to be inspected, examined or copied. Such notice requesting to inspect, examine or copy records shall be filed with the officer having such records in his charge at least twenty-four hours prior to the time hereinafter established.

B. The records requested pursuant to and in compliance with subsection A of this section shall be made available by the officer having such records in his charge, at the regular board of trustees meeting next following the filing of the notice. The board of trustees shall allot sufficient time for inspection, examination or copying following completion of the board's regular business.

C. No more than two persons, excluding the officer having the records in his charge, shall be permitted to examine any such records at any one time. The officer having the records in his charge shall be present during the inspection, examination or copying of such records and may terminate such inspection, examination, or copying when the safety or preservation of the records becomes impaired.

D. Any officer having records in his charge may make such other arrangement for their inspection, examination or copying as he deems appropriate with due consideration for the safety and preservation of the records.

Chapter 1.24

RIGHT OF ENTRY FOR INSPECTION

Sections:

1.24.010 Established--Notice--Search Warrant.

1.24.010 Established--Notice--Search Warrant. Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or upon any premises within the jurisdiction of the

village, any authorized official of the village may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided that except in emergency situations or when the consent of the owner and/or occupant to the inspection has been otherwise obtained, the official shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours' written notice of the authorized official's intention to inspect. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized judge. In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining entry.

Chapter 1.32

GENERAL PENALTY

Sections:

1.32.010 Violation Deemed a Misdemeanor--Penalty.

1.32.010 Violation Deemed a Misdemeanor--Penalty.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the village shall be guilty of a misdemeanor. Except in cases where a different punishment is prescribed by any ordinance of the village, any person convicted of a misdemeanor under the ordinances of the village shall be punished by a fine of not less than \$100 nor more than \$750 plus court costs.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Tilton is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

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Chapter 2.04

BOARD OF TRUSTEES

Sections:

2.04.010	Members--Term--Functions.
2.04.020	Members--Oath--Compensation.
2.04.030	Meetings--Time and Place.
2.04.040	Meetings--Presiding Officer.
2.04.050	Meetings--Order of business.
2.04.060	Special meetings-Rescinded action.
2.04.070	Resolutions to be written.
2.04.080	Meetings--Who may address.
2.04.090	Rules--Suspension by consent.
2.04.100	Rules--Robert's Rules of Order.
2.04.110	Rules--Quorum and majority.
2.04.120	Committees designated--Constitution.
2.04.130	Powers and duties--Veto.

2.04.010 Members--Term--Functions. The board of trustees, consisting of six members, shall be elected to office for a four-year term, according to the method provided by statute.

This board shall be the legislative department of the village government and shall perform such duties and have such powers as may be delegated by statute to it.

2.04.020 Members--Oath--Compensation. The members of the board of trustees shall take the oath of office prescribed by statute and shall receive such compensation as may be provided by ordinance.

2.04.030 Meetings--Time and place. A. The village board shall hold its regular meetings in the village hall on the second Thursday of each month at 6:00 p.m. Notice of regular meetings shall be given as required by law.

B. The meeting place of the board shall be at the village hall, unless otherwise ordered by the board.

C. Special meetings may be called by the president of the village or any three trustees upon giving such notice or notices as may be required by law.

2.04.040 Meetings--Presiding officer. The village president shall be the presiding officer of all regular and special meetings of the board of trustees and at all times when the board meets as a committee of the whole.

2.04.050 Meetings--Order of business. The order of business of the board of trustees of the village shall be as follows:

- A. Roll call;
- B. Minutes of the preceding meeting and budget report;
- C. Communications, resolutions, and ordinances;
- D. Reports of officers;
- E. Reports of committees;
- F. Public comments.

2.04.060 Resolutions to be written. Any resolutions submitted to the board of trustees shall be reduced to writing before being voted upon on request of any two members of the board.

2.04.070 Meetings--Who may address. No person other than the president or a member of the board shall address that body at any regular or special meeting except upon consent of a majority of the members present.

2.04.080 Rules--Suspension by consent. The rules of order, other than those prescribed by statute, may be suspended

at any time by the consent of a majority of the members present at any meeting.

2.04.090 Rules--Robert's Rules of Order. Robert's Rules of Order shall govern the deliberations of the board of trustees except when in conflict with Sections 2.04.010 through 2.04.090.

2.04.100 Rules--Quorum and majority. Four trustees or three trustees and the president shall constitute a quorum to do business. Except as otherwise provided by statute, the president shall not vote on any ordinance, resolution or motion except the following: (1) where the vote of the aldermen has resulted in a tie, (2) where one-half of the aldermen elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote, or (3) where a vote greater than a majority of the corporate authorities is required by the Illinois Municipal Code or an ordinance to adopt an ordinance, resolution, or motion.

2.04.110 Committees designated. A. The following shall be the standing committees of the board of trustees:

1. Budget;
2. Cemetery;
3. Ordinance, Personnel Policy, Transportation and Zoning;
4. Sewer;
5. Economic Development;
6. Public Works;
7. Ambulance and Fire;
8. Police.

B. Special committees shall be created from time to time as directed by the board of trustees.

C. All standing and special committees shall consist of three members each, including the chairman, unless the board directs otherwise. All committees shall be appointed by the president.

2.04.120 Powers and duties--Veto. The board of trustees shall exercise the same duties as the city council in cities. It shall pass ordinances, resolutions and motions in the same manner as a city council. The president of the board of trustees may exercise the same veto power, and with like effect, as the mayor of a city. The trustees may pass motions, resolutions and ordinances over the president's veto in a like manner as the alderman of a city council.

Chapter 2.08

VILLAGE PRESIDENT

Sections:

- 2.08.010 Election--Term.
- 2.08.020 Bond Required.

2.08.010 Election--Term. The village president shall be elected for a term of four years, and shall be the president of the board of trustees, as provided by statute.

2.08.020 Bond Required. Before entering upon his or her duties of office, the Village President shall execute a bond in such amount as is required by statute but in no case less than \$3,000, conditioned on the faithful performance of the president's duties.

Chapter 2.12

VILLAGE CLERK

Sections:

- 2.12.010 Appointment
- 2.12.020 Bond required
- 2.12.030 Documents--Seal and attestation.
- 2.12.040 Money--Transferal to treasurer.
- 2.12.050 Money--Accounts required.
- 2.12.060 Custody of village seal.
- 2.12.070 Documents--Register of licenses and record of village employees.
- 2.12.080 Documents--Custody.
- 2.12.090 Documents--Index to be kept.
- 2.12.100 Duties--Collector.
- 2.12.110 Duties--Additional.

2.12.010 Appointment. The village clerk shall be appointed by the village President with the advice and consent of the Board of Trustees, and serve until his or her successor is qualified, as provided by statute.

2.12.020 Bond required. Before entering upon his duties of office, the village clerk shall execute a bond in such amount as is provided by statute, conditioned upon the faithful performance of the clerk's duties.

2.12.030 Documents--Seal and attestation. The village clerk shall seal and attest all contracts of the village and all licenses, permits and such other documents as required.

2.12.040 Money--Transferral to treasurer. The clerk shall turn over all money received by the clerk on behalf of the village to the village treasurer promptly upon receipt of the same. With such money the clerk shall give a statement as to the source thereof.

2.12.050 Money--Accounts required. The clerk shall keep accounts showing all money received by the clerk and the source and disposition thereof, and such other accounts as may be required by statute of ordinance.

2.12.060 Custody of village seal. The clerk shall be the custodian of the village seal, and shall affix its impression on documents whenever required.

2.12.070 Documents--Register of licenses and record of village employees. In addition to the record of ordinances and other records which the clerk is required by statute to keep, he shall keep a register of all licenses and permits issued and the payments thereon, a record showing all of the officers and regular employees of the village, and such other records as may be required by the board of trustees.

2.12.080 Documents--Custody. The clerk shall be the custodian of all documents belonging to the village which are not assigned to the custody of some other officer.

2.12.090 Documents--Index to be kept. The clerk shall keep and maintain a proper index to all documents and records kept by the clerk, so that ready access thereto and use thereof may be had.

2.12.100 Duties--Collector. The clerk shall act as and perform all duties of collector unless and until a separate collector is appointed.

2.12.110 Duties--Additional. In addition to the duties provided in this chapter, the clerk shall perform such other duties and functions as may be required by statute or ordinance.

Chapter 2.16

VILLAGE TREASURER

Sections:

- 2.16.010 Appointment.
- 2.16.020 Bond required.
- 2.16.030 Duties to include receipt and payment of village money.
- 2.16.040 Funds--Deposit--Misuse.
- 2.16.050 Funds--Records to be kept.
- 2.16.060 Funds--Accounts required.
- 2.16.070 Financial reports--monthly and annual.
- 2.16.080 Register of warrants, bonds or orders--Vouchers.

2.16.010 Appointment. The village treasurer shall be appointed as provided by statute and shall serve until his successor is appointed and qualified.

2.16.020 Bond required. The treasurer shall give bond in such sum as may be required by statute.

2.16.030 Duties to include receipt and payment of village money. The treasurer shall perform such duties as may be prescribed for him by statute or ordinance. He shall receive all money paid to the village, either directly from the person paying it or from the hands of such other officer as may receive it, and he shall pay out only on vouchers or orders properly signed by the village clerk and the president.

2.16.040 Funds--Deposit. The village treasurer shall deposit village funds in such depositories as may be selected from time to time as is provided by statute. The Treasurer shall keep the village money separate and distinct from his or her own, and shall not intermingle his or her own money with it or make private or personal use of village funds.

2.16.050 Funds--Records to be kept. The treasurer shall keep records showing all money received by the treasurer, the source from which it was received and the purpose for which it

was paid out. The treasurer shall keep a record showing at all times the financial status of the village.

2.16.060 Funds--Accounts required. The treasurer shall keep such books and accounts as may be required by the board of trustees and shall keep them in the manner required by law.

2.16.070 Financial reports--Monthly and annual. The treasurer shall make monthly reports to the board showing the state of the finances of the village and the amounts received and spent during the month, which reports shall be filed. The treasurer shall make an annual report at the close of the fiscal year with the total amount of all receipts and expenditures of the village and the treasurer's transactions during the preceding year.

2.16.080 Register of warrants, bonds or orders--Vouchers. The treasurer shall keep a register of all warrants, bonds or orders filed with or paid by the treasurer, and all vouchers, as is required by statute.

2.16.090 Payment of recurring expenses. The Village Treasurer is hereby authorized to pay recurring monthly bills of the village, including utility bills, when received. The Treasurer shall submit a monthly report to the Board which shall include a list of the bills so paid and the amount of each for consideration and approval by the Board.

Chapter 2.20

VILLAGE ATTORNEY

Sections:

- 2.20.010 Office created--Appointment.
- 2.20.020 Duties--Suits and actions concerning village.
- 2.20.030 Duties--Enforcement of judgments.
- 2.20.040 Duties--Legal advisor.
- 2.20.050 Duties--Special assessment and condemnation proceedings.
- 2.20.060 Duties--Draft of documents.
- 2.20.070 Compensation to be established by attorney and board.
- 2.20.080 Exemption from residency requirement.

2.20.010 Office Created--Appointment. There is created the office of village attorney. The attorney shall be appointed by the president, by and with the advice and consent of the board of trustees.

2.20.020 Duties--Suits and actions concerning village. The attorney shall prosecute or defend any and all suits or actions at law or equity to which the village may be a party, or in which it may be interested, or which may be brought against or by any officer of the village on behalf of the village, or in the capacity of such person as an officer of the village.

2.20.030 Duties--Enforcement of judgments. It shall be the duty of the attorney to see to the full enforcement of all judgments or decrees rendered or entered in favor of the village and of all similar interlocutory orders.

2.20.040 Duties--Legal advisor. The attorney shall be the legal advisor of the village and shall render advice on all legal questions affecting the village whenever requested to do so by any village official. Upon request by the president or by the board of trustees, the village attorney shall reduce any such opinion to writing.

2.20.050 Duties--Special assessment and condemnation proceedings. It shall be the duty of the attorney to see to the completion of all special assessment proceedings and condemnation proceedings.

2.20.060 Duties--Draft of documents. It shall be the duty of the attorney to draft or supervise the phraseology of any contract, lease or other document or instruments to which the village may be a party, and upon request of the board of trustees, to draft ordinances covering any subjects within the power of the village.

2.20.070 Compensation to be established by attorney and board. The attorney shall be paid on an hourly basis for services rendered at such rate as may be established by the attorney and the board of trustees.

2.20.080 Exemption from residency requirement. The village attorney shall be exempt from residence requirements, as provided by statute.

Chapter 2.24

BUILDING INSPECTOR

Sections:

- 2.24.010 Office created--Appointment.
- 2.24.020 Duties--Enforcement of building and zoning ordinances--Inspections.
- 2.24.030 Authority--Stop order.
- 2.24.040 Authority--Right of entry for inspection.

2.24.010 Office created--Appointment. There is created the position of building inspector, who shall be appointed by the board.

2.24.020 Duties--Enforcement of building and zoning ordinances--Inspections. It shall be the duty of the building inspector to see to the enforcement of all ordinance provisions relating to buildings or zoning and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with the village ordinances.

2.24.030 Authority--Stop order. The building inspector shall have the power to order all work stopped on construction, alteration or repair of buildings in the village when such work is being done in violation of any provision of any ordinance relating thereto, or in violation of the zoning ordinance. Work shall not be resumed after the issuance of such an order except on the written permission of the inspector, provided, that if the stop order is an oral one, it shall be followed by a written stop order within an hour. Such written stop order may be served by any policeman.

2.24.040 Authority--Right of entry of inspection. The building inspector shall have the power to enter any building or premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour.

Chapter 2.28

PUBLIC TRANSPORTATION SERVICE

Sections:

- 2.28.010 Service--Creation and use.
- 2.28.020 Committee--Creation and members
- 2.28.030 Committee--Functions--Limitation
- 2.28.040 Service--Conformance to federal and state laws.

2.28.010 Service--Creation and use. There is created a public transportation service.

2.28.020 Committee. The Ordinance, Personnel Policy, Transportation and Zoning Committee shall administer the public transportation service and make recommendations to the Board of Trustees.

2.28.030 Committee-Functions--Limitation on powers.

A. It shall be a function of the committee to:

1. Draft rules and regulations for the operation of the public transportation service;
2. Propose routes for transportation services and from time to time make recommendations to the board concerning alterations or changes in routes;
3. Enter into preliminary negotiations for the purchase or lease of equipment or buildings necessary for the operation of the transportation service;
4. Enter into preliminary negotiations for the hiring of personnel to operate and maintain the transportation service;
5. Make recommendations from time to time concerning the operation of the transportation service;
6. Fulfill such other functions, purposes or services as may be assigned to it by the president of the board of trustees.

B. However, the committee of public transportation shall not have the power to enter into binding contracts on behalf of the village unless such contracts have been approved by the village board or are subsequently ratified by the village board according to law.

2.28.040 Service--Conformance to federal and state laws. The operation and financing of the transportation service shall

in all respects conform to laws and regulations enacted by the United States government and the state governing such services.

Chapter 2.36

POLICE DEPARTMENT

Sections:

- 2.36.010 Department created--Members
- 2.36.020 Department--Appointments and promotions.
- 2.36.030 Chief--Head of department
- 2.36.040 Chief--Duties generally.
- 2.36.050 Chief--Authority to prescribe regulations.
- 2.36.060 Chief--Custody of recovered property.
- 2.36.070 Members--Enforcement duties
- 2.36.080 Members--Witness duties and fees.
- 2.36.090 Members--Proper conduct required.

2.36.010 Department created--Members. There is created a police department for the village which shall consist of the chief of police, and such other members as may be provided for by the board of trustees.

2.36.020 Department--Appointments and promotions. The appointment of the chief of police and all other appointments to or promotions within the department shall be made by the president with the advice and consent of the board of trustees.

2.36.030 Chief--Head of department. The chief of police shall be the head of the department and have supervision over all officers and members thereof

2.36.040 Chief--Duties generally. The chief of police shall keep such records and made such reports concerning the activities of his department as may be required by statute or by the board of trustees. The chief shall be responsible for the performance by the police department of its functions, and all persons who are members of the police department shall serve subject to the orders of the chief of police.

2.36.050 Chief--Authority to prescribe regulations. The chief of the police department may make or prescribe such rules and regulations as he deems advisable. Such rules, when

approved by the board of trustees, shall be binding on the members of the department. Rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the better efficiency of the department.

2.36.060 Chief--Custody of recovered property. The chief of police shall be the custody of all lost, abandoned or stolen property recovered in the village.

2.36.070 Members-- Enforcement duties. It shall be the duty of the members of the police department to see to the enforcement of all of the ordinances of the village and all infractions of the law, and arrest violators thereof.

2.36.080 Members--Witness duties and fees. Members of the police department shall appear as witnesses whenever this is necessary in the prosecution for a violation of an ordinance or of any state or federal law. No member shall retain any witness fee for service as a witness in any action or suit to which the village is a part. Any fees paid for such services shall be turned over to the chief, who shall deposit the same with the village treasurer.

2.36.090 Members-- Proper conduct required. It shall be the duty of every member of the police department to conduct himself in a proper and law-abiding manner at all times, and to avoid the use of unnecessary force. Each member of the department shall obey the orders and directions of his superior.

Chapter 2.44

OATHS AND BONDS

Sections:

2.44.010 Required when.

2.44.010 Required when. All officers of the village, whether elected or appointed, shall take such oath and post such bond as may be required by statute.

Chapter 2.48

COMPENSATION

Sections:

- 2.48.010 President--Change of salary during term.
- 2.48.020 Trustees--Reimbursement.
- 2.48.030 Trustees--Change of compensation.
- 2.48.040 Other officials.
- 2.48.050 Change of compensation during term--Officers' semiannual report.
- 2.48.060 Officials' salaries designated.

2.48.010 President--Change of salary during term. The president of the village shall receive the compensation that is established by the board of trustees. An increase or decrease in the salary of the president shall not take effect during the term for which that president was elected.

2.48.020 Trustees--Reimbursement. A. The trustees shall receive such compensation as shall from time to time be fixed by ordinance. Such ordinance shall specify whether the trustees are to be compensated at an annual rate or for each meeting of the board of trustees actually attended by each trustee.

B. Each trustee may in the discretion of the board of trustees receive reimbursement from the village for such expenses as may be incurred by the trustee in the course of his other duties as trustee.

2.48.030 Trustees--Change of compensation. After they are once fixed, the salary, fees and other compensation of the trustees shall not be increased or diminished so as to take effect during the term for which any such trustee was elected.

2.48.040 Other officials. All village officials except as may be excepted by statute or ordinance, shall receive the salary, fees or other compensation as fixed by ordinance.

2.48.050 Change of compensation during term--Officers' semiannual report. After they are once fixed, the salaries, fees or other compensation discussed in this chapter shall not be increased or diminished so as to take effect during the term for which any such officer was elected or appointed.

2.48.060 Officials' salaries designated. The following salaries shall be paid to village officers and officials:

President: \$37,620.00 per year plus \$10 for each village committee meeting, plus \$30.00 for each adjourned board meeting or special board meeting.

Board Trustees:\$125.00 per month, plus \$10.00 for each assigned village committee meeting, plus \$30.00 for each adjourned board meeting or special board meeting.

Chapter 2.52

RESIDENCY OF EMPLOYEES

Sections:

2.52.010 Residency requirement--Exceptions.

2.52.010 Residency requirement--Exceptions. No person shall be eligible to any village office unless he is a qualified elector of the village and has resided therein at least one year next preceding his election or appointment. However, these requirements shall not apply to the village engineer, or other officers who require technical training or knowledge, nor shall these requirements apply to the village attorney.

Chapter 2.56

APPOINTMENTS AND RESIGNATIONS

Sections:

2.56.010 Appointments by president authorized--Resignation procedure.

2.56.010 Appointments by president authorized--Resignation procedure. A. The president, by and with the advice and consent of the board of trustees, may appoint such officers as may be necessary to carry into effect the powers conferred upon the village by statute in accordance with the Illinois Municipal Code.

Title 3

REVENUE AND FINANCE

Chapter 3.04

MUNICIPAL RETAILERS' OCCUPATION TAX AND
MUNICIPAL SERVICE OCCUPATION TAX

Sections:

3.04.010 Imposed--Rate.

3.04.020 Taxes--Collection and enforcement.

3.04.010 Imposed--Rate. A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in this municipality at the rate of 1% of the gross receipts from such sales made in the course of such business while this ordinance is in effect; and a tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, at the rate of 1% of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. This "Home Rule Municipal Retailers' Occupation Tax" and this "Home Rule Municipal Service Occupation Tax" shall not be applicable to the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

The imposition of these home rule taxes is in accordance with the provisions of Section 8-11-1 and 8-11-5, respectively, of the Illinois Municipal Code (65 ILCS 5/8-11-1 and 5/8-11-5).

3.04.020 Taxes--Collection and enforcement. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of this ordinance.

Chapter 3.08

PAYMENT OF BILLS

Section:

3.08.010 Statement to be submitted within
fiscal year

3.08.010 Statement to be Submitted within Fiscal Year.

Any vendor, contractor, or other person who sells goods or provides services to the Village agrees that a term of any oral or written agreement between that person and the Village is that a bill or statement for those goods or services shall be submitted to the Village within the fiscal year that said goods or services are provided.

In the event that a vendor, contractor or other person fails to submit a bill or statement for goods or services claimed owed by the village to the village within the fiscal year of the village, the village may deny payment of said bill or statement as being untimely and owe nothing.

Title 4

(RESERVED)

Title 6

ANIMALS

Chapters:

6.04 Dogs and Cats

Chapter 6.04

DOGS AND CATS

Sections:

- 6.04.010 Appointment of humane officer authorized--
Discharge
- 6.04.020 Impoundment--Required when.
- 6.04.030 Running at large--Prohibited and defined.
- 6.04.040 Running at large--Impoundment.
- 6.04.050 Redemption fee.
- 6.04.060 Dog Manure and Excrement.

6.04.010 Appointment of humane officer authorized--
Discharge. The president of the village board may employ an animal control officer whose term of appointment shall not exceed one year. The animal control officer may be discharged at any time by the president, as any other employee, or when in the president's opinion, the humane officer's services are not required.

6.04.020 Impoundment--Required when. It shall be the duty of the animal control officer or other person as shall be designated for that purpose by the president or board of trustees, to take up and impound in such place as may be designated and set apart for that purpose any dog or cat found running at large in the village contrary to any of the provisions of this chapter or ordinances of the village or any regulations of the state, whether the dog or cat is licensed or not.

6.04.030 Running at large--Prohibited and defined. It is unlawful to permit any dog or cat to run at large within the village. Any dog or cat found upon any public street, sidewalk, alley, parkway or any unenclosed place shall be deemed

running at large unless the dog or cat is held firmly on a leash or in an enclosed vehicle.

6.04.040 Running at large--Prohibited and defined. It is unlawful to permit any dog or cat to run at large within the village. Any dog or cat found upon any public street, sidewalk, alley, parkway or any unenclosed place shall be deemed running at large unless the dog or cat is held firmly on a leash or in an enclosed vehicle.

6.04.050 Redemption fee. Any person, firm or corporation whose animal has been impounded shall pay a redemption fee of \$20 to the Village before the animal is released.

6.04.060 Dog Manure and Excrement. All dog manure and excrement shall be disposed of by the dog's owner in such a manner so as to prevent it from becoming a public nuisance or health hazard. With regard to dogs on public and private property, other than the dog's owner's, the owner shall be responsible for the immediate removal of excrement and manure left by the owner's dog.

Title 7

(RESERVED)

Title 8

HEALTH AND SAFETY

Chapter 8.04

ABANDONED MOTOR VEHICLES

Chapters:

- 8.04 Abandoned Motor Vehicles
- 8.08 Air Pollution
- 8.12 Garbage, Rubbish and Refuse
- 8.16 Weeds and Vegetation
- 8.20 Burning of Leaves and Other Material

Sections:

- 8.04.010 Vehicle on public property--Unlawful when.
- 8.04.020 Vehicle on public property--Abandoned--Disposition.
- 8.04.030 Vehicle on private property--Unlawful when.
- 8.04.040 Vehicle on private property--Abandoned--Disposition.
- 8.04.050 Vehicle on private property--Removal notice.
- 8.04.060 Vehicle on private property--Redemption.
- 8.04.070 Exception.
- 8.04.080 Violation of Section 8.4.030--Liability of parties.

8.04.010 Vehicle on public property--Unlawful when. It is unlawful to leave standing upon a street, alley, public way or other public place within the village for a period of more than forty-eight hours any motor vehicle when such vehicle has deflated tires, or is without wheels, or is without a motor, or is otherwise disabled or substantially dismantled, or does not display a current registration license plate.

8.04.020 Vehicle on public property--Abandoned--Disposition. Any motor vehicle left standing in violation of Section 8.04.010 is declared to be abandoned and a nuisance. Such nuisance may be summarily abated by the village police or other duly designated representative of the village by towing it from the place where it was left standing and disposing of it according to the state statute relating to the disposal of abandoned motor vehicles.

8.04.030 Vehicle on private property--Unlawful when. It is unlawful to leave standing upon private property at any place within the Village any motor vehicle which does not display a current registration license plate or which is without wheels, or without a motor, or is otherwise disabled or substantially dismantled.

8.04.040 Vehicle on private property--Abandoned--Disposition. Any motor vehicle left standing as described in Section 8.04.030 in such condition on private property is a nuisance and may be abated summarily by the village police or other duly designated representative of the village by towing or otherwise removing the vehicle to a garage, junkyard or other place for storage.

8.04.050 Vehicle on private property--Removal notice. Notice of the removal of any motor vehicle pursuant to Section 8.04.040 shall be given in writing by mail addressed to the last known address of the owner of the vehicle, if known, otherwise addressed to the last address of the occupant of the premises from which the vehicle was removed or if there is not such occupant, then to the last known address of the owner of the premises.

8.04.060 Vehicle on private property--Redemption. Any vehicle removed pursuant to Section 8.04.040 may be redeemed by any person who gives proof of holding a current registration for such vehicle and who pays the charges for towing and storing the vehicle.

8.04.070 Exception. The provisions of Sections 8.04-.030 and 8.04.040 shall not apply to any vehicle left standing on the premises of any person, firm or corporation holding a valid license from the village to use such premises as a garage or junkyard.

8.04.080 Violation of Section 8.04.030--Liability of parties. For violations of Section 8.04.030, the owner of the vehicle, the owner of the premises where it is standing and the occupant of the premises shall be held jointly and severally liable. The remedies provided herein are cumulative and election by the village to pursue one remedy does not preclude the use of another remedy.

Chapter 8.12

GARBAGE, RUBBISH AND REFUSE

Sections:

- 8.12.010 Definitions.
- 8.12.020 Deposit--On streets and sidewalks.
- 8.12.030 Deposit--Carried to streets and sidewalks.
- 8.12.040 Deposit--Other than dumping grounds.
- 8.12.050 Specifications for vehicles used for collection.
- 8.12.060 Vessel--Required--Maintenance.
- 8.12.070 Vessel--Use required.
- 8.12.080 Vessel--Deposit of liquids
- 8.12.090 Vessel--Specifications.
- 8.12.100 Vessel--Placement for collection.
- 8.12.110 Vessel--Tampering unlawful.
- 8.12.120 Violation Deemed a Misdemeanor--Penalty.

8.12.010 Definitions.

"Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, that may become offensive or dangerous to health.

"Rubbish" is nonputrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, including but not limited to paper products, cardboard, glass, plastic or metal containers; yard clippings, wood, glass bedding crockery, rubber and similar materials.

"Refuse" is all putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles, and solid market and industrial wastes.

8.12.020 Deposit--On streets and sidewalks. It is unlawful for any person, in person or by his agents, employees or servants, to cast, throw, drop, place, or deposit in any manner whatsoever in or upon any street, sidewalk, alley, park or public place in the village, any garbage, rubbish, refuse, thing or substance whatsoever, whether liquid or solid and whether of the same nature as the articles, things or substances specifically mentioned in this section or not.

8.12.030 Deposit--Carried to streets and sidewalks. It is unlawful for any person, in person or by his agent, employee or

servant, to cast, throw, drop, place, or deposit anywhere within the jurisdiction of the village any substances, articles or things in such manner that they, or any of them, may be carried and deposited by the action of the sun, wind, rain or snow into or upon any street, sidewalk, alley, park or other public place, drain, sewer or receiving basin within the jurisdiction of the village.

8.12.040 Deposit--Other than dumping grounds. It is unlawful for any person, in person or by his agent, employee or servant, to cast, throw, drop, place, discharge or deposit in any place within the corporate limits of the village any garbage, rubbish, refuse or other substance, except in such place as may be designated by the committee of public works.

8.12.050 Specifications for vehicles used for collection. Any person picking up garbage, rubbish, refuse or waste material of any kind shall be equipped with and use therefore a closed vehicle, closed in such manner as to prevent spillage and droppage and to prevent exposure of the contents of such vehicle to the elements. No garbage, rubbish, refuse or waste material shall be gathered except in such closed vehicle.

8.12.060 Vessel--Required--Maintenance. It shall be the duty of every owner or his agent or occupant of any house, building flat, apartment, hotel, restaurant, tenement in the village or building in which animal or vegetable food is prepared or served or is a structure in which a commercial business is conducted to provide for such house, building, flat, apartment, hotel, restaurant, or structure and at all times to maintain in good order and repair a vessel or vessels for garbage, rubbish, refuse and other waste materials described in this chapter.

8.12.070 Vessel-Use required. It shall be the duty of every occupant, tenant, person in possession of the premises described in Section 8.12 060 to cause to be deposited in a refuse vessel all garbage, rubbish and refuse produced in or brought into such house, building, flat, apartment, hotel, restaurant, tenement, dwelling house or structure in which a commercial business is conducted as soon as the same is produced or brought therein.

8.12.080 Vessel--Deposit of liquids prohibited. No waste material described in this chapter shall be deposited in vessels for garbage, rubbish, and refuse if the same is of the consistency of water and contains no solid matter.

8.12.090 Vessel-Specification. A vessel for refuse and waste materials shall be water tight and made of metal or plastic with a close fitting cover. Refuse vessels used for household solid waste collection at single family dwelling structures and multi family dwelling structures of three units or less shall have a capacity of not less than 20 nor more than 33 gallons and shall be provided with suitable handles at the sides, midway from the top to bottom. Every owner of a business, firm, corporation, hotel, restaurant or multi family dwelling structure of more than three units shall provide an adequate number of appropriate refuse vessels to sufficiently accommodate the amount of solid waste generated by the premises and shall maintain the receptacles in good repair and in a clean and sanitary condition.

8.12.100 Vessel--Placement for collection. It shall be the duty of the occupying or in the possession of any house, building, flat, apartment, tenement, hotel, restaurant, or dwelling place, or business structure to place or cause to be placed the refuse vessel required to be kept, on either the street line or upon the alley line in the front or rear of building lots used for the removal of the contents of the vessel at such time and in such manner as the committee of public health and safety may direct.

8.12.110 Vessel--Tampering unlawful. It is unlawful for any person other than the owner, occupant, tenant or person in possession of the premises for which a vessel for refuse has been provided, or their agents, employees or servants, to deposit any article or thing in such vessel or to remove, displace, injure, deface, destroy, uncover or in any manner disturb such vessel or any portion of its contents.

8.12.120 Violation Deemed a Misdemeanor--Penalty.

A. Any person violating any of the provisions of Sections 8.12.020, 8.12.030, or 8.12.040 of the Village Code shall be guilty of a misdemeanor except in cases where a different punishment is prescribed by any ordinance of the village. Any person convicted of a misdemeanor for violating these sections of the Village Code shall be punished by a fine of \$750 plus court costs.

B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of Sections 8.12.020, 8.12.030, or 8.12.040 of the ordinances of Tilton is committed, continued or permitted by any such person, and he or she shall be punished accordingly.

Chapter 8.16

WEEDS AND VEGETATION

Sections:

- 8.16.010 Weeds Including Grasses and Other Vegetation.
- 8.16.020 Village Authorized to Mow
- 8.16.030 Lien for Expense.
- 8.16.040 Suit for Expenses

8.16.010 Weeds Including Grasses and other Vegetation. It shall be unlawful for the owner of any lot, parcel, or property within the Village to allow the existence of weeds including grasses or other vegetation exceeding an average height of six (6) inches.

8.16.020 Village Authorized to Mow. In the event Section 8.20.040 is violated, the Village may mow the property at an hourly charge of \$25 with a one hour minimum charge, said expense to be assessed against the owner in a prosecution for violation of this ordinance in addition to any fine and court costs.

8.16.030 Lien for Expense. The Village may file a Notice of Lien for expenses it incurs in mowing, with the Vermilion County Recorder of Deeds which shall be a lien against the real estate mowed.

8.16.040 Suit for Expenses. Regardless of whether a notice of lien is filed, the Village may file suit against the property owner to recover moving expenses incurred and shall be awarded as part of that suit reasonable attorneys fees and expenses incurred in pursuing the claim.

Chapter 8.20

NUISANCES

8.20.010 Burning on Public Property Prohibited. The burning of leaves, brush, limbs, cut timber, trash, debris, or refuse as defined in Section 8.12.010 within the village on any public right of way or facility, including any street, sidewalk, gutter, alleyway, park or other property owned by the Village of Tilton is prohibited.

8.20.020 Burning Limited. The burning of leaves and tree limbs only is permitted on private property inside the corporate limits of the Village, provided, however, anyone can do so only on property which they own or at which they reside, that only materials that have grown in the corporate limits of the Village may be burned. Burning is permitted only between the hours of 9:00 o'clock a.m. and 6:30 o'clock p.m.

Recreational fires such as "wiener roasts" are allowed at other times provided the Village Clerk's office is given written notice 24 hours in advance of the fire, and indicating the intended location of the fire and signed by the individual who will conduct the fire.

8.20.030 Attendance Required. Anyone burning leaves or tree limbs as permitted by this ordinance must be in attendance at the fire at all times until it is extinguished, and shall have adequate firefighting equipment at the site for the purpose of extinguishing the fire.

Chapter 8.24

BOATING ON LAKE HERSCHEL

- 8.24.010 Complying with statute.
- 8.24.020 Restrictions on waters
- 8.24.030 Swimming prohibited
- 8.24.040 Violation

8.24.010 Complying with Statute. All boat owners operating a boat on Lake Herschel shall comply with the provisions provided in Statute 625 ILCS Sec. 45/5-1 through Sec. 45/6-3.

8.24.020 Restrictions on Waters. All boats operated on Lake Herschel shall be propelled manually or by motor at idle speed only.

8.24.030 Swimming prohibited. No person may swim in Lake Herschel.

8.24.040 Violation. It is unlawful for any person or owner to operate or allow his boat to be operated in violation of this chapter. A separate offense shall be deemed committed on each day during or on which a violation continues to occur.

CHAPTER 8.28

TOBACCO PRODUCTS REGULATION

Section

- 8.28.010 Legislative Findings and Declaration
- 8.28.020 Definitions
- 8.28.030 Prohibited Sales, Delivery; Signs
- 8.28.040 Display
- 8.28.050 Purchase/Possession by Minors Prohibited
- 8.28.060 Tobacco Vending Machines/Locking Devices

8.28.010 Legislative Findings and Declaration.

The Village Board expressly finds and declares that:

- (A) (1) Cigarette smoking and other uses of tobacco products are dangerous to human health;
- (2) There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease and various other medical disorders;
- (3) The Surgeon General of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine, and is the most widespread example of drug dependence in this country;
- (4) The Director of the National Institute on Drug Abuse has concluded that the majority of the 320,000 Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent;
- (5) The National Institute on Drug Abuse has found that adolescent cigarette smoking precedes

and may be predictive of adolescent illicit drug use; and,

(6) The present legislative scheme of prohibiting sales of tobacco products to persons under the age of 18 has proven ineffective in preventing such persons from using tobacco products.

(B) The enactment of this chapter directly pertains to and is in furtherance of the health, welfare and safety of the residents of the city, particularly those residents under 18 years of age.

8.28.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them:

"SMOKING HERBS." All substances of plant origin and their derivatives, including but not limited to broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Datura genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.

"TOBACCO ACCESSORIES." Cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any state statute or village ordinance, or of substances whose sale, gift, barter, or exchange is made illegal under any state statute or village ordinance.

"TOBACCO PRODUCTS." Any substance containing tobacco leaf or tobacco in any of its forms, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

"TOBACCO VENDING MACHINE." Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

8.28.030 Prohibited Sales, Delivery; Signs.

(A) It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products, tobacco accessories, and/or smoking herbs to any person who is under the age of 18 years.

(B) Signs informing the public of the age restrictions provided for herein shall be posted at every business selling tobacco products, tobacco accessories and smoking herbs at or near every display of tobacco products, tobacco accessories and smoking herbs and on or near every tobacco vending machine. Each such sign shall be plainly visible from the point of purchase and shall state:

"THE SALE OF TOBACCO PRODUCTS, TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER EIGHTEEN YEARS OF AGE AND THE MIS-REPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW."

The text of such signs shall be in red letters on a white background, said letters to be at least one inch high.

(C) It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products, tobacco accessories, and/or smoking herbs within 100 feet of any school, playground, sports facility, park, child care facility or other building used for education or recreational programs for persons under the age of 18 years.

(D) It shall be unlawful for any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, tobacco accessories or smoking herbs, or any employee or agent of any such licensee or person, in the course of such person's business, to distribute, give away or deliver tobacco products, tobacco accessories, or smoking herbs free of charge to any person on any right-of-way, park, playground or other property owned by the city, or any school grounds.

8.28.040 Display.

(A) All tobacco products, tobacco accessories, and smoking herbs shall be sold from behind the counter or in a sealed display case.

(B) The restrictions described in this section shall not apply to a retail tobacco store that:

(1) Derives at least 90% of its revenue from tobacco and tobacco related products;

(2) Does not permit persons under the age of 18 to enter the premises unless accompanied by a parent or legal guardian; and

(3) Posts a sign on the main entrance(s) stating that persons under the age of 18 are prohibited from entering unless accompanied by a parent or legal guardian.

8.28.050 Purchase/Possession by Minors Prohibited.

(A) It shall be unlawful for any person who is under the age of 18 years to purchase tobacco products, tobacco accessories, or smoking herbs, or to misrepresent his or her identify or age, or to use any false or altered identification for the purpose of purchasing tobacco products, tobacco accessories, or smoking herbs.

(B) It shall be unlawful for any person under the age of 18 years to possess any tobacco products, tobacco accessories or smoking herbs.

8.28.060 Tobacco Vending Machines/Locking Devices.

(A) It shall be unlawful for any person to sell or to offer for sale, give away, deliver, or to keep with the intention of selling, giving away or delivering tobacco products by use of a tobacco vending machine, unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the seller so as to prevent its operation by persons under the age of 18 years.

(B) Every tobacco vending machine shall be in plain view of the seller or its employees during business hours.

(C) Any premises where access by persons under the age of 18 years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of a business located at such premises, shall be exempt from the requirements of this section.

Title 9

I. OFFENSES BY OR AGAINST PUBLIC OFFICERS PROPERTY AND PERSON

- 9.04 Obstruction of Officers.
- 9.08 Criminal Damage to Property.
- 9.12 Criminal Trespass.
- 9.16 Tampering with Firefighting Equipment.
- 9.20 Public Intoxication.
- 9.24 Disorderly Conduct.
- 9.28 Discharging
- 9.32 Retail Theft.
- 9.34 Alcoholic Beverages on Public Property.
- 9.38 Underage Possession or Consumption of Alcoholic Beverages.
- 9.42 Cannabis and Drug Paraphernalia
- 9.44 Curfew

I. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Chapter 9.04

OBSTRUCTION OF OFFICERS

Sections:

9.04.010 Hindering village officer.

9.04.010 Hindering village officer. It is unlawful for any person to willfully hinder, delay, resist, or obstruct any

village policeman, fireman, or emergency medical technician, or any person legally authorized by the village officer or other officer, in the discharge of his duty, or by word, act or gesture, aid, abet or encourage any such hindering, delaying, resisting or obstructing, or neglect or refuse to obey any lawful order or direction of any such officer.

Chapter 9.08

CRIMINAL DAMAGE TO PROPERTY

Sections:

- 9.08.010 Criminal Damage to Property
- 9.08.020 Property of Another--Definition

9.08.010 Criminal Damage to Property. Any person who commits any of the following acts shall, upon conviction, be punished as provided in Section 1.32.010:

(A) Knowingly damages any property of another without his consent; or

(B) Recklessly by means of fire or explosive damages property of another; or

(C) Knowingly starts a fire on the land of another without his consent; or

(D) Knowingly injures a domestic animal of another without his consent; or

(E) Knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive-smelling compound and thereby intends to interfere with the use by another of the land or building.

(F) Damages any property with intent to defraud an insurer.

(G) Knowingly shoots a firearm at any portion of a railroad train.

9.08.020 Property of Another--Definition. "Property of another" means a building or other property, whether real or personal, in which a person other than the offender has an interest which the offender has no authority to defeat or impair, even though the offender may also have an interest in the building or property.

Chapter 9.12

CRIMINAL TRESPASS

Sections:

9.12.010 Trespass to Vehicles

9.12.020 Trespass to Land

9.12.010 Criminal Trespass to Vehicles. Whoever knowingly and without authority enters any part of or operates any vehicle, aircraft, watercraft, or snowmobile shall, upon conviction, be punished as provided in Section 1.32.010.

9.12.020 Criminal Trespass to Land.

(A) (1) A person commits an illegal act and shall be punished as provided in Section 1.32.010 when he:

(a) Knowingly and without lawful authority enters or remains within or on a building;

(b) Enters upon the land of another, after receiving prior to such entry notice from the owner or occupant that such entry is forbidden; or

(c) Remains upon the land of another, after receiving notice from the owner or occupant to depart; or

(d) Presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land; or

(2) For purposes of this division (A), this section shall not apply to being in a building which is open to the public during its normal hours of operation, nor shall this section apply to a person who enters a public building under the reasonable belief that the building is open to the public.

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

Chapter 9.16

TAMPERING WITH FIREFIGHTING EQUIPMENT

Sections:

9.16.010 Unlawful

9.10.010 Unlawful. It is unlawful for any person not a member of the fire department to tamper with or use fire department equipment without a direct order from an authorized officer of the department.

Chapter 9.20

PUBLIC INTOXICATION

9.20.010 Public Intoxication Prohibited. A person shall not be intoxicated in a public place or on any public property within the village including any public parks, the Village Hall, the parks garage, the street garage, or any other property of the village or public area.

9.20.020 Violation--Penalty. Anyone violating this ordinance shall be subject to a fine or fines as set forth in the general penalty provisions of the Village of Tilton ordinances.

Chapter 9.24

DISORDERLY CONDUCT

Sections:

9.24.010 Disorderly Conduct
9.24.020 Violation - Penalty.

9.24.010 Disorderly Conduct.

(A) A person commits disorderly conduct when he knowingly:

(1) Does any act in such unreasonable manner as would tend to alarm, disturb or provoke others; or

(2) 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 a fire exists;

(3) 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 is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such a bomb or explosive is concealed in such place; or

(4) 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, 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

(5) 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;

(6) 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;

(7) Without lawful purpose, loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto and is neither a person enrolled therein

as a student nor a parent or guardian of such student, nor an employee of such school or institution. For the purposes of this section a truant from school shall not be considered a person enrolled as a student.

(8) 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.

(9) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act.

(10) Transmits or causes to be transmitted in any manner to the police department or fire department 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 that there is no reasonable ground for believing that such assistance is required.

(11) Transmits or causes to be transmitted a false report under ILCS Ch. 320, Act 15, § 1 et seq; or

(12) 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

(13) 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.

(14) Causes loud noise that disturbs the peace and quiet of the Village or any person.

9.24.020 Violation - Penalty. Any person who violates this ordinance shall be subject to a fine as set forth in the general penalty provisions of these ordinances.

Chapter 9.28

DISCHARGING FIREARMS AND FIREWORKS

Sections:

9.28.010 Discharging Firearms Unlawful

9.28.020 Possessing Fireworks Unlawful

9.28.010 Unlawful. It is unlawful for any person to fire or discharge in any part of the Village any gun, pistol, or other firearms, except for hunting done in compliance with state statutes, or actions authorized by law enforcement officers.

9.28.020 Possessing fireworks unlawful. It is unlawful to possess any firecracker, fireball, rocket or other firework whatsoever in any part of the Village.

Chapter 9.32

OFFENSE OF RETAIL THEFT

9.32.010 A person commits the offense of retail theft when he knowingly:

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

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

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

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

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

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

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

9.32.020 Presumptions.

If any person:

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

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

9.32.030 Detention.

(A) Any merchant who has reasonable grounds to

believe that a person has committed retail theft may detain that person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

(1) To request identification;

(2) To verify identification;

(3) To make reasonable inquiry as to whether the person has in his possession unpurchased merchandise

and, to make reasonable investigation of the ownership of the merchandise;

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

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

(B) A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if detention is pursuant to an immediate pursuit of the person.

9.32.040 Affirmative Defense. A detention as permitted in Sec. 132.23 does not constitute an arrest or an unlawful restraint, as defined in ILCS Ch. 720, Act 5, Sec. 10-3, nor shall it render the merchant liable to the person so detained.

9.32.050 Violation - Penalty. Any person who violates this retail theft ordinance shall be subject to a fine of not less than \$150 nor more than \$350 plus court costs for a first offense, and \$750 plus court costs for a second and any subsequent offense.

Chapter 9.34

ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY

9.34 Alcoholic Beverages on Public Property. It is unlawful to possess open containers of alcoholic beverages on any public property within the village including any public parks, the village hall, the parks garage, the street garage, or any other property of the village. Provided that open containers of alcoholic beverages may be possessed--but not sold or offered for sale--under or within one hundred feet of the "pavilion" building at the village ballpark, provided that twenty-four hours prior written notice to do so is delivered to the office of the Village Clerk by the person or persons intending to so use the pavilion building area.

Chapter 9.38

UNDERAGE POSSESSION OR CONSUMPTION
OF ALCOHOLIC BEVERAGES

9.38.010 Underage Possession of Alcoholic Beverages. Any person under the age of twenty-one (21) years shall not have alcoholic liquor in his or her possession nor purchase alcoholic liquor nor accept a gift of alcoholic liquor, nor consume alcoholic liquor.

Chapter 9.42

CANNABIS AND DRUG PARAPHERNALIA

Sections:

9.42.010 Definitions. A. "Cannabis" shall have the meaning ascribed to it in Section 3 of the Cannabis Control Act, 720 ILCS Sec. 550/3.

B. "Drug paraphernalia" shall have the meaning ascribed to it in Section 2 of the Illinois Drug Paraphernalia Control Act, 720 ILCS 600/2.

9.42.020 Possession of Cannabis. It shall be unlawful for any person to possess cannabis or any substance containing cannabis.

9.42.030 Possession of Drug Paraphernalia. A. It shall be unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling,

or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use.

B. In determining intent under subsection (A), the trier of fact may take into consideration the proximity of the cannabis or controlled substances to the drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

9.42.040 Possession in Motor Vehicle. The presence in a motor vehicle of any cannabis or cannabis sativa plant is prima facie evidence that it is in the possession of and is being carried by all persons occupying such motor vehicle at the time the cannabis or cannabis sativa plant is found, except under the following circumstances:

A. If the cannabis or cannabis sativa plant is found directly on the person of one of the occupants; or

B. If the cannabis or cannabis sativa plant is found in a motor vehicle for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, the presumption above shall not apply to the driver.

9.42.050 Exemptions.

Section 4. Exemptions. This chapter shall not apply to:

(a) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(b) Items marketed for, or historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.

(c) Items listed in Section 2 of this Act which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for an illicit purpose prohibited by this Act.

In determining whether or not a particular item is exempt under this subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following:

(1) the general, usual, customary, and historical use to which the item involved has been put;

(2) expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;

(3) any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;

(4) any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;

(5) any national or local advertising concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;

(6) the manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;

(7) whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

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

Chapter 9.44

CURFEWS

9.44.010 Curfew.

(A) It is unlawful for a person less than 16 years of age to be present at or upon any public assembly, building, place, street or highway: between 11:00 p.m. Friday and 6:00 a.m. Saturday; between 11:00 p.m. Saturday and 6:00 a.m. Sunday; and, between 10:00 p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. on the following day.

(B) It is unlawful for a person who is 16 or 17 years of age to be present at or upon any public assembly, building, place, street or highway between 12:01 a.m. and 6:00 a.m. Saturday, between 12:01 a.m. and 6:00 a.m. Sunday, and, between 11:00 p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. on the following day; except if one of the following apply:

(C) Subsections (A) and (B) above shall not apply:

(1) when the person is accompanied by a parent or legal guardian of that person;

(2) when the person is accompanied by an adult authorized by a parent or legal guardian of that person to take the parent's or legal guardian's place in accompanying the person for a designated period of time and purpose within a specified area;

(3) when the person is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly, but only after first delivering to the Director of Public Safety or his designee a written communication, signed by the person and that person's parent or legal guardian, with their home address and telephone number and specifying when, where, and in what manner the person will be in a place and during hours when this section is applicable to said person in the exercise of a First Amendment right specified in such communication;

(4) in case of reasonable necessity for the person remaining in a public place but only after the person's parent or legal guardian has communicated to the Tilton Police Chief or his designee the facts establishing the reasonable necessity relating to a specified public place at a designated time for a described purpose including points of origin and destination.

(5) when the person is on the sidewalk or property where the person resides, or on either side of or across the street from the place where the person resides and the adult

owner or resident of that property has given permission for the person to be there;

(6) when the person is returning home by a direct route, without any unnecessary delay, detour or stop, from and within thirty (30) minutes of the termination of a school activity or an activity of a religious or other voluntary association, or a place of public entertainment, such as a movie, play or sporting event, provided that if the event is not commercial in nature or does not have a fixed, publicly known time at which it will or does end, the sponsoring organization must register the event with the Tilton Police Chief or his designee at least twenty-four (24) hours in advance, informing the Police Department of the time that such event is scheduled to begin, the place at which it shall be held, the time at which it shall end, and the name of the sponsoring organization;

(7) when the person is legally employed and is, by a direct route without any unnecessary delay, detour or stop, traveling to or from such employment; or,

(8) when the person is, with the consent of his or her parent or legal guardian, engaged in normal interstate or intrastate travel through the city.

(D) It is unlawful for a person between the ages of 7 and 15, inclusive, other than a person who has been suspended or expelled from school, to be at any place within the city except in attendance at school during normal school hours on a school day during the regular school term.

(E) It is unlawful for a person below the age of 7 or over the age of 15 and who is enrolled in any of grades one through twelve in any public, private or parochial school, other than a person who has been suspended or expelled from school, to be at any place within the city except in attendance at school during normal school hours on a school day during the regular school term.

(F) Subsections D and E above shall not apply to persons who are not in attendance at school under the following circumstances:

(1) The person is accompanied and supervised by a parent, legal guardian, or when the person is accompanied by an adult authorized by a parent or legal guardian of that person to take the parent's or legal guardian's place and the absence

would be approved by the public, private or parochial school in which such person is enrolled.

(2) The person is engaged in a business or occupation which the laws of this state authorize a person less than 17 years of age to perform; or

(3) The person is not registered or enrolled in any public, private or parochial school.

(G) It is unlawful for a person between the ages of 7 and 15 years of age, inclusive, who has been suspended or expelled from school to be present at or upon any public assembly, building, place, street, or highway during normal school hours during any school day during the regular school term unless accompanied and supervised by a parent, legal guardian or when the person is accompanied by an adult authorized by a parent or legal guardian of that person to take the parent's or legal guardian's place or unless engaged in a business or occupation which the laws of the state authorize a person less than 17 years of age to perform.

(H) It is unlawful for a person over the age of 15 years of age and enrolled in any of grades one through twelve in any public, private or parochial school, who has been suspended or expelled from school to be present at or upon any public assembly, building, place, street, or highway during normal school hours during any school day during the regular school term unless accompanied and supervised by a parent, legal guardian or when the person is accompanied by an adult authorized by a parent or legal guardian of that person to take the parent's or legal guardian's place or unless engaged in a business or occupation which the laws of the state authorize a person less than 17 years of age to perform.

(I) It is unlawful for a parent, legal guardian or other person to knowingly permit or by inefficient control to allow a person in his or her custody or control to violate any provision of this section. The term "knowingly" includes knowledge that a parent, legal guardian or other person should reasonably be expected to have concerning the whereabouts of a juvenile in the parent, legal guardian or other person's custody or control. This requirement is intended to hold a neglectful or careless parent, legal guardian, or other adult supervising a juvenile up to a reasonable community standard or responsibility through an objective test. It shall, therefore, be no defense that a

parent, legal guardian or other adult was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(J) It shall be unlawful for any operator of an establishment to knowingly permit a person to remain at the establishment under circumstances not constituting an exception to, or otherwise beyond the scope of this section. The term "knowingly" includes knowledge that an operator should reasonably be expected to have concerning the patrons of the establishment. The standard for "knowingly" shall be applied through an objective test: whether a reasonable person in the operator's position should have known that the patron was a person subject to and in violation of this section. An operator shall not be found in violation of this section if he has notified the Police Department that a person subject to this section was present on the premises during curfew hours and refused to leave.

(K) It shall be unlawful for a person who is the owner or operator of any motor vehicle to knowingly permit, allow or encourage a violation of this section.

(L) Any individual less than 17 years of age who receives a citation for an alleged violation of this section, shall have a parent or legal guardian present during any hearing concerning such citation. A person convicted of a violation of any provision of this section shall be fined not less than \$75 nor more than \$750, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987 nor that person's legal guardian shall be subject to any fine.

(M) If any division, sentence, clause, phrase or portion of this section is, for any reason, held invalid or unconstitutional, such portions shall be deemed a separate, distinct, and independent provision and such decision shall not affect the validity of the remaining portions hereof.

Title 10

VEHICLES AND TRAFFIC

Chapters:

- 10.04 No-Parking Zones
- 10.08 Stopping, Standing and Parking
- 10.12 Stop Streets
- 10.16 Vehicles and Equipment
- 10.20 Weight and Load Restrictions
- 10.24 Railroads and Railways
- 10.28 Public Nuisance and Seizure of Vehicles
- 10.32 Compression Release Braking Systems

Chapter 10.04

NO-PARKING ZONES

Sections:

- 10.04.010 Parking prohibited.
- 10.04.020 Parking Defined
- 10.04.030 Parking Unlawful where prohibited.

10.04.010 Parking prohibited. There shall be no parking on either side of any village street unless there is a sign posted along a street allowing parking.

10.04.020 Parking defined. "Parking" for purposes of this chapter means to stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of persons or cargo.

10.04.030 Parking--Unlawful where prohibited. It is unlawful to park any vehicle at any place where parking is prohibited by the corporate authorities of the village.

Chapter 10.12

STOP STREETS

Sections:

10.12.010 At Glendale Street and Benson Street.

10.12.020 At Melrose Street and Brentwood Street.

10.12.030 At South "L" Street and 7th Street.

10.12.040 At Atwood Street and southwest corner of Melrose Street.

10.12.050 At Ferndale Street and Benson Street.

10.12.060 Stop required.

10.12.010 At Glendale Street and Benson Street. There shall be four-way stop signs erected at the intersection of Glendale and Benson Streets in the village.

10.12.020 At Melrose Street and Brentwood Street. There shall be four-way stop signs erected at the intersection of Melrose and Brentwood Streets in the village.

10.12.030 At South "L" Street and 7th Street. There shall be four-way stop signs erected at the intersection of South "L" and 7th Streets in the village.

10.12.040 At Atwood Street and southwest corner of Melrose Street. There shall be three-way stop signs erected at the intersection of Atwood and southwest corner of Melrose Streets in the village.

10.12.050 At Ferndale Street and Benson Street. There shall be two-way stop signs erected at the intersection of Ferndale and Benson Streets in the village of Tilton requiring traffic traveling on Ferndale Street to stop at said intersection.

10.12.060 Stop required. Any motor vehicle approaching any of the intersections described in Sections 10.12.010--10.12.050 must come to a full and complete stop before crossing the intersection.

Chapter 10.20

WEIGHT AND LOAD RESTRICTIONS

Sections:

- 10.20.010 Street and highway defined.
- 10.20.020 Compliance with weight limits--Exceptions.
- 10.20.030 Weight limit established--Posting of signs.
- 10.20.040 Enforcement procedure--Removal of excess load required.

10.20.010 Street and highway defined. For the purposes of this chapter, the terms "street" or "highway" mean the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic, other than public ways expressly excluded from local jurisdiction.

10.20.020 Compliance with weight limits--Exceptions. It is unlawful for any person to drive or move on, upon or across or for the owner to cause or knowingly permit to be driven or moved on, upon or across any highway any vehicle or vehicles of a weight exceeding the limitations stated in this chapter.

10.20.030 Weight limit established--Posting of signs. All vehicles having a gross weight, including the weight of the vehicle, attached trailer, or combination, and its load, in excess of twelve thousand pounds shall be prohibited from operating, standing or going upon any streets or highways within the village. Signs have been posted by the village allowing a greater weight on a portion of a street or highway. Nothing contained in this section shall be construed as prohibiting trucks of all weights from going upon any posted or designated

street or highway within the village for the purposes of loading or unloading cargo or merchandise at an address thereon.

10.20.040 Enforcement procedure--Removal of excess load required. A. Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same either by means of a portable or stationary scales. If such scales are not available at the place where such vehicle is stopped, the police officer shall require that the vehicle be driven to the nearest available scales.

B. Whenever an officer upon weighing a vehicle and the load determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the weight of the vehicle to the limit permitted under this chapter and shall forthwith arrest the driver or owner or both. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

Chapter 10.28

PUBLIC NUISANCE AND SEIZURE OF VEHICLES

10.28.010 Public Nuisance.

(A) A motor vehicle which is used in the commission of or in conjunction with the commission of any of the offenses described herein shall be declared a public nuisance and shall be subject to seizure and impoundment pursuant to this chapter:

(1) The driver or any other person within the motor vehicle commits an act of prostitution or solicitation for prostitution in violation of the Illinois Criminal Code, 720 ILCS 5/11-14 or 11-15.

(2) The driver or any other person within the motor vehicle commits the offense of illegal dumping, in violation of Chapter 8.12 of the Code of Ordinances of Tilton, Illinois.

(3) The driver or any other person of the motor vehicle, while being under the age of 21, is in possession of or has consumed an alcoholic beverage in violation of the Illinois Liquor Control Act, 235 ILCS 5/6-20.

(4) The driver or any other person within the motor vehicle commits a violation of the Illinois Criminal Code 720 ILCS 5/21-1.5 concerning the transportation of anhydrous ammonia.

(5) The driver or any other person within the motor vehicle commits a violation of the Illinois Criminal Code, 720 ILCS 5/24-1.5 entitled "Reckless Discharge of a Firearm".

(6) The driver or any other person within the motor vehicle commits a violation of the Illinois Cannabis Control Act, 720 ILCS 550/1 et seq., and the weight of the substance is 10 grams or greater.

(7) The driver or any other person within the motor vehicle commits a violation of the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq.

(8) The driver or any other person within the motor vehicle commits any act of criminal damage to property or criminal trespass in violation of Section 9.08 or 9.12 of the Tilton Ordinances or any similar provision under state law and only where the vandalism results in injury to a person or damage to property.

(9) The driver or any other person in possession of a motor vehicle commits a violation of the Illinois Motor Vehicle Code, 625 ILCS 5/12-611, entitled "Sound Amplification Systems".

(10) The driver or other person in control of a motor vehicle commits a violation of the Illinois Vehicle Code, 625 ILCS Sec. 5/6-101 by operating the vehicle without a license or permit, or 625 ILCS Sec. 5/6-303 by operating the vehicle when the person's license or permit has been suspended or revoked, or 625 ILCS Sec. 5/11-501 by operating a motor vehicle while under the influence of alcohol or drugs, or 625 ILCS Sec. 5/11-503 driving recklessly or committing aggravated reckless driving, or 625 ILCS Sec. 5/11-504 drag racing, or 625 ILCS Sec. 5/4-104(a)1 through 5 by violating the provisions relating to possession of titles and registration, or 625 ILCS Sec. 5/3-707 operating the vehicle without insurance, or 625 ILCS Sec. 5/12-602 operating the vehicle with a muffler that allows excessive or unusual noise.

(B) The penalties provided in this chapter shall be in addition to any penalties which may be imposed against the driver or other persons within the motor vehicle pursuant to any other city ordinance or state law.

(C) The term "motor vehicle" as used in this chapter shall have the same meaning as set forth in Section 1-146 of the Illinois Motor Vehicle Code, 625 ILCS Sec. 5/1-146. In addition, the term "motor vehicle" as used in this chapter shall include motorcycles and motorized pedalcycles, as defined in Sections 1-147 and 1-148.2 of the Illinois Motor Vehicle Code, 625 ILCS Sec. 5/1-147, 1-148.2.

10.28.020 Exceptions.

This chapter shall not apply:

(A) If the motor vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered;

(B) If the motor vehicle is operating as a common carrier and the violation occurs without the knowledge of the person in control of the motor vehicle.

10.28.030 Seizure and Impoundment.

Whenever a police officer has probable cause to believe that a motor vehicle is subject to seizure and impoundment pursuant to this chapter, the police officer shall provide for the towing of the motor vehicle to a facility controlled by the village or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle, or any person who is found in control of the vehicle at the time of the alleged violation, of the fact of the seizure and of the owner's right to request a vehicle impoundment hearing, and of the owner's right to post a cash bond to recover the vehicle.

10.28.040 Bonding Procedure.

(A) Whenever the owner of record of a motor vehicle seized and impounded pursuant to this chapter desires to retrieve the motor vehicle prior to the evidentiary hearing they may do so by posting a cash bond at the office of the Village Clerk in the amount indicated herein. Once the bond has been posted and the

towing and storage fees paid, the motor vehicle shall be released until the evidentiary hearing is held by the Village Code Hearing Department. The amount of bond shall be \$300.

(B) If a motor vehicle may be subject to forfeiture pursuant to the Drug Asset Forfeiture Procedure Act, 725 ILCS 150/1 et seq., or any other state or federal law concerning the forfeiture of property, said vehicle shall not be released by the posting of the bond described in this section.

10.28.050 Vehicle Impoundment Hearing; Notification.

(A) If the owner of record of a vehicle seized pursuant to this chapter desires to appeal the seizure, said owner must make a request for a vehicle impoundment hearing no later than the next business day after the seizure. Said request shall be in writing and filed with the Village Clerk. If the request is timely filed, a Hearing Officer of the city shall conduct such hearing within 72 hours after the request, excluding Saturdays, Sundays and holidays. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence will not apply at the hearing and hearsay evidence shall be admissible. If, after the hearing, the Hearing Officer determines there is probable cause to believe that the vehicle is subject to seizure and impoundment pursuant to this chapter, the Hearing Officer shall order the continued impoundment of the vehicle until the full evidentiary hearing pursuant to this section, unless the vehicle owner posts the applicable cash bond, and a notice of such full evidentiary hearing shall be given to the vehicle owner.

(B) Unless the vehicle owner has received a notice after a hearing held pursuant to subsection (A) above, within ten days after a motor vehicle is seized and impounded pursuant to this chapter, the village shall notify, by certified mail return receipt requested, the owner of record of the date, time and location of a full evidentiary hearing concerning the seizure and impoundment. Such hearing shall be scheduled and held, unless continued by order of the Hearing Officer, no later than 30 days after the motor vehicle was seized. All interested persons shall be given a reasonable opportunity to be heard at the hearing. All hearings shall be conducted in accordance with Title 12 of the Village Ordinances Code, or as otherwise provided by law.

(C) If, after the hearing set forth in subsection (B) above, the Hearing Officer determines by a preponderance of

evidence that the motor vehicle was used in the commission of or in conjunction with any of the offenses described in Section 10.28.010 and that none of the exceptions set forth in Section 10.28.020 apply, then the Hearing Officer shall enter an order finding the owner of record of the motor vehicle civilly liable to the city and impose the penalties set forth in this chapter. If the Hearing Officer determines that no such violation occurred, the Hearing Officer shall order the return of the motor vehicle and/or any cash bond posted and towing and storage fees paid.

(D) In the event that the owner of record desires to appeal the decision of the Hearing Officer under the provisions of the Illinois Administrative Review Act, he shall pay the costs of the preparation and transcription of the record of the hearing.

10.28.060 Penalties.

(A) Whenever a motor vehicle is used in the commission of or in conjunction with any of the offenses described in Section 10.28.010 the motor vehicle may be impounded and the owner of record of the motor vehicle shall be liable for an administrative penalty in the amount of \$300 and any applicable towing and storage fees.

(B) Costs. In addition to any fine or other penalty imposed pursuant to this chapter, the owner of record shall be ordered to pay the costs and fees incurred by the village in prosecuting the violation, which shall include, but not be limited to, the costs associated with an administrative adjudication proceeding or court proceeding, and reasonable attorney's fees.

(C) If a penalty is imposed pursuant to this chapter, such penalty shall constitute a debt due and owing to the village. The owner of record's obligation to pay such debt to the village shall be independent of the village's return of any impounded motor vehicle. If a bond has been posted, the Hearing Officer shall enter an order deducting any fines and fees imposed pursuant to this chapter from the bond so posted.

(D) Except as otherwise provided in this chapter, an impounded motor vehicle shall be returned to the owner of record, or other person who is legally entitled to possess the motor vehicle, upon his or her payment to the village of the penalty or penalties imposed pursuant to this chapter, including

the towing and storage fees, unless the motor vehicle has been sold or otherwise disposed of to satisfy a judgment or enforce a lien as provided by law.

(E) Notwithstanding any other provisions of this chapter, whenever a person with a lien of record against a motor vehicle impounded under this chapter has commenced foreclosure or repossession proceedings, possession of the motor vehicle shall be given to that person, but only upon agreeing, in writing, to refund to the village the net proceeds of any sale of the motor vehicle, less any amounts necessary to pay all lien holders of record, up to the total amount of penalties imposed pursuant to this chapter which are outstanding.

10.28.070 Unclaimed Vehicles.

Any motor vehicle which is not reclaimed within 30 days after expiration of the time during which the owner of record may seek judicial review of the village's actions pursuant to this chapter, or the time at which a final judgment is rendered in favor of the village, or the time a final administrative order is entered against an owner of record who is found in default, may be disposed of as an unclaimed motor vehicle as provided by law.

10.28.080 Severability.

If any provision or part of this chapter shall be found unconstitutional or outside the corporate or home rule powers of the village, the remaining provisions shall continue in full force and effect.

Chapter 10.32

COMPRESSION RELEASE BRAKING SYSTEMS

10.32.010 Declared Unlawful. The purpose of this section is to make it unlawful for vehicles equipped with compression release type braking systems, sometimes known as "Jake Brakes," to use such braking systems or devices upon any public streets, roads, or highways within the limits of the city for the peace, health and comfort of the citizens of Tilton and the public.

10.32.020 Definition. For the purpose of this section, compression release type braking systems shall mean any devices equipped on certain commercial vehicles, including but not

limited to, tractors, semi-trucks, motor carriers and buses that utilize engine compression release or engine retarders as a means of slowing or braking the speed of the vehicle in lieu of applying the clutch or brakes.

10.32.030 Misdemeanor. Every driver of any vehicle who shall cause their vehicle to brake or slow by any method which increases the noise emission levels of the engine such as, but not limited to engine compression release or engine retarder in lieu of applying the clutch or brakes upon any public streets, roads or highways within the limits of the Village of Tilton upon conviction shall be guilty of misdemeanor.

10.32.040 Penalty for Violation. Violation of this section shall be punishable by a fine of not more than one hundred dollars (\$100.00) for each offense.

Title 11

BUILDINGS AND CONSTRUCTION

Chapters:

- 11.04 Building Code
- 11.08 Fire Prevention
- 11.12 Erosion and Sediment Control

Chapter 11.04

BUILDING CODE

Sections:

- 11.04.010 International Building Code adopted
- 11.04.020 Municipality defined.
- 11.04.030 Building official defined.
- 11.04.040 Enforcement authority designated.
- 11.04.050 Copies on file--Available for inspection.
- 11.04.060 General standard for construction.
- 11.04.070 Permit fees--Payment.
- 11.04.080 Violation--Penalty--Other actions.

11.04.010 International Building Code adopted. There is adopted by the village for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structure, including permits and penalties, that certain building code known as the International Building Code, published by the International Code Council (ICC), as amended, and the whole thereof, save and except such portions as are deleted, modified or amended in this chapter, and the same are adopted and incorporated as fully as if set out at length in this chapter. The provisions thereof shall be controlling within the corporate limits of the village regarding the construction of all buildings and other structures therein set forth.

11.04.020 Municipality defined. Wherever the word "municipality" is used in the International Building Code, it means the village of Tilton.

11.04.030 Building official defined. Whenever the word "building official" is used in the International Building Code, it means the building inspector.

11.04.040 Enforcement authority designated. The building inspector shall enforce the provisions of the International Building Code in the village.

11.04.050 Copies on file--Available for inspection. The building inspector and the village clerk shall each keep on file in his office three copies of the International Building Code as amended, which shall be available for inspection.

11.04.060 General standard for construction. All work done on any construction, alteration, removal or demolition of any buildings or structures shall be performed in a workmanlike manner.

11.04.070 Permit fees-Payment. For the permits provided in the International Building Code, a fee of a minimum of ten dollars and a maximum of one hundred dollars shall be paid to the village clerk or to the building inspector.

11.04.080 Violation--Penalty--Other actions. A. A person who violates a provision of the International Building Code or fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected, constructed, altered or repaired a building or

structure or portion thereof in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be fined in accordance with the general penalty provisions of these ordinances. Also, the owner of a building or structure or portion thereof, or of the premises where anything in violation of the International Building Code is placed or exists, and an architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be in accordance with the general penalty provisions of these ordinances. A separate offense shall be deemed committed on each day on or during which a violation occurs or continues.

B. The imposition of the penalties prescribed by this section shall not preclude the village from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about any premises.

Chapter 11.12

EROSION AND SEDIMENT CONTROL

11.12.010 Erosion and Sediment Control.

At all construction sites within the corporate boundary of the Village of Tilton, the Contractor shall plan and execute construction and earthwork in a manner to control surface drainage to prevent erosion and sedimentation from cuts and fills and borrow and waste disposal areas. The Contractor shall also provide temporary control measures such as berms, dikes, and drains as necessary. The Contractor shall also provide temporary control measures to prevent silting or runoff of silt or sediment to the maximum extent practicable from the site. All construction and earthwork shall be in accordance with the latest edition of the Illinois Environmental Protection Agency--Standards for Soil Erosion and Sediment Control. The Contractor shall also provide all means necessary to prevent erosion, loss of topsoil and grass seed etc., from all construction sites by implementing an erosion and sediment control plan, per

recommendations detailed in the Illinois Urban Manual, NCRS, and the Illinois Environmental Protection Agency--Standards for Soil Erosion and Sediment Control. The erosion and sediment control plan shall be reviewed with the Engineer and the Owner prior to the initiation of construction.

Title 12

ADMINISTRATIVE ADJUDICATION

Sections:

- 12.04.010 Adoption of state statutes
- 12.04.020 Definitions
- 12.04.030 Code Hearing Department
- 12.04.040 Village Code Hearing jurisdiction
- 12.04.050 Village Code Hearing procedure
- 12.04.060 Findings, decision, order of the Hearing Officer
- 12.04.070 Costs of administrative adjudication proceeding
- 12.04.080 Administrative Review Law to apply
- 12.04.090 Enforcement of judgment
- 12.04.100 Sanctions applicable to property and property owner
- 12.04.110 Defenses to certain village code violations
- 12.04.120 Intergovernmental agreement

12.04.010 Adoption of State Statutes. The Village hereby adopts 65 ILCS Sec. 5/1-2.21 et seq. and 65 ILCS Sec. 5/11-31.1-1 et seq. as they may be amended from time to time and as allowed by said divisions.

12.04.020 Definitions.

"Village Code." The Code of Ordinances of the Village of Tilton.

"Village Official." All full-time and part-time police officers as well as any other officer or employee of the Village authorized to enforce the Village code.

"Complaint." A formal written accusation against a person or entity (i.e., a ticket or notice of violation for a violation of the Village code).

"Default." A failure to appear for a scheduled hearing or legal proceeding.

"Hearing Officer." An individual appointed by the Mayor, with the approval of the Village Trustees or designated pursuant to any intergovernmental agreement between the Village and another municipality, whose powers and duties shall include:

(1) Presiding at all administrative adjudication hearings called to determine whether or not a violation of the Village code exists;

(2) Issuing subpoenas directing witnesses to appear and give relevant testimony at administrative hearings, upon the request of the parties or their representatives;

(3) Hearing testimony and accepting evidence relevant to the existence of a violation of the Village code;

(4) Preserving and authenticating the record of administrative adjudication hearings and all exhibits and evidence introduced at such hearings;

(5) Issuing determinations, based on the evidence presented at administrative adjudication hearings, of whether a Village code violation exists. The determinations shall be in writing and shall include written findings of fact, decisions, and orders, including fines, penalties, or actions with which respondents must comply; and

(6) Imposing penalties consistent with the applicable Village code provisions and assessing costs upon finding a respondent liable for a violation, except, however, that in no event shall the hearing officer have authority to (i) impose a penalty of incarceration or (ii) impose a fine in excess of

\$50,000. The maximum monetary fine under this subsection shall be exclusive of the costs of enforcement or the costs imposed to secure compliance with the Village code and shall not be applicable to cases to enforce the collection of any tax imposed and collected by the Village.

Prior to conducting administrative adjudication proceedings, hearing officers shall have successfully completed a formal training program which includes the following:

- (1) Instruction on the rules of procedure of the administrative hearings which they will conduct;
- (2) Orientation to each subject area of Village code violations which may be adjudicated;
- (3) Observation of administrative hearings;
- (4) Participation in hypothetical cases, including ruling on evidence and issuing final orders.

In addition, every hearing officer must be an attorney licensed to practice law in the State of Illinois for at least three years.

"Petitioner." The person or entity making a Village code violation allegation initiating the administrative adjudication hearing process.

"Prima Facie Evidence." The bare minimum of evidence needed to bring and prove a case before a hearing officer.

"Property Owner." The legal or beneficial owner of real property.

"Respondent." A person or entity who is accused of a violation.

12.04.030 Code Hearing Department.

(A) There is hereby established a Village Code Hearing Department, the function of which is to expedite the prosecution and correction of violations of the Village code in the manner provided by this chapter. The Code Hearing Department of the Village is hereby designated to be the Code Hearing Department of the City of Danville, Illinois, so long as there exists any intergovernmental agreement between the Village

and the City of Danville that so provides. The hearing officer and such other agents or employees assigned to the hearing officer shall constitute the Code Hearing Department.

(B) The adoption of this chapter does not preclude the Village from using other lawful methods to enforce the provisions of the Village code.

12.04.040 Village Code Hearing Jurisdiction. An administrative adjudication proceeding under this chapter may be initiated for any alleged Village code violation, except for an offense that is a traffic regulation governing the movement of vehicles and except for any reportable offenses under Section 6-204 of the Illinois Vehicle Code.

12.04.050 Village Code Hearing Procedure. The administrative adjudication of ordinance violations, pursuant to this chapter, shall adhere to the following procedures:

(A) Complaint,

(1) Upon finding an alleged ordinance violation, a Village official shall prepare and issue a complaint.

(2) The complaint shall contain, but not necessarily be limited to, the following information:

(a) The name and last known address of the respondent;

(b) The date, time, and location at which the alleged violation was observed;

(c) A statement detailing the type and nature of the violation;

(d) The chapter and section of the Village code alleged to have been violated;

(e) The signature and identification of the Village official issuing the complaint, which signature shall act as a certification of the accuracy of all information contained within the complaint;

(f) The names of witnesses to the alleged violation;

(g) The date, time and location of the Village Code Hearing at which the alleged violation shall be administratively adjudicated, which hearing date shall not be less than 30, nor more than 40 days after the date of the complaint in non-emergency situations. For purposes of this chapter, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interests, safety or welfare. In emergency situations, meaning those situations that reasonably constitute threats to the public interests, safety or welfare, the hearing date shall not be less than three, nor more than seven days after the date of the complaint.

(3) The signed complaint shall constitute prima facie evidence of the violation.

(B) Village Code Hearing Department procedures.

(1) The original and a copy of the complaint shall be provided to the Village Code Hearing Department.

(2) Upon receiving the complaint, the Code Hearing Department shall assign a docket number to the complaint.

(3) The Village Code Hearing Department shall retain the complaint as part of the record of the administrative adjudication hearing.

(C) Service of complaint. Respondents shall be served with complaints in a manner reasonably calculated to give them actual notice of the complaint, including, as appropriate:

(1) Personal service upon the respondent or its employees or agents;

(2) Service by first class mail at the respondent's last known address;

(3) Notice that is posted upon the property where the alleged violation is found when the respondent is the owner or manager of the property; or

(4) Such other method as is reasonably calculated

to provide the respondent with actual notice of the administrative hearing proceedings.

The complaint shall be served along with a summons commanding the respondent to appear at the administrative adjudication hearing. The summons shall include the following information:

(1) The type and nature of the code violations to be adjudicated;

(2) The date and location of the adjudicatory hearing;

(3) The legal authority and jurisdiction under which the hearing is to be held; and

(4) The penalties for failure to appear at the hearing.

(D) Sufficiency of pleadings.

(1) The complaint and summons shall be liberally construed with the view to doing substantial justice between parties.

(2) If any complaint is insufficient in substance or form, the hearing officer may order a fuller or more particular statement. If the complaint does not sufficiently define the issues, the hearing officer may order another complaint prepared.

(3) No complaint is bad in substance which contains such information as reasonably informs the respondent of the nature of the claim which he is called upon to meet.

(4) All defects in pleadings, either in form or substance, not objected to prior to the hearing are waived.

(E) Conduct of administrative adjudication hearings.

(1) At any hearing conducted pursuant to this chapter, the respondent may be represented by counsel, present witnesses or other evidence on his or her own behalf, and cross-examine opposing witnesses.

(2) Any party to a hearing conducted pursuant to this chapter may request the hearing officer to issue subpoenas directing the attendance and testimony of relevant witnesses and the production of relevant documents.

(3) All continued or adjourned hearings shall be scheduled with reasonable promptness commensurate with the nature and status of the proceeding.

(4) The formal and technical rules of evidence do not apply in any hearing under this chapter. Evidence, including hearsay, may be admitted if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.

(5) No continuances shall be authorized by the hearing officer except in cases where a continuance is absolutely necessary to protect the rights of the respondent. Lack of preparation shall not be grounds for a continuance. Any continuance authorized by a hearing officer shall not exceed 25 days.

(6) All administrative adjudication hearings conducted pursuant to this chapter shall be recorded.

(7) All alleged ordinance violations adjudicated pursuant to this chapter shall be prosecuted by the Village attorney unless there is an intergovernmental agreement between the Village and the City of Danville in which case they shall be prosecuted by the Danville city attorney.

(8) The case for the respondent may be presented by the respondent, his or her attorney, or any other agent or representative.

(9) The burden of proof in all ordinance violations adjudicated pursuant to this chapter shall be upon the respondent to refute the prima facie case set forth in the complaint. Such burden shall be by a preponderance of the evidence.

(10) Hearings shall regularly take place on Thursdays at 5:30 p.m. in the Danville City Council Chambers on the lower level of the Municipal Building, 17 West Main Street, or such other days and times as

may be necessary and designated by the Code Hearing Department.

(F) Failure to appear. If, on the date set for hearing, the respondent or his or her attorney fails to appear, the hearing officer may find the respondent in default and shall proceed with the hearing and accept evidence relevant to the existence of a city code violation.

12.04.060 Findings, Decision, Order of the Hearing Officer.

(A) At the conclusion of an administrative adjudication hearing the hearing officer shall make a determination, on the basis of the evidence presented at the hearing, whether a Village code violation exists. The determination shall be in writing and shall be designated as the findings, decision and order. The findings, decision and order shall include the hearing officer's findings of fact, a decision of whether a Village code violation exists based upon the finding of fact, and an order directing and ordering the respondent to correct the violation or, in the event a violation is not proved, dismissing the case. If a Village code is proved, the order shall also impose the sanctions that are provided in the Village code for the violation proved as well as the costs of the administrative adjudication proceeding as set forth in Section 1.07.

(B) A copy of the findings, decision and order shall be served upon the respondent within five days after it is issued. Service of the copy upon the respondent shall be in the same manner as a complaint and summons may be served under this chapter.

(C) Payment of any penalty or fine and disposition of fine money shall be in the same manner as set forth in the Danville, Illinois, city code.

(D) In the event that the findings, decision and order of the hearing officer directs the correction of the violation, the hearing officer shall also establish a status hearing date scheduled after the date established for the correction of the violation, at which status hearing compliance with the corrective direction shall be determined. At such time, the hearing officer shall hear testimony and accept evidence relevant to the corrective actions of the respondent. If the hearing officer determines that the Village code violation has

not been corrected as directed, additional sanctions may be imposed as provided by the Village code.

12.04.070 Costs of Administrative Adjudication Proceeding.

If a code violation is proved and the respondent is ordered to pay the costs of the administrative adjudication proceeding, the following costs shall be paid by the respondent pursuant to such order:

- (A) File management/record keeping - \$10.00
- (B) Hearing officer - \$25.00
- (C) Prosecuting attorney's fee cost - \$25.00

12.04.080 Administrative Review Law to Apply.

The findings, decision and order of the hearing officer shall be subject to review in the Circuit Court for the Fifth Judicial Circuit, Vermilion County, Illinois and the provisions of the Administrative Review Law (ILCS CH. 735, Act 5, §§ 3-101 et seq.) and all amendments and modifications thereto, and the rules adopted pursuant thereto, are adopted and shall apply to govern every action for the judicial review of the findings, decision and order of the hearing officer under this chapter.

12.04.090 Enforcement of Judgment.

(A) Any fine, other sanction, or costs imposed, or part of any fine, other sanction or costs imposed remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures under the Illinois Administrative Review Law are a debt due and owing to the Village and may be collected in accordance with applicable law.

(B) After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a Village code violation, unless stayed by a court of competent jurisdiction, the findings, decision and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(C) In any case in which a respondent has failed to comply with an order directing the respondent to correct a Village code violation or imposing any fine or other sanction as a result of a Village code violation, any expenses incurred by the Village to enforce the order, including, but not limited to, its attorney's fees, court costs and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction, shall be due and owing the Village and may be collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection, the Village shall provide a notice to the respondent that states that the respondent shall appear at a hearing before the hearing officer to determine whether the respondent has failed to comply with the order. The notice shall set the date for such hearing, which shall not be less than seven days from the date of the notice is served. If notice is served by mail, the seven day period shall begin to run on the date that the notice was deposited in the mail.

(D) Upon being recorded in the manner required by Article XII of the Illinois Code of Civil Procedure, a lien shall be imposed upon the real estate of the respondent in the amount of any debt due and owing under this chapter. The lien may be enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction.

(E) The hearing officer may set aside any order entered by default and set a new hearing date upon a petition filed within 21 days after the issuance of the order of default, if the hearing officer determines that the respondent's failure to appear at the hearing was for good cause or at anytime if the respondent establishes that the Village did not provide proper service of process. If any judgment is set aside pursuant to this subsection, the hearing officer shall have the authority to enter any order extinguishing any lien which has been recorded for any debt due and owing the Village as a result of the vacated default order.

12.04.100 Sanctions Applicable to Property and Property Owner.

An order to correct a Village code violation and the sanctions imposed by the Village as the result of a finding of a Village code violation under this chapter shall attach to the property as well as to the property owner, so that a finding of a Village code violation against one property owner cannot be avoided by conveying or transferring the property to another

owner. Any subsequent transferee or property owner takes subject to the findings, decision and order of the hearing officer under this chapter.

12.04.110 Defenses to Certain Village Code Violations.

It shall be a defense to a Village code violation charged under the Village's building code which establishes construction, plumbing, heating, electrical, fire prevention, sanitation or other health and safety standards that are applicable to structures in the Village, if the respondent proves by a preponderance of the evidence that:

(A) The Village code violation alleged does not, in fact, exist or at the time of the hearing the violation has been remedied or removed;

(B) The Village code violation has been caused by the current property occupants and that, in spite of reasonable attempts by the respondent to maintain the dwelling free of such violations, the current occupants continue to cause the violations; or,

(C) An occupant or resident of the dwelling has refused entry to the respondent or his agents to all or part of the dwelling for the purpose of correcting the Village code violation.

12.04.120 Intergovernmental Agreement.

Pursuant to the Illinois Constitution and Illinois Compiled Statutes, the Village hereby adopts and approves an Intergovernmental Agreement between the Village and the City of Danville, Illinois, to implement this Administrative Adjudication Ordinance, and authorizes the Village Mayor and Village Clerk to execute the Intergovernmental Agreement (a copy of which is attached hereto and marked "Ordinance Exhibit A") as well as any other documents necessary to implement this ordinance.

**INTERGOVERNMENTAL COOPERATION
AGREEMENT**

Between

**City of Danville, A Municipal Corporation
And
Village of Tilton, A Municipal Corporation**

This Intergovernmental Agreement is made and entered into as of the 11th day of March, 2004, but actually executed by each of the undersigned municipalities on the dates set forth beneath the respective signatures of their duly authorized officers below, by and between the City of Danville, Illinois, A Municipal Corporation (hereafter "Danville") and the Village of Tilton, Illinois, A Municipal Corporation (hereafter "Tilton"), collectively the "Parties".

The Parties hereto, as political subdivisions of the government of the State of Illinois, hereby agree, as permitted in 5 ILCS 220/1 et seq., to the following terms and conditions to define their responsibilities pursuant to the system of Administrative Adjudication set forth in 65 ILCS 5/1-2.1-1 et seq. and 65 ILCS 5/11-31.1-1 et seq.

WITNESSETH:

WHEREAS, Danville is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois; and,

WHEREAS, Tilton is a non-home rule unit of local government; and,

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2.1-1 et seq. and 65 ILCS 5/11-31.1-1 et seq., provides home rule municipalities may establish a system of administrative adjudication for prosecuting certain violations of municipal ordinances; and,

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2.2-1 et seq., provides non-home rule municipalities may establish a system of administrative adjudication for prosecuting certain violations of municipal ordinances; and,

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2.2-10 provides that a municipality may establish a code hearing department within an existing code enforcement agency; and,

WHEREAS, Danville has established and is currently operating an administrative adjudication system for the prosecution of certain violations of Danville ordinances; and,

WHEREAS, Tilton desires to utilize an administrative adjudication system to prosecute certain violations of Tilton ordinances; and,

WHEREAS, the cost to establish an administrative adjudication system is substantial; and,

WHEREAS, the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., grants broad authority for units of local government to contract with one another to perform governmental services; and,

WHEREAS, Tilton desires to enter into an Intergovernmental Agreement with Danville to utilize Danville's Administrative Adjudication system; and,

WHEREAS, Danville will incur little or no additional expense in entering into such an agreement.

NOW, THEREFORE, in consideration of the matters set forth above, the agreements, covenants, representations and undertakings made and contained in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Danville and Tilton hereby agree, covenant, represent and undertake as follows:

ARTICLE I
Administration and Staff

- A. Danville's Code Hearing Department shall act as the Code Hearing Department for Tilton.
- B. Danville's Hearing Officers shall act as Hearing Officers for Tilton and conduct those hearings necessary to carry out the purposes of the administrative adjudication system regarding those matters involving Tilton.
- C. Any employees or agents assigned to the Hearing Officers by Danville shall continue to act in such capacity regarding

- those matters involving Tilton.
- D. Danville shall have the sole authority with regard to decisions concerning the operation of the administrative adjudication system, including the date, time and location of hearings.
 - E. Tilton shall have the sole authority over the disposition of the matters referred to Danville's Code Hearing Department.

ARTICLE II
Personnel

- A. Police Officers and all other employees of Tilton involved in enforcing the ordinances of Tilton shall be available to be called as witnesses on any matter involving Tilton.
- B. Employees of Danville and Tilton shall be at all times employees of their respective municipality and shall retain all of the rights, privileges, immunities, and benefits pursuant to such employment.

ARTICLE III
Collection and Distribution of Funds

- A. Danville shall collect and hold all money to be paid toward any penalties imposed on a matter related to Tilton.
- B. At the end of each month, Danville shall cause to be issued a check, payable to Tilton, for those funds collected and applied toward the fines imposed on matters related to Tilton.
- C. All funds collected and applied toward costs and fees shall be kept by Danville. Said funds shall act as reimbursement for the costs and fees incurred by Danville for prosecuting ordinance violation cases for Tilton.

ARTICLE IV
Procurement, Records, Audits

- A. Danville shall keep accurate records of all matters pursued on behalf of Tilton, which shall include disposition of the cases, any penalties imposed, and any payments made toward the penalties imposed.
- B. Tilton may request copies of those records pertaining to matters prosecuted on behalf of Tilton.
- C. Tilton may request an audit of Danville's records with

regard to cases and funds received pertaining to matters prosecuted on behalf of Tilton.

- D. Danville shall be the sole authority regarding procurement of any items, such as equipment, software, or personnel, related to the administrative adjudication system currently operated by Danville.

ARTICLE V

Professional and Technical Support Services

- A. Danville shall be the sole authority in obtaining Professional Support Services. This may include obtaining the services of outside counsel to assist the City Attorney in prosecuting cases within the administrative adjudication system.
- B. Danville shall be the sole authority in obtaining Technical Support Services to assist in issues affecting matters within the administrative adjudication system.

ARTICLE VI

General Provisions

- 1. Review, Modifications. Neither this Agreement nor any provisions hereof may be changed, revised, modified, waived, discharged, terminated or otherwise abrogated, diminished or impaired other than by an instrument in writing duly authorized and executed by both Parties. The Parties shall review the terms and conditions of the Agreement annually. They shall do so in time to permit any changes which may be necessary to provide for effective operation at the commencement of the next fiscal year. Any amendments to the Agreement, whether as modifications to the existing terms and conditions hereof or as additions hereto, shall be reduced to writing and shall become effective only when signed by the Parties.
- 2. Notices, communications. All notices, demands, request for records, requests for funds, or other communications under or in respect of this Agreement shall be in writing and shall be deemed to have been given when the same are (i) deposited in the United States mail and sent by first class mail, postage prepaid or (ii) delivered, in each case, to Danville or Tilton at their respective addresses (or at such

other address as each may designate by notice to the other), as follows:

(1) if to Danville, at the City of Danville, Robert E. Jones Municipal Building, 17 West Main Street, Danville, Illinois 61832, Attn: Mayor; and,

(2) if to Tilton, at Village of Tilton, 201 W. Fifth, Tilton, Illinois 61833, Attn: Mayor.

3. Term and Termination. This Agreement shall automatically be renewed for a period of one year each May 1, unless not less than 90 days prior thereto one of the Parties hereto shall, in writing, have notified the other Party that it shall deem this agreement to be terminated on the impending April 30.

IN WITNESS WHEREOF, Danville and Tilton have each caused this Agreement to be executed by proper officers duly authorized to execute the same as of the date set forth beneath the signatures of their respective officers set forth below.

City of Danville

Village of Tilton

By:

Scott Eisenhauer,
Mayor

By:

David Phillips,
Mayor

Attest:

Attest:

By:

City Clerk

By:

Village Clerk

Date: March 11, 2004

Date: March 11, 2004

Title 13

SEWERS, WATER RETENTION AND EROSION CONTROL

Chapter 13.04

SANITARY SEWERS

13.04.010 Required Use of Public Sewers

Subsec. 1.1: It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or other objectionable waste, in any unsanitary manner on public or private property within the Village of Tilton or in any area under the jurisdiction of said Village.

Subsec. 1.2: It shall be unlawful to discharge to any natural outlet within the Village of Tilton, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with federal, state and local requirements.

Subsec. 1.3: 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.

Subsec. 1.4: 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 (separate or combined) sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so, provided sewer is within 100 feet of the property line of the said house, building or property.

Subsec. 1.5: No person shall discharge into any public sewer of the Village, or into fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, state, and local permits have been obtained.

13.040.020 Private Sewage Disposal

Subsec. 2.1: Where a public sanitary (separate or combined) sewer is not available under the provisions of Section 1.4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section 2.

Subsec. 2.2: Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Village. 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 Supervisor of the Sewer Department. A permit and inspection fee of **Fifteen Dollars (\$15.00)** shall be paid to the Village at the time the application is filed.

Subsec. 2.3: A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Supervisor of the Sewer Department. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Supervisor of the Sewer Department when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of written notice by the Supervisor of the Sewer Department.

Subsec. 2.4: The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than required by State and Federal regulations. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Subsec. 2.5: At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 1.4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

Subsec. 2.6: 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. At no time shall any quantity of industrial waste be discharged to a private domestic wastewater disposal facility.

Subsec. 2.7: No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

Subsec. 2.8: When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

13.04.030 Building Sewers and Connections

Subsec. 3.1: 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 Supervisor of the Sewer Department.

Subsec. 3.2: All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

Subsec. 3.3: 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 to the Village. A permit and inspection fee of **\$100.00 Dollars** for a residential or commercial building sewer permit shall be paid to the Village at the time the application is filed. If located outside the Village limits, the permit and inspection fee shall be **\$750.00 Dollars**. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

Subsec. 3.4: A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have

sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

Subsec. 3.5:

- A. 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 and connection of the building sewer.
- B. All costs and expense incident to maintenance and repair of such building sewers connections 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 maintenance or repair of the building sewer.
- C. In order to be eligible for any reimbursement from the Village, or payment by the Village, for the cost of any sewer repair, a customer must proceed in the following manner:
 - 1. Prior to undertaking any investigation to determine the cause of any sewer blockage being experienced by a residential customer, the customer must first contact Village Hall and request that a representative of the Village of Tilton Public Works Department visit the residence of such customer.
 - 2. Such representative shall then make a determination as to whether the cause of such sewer blockage is within the Village's portion of the sewer system, or within the customer's portion of the sewer system.
 - 3. If such representative determines that the cause of the sewer blockage is not within the Village's portion of the sewer system, then customer shall pay all costs and expenses associated with the repair or replacement of the customer's portion of the sewer system.
 - 4. If such representative cannot determine whether the cause of the sewer blockage is within the

Village's portion of the sewer system or within the customer's portion of the sewer system, then the Village shall reimburse the customer for a sum not to exceed **\$150.00** incurred by the customer in retaining the services of a licensed plumber to determine the cause of the sewer blockage, who shall proceed in the following manner:

- (a) The licensed plumber shall enter upon the customer's property and make reasonable efforts to rod the customer's sewer line. If he determines after rodding the sewer line that the cause of the sewer blockage is within the Village's portion of the sewer system, then such licensed plumber shall prior to commencing any repair or replacement of any portion of the Village of Tilton sewer system or the customer's sewer system immediately contact the representative of the Village of Tilton Public Works Department.
- (b) If the licensed plumber determines that a new sewer line or portion thereof is needed on the customer's property, such licensed plumber shall install a cleanout within such sewer line for the future use of the Village of Tilton.

Subsec. 3.6: 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.

Subsec. 3.7: Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Supervisor of the Sewer Department, to meet all requirements of this ordinance.

Subsec. 3.8: 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 building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.

Subsec. 3.9: Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Section 3.2, and discharged to the building sewer.

Subsec. 3.10: No person(s) shall make connection of roof downspouts, exterior foundation drains, are away drains, or other sources of surface runoff of groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Subsec. 3.11: The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Supervisor of the Sewer Department before installation.

Subsec. 3.12: The applicant for the building sewer permit shall notify the Supervisor of the Sewer Department when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Supervisor of the Sewer Department or his representative.

Subsec. 3.13: All excavations for building sewer installation shall be adequately guarded with barricades and light 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.

Subsec. 3.14: All new connections tributary to the separate or any combined sewer system of the Village of Tilton shall comply with the following provisions:

- (a) New construction tributary to any combined sewer system shall be designed to minimize and/or delay inflow contributions to the combined sewer system.
- (b) New building domestic waste connections to any combined sewer system shall be distinct from building inflow connections to facilitate disconnection if a storm sewer becomes available within 200 feet of the building.

Subsec. 3.15: Inflow sources on any combined sewer system of the Village of Tilton shall be removed from the combined sewer system and connected to a separate storm sewer within 90 days if a storm sewer becomes available within 200 feet of the inflow source.

13.04.040 Use of Public Sewers

Subsec. 4.1: 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.

Subsec. 4.2: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or separate storm sewers, or to a natural outlet approved by the Supervisor of the Sewer Department. Industrial cooling water or unpolluted process waters may be discharged contingent upon approval of the Supervisor of the Sewer Department, to a storm sewer, combined sewer, or natural outlet.

Subsec. 4.3: No person shall discharge or cause to the following described waters or wastes be discharged any of 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, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Subsec. 4.4: 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 Supervisor of the Sewer Department 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 Supervisor of the Sewer Department 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).
- (b) Any waters or wastes containing toxic or poisonous materials or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at

temperatures between thirty-two (32) and one hundred fifty degrees Fahrenheit (150°F), (0 and 65°C).

- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Supervisor of the Sewer Department.
- (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 Supervisor of the Sewer Department 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 Supervisor of the Sewer Department 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 Supervisor of the Sewer Department in compliance with applicable State or Federal regulations.
- (h) Any wastes or waters 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 Supervisor of the Sewer Department in compliance with applicable State and Federal regulations.
- (j) Any cyanide in excess of 0.025mg/l at except as permitted by the Supervisor of Department in compliance with applicable Federal regulations.

- (k) Materials which exert or cause:
 - (1) unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - (3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - (4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein.
- (l) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

Subsec. 4.5: 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 Section 4.4, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978, and any amendments thereto, and which in the judgment of the Supervisor of the Sewer Department 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 Supervisor of the Sewer Department 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 Section 4.11 of this Ordinance.

If the Supervisor of the Sewer Department 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 Supervisor of the Sewer Department, and subject to the requirements of all applicable codes, ordinances, and laws.

Subsec. 4.6: Grease, oil, and sand interceptors shall be provided when, in the opinion of the Supervisor of the Sewer Department 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 Supervisor of the Sewer Department, and shall be located as to be readily and easily accessible for cleaning and inspection.

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. Each industry shall be required to install a control manhole and, when required by the Supervisor of the Sewer Department, 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 Supervisor of the Sewer Department. 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.

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

but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such a 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.

Subsec. 4.10: All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance 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.

Subsec. 4.11: No statement contained in this Section 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 Section 3.1, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System.

13.04.050 Protection of Sewage Works from Damage

Subsec. 5.1: 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.

13.04.060 Powers and Authority of Inspectors

Subsec. 6.1: The Supervisor of the Sewer Department 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 ordinance. The Supervisor of the Sewer Department 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.

Subsec. 6.2: While performing the necessary work on private properties referred to in Section 6.1 above, the Supervisor of the Sewer Department 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 as required in Section 4.9.

Subsec. 6.3: The Supervisor of the Sewer Department 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.

13.04.070 Penalties

Subsec. 7.1: Any person found to be violating any provision of this ordinance except Section 5 shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

Subsec. 7.2: Any person who shall continue any violation beyond the time limit provided for in Section 7.1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

Subsec. 7.3: Any person violating any of the provisions of this ordinance shall become liable to the Village by reasons of such violation.

13.04.080 Validity

Subsec. 8.1: All Ordinances or parts of an Ordinance in conflict herewith are hereby repealed.

Subsec. 8.2: The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

13.04.090 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in Chapter 13.04 shall be as follows:

Subsec. 1 Federal Government

"Federal Act" means the Federal Clean Water Act (33 U.S.C. 466 et seq.) As amended, (Pub. L. 95-217).

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

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

Subsec. 2 State Government

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

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

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

Subsec. 3 Local Government

"Ordinance" means this Ordinance.

"Village of Tilton" means the Village of Tilton, Vermilion County, Illinois.

"Approving Authority" means the Village Board of Trustees and the Mayor of the Village of Tilton, Vermilion County, Illinois.

Subsec. 4 "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Subsec. 5 "NDES 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.

Subsec. 6 Clarification of word usage: "Shall" is mandatory; "may" is permissible.

Subsec. 7 Wastewater and its characteristics:

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

"Sewage" is used interchangeably with "wastewater".

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

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

"Unpolluted Water" (MPL) 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.

"ppm" shall mean parts per million by weight.

"Milligrams per liter" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

"Suspended Solids" (SS) means 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.

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory

procedure in five (5) days at 20°C, expressed in milligrams per liter.

"PH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

"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.

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

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

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

"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 during the average twenty-four (24) hour concentration, or flows during normal operation.

"Industrial waste" shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment, or process or

from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

"Major contributing industry" shall mean an industrial user of the publicly owned treatment works that: (a) has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent (10%) of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of the Federal Act; or (d) is found by the permit 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.

Subsec. 8 Sewer, types, and appurtenances:

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

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

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

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

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

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

"Building drain" shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Storm water runoff" shall mean that portion of the precipitation that is drained into the sewers.

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

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

Subsec. 9 Treatment:

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

"Waste water 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".

Subsec. 10

"Waste water 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.

Subsec. 11 Watercourse and connections:

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

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Subsec. 12 User types:

"User class" shall mean the type of user, "residential", "institutional/governmental", "commercial", or "industrial" as defined herein.

"Residential user" shall mean all dwelling units such as houses, mobile homes, apartment, or permanent multi-family dwellings.

"Commercial user" shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering services.

"Institutional/governmental user" shall include schools, churches, penal institutions and users associated with Federal, State and local governments.

"Industrial users" shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

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

Subsec. 13 Types of charges:

"Wastewater service charge" shall be the charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in Chapter 00, Article II and shall consist of the total or the Basic User Charge, the Local Capital Cost and a surcharge, if applicable.

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

"Basic user charge" shall mean the basic assessment levied on all users of the public sewer system.

"Debt service charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of loans, bonds, etc., outstanding.

"Capital improvement charge" shall mean a charge levied on users to improve, extend or reconstruct the sewage treatment works.

"Loan capital cost charge" shall mean charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.

"Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Chapter 00, Article III.

"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.

"Useful life" shall mean the estimated period during which the collection system and/or treatment works will be operated.

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

Chapter 13.08

USER CHARGES FOR WASTEWATER SERVICE

13.08.010 Wastewater Service Charges

Subsec. 2.1 The terms as used in this Ordinance shall have the meaning prescribed to them in Appendix 1, attached hereto and incorporated herein by this reference.

Subsec. 2.2 Basis for wastewater service charges: The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village of Tilton shall consist of a 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 dividing the annual debt service of all outstanding loans, bonds, etc., by the number of users. Through further divisions, the monthly and/or quarterly debt service charges can be computed.

or

The debt service charge is computed by apportioning the annual debt service on a cost per 1000 gallon basis.

or

The debt service charge is computed as a fixed charge plus a charge per 1000 gallons.

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 or as a fixed charge per month.

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

- (a) A five (5) day, 20 degree centigrade (20°C) biochemical oxygen demand (BOD) of 200 mg/l.
- (b) A suspended solids (SS) content of 250 mg/l.

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

- (a) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- (b) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
- (c) Proportion the estimated operation, maintenance and replacement (OM&R) costs to each user class by Volume, Suspended Solids, and BOD.
- (d) Proportion the estimated OM&R costs to wastewater facility categories by Volume, Suspended Solids and BOD.
- (e) Compute costs per 1000 gal. for normal sewage strength.
- (f) Compute surcharge costs per pound per 1000 gal. in excess of normal sewage strength for BOD and SS.

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 25 mg/l concentration for BOD and SS respectively. Section 2.7 specifies the procedure to compute a surcharge.

The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village of Tilton in the 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.

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.

Subsec. 2.3 Measurement of flow: The volume of flow used for computing basic user charges and surcharges shall be metered water consumption read to the lowest even increments of 1,000 gallons.

- (a) If the person discharging wastes into the public sewers procures any part, or all, of his 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 Village Board for the purpose of determining the volume of water obtained from these other sources.
- (b) Devices for measuring the volume of water discharged may be required by the Village Board 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 cancelled, without the consent of the Village Board.

Subsec. 2.4 Local capital cost charge

Debt service charge: A debt service charge of \$_____ per (Month, quarter) or a debt service charge of \$_____ per 1000 gallons, to each user to the wastewater facility of the Village of Tilton is hereby established.

A capital improvement charge will be levied on all users as a charge of \$_____ per 1000 gallons, or a fixed charge of \$_____ per month, to provide funds for extension, improvement or reconstruction of the sewage treatment works.

Subsec. 2.5 Basic user rate: There is hereby established a minimum charge and a basic user rate for the use of and for service supplied by the Wastewater Facilities of the Village of Tilton. A minimum charge of \$7.00 per (month, quarter) shall be applied to all users.

A basic user rate of \$2.00 per 1,000 gallons shall be applied to all users for water consumption in excess of 1,000 gallons per month.

All non-metered residential users of the wastewater facilities shall pay a minimum flat rate charge per (month, quarter) adequate to cover the costs of the minimum accrued capital cost charge, the minimum service charge and the basic user rate of \$2.00 per 1,000 gallons. The flat rate charge will allow a maximum of 6,000 gallons per month.

In the event use of the wastewater facilities is determined by the Village Board to be in excess of 6,000 gallons per month, the Village Board may require such flat rate user to install metering devices in the water supply or sewer main to measure the amount of service supplied.

Subsec. 2.6 Surcharge rate: The rates of surcharges for BOD and SS shall be as follows:

per lb. of BOD: 0.20
per lb. of SS: 0.17

Subsec. 2.7 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 Village Board and shall be binding as a basis for surcharges.

Subsec. 2.8 Computation of Wastewater Service Charge: The wastewater service charge shall be computed by the following formula:

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

Where:

CW = Amount of wastewater service charge (\$) per billing period

CC = Capital Improvement Charge

CD = Debt Service Charge (Section 3)

CM = Minimum Charge for Operation, Maintenance and Replacement (Section 4)

Vu = Wastewater Volume for the billing period

X = Allowable consumption in gallons for the minimum charge (Section 4)

CU = Basic User Rate for Operation,
Maintenance and Replacement (Section 4)

CS = Amount of surcharge (Sections 5 and 6)

13.08.020 General Provisions

Subsec. 3.1 Bills: Said rates or charges for service shall be payable monthly or quarterly, depending on the classification of service for which bills are rendered. The owner of the premises, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village of Tilton only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable thereto to the Village.

Bills for sewer service shall be sent out by the Village on the first day of the month succeeding the period for which the service is billed.

All sewer bills are due and payable 30 days after being sent out. A penalty of 1 percent shall be added to all bills not paid by the 15th day after they have been rendered.

Subsec. 3.2 Delinquent bills: If the charges for such services are not paid within 60 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.

Subsec. 3.3 Lien-Notice of delinquency: Whenever a bill for sewer service remains unpaid for 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 be known to the Treasurer, whenever such bill remains unpaid for the period forty-five (45) days for a monthly bill, or one hundred five (105) days for a quarterly bill after it has been rendered.

The failure of the Village Treasurer to record such lien or to mail such notice 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.

Subsec. 3.4 Foreclosure of lien: Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by the bill-in equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any Court having jurisdiction over such matters against any property for which the bill has remained unpaid forty-five (45) days in the case of a monthly bill, or one hundred five (105) in the case of a quarterly bill, after it has been rendered.

Subsec. 3.5 Revenues: All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account for the sewerage fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from his/her

private funds and separate and apart from all other funds of the Village, and all of said sums, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten (10) days after receipt of same, or at such more frequent intervals as may, from time to time, be directed by the Mayor and Board of Trustees of the Village of Tilton.

The Village Treasurer shall receive all such revenues from the sewerage systems and all other funds and moneys incidental to the operation of such system as the same may be delivered to him/her and shall deposit the same in the account of the fund designated as the Sewerage Fund of the village of Tilton. Said Treasurer shall administer such Fund in every respect in the manner provided by statute in the Illinois Municipal Code, 65 ILCS 5 et al.

Subsec. 3.6

Accounts: The Village Treasurer shall establish a proper systems 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/she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

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

1. Flow data showing total gallons received at the wastewater plant for the current fiscal year.
2. Billing data to show total number of gallons billed per fiscal year.
3. Debt service for the next succeeding fiscal year.
4. Number of users connected to the system.
5. Number of non-metered users.
6. A list of users discharging non-domestic and industrial wastes and the volume of waste discharged by each user discharging such wastes.

Subsec. 3.7 Notice of rates: Each user will be notified by the Village of Tilton, in conjunction with a regular bill, of the rate and that portion of the user charges of Ad Valorem taxes which are attributable to wastewater treatment services, including the financial information of Section 6.

Subsec. 3.8 Penalty: Any person, firm or corporation violating any provisions of this Article shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense.

Subsec. 3.9 Access to Records: The Illinois Environmental Protection Agency (IEPA) or the United States Environmental Protection Agency (USEPA) or their authorized representative, shall have access to any books, documents, papers and records of the Village which are applicable to the Village system or other user charges for the purpose of making audit, examination, excerpts and transactions thereof to insure compliance with the terms and transcriptions of the (Special and General Conditions to any State

Grant). (Federal Regulations and conditions of the Federal Grant.)

13.08.030 Effective Date of Rates

Subsec. 4.1 The rates and service charges established for user charges in Article I, Section 3 through Section 2.4 shall be effective as of October and on bills to be rendered for the next succeeding month being November for monthly users.

13.08.040 Validity

Subsec. 5.1 That if any Section, paragraph, clause or provision of this Ordinance 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 Ordinance.

13.08.050 Appeals

Subsec. 6.1 The method of computation of rates and service charges established for user charges in Article I, Section 3 through Section 7 shall be made available to a user within 30 days of receipt of a written request for such. Any such disagreement over the method used or in the computations thereof shall be remedied by the Village within 60 days after notification of a formal written appeal outlining the discrepancies.

13.08.060 Validity

Subsec. 7.1 All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions hereof are, to the extent of such conflict, hereby repealed.

Subsec. 7.2 The invalidity of any section, clause, sentence, or provision of this Ordinance shall not effect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

13.08.070 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in Chapter 13.08 shall be as follows:

Sec. 1 Federal Government

"Federal Act" means the Federal Clean Water Act (33 U.S.C. 466 et seq.) As amended, (Pub. L. 95-217).

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

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

Sec. 2 State Government

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

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

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

Sec. 3 Local Government

"Ordinance" means this Ordinance.

"Village of Tilton" means the Village of Tilton, Vermilion County, Illinois.

"Approving Authority" means the Village Board of Trustees and the Mayor of the Village of Tilton, Vermilion County, Illinois.

Sec. 4 "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

Sec. 5 "NDES 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.

Sec. 6 Clarification of word usage: "Shall" is mandatory; "may" is permissible.

Sec. 7 **Wastewater and its characteristics:**

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

"Sewage" is used interchangeably with "wastewater".

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

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

"Unpolluted Water" (MPL) 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.

"ppm" shall mean parts per million by weight.

"Milligrams per liter" shall mean a unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

"Suspended Solids" (SS) means 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.

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

"PH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

"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.

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

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

"Population equivalent" is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.2 pounds of SS.

"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 during the average twenty-four (24) hour concentration, or flows during normal operation.

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

"Major contributing industry" shall mean an industrial user of the publicly owned treatment works that: (a) has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent (10%) of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of the Federal Act; or (d) is found by the permit 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.

Sec. 8 **Sewer, types, and appurtenances:**

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

"Public sewer" shall mean a sewer provided by or subject to the jurisdiction of the Village of Tilton. It shall also include sewers within or outside the

Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary (or combined sewer system), even though those sewers may not have been constructed with Village funds.

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

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

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

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

"Building drain" shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Storm water runoff" shall mean that portion of the precipitation that is drained into the sewers.

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

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

Sec. 9 **Treatment:**

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

"Waste water 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".

Sec. 10 "Waste water 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.

Sec. 11 **Watercourse and connections:**

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

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 12 **User types:**

"User class" shall mean the type of user, "residential", "institutional/governmental", "commercial", or "industrial" as defined herein.

"Residential user" shall mean all dwelling units such as houses, mobile homes, apartment, or permanent multi-family dwellings.

"Commercial user" shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering services.

"Institutional/governmental user" shall include schools, churches, penal institutions and users associated with Federal, State and local governments.

"Industrial users" shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

"Control manhole" shall mean a structure located on a site from which industrial wastes are discharged.

Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.

Sec. 13 **Types of charges:**

"Wastewater service charge" shall be the charge per quarter or month levied on all users of the wastewater facilities. The service charge shall be computed as outlined in Chapter 00, Article II and shall consist of the total or the Basic User Charge, the Local Capital Cost and a surcharge, if applicable.

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

"Basic user charge" shall mean the basic assessment levied on all users of the public sewer system.

"Debt service charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of loans, bonds, etc., outstanding.

"Capital improvement charge" shall mean a charge levied on users to improve, extend or reconstruct the sewage treatment works.

"Loan capital cost charge" shall mean charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.

"Surcharge" shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in Chapter 00, Article III.

"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.

"Useful life" shall mean the estimated period during which the collection system and/or treatment works will be operated.

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

Chapter 13.12

EROSION, SEDIMENT CONTROL, AND STORM SEWERS

13.12.010 Purpose

The purpose of this ordinance is to control or eliminate soil erosion and sedimentation within the Village of Tilton. It establishes standards and specifications for conservation practices and planning activities which minimize soil erosion and sedimentation.

13.12.020 Scope

The ordinance controls land disturbances, soil storage, and erosion and sedimentation resulting from such activities and establishes procedures for issuance, approval, administration, and enforcement of the requirements of the Village's NPDES Permit for Storm Water Discharges.

13.12.030 Definitions

For the purposes of this ordinance, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

- (a) Applicant - Applicant is any person who submits an application to the Village for a permit pursuant to this ordinance.
- (b) Architect - Architect is a person duly registered or authorized to practice architecture in the State of Minnesota.
- (c) ASTM - ASTM is the American Society for Testing Materials.

- (d) Bedrock - Bedrock is in place solid rock.
- (e) Bench - Bench is a relatively level step excavated into earth material on which fill is to be placed.
- (f) Best Management Practices (BMP) - Best Management Practices (BMP) is a technique or series of techniques which are proven to be effective in controlling runoff, erosion, and sedimentation.
- (g) Borrow - Borrow is earth material acquired from an off-site location for use in grading on a site.
- (h) Village Engineer - Village engineer is the Official of the Village of Tilton and his/her duly authorized designees.
- (i) Civil Engineer - Civil engineer is a professional engineer registered in the State of Illinois to practice in the field of civil works.
- (j) Civil Engineering - Civil engineering is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.
- (k) Clearing and Grubbing - Clearing and grubbing is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.
- (l) Demolition - Demolition is any act or process of wrecking or destroying a building or structure.
- (m) Detention Facility - Detention facility is a temporary or permanent natural or man made structure that provides for the temporary storage of storm water runoff.
- (n) Developer - Developer is any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.
- (o) Erosion - Erosion is the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.
- (p) Erosion and Sediment Control Plan (Plan) - Erosion and Sediment Control Plan is a plan which includes a set of best management practices or equivalent measures designed to control

surface runoff and erosion and to retain sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with the specific requirements set forth in Section 1.9 of this Article 1.

(q) Erosion Control Inspector - Erosion control inspector is the Village Official who is appointed by the Village Board.

(r) Excavation - Excavation is the mechanical removal of earth material.

(s) Fill - Fill is a deposit of soil or other earth materials placed by artificial means.

(t) Final Erosion and Sediment Control Plan (Final Plan) - Final Erosion and Sediment Control Plan (Final Plan) is a plan which includes permanent measures and Best Management Practices to control surface runoff and control sediment if not included in the Erosion and Sediment Control Plan (Plan).

(u) Floodplain - Floodplain is the one hundred (100) year floodplain which is that area adjoining a watercourse which could be inundated by a flood that has a one (1) percent chance of being equaled or exceeded in any given year and is delineated on the Federal Emergency Management Agency Floodway Maps for Tilton.

(v) General Storm Water Permit - General storm water permit is the Illinois Environmental Protection Agency's (IEPA) general National Pollutant Discharge Elimination System (NPDES) construction storm water permit covering anyone conducting a land disturbing activity which disturbs one (1) or more acres of total land area.

(w) Grade - Grade is the vertical location of the ground surface.

i) *Existing grade* is the grade prior to grading.

ii) *Rough grade* is the stage at which the grade approximately conforms to the approved plan.

iii) *Finish grade* is the final grade of the site which conforms to the approved plan.

(x) Issuing Authority - Issuing authority is the Village of Tilton - Village Official and their duly authorized designees.

(y) Land Disturbance Activity - Land disturbance activity is any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the Village of Tilton, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. Land disturbance activity does not include the following:

- i) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs, and maintenance work which do not disturb more than five hundred (500) square feet of land.
- ii) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- iii) Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved Erosion and Sediment Control Plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this Article.

(z) Landscape Architect - Landscape architect is a person duly registered or authorized to practice landscape architecture in the State of Illinois.

(aa) Maintenance Project - Maintenance project is a non-construction related activity.

(bb) Manual of Standards - Manual of Standards is a compilation of technical standards and design specifications adopted by the Village of Tilton as being proven methods of controlling construction related surface runoff, erosion and sedimentation. This includes the *Illinois Urban Manual, NCRS, Illinois Environmental Protection Agency - Standards for Soil Erosion and Sediment Control*.

(cc) IDOT - IDOT is the Illinois Department of Transportation.

(dd) Outfall - Outfall is the point of discharge to any watercourse from a public or private stormwater drainage system.

(ee) Owner - Owner is any person with a legal or equitable interest in the land for which an erosion control permit has been issued.

(ff) Permittee - Permittee is the applicant in whose name a valid permit is duly issued pursuant to the Article 1 and his/her agents, employees, and others acting under his/her direction

(gg) Retention Facility - Retention facility is a temporary or permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

(hh) Runoff - Runoff is rainfall, snowmelt, or irrigation water flowing over the ground surface.

(ii) Sediment - Sediment is soils or other surficial materials transported by surface water as a product of erosion.

(jj) Sedimentation - Sedimentation is the process or action of deposition sediment that is determined to have been caused by erosion.

(kk) Select topsoil borrow - Select topsoil borrow is the material furnished under IDOT specifications.

(ll) Site - Site is the entire area of land on which the land disturbance activity is proposed in the permit application.

(mm) Site Plan - Site plan is a plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

(nn) Slope - Slope is the incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

(oo) Soil - Soil is naturally occurring surficial deposits overlying bedrock.

(pp) Soils Engineer (Geotechnical Engineer) - Soils engineer (geotechnical engineer) is an engineer experienced and

knowledgeable in the practice of soils engineering (geotechnical) engineering.

(qq) Soils Engineering (Geotechnical Engineering) - Soils engineering (geotechnical engineering) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and/or testing of the construction thereof.

(rr) Stripping - Stripping is any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

(ss) Structure - Structure is anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, roads, parking lots, and paved storage areas.

(tt) Surveyor - Surveyor is a person duly registered or authorized to practice land surveying in the State of Illinois.

(uu) Topsoil - Topsoil is the upper layer of soil.

(vv) Topsoil Borrow - Topsoil borrow is the material furnished under IDOT specifications

(ww) Utility - Utility is the owner/operator of any underground facility including an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, water including stormwater, steam, sewage and other similar substances.

(xx) Watercourse - Watercourse is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

(yy) Watershed - Watershed is a region draining to a specific river, river system, or body of water.

(zz) Watershed District/Watershed Management Organization (WMO) - Watershed District/Watershed Management Organization (WMO) is an organization which oversees the activities in a particular watershed as defined by Illinois Statutes.

(aaa) Wetlands - Wetlands is a lowland area such as a marsh, that is saturated with moisture, as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1987.

13.12.040 Retention to Other Laws

Neither Article 1 nor any administrative decision made under it exempts the permittee or any other person from procuring other required permits or complying with the requirements and conditions of such a permit, or limits the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the permittee or any other person arising from the activity regulated by Article 1.

13.12.050 Exemptions

The following activities are exempt from obtaining a permit and from following the procedures required in Article 1:

- (1) Cemetery graves.
- (2) Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
- (3) Any activity where the total volume of material disturbed, stored, disposed of or used as fill does not exceed five (5) cubic yards or the area disturbed does not exceed five hundred (500) square feet provided it does not obstruct a watercourse, and is not located in a floodplain.

13.12.060 Manner of Work

All land disturbing or land filling activities or soil storage, whether pursuant to Article 1 or otherwise, shall be undertaken in a manner designed to minimize surface runoff, erosion and sedimentation. Whenever the issuing authority determines that any land disturbing activity on any private property has become a hazard to life and limb, or endangers the property of another, or adversely affects the safety, use, slope, or soil stability of a public way, publicly controlled wetland, or watercourse, then the owner of the property upon which the land disturbing activity is located, or other person or agent in control of said property, upon receipt of notice in writing from the issuing authority, shall within the period specified therein repair or eliminate such conditions.

Exempt activities under Section 1.5 or the activities excluded under the definition of land disturbance activities under Section 1.3 are also subject to the provisions of this section. If the Village incurs costs to enforce the provisions of the section because of any activity listed in Section 1.5, reimbursement of Village costs associated with the correction work completed by the Village must occur prior to the issuance of a letter certifying completion, when required under Section 1.32.

13.12.070 Erosion and Sediment Control Performance Standards

A construction project shall be considered in conformance with Article 1 if soils have been prevented from being deposited onto adjacent properties, rights-of-ways, public storm drainage system, or wetland or watercourse. The design, testing, installation, and maintenance of erosion and sediment control operations and facilities shall adhere to the standards and specifications contained in the Manual of Standards which shall be hereby incorporated into Article 1. In the event of conflict between provisions of said manual and of Article 1, Article 1 shall govern. A copy of the Manual of Standards and amendments shall be filed with the Village Official.

13.12.080 Application

A written application from the owner of the site, or his/her authorized representative, in the form prescribed by Section 1.9, shall be required for each permit. The fees for said permit shall be paid pursuant to the _____. Plans and specifications shall be prepared or approved and signed by a civil engineer, surveyor, architect, or landscape architect. The Village Engineer may waive the preparation or approval and signature by the civil engineer, surveyor, architect, or landscape architect when it is self-evident that the work is simple, clearly shown, and entails no hazard or nuisance potential to adjacent property or watercourse, and does not include the placement of fill upon which a structure may be erected.

13.12.090 Permit Application Form

The following information is required on the application:

- (1) Name, address, and telephone number of owner.

(2) Name, address, and telephone number of applicant, if different than owner.

(3) Names, addresses, and telephone numbers of any and all contractors, subcontractors or persons actually doing the land disturbing or land filling activities and their respective tasks.

(4) Name(s), address(es), and telephone number(s) of the person(s) responsible for the preparation of the Site Map and Grading Plan.

(5) Name(s), address(es), and telephone number(s) of the person(s) responsible for the preparation of the Erosion and Sediment Control Plan.

(6) Name(s), address(es), and telephone number(s) of the registered engineer(s) responsible for the preparation of the soils engineering and engineering geology reports, where required.

(7) Address of site.

(8) Date of the application.

(9) Signature(s) of the owner(s) of the site or an authorized representative.

13.12.100 Erosion and Sediment Control Plan (Plan)

Land disturbance activities which are in excess of one (1) acre area of earth moved require an erosion and sedimentation control plan approved by the Village Official. These plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation. The owner/developer shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan. In addition, the following information shall be included in any plan.

(1) A letter of transmittal, which includes a project narrative.

(2) An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water

bodies and other significant geographic features, and roads and other significant structures.

(3) An indication of the scale used.

(4) The name, address, and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed.

(5) Suitable contours for the existing and proposed topography.

(6) The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.

(7) A clear and definite delineation of any areas of vegetation or trees to be saved.

(8) A clear and definite delineation of any wetlands, natural or artificial water storage detention areas, and drainage ditches on the site.

(9) A clear and definite delineation of any one hundred (100) year floodplain on or near the site.

(10) Storm drainage system, including quantities of flow and site conditions around all points of surface water discharge from the site.

(11) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.

(12) Design details for both temporary and permanent erosion control structures.

(13) Details of temporary and permanent stabilization measures including a construction note on the plan stating: "Following initial soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within seven (7) calendar days on all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); embankments of ponds, basins, and traps; and within fourteen (14) days on all other disturbed or graded areas. The requirements of this section do not apply to those areas which are shown on the plan and are currently being used for material

storage or for those areas on which actual construction activities are currently being performed.”

(14) A chronological construction schedule and time frame including, as a minimum, the following activities:

- i) Clearing and grubbing for those areas necessary for installation of perimeter erosion control devices.
- ii) Construction of perimeter erosion control devices.
- iii) Remaining interior site clearing and grubbing.
- iv) Installation of permanent and temporary stabilization measures.
- v) Road grading.
- vi) Grading for the remainder of the site.
- vii) Utility installation and whether storm drains will be used or blocked after construction.
- vii) Building, parking lot, and site construction.
- viii) Final grading, landscaping or stabilization.
- ix) Implementation and maintenance of final erosion control structures.
- x) Removal of temporary erosion control devices.

(15) A statement noting that the contractor, developer, and owner shall request the Erosion Control Inspector to inspect and approve work completed in accordance with the approved Erosion and Sediment Control Plan, and in accordance with the ordinance. The contractor, developer, or owner shall be required to obtain written approval by the Inspector at the stages of development as outlined in Section 1.25, subsections (1), (2), and (3).

(16) A signed statement on the plan by the owner, developer, and contractor that any clearing, grading, construction, or development, or all of these, will be done pursuant to the plan.

(17) The Village Official may require any additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed necessary to ensure compliance with the

provisions of Article 1, the Manual of Standards, or the preservation of public health and safety.

(18) A description of, and specifications for, sediment retention structures.

(19) A description of, and specifications for, surface runoff and erosion control devices.

(20) A description of vegetative measures.

(21) The applicant may propose the use of any erosion and sediment control techniques in a Final Plan provided such techniques are proven to be as or more effective than the equivalent best management practices as contained in the Manual of Standards.

(22) Proposed conditions of the site on the 15th of each month between and including the months of April through October.

13.12.110 Soil Engineering Report

A soils engineering report, when required by the Village Official, based upon his/her determination that the condition of the soils is unknown or unclear so that additional information is required to protect against erosion or other hazard, shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and approved by the Village Engineer shall be incorporated in the grading plans and/or specifications.

(1) Data regarding the nature, distribution, strength, and erodibility of existing soils.

(2) If applicable, data regarding the nature, distribution, strength, and erodibility of soil to be placed on the site.

(3) Conclusions and recommendations for grading procedures.

(4) Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.

(5) Design criteria for corrective measures when necessary.

(6) Opinions and recommendations covering the stability of the site.

13.12.120 Engineering Geology Report

When deemed necessary by the Village Engineer, based upon his/her determination that the condition of the soils is unknown or unclear so that additional information is required to protect against erosion or other hazard, an engineering geology report shall be provided based on adequate and necessary test borings, giving an adequate description of the geology of the site with conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and giving opinions and recommendations covering the adequacy of sites to be developed by the proposed land disturbing activity. Recommendations included in the report and approved by the Village Engineer shall be incorporated in the grading plans and/or specifications.

13.12.130 Work Schedule

When not submitted as part of a plan the applicant shall submit to the Village Engineer, a master work schedule showing the following information:

- (1) Proposed grading schedule.
- (2) Proposed schedule for installation of all erosion and sediment control measures including, but not limited to, the stage of completion of erosion and sediment control devices and vegetative measures.
- (3) Schedule for construction of final improvements, if any.
- (4) Schedule for installation of permanent erosion and sediment control devices where required.

13.12.140 Permit Required

Except as otherwise provided in Article 1, no person may grade, fill, excavate, store, stockpile or dispose of earth materials or perform any other land disturbing or land filling activity without first obtaining an erosion and sediment control permit from the Village Official. Annual maintenance permits are available for maintenance projects greater than one (1) acre area.

13.12.150 Permit Duration

Permits issued under Article 1 shall be valid for the period during which the proposed land disturbing or filling activities and soil storage takes place or is scheduled to take place, whichever is shorter, but in no event shall such a permit be valid for more than one (1) year. The permittee shall commence permitted activities within one hundred eighty (180) days of the scheduled commencement date for grading or the permittee shall resubmit all required application forms, maps, plans, and schedules to the issuing authority, except where an item to be resubmitted is waived by the issuing authority.

13.12.160 Permit Renewals/Extensions

The permittee shall fully perform and complete all of the work required in the sequence shown on the plans within the time limit specified in the permit. Prior to the expiration of an erosion and sediment control permit, the permittee may present a written request for an extension to the Village Official. If, in the opinion of the issuing authority, an extension is warranted, a one time no fee extension, not to exceed ninety (90) days, may be granted. The issuing authority may authorize additional extensions not to exceed a total of one (1) year at the rate of _____ dollars (\$_____) per extension.

13.12.170 Permit Denial

If the issuing authority determines that the Erosion and Sediment Control Plan does not meet the requirements of Article 1, he/she shall not issue a permit for the land disturbing activity. The Erosion and Sediment Control Plan must be resubmitted for approval before the land disturbance activity begins. All land use and building permits must be suspended until the permittee has an approved Erosion and Sediment Control Plan.

13.12.180 Conditions of Approval

In granting any permit pursuant to Article 1, the issuing authority may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions shall include (even if not specifically written in the permit), but need not be limited to:

(1) The granting (or securing from others) and the recording in County land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities.

(2) Adequate control of dust by watering, or other control methods acceptable to the issuing authority, and in conformance with applicable air pollution ordinances.

(3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under Article 1 for new grading, drainage and erosion control.

(4) Sediment traps and basins located within a densely populated area or in the proximity of an elementary school, playground or other area where small children may congregate without adult supervision may be requested to install additional safety related devices.

13.12.190 Liability

The permittee is responsible for safely and legally completing the project. Neither the issuance of a permit under the provisions of Article 1, nor the compliance with the provisions hereto or with any condition imposed by the issuing authority, shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the Village for damages to persons or property.

13.12.200 Responsibility of Permittee

The permittee shall maintain a copy of the permit, approved plans and reports required under the permit on the work site and available for public inspection during all working hours. The permittee shall, at all times, be in conformity with the approved grading plan, Erosion and Sediment Control Plans and also conform to the following:

(1) General - Notwithstanding other conditions or provisions of the permit, or the minimum standards set forth in Article 1, the permittee is responsible for the prevention of damage to adjacent property. No person shall grade on land in any manner, or so close to the property line as to endanger or damage any

adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result.

(2) Public Ways - The permittee shall be responsible for the prompt removal of, and the correction of damages resulting from any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfare, incident to the construction activity, or during transit to and from the construction site.

13.12.210 Permit Authorization

The issuance of an erosion and sediment control permit shall constitute an authorization to do only that work described in the permit, or shown on the approved site plans and specifications, all in strict compliance with the requirements of Article 1, unless each and every modification or waiver is specifically listed and given specific approval by the issuing authority.

13.12.220 Compliance

The permittee, his/her agent, contractors and employees shall carry out the proposed work in accordance with the approved plans and specifications, and in compliance with all the requirements of the permit, including those documents referenced in Section 1.7 of Article 1.

13.12.230 Action Upon Noncompliance

(1) In the event work does not conform to the permit or to the plans and specifications or to any instructions of the issuing authority, notice to comply shall be given to the permittee in writing. After a notice to comply is given, in the determination of the issuing authority, the permittee or his/her contractor shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that the corrective work begin immediately.

(2) If the issuing authority finds any existing conditions not as stated in the application or approved plans, he/she may stop the work on the entire project or any specified part thereof

until a revised plan is submitted conforming to the currently existing conditions.

(3) Failure of the permittee to comply with the directives of this section will constitute a violation pursuant to Section 1.29, and will be considered a nuisance pursuant to Laws of Illinois, and the issuing authority may cancel the permit and proceed with the necessary restoration of the site at the expense of the owner. The owner will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in Section 1.29.

13.12.240 Changes to Plan

All changes or modifications to the approved Erosion and Sediment Control Plans must adhere to the following conditions:

(1) All proposals to modify the approved plans must be submitted to the Village Official/Village Engineer for his/her approval. No grading or any type of work in connection with any proposed modification shall be without prior written approval of the issuing authority.

(2) When inspection of a site indicates that the approved Erosion and Sediment Control Plan needs change, the change shall be in compliance with the erosion and sediment control criteria contained in the Manual of Standards. The Erosion Control Inspector may approve minor modifications to approved Erosion and Sediment Control Plans in the field if documented on a field inspection report. The modification shall be noted on the approved plans, signed by the Inspector, and dated. A list of allowable field Modifications for use by field inspection personnel will be kept in the Manual of Standards.

(3) The permittee shall submit requests for major revisions to approved Erosion and Sediment Control Plans, such as the addition or deletion of a sediment basin, to the Village Engineer. This includes revisions due to plan and site discrepancies and inadequacies at controlling erosion and sediment as revealed through inspection.

13.12.250 Inspection and Supervision

The contractor and/or their agents shall conduct a pre-construction meeting on-site with the issuing authority on each site which has an approved Erosion and Sediment Control Plan.

After commencing initial grading or land disturbing activities, the permittee shall obtain written inspection approvals (see attached inspection checklist) by the issuing authority at the following stages in the development of the site, or of each subdivision thereof:

(1) Upon completion of installation of perimeter erosion and sediment controls, prior to proceeding with any other land disturbance or grading. Other building or grading inspection approvals may not be authorized until initial approval by the Erosion Control Inspector is made.

(2) Upon completion of stripping, the stockpiling of topsoil, the construction of temporary erosion and sediment control facilities, disposal of all waste material, and preparation of the ground and completion of rough grading but prior to placing top soil, permanent drainage or other site development improvements and ground covers.

(3) Upon completion of final grading, permanent drainage and erosion control facilities including established ground covers and planting, and all other work of the permit. The issuing authority may require additional inspections as may be deemed necessary. Work shall not proceed beyond the stages outlined above until the Erosion Control Inspector inspects the site and approves the work previously completed. Requests for inspections shall be made at least twenty-four (24) hours in advance (exclusive of Saturdays, Sundays, and holidays) of the time the inspection is desired. Upon request for inspections, the issuing authority shall perform the inspection within forty-eight (48) hours of request. In making application for a permit covered by Article 1, the applicant or the landowner performing or allowing such work consents to the issuing authority having the right to enter the site for the purpose of inspecting compliance with the Erosion and Sediment Control Plan or for performing any work necessary to bring the site into compliance with the Erosion and Sediment Control Plan. This does not include consent to enter into any building which is completed and which has been secured, but does include consent to inspect any area of the property where land disturbing activity is occurring or is thought to be planned as a site of land disturbing activity.

13.12.260 Changes During Construction Reports

The permittee shall submit written reports to the issuing authority under the following circumstances along with recommendations for corrective measures, if deemed necessary and

appropriate, with such reports unless the recommendation requirement is waived by the issuing authority.

(1) There are delays in obtaining materials, machinery, services or manpower necessary to the implementation of the grading, or Erosion and Sediment Control Plan as scheduled.

(2) There are delays in land disturbing or filling activities or soil storage.

(3) The work is not being done in conformance with the approved grading, or Erosion and Sediment Control Plans.

(4) There are any departures from the approved grading plan which may affect implementation of the Erosion and Sediment Control Plans as scheduled.

(5) There are any delays in the implementation of the Erosion and Sediment Controls Plans.

(6) There are any other departures from implementation of the Erosion and Sediment Control Plans.

13.12.270 Maintenance During and After Construction

On any property on which grading or other work has been done pursuant to a permit granted under the provisions of Article 1, the permittee or owner, their agent, contractor, and employees shall, at a minimum, daily inspect, maintain and repair all graded surfaces and erosion control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while construction is active. After construction is complete, the owner or their agent shall continue to regularly inspect the vegetation until adequate turf establishment or other suitable vegetative cover is established.

13.12.280 Security

The issuing authority may require the posting of a surety bond in a form approved by the Village Attorney, when in the judgment of the issuing authority the project provides potential for environmental damage. The bond shall be in such form and amount as is necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected. In lieu of a surety bond, with the approval of the issuing authority, the applicant may file a cash bond or instrument of credit that has been approved by the Village

Attorney in an amount equal to that which would be required in the surety bond.

13.12.290 Enforcement

The issuing authority shall be responsible for the enforcement of Article 1.

(1) The issuing authority may post a stop-work order for the entire project or any specified part thereof if any of the following conditions exist:

- i) Any land disturbance activity regulated under Article 1 is being undertaken without a permit.
- ii) The Erosion and Sediment Control Plan is not being fully implemented.
- iii) Any of the conditions of the permit are not being met.

(2) For the purposes of this section, a stop-work order is validly posted by posting a copy of the stop-work order on the site of the land disturbing activity in reasonable proximity to a location where the land disturbing activity is taking place. Additionally, a copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as owner of the property by the Village Official on the homestead record, or if none, to the taxpayer shown by the records of the Village Official.

(3) If the permittee does not cease the activity or comply with the Erosion and Sediment Control Plan or permit conditions within one (1) day, the issuing authority may revoke the permit.

(4) If the owner or land user where no permit has been issued does not cease the land disturbance activity, the issuing authority may request the Village Attorney to obtain injunctive relief.

(5) The issuing authority may retract the revocation.

(6) Ten (10) days after posting a stop-work order, the issuing authority may issue a notice of intent to the permittee, owner, or land user of the issuing authority's intent to perform work

necessary to comply with Article 1. The issuing authority may go on the land and commence work after fourteen (14) days from issuing the notice of intent. The costs incurred by the issuing authority to perform this work shall be paid by the owner or permittee out of the bond referred to in Section 1.28 of Article 1, to the extent that the amount is covered thereby, with the remainder being directly due and owing by the owner or permittee. In the event no permit was issued or no bond was posted, the cost, plus interest at the rate authorized by the issuing authority, plus a reasonable administrative fee shall be billed to the owner. If in any event the amount due is not paid, the Village Clerk shall enter the amount due on the tax roll and collect as a special assessment against the property using the procedures for collecting the assessment, providing for the notice of assessment, hearing thereon, and appeal as provided by the Illinois Code of Ordinances.

(7) Compliance with the provisions of Article 1 may also be enforced by injunction.

(8) A notice of intent to perform work necessary to comply with Article 1 pursuant to subsection 6 of this section may be served in the manner specified for a stop-work order in subsection 2.

13.12.300 Penalties

Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of Article 1 shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than __ hundred dollars (\$ __.00) and not more than ___ hundred dollars (\$ __.00), or by imprisonment for not more than __ (__) days, or both, for each separate offense. Each day there is a violation of any part of Article 1 shall constitute a separate offense.

13.12.310 Final Reports

Upon completion of the work, the issuing authority may require a report (including as-built construction plans) from a civil engineer, surveyor, architect, or landscape architect certifying that all erosion and sediment control devices have been completed in accordance with the conditions of the permit and approved plans and specifications, and with specific listing of all approved changes and modifications.

13.12.320 Certification Compliance

Upon receipt and approval of the final reports, if required by Section 1.31 and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this subtitle, the issuing authority will issue a letter certifying completion.

13.12.330 Erosion and Sediment Control Inspection Checklist

**EROSION AND SEDIMENT CONTROL INSPECTION
CHECKLIST**

Village of Tilton, IL

INSPECTION REPORT

Sheet ___ of ___

Project Name: _____ File No. _____

Inspection Date: _____ Time: _____

Inspected by: _____

STAGE OF CONSTRUCTION

___ Pre-Construction Conference ___ Rough Grading ___ Finish
Grading

___ Clearing and Grubbing ___ Building Construction ___ Final
Stabilization

=====

INSPECTION CHECKLIST

- | Yes | No | N/A | |
|------------|-----------|------------|--|
| [] | [] | [] | Have all denuded areas requiring temporary or permanent stabilization been stabilized? Seeded? yes/no Mulched? yes/no Graveled? yes/no |
| [] | [] | [] | Are soil stock piles adequately stabilized with seeding and/or sediment trapping measures? |
| [] | [] | [] | Does permanent vegetation provide adequate stabilization? |
| [] | [] | [] | Have sediment trapping facilities been constructed? |
| [] | [] | [] | For perimeter sediment trapping measures, are earthen structures stabilized? |
| [] | [] | [] | Are sediment basins installed where needed? |
| [] | [] | [] | Are finished cut and fill slopes adequately stabilized? |
| [] | [] | [] | Are on-site channels and outlets adequately stabilized? |
| [] | [] | [] | Do all operational storm sewer inlets have adequate inlet protection? |
| [] | [] | [] | Are stormwater conveyance channels adequately stabilized with channel lining and/or outlet protection? |

- Is in-stream construction conducted using measures to minimize channel damage?
- Are temporary stream crossings of non-erodible material installed where applicable?
- Is necessary restabilization of in-stream construction complete?
- Are utility trenches stabilized properly?
- Are soil and mud kept off public roadways at intersections with site access roads?
- Have all temporary control structures that are no longer needed been removed?
- Have all control structure repairs and sediment removal been performed?
- Are properties and waterways downstream from development adequately protected from Erosion and sediment deposition due to increases in peak stormwater runoff?

=====

Comments:

Verbal/Written notification given to:

Report by: _____ Date: _____

Chapter 13.16

STORM SEWER ORDINANCE

13.16.010 Title

This Article shall be known as the "Urban Storm Water Quality Management and Discharge Control Ordinance" of the Village of Tilton and may be so cited.

13.16.020 Purpose and Intent

The purpose and intent of this Article is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. 1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system.

13.16.030 Definitions

The terms used in this Article shall have the following meanings:

(a) Best Management Practices - Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best Management Practices include but are not limited to: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the Village determines appropriate for the control of pollutants.

(b) Village - The Village of Tilton.

(c) Clean Water Act - The federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

(d) Construction Activity - Activities subject to NPDES Construction Permits. These include construction projects

resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

(e) Hazardous Materials - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (Illinois Health and Safety Code).

(f) Illegal Discharge - Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Article 2, Section 2.1 of this ordinance.

(g) Illicit Connections - An illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Village.

(h) Industrial Activity - Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).

(i) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits- General, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The U.S. Environmental Protection Agency and the Illinois Environmental Protection Agency have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.

(j) Non-Storm Water Discharge - Any discharge to the storm drain system that is not composed entirely of storm water.

(k) Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

(l) Pollution - The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (Illinois Administrative Code).

(m) Premises - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(n) Storm Drain System - Publicly-owned facilities operated by the Village by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the Village and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

(o) Storm Water - Any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

(p) Waters of the United States - Surface watercourses and water bodies as defined at 40 CFR 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

13.16.040 Applicability

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the Village of Tilton including any amendments or revisions thereto.

13.16.050 Responsibility for Administration

The Village Official shall administer, implement, and enforce the provisions of this Article. Any powers granted or duties imposed upon the Village Official may be delegated in writing by the Village President and Village Board to persons or entities acting in the beneficial interest of or in the employ of the Village.

13.16.060 Severability

The provisions of this Article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Article.

13.16.070 Regulatory Consistency

This Article shall be construed to assure consistency with the requirements of the Clean Water Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.

13.16.080 Ultimate Responsibility of Discharger

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore this Article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This Article shall not create liability on the part of the Village of Tilton, or any agent or employee thereof for any damages that result from any discharger's reliance on this Article or any administrative decision lawfully made thereunder.

13.16.090 Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(a) Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the U.S. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the general NPDES permit, Clean Water Act, or this ordinance: potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to the storm drain system; uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; and flows from fire fighting.

(b) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of Illinois under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the Village of Tilton for any discharge to the storm drain system.

(c) With written concurrence of the Village Board, the Village of Tilton may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drain system nor waters of the U.S.

13.16.100 Prohibition of Illicit Connections

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

13.16.110 Waste Disposal Prohibitions

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

13.16.120 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Village Official prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

13.16.130 Requirements to Prevent, Control, and Reduce Storm Water Pollutants

(a) Authorization to Adopt and Impose Best Management Practices - The Village will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. Where Best Management Practices requirements are promulgated by the Village or any federal or State of Illinois for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the U.S.,

every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

The Village Official will report to the Village Board annually on the status of implementation of BMPs, the pollutants of concern to be addressed the next year, and any new BMPs to be developed.

(b) New Development and Redevelopment - The Village may adopt requirements identifying appropriate Best Management Practices to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The Village shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this Article and the Village's other Storm Water Utility Ordinance.

(c) Responsibility to Implement Best Management Practices - Notwithstanding the presence or absence of requirements promulgated pursuant to subsections (a) and (b), any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

13.16.140 Requirements to Eliminate Illegal Discharges

Notwithstanding the requirements of Article 4, Section 4.1 herein, the Village Official may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

13.16.150 Requirements to Eliminate or Secure Approval for Illicit Connections

(a) The Village Official may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this Article to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Article.

(b) If, subsequent to eliminating a connection found to be in violation of this Article, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request Village approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

13.16.160 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

13.16.170 Requirements to Remediate

Whenever the Village Official finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the U.S., the Village Official may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the

affected property restored within a specified time pursuant to the provisions of Sections 5.1 through 5.4 below.

13.16.180 Requirements to Monitor and Analyze

The Village Official may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to the Village of Tilton as deemed necessary to determine compliance with this Article.

13.16.190 Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material, said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the Village Official in person or by phone or facsimile no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Village Hall within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

13.16.200 Authority to Inspect

Whenever necessary to make an inspection to enforce any provision of this Article, or whenever the Village Official has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Article, the Village Official may enter such premises at

all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the Village is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

13.16.210 Authority to Sample, Establish Sampling Devices

During any inspection as provided herein, the Village Official may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

13.16.220 Notice of Violation

Whenever the Village Official finds that a person has violated a prohibition or failed to meet a requirement of this Article, he may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the Village or a contractor designated by the Village Official and the expense thereof shall be charged to the violator pursuant to Section 5.3 below.

13.16.230 Appeal

Notwithstanding the provisions of Section 5.5 below, any person receiving a Notice of Violation under Section 5.1 above may appeal the determination of the Village Official to the Village Board. The notice of appeal must be received by the Village Board within 5 days from the date of the Notice of Violation. Hearing on the appeal before the Village Board or his/her designee shall take place during the next monthly board meeting from the date of receipt of the notice of appeal. The decision of the Village Board shall be final.

13.16.240 Abatement by Village

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under section 5.2, within 10 days of the decision of the Village Board upholding the decision of the Village Official, then the Village Official or a contractor designated by him or her shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Village Official or designated contractor to enter upon the premises for the purposes set forth above.

13.16.250 Charging Cost of Abatement Liens

Within 30 days after abatement of the nuisance by Village, the Village Official shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the Village Clerk within 15 days. The Village Clerk shall set the matter for public hearing by the Village Board. The decision of the Village Board shall be set forth by resolution and shall be final.

If the amount due is not paid within 10 days of the decision of the Village Board or the expiration of the time in which to file an appeal under this Section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the Village Auditor so that the auditor may enter the amounts of the assessment against the parcel. The tax collector shall include the amount of the

assessment on the bill for taxes levied against the parcel of land.

13.16.260 Urgency Abatement

The Village Official is authorized to require immediate abatement of any violation of this Article that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Village Official, the Village of Tilton is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the Village of Tilton shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent Village from seeking other and further relief authorized under this Article.

13.16.270 Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. A violation of or failure to comply with any of the requirements of this Article shall constitute a misdemeanor and shall be punished as set forth in Village Code.

13.16.280 Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the Village Official may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

13.16.290 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the Village at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Village.

13.16.300 Acts Potentially Resulting in a Violation of the
Federal Clean Water Act

Any person who violates any provision of this Article or any provision of any requirement issued pursuant to this ordinance may also be in violation of the Clean Water Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Article shall also include written notice to the violator of such potential liability.

13.16.310 Ordinance in Force

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

Passed by the Board of Trustees of the Village of Tilton, Vermilion County, Illinois, approved by the Mayor, and deposited in the Office of the Village Clerk, this _____ day of _____, 2006.

Those voting aye:

Those voting nay:

Those absent:

VILLAGE OF TILTON, VERMILION
COUNTY, ILLINOIS

BY: _____
David Phillips, Mayor

ATTEST:

Connie Weddle, Village Clerk

Village of Tilton, Illinois