

*Revised Code*  
*-of-*  
*Ordinances*  
*of*  
*Randolph County*  
*Illinois*

**[Supplemented August 1, 2020]**

**PREPARED BY:**  
**Illinois Codification Services**  
"Serving Illinois Since 1970"  
Post Office Box 69  
Freeburg, Illinois 62243-0069  
**Phone: (618) 539-5771**

# COUNTY OF RANDOLPH

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**ORDINANCE NO. 16-04**

**AN ORDINANCE ADOPTING  
A REVISED CODE OF ORDINANCES  
FOR THE  
COUNTY OF RANDOLPH**

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**ADOPTED BY THE  
COUNTY COMMISSIONERS  
OF  
RANDOLPH COUNTY**

**THIS 6<sup>TH</sup> DAY OF MAY, 2016**

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**Published in book form by authority of the County Board of  
Randolph County, Illinois this 6<sup>th</sup> day of May, 2016.**

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**UNDER THE SUPERVISION OF STATE'S ATTORNEY  
JEREMY WALKER**

**ORDINANCE NO. 16-04**

**AN ORDINANCE ADOPTING A REVISED CODE OF ORDINANCES FOR THE COUNTY OF RANDOLPH, ILLINOIS.**

**BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF RANDOLPH, ILLINOIS, THAT:**

**SECTION 1: Adoption.** There is hereby adopted a "Revised Code of Ordinances" for the County of Randolph, Illinois shall be as follows:

**[SEE EXHIBIT "A" FOLLOWING]**

**SECTION 2: Severability of Provisions.** Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 3: Conflicting Ordinances.** Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

**SECTION 4: Effective.** This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form as provided by law.

**SECTION 5:** Passed this 6<sup>th</sup> day of May, 2016 by the County Board of the County of Randolph, Illinois, and deposited and filed in the office of the County Clerk in said County on that date.

\_\_\_\_\_  
PAT LARAMORE  
RANDOLPH COUNTY CLERK

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
David Holder	X				
Ronnie White	X				
Marc Kiehna	X				

Signed by the County Board Chairman of the County of Randolph, Illinois, this 6<sup>th</sup> day of May, 2016.

/s/ Marc Kiehna  
MARC KIEHNA  
RANDOLPH COUNTY CHAIRMAN

ATTEST:  
/s/ Pat Laramore  
PAT LARAMORE  
RANDOLPH COUNTY CLERK

**(SEAL)** \_\_\_\_\_

Commented [JJK1]:

## COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS    )  
  )  
COUNTY OF RANDOLPH                                    ) ss. COUNTY CLERK'S OFFICE

I, Pat Laramore, County Clerk of the County of Randolph, Illinois, do hereby certify that the following Code of the County of Randolph, Illinois, published by authority of the County Board was duly passed by the County Board of the County of Randolph, Illinois, approved by the Chairman, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the Corporate Seal of the County of Randolph, Illinois, this 20<sup>th</sup> day of May, 2016.

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PAT LARAMORE  
COUNTY CLERK  
RANDOLPH COUNTY, ILLINOIS

**(SEAL)**

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<b>1.</b>	<b>Administration</b>	<b>1-1</b>
<b>3.</b>	<b>Animals</b>	<b>3-1</b>
<b>5.</b>	<b>Boards - Commissions</b>	<b>5-1</b>
<b>6.</b>	<b>Buildings</b>	<b>6-1</b>
<b>8.</b>	<b>Business Code</b>	<b>8-1</b>
<b>9.</b>	<b>Cable Television</b>	<b>9-1</b>
<b>12.</b>	<b>Employee Personnel Code</b>	<b>12-1</b>
<b>14.</b>	<b>Flood Plain Code</b>	<b>14-1</b>
<b>18.</b>	<b>Health Regulations</b>	<b>18-1</b>
<b>19.</b>	<b>Jail Regulations</b>	<b>19-1</b>
<b>20.</b>	<b>Land Resource Department</b>	<b>20-1</b>
<b>21.</b>	<b>Liquor</b>	<b>21-1</b>
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<b>24.</b>	<b>Motor Vehicle Code</b>	<b>24-1</b>
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<b>30.</b>	<b>Public Safety</b>	<b>30-1</b>
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<b>33.</b>	<b>Street Regulations</b>	<b>33-1</b>
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**LIST OF ORDINANCES  
AND RESOLUTIONS**

**RANDOLPH COUNTY, ILLIONIS**

<b>ORD. #</b>	<b>TITLE</b>	<b>DATE</b>	<b>LOCATION IN CODE</b>
	Nursing Home Lease	05/09/77	Special Legislation
	Motor Vehicle: Weight	12/26/79	Ch. 24.28
	Liquor: Sales	04/28/80	Ch. 21.33; 21.34; 21.61
	Nursing Home Lease	04/06/81	Special Legislation
	Use Tax	07/01/81	Chapter 36
19-81	Tax: Nursing Home	07/27/81	Special Legislation
	Fees: Taxation	10/20/81	Chapter 36
L-49	Liquor	03/01/82	Ch. 21.17-1; 21.39; 21.42; 21.43; 21.48; 21.50; 21.59; 21.61; 21.63
C-50	Employees	03/31/82	Chapter 29
C-57	JTPA	03/14/83	Special Legislation
C-58	JTPA	03/14/83	Special Legislation
L-59	Liquor	07/05/83	Ch. 21.17-1
C-64	C.D.A.P. Port Dist.	08/28/83	Special Legislation
C-67	Dissolve County Health Dept.	09/19/83	Special Legislation
C-68	Establish: Health Dept.	09/19/83	Chapter 18
	Ambulance Tax	01/16/84	Special Legislation
	Chester Bridge	01/30/84	Special Legislation
	Ambulance Service	05/07/84	Special Legislation
	Econ. Develop. District	05/31/84	Special Legislation
	Health Code	06/04/84	Chapter 18
84-75	Inoperable Vehicles	10/29/84	Chapter 25
C-76	C.D.A.P. Baldwin Port.	12/17/84	Special Legislation
	Mutual Aid Agreement	03/11/85	Chapter 30
	Circuit Clerk Fee	01/01/85	Chapter 36
	Employees	08/25/85	Chapter 29
	Employees: Laborers	07/21/86	Chapter 29
80-86	Supplementary Use Tax	03/17/86	Chapter 36
81-86	Supplementary R.O. Tax	03/17/86	Chapter 36
82-86	Supplementary S.O. Tax	03/17/86	Chapter 36
83-86	Flood Plain Code	05/05/86	Chapter 14
	Transfer of School	06/02/86	Special Legislation
	Health Code	06/30/86	Chapter 18
	Tourism Board	10/06/86	Special Legislation
87-84	Child Support Fee	02/09/87	Chapter 36
87-86	Use Tax – Supplementary	03/09/87	Chapter 36
87-87	R.O. Tax – Supplementary	03/09/87	Chapter 36

<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
87-88	S.O. Tax - Supplementary	03/09/87	Chapter 36
87-85	Fine and Addit. Fee	03/23/87	Chapter 36
87-	Recorder of Deeds Fee	05/18/87	Chapter 36
87-89	Self-Insurance Program	08/10/87	Special Legislation
87-90	South-Central Ill. Area Insur.	08/24/87	Special Legislation
87-92	Self-Insurance Program	10/05/87	(See 87-90)
88-92	Use Tax - Supplementary	03/07/88	Chapter 36
88-93	R.O. Tax - Supplementary	03/07/88	Chapter 36
88-94	S.O. Tax - Supplementary	03/07/88	Chapter 36
88-95	Health Code	05/16/88	Repealed
88-	Treasurer's Fee	05/16/88	Chapter 36
88-99	Health Code: Bed & Breakfast	05/16/88	Repealed
88-96	Self-Insurance Input	11/14/88	Special Legislation
89-97	Economic Devel. Tax Ref.	01/23/89	Special Legislation
89-98	Economic Devel. Tax Ref.	02/01/89	Special Legislation
89-100	Motor Vehicle	02/21/89	Chapter 24
89-101	Ill. Criminal Justice Grant	03/20/89	Special Legislation
89-	Circuit Court Fee	03/20/89	Chapter 36
89-	County Treasurer	04/01/89	Chapter 36
89-102	Cable T.V.	05/15/89	Chapter 9
89-	Building Permit	05/15/89	Chapter 6
89-103	Hotel & Motel Tax	05/30/89	Chapter 36
89-104	Ill. County Ins. Trust	06/19/89	Special Legislation
89-	State's Attorney Appellate	10/16/89	Special Legislation
89-	Recorder of Deeds	12/04/89	Chapter 36
90-	Solid Waste Planning Grant	02/05/90	Special Legislation
90-	Animal Control Code	03/05/90	Chapter 3
90-105	Flood Plain Code	02/20/90	Repealed
90-	Transfer of Funds	02/20/90	Special Legislation
87-09	Sanitary Landfill Code	02/20/90	Chapter 32
90-106	County Nursing	03/19/90	Special Legislation
90-	Four-lane Request	04/02/90	Special Legislation
90-	Intergov't Agreement: Bldg. Com.	04/02/90	Special Legislation
90-	Health Code	04/02/90	Repealed
90-	Self-Insurance Bond Abatement	05/14/90	Special Legislation
90-	Abatement of Taxes	05/14/90	Special Legislation
90-107	Codification Contract		Special Legislation
90-108	I.C.I.T. Trust Agreement	06/11/90	Special Legislation
93-129	Dangerous Dogs	05/10/93	Ch. 3; Art. VI
93-130	Alley Closed in Eden	09/27/93	Special Legislation
93-131	Appropriation	1993	Special Legislation
93-132	Tax Levy	12/20/93	Special Legislation
93-133	Appropriation	12/20/93	Special Legislation
93-134	Tax Levy	12/20/93	Special Legislation
94-135	S.I.M.P.A.C. (Resolution)	02/28/94	Special Legislation
94-136	Self-Insurance Refund Bonds	05/09/94	Special Legislation

<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
94-137	Loan from Working Cash to Emergency Telephone	05/09/94	Special Legislation
94-138	Prevailing Wages	06/06/94	Special Legislation
94-139	Loan from Working Cash to General Fund	08/15/94	Special Legislation
94-140	Economic Dev. Administration (Res.)	09/26/94	Special Legislation
94-141	Appropriation	1994	Special Legislation
94-142	Tax Levy	1994	Special Legislation
94-143	Appropriation	12/05/94	Special Legislation
94-144	Tax Levy	12/05/94	Special Legislation
-----	Health Code	12/05/94	Repealed
95-145	IMRF (Elected Officials)	01/03/95	Sec. 1-4-11
95-145B	IMRF (Elected Officials)	01/03/95	Sec. 1-4-11
95-146	S.I.M.P.A.C. (Resolution)	02/27/95	Special Legislation
95-147	Health Code	03/13/95	Repealed
95-148	Health Code: Fees	03/13/95	Repealed
95-149	Health Code: Permits	03/13/95	Repealed
95-150	Health Code	04/10/90	Ch. 18; Art. IV
95-151(R)	Economic Development Grant	03/27/95	Special Legislation
95-152	Liquor	05/08/95	Sec. 21-2-7
95-153	Taxation: Recording Fees	05/08/95	Sec. 36-4-2
95-154	Health Code	07/31/95	Repealed
95-155	Boards and Commissions: 9-1-1 Board	07/31/95	Secs. 5-1-2; 5-1-3
95-156	Health Code	11/06/95	Repealed
95-157(R)	Residential Relocation Assistance	1995	Special Legislation
95-160(R)	Appropriation	12/04/95	Special Legislation
95-161(R)	Tax Levy	12/04/95	Special Legislation
96-1	Indemnity Fund: Transfer	04/19/96	Special Legislation
96-2	Jail Reimbursement	05/20/96	Chapter 20
96-3	Prevailing Wage	06/17/96	Special Legislation
96-4	Flood Plain Code	06/17/96	Repealed
96-5	Building Comm: Sparta	08/12/96	Special Legislation
96-6	P.T.E.L.L. Election	08/23/96	Special Legislation
96-7	Tax Levy - Building Comm.	08/23/96	Special Legislation
96-8	Public Bldg. Comm. - Real Estate	08/23/96	Special Legislation
96-8A	Motor Vehicles: Stop Signs	10/21/96	Section 24-3-3
96-9	Health Code	11/18/96	Repealed
96-10	Appropriation: Mental Health	12/02/96	Special Legislation
96-11	Tax Levy	12/16/96	Special Legislation
96-12	Tax Levy	12/16/96	Special Legislation
97-01	Transfer by Treasurer	05/19/97	Special Legislation
97-02	Prevailing Wages	06/16/97	Special Legislation
97-03	Health Code: Fees	11/03/97	Repealed
97-04	Health Code: Fees	11/03/97	Repealed
97-05	Senior Freeze Extension	11/03/97	Special Legislation



<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
97-06	Tax Levy	12/01/97	Special Legislation
97-07	Appropriation	12/01/97	Special Legislation
97-08	Tax Levy	12/01/97	Special Legislation
97-10	Flood Plain Code	12/15/97	Repealed
98-01	Carr Rd – Property - Acquisition	1998	Special Legislation
	Resolution – Tax Abatement - \$36,600	02/09/98	See Tax Levy
	Resolution – Tax Abatement - \$46,799.50	02/09/98	See Tax Levy
	Resolution – Tax Abatement - \$46,799.50	02/09/98	See Tax Levy
98-02	Prevailing Wages	06/15/98	Special Legislation
98-03	I.M.R.F.: Working Cash	06/29/98	Special Legislation
98-04	Eden Road – Property - Acquisition	11/30/98	Special Legislation
98-05	Appropriation	11/30/98	Special Legislation
98-06	Tax Levy	11/30/98	Special Legislation
98-07	Boards & Commissions	12/21/98	Repealed
	Resolution Tax Abatement - \$35,000	12/21/98	See #98-06
	Resolution Tax Abatement - \$23,000	12/21/98	See #98-06
	Resolution Tax Abatement - \$45,776.50	12/21/98	See #98-06
99-01	Working Cash Transfer to I.M.R.F.	04/20/99	Special Legislation
99-02	Ambulance Agreement with Tilden	05/17/99	Special Legislation
99-03	Prevailing Wages	06/28/99	Special Legislation
99-04	Administration – Gift Ban Act	06/28/99	Repealed
99-05	Working Cash Transfer to Social Security	07/23/98	Special Legislation
99-06	Public Transit Service Request	08/09/99	Special Legislation
99-07	Administration – No Smoking	08/09/99	Sec. 1-4-13
99-08	General Tax Levy	12/03/99	Special Legislation
99-09	Tax Levy – Mental Health Board	12/03/99	Special Legislation
99-10	Appropriation – Mental Health	12/02/99	Special Legislation
99-11	Tax Levy – Mental Health	12/03/99	Special Legislation
99-12	Appropriation – 2000	12/03/99	Special Legislation
00-01	Street Numbers & Names	02/18/00	Chapter 33
00-02	Transfer of Working Cash to I.M.R.F.	03/17/00	Special Legislation
00-03	Prevailing Wage	06/09/00	Special Legislation
00-04	Transfer of Funds	07/21/00	Special Legislation
01-01	Cable Television	01/04/01	Chapter 9
01-02	\$1,100,000 Sales Tax Revenue Bonds	04/12/01	Special Legislation
01-03	Transfer of Funds to IMR Fund	05/24/01	Special Legislation
01-04	Prevailing Wage	06/08/01	Special Legislation
01-05	Transfer of Funds to Social Security	08/17/01	Special Legislation
01-06	Appropriation	2001	Special Legislation
01-07	Tax Levy	2001	Special Legislation
01-08	Appropriation	12/03/01	Special Legislation
01-09	Tax Levy	12/03/01	Special Legislation

<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
02-01	Transfer of Funds to IMRF	03/28/02	Special Legislation
02-02	Pollution Control Facility Siting Regs	09/13/02	Chapter 32
02-02A	Transfer of Funds to Social Security	06/21/02	Special Legislation
02-03	Boards/Commissions: 9-1-1 Board	06/21/02	Repealed
02-03A	Zoning Code: P.U.D.	06/21/02	Ch. 40; Art. X
02-04	Vacating Street: Village of Eden	10/24/02	Special Legislation
02-05	Vacating Street: Village of Shiloh Hill	10/24/02	Special Legislation
02-06	Appropriation	2002	Special Legislation
02-07	Tax Levy	2002	Special Legislation
02-08	Appropriation	12/13/02	Special Legislation
02-09	Tax Levy	12/13/02	Special Legislation
02-10	Taxation: Hotel Tax	08/28/02	Chapter 36
02-11	Boards: Mental Health	09/26/02	Sec. 5-4-3; 5-4-6
03-01	Vacating Streets in Houston	01/23/03	Special Legislation
03-02	Budget Transfer	03/21/03	Special Legislation
03-03	Taxation: County Clerk Fees	04/17/03	Chapter 36
03-04	Taxation: Recorder of Deeds	04/17/03	Chapter 36
03-04	Vacating Street: Shiloh Hill	06/20/03	Special Legislation
03-05	Prevailing Wages	07/14/03	Special Legislation
03-06	Motor Vehicle Code	07/28/03	Chapter 24
03-07	Vacating Street: Town of Preston	07/28/03	Special Legislation
03-08	Working Cash Transfer	08/03/03	Special Legislation
03-09	Zoning Map: Cowell – Minton – Hayes	08/25/03	Chapter 40
03-10	Zoning Map: Eggemeyer – Thies - Turnure	08/25/03	Chapter 40
03-11	Vacating Street: Coulterville	08/25/03	Special Legislation
03-12	Zoning Map: Sweet	08/25/03	Chapter 40
03-13	Vacating Street: Campsville	09/04/03	Special Legislation
03-14	Street Numbering	09/19/03	Special Legislation
03-15	Treasurer: Transfer	09/19/03	Special Legislation
03-16	Zoning: Map	09/19/03	Chapter 40
03-17	Vacating Street: Shiloh Hill	10/17/03	Special Legislation
03-18	Street Naming	10/17/03	Special Legislation
03-19	Treasurer: Transfer	10/31/03	Special Legislation
03-20	Tax Levy	2003	Special Legislation
03-21	Appropriation	2003	Special Legislation
03-22	Tax Levy	12/01/03	Special Legislation
03-23	Street Name	12/01/03	Special Legislation
03-24	Appropriation	12/01/03	Special Legislation
03-25	Tax Levy	12/01/03	Special Legislation
04-01	Transfer of Funds	01/23/04	Special Legislation
04-02	Zoning Map: Amendment: Burnett	01/23/04	Special Legislation
04-03	Zoning Map: Amendment: Hunter	03/05/04	Special Legislation
04-04	Street Naming	03/19/04	Special Legislation
04-05	Vacation of Street	04/02/04	Special Legislation
04-05(R)	Administration: Ethics Code	04/16/04	Chapter 22

<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
04-06	Vacation of Street	03/05/04	Special Legislation
04-06(R)	Menard Administration Building	04/16/04	Special Legislation
04-07	Vacation of Street	04/16/04	Special Legislation
04-08	Vacation of Street	05/14/04	Special Legislation
04-09	Vacation of Street	05/14/04	Special Legislation
04-10	Vacation of Street	05/27/04	Special Legislation
04-11	Transfer of Funds	06/25/04	Special Legislation
04-11	Vacating Alley	01/20/04	Special Legislation
04-12	Zoning Map: Amendment: Braun	06/25/04	Special Legislation
04-13	Transfer of Funds	07/09/04	Special Legislation
04-14	Zoning Map: Amendment: Minton	07/23/04	Special Legislation
04-14	Intergovernmental Agreement	09/13/04	Special Legislation
04-15	Transfer of Funds	08/05/04	Special Legislation
04-16	Prevailing Wage	08/20/04	Special Legislation
04-17	Transfer of Funds	08/20/04	Special Legislation
04-18	Vacation of Street	08/20/04	Special Legislation
04-19	Zoning Map: Amendment: Byrd	09/03/04	Special Legislation
04-20	Street Naming	09/17/04	Special Legislation
04-21	Vacation of Street	09/17/04	Special Legislation
04-22	Vacation of Street	09/17/04	Special Legislation
04-23	Vacation of Street	09/17/04	Special Legislation
04-24	Vacation of Street	10/24/04	Special Legislation
04-25	Vacation of Street	10/24/04	Special Legislation
04-26	Vacation of Street	10/15/04	Special Legislation
04-27	Vacation of Street	10/27/04	Special Legislation
04-28	Vacation of Street	11/12/04	Special Legislation
04-29	Transfer of Funds	11/19/04	Special Legislation
04-30	Appropriation	2004	Special Legislation
04-31	Tax Levy	2004	Special Legislation
04-32	Appropriation	2004	Special Legislation
04-33	Tax Levy	2004	Special Legislation
04-34	Zoning Code	12/17/04	Chapter 40
04-35	Subdivision Code	12/17/04	Chapter 34
04-36	Zoning Map: Amendment	12/17/04	Special Legislation
04-37	9-1-1 Referendum	12/17/04	Special Legislation
04-38	Health Code: Private Sewage	12/31/04	Repealed
05-01	Vacation of Street	01/14/05	Special Legislation
05-02	Vacation of Street	02/10/05	Special Legislation
05-04	Street Naming	02/25/05	Special Legislation
05-05	Street Naming	02/25/05	Special Legislation
05-06	Transfer of Funds	03/24/05	Special Legislation
05-07	Street Naming	03/24/05	Special Legislation
05-08	Street Naming	03/24/05	Special Legislation
05-09	Transfer of Funds	04/22/05	Special Legislation
05-10	Vacation of Street	04/22/05	Special Legislation
05-11	Zoning Map: Amendment: McFaddin	04/22/05	Special Legislation

<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
05-12	Street Naming	06/03/05	Special Legislation
05-13	Street Naming	06/03/05	Special Legislation
05-14	Transfer of Funds	06/17/05	Special Legislation
05-15	Prevailing Wage	07/01/05	Special Legislation
05-16	Naming of Street	06/17/05	Special Legislation
05-17	Naming of Street	06/17/05	Special Legislation
05-18	Vacation of Street	08/01/05	Special Legislation
05-19	Zoning Map: Amendment: Eggemeyer	08/01/05	Special Legislation
05-20	Vacation of Street	08/11/05	Special Legislation
05-21	Zoning: Amendment: Weber	10/21/05	Special Legislation
05-22	Transfer of Funds	12/02/05	Special Legislation
05-23	Tax Levy	12/02/05	Special Legislation
05-24	Appropriation	12/02/05	Special Legislation
05-27	Vacation of Street	12/16/05	Special Legislation
06-01	Transfer of Funds	02/10/06	Special Legislation
06-02	Transfer of Funds	02/10/06	Special Legislation
06-03	G.O. Bonds	2006	Special Legislation
06-03B	Street Naming	03/24/06	Special Legislation
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06-05	Vacation of Street	04/07/06	Special Legislation
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06-06	Zoning Code: Amendment	05/05/06	Chapter 40
06-07	Vacation of Street	05/18/06	Special Legislation
06-08	Transfer of Funds	2006	Special Legislation
06-09	Naming of Street	2006	Special Legislation
06-10	Vacation of Street	2006	Special Legislation
06-11	Vacation of Street	08/25/06	Special Legislation
06-12	Public Safety: ESDA	08/25/06	Chapter 30
06-13	Vacation of Street	2006	Special Legislation
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06-20	Zoning Map: Amendment: Okaw Valley Farms Inc	11/03/06	Chapter 40
06-21	Transfer of Funds	12/01/06	Special Legislation
06-22	Appropriation	12/01/06	Special Legislation
06-23	Tax Levy	2006	Special Legislation
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07-03	Taxation: Court Document Storage	02/23/07	Chapter 36
07-04	Taxation: Court Automation Fee	02/23/07	Chapter 36
07-05	Taxation: Court Services Fee	02/23/07	Chapter 36
07-06	Taxation: Circuit Clerk Fees	02/23/07	Chapter 36
07-07	Transfer of Funds	02/23/07	Special Legislation
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07-10	Health: Food Sanitation	04/20/07	Section 18-2-2
07-11	Health: Fee Structure	04/20/07	Section 18-4-41
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07-13	Zoning Map: Carnahan	05/18/12	Chapter 40
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07-19	Public Safety: IEMMAS Agreement	10/05/07	Ch. 30; Appendix "A"
07-20	Vacation of Street	10/19/07	Special Legislation
07-21	Zoning Map: Amendment: Keeton	10/19/07	Special Legislation
07-22	Public Defender's Salary	11/02/07	Special Legislation
07-23	Appropriation	2012	Special Legislation
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08-03	Taxation: Marriage Fees	05/02/08	Section 36-3-3
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08-06	Zoning Map: Gibbsand	06/27/08	Chapter 40
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08-10	Tax Levies	2008	Special Legislation
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08-12	Motor Vehicles: Stop Intersections	12/12/08	Ch. 24; Schd. "A"
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09-05	Street Naming	06/12/09	Special Legislation
09-06	Bonds: Refinanced	06/25/09	Special Legislation
09-07	Public Transportation	06/25/09	Special Legislation
09-08	Taxation: Treasurer	06/25/09	Ch. 37; Art. VII
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11-08	Taxation: Fees	06/10/11	Section 36-3-3
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13-02	Liquor: Gambling	02/01/13	Section 21-3-19
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13-06	Taxation: Circuit Clerk	04/26/13	Chapter 36
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14-19	Tax Levy	12/01/14	Special Legislation
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16-09	Tax Levy: Highway Department	10/06/16	Special Legislation
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16-13	Gravel Tax	11/18/16	Special Legislation
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16-17	Appropriation	12/01/16	Special Legislation
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## **ADMINISTRATION**

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**EXHIBIT "A"**

**CHAPTER 1**

**ADMINISTRATION**

**ARTICLE I – GENERAL PROVISIONS**

**DIVISION I - TITLE**

**1-1-1 TITLE.** Upon the adoption by the County Board of Commissioners, this County Code is hereby declared to be and shall hereafter constitute the official "**Revised Code of Ordinances of Randolph County**". The Revised Code of Ordinances shall be known and cited as the "**County Code**", and it is hereby published by authority of the County Board and shall be kept up-to-date as provided in **Section 1-1-3** under the direction of the State's Attorney, acting for the County Board. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading and to the general penalty clause relating thereto as well as to the section itself when reference is made to this County Code by title in any legal document. **(55 ILCS 5/5-29003)**

**1-1-2 ACCEPTANCE.** The County Code as hereby presented in printed form shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the County of general and permanent effect, except the excluded ordinances enumerated in **Section 1-1-8**.

**1-1-3 AMENDMENTS.** Any ordinance amending this County Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this County Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this County Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the County Code on an annual basis. **(55 ILCS 5/5-29008)**

**1-1-4 CODE ALTERATION.** It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the County Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

Any person having in his custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him



through the office of the County Clerk. The Code books, while in actual possession of officials and other interested persons shall be and remain the property of the County of Randolph and shall be returned to the office of the Clerk upon termination of office or separation of duties.

**1-1-5**        **JURISDICTION.** Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the County. Provisions of this Code shall apply to acts performed outside the corporate limits of the municipalities and up to the limits prescribed by law, where the law confers power on the County to regulate such particular acts inside the corporate limits of the municipality.

**1-1-6 - 1-1-7**        **RESERVED.**

**DIVISION II - SAVING CLAUSE**

**1-1-8**        **REPEAL OF GENERAL ORDINANCES.** All general ordinances of the County passed prior to the adoption of this Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal [**subject to the saving clauses contained in the following sections**], from which are excluded the following ordinances, which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Franchise Ordinance and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Ordinances Establishing, Naming, or Vacating Streets, Alleys, or Other Public Places; Improvement Ordinances; Bond Ordinances: Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the County; and all Special Ordinances. **(55 ILCS 5/5-29009)**

**1-1-9**        **PUBLIC UTILITY ORDINANCES.** No ordinance relating to railroads or railroad crossings with streets and other public ways or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

**1-1-10**        **COURT PROCEEDINGS.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the

consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

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

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

**1-1-11 SEVERABILITY OF PROVISIONS.** Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.

**1-1-12 COUNTY CLERK'S CERTIFICATE.** The County Clerk's Certificate shall be substantially in the following form:

**COUNTY CLERK'S CERTIFICATE**

**STATE OF ILLINOIS** )  
 ) **ss. COUNTY CLERK'S OFFICE**  
**COUNTY OF RANDOLPH** )

I, Pat Laramore, County Clerk of the **County of Randolph**, do hereby certify that the following **Revised Ordinances of the County of Randolph, State of Illinois of 2015**, published by authority of the County Board of Commissioners were published by the County Board of Commissioners of the **County of Randolph**, approved by the Chairman of the Board of Commissioners, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the **County of Randolph**, this 20<sup>th</sup> day of May, 2016.

\_\_\_\_\_  
**PAT LARAMORE**  
**COUNTY CLERK**  
**COUNTY OF RANDOLPH, ILLINOIS**

**(SEAL)**

**1-1-13**      **PUBLIC REVIEW AND INSPECTION.** The duly approved County Code shall be available for public review and inspection in the office of the County Clerk or on the county's website. The County Clerk, as authorized by the County Board, shall have copies of the County Code available for sale at the appropriate fee. **(55 ILCS 5/5-29007)**

**1-1-14**      **RESERVED.**

**DIVISION III - DEFINITIONS**

**1-1-15**      **CONSTRUCTION OF WORDS.** Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

**1-1-16**      **DEFINITIONS.** Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

**"AGENT"**, as used in this Code shall mean a person acting on behalf of another.

**"CODE" OR "THIS CODE"** shall mean the **"Revised Code of Ordinances of the County of Randolph"**.

**"COUNTY"**. The words "county", or "the county" mean Randolph County, in the State of Illinois.

The words "in the county" or "within the county" mean and include all territory over which the county now has or shall hereafter acquire jurisdiction for the exercise of its power or other regulatory powers.

**"COUNTY BOARD"**. The words "County Board" or "The County Board of Commissioners" mean the County Board of Commissioners of Randolph County, Illinois.

**"COUNTY CHAIRMAN"** as used in this Code shall mean the Chairman of the Board of Commissioners of Randolph County.

**"FEE" OR "FEES"** as used in this Code shall mean a sum of money charged by the County for carrying on of a business, profession or occupation.

**"FISCAL YEAR"**. The "fiscal year" for the County shall begin on **December 1<sup>st</sup> of each year and end on November 30<sup>th</sup> of the following year.**

**"KNOWINGLY"** imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

**"LEGAL HOLIDAY"** shall mean the holidays as authorized and recognized by the County Board in the employee agreement.

**"LICENSE"** as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

**"MAY"**. The word "may" is permissive.

**"MISDEMEANOR"** as used in this Code shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

**"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY"** import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

**"NUISANCE"** shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the County or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

**"OCCUPANT"** as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

**"OFFENSE"** shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

**"OFFICERS AND EMPLOYEES"**. Whenever reference is made in this Code to a County Officer or employee by title only, this shall be construed as though followed by the words "of the County" and shall be taken to mean the officer or employee of this County having the title mentioned or performing the duties indicated.

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

**"OFFICIAL TIME"**. Central Standard Time shall be the official time for the transaction of County business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced **one (1) hour**. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the County shall be set and run at the official time prescribed by this paragraph.

**"OPERATOR"** as used in this Code shall mean the person who is in charge of any operation, business or profession.

**"OWNER"** as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

**"PERSON"** shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

**"PLAN COMMISSION"** shall mean the Randolph County Planning Commission. **(See Chapter 5).**

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

**"RETAILER"** as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

**"ROAD DISTRICT"**. The term "road district" means any road district within the County.

**"SHALL"**. The word "shall" is mandatory and not discretionary.

**"STATE" OR "THIS STATE"** unless otherwise indicated shall mean the **"State of Illinois"**.

**"STREET"** shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

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

**"WHOLESALE" AND "WHOLESALE DEALER"** as used in this Code unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

**"WILLFULLY"** when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

**"WRITTEN" AND "IN WRITING"** may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

**1-1-17 CATCHLINES.** The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

**1-1-18 - 1-1-19 RESERVED.**

#### **DIVISION IV - GENERAL PENALTY**

**1-1-20 PENALTY.**

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00)** for any **one (1) offense**.

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois**.

(C) Whoever commits an offense against the County or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another would be an offense against the County, is punishable as a principal.

(E) All county ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated.

**(55 ILCS 5/5-1113)**

**1-1-21      APPLICATION.**

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

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this County Code, the prosecuting officer may elect under which to proceed; but not more than **one (1) recovery** shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

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

**1-1-22      LIABILITY OF OFFICERS.** The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

**ARTICLE II - ADMINISTRATION**

**DIVISION I - COUNTY BOARD RULES**

**1-2-1**        **REGULAR MEETINGS.** The Board of County Commissioners shall hold regular sessions for the transaction of the business of the County in accordance with the schedule set up at the beginning of the quarter, unless otherwise ordered. A quorum shall be necessary for the transaction of business; a quorum consisting of a majority of the members of the Board. The meetings shall be held in the County Court House. They may hold special sessions on the call of the Chairman, or any **two (2) members** of the Board, whenever the business of the County requires it. If the meeting falls on a holiday then meeting shall be held on the next secular day. **(55 ILCS 5/2-4002)**

**1-2-2**        **ELECTION OF COUNTY BOARD CHAIRMAN.** The County Board Chairman shall be elected annually at the **first (1<sup>st</sup>) December meeting.** **(55 ILCS 5/2-4003)**

**1-2-3**        **PRESIDING OFFICER.** The Chairman shall preside at all meetings of the Board; in case of absence on his part, the Board shall elect a temporary Chairman by a majority vote of members present.

**1-2-4**        **RULES OF THE BOARD.** The following rules of order and procedures shall govern the deliberations and meetings of the County Board.

**1-2-5**        **ORDER OF BUSINESS.** The order of business shall be as follows:

- (A) Call to order by the Chairman of the Board.
- (B) Roll Call.
- (C) Reading of the minutes of the previous meeting or meetings. (Minutes may be approved upon recommendation of the Board. All corrections to the minutes must be made before approval.) Minutes are to contain motions, reports, and other pertinent information.
- (D) Public Comments. **(See Section 1-2-37)**
- (E) Reports and communications for the Chairman and elected and appointed officials of the County.
- (F) Reports of all standing committees (to be in writing and signed by all members who attended the committee meeting).
- (G) Reports of special committees (should be in writing).
- (H) Reading and disposition of bills to be paid.
- (I) Other communications, petitions, resolutions and reports.
- (J) Unfinished business.
- (K) Miscellaneous business.
- (L) New business.
- (M) Vote for adjournment to a certain fixed date, by roll call vote.

All questions relating to the priority of business shall be decided by the Chair with debate, subject to appeal.

**1-2-6 DUTIES OF PRESIDING OFFICER.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members, and shall decide all questions of order, subject to appeal. In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the meeting room to be cleared. All resolutions originating outside of the County Board, its members or its committees, shall be directed to the Chairman of the Board.

**1-2-7 DUTIES OF MEMBERS.** While the presiding officer is putting the question, no member shall walk across or out of the meeting room. Every member, shall confine himself to the question under debate, avoiding personalities and refraining from impugning the motives of any member's argument or vote.

**1-2-8 PERMISSION TO LEAVE MEETING.** A member wishing to absent himself from the balance of a meeting while the meeting is in session, shall first obtain consent from the Chairman of the Board.

**1-2-9 VISITORS.** No person other than a member of the Board may be given the floor to address the Board after the public comment period unless the Chairman grants that person permission to speak.

**1-2-10 PRESENTATION OF NEW BUSINESS.** When a member wishes to present a communication, petition, resolution, ordinance or other original matter, he shall send it to the desk of the County Board Chairman, who shall read such matter when reached in its proper order on the agenda.

**1-2-11 CALL OF MEMBER TO ORDER.** A member, when called to order, by the Chair, shall thereupon discontinue speaking and the order and ruling of the Chair shall be binding and conclusive, subject only to the right of appeal.

**1-2-12 APPEALS FROM DECISION OF THE CHAIR.** Any member may appeal to the Board for a ruling of the Chair, and if the appeal is seconded, the member making the appeal may briefly state his reason for the same, and the Chair may briefly explain his ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Chair shall then put the question, "Shall the decision of the Chair be sustained?". If a majority of the members present and voting, vote "No", the decision of the Chair shall be overruled; otherwise it shall be sustained.



**1-2-13**      **QUESTION OF PERSONAL PRIVILEGE.** The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

**1-2-14**      **VOTING.** Every member who shall be present when a question is stated from the Chair shall vote thereon, unless excused by the Board, or unless he is personally interested in the question, in which case, he shall not vote, except as otherwise provided by law.

**1-2-15**      **SECONDING OF MOTIONS REQUIRED; WRITTEN MOTIONS.** No motion shall be put or debated in the Board or in the committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the Board, except motions of procedure, shall be reduced to writing, if required, by a member, and the proposer of the motion shall be entitled to the floor.

**1-2-16**      **WITHDRAWAL OF MOTIONS.** After a motion or resolution is stated by the Chairman, it shall be deemed to be in possession of the Board, but it may be withdrawn at any time before the vote on the motion is announced by the Chairman, by the mover with consent of his second.

**1-2-17**      **DIVISION OF QUESTIONS.** If any question under consideration contains several distinct propositions, the Board, by a majority of those present and voting, may divide such questions.

**1-2-18**      **RECORD OF MOTIONS.** In all cases where a resolution or motion is entered in the minutes, the name of the member moving the same shall be entered also.

**1-2-19**      **TAKING AND ENTERING THE VOTES - EXPLANATIONS OF VOTES NOT PERMITTED.** If any member requires it, the "Yeas" and "Nays" upon any question shall be taken and entered in the minutes, but the yeas and nays shall not be taken unless called for prior to any vote on the questions. When the Clerk has commenced to call the roll for the taking of a vote of yeas and nays, all debate on the question before the Board shall be deemed concluded, and during the taking of the vote, no member shall be permitted to explain his vote, but shall respond to the calling of his name by answering of yea or nay, as the case may be.

**1-2-20**      **ANNOUNCEMENT OF CHANGES OF VOTES.** The result of all votes of yeas and nays shall not be announced by the Clerk, but shall be handed by him to the Chairman for announcement, and no vote shall be changed after the vote has been announced by the Chairman.

**1-2-21**      **PRECEDENCE OF MOTIONS.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order as listed:

- (1)              To adjourn to a certain day.
  - (2)              To adjourn.
  - (3)              To take a recess.
  - (4)              To lay on the table.
  - (5)              The previous questions.
  - (6)              To refer or commit.
  - (7)              To amend.
  - (8)              To defer or postpone to a certain time.
  - (9)              To defer or postpone without reference to time.
  - (10)             To defer or postpone indefinitely.
- Numbers 2, 4, and 5 to be decided without debate.

**1-2-22**      **MOTION TO ADJOURN.** Motion to adjourn the Board meeting shall always be in order, except:

- (1)              When a member is in possession of the floor.
- (2)              While the yeas and nays are being called.
- (3)              When adjournment was the last preceding motion.
- (4)              When the members are voting.
- (5)              When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

**1-2-23**      **PREVIOUS QUESTION.** When the previous question is moved on the main question and seconded, it shall be put in this form: "Shall the main question now be put?". If such motion be carried on further amendment, and all further motions and debates shall be excluded, and the question put without delay upon the pending amendments in proper order, and then upon the main question.

**1-2-24**      **MOTIONS TO LAY ON THE TABLE AND TO TAKE FROM THE TABLE.** A motion to simply lay a question on the table shall not be debatable; but a motion to lay on the table and publish, or with any other conditions, shall be subject to amendment and debate. A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid on the table, provided **two-thirds (2/3)** of the members present and voting, vote therefor. A motion to lay any particular motion or proposition on the table, shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table, and neither the main motion nor such other pending question shall be affected thereby.

**1-2-25**      **INDEFINITE POSTPONEMENT; MOTION TO DEFER OR POSTPONE WITHOUT ANY REFERENCE TO TIME.** When consideration of the motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting. A motion to postpone indefinitely shall not open the main question to debate. A motion to defer

or postpone without any reference to time, shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature, and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a certain time.

**1-2-26**        **MOTION TO REFER.** A motion to refer to a certain committee shall take precedence over a similar motion to refer to a special committee.

**1-2-27**        **MOTION TO AMEND.** A motion to amend shall be in order, but one to amend an amendment to an amendment shall not be entertained. An amendment modifying the intention of a motion shall be in order, but an amendment relating to another subject shall not be in order. On an amendment to strike out and insert, the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read. An amendment to the main question or other pending question may be referred to a committee, and neither the main question, nor such other pending question shall be affected thereby.

**1-2-28**        **FILLING OF BLANKS.** When a blank is to be filled, and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

**1-2-29**        **MOTION TO SUBSTITUTE.** A substitute for any original proposition under debate or for any pending amendment to such proposition may be entertained notwithstanding that at such time, further amendment is admissible, and, if accepted by the Board by a vote, shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

**1-2-30**        **RECONSIDERATION.** A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, having been once made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by members who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes are required by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

**1-2-31**        **ADOPTION OF ROBERT'S "RULES OF ORDER REVISED".** The Rules of Parliamentary Practice comprised in the latest published edition of "Robert's Rules of Order Revised" shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of this Board.

**1-2-32**      **TEMPORARY SUSPENSION OF RULES; AMENDMENT OF RULES.**

These rules may be temporarily suspended by a roll call vote of **two-thirds (2/3)** of the members of the Board present and voting.

**1-2-33**      **AGENDA.** The Chairman of the Board shall prepare, or cause to be prepared, an agenda for all meetings and same shall be mailed to the members.

**1-2-34**      **ALTERATIONS TO THE RULES OF THE BOARD.** No alterations shall be made in any of the rules of the Board during the year without consent of **two-thirds (2/3)** of the members of the Board by roll call vote.

Any proposed change in the rules shall be mailed to the Board members, at least **three (3) days** before the meeting at which it is to be presented. All rules shall remain in effect until such time as new rules are adopted by the Board.

**1-2-35**      **STATE'S ATTORNEY.** The State's Attorney shall be the attorney and legal advisor of the Board in all matters pertaining to the official business of the Board, and he shall consult with and advise the County Board on matters relating to its duties, powers, deliberations and jurisdiction, as provided by law.

**1-2-36**      **COUNTY CLERK.** The County Clerk shall be Secretary of the County Board. **(55 ILCS 5/3-2013)**

**1-2-37**      **ADDRESSING THE COUNTY BOARD OR ITS COMMITTEES.** Meetings of the County Board shall be conducted in a manner that preserves order and decorum and which allows for the efficient and effective operation of County Board business. As presiding officer, the Chairman of the County Board shall enforce the rules of the County Board and exercise his or her powers and discretions in accordance therewith, with the Revised Code of Ordinances for Randolph County and Illinois law.

(A)            Members of the public may address the County Board on matters relevant to topics or issues identified for discussion in a specified County Board meeting's Agenda. Discussion or comment on topics or issues not satisfying said relevancy requirement shall not be permitted.

(B)            In order to conserve time and avoid unnecessary delay to the efficient operation of the County Board business, while ensuring that other members of the public are provided an opportunity to address the County Board, each person will be limited to a total of **three (3) minutes** during which to orally present public comments during a County Board meeting. Upon demonstration of necessity, the Chairman of the County Board, in his or her sole and final discretion, may grant supplemental time to address the County Board. A person may only address the County Board one time during each meeting. It is within the sole and final discretion of the Chairman of the County Board to discontinue the person's commentary if it is, or becomes, irrelevant or repetitious.

(C)            Persons addressing the Board, will refrain from using profane or obscene words or gestures and from making personal, impertinent or slanderous remarks. It is within the sole and final discretion of the Chairman of the County Board to discontinue the person's

commentary if it is, or becomes, profane, obscene, personal, impertinent, slanderous or generally disruptive.

(D) Persons may submit further comments or questions in writing or through electronic submission to the County Board.

(E) The same rules and procedures as set forth in paragraphs (A) through (D) above, shall apply to the meetings of any committee of the County Board, with the powers and discretions of the Chairman of the County Board being vested in the Chairman of each County Board committee, respectively.

**1-2-38**      **AUXILIARY AID OR SERVICE.** The County shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with orders.

(A) The County shall furnish appropriate auxiliary aid(s) and service(s) where necessary to afford qualified individuals with disabilities including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits, of a service, program, or activity of the County.

(B) Auxiliary aids and services shall be provided in a timely manner.

(C) Individuals shall notify the County Clerk **fourteen (14) days** in advance specifying the appropriate auxiliary aids or services required. **(See Addendum "A", Request for Auxiliary Aid(s) and/or Services)**

**1-2-39**      **SERGEANT AT ARMS.** The Sheriff or his authorized designee shall be the Sergeant at Arms at the Board meetings. He or she shall carry out all orders and instructions of the Chairman for the purposes of maintaining order and decorum. The Sergeant at Arms shall remove any person violating order and decorum of the meeting. Such removal may be accompanied by further prosecution for any violation of any ordinance under this Code. **[5 ILCS 120/2.06]**

## ARTICLE III - COUNTY BOARD

**1-3-1**        **COUNTY BOARD MEMBERS.** The County Board of Commissioners shall be composed of **three (3) Board Members** pursuant to the law and hereinafter shall be referred to as the "County Board." In the event of any vacancy caused by death, resignation, removal or for any other cause, such vacancy shall be filled according to the Statute in such case made and provided. **(55 ILCS 5/2-4006)**

**1-3-2**        **VACANCY.** If a vacancy occurs on the County Board, the Chairman of the County Board, with the advice and consent of the County Board, shall, within **sixty (60) days** of the date the vacancy occurs, appoint some person, possessing the qualifications of a Board Member, to serve until the next election of County Board members in the County at which time an election shall be held to fill the vacancy for the unexpired term. **(See 55 ILCS 5/2-3009)**

**1-3-3**        **MEETINGS; REGULAR.** **Six (6) meetings** of the County Board shall be held each quarter, or **twenty-four (24) meetings** annually. Regular meetings shall be held every other Friday of each month at **9:00 A.M.** in the County Board Room in the County Government Building, Chester, unless otherwise ordered.

**1-3-4**        **SPECIAL MEETINGS.** Special meetings of the Board shall be held only when requested by at least **one-third (1/3)** of the members of the Board or by the Chairman of the County Board, which request shall be in writing, and specifying the time and place of such meeting, upon reception of which the Clerk shall immediately transmit notice, in writing, of such meeting, to each of the members of the Board. The Clerk shall also cause notice of such meeting to be published in some newspaper printed in the County and presented to the Clerk of the Board at least **four (4) days** prior to the date of said meeting. **(See 55 ILCS 5/2-1001 and 55 ILCS 5/2-1002)**

**1-3-5**        **QUORUM; MAJORITY VOTE.** A majority of the County Board members shall constitute a quorum for the transaction of business at any regular or any duly called special meeting, and all questions which shall arise at meetings shall be determined by the vote of the majority of the County Board members present, except as otherwise provided. **(55 ILCS 5/2-4004)**

**1-3-6**        **APPOINTED OFFICIALS.** All persons appointed by the Chairman of the Randolph County Board or hired as department head by any other Board shall be residents of the County. All persons appointed by the Chairman or hired as a department head by some other Board who are not residents of the County shall be approved by the County Board. Upon appointment, such individuals shall become residents of Randolph County within **ninety (90) days.**

**1-3-7        RECORDS.** The County Clerk shall keep and maintain on file all resolution, ordinances, policies and other records adopted by the Board in his office or the Board office.

**1-3-8        EXECUTIVE SECRETARY.** The Chairman, subject to the approval of the Board, may appoint an Executive Secretary to assist him in the handling of the affairs of the County. Compensation shall be as determined by the Board.

**1-3-9        ORDINANCES AND RESOLUTIONS.**

(A)        **Ordinances.** The style of all ordinances shall be: "BE IT ORDAINED by the County Board of Commissioners of Randolph County....".

(B)        **Resolutions.** The style of all resolutions shall be: "BE IT RESOLVED by the County Board of Commissioners of Randolph County....".

(C)        **"Yea" and "Nay" Vote.** The yeas and nays shall be taken upon the passage of all ordinances and resolutions to create any liability against the County, or for the expenditure or appropriation of its money, and in all other cases, at the request of any Commissioner; and such vote shall be entered on the journal of the proceedings, as is provided by statute.

(D)        **Distribution.** All ordinances and resolutions amending this "Revised Code of Ordinances" shall be distributed to the Commissioners at least **forty-eight (48) hours** prior to the meeting at which they are to be considered.

(E)        **Reading - Approval.** All ordinances and/or resolutions shall be read **one (1) time** at the Board meeting. They shall be considered, unless otherwise provided for, approved by a majority vote of the County Commissioners.

(F)        **Record of Ordinances/Resolutions.** The County Clerk shall keep a record of all ordinances and resolutions passed in appropriate books for such purpose.

(G)        **Publication.** All ordinances imposing any penalty for a violation thereof or making any appropriation shall be published in pamphlet form and displayed for a reasonable period in the County Clerk's office in the Court House.

**1-3-10        DESIGNATED REPRESENTATIVE OF COUNTY.** The Chairman of the County Board of Commissioners shall be designated as the representative of the County Board at any convention or any out-of-County meeting. The Chairman may select any County official or employee and/or members of the County Board to assist him in the transaction of official County business at such convention or meeting.

Any Board members attending meetings of any association as a representative of the County is to obtain authorization from the County Board, if the Board member expects to have his expense paid by the County.

**1-3-11        RESIDENCY REQUIRED.** No person shall be eligible to hold office of County Board Commissioner unless he or she is a legal voter and has been a resident of the count for at least **one (1) year** next preceding the election. **(55 ILCS 5/2-4010)**

**1-3-12**      **ADMINISTERING OATHS.** The Chairman or any member of the Board of Commissioners may administer oaths to persons, concerning any matters submitted to the Board or connected with their powers or duties. **(55 ILCS 5/2-4005)**

**1-3-13**      **OATH OF COUNTY COMMISSIONERS.** Each member of the Board of County Commissioners shall be commissioned by the Governor, and shall, before entering upon the duties of his office, take and subscribe the following oath, which shall be filed in the office of the County Clerk:

I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of county commissioner of Randolph County, according to the best of my ability.

**(55 ILCS 5/2-4001)**



**ARTICLE IV - GENERALLY**

**1-4-1 DEPOSITORIES.** All banks in Randolph County are hereby designated as official depositories for funds of the County Treasurer and County Collector. **(55 ILCS 5/3-10009)**

**First Bank**

2231 State Street, Chester, IL 62233  
1411 S. Main Street, Red Bud, IL 62278

**Buena Vista National Bank**

1309 Swanwick Street, Chester, IL 62233  
1320 W. Market Street, Red Bud, IL 62278  
1414 S. Main Street, Red Bud, IL 62278  
501 Market Street, Evansville, IL 62242

**Chester National Bank**

1112 State Street, Chester, IL 62233  
165 W. Broadway, Sparta, IL 62286

**North County Savings Bank**

411 W. Market Street, Red Bud, IL 62278  
101 Main Street, Ruma, IL 62278  
606 Liberty Street, Evansville, IL 62242

**First National Bank of Steeleville**

319 W. Broadway Street, Steeleville, IL 62288  
143 W. Broadway Street, Sparta, IL 62286  
306 W. Pine Street, Percy, IL 62272

**First National Bank of Sparta**

101 W. Broadway Street, Sparta, IL 62286

**Dieterich Bank**

115 W. Market Street, Red Bud, IL 62278

**Regions Bank**

114 W. Broadway Street, Sparta, IL 62286

**First State Bank of Campbell Hill**

114 W. Front Street, Campbell Hill, IL 62916  
115 N. 4<sup>th</sup> Street, Coulterville, IL 62237  
424 W. Broadway Street, Steeleville, IL 62288

**1-4-2 FLAG ADOPTED.** The flag as is on file with the County Clerk is hereby designated as the official County Flag.

**1-4-3 COUNTY SEAL.** The Seal provided by the County Board, consisting of the words "**The Great Seal of Randolph County, Illinois, Chartered 1795**", around the outer edge and **eighteen (18) stars** in the inner circle; including an outline of Randolph County and the flags of five governing countries and states, namely France, England, Virginia, Illinois and United States of America. **(55 ILCS 5/3-2008)**

**1-4-4 APPOINTMENTS BY COUNTY COMMISSIONERS.** The terms of employment of the following appointed superintendents of county administrative departments and the services of members of the following boards, commissions, and authorities shall be fixed as follows:

(A)	<u>Boards and Commissions</u>	<u>Term</u>	<u>No. of Members</u>
	County Board of Health	3 years	8
	Zoning Board of Appeals	5 years	7
	Mental Health Board (708)	3 years	7
	S.I.M.P.A.C.	1 year	9
	9-1-1 Board	3 years	9
	Housing Authority	5 years	5
	Memorial Hospital Board	3 years	9
	Welfare Service Comm.	3 years	10
	Sparta Comm. Airport Authority	5 years	5
	Merit Commission	5 years	5
	Sparta Hospital Board	3 years	9
	Western Egyptian Economic Opportunity Council	2 years	2
	Shiloh Park Board	5 years	5
	Tri-County Development Council	3 years	6
	Civil Center Authority	3 years	10
	Water Board	3 years	10

(B)	<u>Appointed County Officials</u>	<u>Term</u>
	9-1-1 Coordinator	1 year
	Liquor Commissioner	1 year
	Nursing Home Administrator	2 years
	Superintendent of Highways	6 years
	Supervisor of General Assistance	2 years
	Zoning Administrator	1 year
	Weed Control Officer	1 year
	Animal Control Warden	1 year
	County Veterinarian	1 year
	E.M.A. Coordinator	(See Sec. 30-1-2)
	Recycling Coordinator	3 years

(C)	<u>Committees. (Special)</u>	<u>Term</u>	<u>No. of Members</u>
	Solid Wastes	2 years	10
	County Progress	5 years	5
	Tourism	3 years	9
	Dept. of Agriculture (R.C. & D.)	1 year	2

**1-4-5 COUNTY OFFICIALS AND SALARIES.** The various elected and appointed officials of Randolph County shall receive from Randolph County an annual salary as established from time to time by ordinance by the County Board of Commissioners. **(55 ILCS 5/2-3008) (See Section 1-7-1)**

**1-4-6 BIDDING AND CONTRACT PROCEDURES.**

(A) **Competitive Bidding Required.** Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials, and services shall, except as specifically provided herein, be based whenever possible on competitive bids.

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Thirty Thousand Dollars (\$30,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **two-thirds (2/3)** of the Board Members then holding office.

(C) **Notice Inviting Bids.** Notice inviting bids shall be published at least once in a newspaper with general circulation within the County. The County shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the Courthouse.

(D) **Scope of Notice.** The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured, and the time and place for opening bids.

(E) **Bid Deposits.** When deemed necessary by the County Board bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the County Board. A successful bidder shall forfeit any bid deposit required by the Board upon failure on his part to enter into a contract within **ten (10) days** after the award.

(F) **Bid Opening Procedure.**

- (1) **Sealed.** Bids shall be submitted sealed to the County and shall be identified as bids on the envelope.
- (2) **Opening.** Bids shall be opened in public at the time and place stated in the public notice.
- (3) **Tabulation.** A tabulation of all bids received shall be made by the Board or by a County employee, in which event, a tabulation of the bids shall be furnished to the County Board at its next regular meeting.

(G) **Rejection of Bids.** The County Board shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(H) **Bidders in Default to County Board.** The County Board shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the County.

(I) **Award of Contract.**

- (1) **Authority in County.** The Board shall have the authority to award contracts within the purview of this section.
- (2) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the County to accept. In awarding the contract, in addition to price, the Board shall consider:
  - (a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;

- (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
  - (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
  - (d) The quality of the performance of previous contracts or services;
  - (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
  - (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
  - (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
  - (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
  - (i) The number and scope of conditions attached to the bid.
- (3) **Performance Bonds.** The County Board shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the County.

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Thirty Thousand Dollars (\$30,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this section for the award of formal contracts.

(K) **Professional Services Exempt From Bidding Requirements.** All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the County without observing the bidding procedures prescribed by this Section for the award of formal contracts.

(L) **Emergency Purchases.** In case of an apparent emergency which requires immediate work or purchase of supplies, materials or services, the County Board shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

(M) **Cooperative Purchasing.** The County shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the County would be served thereby.  
**(55 ILCS 5/5-1022)**

**1-4-7 INTEREST IN CONTRACTS PROHIBITED.**

(A) No person holding any office, either by election or appointment under the laws or constitution of this State, may be interested in any manner, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust or corporation, with respect to any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor may any such officer

take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void.

(B) However, any elected or appointed member of the governing body may provide materials, merchandise, property, services or labor if they meet the exemption requirements provided in the **Illinois Compiled Statutes, Chapter 50, Paragraph 105/3, et seq.**

**1-4-8 CLAIMS.**

(A) **Presentation.** All claims against the County for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance must be presented at least **five (5) business days** prior to the County Board meeting. All such claims must be in writing and items shall be specified.

(B) **Exception.** This does not prohibit the County Board from passing on any claims not previously presented to the Board, if, in the opinion of the Board, justice to the claimant requires it.

**1-4-9 INSURANCE.** The County Board shall have the power to purchase liability insurance covering and insuring all County officers, employees and elected officials; said insurance to cover incidents occurring while in the performance of their duties, which insurance may insure, cover and protect any liability which the County officer, employee or elected official may incur. When the insurance has been purchased, the County shall be responsible for all premiums and deductible charges called for by any valid liability insurance policy covering the County officer, employee or elected official.

**1-4-10 INDEMNIFICATION.** If the County Board elects not to purchase liability insurance covering and insuring County officers, elected officials and employees as provided in **Section 1-4-8** of this Chapter, then the County shall indemnify and cause to defend County officers, elected officials and employees from any claim filed by an individual, partnership or corporation when the elected officials or employees while in the performance of their official duties, except the County shall not indemnify, but shall defend any officer, elected official or employee from any claim made by an individual, partnership or corporation wherein the claim alleges that the officer, elected official or employee acted intentionally, maliciously or wantonly and further, shall not indemnify or cause to defend the officials or employees where the claim is directly or indirectly related to the negligent care or use of a vehicle as defined by the **Illinois Compiled Statutes**, and the County shall not indemnify any officer, elected official or employee from any claim made by an officer, elected official or employee.

Notwithstanding any other provision of this Code, the County shall not indemnify or cause to defend any officers, elected officials or employees if the officers, elected officials or employees have liability insurance insuring the officers, elected officials or employees from the alleged claim; however, the County shall indemnify the officer, elected official or employee the personal deductible limits of their personal policy.

**1-4-11**            **ILLINOIS MUNICIPAL RETIREMENT FUND.**

(A)            The County does hereby elect to participate in the **Illinois Municipal Retirement Fund.**

(B)            **Special Tax.** The County includes in its levy and appropriation ordinance provisions for the levying of a special tax to pay the County's cost of participating in the Retirement Fund and appropriate funds therefrom to pay the cost of participation. **(Res. 95-145; 01-03-95) (Res. 95-145B; 01-03-95)**

**1-4-12**            **FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.**

(A)            **Eligible employees** shall mean all employees of the County, eligible under the Federal Act.

(B)            Withholdings from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations.

**1-4-13**            **SMOKING PROHIBITED IN COURTHOUSE.** The Randolph County Courthouse Campus, including the parking lots, are hereby declared a tobacco-free property. **(Ord. No. 13-08; 07-05-13)**

**1-4-14**            **SOLICITORS PROHIBITED.**

(A)            It shall be unlawful for any solicitor or canvasser as defined in paragraph (B) of this Section to engage in such business within all County owned buildings.

(B)            A solicitor or canvasser is defined as any individual taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject for such sale or whether he is collecting advance payments on such sales or not.

(C)            The Sheriff shall post at each entrance to the buildings a sign stating "No Solicitors or Canvassers". The failure of the Sheriff to post such signs or the absence of such a sign on any occasion shall not affect the validity of this Section.

(D)            It shall be the duty of the Sheriff to enforce the provisions of this Section against any person found to be violating the same.

**ARTICLE V – APPOINTED OFFICIALS**

**1-5-1 ZONING ADMINISTRATOR.**

(A) **Appointed.** The County Chairman shall annually appoint a Zoning Administrator at the December meeting, also known as the Land Resource Administrator.

(B) **Duties.** The Zoning Administrator or his authorized representative shall administer and enforce the Zoning Code, as amended from time to time and is in effect in accordance with the powers and duties therein set forth, and in furtherance of such authority, he shall:

- (1) Issue all building permits and zoning certificates, and make and maintain records thereof.
- (2) Issue all certificates of occupancy, and make and maintain records thereof.
- (3) Issue "**Temporary Certificates of Zoning Compliance**" as authorized by the Zoning Code.
- (4) Conduct inspections of buildings, structures, and land to determine compliance with the Zoning Code and the Flood Plain Code and to notify in writing the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.
- (5) Order the discontinuance of illegal use of land, buildings or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by statute or by the Zoning Code to insure compliance with or to prevent violation of the provisions.
- (6) Maintain permanent and current records of the Zoning Code, including, but not limited to, all maps, amendments, special-use permits, planned building developments, variances appeals, and applications therefor.
- (7) Provide and maintain a source of public information relative to all matters arising out of the Zoning Code.
- (8) Receive, file and forward to the Zoning Board of Appeals all applications for variance, appeals and other matters on which the Board is required to act upon under the Zoning Code.
- (9) Keep the County Board advised of zoning activities by written report semi-annually, including statements of permits and certificates issued and orders promulgated.
- (10) The Zoning Administrator may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Sheriff in enforcing orders, of the States Attorney in prosecuting violators, and of other County officials and officers.
- (11) The Zoning Administrator shall perform such other duties as prescribed by Codes and Laws of the County and as may be specifically assigned to him by the County Board. Such Codes and laws may include, but not be limited to, the **Building Code and**

**the Subdivision Code**, as adopted and amended from time to time by the County Board.

(C) **Determination of Flood Danger.** The Zoning Administrator shall review all building permit applications to determine if the site of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards. **(See Chapter 14--Flood Plain)**

(D) **Flood Plain Construction Requirements.** The Zoning Administrator, in reviewing all applications for construction in flood hazard locations within the County shall require that any such proposed construction must:

- (1) Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.
- (2) Use of construction materials and utility equipment that are resistant to flood damage.
- (3) Use of construction methods and practices that will minimize flood damage.
- (4) Provide adequate drainage in order to reduce exposure to flood hazards.
- (5) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems. **(See Chapter 14--Flood Plain)**

(E) **Flood Plain: Subdivision Applications.** The Zoning Administrator in reviewing all subdivision applications shall make findings of fact and determine if:

- (1) All such proposed developments are consistent with the need to minimize flood damage.
- (2) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (3) Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.
- (4) All public utilities and facilities are located, elevated, and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water system.

**1-5-2                    EMERGENCY MANAGEMENT AGENCY COORDINATOR.**

(A) **Appointment.** The County Board Chairman shall appoint, with the advice and consent of the County Board, a Coordinator of the Emergency Services and Disaster Agency.

(B) **Salary.** He shall receive a salary as established in the annual budget.

(C) **Duties.** His duties shall be as are provided in the Revised Code.

**1-5-3                    ANIMAL CONTRL ADMINISTRATOR.**

(A) **Appointment.** The County Board Chairman shall appoint, with the advice and consent of the County Board, an Animal Control Administrator.

(B) **Duties.** **(See Chapter 3 of this Code.)**



**1-5-4 HEALTH INSURANCE – PRIVACY OFFICIAL APPOINTED.** Pursuant to the provisions of the federal law Health Insurance Portability and Accountability Act, the Randolph County Board does hereby establish the executive position of Privacy Official to be determined by the County Board.

(A) **Purpose of the Position.** The Privacy Official shall be responsible for the implementation and development of the required County’s policies and procedures regarding health information privacy.

(B) **Knowledge and Criteria Required for Position of Privacy Official.** The experience and knowledge required of the Privacy Official shall be as follows:

- (1) Fundamental knowledge and understanding of the County’s organizational structure and operations as a unit of government.
- (2) Familiarity with the administration of the County’s Group health benefit plans including vendor relationships.
- (3) Substantive training and experience in law, employee benefits, compliance, administration, health, and/or information technology disciplines.
- (4) Ability to communicate effectively with management, employees, retirees, participants, internal departments, business associates, and other governmental agencies.
- (5) Understanding of health information privacy laws and health insurance industry practices.

(C) **Duties and Responsibilities of Position.** The appointed Privacy Official shall be responsible for ensuring that the County’s Group Health Plan is in compliance with the federal law. Those responsibilities shall be as follows:

- (1) Periodic health information privacy risk and compliance assessments. These assessments will be conducted annually each April under the direction of the Privacy Official.
- (2) Updates and implementation of privacy policies and procedures in response to changing operational, systems, or legal requirements.
- (3) Monitoring the County’s overall compliance with its privacy policies and procedures.
- (4) Review of systems and methodology for accounting for disclosures of personal health insurance (other than treatment payment and health care operations).
- (5) Coordinate the review of health information privacy-related issues with the County’s legal counsel.
- (6) Review of business associates and their agreements on an annual basis to be conducted each April.
- (7) Oversight of training programs – detailed and overview training. This includes increasing awareness of employees and retirees regarding efforts to preserve the privacy of individuals health information.
- (8) Representation of County’s information privacy interest before the appropriate external parties (state or local government, etc.)
- (9) Administration of procedures for compliance with the rights of individuals under Health Insurance Portability and Accountability Act.

- (10) Annual review and updating of notices for compliance with Health Insurance Portability and Accountability Act and the County's health information privacy policies and procedures.
- (11) Monitoring uses and disclosures of personal health insurance within the County for compliance.
- (12) Monitoring the adequacy and effectiveness of privacy protections and safeguards in light of technological advances.
- (13) Review procedural practices designed to appropriately limit access and disclosure of personal health insurance to the minimum necessary amount needed to accomplish the intended purposes.
- (14) Develop sanctions and mitigation policies for breaches of privacy policies and procedures.
- (15) Assessing and administering consistent sanctions for failures to comply with privacy policies and procedures by staff and business associates.
- (16) Monitoring changes in laws and regulations that may necessitate changes in notices, policies and procedures.
- (17) Coordination of communications with U.S. Department of Health and Human Services or other governmental officials and agencies in compliance reviews or investigations.

(D) **Deputy Privacy Official.** The County Board Chairman may appoint a Deputy Privacy Official, upon the recommendation of the Privacy Official for a term of **one (1) year**. The powers and duties herein described shall be executed by such Deputy only in absence of the Privacy Official and only when either oral or written direction has been given by the Privacy Official to the Deputy to exercise such power or the County Board Chairman or his Administrator has determined that the Privacy Official is temporarily or permanently incapacitated to perform such functions.

- (1) The person so appointed shall be a member of the County's Personnel and Fringe Benefits staff, who is intimately involved and knowledgeable about the County's benefit plans.

(E) **Ancillary Duties of the Privacy Official.** The other duties of the Privacy Official may be delegated to the department's support staff under the direct supervision and authority of the Privacy Official and who remains ultimately responsible.

(F) **Funding for Position.** Financially the additional duties of the Privacy Official shall be funded, if necessary, from the Personnel and Fringe Benefits Department's budget.

(G) **Consultants.** The Privacy Official shall continue to have access to third-party consultants and legal assistance to provide certain additional expertise when needed.

(H) **Exceptions to this Section.** The Health Insurance Portability and Accountability Act compliance for on-site clinics sponsored by the County Health Department or Mental Health Department, shall be the responsibility of those departments independent of the County Employee Health Plan. Accordingly, it shall be the responsibility of those departments and their boards to appoint Privacy Officials for their departments.

**1-5-5 SUPERVISOR OF GENERAL ASSISTANCE.** The Office of Randolph County Supervisor of General Assistance shall be filed by an appointment by the Chairman of the Board of Commissioners with the advice and consent of the County Board.

(A) The term of the position of Randolph County Supervisor of General Assistance shall be **one (1) year**.

(B) The Supervisor of General Assistance shall be the Department Manager and shall be responsible for maintaining the office of Randolph County General Assistance as required by the Illinois Public Aid Code and, as applicable, the regulations of the Illinois Department of Public Aid.

(C) In addition to those responsibilities referenced above, the Supervisor of General Assistance shall submit an annual budget, maintain adequate staff and make all decisions regarding policy within the Randolph County Office of General Assistance, subject to review by County Board.

(D) The salary of the Supervisor of General Assistance shall be set by the County Board and reviewed annually.

(E) The appointed Supervisor of General Assistance shall be removed during his term of the position only in accordance with the Illinois Public Aid Code, Ch. 23, Sec. 12-21.10; provided, however, the Chairman of the County Board, with the advice and consent of the County Board, shall have sole discretion to determine whether the Supervisor of General Assistance shall be reappointed to any subsequent term. Notice of either reappointment or intent to appoint someone other than the incumbent shall be provided to the incumbent Supervisor of General Assistance no later than **thirty (30) days** prior to the expiration of the incumbent's term. **(#1989)**

**ARTICLE VI - FISCAL POLICIES**

**1-6-1        DEPOSIT OF FEES.** All fees and other revenue collected by any officer of the County shall be recorded and paid over the County Treasurer, for deposit in the County corporate fund, on a weekly basis.

The County Treasurer shall deposit all fees and revenues in an appropriate financial institution on a daily basis.

**1-6-2        PETTY CASH FUNDS.** Petty cash funds maintained by individual County officers shall adhere to the following regulations:

(A)            Each fund shall have a predetermined maximum balance authorized by the County Board.

(B)            All payments made by the fund custodian shall supported by validated receipts.

(C)            Replenishment of the fund shall be by the Treasurer drawing a check payable to his own order in an amount equal to the validated receipts.

(D)            Short term advances commonly referred to as I-Owe-You are prohibited.

(E)            Placing receipts in petty cash funds rather than transfer to the Treasurer is prohibited.

**1-6-3        MONTHLY REPORT BY TREASURER.** The County Treasurer's monthly report shall include amounts billed, collected and receivables in the following instances:

(A)            Liquor licenses.

(B)            Highway office billings.

(C)            Zoning fees.

(D)            Housing of prisoners.

(E)            Subdivision fees.

**1-6-4        MONTHLY REPORT BY CLERK.** The County Clerk shall make accounting monthly to the County Board of all special funds maintained by him in the discharge of his duties.

(A)            All funds collected by the County Clerk shall be supported by pre-numbered receipts. All receipts shall be accounted for as either deposited, voided or not used.

(B)            The County Clerk shall make accounting monthly to the County Board of all funds collected and all receipts issued.

(C)            The County Clerk shall make accounting monthly to the County Board of the number of copies made for individuals, organizations and corporations, including the amounts billed, amounts collected and amounts outstanding.

**1-6-5        EXPENSE REIMBURSEMENT.** The County has a policy for reimbursing employees for expenses that result from approved business activities such as travel, training, errands, etc. Prevailing rates and guidelines will be determined by the Board. Reimbursement

is dependent upon prior approval by the employee's Department Head. The policy details expenses related to:

- (A) Lodging, airfare, rental cars & auto expenses
- (B) Business Meals (excluding alcoholic beverages)
- (C) Other – Approved expenses incurred in relation to business purposes

Requests for reimbursement shall be submitted on a Randolph County Travel Reimbursement form and must be submitted within **sixty (60) days** of the date expenses were incurred. IRS Guidelines for reimbursement require that expenses meet the following criteria:

- Ordinary and necessary in business, not lavish or extravagant
- Supported by the original receipt
- Documented and approved per the business purpose

**ARTICLE VII – SALARIES GENERALLY**

**1-7-1 COUNTY OFFICIALS’ SALARIES.** The annual salaries and other terms of compensation for the following County elected officials are established and are to be effective on **December 1st** of each indicated year as follows:

(A) <b>Elected Officials.</b>	<u>12/01/20</u>	<u>12/01/21</u>	<u>12/01/22</u>	<u>12/01/23</u>	<u>12/01/24</u>	<u>12/01/25</u>
Sheriff	\$84,000.00	\$84,000.00	N/A	N/A		
County Treasurer	70,000.00	70,000.00	N/A	N/A		
Supervisor of Assessments	66,000.00	66,000.00	N/A	N/A		
County Clerk/Recorder	66,000.00	66,000.00	N/A	N/A		
Commission (Kiehna)	40,000.00	40,000.00	\$40,000.00	\$40,000.00		
Commissioners	42,000.00	42,000.00	42,000.00	42,000.00	\$42,000.00	\$42,000.00
Circuit Clerk	70,000.00	70,000.00	70,000.00	70,000.00	N/A	N/A
Coroner	61,000.00	61,000.00	61,000.00	61,000.00	N/A	N/A

(B) In addition to the salaries as set forth above, each office holder enumerated above in paragraph (A) shall receive the following benefits from the County during the fiscal years as set forth above:

- (1) Health insurance coverage for the individual office holder only.

**(Ord. No. 18-11; 05-01-18) (Ord. No. 20-07; 06-26-20) (55 ILCS 5/2-3008)**

**1-7-2 PUBLIC DEFENDER.** The annual compensation to be paid the Randolph County Public Defender is as follows:

(A) An annual salary of **One Hundred Five Thousand Dollars (\$105,000.00)** is established for Public Defender. **(Ord. No. 19-30; 12-27-19)**

(B) Said sum may be adjusted by the Randolph County Board of Commissioners annually, with any changes to take effect on **December 1** of any year a change is budgeted/approved by the Randolph County Board of Commissioners. **(Ord. No. 19-30; 12-27-19)**

(C) Should Randolph County fail to be reimbursed in the amount required by **55 ILCS 5/3-4007** for the salary of the Public Defender by the State of Illinois for more than **one hundred eighty (180) days** after the submission of the required documentation to the State of Illinois, the salary of the Public Defender shall revert to the base salary of **Seventy Thousand Dollars (\$70,000.00)** per year for so long a period of time as there is either a failure to reimburse or the reimbursement is at a rate less than **two-thirds (2/3)** of the salary of the Public Defender. This clause shall be effective **December 3, 2012.**

(D) If Randolph County has not been reimbursed by the State of Illinois by **September 30, 2013**, the Public Defender shall pay the difference of the **Ninety-Five Thousand Dollars (\$95,000.00)** and **Seventy Thousand Dollars (\$70,000.00)** salary received between **December 3, 2012** and **September 30, 2013**, back to the County treasury. Such payment shall be made by **July 31, 2013.**

**1-7-3 ELECTION JUDGE SALARIES.** The compensation of Judges of Election is hereby set at **One Hundred Fifty Dollars (\$150.00)** per election. However, the compensation of Judges of Election having successfully completed a training course administered by the County Clerk within the last **two (2) years** is set at **One Hundred Seventy-Five Dollars (\$175.00)** per election. The County Clerk may adopt uniform rules of compensating Judges of Election for such additional duties as receiving and returning ballots and supplies, and reimburse mileage of personal vehicles for such duties. **(10 ILCS 5/13-10)**

**ARTICLE VIII – RECORDING CLOSED MEETINGS**

**1-8-1      RECORDING CLOSED SESSIONS.** The County shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the County or any subsidiary “public body” as defined by the Illinois Open Meetings Act, **5 ILCS 120/1**. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. **(See 5 ILCS 120/2)**

**1-8-2      RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS.** The County Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the County Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the County Board. Each subsidiary public body of the County shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the County Clerk with a copy of such recording. The County Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the County and all subsidiary public bodies of the County.

**1-8-3      CLOSED SESSION MINUTES.** In addition to the recordings of the closed and executive session as addressed in this Division, the County will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, **5 ILCS 120/2.06**.

**1-8-4      PROCEDURE FOR RECORDING.** At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

**1-8-5      BACK-UP EQUIPMENT/PROCEDURE FOR EQUIPMENT MALFUNCTION.** The County shall maintain sufficient tapes, batteries and equipment for the County to comply with this Division. The County Clerk or his/her designee shall periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.

**1-8-6      PROCEDURE FOR REVIEW OF CLOSED SESSION MINUTES AND RECORDINGS.** At one meeting at least every **six (6) months**, the agenda shall include the item: “Review of the minutes and recordings of all closed sessions that have not yet been

released for public review, and determination of which minutes, if any, may be released." Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the County find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the "need for confidentiality still exists" as to those minutes. Minutes of closed sessions shall be kept indefinitely.

**1-8-7      MAINTENANCE AND PUBLIC RELEASE OF RECORDINGS AND ACCESS TO TAPES.** The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18) months** after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the County Board. Members of the corporate authorities may listen to the closed session recordings in the presence of the County Clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the County Board.

**1-8-8      PROCEDURE FOR DESTRUCTION OF RECORDINGS.** The County Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

- (A)            The corporate authorities of the County have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
- (B)            More than **eighteen (18) months** have elapsed since the date of the closed session;
- (C)            There is no court order requiring the preservation of such recording; and
- (D)            The corporate authorities of the County have not passed a motion requiring the preservation of the verbatim recording of that meeting.



**ARTICLE IX – REMOTE ATTENDANCE POLICY**

**1-9-1**        **PURPOSE.** The purpose of this policy is to allow members of County Board of Commissioners to attend and participate in any open or closed meeting of the Board of Commissioners by audio or video conference as permitted by the Illinois Open Meetings Act, **5 ILCS 120/7**, subject to the rules as set forth in this policy.

**1-9-2**        **DEFINITIONS.**

- (A)        **"Act"** means the Illinois Open Meeting Act, **5 ILCS 120/1 et seq.**
- (B)        **"Meeting"** means any open or closed meeting of Randolph County Board of Commissioners subject to the Act.
- (C)        **"Qualifying Event"** means: (1) personal illness or disability; (2) employment purposes or business of Randolph County Board of Commissioners; or (3) family or other emergency.
- (D)        **"Remote Means"** means video or audio conference.

**1-9-3**        **RULES FOR REMOTE ATTENDANCE.**

A member of the County Board of Commissioners may attend a meeting by remote means if he or she is prevented from physically attending the Meeting due to a Qualifying Event, provided there is compliance with each of the following rules:

- (A)        A quorum is physically present at the Meeting;
- (B)        The member of the County Board of Commissioners seeking to attend the meeting by remote means has provided written notice to the Clerk that he or she intends to attend the meeting by remote means due to a qualifying event at least **forty-eight (48) hours** in advance of the meeting;
- (C)        The members of the County Board of Commissioners physically present at the meeting vote to approve the member's attendance by remote means;
- (D)        The remote means used for attendance is fully functional, so that both the member attending by remote means, the board physically present at the meeting and those in attendance at the meeting can clearly hear all communications;
- (E)        The minutes shall reflect the attendance of the member by remote means;
- (F)        Every member of the County Board of Commissioners shall identify himself/herself before speaking at meeting where a member is attending by remote means;
- (G)        The member attending by remote means shall be permitted to fully participate in the meeting as though he or she were physically present;
- (H)        The member attending by remote means shall announce if he or she leaves the meeting and/or returns to the meeting;
- (I)        The member attending by remote means shall advise the Board if any other persons are within hearing range of the audio or video conference; and
- (J)        The member attending by remote means shall ensure that during closed sessions no unauthorized persons are within hearing range of audio or video conference.
- (K)        The remote policy is hereby specified in **Appendix "A"**.

**1-9-4**        **APPLICABILITY.**

If any provision of this Policy conflicts with any provision of the Act, the provisions of the Act shall prevail.

APPENDIX "A"

GOVERNMENTAL UNIT  
REMOTE ATTENDANCE POLICY

(See also Section 1-9-1)

(A) **Policy Statement.** It is the policy of the County that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) **Prerequisites.** A member of the Covered Group of the County shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets that following conditions and a majority of a quorum of the Covered Body votes to approve the remote attendance;

- (1) the member must notify the recording secretary or clerk of the Covered Body at least **twenty-four (24) hours** before the meeting unless advance notice is impractical;
- (2) the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the County; or (3) the member cannot attend because of a family or other emergency; and
- (3) a quorum of the Covered Body must be physically present.

(C) **Voting Procedure.** After roll call, a vote of the Covered Body shall be taken, considering the prerequisites set forth in paragraph (B), on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.

(D) **Quorum and Vote Required.** A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting to continue there shall always need to be a quorum physically present.

(E) **Minutes.** The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that meeting of the members and is allowed to participate. The meeting minutes of the County shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

ADDENDUM "A"

REQUEST FOR AUXILIARY AID(S) AND/OR SERVICE(S)

NAME OF APPLICANT: \_\_\_\_\_

NAME OF COMPANION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ CELL NO.: \_\_\_\_\_

DATE OF NEEDED AUXILIARY AID OR SERVICE: \_\_\_\_\_

SPECIFY AUXILIARY AID(S) AND/OR SERVICES REQUIRED: \_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

**RANDOLPH COUNTY, ILLINOIS**

**CLOSED SESSIONS – MINUTES**

**NOTE: The identifying names have been changed to preserve confidentiality for Randolph County.**

Inventory	Date	Purpose	Discussion	Proposed Action	Comments

- Key**
- P Personnel**
  - P/L Pending Litigation**
  - L/A Land Acquisition**
  - CB Collective Bargaining**

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## CHAPTER 3

## ANIMALS

## ARTICLE I - GENERAL REGULATIONS

**3-1-1**        **SHORT TITLE.** This Chapter shall be known and may be cited as the Animal Control Code. **(510 ILCS 5/1)**

**3-1-2**        **DEFINITIONS.** For the purposes of this Chapter, the following definitions are adopted and shall be used:

**"ANIMAL"** shall mean any animal, other than man, which may be affected by rabies. **(510 ILCS 5/2.02)**

**"ANIMAL SERVICES ADMINISTRATOR"** means any person appointed by the County Chairman and approved by the County Board to perform duties enforcing this Code or any animal control official appointed and acting under authority of the County Board. **(510 ILCS 5/2.03)**

**"AT LARGE"**. Any dog shall be deemed to be at large when it is off the property of its owner and not under the control of a responsible person.

**"CAT"** shall mean any feline, regardless of age or sex.

**"CONFINED"** means restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public. **(510 ILCS 5/2.05)**

**"DANGEROUS DOG"** means:

(A) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal, or

(B) a dog that, without justification bites a person and does not cause serious injury.

**(510 ILCS 5/2.052A)**

**"DEPARTMENT OF AGRICULTURE"** means the Department of Agriculture of the State of Illinois. **(510 ILCS 5/2.06)**

**"DOG"**. "Dog" means all members of the family Canidae. **(510 ILCS 5.211)**

**"ENCLOSURE"** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such

as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times. **(510 ILCS 5/2.11a)**

**"FERAL CAT"** means a cat that:

- (A) is born in the wild or is the offspring of an owned or feral cat and is not socialized,
- (B) is a formerly owned cat that has been abandoned and is no longer socialized, or
- (C) lives on a farm.

**(510 ILCS 5/2.11b)**

**"HAS BEEN BITTEN"** means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin. **(510 ILCS 5/2.12)**

**"INOCULATION AGAINST RABIES"** means the injection of an anti-rabies vaccine approved by the Department. **(510 ILCS 5/2.13)**

**"KENNEL"** means any structure or premises or portion thereof on which more than **three (3) dogs**, cats, or other household domestic animals, over **four (4) months** of age, are kept or on which more than **two (2)** such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

**"LEASH"** means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control. **(510 ILCS 5/2.14)**

**"LICENSED VETERINARIAN"**. "Licensed veterinarian" means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine. **(510 ILCS 5/2.15)**

**"OWNER"**. For the purpose of this Code, the word "owner" means a person having a right of property in a dog or other animals or who keeps or harbors a dog, or who has a dog in his care, or who acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him. **(510 ILCS 5/2.16)**

**"POTENTIALLY DANGEROUS DOG"** means a dog that is unsupervised and found running at large with **three (3)** or more other dogs. **(510 ILCS 5.17c)**

**"POUND"**. "Pound" means any facility approved by the Administrator and licensed as such by the Department of Agriculture for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. **(510 ILCS 5/2.18)**

**"REGISTRATION CERTIFICATE"**. "Registration Certificate" means a printed form prescribed by the Department of Agriculture for the purpose of recording pertinent information as required by the Department under the Animal Control Act. **(510 ILCS 5/2.19)**



**"RESTRAINT"**. A dog is under "restraint" within the meaning of this Code if it is controlled by a leash; within an enclosed vehicle being driven or parked on the streets; or within the property limits of his owner or keeper.

**"SHADE"** shall mean protection from the direct rays of the sun during the months of June through September.

**"SHELTER"**, as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least **two (2) inches** from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

**"UNOWNED STRAY DOG"**. "Unowned stray dog" means any dog not on the premises of the owner or keeper or under control by leash or other recognized control methods, and which does not, at that time and place, bear a current rabies inoculation tag issued pursuant to the provisions of this Code, by means of which, by reference to records of current registration certificates, the Administrator or his deputies or assistants may determine the name and address of the owner or keeper thereof, or some other means of identification from which the Administrator or his deputies or assistants may directly determine the name and address of the owner or keeper thereof. **(510 ILCS 5/2)**

**"VICIOUS ANIMAL"** shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

**"WILD ANIMAL"** shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state. **(510 ILCS Sec. 5/24)**

### **3-1-3      MANNER OF KEEPING.**

(A) **Pens, Yards, or Runs.** All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

(B) **Fences.** Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

### **3-1-4      KEEPING BARKING DOGS AND CRYING CATS.**

(A) **Harboring.** It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(B) **Petitions of Complaint.** Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the County, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.

**3-1-5            CRUELTY TO ANIMALS PROHIBITED.**

(A)            **Cruelty to Animals Prohibited.** It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the County Animal Control Facility for proper disposal.

(B)            **Food and Shelter.** It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. The terms used in this section shall comply with **Section 3-1-2. (65 ILCS 5/11-5-6)**

**3-1-6            EXHIBITING WILD OR VICIOUS ANIMALS.**

(A)            It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal as described in this Chapter for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(B)            It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the State of Illinois.

(C)            It shall be unlawful for any person to harbor or keep a vicious animal within the County. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any Court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D)            The Department of Agriculture shall issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless, then said animal may be kept on a temporary basis.

**3-1-7            HEALTH HAZARD.** The County Chairman shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a nuisance or pose a health hazard to the general public.

**3-1-8            LIMITATION ON NUMBER OF DOGS AND CATS KEPT.**

(A)            **Nuisance.** The keeping of an unlimited number of dogs and cats in the County for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created.

The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms "dog" and "cat" shall be construed as provided in **Section 3-1-2.**

(B) **Limitation; Exception.**

- (1) It shall be unlawful for any person or persons to keep more than **three (3) dogs** or **cats** within the County, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding **five (5) months** from birth.
- (2) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

(C) **Kennels.** In the areas where kennels are permitted, no kennel shall be located closer than **two hundred (200) feet** to the boundary of the nearest adjacent residential lot. **(See Zoning Code, if any.)**

**3-1-9 ANIMALS, ETC. IN COUNTY.**

(A) **Certain Prohibitions.** Except as otherwise provided in this Chapter no person shall keep within the County any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese, rabbits, or other livestock.

(B) **Exceptions.** This Section shall not apply in areas of the County that are zoned agricultural in nature nor shall this Section apply to livestock brought in to the County for the purpose of being shipped out of the County.

(C) **Powers of Police Chief.** The police chief shall have the power to issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a health hazard to the general public.

**(65 ILCS 5/11-1-1; 5/11-5-6 and 5/11-20-9)**

## ARTICLE II - ADMINISTRATION

**3-2-1 APPOINTMENT OF ADMINISTRATOR; DEPUTIES; REMOVAL.** The County Board Chairman shall appoint, with the advice and consent of the County Board at its first regular meeting in January of each year, an Animal Services Administrator, who shall be a licensed Illinois veterinarian. The Administrator's duties shall include those prescribed by statutes, this Code, and the Rules and Regulations relating to the Animal Control Act as have been or may hereafter be adopted by the Department of Agriculture of the State of Illinois pursuant to **Illinois Compiled Statutes, Chapter 510, Section 5/1**. The Administrator's salary and expenses shall be established annually by the County Board in the Annual budget prior to his appointment. The Administrator, with approval of the Animal Services Committee, may appoint Deputy Administrators, Animal Control Wardens and personnel to aid him as authorized by the County Board. The compensation for Deputy Administrators, Wardens and personnel shall be established by the County Board in the annual budget. The Administrator and the Animal Services employees may be removed by the County Board Chairman upon the recommendation of the Animal Services Committee.

**3-2-2 EQUIPMENT SUPPLIED BY BOARD.** The Board shall provide necessary personnel, equipment, supplies, and facilities, and shall provide pounds or contract for their operation as necessary to effectuate the program. The Administration shall be responsible for operation of such pounds as are or may hereafter be owned by the County.

The Board is empowered to, and may from time to time, utilize monies from their General Corporate Fund to effectuate the intent of this Code. **(510 ILCS 5/3)**

**3-2-3 DUTIES OF ADMINISTRATOR: POLICE POWERS: COOPERATION OF SHERIFF AND POLICE.** It shall be the duty of the Administrator through education, rabies inoculation, stray control, impoundment, quarantine, and any other means deemed necessary to control and prevent the spread of rabies in this County. It shall also be the duty of the Administrator to investigate and substantiate all claims made under Section 19 of the Animal Control Act. **(510 ILCS 5/19)**

The Administrator, Deputy Administrators, and Animal Control Wardens are, for the purpose of enforcing this Code, clothed with police power, according to law made and provided. The Sheriff and his deputies and municipal police officers shall cooperate with the Administrator in carrying out the provisions of this Code. **(510 ILCS 5/5)**

**ARTICLE III - REGISTRATION****3-3-1 REGISTRATION OF DOGS, CERTIFICATION OF REGISTRATION.**

Every person who is or has been a resident of this County for **thirty (30) days** or more and who is the owner of any dog, **four (4) months** or more of age, shall cause such dog to be registered and shall pay an annual fee for such dog. The annual fee shall be as specified in **Appendix "A"**.

The State's Attorney may, at his discretion, initiate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner provided by law against individuals who fail **AFTER sixty (60) days** and actual notice to register their dog(s).

**3-3-2 FEE DEADLINE.** The annual registration fee for individual dogs shall be paid within **twenty (20) days** of the date said dogs are inoculated against rabies or within **twenty (20) days** of paid anniversary of **three (3) year** vaccinations with increased costs assessed if paid within **twenty-one (21) to forty (40) days** and even higher costs assessed paid **AFTER forty (40) days** from date said dogs are inoculated against rabies or **three (3) year** vaccinations.

**3-3-3 REGISTRATION FORMS.** The Animals Services Administrator shall provide licensed veterinarians with appropriate registration forms which shall be distributed to dog owners by such licensed veterinarians upon the occasion of the rabies inoculation required by the Animal Control Act and this Code. The veterinarians shall send completed inoculation forms to the Animal Services Administrator as soon as practicable, preferably weekly.

**3-3-4 REMITTANCE OF FEES - ANIMAL SERVICES FUND - USE OF FUND.** All registration fees collected shall be remitted to the County Treasurer who shall place such monies in an Animal Services Fund. This fund to be set up by him for the purpose of paying costs of the Animal Services Program. **One-third (1/3)** of all fees collected shall be retained in the fund until the **first (1<sup>st</sup>) Monday** in March of each calendar year for the purpose of, paying claims for loss of livestock or poultry as set forth in Section 19 of the Animal Control Act. The remaining **two-thirds (2/3)** shall be used for paying the cost of stray dog control, impoundment, education on animal provisions of this Code, except as set forth in Section 5/19 of Chapter 510 of the Animal Control Act, Illinois Compiled Statutes. **(510 ILCS 5/7 and 5/19)**

## ARTICLE IV – REGULATIONS

**3-4-1 INOCULATION AGAINST RABIES REQUIRED – RABIES INOCULATION TAGS – SALE AND DISTRIBUTION OF VACCINE.** Every owner of a dog **four (4) months** or more of age not confined at all times to an enclosed area, shall cause such dog to be inoculated against rabies by a licensed veterinarian at such intervals as have been or may hereafter be established by regulations of the Illinois Department of Agriculture. Evidence of such rabies inoculation shall be entered on a registration certificate the form of which shall be approved by the Board and which shall be signed by the licensed veterinarian administering the vaccine. The Board shall cause a rabies inoculation tag to be issued, at no additional fee, for each dog inoculated against rabies.

Rabies vaccine for use on animals shall be sold or distributed only to and used only by licensed veterinarians. Such rabies vaccine shall be licensed by the United States Department of Agriculture and approved by the Illinois Department of Agriculture by published regulations. **(Ord. No. 1-2-2015) (See Appendix "A" for the applicable fees.)**

**3-4-2 RABIES INOCULATION TAG – DISPLAY – COLLAR OR HARNESS.** Every dog within the County, which is required to be vaccinated and registered under the provision of the Animal Control Act and this Code, shall be provided by its owner or keeper with a collar or harness made of leather, metal or other substantial material to which the owner or keeper shall cause a current rabies vaccination tag to be securely attached. The owner or keeper shall cause such collar or harness to be worn at all times by the dog for which the certificate and tag was issued, except when such dog is confined to an enclosed area.

**3-4-3 DOGS RUNNING AT LARGE.**  
**(A) Impoundment.** Any dog found running at large contrary to provision of this Code and **510 ILCS 5/1, et seq.**, shall be apprehended and impounded. For this purpose, the Administrator shall utilize any existing or available public pound.

Any dog running at large within the County on any public way or public place or upon the private premises of any person other than those of the owner or keeper of such dog shall be considered a "stray" and shall be considered to have been "found running at large contrary to the provisions of this Code" and contrary to the provisions of the Animal Control Act, whenever:

- (1) Such dog is not on the premises of its owner or keeper and is not under control by leash or other recognized control methods, and
- (2) Such dog does not bear a current rabies inoculation tag as required by this Code.

**(B) Unincorporated Areas Subdivided for Residence Purposes.** It shall be unlawful and a violation of this Code for any person who is the owner of a dog to allow or permit the same to run at large on any public way or public place or upon the private premises of any person other than those of the owner or keeper of such dog, provided, however, that this Section shall only apply in unincorporated areas of Randolph County which have been subdivided for residence purposes. For purposes of this Section, "running at large" means a dog allowed, suffered or permitted by its owner to roam, run or wander upon public ways or public places or upon private premises of any person other than those of the owner when such dog is not under control by leash or other recognized control methods. Persons

owning dogs in said unincorporated areas shall remove and properly dispose of all animal waste produced by their dogs from the property of others and all public places. **(55 ILCS 5/5-1071)**

**3-4-4 NOTICE OF IMPOUNDMENT – SERVICE OF NOTICE – REDEMPTION OF IMPOUNDED DOG – CONDITIONS.**

Any dog found running at large contrary to the provisions of this Section shall be apprehended and impounded by the Administrator. When any such dog has been apprehended and impounded by the Administrator pursuant to this Section, the Administrator shall give notice of not less than **seven (7) days** to the owner, if known. Such notice shall be mailed to the last known address of the owner. In case the owner of any dog impounded under this Section desires to make redemption thereof, he may do so on the following conditions:

- (A) He shall present proof of current registration and rabies inoculation.
- (B) He shall pay the registration and rabies and distemper inoculation fees, and
- (C) He shall pay to Randolph County, for the board of the dog for the period it was impounded at the rate of **Five Dollars (\$5.00)** per day, or part thereof;
- (D) He shall be charged a running at large penalty of **Ten Dollars (\$10.00)**.

Any person who is the owner of a dog and who allows, suffers or permits such dog to run at large contrary to the provisions of this Section, may be charged with a violation of this Section regardless of whether such owner's dog was apprehended and impounded by the Administrator, shall be fined not less than **Twenty-Five Dollars (\$25.00)** public safety fine. **Twenty Dollars (\$20.00)** of any fine shall be deposited into the Pet Population Fund and the remainder into the County Animal Control Fund. **(ILCS 1992)**

**3-4-5 DOGS NOT REDEEMED – HUMANE DISPATCH – HUMANE SOCIETIES; ADOPTION – CHARGE FOR REGISTRATION AND INOCULATION.**

When not redeemed by the owner within **seven (7) days** after due notice has been given under this Code, a dog which has been impounded for failure to be registered in accordance with the provisions of this Code shall be humanely dispatched, offered for adoption, or otherwise disposed of by the pound a stray dog in accordance with the laws that exist or may hereafter exist. This Code shall not prevent humane societies from engaging in activities set forth by their charters; provided, they are not inconsistent with provisions of this Code and other existing laws. Any person purchasing or adopting such dog, with or without charge or donation, shall pay for the registration and rabies inoculation of such dog. **(510 ILCS 5/11)**

**3-4-6 HUMANE DISPATCH, DISPOSITION – UNOWNED STRAY DOGS.**

The Administrator is hereby authorized to humanely dispatch, offer for adoption, or otherwise dispose of any unowned stray dog impounded under the provisions of this Code after the expiration of **seven (7) days** following the day of impoundment of such dog.

**3-4-7 STRAY DOGS.** Any dog found running at large contrary to provisions of this Code shall be apprehended and impounded. The only exception to this provision shall be a dog properly tagged and subject to voice command by its owner.

Further, any dog running at large whether tagged or untagged and upon request of the police authority of the local community may be humanely dispatched by the Animal Control Warden if:

- (A) The dog cannot be apprehended by trap or other means; and
  - (B) The dog has created a nuisance and caused damage in the community;
- and
- (C) The dog is exhibiting threatening behavior.

**3-4-8 DOGS EXHIBITING SIGNS OF RABIES – NOTICE TO ADMINISTRATOR – CONFINEMENT OF DOG – ANIMALS EXPOSED – CONFINEMENT.**

The owner of any dog or other animal which exhibits clinical signs of rabies whether or not such dog or other animal has been inoculated against rabies, shall immediately notify the Administrator, and shall promptly confine such dog or other animal, or have it confined, under suitable observation for a period of at least **ten (10) days**, unless officially authorized by the Administrator, in writing, to release it sooner. Any dog or other animal in direct contact with such dog or other animal, whether or not the exposed dog or other animal has been inoculated against rabies, shall be confined as recommended by the Administrator. **(510 ILCS 5/12)**

**3-4-9 REPORT OF BITE BY DOG OR OTHER ANIMAL – CONFINEMENT – REPORT ADMINISTRATOR – REPORT AT END OF CONFINEMENT – CONFINEMENT IN OWNER'S HOUSE – REDUCTION OF PERIOD – VIOLATIONS – EXPENSES.**

When the Administrator receives information that any person has been bitten by a dog or other animal, the Administrator, or his authorized representative, shall have such dog or other animal confined under the observation of a licensed veterinarian for a period of **ten (10) days**. Such veterinarian shall report the clinical condition of the dog or other animal immediately, with confirmation in writing to the Administrator within **twenty-four (24) hours** after the dog or other animal is presented for examination, giving the owner's name, address, the date of confinement, the breed, description, age, and sex of such dog or other animal, on appropriate forms approved by the Illinois Department of Agriculture. The Administrator shall notify the attending physician or responsible health agency. At the end of confinement period, the veterinarian shall submit a written report to the Administrator advising him of the final disposition of such dog or other animal on appropriate forms approved by the Illinois Department of Agriculture. When evidence is presented that such dog or other animal was inoculated against rabies within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any person for a period of **ten (10) days**, if the Administrator or other licensed veterinarian adjudges such confinement satisfactory. At the end of the confinement period, such dog or other animal shall be examined by the Administrator, or other licensed veterinarian.

It is unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the Administrator promptly. It is unlawful for the owner of such dog or other animal to euthanize, sell, give away, permit or allow such dog to be taken beyond the limits of this County, or otherwise dispose of any such dog or other animal known to have been a person, until it is released by the Administrator, or his authorized representative. It is unlawful for the owner of such dog or other animal to refuse or fail to comply with the written or printed instructions made by the Administrator, or his authorized representative. If such instructions cannot be delivered in person, they shall be mailed to the owner of such dog or other animal by regular mail, postage prepaid. The affidavit or testimony



of the Administrator, or his authorized representative, delivering or mailing such instructions is prima facie evidence that the owner of such dog or other animal was notified of his responsibilities. Any expense incurred in the handling of any dog or other animal under this Section and **Section 3-4-8** shall be borne by the owner. For the purpose of this Section, the word "immediately" means by telephone, in person, or by other than use of the mail. **(510 ILCS 5/13)**

**3-4-10 NECESSITY OF LEASH FOR DANGEROUS DOG OR OTHER ANIMAL; GUIDE DOGS EXEMPTED.** It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premise of its owner when not under control by leash or other recognized control methods.

Guide dogs for the blind, sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies and shall be registered annually with the Administrator. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempt dogs, and shall promptly notify such departments of any address changes reported to him.

**3-4-11 INJUNCTION TO ENFORCE; NUISANCE.** The Administrator, the State's Attorney, or any citizen of the County in which a dangerous dog or other animal exists may maintain a complaint in the name of the People of the State of Illinois to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the Circuit Court, if the court is satisfied that this nuisance may exist, it shall allow a temporary writ of injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Code, and in addition, the court shall enter a decree restraining the owner from maintaining such nuisance and may decree that such dog or other animal be humanely dispatched. **(510 ILCS 5/15)**

**3-4-12 INSPECTIONS – REFUSAL OF OWNER TO DELIVER DOG OR OTHER ANIMAL.** For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Administrator, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. **(510 ILCS 5/17)**

**3-4-13 LIABILITY OF OWNER OF DOG ATTACKING OR INJURING PERSON.** If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. **(510 ILCS 5/16)**

**3-4-14 IMMUNITY FROM DAMAGES OCCURRING IN ENFORCEMENT OF CODE.** Anyone enforcing the provisions of this Code shall not be held responsible for any accident or property damages which may occur while in the pursuit of any dog or other animal.

**3-4-15 KILLING OF DOG SEEN TO PURSUE, CHASE, WORRY, WOUND OR KILL DOMESTIC ANIMALS.** Any owner seeing his sheep, goats, cattle, horses, mules, swine or poultry being pursued, chased, worried, wounded, or killed by a dog, not accompanied by or not under the supervision of its owner, may pursue and kill such dog. **(510 ILCS 5/18)**

**3-4-16 PAYMENT TO OWNER OF DOMESTIC ANIMALS NO BAR TO ACTION FOR DAMAGES.** The payment to any owner of sheep, goats, cattle, horses, mules, swine, or poultry of monies out of the Animal Control Fund for damages resulting from loss or injury to any such animals, shall not be a bar to an action by such owner against the owner of the dog committing such injury or causing such loss for the recovery of damages therefor. The court or jury, before which such action is tried, shall ascertain from evidence what portion, if any, of the damages sought to be recovered in such action has been paid to the plaintiff in such action by the County Treasurer, and in case the plaintiff in such action recovers damages, the court shall enter judgment the defendant, in the name of the plaintiff for the use of the County, for the amount which the plaintiff has received on account of such damages from the County Treasurer, if such recovery shall equal or exceed the amount so received by such plaintiff from the County Treasurer; and the residue of such recovery, if any there by, shall be entered in the name of the plaintiff in such action to his own use. If the amount of the recovery in such action shall not equal the amount previously paid the plaintiff on account of such damages by the County Treasurer, then the judgment shall be entered as heretofore stated for the use of the Animal Control Fund, for the full amount of such recovery. The judgment shall show on its face what portion of judgment is to be paid to the Animals Control Fund, and what portion is to be paid to the plaintiff in such action, and the judgment when collected shall be paid over to the parties entitles thereto in their proper proportions. **(510 ILCS 5/20)**

**3-4-17 ANNUAL REPORT TO DEPARTMENT.** Each Board shall make an annual report to the Department showing the number of dogs inoculated against rabies, fees collected, animal bites investigated, cases of rabies, and such other information as the Department shall request. The Department shall be kept advised of the name and address of the Administrator. **(510 ILCS 5/22)**

**3-4-18 POWERS OF MUNICIPALITIES AND OTHER POLITICAL SUBDIVISIONS TO REGULATE DOGS AND OTHER ANIMALS.** Nothing in this Code shall be held to limit in any manner the power of any municipality or other political subdivision to prohibit the animals from running at large, nor shall anything in this Code be construed to, in any manner, limit the power of any municipality or other political subdivision to further control and regulate dogs, cats or other animals in such municipality or other political subdivision including a requirement of inoculation against rabies. **(510 ILCS 5/24)**

**3-4-19 VIOLATIONS – PENALTY.** Any person violating or aiding in or abetting the violation of any provision of this Chapter or counterfeiting or forging any certificate, permit, or tag, or making any misrepresentation in regard to any matter prescribed by this Chapter, or resisting, or obstructing, or impeding the Administrator or any authorized officer in enforcing this Chapter, or refusing to produce for inoculation any dog in his possession not confined at all times to an enclosed area, or who removes a tag from a dog for purposes of destroying or concealing its identity, is guilty of a petty offense and shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Two Hundred Dollars (\$200.00)** for the first or second violation. For a third and subsequent offense shall be fined not more than **One Thousand Dollars (\$1,000.00)**. The State’s Attorney shall, at his discretion, cause appropriate proceedings to be instituted in the proper delay and to be prosecuted in the manner provided by law. **(510 ILCS 5/26)**

**3-4-20 MICROCHIPPING.** All dogs impounded for running at large for a second time shall be microchipped at the owner’s expense. The fee shall be **Fifteen Dollars (\$15.00)** per dog. A dog found running at large a third time shall be spayed or neutered within **thirty (30) days** of being reclaimed. The owner’s failure to comply with this order shall result in the impoundment of the dog.

**3-4-21 TETHERING DOG REGULATIONS.** The following regulations shall be applicable to owners and guardians of dogs in their care to-wit:

(A) **Animal Welfare.** A dog that is outside for **one (1) hour** or more, whether fenced, kenneled, or tethered shall have proper food, water, and shelter. Owners and guardians shall be responsible for the welfare of their pets in severe heat, cold, rain, snow, ice, and wind.

(B) No dog shall be tethered within **fifty (50) feet** of a school, daycare, or school bus stop.

(C) No dog shall be tethered on any public easement, or public access to private property.

(D) No dog shall be tethered on private property within **ten (10) feet** of public or neighboring property.

(E) No dog shall be tethered on land without a dwelling or a vacant dwelling.

(F) No dog shall be left inside a vacant dwelling.

(G) No more than **two (2) dogs** may be tethered on one residential property.

(H) No more than **one (1) dog** shall be attached to a tether.

(I) A properly constructed fence, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment.

(J) A properly constructed kennel, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment if the following conditions are met. The dimensions of the kennel shall be dictated by the size of the dog. The kennel shall have a doghouse large enough for the dog to stand and turn around, with roof, four sides, and solid floor **three (3) inches** above the ground. The acceptable kennel size is **one hundred twenty-five (125) square feet** per dog of under **fifty (50) pounds**.

(K) Tethering shall not be used as permanent means of containment for any companion pet.

- (L) Tethering shall be acceptable under the following conditions:
- (1) Trolley or pulley types of tethering systems are recommended.
  - (2) Fixed point tethers shall be acceptable upon inspection and approval by Animal Control.
  - (3) All tethers will be a minimum of **fifteen (15) feet** in length and no more than **one-eighth (1/8)** the dog's weight.
  - (4) The tether shall have a swivel mechanism on both ends and attached to a properly fitting, non-metal, buckle type collar or a harness.
  - (5) No pinch or choke collars shall be allowed.
  - (6) No tether shall be directly attached to the dog.
- (M) No dog shall be tethered longer than **ten (10) continuous hours** or **twelve (12) hours** in any **twenty-four (24) hour** period.
- (N) Owners shall be responsible to maintain a clean and healthy environment on their property and provide medical treatment when needed.

**3-4-22**      **ANIMAL FEED PROHIBITED.** It shall be unlawful for anyone to place or distribute any animal feed on public property, public easements and accesses to public property. It shall be unlawful for anyone to place or distribute animal feed on vacant lots or in unoccupied structures in the County.

**3-4-23**      **VARIANCES.** Any person seeking a variance from the regulations in this Section shall complete an application at the Animal Control Agency of Randolph County. The variance shall be reviewed by the Animal Control Committee for approval or disapproval.

**ARTICLE V – NON-DOMESTIC ANIMALS**

**3-5-1      PROHIBITION OF KEEPING OF NON-DOMESTIC ANIMALS.** No person, business association or corporation shall keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, canada lynx, bobcat, jaguarundi, hyena or coyote, bear, wolf, or any poisonous reptile in any place other than a property maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

**3-5-2      DOMESTICATION NO DEFENSE.** It is no defense to a violation of this Article that the keeper of any animal or poisonous reptile, which is prohibited by **Section 4-5-1** has attempted to domesticate such animal or poisonous reptile.

**3-5-3      VIOLATIONS – PENALTIES.** Any person violating or aiding in or abetting the violation of any provision of this Article or impeding the Administrator or any authorized officer in enforcing this Article is guilty of a petty offense and shall be fined not less than **Seventy-Five Dollars (\$75.00)** for a first or second offense and for a third and subsequent offense, shall be fined not more than **One Thousand Dollars (\$1,000.00)**. The State's Attorney shall, at his discretion, cause appropriate proceedings to be instituted in the proper court without delay and to be prosecuted in the manner provided by law. **(Ord. No. 33-86-0; 03-31-86)**

## ARTICLE VI - VICIOUS AND DANGEROUS DOGS

**3-6-1**      **DEFINITIONS.** As used in this Article, the following words shall have the following meanings and definitions:

(A)      **"Vicious dog"** means:

- (1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.
- (2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- (3) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
- (4) Any individual dog which attacks a human being or domestic animal without provocation.
- (5) Any individual dog which has been found to be a "dangerous dog" upon **three (3)** separate occasions.

No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If a dog is found to be a vicious dog, the dog shall be subject to enclosure.

(B)      **"Dangerous dog"** means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(C)      **"Enclosure"** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times. **(510 ILCS 5/2.11a)**

(D)      **"Impounded"** means taken into the custody of the public pound in the County where the vicious dog is found.

(E)      **"Found to Be Vicious Dog"** means:

- (1) that the County Veterinarian, Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in **Section 3-1-2** and, based on that finding, the County Veterinarian, or the Animal Control Warden has declared in writing that the dog is a vicious dog or

- (2) that the circuit court has found the dog to be a vicious dog as defined in **Section 3-1-2** and has entered an order based on that finding.

**3-6-2 UNLAWFUL TO MAINTAIN.** It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

(A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or

(B) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Warden, or the police and shall be turned over to a licensed veterinarian for destruction by lethal injection.

(C) The owner charged with maintaining a vicious or dangerous dog may request a hearing before the County Board within **five (5) days** of being charged.

**3-6-3 OWNER'S RESPONSIBILITY.** If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within **fifteen (15) working days**, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Animal Control Warden approves the enclosure as defined in this Article.

No owner or keeper of a vicious dog shall sell or give away the dog. **(510 ILCS 5/15)**

**3-6-4 DOG PERMITTED TO LEAVE PREMISES.** It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, no attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Code. It shall be the duty of the owner of such exempted dog to notify the Warden of changes of address. In the case of a sentry or guard dog, the owner shall keep the Warden advised of the location where such dog will be stationed. The Warden shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him. **(510 ILCS 5/15)**

**3-6-5 INJUNCTION.** The Animal Control Warden, the State's Attorney, or any citizen of the County in which a dangerous or vicious dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint

in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched. **(510 ILCS 5/17)**

**3-6-6**        **RIGHT OF ENTRY - INSPECTIONS.** For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Animal Control Warden, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. **(510 ILCS 5/17)**

**(65 ILCS 5/11-1-1 and 5/11-20-9)**

**(See also 510 ILCS 5/24)**



**APPENDIX "A"**

**(See Section 3-4-1)**

**RABIES TAG FEES**

1 year tag	Neutered/Spayed Dogs	\$6.00
3 year tag	Neutered/Spayed Dogs	12.00
1 year tag	Not Neutered/Spayed Dogs	\$8.00
3 year tag	Not Neutered/Spayed Dogs	18.00

## **BOARDS - COMMISSIONS**

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CHAPTER 5

BOARDS – COMMISSIONS

ARTICLE I – 9-1-1 BOARD

**5-1-1 BOARD ESTABLISHED.** An Emergency Telephone System Board is hereby established in accordance with statute and shall be known as the Randolph County Emergency Telephone System Board, hereinafter to be referred to as the "Board".

**5-1-2 APPOINTMENT OF BOARD.** The Board shall consist of **nine (9) members** appointed by the Chairman of the Randolph County Board, with the advice and consent of the Randolph County Board. At least **three (3) members** of the Board shall be representative of the public safety agency 9-1-1 users, on the basis of their ability or experience, and shall be equally representative of the whole County, both the rural and urban areas located within Randolph County. **One (1) member** shall be a County Board Member. **One (1) member** shall be the Randolph County Sheriff. **(Ord. No. 13-09; 07-19-13)**

**5-1-3 TERMS OF OFFICE.** All terms shall be for a period of **five (5) years** and shall be measured from the year of appointment. Terms shall be staggered so that member's terms shall expire in different years. Vacancies shall be filled for the unexpired term in a similar manner as original appointments. **(Ord. No. 13-09; 07-19-13)**

**5-1-4 POWERS AND DUTIES.** The Board shall have the power and duty to perform the following functions:

- (A) Planning of an enhanced "9-1-1" System;
- (B) Coordinating and supervising the implementation, upgrading or maintenance of the System, including the establishment of equipment specifications and coding system;
- (C) Receiving monies from the surcharge imposed under **Chapter 50 Paragraph 780/15.3, Illinois Compiled Statutes**, and from any other source, for deposit into the Emergency Telephone System Fund;
- (D) Authorizing all disbursements from the Emergency Telephone System Fund;
- (E) Hiring on a temporary basis, any staff necessary for the implementation or upgrade of the system;
- (F) To adopt rules providing for its procedures, organization, and officers;
- (G) In accordance with **Chapter 134, Paragraph 45.4, Section 15.4, Illinois Revised Statutes**, the Treasurer of Randolph County shall create an Emergency Telephone System Fund in which all monies received by the surcharge imposed shall be deposited.

No expenditure may be paid from the said Emergency Telephone System Fund except upon the direction of the Board by resolution passed by a majority of all members of the Board. Expenditures to be made from the Emergency Telephone System Fund, and the interest accrued thereon, may be made only to be paid for the costs associated with the following:

- (1) The design of the Emergency Telephone System;
- (2) The coding of an initial Master Street Address Guide database, and update and maintenance thereof;
- (3) The repayment of any monies advanced for the implementation of the system;
- (4) The Charges for automatic number identification and automatic location identification; and maintenance, replacement and update thereof;
- (5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges;
- (6) Other products and services necessary for the implementation, upgrade and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any building or facilities or costs or personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an Emergency Telephone System do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

**5-1-5 MEETINGS OF BOARD.** The Board shall prescribe the time and place of the regularly scheduled Board meetings and the manner of which special board meetings may be called. It shall conduct these meetings in accordance with the Illinois Open Meetings Act, and shall keep a journal of its proceedings which shall be made available for public inspection.

**5-1-6 REMOVAL OF A MEMBER OF THE BOARD.** A member of the Board may be removed by the Chairman of the Randolph County Board, with the advice and consent of the Randolph County Board, for neglect of duty, for not attending a board meeting on at least **two (2) occasions** in any one calendar year without an excused absence, for misconduct and misfeasance in office after being given a written statement of the charges and an opportunity to be heard thereon.

**5-1-7 CONFIDENTIAL NATURE OF DOCUMENTS.** Any information or data contained in documents furnished by telecommunication carriers to the Board shall be held completely confidential by the members of the Board and its agents or employees.

**5-1-8 ANNUAL BUDGET AND REPORT.** The Board shall annually prepare and submit to the Chairman of the County Board and the full County Board:

- (A) Annual budget, as part of the County Board Appropriation, showing the estimated receipts and intended disbursements pursuant to this Ordinance, for the fiscal year immediately following the date the budget is submitted, which date must be at least **thirty (30) days** prior to the fiscal year.

(B) An annual report detailing the income received and disbursements made pursuant to the Ordinance during the fiscal year, just preceding the date the annual report is submitted, which date must be within **thirty (30) days** of the close of the fiscal year.

(C) The annual report must be published within **thirty (30) days** from the date of submitted and the budget and report shall be made available for public inspection.

(D) All revenues and expenditures of the Emergency Telephone System Board shall be made a part of the County's Financial System.

**(This Article Ord. No. 90-110; 11-26-90)**

**ARTICLE II - BOARD OF HEALTH**

**5-2-1**        **PURPOSE.** This Board of Health was appointed and operates under the provisions of "An Act in Relation to the Establishment and Maintenance of County and Multiple-County Public Health Departments", also known as the County Health Department Law, to oversee the provision of public health services in the county of Randolph in the State of Illinois through the Randolph County Health Department. **(55 ILCS 5/5-25001)**

**5-2-2**        **MEMBERS.** There shall be **eight (8) members** appointed to the County Board of Health by the County Board of Commissioners. Subsequent appointments shall be made for a term of **three (3) years**, excepting the members from the County Board who shall serve for a **one (1) year** term as appointed by the Chairmen of the County Board.

**5-2-3**        **OFFICERS.**

(A)            The officers of the Board of Health shall be a Chairman, a Vice-Chairman, and a Secretary-Treasurer, and shall be elected annually by the members of the Board of Health.

(B)            The duties of the officers of the Board of Health shall be those which are customary for such officers, (See Robert's Rules of Order), and any other duties as shall be set forth in this instrument.

(C)            Officers shall be elected for the ensuing year at a Board of Health meeting which shall be held prior to **July 1<sup>st</sup>** of each year.

(D)            Signature authority for all checks shall be vested in the Treasurer and the Public Health Administrator with the Chairman having signature authority as an alternate for either of two mentioned above. All checks shall contain two authorized signatures.

**5-2-4**        **MEETINGS.** The Board of Health:

(A)            Shall hold meetings at least quarterly.

(B)            May hold special meetings upon written request signed by **two (2) members** of the Board of Health and filed with the Secretary, or on request of the Public Health Administrator.

(C)            Members of the Board of Health are required to attend regular meetings of the Board. Absence from **three (3) consecutive meetings** without an excused absence will result in resignation. Members should notify either the Chairman or the Secretary-Treasurer of intended absence. In the event of a member's resignation, the Board of Commissioners from that member's county of residence will appoint a new member to the Board, maintaining the membership composition described in Article II.

(D)            Notification of all meetings of the Board of Health will be made public in compliance with the "Illinois Open Meetings Act."

**5-2-5**        **VOTING; QUORUM.** All questions before the Board of Health shall be decided by a majority vote of all members present; however, no meeting shall be accounted as official unless a quorum of the members is present. A quorum is understood to be **five (5) members**.

**5-2-6**            **DUTIES OF THE BOARD OF HEALTH.** The Board of Health:

(A)            Will assure that the Health Department's programs include at least those designated by the Illinois Department of Public Health (IDPH) as "required" and meet the criteria for approval as set forth in the "Standards for Local Health Departments" issued by Illinois Department of Public Health.

(B)            Will direct the Public Health Administrator to maintain the services of the Home Health Agency in Monroe and Randolph Counties and request certification as such to be continued according to the provisions of the Medicare Act.

(C)            Shall employ a staff adequately qualified to carry out the Health Department programs and which, in accordance with established Rules and Regulations, shall meet "The Minimum Qualifications for Personnel Employed by Local Health Departments as established by the Illinois Department of Public Health", and shall adopt personnel policies which shall be kept in writing and made available to employees.

(D)            Shall provide for, or request, adequate financing for Health Department programs and shall adopt fiscal policies which shall be kept in writing.

(E)            May enter into contracts with official or nonofficial agencies or individuals for the purchase, sale, or exchange of health services.

(F)            Shall employ clerical staff sufficient to aid in the maintenance of proper clinical records on all patients and perform such other secretarial duties as may be necessary.

(G)            Shall provide office space and equipment adequate for the needs of the Health Department.

(H)            Shall request the County Boards of Commissioners in each County to pass ordinances permitting the charging and collecting of such fees as may be necessary to finance selected health services.

(I)            Shall appoint a Public Health Administrator as the executive officer of the Health Department, provided that the Board of Health shall make available medical supervision which is considered adequate by the Director of the Illinois Department of Public Health.

(J)            Shall, according to the requirements of the County Health Department Act, and within the professional and technical competence of its staff, and the number of staff employed, and with the staff of the Health Department acting as its agent, enforce all State laws pertaining to the preservation of health, and all county and municipal ordinances except as otherwise provided in the County Health Department Act; also, shall enforce all Rules and Regulations promulgated by Illinois Department of Public Health, by the Monroe and Randolph County Boards of Commissioners or on its own legal authority.

(K)            Shall, according to the requirements of the County Health Department Act, recommend, when deemed necessary, to the County Boards of Commissioners, the enactment of such ordinances and Rules and Regulations as may be necessary or desirable for the protection of health and control of disease in its jurisdiction.

**5-2-7**            **FISCAL YEAR.** The fiscal year of the Randolph County Health Department shall run from December 1 through November 30. **(Ord. No. 18-09; 04-20-18)**

**5-2-8**            **BUDGET AND DISBURSEMENTS.**

The Board of Health:

(A)            Shall, at the appropriate time prior to the end of the fiscal year, meet and review the Health Department budget for the coming fiscal year proposed by the Public Health Administrator and upon approval, submit the budget to the County Boards of Commissioners.



(B) Shall review at each meeting, the fiscal status of the Health Department. The Secretary-Treasurer or Chairman of the Board of Health shall be authorized to review the payroll and all expenditures between meetings.

(C) Shall review salary ranges and increments for the staff members as outlined in the personnel policies.

**5-2-9      ACCOUNTS.** The Board of Health:

(A) Shall direct the Health Department staff to keep a record in the Department headquarters of all receipts and disbursements. This record shall be compared at least annually with the records of the County Treasurers of both Monroe and Randolph Counties.

(B) Shall cause an annual audit to be made of the Health Department accounts. The County Treasurer's annual audit of all accounts, which includes the Health Department, is accepted as the Board of Health's official audit.

**5-2-10      ANNUAL REPORT.** The Board of Health shall publish, within the period required by State Law, an annual report explaining the health department activities and expenditures for the past year. This report shall be in pamphlet form and shall be for free distribution, which shall include distribution to members of the Board of County Commissioners and the State Health Department.

**5-2-11      COMMITTEES.** The Chairman of the Board of Health:

(A) Shall, from the Board of Health members, appoint such committees as seem appropriate for the conduct of Board of Health Business.

(B) May appoint Advisory Committees from professional or community groups.

(C) Serves as ex-officio member of all appointed committees.

**5-2-12      REIMBURSEMENT FOR EXPENSES OF MEMBERS OF BOARD OF HEALTH.** The members of the Board of Health:

(A) Shall serve without compensation.

(B) May be reimbursed for actual, necessary expense incurred in the performance of their duties, such as attendance at meetings of the Board of Health, committee meetings of the Board of Health or at meetings of the Illinois Association of Boards of Health, in accordance with established policies regarding reimbursement for Health Department staff, and with the approval of the entire Board of Health.

**5-2-13      PROPERTY OF THE BOARD OF HEALTH.** The Board of Health:

(A) Shall request the executive officer of the Health Department, or the Public Health Administrator, to keep an accurate inventory of all property of the Health Department.

(B) Shall cause property of the Health Department to be adequately protected by insurance.

(C) May require that property of the Health Department destroyed or damaged by carelessness of any employee, be replaced at the expense of the employee, if circumstances justify.

**5-2-14** **AMENDMENTS TO BY-LAWS.** Members of the Board of Health may recommend these By-Laws by a vote of **two-thirds (2/3)** of the members present at an official meeting of the Board of Health, provided that a written notice of the proposed changes be sent to each member and to the County Boards at least **two (2) weeks** before the meeting at which the By-Laws are to be amended.

**ARTICLE III - RESERVED**

**ARTICLE IV - MENTAL HEALTH BOARD  
(708)**

**5-4-1 ESTABLISHED.** There is hereby established by the County Board, a Community Mental Health Funding Board in accordance with **Chapter 405 Sec. 20 et seq.** of the **Illinois Revised Statutes** and shall be hereinafter referred to as the 708 Board.

**5-4-2 COMPOSITION.** The membership of this Board shall consist of **seven (7) members** appointed by the Chairman of the County Board, subject to the approval of the County Board.

Ordinarily, there shall be one Board member from each of the following groups: County Board of Commissioners, Randolph Council for the Handicapped, Medical Society, and the Public Health Department. When appointments to the Board are made, every effort should be made to make the Board representative of the County looking to all criteria such as geography and occupation. **(See 405 ILCS 20/3a)**

**5-4-3 TERM OF OFFICE.** The members shall serve for a period of **four (4) years.** Appointments shall be effective **June 1<sup>st</sup>** of each year. **(See 405 ILCS Sec. 20/3b) (Ord. No. 02-11; 09-26-02)**

**5-4-4 ABSENTEEISM.** Any member of the 708 Board deemed guilty of absenteeism, neglect of duty, misconduct or malfeasance in office, by a vote of the majority of the 708 Board and after being given a written statement of charges and an opportunity to be heard thereon within **thirty (30) days** of notification, may be removed by the appointing officer. The Chairman of the 708 Board, upon the recommendation of the Board, may then recommend that the Chairman of the County Board appoint a new member to serve the unexpired term of the recalled member. Absenteeism in this instance shall consist of non-attendance at **three (3)** consecutive Board meetings without legitimate excuse (illness, vacation, out of community). **(See 405 ILCS Sec. 20/3c)**

**5-4-5 EXPENSES.** The expenses incurred by the 708 Board in the performance of duties imposed upon it or its members may be a charge on the governmental unit and shall be paid out of the "708 Community Mental Health Fund". No member shall receive payment, except expenses for service on the Board. **(See 405 ILCS Sec. 20/3d)**

**5-4-6 OFFICERS ELECTED.** The officers of the 708 Board shall be a Chairman, Vice-chairman, Secretary and Treasurer elected by the membership of the Board.

Officers shall be elected for a full term of **one (1) year**, and shall be elected at the June meeting. **(Ord. No. 02-11; 09-26-02)**

**5-4-7 DUTIES OF OFFICERS.**

(A) **Chairman.** The Chairman shall preside at all meetings of the Board. The Chairman shall be an ex-officio member of all committees and cosigns checks with Treasurer.

(B) **Vice-Chairman.** The Vice-Chairman shall in the absence or incapacity of the Chairman exercise the powers and perform the duties of the Chairman.

(C) **Secretary.** The Secretary or a designated representative shall record the Minutes of all meetings of the 708 Board and shall forward to each member of the Board a copy of the Minutes of the meeting, together with a notification of the next meeting. The Secretary shall put a notice on the bulletin board in the courthouse to notify the public of Board meetings. No release shall be given in the name of the Board to news media without prior approval of the Chairman. The Secretary will keep a compilation of all official minutes of the Board and Board committees which will be considered a public record.

(D) **Treasurer.** The Treasurer shall oversee the finances of the 708 Board. The Treasurer will be an ex-officio member of all financial committees. The Treasurer will keep books, make financial reports at Board meetings, draw up the Board proposed "Statement of Community Mental Health Fund Tax Levy" and "Appropriation Resolution", and cosign checks with the Chairman. The Treasurer will see to it that there is an annual budget submitted at least **thirty (30) days** prior to the start of the fiscal year and see to it that the annual budget is published in the County by newspaper prior to the annual meeting. The Treasurer will make available within **sixty (60) days** after the end of the fiscal year for free distribution an annual report showing the condition of the trust, such as income and expense reports. The Treasurer will develop a plan of investment of unexpended funds so that there will be maximum accrual of interest and so that all banks and financial institutions in the County will have equal access to having these funds invested in their institution. The Treasurer will see to it that the Randolph County Treasurer makes available to the 708 Board any and all funds collected by the Assessor as soon as they are collected.

**5-4-8 MEETINGS.**

(A) **Regular Meetings.** The 708 Board shall hold regular meetings at a time and place to be determined by the Chairman of the Board. Meetings must be held at least quarterly. The annual meeting of the Board shall be held in July of each year. All official meetings of the Board shall be open to the public. Members shall not act in the name of the Board without the approval of the Board through the Chairman.

(B) **Special Meetings.** Special meetings may be called upon written request signed by **two (2) members** and filed with the Secretary.

(C) **Quorum.** A quorum shall consist of **four (4)** voting members. The Chairman shall be a voting member.

(D) **Passage or Approval.** Any proposition, in order to be approved, must receive a majority vote of those present.

(E) **Robert's Rules of Order.** The meetings of the Board shall be conducted according to Robert's Rules of Order.

**5-4-9 FISCAL YEAR.** The fiscal year shall be considered to be from **July 1 to June 30** of the following year.

**5-4-10 POWERS AND DUTIES.** The Board in consultation with and being advised by the Department of Mental Health, shall have the power to construct, repair, operate, maintain, and regulate community mental health facilities to provide mental health services, including services for the mentally retarded, for residents of Randolph County and/or to contract therefor with any private or public entity which provided such facilities and services.

The Board shall have the power to:

- (A) Review and evaluate community mental health services and facilities.
- (B) Provide Comprehensive Mental Health planning which would ordinarily develop **twelve (12) month** or **five (5) year** plans.
- (C) Review and make recommendations on all grant applications to State Department of Mental Health and Developmental Disabilities.
- (D) Enter into contracts for rendition or operation of services and facilities.
- (E) Make rules and regulations concerning the rendition and/or operations of services and facilities funded by the 708 Board.
- (F) Employ such personnel as may be necessary to carry out the purposes and to prescribe the duties of such personnel.
- (G) To educate the public on mental health.
- (H) To perform such other acts as may be necessary or proper to carry out the purposes of the Board consistent with the regulations of the Community Health Act.
- (I) Own, sell, rent, lease or purchase real property for purposes consistent with this Act.

**5-4-11 COMMITTEES.** The Chairman of the 708 Board may create and dissolve committees as required and prescribe their powers and responsibilities. The Chairman shall appoint committee members provided, however, that no appointment goes into effect if the 708 Board by majority vote opposes the appointment. Non-Board members may serve on any and all Board committees. Ordinarily Board committees will be appointed to time-limited tasks and will disband when the task is complete.

**5-4-12 AMENDMENTS.** These By-Laws may be amended at any regular meeting by a **two-thirds (2/3) vote**, provided at least **four (4) members** of the Board approve the recommended changes, proposed changes shall have been read at least at one prior meeting.

**5-4-13 ANNUAL BUDGET AND REPORT.** The Board shall annually prepare and submit to the appointing officer and governing board:

- (A) An annual budget showing the estimated receipts and intended disbursements pursuant to this Article, for the fiscal year immediately following the date the budget is submitted, which date must be at least **thirty (30) days** prior to the fiscal year.
- (B) An annual report detailing the income received and disbursements made pursuant to this Article during the fiscal year, just preceding the date the annual report is submitted, which date must be within **sixty (60) days** of the close of the fiscal year. **(See 405 ILCS Sec. 20/3f)**

**5-4-14**      **TAX LEVY - COMMUNITY MENTAL HEALTH FUND.** In order to supply the necessary funds or to supplement existing funds for such community mental health facilities and services, including facilities and services for the mentally retarded, the County Board may levy an annual tax of not to exceed **.15%** percent upon all taxable property in the County. Such tax, when collected, shall be paid into a special fund to be designated as the "Community Mental Health Fund". The funds shall be used only for purposes specified in this Article and pursuant to the provisions of the Community Mental Health Act. **(See 405 ILCS Sec. 20)**

**(Ord. No. 9-19-83)**

**ARTICLE V - S. I. L. E. C.**

**5-5-1**        **LAW ENFORCEMENT COMMISSION.** The Southwestern Illinois Law Enforcement Commission is designated as the agency to perform local and regional comprehensive law enforcement planning services and activities for the County of Randolph, Illinois.

**5-5-2**        **APPROPRIATION.** The County Board of Commissioners may, from time to time, appropriate, allocate and direct to be paid to the Southwestern Illinois Law Enforcement Commission certain sums of money as compensation for services and to generally support their continuing efforts for the benefit of the County of Randolph, Illinois and the Southwestern Illinois region.

**5-5-3**        **MEMBERSHIP.** The Chairman of the County Board of Commissioners of Randolph County shall be or shall appoint another commissioner to be a member of the policy board of the Southwestern Illinois Law Enforcement Commission and in addition that he appoint resident citizens from the County of Randolph, Illinois to be selected from a list of qualified and interested individuals prepared by the aforementioned policy board.

The length of the term and other requirements to be governed by the by-laws adopted and approved by the aforementioned policy board for the Southwestern Illinois Law Enforcement Commission.

**(Ord. No. 2-11-71)**

**ARTICLE VI - MERIT COMMISSION**

**5-6-1**        **ESTABLISHMENT OF MERIT COMMISSION.** There is hereby created in the County of Randolph, Illinois, a Sheriff's Department Merit Commission, to be known as the Randolph County Sheriff's Department Merit Commission.

**5-6-2**        **STANDARD PAY PLAN.** The Randolph County Board hereby provided for all deputies, other than special deputies, employed on a full time basis in the office of the Sheriff to be appointed, promoted, disciplined and discharged pursuant to recognized merit principles of public employment and for such employees to be compensated according to a standard pay plan approved by the County Board of Commissioners.

**5-6-3**        **DEFINITIONS.**  
 (A)        **Deputy.** A Deputy under this Chapter is defined as such Commissioned Deputy Sheriffs who are engaged in patrolling, law enforcement and criminal investigation duties and responsibilities of the Randolph County Sheriff's Office.

**5-6-4**        **ORGANIZATION.**  
 (A)        **Appointment.** The members of said Commission shall be appointed by the Sheriff with the approval of the County Board of Commissioners.  
 (B)        **Membership.** The Commission shall consist of **five (5) members** appointed for terms of **six (6) years** each, except as hereinafter provided.  
 (C)        **Political Affiliation.** No more than **three (3)** of the members appointed shall be from the same political party.  
 (D)        **Officers.** Annually, the members of the Merit Commission shall meet and shall organize by selecting a chairman and a secretary from its members who shall serve for a term of **two (2) years.**  
 (E)        **Quorum.** **Three (3) members** of the Merit Commission shall constitute a quorum for the transaction of business.  
 (F)        **Meetings.** Meetings of the Merit Commission shall be held upon call of the chairman or upon the call of any **three (3) of the members.**  
 (G)        **Records.** The Merit Commission shall keep and maintain a record of its meetings and the business conducted therein.

**5-6-5**        **COMMISSION AUTHORITY AND RESPONSIBILITY.** The Merit Commission shall have the authority and responsibility to promulgate rules, regulations and procedures for the operation of the Merit System and shall administer the Merit System.

All rules and regulations shall be submitted to and be approved by the County Board of Commissioners before becoming effective.



**5-6-6**        **COMPENSATION AND EXPENSE.**    The members of the Merit Commission shall receive such compensation for their services and reimbursement for expenses incurred as may be fixed by ordinance by the County Board. However, in no event may the amount of per diem compensation exceed that received by the County Board.

**5-6-7**        **APPROPRIATION.**    The annual appropriation of the County of Randolph shall hereinafter provide for such sum or sums of money to be expended for the compensation and expenses of the Commission and staff assistants.

**5-6-8**        **STAFF ASSISTANTS.**    The Merit Commission is authorized to employ such technical, secretarial and clerical assistants as may be expended for the compensation and expenses of the Commission and staff assistants.

**5-6-9**        **APPEAL.**    All appeals from the decision of the Merit Commission shall be governed by the procedures established in the **Illinois Revised Statutes, 1990** and as amended.

**5-6-10**       **VACANCIES.**    Vacancies on the Commission shall be filled in accordance with **Chapter 34, Illinois Revised Statutes**, as amended.

**(This Article Ord. No. 1-8-73)**

## **BUILDINGS**

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**CHAPTER 6**

**BUILDINGS**

**ARTICLE I – BUILDING AS NUISANCE**

**6-1-1 BUILDING CONDITION - NUISANCE.** The Zoning Administrator or his designated representative shall report to the County Board when any building in the County is in a dangerous condition and constitutes a nuisance.

**6-1-2 TIME LIMIT.** The owner of such building shall repair or alter it so as to make it safe within **ninety (90) days** from the time the notice is served upon him in the manner provided by law.

**6-1-3 NOTIFICATION.** The Zoning Administrator with the approval of the County Board shall place a notice on all "dangerous and unsafe buildings", which notice shall read as follows:

"This building has been found to be a dangerous and unsafe building by the County Board. This notice shall remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this notice until such notice is complied with."

**6-1-4 DANGEROUS AND UNSAFE BUILDINGS DEFINED.** All buildings or structures which have any or all of the following defects shall be deemed "dangerous and unsafe building".

(A) Those whose interior walls or other vertical structure members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B) Those which, exclusive of the foundation, show **thirty-one percent (31%)** or more of damage or deterioration of the deterioration of the non-supporting enclosing or outside walls or covering.

(C) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(D) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the County.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they

are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this County.

(J) Those buildings existing in violation of any provision of the Building Code of this County, or any other ordinances of the County.

(K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(L) Those buildings which are uncompleted or abandoned.

**6-1-5 STANDARDS FOR REPAIR, VACATION OR DEMOLITION.** The following standards shall be followed in substance by the Zoning Administrator or his authorized representative in ordering repair, vacation, or demolition:

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

(B) If the "dangerous and unsafe building" can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, it shall be ordered repaired.

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

**(See "Non-Conforming Uses" of the Zoning Code)**

**6-1-6 DANGEROUS AND UNSAFE BUILDINGS - NUISANCES.** All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore and hereinafter provided.

**6-1-7 DUTIES OF THE ATTORNEY.** The States Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the Zoning Administrator or his authorized representative.

**6-1-8**        **LIENS.** The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or owners of such subordinate to all prior existing liens and encumbrances; provided that within **sixty (60) days** after said cost and expense is incurred, the County or person performing the service by authority of the County, in his or its own names, shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

- (A)            A description of the real estate sufficient for identification therefor;
- (B)            The amount of money representing the cost and expense incurred or payable for the service; and
- (C)            The date or dates when said cost and expense was incurred by the County.

Upon payment of said cost and expense by the owner of or persons interested in said property after notice of lien has been filed, the lien shall be released by the County or person in whose name(s) the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced within **three (3) years** after the date of filing notice of lien.

**ARTICLE II - BUILDING PERMITS**

**6-2-1**        **BUILDING PERMIT REQUIRED.** No structure shall be erected and no existing structure shall be enlarged, extended, altered, or relocated, or mobile home located or relocated within Randolph County, until a Randolph County building permit is issued. Minimum building permit fee of **Five Dollars (\$5.00)** and **One Dollar (\$1.00)** per **One Thousand Dollars (\$1,000.00)** value over **Five Thousand Dollars (\$5,000.00)**.

**6-2-2**        **ENFORCING OFFICER.** The Land Use Administrator is hereby authorized to administer and enforce the provisions of this Article.

**6-2-3**        **APPLICATION FOR PERMIT.** Before beginning the construction, or the location/relocation a building permit must be obtained from the Supervisor of Assessments office. Application for permit must be made by the owner of property on which construction, location, or relocation is to take place or his authorized agent. A legal description of the property where construction, location, or relocation is proposed building along with an estimated cost is necessary for completion of the building permit. The building permit application forms and assistance in completion of the application are available at the Randolph County Supervisor of Assessments Office.

**6-2-4**        **PENALTY.** The violation of any rule or regulation in this Article shall be a petty offense and subject to a fine of not more than **One Thousand Dollars (\$1,000.00)**.

**[Unless Otherwise Noted, This Article Res. No. 6-1-89; 05-15-89]**

## **BUSINESS CODE**

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**CHAPTER 8**

**BUSINESS CODE**

**ARTICLE I – SOLICITORS CODE**

**8-1-1**        **DEFINITIONS.** For the purpose of this Code, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

**"REGISTERED SOLICITOR"** shall mean and include any person who has obtained a valid **Certificate of Registration** as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

**"RESIDENCE"** shall mean and include every separate living unit occupied for residential purposes by **one (1)** or more persons, contained within any type of building or structure.

**"SOLICITING"** shall mean and include any **one (1)** or more of the following activities:

(A)            Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever or;

(B)            Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character or;

(C)            Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;

(D)            Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

**8-1-2**        **CERTIFICATE OF REGISTRATION.** Every person desiring to engage in soliciting as herein defined from persons within this County may be required to make written application for a Certificate of Registration as hereinafter provided in this Article.

This Code shall not apply to areas within incorporated municipalities. **(See Sec. 8-1-6 for County Policy)**

**8-1-3**        **APPLICATION FOR CERTIFICATE OF REGISTRATION.** Applications for a Certificate of Registration shall be made upon a form provided by the Sheriff of this county and filed with such Sheriff. The applicant shall truthfully state in full the information requested on the application, to-wit:

(A)            Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.

(B)            Address of place of residence during the past **three (3) years** if other than present address.

(C)            Age of applicant and marital status; and if married, the name of spouse.

(D)            Physical description of the applicant.

(E)            Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(F) Name and address of employer during the past **three (3) years** if other than the present employer.

(G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(H) Period of time for which the Certificate is applied.

(I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.

(J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?

(K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality or county regulating soliciting?

(L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?

(M) The last **three (3) municipalities or counties** where the applicant carried on business immediately preceding the date of application in this County and the address from which such business was conducted in those counties.

(N) Also, such additional information as the Sheriff may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Sheriff shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Code and of the denial of applications.

Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States **within five (5) years** of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Code, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

(O) License plate, model, and make of vehicle must be furnished.

**8-1-4**      **ISSUANCE AND REVOCATION OF CERTIFICATE.** The Sheriff, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Sheriff upon the application of the denial of the application.

When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Sheriff if the holder of the Certificate is convicted of a violation of any provision of this Code, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Code. Immediately upon such revocation,

written notice thereof shall be given by the Sheriff to the holder of the Certificate in person or by certified [return receipt requested] U. S. Mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

**8-1-5**        **CHARITABLE INSTITUTIONS.** All resident charitable organizations and schools in this County which have been in existence for **six (6) months or longer** shall register all solicitations with the County Clerk, but are exempt from all registration fees.

**8-1-6**        **POLICY ON SOLICITING.** It is declared to be the policy of this County that the occupant or occupants of the residences in this County shall make the determination of whether solicitors shall be or shall not be invited to their respective residences. If no determination is made as is provided in **Section 8-1-7** hereof, then in that event, registration is not required.

**8-1-7**        **NOTICE REGULATING SOLICITING.** Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Code shall comply with the following directions:

(A)            Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence shall be given in the manner provided in paragraph (B) of this Section.

(B)            A weatherproof card, approximately **three inches by four inches (3" x 4")** in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows:

**"ONLY REGISTERED SOLICITORS INVITED"**

**OR**

**"NO SOLICITORS INVITED"**

(C)            The letters shall be at least **one-third inch (1/3")** in height. For the purpose of uniformity, the cards shall be provided by the County Clerk to persons requesting the same, at the cost thereof.

(D)            Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

**8-1-8**        **DUTY OF SOLICITORS.** It is the duty of every solicitor upon going onto any premises in this County upon which a residence, as herein defined, is located to first examine the notice provided for in **Section 8-1-7** of this Code if any is attached and be governed by the statement contained on the notice.

If the notice states **"ONLY REGISTERED SOLICITORS INVITED"**, then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, **"NO SOLICITORS INVITED"**,

then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

**8-1-9 UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 8-1-7** of this Code.

**8-1-10 TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, from **10:00 A.M.** to **sunset** of any weekday or at any time on a Sunday or on a State or National holiday.

**8-1-11 SOLICITATIONS ON PUBLIC HIGHWAYS.** Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

(A) The charitable organization shall be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by "**An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor,**" approved July 26, 1963, as amended.

(B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.

(C) Be engaged in a state-wide fund-raising activity.

(D) Be liable for any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.

(E) Any person so engaged in such solicitation shall be at least **sixteen (16) years of age** and shall wear a high visibility vest.

(F) Solicit only during daylight hours.

(G) Any one charitable organization shall be limited to conducting no more than **two (2)** solicitations per calendar year.

(H) A certificate of liability insurance naming the County as additional insured in a form acceptable to the County Board shall be provided to the County at least **twenty-four (24) hours** before the date of the street collection. The certificate of liability insurance shall be in an amount no less than **One Million Dollars (\$1,000,000)**.

**(626 ILCS 5/11-1006)**

**8-1-12**      **FEES.** Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

- (A)            **Daily License:**                            **\$20.00 per person per day.**
- (B)            **Annual License:**                            **\$50.00 per person per year.**



**ARTICLE II - PEDDLERS**

**8-2-1**        **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor.

**8-2-2**        **DEFINITION.** "Peddle" shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this County or from house-to-house, whether at one place thereon or from place-to-place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall "**peddle**" be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

**8-2-3**        **APPLICATIONS.** A person desiring a license may obtain the same by making application with the County Clerk and providing the following information:

- (A)            Name and physical description of applicant.
- (B)            Permanent home and address and local address if operating from such an address.
- (C)            A brief description of the business and of the goods to be sold.
- (D)            Name and address of the employer, if any.
- (E)            The length of time for which the right to do business is desired.
- (F)            Evidence that the agent is acting on behalf of the corporation he represents.
- (G)            Statement of the applicant's criminal record other than a traffic record.
- (H)            The last **three (3)** cities, villages, or counties where the applicant carried on business immediately preceding the date of application and the address from which such business was conducted in those locations.

**8-2-4**        **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, it shall be referred to the Sheriff, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

**8-2-5**        **FEES.** The fee for a license issued under this Chapter shall be an annual license fee of **Ten Dollars (\$10.00)** per person for residents and **Twenty-Five Dollars (\$25.00)** per person for non-residents. Area produce farmers are hereby excluded from the license fee provisions of this Article.

**8-2-6**        **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock

upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in peddling as herein defined, prior to **10:00 A.M. or after 5:00 P.M.** of any weekday or at any time on a Sunday or on a State or National holiday.

**8-2-7        FRAUD.** No licensed peddler or hawker shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in the County or who shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license the Sheriff may revoke his license for such an offense.

**8-2-8        PENALTY.** Any person violating any of the provisions of this Article shall, upon conviction thereof, be subject to a fine as provided in **Chapter 1** of this Code.

**8-2-9        EXEMPTION.** All peddlers or hawkers operating only within the corporate limits of a municipality are hereby exempt from the provisions of this Article.

**8-2-10       FEES.** Upon making an application for a peddler's license, the applicant shall pay a license fee as follows:

- |     |                               |                                     |
|-----|-------------------------------|-------------------------------------|
| (A) | <b><u>Daily License:</u></b>  | <b>\$20.00 per person per day.</b>  |
| (B) | <b><u>Annual License:</u></b> | <b>\$50.00 per person per year.</b> |

**(65 ILCS 5/11-42-5)**

**[NOTE: If a municipality does not have a peddler's licensing law. Then the county cannot collect a fee when the business is inside the corporate limits.]**

## ARTICLE III - AMUSEMENTS

**8-3-1**      **AMUSEMENTS, ASSEMBLIES, LICENSE REQUIRED.** No person shall engage in, participate in, aid, form, or organize any assembly or group of people or conduct any musical program or festivals, anywhere in the County outside an incorporated municipality, unless a permit has been obtained from the County Clerk and unless such permit is carried by the person heading or leading such activity; provided, however, that the provisions hereof shall not apply to student's work when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities; nor to any governmental agency within the scope of its functions. This shall not apply to assemblies of less than **two thousand one hundred (2,100) people.**

**8-3-2**      **APPLICATION.** The application for a permit shall be filed with the County Clerk not less than **twenty (20) days** nor more than **one hundred eight (108) days** before the date on which it is proposed to conduct any such activity. Such application shall be sworn to and shall state:

- (A)            The name of the person or organization wishing to conduct such activity.
  - (B)            If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization.
  - (C)            The name, address and telephone number of the person who will be the chairman of such activity and who will be responsible for its conduct.
  - (D)            The name, address and telephone number of the person or organization to whom the permit is desired to be issued.
  - (E)            The date when such activity is to be conducted.
  - (F)            The park or the portion of the County thereof for which such permit is desired.
  - (G)            An estimate of the anticipated attendance.
  - (H)            The hour when such activity will start and terminate.
- The Clerk shall forward the application to the County Board.

**8-3-3**      **APPROVALS REQUIRED.** The County Board may require the Highway Superintendent and Sheriff to file reports concerning the possible cost and impact of such a festival or musical event upon the roads and highways of the County. The County Board may require the applicant to file additional reports from local, state and federal agencies.

If it is necessary, the County Board may hold a public hearing to allow the public to appear and petition the approval and disapproval of the application.

**8-3-4**      **INSURANCE.** Public liability and property damage insurance shall be furnished by the applicant at the rate of **One Hundred Thousand Dollars (\$100,000.00)** per incident and **Five Hundred Thousand Dollars (\$500,000.00)** per occurrence.

- (A)            Security enforcement, including prevention of the unlawful use of alcohol, narcotics, or dangerous drugs at the site, and methods for limiting the size of the proposed function to the number of participants for which the license has been granted shall employed by the applicant. Security enforcements shall include the external as well as the internal crowd

control and sufficient security personnel for crowd control and security enforcement shall be provided. **One (1)** security guard shall be furnished for each **five hundred (500) persons** attending any site. Each guard shall be licensed pursuant to the requirements of **225 ILCS Sec. 446/1 et seq.**

(B) Applicant shall submit, with his application, proof of his financial resources sufficient to execute his plans, as submitted and shall give such further assurances as may be required by the County Board as a part of the license issued. In addition, applicant shall submit with his application, a performance bond guaranteeing against damage to the proposed site and damage to neighboring property owners in the following amounts:

Class 1 & 2	\$50,000.00
Class 3	\$100,000.00
Class 4	\$150,000.00
Class 5	\$200,000.00
Class 6	\$250,000.00

(C) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **Five Hundred Thousand Dollars (\$500,000.00)** for injuries to any one person in one accident or occurrence; **One Million Dollars (\$1,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Five Hundred Thousand Dollars (\$500,000.00)** for damage to property in any one accident or occurrence; **One Million Dollars (\$1,000,000.00)** combined single limit for any one accident or occurrence. In addition, the County is to be an additional named insured and the policy shall provide for the immediate notification of the County by the insurer of any cancellation of any policy.

**8-3-5**            **ISSUANCE OF PERMIT.** The County Board may grant and issue such permit if:

(A) The proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.

(B) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

(C) The facilities desired have not been reserved for other use at the day and hour required in the application.

(D) The conduct of such activity will not substantially interrupt the safe and orderly movement of traffic.

(E) The conduct of such activity will not require the diversion of so great a number of police officers of the County to properly police such activity and the areas contiguous thereto, as to prevent normal police protection to the County.

(F) The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime or disorderly conduct.

(G) Such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

(H) Each permit shall state the following:

- (1) Date of such activity.
- (2) Park or portion thereof to be used.
- (3) Hour when such activity will start and terminate.

The County Board shall act upon the application for a permit within **thirty (30) days** after the filing of the same. **(See Appendix "B")**

**8-3-5**      **REVOCATION OF PERMIT.** In the event the applicant for a permit misrepresents the facts necessary for the issuance of the permit, or if the activity endangers the health, welfare and safety of the County residents, the permit shall be revoked immediately by the Sheriff.

**ARTICLE IV - COIN-OPERATED MACHINES**

**8-4-1**        **DEFINITIONS.** Definitions of terms as used in this Article, unless the context otherwise clearly indicates, are as follows:

**"COIN-OPERATED AMUSEMENT DEVICE"** means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pin-ball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features.

**8-4-2**        **LICENSE REQUIRED.** Any person displaying for public patronage or keeping for operation any coin-operated amusement device(s), shall be required to obtain a license from this County, upon payment of a license fee. Application for such license shall be made to the County Clerk upon a form to be supplied by the Clerk for that purpose.

**8-4-3**        **APPLICATION.** The application for such license shall contain the following information:

- (A) Name and address of the applicant, age, date, and place of birth.
- (B) All prior convictions of felonies of the applicant, if any.
- (C) Address and name of business where the machine or device will be displayed and operated and the nature of the business conducted at the address under said name.
- (D) The name and address of the owner of the machine and if the machine is serviced and supplied by any person other than the applicant or the owner of the machine, the name and address of such person shall be set out in the application.

No license shall be issued to any applicant unless he shall be **over eighteen (18) years of age** and a citizen of the United States.

**8-4-4**        **INSPECTION.** Application for license shall be made out in duplicate; **one (1) copy** being retained by the Clerk and the other copy being referred to the Sheriff.

- (A) The Sheriff shall investigate the location wherein it is proposed to operate such machine and ascertain if the applicant is a person of good moral character.
- (B) If the Sheriff determines that the applicant is not of good moral character, he shall report such findings to the County Board.

**8-4-5**        **LICENSE APPROVAL.** No license shall be issued until the application therefor has been approved by the County Clerk.

**8-4-6**        **FEES.** The annual fee for such license shall be **Twenty-Five Dollars (\$25.00) per year** or part thereof for each coin-operated amusement device set up for operation, leased or distributed to a proprietor.

The license fee shall be paid annually in advance on **July 1<sup>st</sup> of each year**. If additional machines or devices are to be installed or displayed from time to time, the license shall be obtained before such display or installation. The license shall expire on **June 30<sup>th</sup> of each year**.

**8-4-7      DISPLAY OF LICENSE.** The license herein provided for shall be posted permanently and conspicuously at the location of the machine on the premises wherein the device is to be operated or maintained. Not more than **one (1) machine shall be operated on any one (1) license** and the applicant or licensee shall be required to secure a license for each and every machine displayed or operated by him.

If the licensee shall move his place of business to another location within this County, the license may be transferred to such new location upon application to the County Clerk, giving the street and number of the new location. The new location shall be inspected by the Sheriff in the same manner as provided in the previous sections of this Code. The transfer must conform with any other regulations applicable thereto.

**ARTICLE V - RAFFLE CODE**

**DIVISION I - GENERALLY**

**8-5-1**        **SHORT TITLE.** This Article shall be known, cited and referred to as the "Raffle Code."

**8-5-2**        **PURPOSE.** The purpose of this Article is to regulate and control the conduct of raffles within the borders of the County. Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles as provided for herein.

**8-5-3**        **DEFINITIONS.** For the purpose of this Article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"Business Organizations":** A voluntary organization composed of individuals and business who have joined together to advance the commercial, financial, industrial, and civic interest of the community.

**"Charitable Organization":** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.

**"Educational Organization":** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorable in their scope and intensity with the course of study presented in tax-supported schools.

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

**"Labor Organizations":** An organization composed of workers organized with the objective of betterment of the conditions of those engaged in this pursuit and the development of a higher degree of efficiency in their respective occupations.

**"Licensee":** An organization which has been issued a license by the County to operate a raffle.

**"Net Proceeds":** The gross receipts from the conduct of raffles, less sums extended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

**"Non-Profit":** A license applicant which is organized, operated, and conducted on a not-for-profit basis with no personal profit insuring to anyone as a result of the operation.

**"Person":** An individual, firm, organization, public, or private corporation, government, partnership, or unincorporated association.

**"Raffle":** A form of lottery as defined in **Section 28-2(b) of the Criminal Code of 1961 (S.H.A., Chapter 38, Section 28-2)**, conducted by an organization licensed under this Article, in which:

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



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

**"Religious Organization":** Any church, congregation, society, or organization founded for the purpose of religious worship.

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

**8-5-4        RESERVED.**

**DIVISION II - LICENSE REQUIREMENTS**

**8-5-5        LICENSE REQUIRED.** It shall be unlawful for any person to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle, unless conducted pursuant to a license duly issued by the County and in accordance with the provisions of this Article.

**8-5-6        APPLICATIONS FOR LICENSE.**

(A) Any person seeking to conduct or operate a raffle shall file an application therefor with the County Clerk on forms provided by the County Clerk. The application shall contain the following information:

- (1) The name and address of the organization;
- (2) The length of existence of the organization and, if incorporated, the date and state of incorporation.
- (3) The name, address, telephone number, social security number, and date of birth of the organization's presiding officer, secretary, raffle manager, and any other members responsible for the conduct and operation of the raffle.
- (4) The aggregate retail value of all prizes to be awarded in the raffle.
- (5) The maximum retail value of each prize to be awarded in the raffle.
- (6) The maximum price charged for each raffle chance issued or sold.
- (7) The maximum number of raffle chances to be issued.
- (8) The area or areas in which raffle chances will be issued or sold.
- (9) The time period during which raffle chances will be issued or sold.
- (10) The date, time, and location at which winning chances will be determined.
- (11) A sworn statement attesting to the not-for-profit character of the applicant organization, signed by the presiding officer and secretary of the organization.

(12) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

(B) A fee shall be charged by the County and paid to the County Treasurer at the time of application for a raffle license, according to the following schedule:

Aggregate Retail Value of Prizes	Fee
Less than \$500.00	\$5.00
\$500.00 or more, but less than \$1,000.00	\$15.00
\$1,000.00 or more, but less than \$10,000.00	\$25.00
\$10,000.00 or more, but less than \$100,000.00	\$35.00
More than \$100,000.00	\$50.00

If the application is for a multiple series of raffles within the **one (1) year** time limit of the license, the multiple prizes shall be added together to determine the aggregate value of the prizes for purposes of determination of fee.

The application fees are nonrefundable even should the application be rejected by the County Commissioners.

**[NOTE: The governing statute states that all licensing systems for raffles shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3) the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold. Some counties have provided for different classes of raffle licenses based upon such factors as the value of the prizes. These licenses have certain restrictions (maximum amount charged for a raffle chance) and license fees for each class of license. Other counties have different classes of licenses based upon what type of raffle: general raffle license (multiple drawings on same day and at same location within confines of the same raffle event); multiple raffle license (example: multiple 50/50 drawings within 12 month period); one time emergency license; limited annual raffle license.]**

**8-5-7 LICENSE QUALIFICATIONS.** Raffle licenses shall be issued only to bona fide charitable, educational, fraternal, labor, religious, business, and veterans organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years or more** immediately before making application for a license and which have had during the entire **five (5) year period** a bona fide membership engaged in carrying out their objects. The following are ineligible for any license under this Article.

- (A) Any person who has been convicted of a felony.
- (B) Any person who is or has been a professional gambler or gambling promoter.
- (C) Any person who is not of good moral character.
- (D) Any firm or corporation in which a person defined in paragraph (A), (B), or (C) above has a proprietary, equitable or credit interest, or in which the person is active or employed.

(E) Any organization in which a person defined in paragraph (A), (B), or (C) above is an officer, director, or employee, whether compensated or not.

(F) Any organization in which a person defined in paragraph (A), (B), or (C) above is to participate in the management or operation of a raffle as defined in this Article.

**8-5-8 LICENSE ISSUANCE.**

(A) The County Commissioners shall review all raffle license applications. The County Commissioners shall, within **thirty (30) days** from the date of application, accept or reject a raffle license application. This shall be achieved by a majority vote of the County Commissioners. If an application is accepted, the County Commissioners shall forthwith issue a raffle license to the applicant. A raffle license shall be valid for a period of not more than **one (1) year** from and after its issuance.

(B) A raffle license shall show the following:

- (1) The area or areas in which raffle chances may be sold or issued.
- (2) The period of time during which raffle chances may be sold or issued.
- (3) The maximum price which may be charged for each raffle chance issued or sold.
- (4) The date, time, and location on or at which winning chances will be determined.

(C) The license shall be prominently displayed at the time and location of the determination of the winning chances.

(D) A license shall be valid for **one (1) raffle** only. Multiple licenses may be issued for multiple raffles to a licensee for up to a maximum period of **one (1) year** from the date of the issuance of the license.

**8-5-9 POLITICAL COMMITTEES.** Political committees are required by **Chapter 230, Sec. 15/8.1** to secure raffle licenses from the State Board of Elections. **(230 ILCS 15/2)**

**DIVISION III - CONDUCT OF RAFFLES**

**8-5-10 OPERATION AND CONDUCT OF RAFFLES.** The operation and conduct of raffles are subject to the following restrictions:

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the organization permitted to conduct that game.

(B) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.

(C) No person may receive any remuneration or profit for participating in the management or operation of the raffle.

(D) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Chapter.

(E) Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the area specified on the license, and winning chances may be determined only at those locations specified on the license.

(F) Each raffle chance shall have printed thereon the following:

- (1) The cost of the chance.
- (2) The aggregate retail value of all prizes to be awarded in the raffle.
- (3) The maximum number of raffle chances to be issued.
- (4) The date or dates, time or times, and location or locations on or at which winning chances will be determined.

However, when raffle chances are sold, conveyed, issued, or otherwise transferred only at the time and location at which winning chances will be determined and only to persons then in attendance, the face of the raffle chance need not contain this information.

(G) No cash prize in excess of Five **Hundred Thousand Dollars (\$500,000.00)** may be awarded.

(H) No real property, including land and any building thereon, may be the prize in a raffle unless the organization holding the raffle license owns fee simple title as to the entire subject real property.

(I) No person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances. A person under the age of **eighteen (18) years** may be within the area where winning chances are being determined only when accompanied by his/her parent or guardian.

(J) No chance shall be sold, offered for sale, conveyed, issued or otherwise transferred for value to or by any person under the age of **eighteen (18) years** without the permission of his/her parent or guardian.

**8-5-11      RAFFLES MANAGER; BONDS.**

(A) All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designed by the organization.

(B) The raffles manager shall give a fidelity bond, equal in amount to the aggregate retail value of all prizes to be awarded, in favor of the licensee, conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority no less than **thirty (30) days** prior to its cancellation.

(C) In addition to the above requirements, the licensee organization shall give a fidelity bond, equal in amount to the aggregate retail value of all prizes to be awarded, in favor of the County, conditioned upon its honesty in the performance of the raffle. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than **thirty (30) days** prior to its cancellation.

(D) The County Commissioners may waive the aforementioned bond requirements by including a waiver provision in the license issued to an organization under this Chapter, provided that the waiver shall be granted only by unanimous vote of the County Commissioners.

**8-5-12      RECORDS.**

(A) Each licensee shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented

with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

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

(C) Each licensee shall report within **thirty (30) days** after the conclusion of each raffle to its membership and to the Commissioner's office its gross receipts, expenses and net proceeds from raffles and the distribution of net proceeds itemized as required herein.

(D) Records required herein shall be preserved for **three (3) years**, and the licensees shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

**8-5-13      RESERVED.**

**DIVISION IV - ENFORCEMENT**

**8-5-14      RELATIONSHIP TO OTHER LAWS.** Whenever regulations or restrictions imposed by this Chapter are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rules, or regulations, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern.

**8-5-15      ABATEMENT.** The imposition of the penalties prescribed in **Section 8-5-16** hereof shall not preclude the County from instituting appropriate legal action to prevent unlawful raffles or to restrain, enjoin, correct, or abate a violation of this Chapter or of the condition of a raffle license issued pursuant hereto.

**8-5-16      PENALTY.** Any person violating any provision of this Article shall be punished by a fine of not more than **One Thousand Dollars (\$1,000.00)**. Each day any violation of any provision of this Chapter shall continue shall constitute a separate offense.

## ARTICLE VI – POKER RUNS

**8-6-1 DEFINITIONS.** The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) **"Business"**: A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

(B) **"Charitable Organization"**: An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

(C) **"Educational Organization"**: An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

(D) **"Fraternal Organization"**: An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

(E) **"Hardship"**: A non-profit fundraising organization that has not been in existence continuously for a period of **five (5) years** immediately before making application for a license that the County determines to be organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

(F) **"Key Location"**: The location where the poker run concludes and the prize or prizes are awarded.

(G) **"Labor Organization"**: An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

(H) **"Licensee"**: An organization which has been issued a license to operate a raffle.

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

(J) **"Non-Profit"**: An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

(K) **"Poker Run"**: An event organized by an organization licensed under this Article in which participants travel to multiple predetermined locations, including a key location, drawing a playing card or equivalent item at each location, in order to assemble a facsimile of a poker hand or other numeric score. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item at each location.

(L) **"Religious Organization"**: Any church, congregation, society, or organization founded for the purpose of religious worship.

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

**8-6-2**      **REQUIREMENT OF LICENSE.** It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

**8-6-3**      **APPLICATION FOR A LICENSE.**

(A)            Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run with a key location in Randolph County shall file an application therefore with the County Clerk's Office on the forms provided by the County Clerk.

(B)            Applications for licenses under this Article must contain the following information:

- (1)          The name and address of the applicant organization;
- (2)          The type of organization that is conducting the poker run, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (3)          The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4)          The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the poker run;
- (5)          The name, address, and telephone number of all locations at which the poker run will be conducted;
- (6)          The time period during which the poker run will be conducted;
- (7)          The time of determination of winning chances and the location or locations at which the winning chances will be determined;
- (8)          A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (9)          A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

(C)            An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable **Twenty-Five Dollar (\$25.00)** filing fee.

**8-6-4**      **LICENSEE QUALIFICATIONS.**

(A)            Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the County Board determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. The County Board may waive the **five (5) year** requirement under this Section for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a poker run if the organization is a local organization that is

affiliated with and chartered by a national or State organization that meets the **five (5) year** requirement. The following are ineligible for any poker run license:

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

**8-6-5            LICENSE ISSUANCE.**

(A)            The County Board shall review all poker run license applications. The County Board shall, within **thirty (30) days** from the date of application, accept or reject a poker run license application. This shall be achieved by majority vote of the County Board. If an application is accepted, the County Board shall forthwith issue a poker run license to the applicant.

(B)            A poker run license shall specify:

- (1)            The name and address of the predetermined locations, as set forth on the application, at which the poker run will be conducted;
- (2)            The time period during which the poker run will be conducted; and
- (3)            The time of determination of winning chances and the location or locations at which the winning chances will be determined.

(C)            Any license issued under this Article shall be non-transferable.

(D)            Each license shall be valid for one poker run and may be suspended or revoked for any misrepresentation on the application, any violation of this Article or State law, or when such poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.

(E)            Any license issued shall cover the entire poker run, including locations other than the key location. Each license shall include the name and address of each location at which the poker run will be conducted.

(F)            The license shall be prominently displayed at each location at which the poker run is conducted or operated.

**8-6-6            CONDUCT OF POKER RUNS.**

(A)            The operation and conduct of poker runs is subject to the following restrictions:

- (1)            The entire net proceeds of any poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.



- (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the poker run.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the poker run.
- (4) A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.
- (5) A playing card or equivalent item may be drawn only within the area specified on the license and winning hands may be determined only at those locations specified on the license.
- (6) A person under the age of **eighteen (18) years** may participate in the conducting of poker runs only with the permission of a parent or guardian. A person under the age of **eighteen (18) years** may be within the area where winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

(B) If a lessor rents premises where a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the County.

**8-6-7      MANAGER - BOND.**

(A) All operations of and conduct of poker runs shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the poker run must be a bona fide member of the organization holding the license for such a poker run and may not receive any remuneration or profit for participating in the management or operation of the poker run.

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** conditioned upon his/her honesty in the performance of his/her duties. Terms of the bond shall provide that notice shall be given in writing to the County not less than **thirty (30) days** prior to its cancellation.

(C) The County Board is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Article, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

**8-6-8      RECORDS.**

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

(B) Gross receipts from the operation of poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also

conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of poker runs shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct poker runs shall report monthly to its membership, and to the County Clerk of Randolph County, Illinois, its gross receipts, expenses and net proceeds from poker runs, and the distribution of net proceeds itemized as required by this Section.

(D) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(E) The County shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, **50 ILCS 205/1 et seq.**

**8-6-9**        **LIMITED CONSTRUCTION.** Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than poker runs as provided for herein.

**(Ord. No. 14-08; 09-12-14)**

## ARTICLE VII – ADULT ORIENTED BUSINESSES

### DIVISION I - GENERALLY

**8-7-1 PURPOSE.** It is the purpose of this Article to regulate adult oriented businesses in order to promote the health, safety, and general welfare of the citizens of the County, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult oriented businesses within the County. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented material. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to adult oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.

**8-7-2 FINDINGS.** Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Board, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991), *North Avenue Novelties Incorporated v. City of Chicago*, 88 F. 3d. 441 (7<sup>th</sup> Cir. 1996), and *Excalibur Group, Inc. v. City of Minneapolis*, 116 F. 3d 1216 (CA8 1997), and on studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; and also on finding from the Report of the Attorney General's Working Group On The Regulation Of Adult Oriented Businesses, (June 6, 1989, State of Minnesota), the Board finds:

(A) Adult oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

(B) Certain employees and patrons of adult oriented businesses defined in this Article as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees and patrons other establishments.

(C) Sexual acts, including masturbation, and oral and anal sex, occur at adult oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(D) Offering and providing such space encourages such activities, which creates unhealthy conditions.

(E) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.

(F) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV – AIDS), genital herpes, Hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.

(G) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.

(H) The Surgeon General of the United States in his report of **October 22, 1986**, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(I) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

(J) Sanitary conditions in some adult oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self regulate those activities and maintain those facilities.

(K) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses where persons view "adult" oriented films.

(L) The findings noted in paragraphs (A) through (K) raise substantial and legitimate governmental concerns.

(M) Adult oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial and legitimate governmental concerns.

(N) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and operators of the adult oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the adult oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the County. It is appropriate to require reasonable assurances that the licensee is the actual operator of the adult oriented business, fully in possession and control of the premises and activities occurring therein.

(O) Prohibiting of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(P) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the adult oriented business, where such information is substantially related to the significant government interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.

(Q) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(R) There are certain operational characteristics of adult oriented businesses that have adverse secondary effects (noted herein) on communities, including but not limited to the advertisement of adult oriented business through the use of large signs, which contribute to the blighting and/or downgrading of surrounding property.

(S) The general welfare, health, morals and safety of the citizens of the County will be promoted by the enactment of this Article.

(T) Due to the adverse secondary effects (noted herein) on communities, it is reasonable and necessary to impose reasonable time, place and manner restrictions on adult oriented businesses in the form of zoning and locational regulations contained in this Article, and that these regulations are tailored to advance the legitimate governmental interest of

avoiding, to the extent possible, the impact of such harmful and adverse secondary effects on the community while ensuring that such regulations do not unreasonably limit alternative avenues of communications.

(U) Based on Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986), and North Avenue Novelties Incorporated v. City of Chicago, 88 F. 3d 441 (7<sup>th</sup> Cir. 1996), the Commission further finds that this Article, while advancing the legitimate and substantial governmental interest of protecting property values, preventing increase in crime, and protecting the health, safety and welfare of the community, does not unreasonably limit alternative avenues of communication for adult oriented businesses and this law does provide a reasonable opportunity to disseminate speech to the extent that:

- (1) No adult oriented businesses presently exist within the boundaries of the County of Randolph, Illinois; and,
- (2) Over the past **five (5) years**, Randolph County, Illinois has received only **zero (0)** inquiries regarding the location of an adult oriented business in the County, and that none have located within the County; and
- (3) Based on the findings of the Locational Study, there is ample area for the locations of Adult Oriented Businesses in that the total area within the County's zoned Industrial Zone; and,
- (4) The areas available for the location of adult oriented businesses are presently served by adequate public utilities and infrastructure, or such areas can be readily served with such public utilities and infrastructure if and when the need for development of such areas arises.

(V) Increased criminal activity in areas where adult oriented businesses operate, including increased property crimes (vandalism, burglary, larceny, auto theft), violent crimes (murder, rape, robbery and assault) and sex crimes (rape, indecent exposure, child molestation). Due to the increase in criminal activity, insurance rates also increased.

(W) Substantial depreciation in neighborhood property values occurs where adult oriented businesses are located.

(X) Tendency of local citizenry to avoid areas where adult oriented businesses are located. These studies noted that patrons of adult oriented businesses are typically not resident of nearby neighborhoods, and that without community identify, behavior is less inhibited which contributes to increased criminal activity. The studies also noted that the owners of adult oriented businesses are typically not residents of the community in which the adult oriented business is located.

(Y) The location of adult oriented businesses near establishments selling alcoholic beverages compounds the problem of increased criminal activity.

(Z) Increased public health hazards due to illicit sexual encounters in adult oriented businesses, including but not limited to sexual encounters within "peep show booths", used condoms littering the streets and sidewalks, and increased prostitution.

(AA) Adult oriented businesses cause an increase in noise, lighting and traffic during late night hours.

(BB) County will be best able to buffer the harmful secondary effects of adult oriented businesses on surrounding areas by imposing reasonable design controls on the appearance and image of adult oriented businesses.

(CC) Those findings made in the prefatory portion of this Article are hereby adopted.

## DIVISION II – DEFINITIONS

**8-7-10      ADULT ARCADE.** Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image producing devices are maintained to show images to **five (5)** or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

**8-7-11      ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE.** Adult bookstore, adult novelty store or adult video store means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any **one (1)** or more of the following:

(A) books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(B) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**8-7-12      ADULT CABARET.** Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(A) persons who appear in a state of nudity or semi-nude; or

(B) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(C) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**8-7-13      ADULT MOTEL.** Adult motel means a hotel, motel or similar commercial establishment which:

(A) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign

visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(B) offers a sleeping room for rent for a period of time that is less than **ten (10) hours**; or

(C) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than **ten (10) hours**.

**8-7-14**      **ADULT MOTION PICTURE THEATER.** Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**8-7-15**      **ADULT THEATER.** Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

**8-7-16**      **EMPLOYEE.** Employee means a person who performs any service on the premises of adult oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

**8-7-17**      **ESCORT.** Escort means a person who, for consideration and/or payment, offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**8-7-18**      **ESCORT AGENCY.** Escort agency means a person or business or association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

**8-7-19**      **ESTABLISHMENT.** Establishment means and includes any of the following:

(A) the opening or commencement of any adult oriented business as a new business;

(B) the conversion of an existing business, whether or not an adult oriented business, to any adult oriented business;

(C) the additions of any adult oriented business to any other existing adult oriented business; or

(D) the relocation of any adult oriented business.

**8-7-20**      **LICENSEE.** Licensee means a person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on the application or a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult oriented business.

**8-7-21**      **NUDE MODEL STUDIO.** Nude model studio means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarity depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Illinois or college, community college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by taxation; or in a structure:

- (A)            that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (B)            where in order to participate in a class; a student must enroll at least **three (3) days** in advance of the class; and
- (C)            where no more than **one (1)** nude or semi-nude model is on the premises at any one time.

**8-7-22**      **NUDITY, STATE OF NUDITY.** Nudity, state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

**8-7-23**      **PERSON.** Person means an individual, proprietorship, partnership, limited liability company, corporation, association, or other legal entity.

**8-7-24**      **SEMI-NUDE, SEMI-NUDE CONDITION.** Semi-nude, semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest points or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

**8-7-25**      **SEXUAL ENCOUNTER CENTER.** Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of payment or consideration:

- (A)            physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (B)            activities between male and female persons and/or persons of the same sex when **one (1)** or more of the persons is in a state of nudity or semi-nude.



**8-7-26**      **ADULT ORIENTED BUSINESS.** Adult oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, escort agency, nude model studio, or sexual encounter center.

**8-7-27**      **SPECIFIED ANATOMICAL AREAS.** Specified anatomical areas means:  
(A)            The human male genitals in a discernibly turgid state, even if completely and opaquely covered, or  
(B)            less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

**8-7-28**      **SPECIFIED SEXUAL ACTIVITIES.** Specified sexual activities means any of the following:  
(A)            The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;  
(B)            Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or  
(C)            Excretory functions as part of or in connection with any of the activities set forth in (A) through (B) above.

**8-7-29**      **SUBSTANTIAL ENLARGEMENT.** Substantial enlargement of an adult oriented business means the increase in floor areas occupied by the business by more than **twenty-five percent (25%)**, as the floor areas exist on the date this Article takes effect.

**8-7-30**      **TRANSFER OF OWNERSHIP OR CONTROL.** Transfer of ownership or control of an adult oriented business means and includes any of the following:  
(A)            the sale, lease, or sublease of the business;  
(B)            the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or  
(C)            the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possession the ownership or control.

**8-7-31 - 8-7-35**      **RESERVED.**

### **DIVISION III – CLASSIFICATIONS**

**8-7-36**      **CLASSIFICATION.** The term “adult oriented business” shall mean include, and are classified as follows:  
(A)            adult arcades;  
(B)            adult bookstores, adult novelty stores, or adult video stores;  
(C)            adult cabarets;  
(D)            adult motels;

- (E) adult motion picture theaters;
- (F) adult theaters;
- (G) escort agencies;
- (H) nude model studios; and
- (I) sexual encounter centers.

**8-7-37 - 8-7-40 RESERVED.**

**DIVISION IV – LICENSING**

**8-7-41 LICENSE REQUIRED.** It is unlawful:

- (A) For any person to operate an adult oriented business without a valid adult oriented business license issued by the County pursuant to this Article.
- (B) For any person who operates an adult oriented business to employ a person to work for the adult oriented business who is not licensed as an adult oriented business employee by the County pursuant to this Article.
- (C) For any person to obtain employment with an adult oriented business without having secured an adult oriented business employee license pursuant to this Article.

**8-7-42 FORMS BY COUNTY.** An application for an adult oriented business license must be made on a form provided by the County.

**8-7-43 APPLICANTS QUALIFICATIONS.** All applicants must be qualified according to the provisions of the Article. The application may request and the applicant shall provide such information as to enable the County to determine whether the applicant meets the qualifications established in this Article.

**8-7-44 APPLICATION SIGNATURE.** If a person wishes to operate an adult oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate an adult oriented business is other than an individual, each individual who has a **ten percent (10%)** or greater ownership interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.

**8-7-45 INFORMATION ON APPLICANT.** The completed application for an adult oriented business license shall contain the following information and shall be accompanied by the following documents:

- (A) If the applicant is:
  - (1) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;

- (2) a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
- (3) a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

(B) If the applicant intends to operate the adult oriented business under name other than that of the applicant he or she must state (a) the adult oriented business' fictitious name and (b) submit the registration documents required under applicable state law to operate under a fictitious name.

(C) Whether the applicant has had a previous license under this Article or other similar adult oriented business ordinance from another city, county or unit of local government within the United States of America denied, suspended or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation, or a member or manager of a limited liability company that is licensed under this Article whose license has previously been denied, suspended or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(D) Whether the applicant holds any other licenses under this Article or other similar adult oriented business ordinance from another city, county or other unit of local government within the United States of America, and, if so, the names and locations of such other licensed businesses.

(E) The single classification of license of which the applicant is filing.

(F) The location of the proposed adult oriented business, including a legal description of the property, street address, and telephone number(s), if any.

(G) The applicant's mailing address.

(H) A recent photograph of the applicant(s).

(I) The applicant's driver's license number, social security number, and/or his/her/its state or federally issued tax identification number.

(J) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business, prepared by a professional architect, engineer or similar professional. The sketch or diagram must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus **six (6) inches**.

(K) A plat prepared within **thirty (30) days** prior to application by a registered land surveyor and/or professional engineer depicting the property lines and the structures containing any existing adult oriented businesses within **one thousand (1,000) feet** of the proposed adult oriented business location, the property lines and location of any religious institution/synagogue, school, establishment selling or offering for sale alcoholic beverages, residential structure, place of public accommodation, restaurant, or public park or recreation area within **one thousand (1,000) feet** of the proposed adult oriented business location. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

(L) If an applicant wishes to operate an adult oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than **one hundred fifty (150) square feet** of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in **Section 8-7-81**.

**8-7-46**      **EMPLOYEE LICENSE REQUIRED.** Before any applicant may be issued an adult oriented business employee license, the applicant shall submit on a form to be provided by the County the following information:

- (A) The applicant's name or any other name (including "stage" names) or aliases used by the individual;
- (B) Age, date, and place of birth;
- (C) Height, weight, hair and eye color;
- (D) Present residence address and telephone number;
- (E) Present business address and telephone number;
- (F) Date, issuing state and number of driver's permit or other identification card information;
- (G) Social security number; and
- (H) Proof that the individual is at least **eighteen (18) years** of age.

**8-7-47**      **APPLICATION ATTACHMENTS.** Attached to the application form for an adult oriented business employee license as provided above, shall be the following:

- (A) A color photograph of the applicant clearly showing the applicant's face.
- (B) A statement detailing the license history of the applicant for the **five (5) years** immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, city, state or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

**8-7-48 - 8-7-50**      **RESERVED.**

## **DIVISION V – ISSUANCE OF LICENSE**

**8-7-51**      **TEMPORARY STATUS – INVESTIGATION.** Upon the filing of said application for an adult oriented business employee license, the County shall issue a temporary license to said applicant. The application shall then be referred to the County Sheriff's Department for an investigation to be made on such information as is contained on the application. The application process shall be completed within **thirty (30) days** from the date the completed application is filed. After the investigation, the County shall issue a license,

unless it is determined by the County by a preponderance of the evidence that one or more of the following findings is true:

(A) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(B) The applicant is under the age of **eighteen (18) years**;

(C) The adult oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation or prohibited by a particular provision of this Article; or

(D) The applicant has had an adult oriented business employee license revoked by the County within **two (2) years** of the date of the current application. If the adult oriented business employee license is denied, the temporary license previously issued shall be immediately deemed null and void. Denial, suspension, or revocation of a license issued permit to this Section shall be subject to appeal as set forth in **Division X**.

**8-7-52 RENEWAL.** A license granted pursuant to this Section shall be subject to annual renewal upon the written application of the applicant as stated herein.

**8-7-53 TIME PARAMETERS FOR COUNTY.** Within **thirty (30) days** after receipt of a completed adult oriented business application, the County shall approve or deny the issuance of a license to an applicant. The County shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(A) An applicant is under **eighteen (18) years** of age.

(B) An applicant or a person with whom applicant is residing is overdue in payment to the County of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.

(C) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(D) An applicant has been denied a license by the County to operate an adult oriented business within the preceding **twelve (12) months** or whose license to operate an adult oriented business has been suspended or revoked within the preceding **twelve (12) months**.

(E) The premises to be used for the adult oriented business have not been approved by the fire department and the building official as being in compliance with applicable laws and ordinances.

(F) The license fee required by this Article has not been paid.

(G) An applicant of the proposed adult oriented business is in violation of or is not in compliance with any of the provisions of this Article.

**8-7-54 DISPLAY OF LICENSE.** The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the adult oriented business and the classification for which the license is issued pursuant to **Division III**. All licenses shall be posted in a conspicuous place at or near the entrance to the adult oriented business so that they may be easily read at any time.

**8-7-55**      **PREMISES IN COMPLIANCE.** The fire department and the retained building inspector shall complete their certification that the premises is in compliance or not in compliance with applicable laws and ordinances within **thirty (30) days** of receipt of the application by the County.

**8-7-56**      **LICENSE CLASSIFICATION.** An adult oriented business license shall be issued for only one classification as found in **Division III.**

**8-7-57 - 8-7-59**      **RESERVED.**

**DIVISION VI – FEES**

**8-7-60**      **APPLICATION AND INVESTIGATION FEE.** Every application for an adult oriented business license or adult oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by a **Five Hundred Dollar (\$500.00)** non-refundable application and investigation fee.

**8-7-61**      **LICENSE FEE – NON-REFUNDABLE.** In addition to the application and investigation fee required above, every adult oriented business and an adult oriented business employee that is granted a license (new or renewal) shall pay to the County an annual non-refundable license fee of **Two Thousand Dollars (\$2,000.00)** within **thirty (30) days** of license issuance or renewal.

**8-7-62**      **COUNTY CLERK.** All license applications and fees shall be submitted to the County Clerk.

**8-7-63 - 8-7-65**      **RESERVED.**

**DIVISION VII – INSPECTION**

**8-7-66**      **SPECIFIED INSPECTORS.** An applicant or licensee shall permit representatives of the Sheriff's Department, the Fire Department, the Zoning Department and the County Health Department to inspect the premises of an adult oriented business for the purpose of insuring compliance with this Article at any time the premises is open for business.

**8-7-67**      **PENALTY FOR REFUSAL TO ALLOW INSPECTION.** A person who operates an adult business, or his agent or employee, commits a Class C misdemeanor, punishable by a fine of **One Thousand Dollars (\$1,000.00)**, if the person refused to permit such lawful inspection of the premises at any time it is open for business.

**8-7-68 - 8-7-69**      **RESERVED.**

**DIVISION VIII – EXPIRATION OF LICENSE**

**8-7-70**      **EXPIRATION.** Each license shall expire **one (1) year** from the date of issuance and may be renewed only by making application as provided in **Division IV**. Application for renewal shall be made at least **thirty (30) days** before the expiration date, and when made less than **thirty (30) days** before the expiration date, the expiration date of the license will not be affected.

**8-7-71**      **DENIAL OF LICENSE.** When the County denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the County finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least **ninety (90) days** have elapsed since the date denial became final.

**8-7-72**      **RESERVED.**

**DIVISION IX – SUSPENSION**

**8-7-73**      **LICENSE SUSPENSION.** The County shall suspend a license for a period not to exceed **thirty (30) days** if the County determines that a licensee or an employee of a license has:

- (A)            violated or is not in compliance with any section of this Article;
- (B)            refused to allow an inspection of the adult oriented business premises as authorized by this Article.

**8-7-74**      **RESERVED.**

**DIVISION X – REVOCATION**

**8-7-75**      **MANDATORY REVOCATION.** The County shall revoke a license if suspension in **Division IX** occurs and the license has been suspended within the preceding **twelve (12) months**.

**8-7-76**      **CONDITIONS FOR REVOCATION.** The County shall revoke a license if the County determines that:

- (A)            a licensee gave false or misleading information in the material submitted during the application process;
- (B)            a licensee has knowingly allowed possession, use, or sale of controlled substances or alcoholic beverages on the premises;
- (C)            a licensee has knowingly allowed prostitution on the premises;

(D) a licensee knowingly operated the adult oriented business during a period of time when the license was suspended; or

(E) except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the premises.

**8-7-77**      **LENGTH OF REVOCATION.** When the County revokes a license, the revocation shall continue for **one (1) year**, and the licensee shall not be issued an adult oriented business license for **one (1) year** from the date the revocation became effective. If, subsequent to revocation, the County finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least **ninety (90) days** have elapsed since the date the revocation became effective.

**8-7-78**      **JUDICIAL REVIEW.** After denial of a renewal of an application, or suspension or revocation of any license may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

#### **DIVISION XI – TRANSFER OF LICENSE**

**8-7-79**      **NON-TRANSFERABLE.** A license granted under this Article shall be deemed non-transferable. A licensee shall not transfer or attempt to transfer his/her/its license to another, nor shall a licensee operate an adult oriented business under the authority of a license, or for the classification designated on the license.

#### **DIVISION XII – GENERAL REGULATIONS**

**8-7-80**      **ADDITIONAL REGULATIONS FOR ADULT MOTELS.**

(A) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated **two (2)** or more times in a period of time that is less than **ten (10) hours** creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this Article.

(B) A person commits a Class C misdemeanor (punishable by a fine of **Five Hundred Dollars (\$500.00)**) if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an adult oriented license, he rents or subrents a sleeping room to a person and, within **ten (10) hours** from the time the room is rented, he rents or subrents the same room again.

(C) For purposes of subsection (B) of this Section, the terms “rent” or “subrent” mean the act of permitting a room to be occupied for any form of consideration.



**8-7-81            EXHIBITION OF ADULT EXPLICIT FILMS IN VIEWING ROOMS.**

(A) A person who operates or causes to be operated an adult oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than **one hundred fifty (150) square feet** of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (1) Upon application for an adult oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of **one (1)** or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed **thirty-two (32) square feet** of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall be required; each diagram should be oriented to the north or to some identifiable scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus **six (6) inches**. The County may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the County.
- (4) It is the duty of the licensee of the premises to ensure that at least **one (1)** licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has **two (2)** or more manager's stations identifiable, then the interior of the premises shall be configured in such manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least **one (1)** of the manager's station.
- (6) It shall be the duty of the licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been identifiable as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this Section.

- (7) No viewing room may be occupied by more than **one (1) person** at any time.
- (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access.
- (9) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (10) No licensee shall allow openings of any kind to exist between viewing booths or rooms.
- (11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
- (12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- (13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
- (14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed or, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used.

(B) A person having a duty under subsection (1) through (14) of subsection (A) above commits an offense if he knowingly fails to fulfill that duty.

**8-7-82      ESCORT AGENCIES REGULATIONS.**

(A) An escort agency shall not employ any person under the age of **eighteen (18) years**.

(B) A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of **eighteen (18) years**.

**8-7-83      NUDE MODEL STUDIOS REGULATIONS.**

(A) A nude model studio shall not employ any person under the age of **eighteen (18) years**.

(B) A person under the age of **eighteen (18) years** commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection the person under **eighteen (18) years** was in a restroom not open to public view to any other person.

(C) A person commits an offense if the person appears in a state of nudity, or knowingly allows another person to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

(D) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

**8-7-84      PUBLIC NUDITY REGULATIONS.**

(A)            It shall be illegal for a person who knowingly and intentionally, in an adult oriented business, appears in a state of nudity or depicts specified sexual activities.

(B)            It shall be illegal for an employee, while semi-nude in an adult oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude in an adult oriented business.

(C)            It shall be illegal for an employee, while semi-nude, to touch a customer or the clothing of a customer.

**8-7-85      CHILDREN IN ADULT ORIENTED BUSINESS PROHIBITED.** A person commits an offense if the person knowingly allows a person under the age of **eighteen (18) years** on the premises of an adult oriented business.

**8-7-86      HOURS OF OPERATION.** No adult oriented business, except for an adult motel, may remain open at any time between the hours of **one o'clock (1:00) A.M.** and **eight o'clock (8:00) A.M.** on weekdays and Saturdays, and **one o'clock (1:00) A.M.** and **Noon (12:00) P.M.** on Sundays.

**8-7-87      EXEMPTIONS.** It is a defense to prosecution under **Section 8-7-84** that a person appearing in a state of nudity did so in a modeling class operated:

(A)            by a proprietary school, licensed by the State of Illinois; a college, community college, or university supported entirely or partly by taxation, or by a private college or university which maintains and operates educational programs in which credits are transferable to a college, community college, or university supported entirely or partly by taxation; and,

(B)            in a structure:

- (1)            which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- (2)            where, in order to participate in a class a student must enroll at least **three (3) days** in advance of the class; and
- (3)            where no more than **one (1)** nude model is on the premises at any one time.

**8-7-88      INJUNCTION.** A person who operates or causes to be operated an adult oriented business without a valid driver's license or in violation of **Chapter 40 (Zoning Code)** is subject to a suit for injunctive and/or declaratory relief in a court of competent jurisdiction, as well as prosecution for criminal violations. Such violations shall be deemed punishable by a fine of **One Thousand Dollars (\$1,000.00)**. Each day an adult oriented business so operates is a separate offense or violation.

**[See Section 1-1-20 for General Penalties]**

**ARTICLE VIII - PAWNBROKERS**

**8-8-1**        **LICENSE REQUIRED.** No person, firm or corporation shall conduct or operate the business of pawnbroker without having first obtained a license therefor as is herein provided; or in violation of any of the provisions herein contained. Any pawnbroker's license may be revoked by the County Board Chairman for any violation of any provision of this Article.

**8-8-2**        **APPLICATION - INVESTIGATION.** Application for pawnbroker's license shall be made to the County Clerk and shall state thereon the name of the applicant; the place of business; and the number of employees intended to be engaged. The Sheriff or any other officer of the County designated by the County Board Chairman shall investigate each applicant for such license and shall report back to the County Clerk whether or not such applicant is a person of good character; no license shall be issued to a person who has been convicted of the offense of receiving stolen good or of burglary or robbery.

**8-8-3**        **FEE.** The annual fee for a pawnbroker's license shall be **Five Hundred Dollars (\$500.00)** and this fee shall be payable in advance and no license shall be issued until the fee is paid.

**8-8-4**        **RECORDS.** Every pawnbroker doing business in the unincorporated areas of the County shall keep a record of every article pledged with him or sold to him, and this record shall be open to the inspection of any police officer at any time during the hours of business.

**8-8-5**        **WEAPONS.** No pawnbroker shall receive as a pledge or purchase any illegal revolver, pistol, blackjack or sawed-off shotgun and no pawnbroker shall display in his window or shop any such weapon for sale. A federal firearm license shall be required to sell weapons.

**8-8-6**        **MINORS.** No pawnbroker shall have any business dealings as a pawnbroker with any person less than **eighteen (18) years** of age, except with the written consent of the parent or guardian of the minor to each particular transaction. No pawnbroker's license shall be issued to any person who is not **eighteen (18) years** of age or over; and no pawnbroker shall employ a person of less than **eighteen (18) years** of age to assist him in his business.

**8-8-7**        **STOLEN GOODS.** It shall be the duty of every pawnbroker to report to the police any article pledged with him, or which it is sought to be pledged with him, if he shall have reason to believe that the article was stolen or lost.

**8-8-8**        **SECONDHAND DEALERS.** No pawnbroker shall conduct the business of a secondhand dealer without having obtained the license required for such dealer in addition to his pawnbroker's license.

**ARTICLE IX – FIREWORKS CODE**

**8-9-1**        **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

**Common Fireworks:** Any fireworks designed primarily to produce visual or audible effects by combustion.

(A)            The term includes:

- (1)        Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;
- (2)        Smoke devices;
- (3)        Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;
- (4)        Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(B)            The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

**Dangerous Fireworks:** Any fireworks not defined as a "common firework".

**Fireworks:** Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

**Special Fireworks:** Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

(A)            Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and

(B)            Fireworks not classified as common fireworks.

**8-9-2**        **SALE OF FIREWORKS UNLAWFUL.** It is unlawful for any person to sell any fireworks within the County other than those fireworks designated in **Section 8-9-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

**8-9-3**        **POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL.** It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the County; provided that this prohibition shall not apply to duly authorized public displays.

**8-9-4**        **PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS.** It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the County without first having obtained a valid permit issued pursuant to the provisions of this Article.

**8-9-5**        **TIME LIMIT SET ON SALE AND USE.** No permit holder shall offer for retail sale or sell any fireworks within the County except from **12:00 Noon** on the **28<sup>th</sup> of June** to **12:00 Noon** on the **6<sup>th</sup> of July** of each year. No fireworks may be sold or discharged between the hours of **11:00 P.M.** and **9:00 A.M.** Provided, the sale and use of fireworks as provided in this Section shall be limited to the following:

Dipped stick, sparklers and smoke devices.

**8-9-6**        **PERMIT FEES.** The annual fee for a "seller's permit" for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars (\$100.00)** per year for each seller's permit, payable in advance. The fee for a "public display permit" for the public display of fireworks shall be **One Hundred Dollars (\$100.00)**, payable in advance, unless waived by the County Board.

**8-9-7**        **ISSUANCE – NONTRANSFERABLE VOIDING.**

(A)        **Sellers.** Each seller's permit issued under this Article shall be for only one retail outlet. The number of seller's permits shall not be limited as long as all conditions are met as stated in **Section 8-9-11** of this Article. Each seller's permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

(B)        **Public Display Permit.** Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

**8-9-8**        **APPLICATION FOR PUBLIC DISPLAY PERMIT.** Applications for a permit to conduct a public display of fireworks shall be made to the District Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 8-9-12** of this Article.

**8-9-9**        **APPLICATION FOR SELLER'S PERMIT—CONDITIONS FOR ISSUANCE.** Applications for seller's permits shall be made to the County Clerk annually on or after **April 1<sup>st</sup>** of the year for which the permit is issued and the filing period shall close on **April 15<sup>th</sup>** of such year unless extended by action of the County Board. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller's permits for the sale of those fireworks allowed pursuant to **Section 8-9-4** of this Article shall be issued only to applicants meeting the following conditions:

(A)        The retailer or person in charge and responsible for the retail operation shall be **twenty-one (21) years** of age or older, of good moral character and of demonstrated responsibility.

(B) The applicant shall have a valid and current license issued by the State of Illinois authorizing the holder to engage in the retail sale of fireworks. **(See 425 ILCS 35)**

(C) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Article.

(D) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **Five Hundred Thousand Dollars (\$500,000.00)** for injuries to any one person in one accident or occurrence; **One Million Dollars (\$1,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Five Hundred Thousand Dollars (\$500,000.00)** for damage to property in any one accident or occurrence; **One Million Dollars (\$1,000,000.00)** combined single limit for any one accident or occurrence. In addition, the County is to be an additional named insured and the policy shall provide for the immediate notification of the County by the insurer of any cancellation of any policy.

(E) The permit holder's location or place of business shall be only in those areas or zones within the County where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 8-8-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.

(F) The applicant shall post with the County a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars (\$200.00)** conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the County. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the **tenth (10<sup>th</sup>) of July** following the sales period.

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in **Section 8-9-11** of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the County Clerk shall be controlling.

**8-9-10 SALE FROM STANDS – EXCEPTIONS.** All approved fireworks as set forth in **Section 8-9-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

**8-9-11 STANDARDS FOR TEMPORARY STANDS.** The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

(A) Temporary fireworks stands need not comply with all provisions of the Building Code; provided, however, that all such stands be erected under the supervision of the County Building Inspector, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(B) No temporary fireworks stand shall be located within **fifty (50) feet** of any other building or structure, nor within **two hundred fifty (250) feet** of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(D) Each temporary fireworks stand shall have, in a readily accessible place, at least two, **two and one-half (2½) gallon** pressurized water fire extinguishers which are in good working order.

(E) All weeds, grass, and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than **twenty-five (25) feet**, measured from the exterior walls of the temporary fireworks stand.

(F) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than **fifty (50) feet** measured from the exterior walls of the temporary fireworks stand. Signs stating: **"No Smoking Within 50 Feet"** shall be posted on the exterior of each wall of the temporary fireworks stand.

(G) Each temporary fireworks stand shall have a person who is **eighteen (18) years** old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the District Fire Chief.

(H) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by **12:00 Noon** on the **seventh (7<sup>th</sup>) day of July** of each year.

(I) No temporary fireworks stand shall be located within **five hundred (500) feet** of any other temporary fireworks stand.

(J) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least **fifteen (15) spaces**, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(K) No person shall discharge any fireworks within **two hundred fifty (250) feet** of the exterior walls of any temporary fireworks stand. Signs stating: **"No discharge of fireworks within 250 feet."** shall be posted on the exterior of all walls of the temporary fireworks stand.

**8-9-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS.** All public fireworks displays shall conform to the following minimum standards and conditions:

(A) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**

(B) A permit must be obtained from the County and approved by the District Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.

(C) A drawing shall be submitted to the District Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500)**



**foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(D) When, in the opinion of the District Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The exhibitor shall repay the County for all costs to firefighters for such time.

(E) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.

(F) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(H) The permit shall be immediately revoked at any time the District Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(I) Areas of public access shall be determined by the District Fire Chief or designer and maintained in an approved manner.

**8-9-13 USE OF FIREWORKS IN PUBLIC PARKS.** It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the County, provided, however, that such use shall be permitted under the following circumstances:

(A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.

(B) The District Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-9-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-9-5** in such areas shall not be a violation of this Section. In doing so, the District Fire Chief shall consider:

- (1) The sensitivity of the area's environment, wildlife and wildlife habitat;
- (2) The inconvenience and nuisance to abutting property owners;
- (3) The safety and suitability of the area as a place for the discharge of fireworks; and
- (4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

(C) Upon designation of any area, it shall be signed and posted by **July 1<sup>st</sup>** of each year for use on **July 4<sup>th</sup>** between the hours of **9:00 A.M.** and **11:00 P.M.** Designation of any area may be appealed in writing to the County Board by any citizen of the County. The decision of the County Board shall be final.

(D) Nothing in this Article shall be deemed to limit the authority of the County Board to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

**8-9-14**      **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the County in accordance with **Sections 8-9-7** and **8-9-8** of this Code.

**8-9-15**      **NONPROHIBITED ACTS.** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

**8-9-16**      **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

**8-9-17**      **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

**8-9-18**      **ENFORCEMENT.** The District Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the District Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

**8-9-19**      **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

**(See Section 1-1-20 for penalties.)**

**COUNTY OF RANDOLPH**  
**APPLICATION FOR RAFFLE LICENSE**

Organization Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Type of Organization: \_\_\_\_\_  
Length of Existence of Organization: \_\_\_\_\_  
If incorporated – Date & State of Incorporation: \_\_\_\_\_

List Presiding Officer, Secretary, and Raffle Manager:

PRESIDENT: \_\_\_\_\_ Address: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_ Birth Date \_\_\_\_\_ Phone No. \_\_\_\_\_

SECRETARY: \_\_\_\_\_ Address: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_ Birth Date \_\_\_\_\_ Phone No. \_\_\_\_\_

RAFFLE MANAGER: \_\_\_\_\_ Address: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_ Birth Date \_\_\_\_\_ Phone No. \_\_\_\_\_

List any other members responsible for the conduct and operation of the raffle and their name, address, birth date, social security number and phone number on an additional sheet of paper to be attached to this application.

\_\_\_\_\_ This request is for a single raffle license.  
\_\_\_\_\_ This request is for a multiple raffle license.

The aggregate retail value of all prizes to be awarded: \$ \_\_\_\_\_  
Maximum retail value of each prize to be awarded: \$ \_\_\_\_\_  
The maximum price charged for each raffle ticket issued or sold: \_\_\_\_\_  
The area in which raffle chances will be sold or issued: \_\_\_\_\_

\_\_\_\_\_

The maximum number of chances to be issued or sold: \_\_\_\_\_  
Time period during which raffle chances will be sold (dates): \_\_\_\_\_  
Date, Time and Location at which winning chances will be determined or drawn:  
Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

If Multiple Raffle License is requested, list on the back of this page, the date, time, and location for each raffle to be held within the one (1) year period of time from the date of the issuance of the license.

**THE APPLICATION FEES ARE NONREFUNDABLE EVEN SHOULD THE APPLICATION BE REJECTED BY THE COUNTY COMMISSIONERS.**

Fees charged determined by the aggregate retail value of all prizes.

Less than \$500.00	\$5.00
\$500.00 or more, but less than \$1,000.00	\$15.00
\$1,000.00 or more, but less than \$10,000.00	\$25.00
\$10,000.00 or more, but less than \$100,000.00	\$35.00
More than \$100,000.00	\$50.00

**COUNTY OF RANDOLPH**  
**APPLICATION FOR POKER RUN LICENSE**

Organization Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Type of Organization: \_\_\_\_\_  
Length of Existence of Organization: \_\_\_\_\_  
If incorporated – Date & State of Incorporation: \_\_\_\_\_

List Presiding Officer, Secretary, and Raffle Manager:

PRESIDENT: \_\_\_\_\_ Address: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_ Birth Date \_\_\_\_\_ Phone No. \_\_\_\_\_

SECRETARY: \_\_\_\_\_ Address: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_ Birth Date \_\_\_\_\_ Phone No. \_\_\_\_\_

RAFFLE MANAGER: \_\_\_\_\_ Address: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_ Birth Date \_\_\_\_\_ Phone No. \_\_\_\_\_

List any other members responsible for the conduct and operation of the raffle and their name, address, birth date, social security number and phone number on an additional sheet of paper to be attached to this application.

\_\_\_\_\_ This request is for a single raffle license.  
\_\_\_\_\_ This request is for a multiple raffle license.

The aggregate retail value of all prizes to be awarded: \$ \_\_\_\_\_  
Maximum retail value of each prize to be awarded: \$ \_\_\_\_\_  
The maximum price charged for each raffle ticket issued or sold: \_\_\_\_\_  
The area in which raffle chances will be sold or issued: \_\_\_\_\_

\_\_\_\_\_ The maximum number of chances to be issued or sold: \_\_\_\_\_  
Time period during which raffle chances will be sold (dates): \_\_\_\_\_  
Date, Time and Location at which winning chances will be determined or drawn:  
Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

If Multiple Raffle License is requested, list on the back of this page, the date, time, and location for each raffle to be held within the one (1) year period of time from the date of the issuance of the license.

**THE APPLICATION FEES ARE NONREFUNDABLE EVEN SHOULD THE APPLICATION BE REJECTED BY THE COUNTY COMMISSIONERS.**

Fees charged determined by the aggregate retail value of all prizes.

Less than \$500.00	\$5.00
\$500.00 or more, but less than \$1,000.00	\$15.00
\$1,000.00 or more, but less than \$10,000.00	\$25.00
\$10,000.00 or more, but less than \$100,000.00	\$35.00
More than \$100,000.00	\$50.00

**CERTIFICATION AND SWORN STATEMENT**

We, \_\_\_\_\_ and \_\_\_\_\_ of  
Presiding Officer Secretary

\_\_\_\_\_  
(NAME OF ORGANIZATION)  
do hereby attest to the not-for-profit character of the applicant organization. Dated this \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
SECRETARY

I, \_\_\_\_\_ of the \_\_\_\_\_,  
Presiding Officer Organization

Do hereby certify that the information contained in this application is true and correct. Dated  
this \_\_\_\_\_ date of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
PRESIDING OFFICER

STATE OF ILLINOIS            )  
  )  
COUNTY OF RANDOLPH        )        ss.

Signed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

A copy of the Raffle Code in the County is available upon request and should be kept by your organization.

**COUNTY OF RANDOLPH  
APPLICATION FOR RAFFLE LICENSE**

(Office Use Only)

---

Fee Paid \$ \_\_\_\_\_

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

1. The Application for Raffle License is hereby

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by  
(Accepted or Rejected)

the County Commissioners of the County of Randolph, State of Illinois.

2. This Raffle License is good until the \_\_\_\_\_ date of \_\_\_\_\_,  
\_\_\_\_\_.

\_\_\_\_\_ 3a. The Raffle Manager's Bond required under Raffle Code Section  
8-6-11(B) in amount of \$ \_\_\_\_\_, is accepted and approved.

\_\_\_\_\_ 3b. The Licensee Bond required under the Raffle Code Section 8-6-  
11(C) in favor of the County of Randolph in the amount of \$ \_\_\_\_\_ is  
approved.

\_\_\_\_\_ 3c. The Bond Requirement under the Raffle Code Section 8-6-11(C)  
is waived by unanimous vote of the County Commissioners as authorized by Section  
8-6-11(D).

**NOTE: Fill out 3a and 3c or just 3c.**

\_\_\_\_\_  
**CHAIRMAN**

**COUNTY OF RANDOLPH**  
**RAFFLE LICENSE**

**SINGLE LICENSE**

Fee: \_\_\_\_\_ License No.: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

Area or areas in which raffle chances may be sold or issued: \_\_\_\_\_

\_\_\_\_\_

Period of time during which raffle chances may be sold: \_\_\_\_\_

\_\_\_\_\_

Maximum price charged for each raffle chance issued or sold: \$\_\_\_\_\_

Date, time and location at which winning chance will be determined:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

**THIS LICENSE SHALL BE PROMINENTLY DISPLAYED AT THE TIME AND LOCATION OF THE DETERMINATION OF THE WINNING CHANCES.**

**WITNESS** the hand of the Chairman of the Randolph County Board of Commissioners and the Corporate Seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN BOARD OF COMMISSIONERS

\_\_\_\_\_  
COUNTY CLERK

**(SEAL)**

**COUNTY OF RANDOLPH**  
**RAFFLE LICENSE**

**MULTIPLE RAFFLES**

Fee: \_\_\_\_\_ License No.: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

Area or areas in which raffle chances may be sold or issued: \_\_\_\_\_

\_\_\_\_\_

Period of time during which raffle chances may be sold: \_\_\_\_\_

\_\_\_\_\_

Maximum price charged for each raffle chance issued or sold: \$\_\_\_\_\_

This is a license for multiple raffles to be held within the maximum period of one (1) year from the date of this license. The date, time and location of each raffle is as set forth on Exhibit 1, attached hereto and hereby incorporated by reference.

**THIS LICENSE SHALL BE PROMINENTLY DISPLAYED AT THE TIME AND LOCATION OF THE DETERMINATION OF THE WINNING CHANCES.**

**WITNESS** the hand of the Chairman of the Randolph County Board of Commissioners and the Corporate Seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN BOARD OF COMMISSIONERS

\_\_\_\_\_  
COUNTY CLERK

**(SEAL)**



**COUNTY OF RANDOLPH**

**BUSINESS LICENSE APPLICATION**

**APPLICATION NO.** \_\_\_\_\_ **ANNUAL LICENSE FEE DUE MAY 1ST: \$** \_\_\_\_\_

**(PLEASE TYPE OR PRINT)**

1. Applicant's Name: \_\_\_\_\_ PHONE ( ) \_\_\_\_\_
2. Applicant's Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
3. Length of resident at above address \_\_\_\_\_ years \_\_\_\_\_ months
4. Applicant's Date of Birth \_\_\_/\_\_\_/\_\_\_ Social Security No. \_\_\_\_\_
5. Marital Status \_\_\_\_\_ Name of Spouse \_\_\_\_\_
6. Citizenship of Applicant \_\_\_\_\_
7. Business Name \_\_\_\_\_ PHONE ( ) \_\_\_\_\_
8. Business Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
9. Length of Employment \_\_\_\_\_ years \_\_\_\_\_ months
10. All residences and addresses for the last three (3) years if different than above:  
\_\_\_\_\_  
\_\_\_\_\_
11. Name and Address of employers during the last three (3) years if different than above:  
\_\_\_\_\_  
\_\_\_\_\_
12. List the last three (3) municipalities where applicant has carried on business immediately preceding the date of application:  
\_\_\_\_\_  
\_\_\_\_\_
13. A description of the subject matter that will be used in the applicant's business:  
\_\_\_\_\_  
\_\_\_\_\_
14. Has the applicant ever had a license in this municipality?  Yes  No  
If so, when \_\_\_\_\_
15. Has a license issued to this applicant ever been revoked?  Yes  No  
If "yes", explain: \_\_\_\_\_
16. Has the applicant ever been convicted of a violation of any of the provisions of this Code, etc.?  
 Yes  No If "yes", explain: \_\_\_\_\_
17. Has the applicant ever been convicted of the commission of a felony?  Yes  No  
If "yes", explain: \_\_\_\_\_
18. LICENSE DATA: Term of License \_\_\_\_\_  
Fee for License \$ \_\_\_\_\_  
Sales Tax Number \_\_\_\_\_  
License Classification \_\_\_\_\_
19. LIST ALL OWNERS IF LICENSE IS FOR LOCAL BUSINESS (PERMANENT):  
\_\_\_\_\_  
\_\_\_\_\_

**OFFICIAL BUSINESS LICENSE**

**STATE OF ILLINOIS** )  
 )  
**COUNTY OF RANDOLPH** ) ss.

**ILLINOIS SALES TAX NUMBER** \_\_\_\_\_

**TO ALL TO WHOM THESE PRESENTS SHALL BECOME GREETINGS:**

**WHEREAS** \_\_\_\_\_,  
having complied with all the requirements of the laws of the State of Illinois and the ordinances of the **County of Randolph, Illinois** in this behalf made and required license is, by authority of the **County of Randolph, Illinois** given and granted to the \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_ in the **County of Randolph and State of Illinois**, from the \_\_\_\_\_ date hereof until the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, said \_\_\_\_\_ to be subject to all laws of the State of Illinois and all ordinances of the **County of Randolph, Illinois**, not in conflict therewith, which are now or hereafter may be in force touching the premises.

(L.S.)

Given under the hand of the County Chairman of the **County of Randolph, Illinois** and the seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**COUNTY CLERK**  
**RANDOLPH COUNTY**

**COUNTERSIGNED:**

\_\_\_\_\_  
**SHERIFF**  
**RANDOLPH COUNTY**

**(SEAL)**

**APPENDIX "B"**

**RANDOLPH COUNTY PERMIT APPLICATION  
FOR AMUSEMENTS/ASSEMBLIES OVER 2,500 IN ATTENDANCE**

No person shall engage in, participate in, aid, form, or organize any assembly or group of people or conduct any musical program or festivals, anywhere in the County outside an incorporated municipality, unless a permit has been obtained from the County Commissioners and unless such permit is carried by the person heading or leading such activity in which over 2,500 people or more may be in attendance. Application shall be filed with the County Commissioners not less than **twenty (20) days** nor more than **one hundred eight (108) days** before the date of the proposed activity.

**APPLICATION**

- (A) Name of the person or organization wishing to conduct such activity. \_\_\_\_\_  
\_\_\_\_\_
- (B) If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization.  
Headquarter's Name \_\_\_\_\_  
Headquarter's Address \_\_\_\_\_  
Headquarter's Telephone Number \_\_\_\_\_  
Responsible Head of Organization \_\_\_\_\_  
His/Her Address \_\_\_\_\_  
His/Her Telephone Number \_\_\_\_\_
- (C) The name, address and telephone number of the person who will be the chairman of such activity and who will be responsible for its conduct.  
Chairman's Name \_\_\_\_\_  
Chairman's Address \_\_\_\_\_  
Chairman's Telephone Number \_\_\_\_\_
- (D) The name, address and telephone number of the person or organization to whom the permit is desired to be issued.  
Person/Organization Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_
- (E) The date when such activity is to be conducted.  
Date \_\_\_\_\_
- (F) The park or the portion of the County thereof for which such permit is desired.  
Place \_\_\_\_\_
- (G) An estimate of the anticipated attendance.  
Attendance \_\_\_\_\_
- (H) The hour when such activity will start and terminate.  
Starting Time & Date \_\_\_\_\_  
Ending Time & Date \_\_\_\_\_

**SWORN STATEMENT**

I, \_\_\_\_\_, attest that the above is true and accurate.

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

**FILL OUT FOR MULTIPLE RAFFLE LICENSES ONLY**

The following is the date, time and location at which winning chances will be determined for multiple raffles to be held within a maximum period of one (1) year from the date of the issuance of this license.

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Location: \_\_\_\_\_

# APPLICANT/FIELD CHECK

## INFORMATION CARD

Name			Location		Date	Time
Residence Address			D.L.#			
Business Address Info			Vehicle	Color	Yr.	Body License
Occupation			Vehicle Modifications:			
Social Security Number						
Race	Sex	Height	Action Leading to Check:			
Weight	Eyes	Hair				
Complexion		Date of Birth				
Unusual Features:						
			Comments:			
Hat		Coat	Associates:			
Cap		Jacket				
Blouse		Dress				
Shirt		Sweater				
Skirt		Trousers				

**EXHIBIT "A"**

**APPLICATION FOR AN OUTDOOR PYROTECHNIC DISPLAY PERMIT**

**PART A – DISPLAY SPONSOR INFORMATION**

Display Sponsor's Name	Telephone Number
Address	Cell Phone

**PART B – PYROTECHNIC DISTRIBUTOR INFORMATION**

Pyrotechnic Distributor's Name	OSFM License	
Address	Telephone Number	
Location Where Fireworks Stored	Storage Dates	
Lead Pyrotechnic Operator's Name	OSFM License	
Assistant's Names	Date of Birth	License No. (if any)
<u>Liability Insurance: (not less than \$1,000,000.00)</u>		
Name and Address of Insurer	Telephone Number	
Policy Number	Coverage Dates	
Type of Coverage		
List Type, Size and Approximate Number of Fireworks to be Displayed: (if you need more space, please attach a separate sheet of paper.)		

**PART C – DISPLAY INFORMATION**

Display Location	
Property Owner's Name	Telephone Number
Owner's Address (if different than Display Location)	
Date of Display	Time of Display
Alternative Date	Time of Alternative Display
By signing below, the Owner of the property on which the Outdoor Pyrotechnic Display will take place, hereby authorizes the Display Sponsor and the Pyrotechnic Distributor to perform the Outdoor Pyrotechnic Display on said property.	
Signature:	

**PART D – SITE INSPECTION INFORMATION**

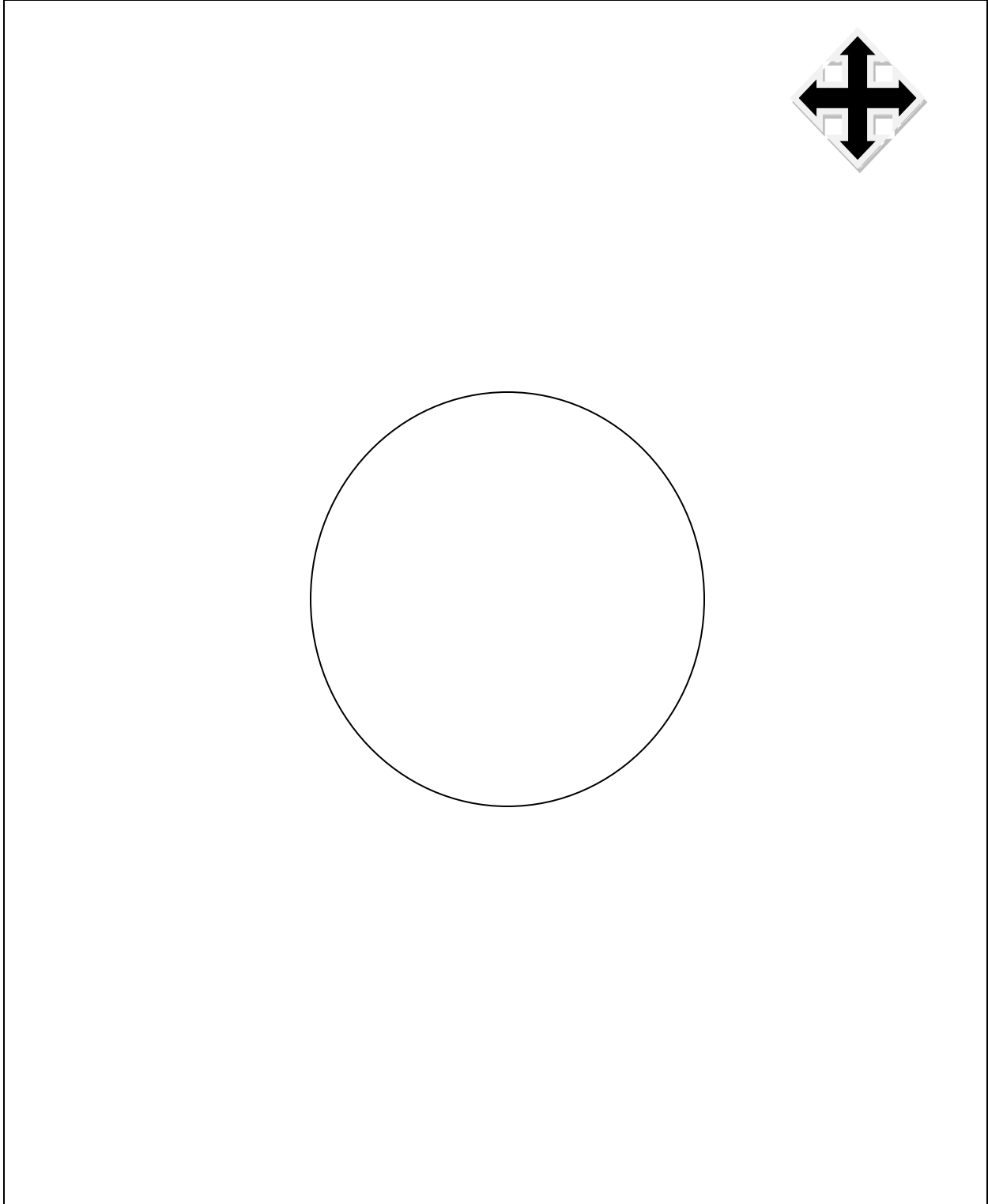
Answer the following questions	Yes	No
Is distance to any fire hydrant or water supply greater than 600'?		
Is display area clear from overhead obstructions?		
Have provisions been made to keep the public out of display area?		
Is a hospital, nursing home, or other institution within 600' of the display site?		
Have provisions been made for on-site fire protection during the display?		
Has a diagram of the display site been attached to this application?		
Identify the largest mortar size (in inches) you intend to use.		
Identify the minimum secured diameter of the display site (in feet) based on the largest mortar size.		

**PART E – FIRE DEPARTMENT AUTHORIZATION  
(Completed by Fire Department)**

Department Name	Telephone Number	
Department Address		
Based on review of the Display Site, the provided Diagram, And this application:	Yes	No
Have you verified the answers the applicant has given to Part D of this application?		
Will the performance of the described Outdoor Pyrotechnic Display at the planned display site be hazardous to property or endanger any person?		
By signing below, the Fire Chief of the above-identified fire jurisdiction, or his or her designee, hereby acknowledges that he or she inspected the Display Site:		
Signature:		
Print Name:	Date	

**PART F – DIAGRAM OF DISPLAY SITE (Completed by the Applicant)**

In the space provided below, draw and identify the location of the following items:  
Streets, Discharge Site, Fallout Area, Parking Area, Spectator Area, Buildings, Overhead Obstructions, and Spotters.  
The associated separation distances must also be shown. Do not forget to identify the direction in your drawing:





**EXHIBIT "B"**

**OUTDOOR PROFESSIONAL DISPLAY SITE CHECKLIST**

**PART A – DISPLAY INFORMATION**

Name of Company: \_\_\_\_\_ License No. \_\_\_\_\_

Name of Lead Operator: \_\_\_\_\_ License No. \_\_\_\_\_

Location of Display: \_\_\_\_\_

Venue Contact: (Name, Address and Telephone Number)  
 \_\_\_\_\_

Date of Display: \_\_\_\_\_ Alternative Display Date: \_\_\_\_\_

<u>Assistants Names</u>	<u>Date of Birth</u>	<u>License No. (If Any)</u>

**PART B – DISPLAY SITE SELECTION/MINIMUM DISTANCES**

- Did the operator provide you a copy of the Display Site plan? The display site plan must include the dimensions and locations of the discharge site, the fallout area, and identify the spectator viewing area and parking areas which must be located outside of the display site. The associated separation distances must also be shown.
- Identify the largest mortar size in inches: ( )
- The minimum display site size required to conduct the display is based on the size of the largest mortar. To determine the minimum area for the display site, go to Table 1 and read the number next to size of the largest mortar identified above:

**Table 1**

<b>Mortar Size (in inches)</b>	<b>Minimum Secured Diameter of the Site (in feet)</b>
<3	280
3	420
4	560
5	700
6	840
7	980
8	1120
10	1400
12	1680

*Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.*

- Spectators and spectator parking areas must be located outside of the display site.

- Dwellings, buildings, and structures are not permitted to be located within the display site without the approval of the authority having jurisdiction and the owner and the dwelling, building, or structure is unoccupied during the display. The building may remain occupied if the structure provides protection through substantial noncombustible or fire-resistant construction for the occupants.
- Fire protection personnel and their vehicles and other emergency response personnel and vehicles shall remain at or beyond the perimeter of the display site during the actual firing of the display.
- Review sample Display Site Plan at end of this document.

### **PART C – LOCATION OF DISPLAY**

- Mortars shall be placed at the approximate center of the display site.
- There shall not be any overhead object over the mortars or within 25 ft of the trajectory of any aerial shells.
- Ground display pieces shall be located a minimum distance of 75 ft from spectator viewing areas and parking areas.
  - Exception: For ground pieces with greater hazard potential (such as large wheels with powerful drivers, and items employing large salutes) or all roman candles and multishot devices, the minimum separation distance shall be increased to 125 ft (38 m).

### **PART D - MORTARS**

- Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area.
- Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning. Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, side-boards, or equivalent means.

### **PART E – GROUND DISPLAY**

- To the extent that it is practical, all ground display pieces shall be positioned outside the discharge area of aerial displays.
  - Exception: Where aerial shells have been preloaded, ground display pieces shall be permitted to be located in that discharge area.
- Dry grass or combustible materials located beneath ground display pieces shall be wet down before the display if they are in sufficient quantity to be a fire hazard.
- Poles for ground display pieces shall be securely placed and firmly braced so that they do not fall over during functioning of the fireworks device.

### **PART F – DISPLAY SITE SAFETY**

- The authority having jurisdiction and the operator shall meet and determine the level of fire protection required.
- During the period before the display, where pyrotechnic materials are present, unescorted public access to the site shall not be permitted.
- Are there enough monitors positioned around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site? The discharge site must be restricted throughout the display and until the discharge site has been inspected after the display. The authority having jurisdiction may approve delineators or barriers to be used in crowd control.

- Does the display have at least two spotters, or preferably more, assigned to watch the flight and behavior of aerial shells and other aerial fireworks to verify that they are functioning as intended. If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected. The spotters shall be in direct communication with the shooter during the conduct of the display, with an effective means of informing the shooter of any hazardous condition.

#### **PART G – DISCHARGE AREA SAFETY**

- During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing. Personal protective equipment, as necessary, shall be worn by the operator and assistants during the setup and cleanup of the display.
- No person shall ever place any body part over the mortar during the loading and firing of a display until mortars have been checked for the absence of any shells following the display.
- Smoking materials, matches, lighters or open flame devices shall not be allowed within 50 ft (15 m) of any area where fireworks or other pyrotechnic materials are present.
  - Exception: Devices such as fuses, portfires, and torches shall be permitted to be used to ignite fireworks.
- No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.
- The first shell fired shall be observed carefully to determine that its trajectory is such that the shell functions over the fallout area and that any hazardous debris or unexploded shells land in the fallout area. The display shall be interrupted and the mortars shall be reangled or repositioned as necessary for safety at any time during an outdoor fireworks display.

#### **PART H – HALTING DISPLAY**

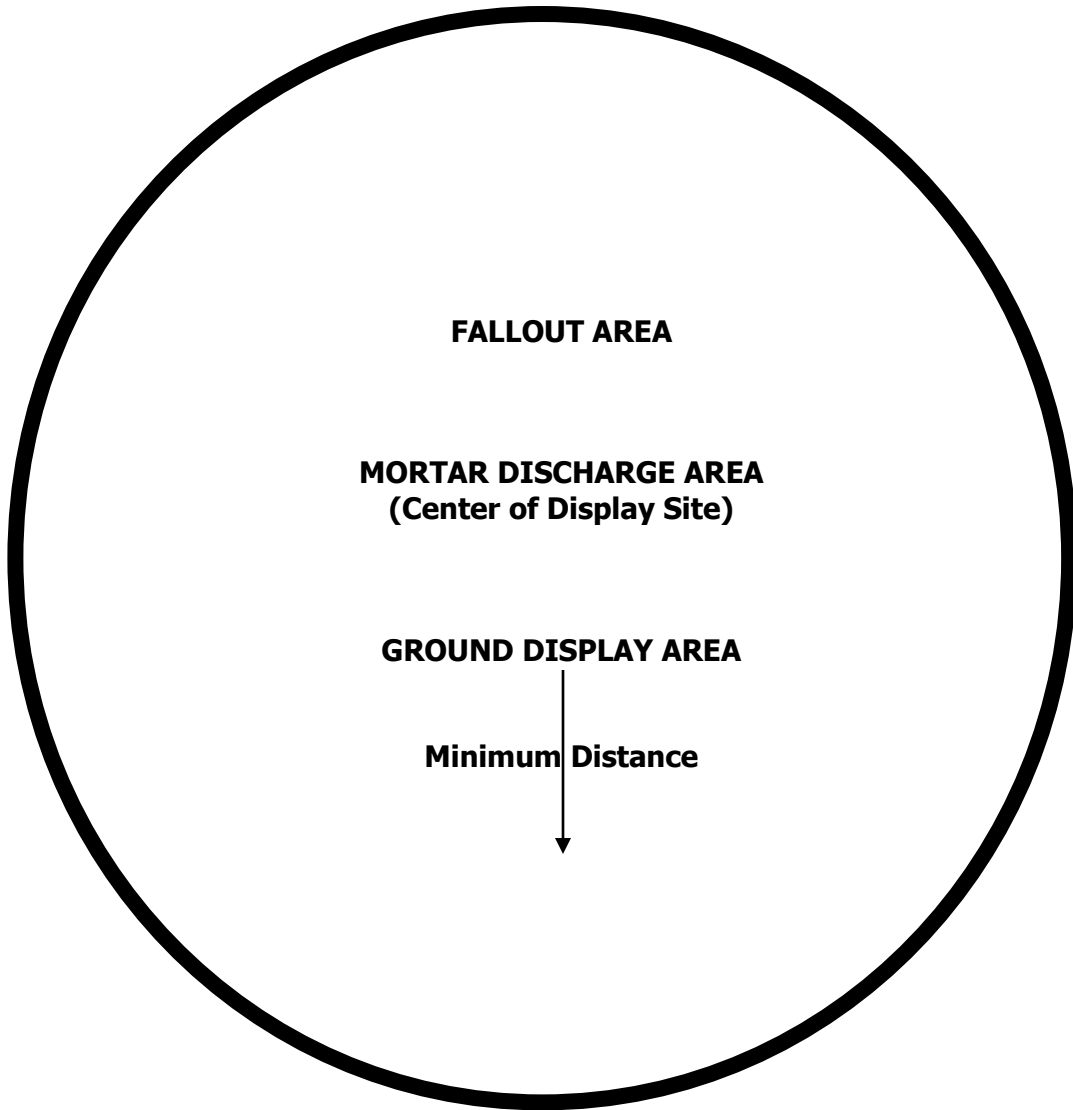
- Wherever, in the opinion of the authority having jurisdiction or the operator, any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected. Such conditions include but are not limited to the following:
  - The lack of crowd control,
  - If high winds, precipitation, or other adverse weather conditions prevail, or
  - If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected.
- In the event of a condition arising requiring the entry of fire protection or other emergency response personnel into the fallout area or security perimeter, the display shall be halted until the situation is resolved and the area is once again clear.

#### **PART I – POST DISPLAY INSPECTION**

- Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components. This inspection shall be conducted before any public access to the site shall be permitted.
- Where fireworks are displayed at night, a search of the fallout area shall be made immediately after the display and at first light the following morning by the operator or designated personnel acceptable to the authority having jurisdiction.

**DISPLAY SITE PLAN**

← **MINIMUM SECURED DISTANCE** →



**SPECTATOR VIEWING AREA**

**VEHICLE PARKING AREA**

**EXHIBIT "D"**

Once the Fire Chief, or his or her designee, has signed this permit form, you must return to the local governmental authority issuing the permit to have it signed by the designated Officer in order for the permit to be valid.

**OUTDOOR PYROTECHNIC DISPLAY PERMIT**

Date \_\_\_\_\_ Permit No. \_\_\_\_\_

PERMITTEES:

Display Sponsor \_\_\_\_\_

Pyrotechnic Distributor \_\_\_\_\_

The above-identified permittees are hereby granted permission to conduct an Outdoor Pyrotechnic Display, using Display Fireworks, on \_\_\_\_\_,

(Month, Day, Year)

at \_\_\_\_\_ in \_\_\_\_\_, Illinois.

(Time)

(City/Village/Township/Unincorporated County)

In the event the display cannot be held on that date, the permittees are given permission to conduct said display at the above-identified location on \_\_\_\_\_,

at \_\_\_\_\_.

(Month, Day, Year)

(Time)

The Lead Pyrotechnic Operator, \_\_\_\_\_, is hereby

(Name)

designated as the supervisor of the display, and given overall responsibility for the safety, setup, discharge and supervision of the detonation, ignition, or deflagration of the Display Fireworks during the Outdoor Pyrotechnic Display.

\_\_\_\_\_  
Issuing Officer

I have reviewed the permit, inspected the site and approve this permit.

\_\_\_\_\_  
Fire Chief (or Designee)

This permit is non-transferable and must be in possession of the Lead Pyrotechnic Operator during the Outdoor Pyrotechnic Display.

## **CABLE TELEVISION**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b><i>I</i></b>	<b><i>DOUGLAS CABLE COMMUNICATIONS</i></b>	
	<i>Section 9-1-1 - Authority</i>	<i>9-1</i>
	<i>Section 9-1-2 - Franchise Grant</i>	<i>9-1</i>
	<i>Section 9-1-3 - Rights Conferred by Franchise</i>	<i>9-1</i>
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CHAPTER 9

CABLE TELEVISION

ARTICLE I – DOUGLAS CABLE COMMUNICATIONS

**9-1-1**        **AUTHORITY.** This Ordinance is passed and approved by the Board of Commissioners of the County of Randolph, Illinois, and enacted pursuant to the laws of the State of Illinois.

**9-1-2**        **FRANCHISE GRANT.** Pursuant to law, a non-exclusive franchise is granted to Douglas Cable Communications, L.P. to construct, own and operate a cable television system in the County of Randolph, Illinois. Said non-exclusive franchise granted for a period of **fifteen (15) years**, shall vest all the rights, privileges, and immunities of a cable system with Douglas Cable Communications, L.P.; however, said non-exclusive franchise shall be subject to and conditional upon all the terms, duties and obligations found in the laws of the State of Illinois, rules and regulations of the Federal Communications Commission and of this Ordinance.

**9-1-3**        **RIGHTS CONFERRED BY FRANCHISE.**

(A)            This Ordinance confers upon the Grantee the non-exclusive authority, power and franchise to establish, construct, acquire, own, operate and maintain a cable television system within the County, and to render, furnish and sell such service to the inhabitants of the County and its environs and to use and occupy the streets and other public places within the corporate limits of the County as the same now exists or may hereafter exist for its cable television system, including the right to enter and construct, erect, locate, relocate, repair, and rebuild, in, on, under, along, over and across the streets, alleys, avenues, parkways, one lane, bridges, to make use of all land dedicated or acquired for public use and locations approved by the County Engineer, and other public places in the County, all towers, poles, cable, amplifiers, conduits, and other facilities owned, leased, or otherwise used by Grantee for the furnishing of cable service within the County during the continuance of the Franchise hereby granted, and in accordance with the laws and regulation of the Federal Communications Commission, the State of Illinois, County of Randolph.

(B)            The poles for the Grantee's distribution system shall be those erected and maintained by anyone authorized to maintain poles in the streets or public ways when and where practicable. It is contemplated that reasonable standard pole attachment agreements will be entered into with non-municipal utilities as required by Douglas Cable Communications, L.P. Grantee is specifically granted the right to set its own poles in the event reasonable joint use is not possible or feasible. In any areas where electric or telephone utilities are underground and in any new subdivisions or new additions where said utilities are underground, and in any other areas deemed appropriated by Grantee, Grantee may construct its cable underground.

(C)            The County reserves the right of reasonable regulation of the erection, construction or installation of any facilities by the Grantee and to reasonably designate where such facilities area to be placed within the public ways and places. Further if available, the County shall provide to Grantee at no charge, space for attachment on all County owned poles.



**9-1-4**            **INSTALLATION OF CABLE SYSTEM.**

(A)            The installation of the Cable System shall be in accordance with the requirements of the National Electric Safety Code, and all applicable laws, ordinances, rules and regulations of the FCC.

(B)            The Grantee, at its expense, shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public places of the County so as to prevent the branches of such trees from coming in contact with the wires and cables of Grantee.

(C)            The Grantee shall at its expense, protect, support, temporarily disconnect, relocate or remove any property of the Grantee located upon streets, rights of way and easements of the County, when required by the County because of traffic conditions, public safety, street vacation, street construction, change or establishment of street grade, installation of sewers, drains, water pipes, municipal power lines, and tracks of any other type of structure of improvement by the County on County facilities.

(D)            Any pavements, sidewalks, or curbing takes up by Grantee, and any and all excavation made by Grantee shall be done only after notice to County, and shall be done in such a manner so as to cause the least reasonable inconvenience to the inhabitants of the County and to the general public. All repairs and replacements shall be made at the expense of the Grantee, with all reasonable speed, leaving such disturbed areas in as good condition as existed prior to any such taking up or excavation.

**9-1-5**            **RELOCATION OF PROPERTY.** The Grantee, at the request of any person holding a permit issued by the County, shall temporarily remove, raise or lower its wires or cable to permit the moving of building or equipment. The expense of such temporary removal, raising or lowering shall be paid by the person requesting the same, and the Grantee may require such payment in advance. The Grantee shall be given not less than **seventy-two (72) hours** advance notice to arrange for such temporary wire or cable change. The charge by the Grantee for such re-location shall not exceed Grantee's cost, and in no event shall be more than a reasonable sum for such services.

**9-1-6**            **RATES AND CHARGES.** The Grantee shall have the authority to promulgate such rules, regulations, terms and conditions of its business as shall be reasonably necessary to enable the Grantee to exercise its rights and perform its services under this franchise and to assure an uninterrupted service to each and all of its customers.

**9-1-7**            **INDEMNIFICATION.**

(A)            The Grantee agrees to hold and save said County harmless from any and all liability that may arise out of the construction, maintenance, operation or use of Grantee's system and works and the providing of such services and to provide and keep in force adequate liability insurance therefor, to the extent of bodily injury limits of **\$500,000.00-\$500,000.00** and a property damage limit of **\$300,000.00-\$300,000.00** naming the County as an additional insured, as its interest may appear. Grantee shall also provide and maintain insurance under a Broad Form Automobile policy with **\$100,000-\$500,000** coverage limits and Workmen's Compensation Insurance with Illinois statutory limits. All insurance shall be issued by a company authorized to do business in the State of Illinois and shall be provided before the Grantee, its successor or assigns thereof, shall commence the construction or other operations mentioned in this Section. The County shall notify the Grantee's

representatives or employee in the County, if any, within **ten (10) days** after presentation of any demand or claim that may arise, whether by suit or otherwise, against the County. Grantee shall maintain on file upon request of the County Clerk, a current certificate of insurance. All insurance policies shall, if possible, provide for not less than **thirty (30) days** notice of cancellation. The policies mentioned herein shall name the County, its officers, boards, commissions, agents and employees as additional insureds.

(B) Grantee agrees to indemnify, and save harmless the County, its officers, and employees from and against any and all claims, demands, actions, suits and proceedings, by others against all liabilities to others, including, but not limited to any liability for damages by reason of or arising out of a failure by Grantee to secure consents from the owners, authorized distributors and licensees, or to obtain proper licenses on programs to be delivered by the Grantee CATV system, and against other loss, cost, expense, and damages resulting therefrom, including copy right infringement which the County may incur arising out of the exercise of enjoyment by Grantee of its franchise.

**9-1-8 PAYMENT TO THE COUNTY.** In consideration of the rights, privileges, and franchise hereby granted, and as compensation to the County for the use of its public ways and places by the Grantee, the Grantee shall, on or before the **last day of January** and the **last day of July of each year** to which this franchise is effective, pay to the County a sum equal to **three percent (3%)** of the basic subscriber revenues for cable television service within the then existing corporate limits of the County (but excluded from the calculation shall be any basic subscriber revenues derived from Grantee's operations in any Village or City which has previously or hereinafter grants a franchise to Grantee for the preceding **six (6) month period** ending on the **last day of December** and the **last day of June** respectively. The books of Grantee shall be open to inspection by the County at all reasonable times to verify the accuracy of the computation and correctness of the report which shall accompany payment. Grantee shall keep books and records pursuant to established practices using generally accepted auditing procedures.

**9-1-9 SERVICE.** Grantee shall maintain a Toll-Free Service staffed to provide adequate service during usual business hours and have a listed telephone so that messages, complaints and requests for service or repairs or adjustments may be received at any time without toll charges.

**9-1-10 FRANCHISE TERMINATION.** If the Grantee should violate any of the terms, conditions or provisions of this franchise, or if the Grantee should fail to comply with any reasonable provision of any ordinance of the County regulation, the use by the Grantee of the streets, alleys, easements or public ways of the County, or if the Grantee shall become insolvent, unable, or unwilling to pay its debts, or Grantee abandons the cable system, or after having constructed and placed all or any portion thereof in operation, for any reason fails to operate it for a period of **thirty (30) days**, and such violation continues for **thirty (30) days** after the Grantee shall have been notified in writing by the County to desist from such violation so specified, or if the Grantee is adjudged bankrupt, or there is notice of a prospective foreclosure or other judicial sale of all or a substantial part of the system, or Grantee is found to have practiced any fraud upon the County, then the County may terminate and cancel this franchise, and thereupon all of the rights and privileges granted by the franchise, shall be

deemed to have been forfeited and annulled. In the event such forfeiture is imposed, the Grantee shall be afforded a period of **six (6) months** after a final order of forfeiture, and including any appeal thereof, within which to sell, transfer, convey or otherwise dispose of the above described cable television system to a qualified purchaser at fair market value.

During the **six (6) month period**, the Grantee shall operate the cable television system pursuant to the terms and provisions of this franchise.

**9-1-11**      **SEVERABILITY.** If any section, subsection, sentence, clause or phrase of the ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof. The County declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portions of this Ordinance shall not abate, reduce or otherwise affect any consideration or other obligation required by Grantee by the franchise granted hereunder.

**9-1-12**      **PLAT OF SYSTEM.** This Ordinance is passed and adopted in conformity with the laws of the State of Illinois and, in addition to other provisions herein set out, said Grantee shall file with the County and obtain approval thereof of a proper map showing and describing the exact location or proposed location of all its facilities within the County's streets, alleys, and public ways.

**9-1-13**      **CONFLICT OF ORDINANCES.** All ordinances and parts of ordinances in conflict herewith repealed as of the effective date of this Ordinance, excluding however, any and all public utility franchises heretofore granted to public utilities, including utilities regulated by the Public Service Commission.

**9-1-14**      **EFFECTIVE DATE.** This Ordinance shall take effect from and after this passage, and adoption.

**9-1-15**      **RENEWAL.** The Grantee shall be entitled to renewal of this franchise for an additional period of **ten (10) years** upon showing that the Grantee has substantially complied with all material terms of the franchise, and has proposed in its request for renewal to continue to meet the terms of the franchise. The renewal procedures shall be governed by the applicable sections of the Cable Communications Policy Act of 1984.

**[Ord. No. 89-102; 05-15-89]**

## ARTICLE II - CABLE EQUITIES

**9-2-1**        **AUTHORITY.** That there is hereby granted to Cable Equities of Colorado, Ltd., its successors and assigns, hereinafter called the Grantee, the non-exclusive right, privilege and franchise, to construct, maintain and operate in the present and future streets, roads, alleys and public places of Randolph County, State of Illinois, a television signal distribution system consisting of a tower or towers, poles and cables, with all necessary or desirable appurtenances, including underground conduit for the purpose of supplying television signals to the County of Randolph. Said non-exclusive right, privileges, and franchise shall be for a period of **fifteen (15) years** from the date of this Ordinance and subject to the terms of this Ordinance.

**9-2-2**        **RIGHTS CONFERRED.** That said Grantee, its agents and employees, may enter in and upon said streets, alleys, roads, and public places at any time for the purpose of making excavations, installing, removing, repairing and maintaining such poles, wires, cables and all other structures necessary or convenient in supplying television signal service. Any and all excavation shall be repaired and obstructions removed as quickly as it is reasonably possible under the circumstances. In the event the Grantee does not promptly repair any streets or sidewalks and roads damaged by it, the County of Randolph may make such repairs and charge the amount thereof to the Grantee, which, upon written demand by the County of Randolph shall be paid within **ten (10) days** from the date of said notice.

**9-2-3**        **POLES.** The poles for such distribution system shall be placed and erected in such a manner as not to interfere with the use of the roads, streets, alleys, and public places in said County or the inhabitants or property owners along such streets, alleys or roads and the replacing, construction and manner of erecting the poles and lines of Grantee, as well as fixtures and attachments thereto, shall be at all time subject to approval by the County Engineer and regulation by the Board of County Commissioners.

Grantee shall have the authority to trim trees upon and overhanging all streets, alleys, easements, roads and public places of the County so as to prevent the branches of such trees from coming in contact with Grantee's facilities. The same shall hold true during construction.

The installation of the Cable System shall be in accordance with the requirements of the National Electric Safety Code, and all applicable laws, ordinances, rules and regulations of the FCC.

The Grantee shall at its expense, protect, support, temporarily disconnect, relocate or remove any property of the Grantee located upon streets, rights of way and easements of the County, when required by the County because of traffic conditions, public safety, street vacation, street construction, change or establishment of street grade, installation of sewers, drains, water pipes, municipal power lines, and tracks or any other type of structure or improvement by the County on County facilities.

Any pavements, sidewalks, or curbing taken up by Grantee, and any and all excavation made by Grantee shall be done only after notice to County, and shall be done in such a manner so as to cause the least reasonable inconvenience to the inhabitants of the County and to the general public. All repairs and replacements shall be made at the expense of the Grantee, with all reasonable speed, leaving such disturbed areas in as good condition as existed prior to any such taking up or excavation.

**9-2-4**        **HOLD HARMLESS.** The Grantee, its successors and assigns, shall hold the County of Randolph harmless from any and all liability that may arise out of the construction, maintenance, operation or use of Grantee's system and to provide and keep in force adequate liability insurance therefor, naming the County as an additional insured, as its interest may appear. Said insurance shall be provided before the Grantee, its successors or assigns thereof, shall commence the construction or other operations mentioned in this Section. The County shall notify the Grantee's representative or employee in the County, if any, within **ten (10) days** after presentation of any demand or claim that may arise, whether by suit or otherwise, against the County. Grantee shall maintain on file upon request of the County Clerk, a current certificate of insurance. All insurance policies shall, if possible, provide for not less than **thirty (30) days** notice of cancellation. The policies mentioned herein shall name the County, its officers, boards, commissions, agents and employees as additional insureds.

Grantee, its successors and assigns, agree to indemnify, and save harmless the County of Randolph, its officers, and employees from and against any and all claims, demands, actions, suits and proceedings, by others against all liability to others, including, but not limited to any liability for damages by reason of or arising out of a failure by Grantee to secure consents from the owners, authorized distributors of licensees, or to obtain proper licenses on programs to be delivered by the Grantee CATV system, and against other loss, cost, expense, and damages resulting therefrom, including copyright infringement which the County may incur arising out of the exercise or enjoyment by Grantee of its franchise.

**9-2-5**        **FRANCHISE FEE.** In consideration of the terms of this franchise, Grantee agrees to pay Randolph County a sum of money equal to **three percent (3%)** of Grantee's Gross Subscriber Revenues per year derived from installation of equipment and regular subscriber services in Randolph County. Gross Subscriber Revenues shall include any and all compensation or receipts derived from installation, disconnection and re-installation charges and periodic service charges in connection with the carriage of broadcast signals and Federal Communications Commission mandated non-broadcast services, but shall not include any refunds or credits made to subscribers or any taxes imposed on the services furnished by Grantee. It shall include revenue from "ancillary" or "auxiliary" services, which include but are not limited to, advertising, leased channels, and the optional per program or per channel charges paid by subscribers for channels such as HBO, Cinemax, etc., if any.

Such annual sum shall be payable **one-half (1/2)** thereof at the end of each semi-annual period. The semi-annual anniversary shall be the **last day of June** and the **last day of December of each year;** and each semi-annual payment shall be paid within **sixty (60) days** thereafter. Grantee shall certify to Randolph County, in writing by a certified public accountant, with each semi-annual franchise fee payment, its "Gross Subscriber Revenues," broken down by categories of revenue. Randolph County shall be entitled to examine Grantee's books and records reflecting all revenues from time to time, for the purpose of verification of such revenues, but shall keep such records and Randolph County's findings thereof confidential and shall consider the same as confidential business secrets of Grantee.

**9-2-6**        **VIOLATION OF TERMS OF AGREEMENT.** If the Grantee should violate any of the terms, conditions or provisions of this franchise, or if the Grantee should fail to comply with any reasonable provision of any ordinance of the County regulating the use by the Grantee of the streets, alleys, easements, or public ways of the County, or if the Grantee shall become insolvent, unable, or unwilling to pay its debts, or Grantee abandons the cable

system, or after having constructed and placed all or any portion thereof in operation, for any reason fails to operate it for a period of **thirty (30) days**, and such violation continues for **thirty (30) days** after the Grantee shall have been notified in writing by the County to desist from such violation so specified, or if the Grantee is adjudged bankrupt, or there is notice of a prospective foreclosure or other judicial sale of all or a substantial part of the system, or Grantee is found to have practiced any fraud upon the County, then the County may terminate and cancel this franchise, and thereupon all of the rights and privileges granted by the franchise, shall be deemed to have been forfeited and annulled. In the event such forfeiture is imposed, the Grantee shall be afforded a period of **six (6) months** after a final order of forfeiture, and including any appeal thereof, within which to sell, transfer, convey or otherwise dispose of the above described cable television system to a qualified purchaser at fair market value. During the **six (6) month period** the Grantee shall operate the cable television system pursuant to the terms and provisions of this franchise.

**9-2-7**        **SEPARABILITY.** If any section, subsection, sentence, clause or phrase of the Ordinance is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof. The County declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portions of this Ordinance shall not abate, reduce or otherwise affect any consideration or other obligation required by Grantee by the franchise granted hereunder.

**9-2-8**        **EFFECTIVE.** This Ordinance shall take effect from and after this passage, and adoption.

**9-2-9**        **RENEWAL.** The Grantee shall be entitled to renewal of this franchise for an additional period of **fifteen (15) years** upon showing that the Grantee has complied with all material terms of the franchise, and has proposed in its request for renewal to continue to meet the terms of the franchise.

**[Ord. No. 91-112; 05-13-91]**

**ARTICLE III – MEDIACOM SOUTHEAST LLC**

**9-3-1**        **DEFINITIONS.** For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(A)            **"Basic Cable Television Service"** means the service tier which includes the retransmission of local broadcast signals.

(B)            **"Grantor"** is Randolph County, Illinois.

(C)            **"Council"** is the County Commission of Randolph County, Illinois.

(D)            **"System"** means a facility that uses any public right-of-way, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community is a system utilizing certain electronic and other components which deliver to subscribing members of the public various broadband telecommunications services.

(E)            **"Cable Service"** means the provision of Cable Television Service.

(F)            **"Cable Television Service"** the one-way transmission of video programming or other programming services and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

(G)            **"FCC"** shall mean the Federal Communications Commission.

(H)            **"Franchisee"** is MEDIACOM SOUTHEAST LLC or its successors or assigns.

(I)            **"Person"** is any person, firm, partnership, association, corporation or organization of any kind and any other legally recognized entity.

(J)            **"Subscribers"** are those persons contracting to receive cable television reception services furnished under this Article by Franchisee.

(K)            **"Term"**. The "Term" of this Article shall have the meaning as defined in **Section 9-3-15** of this Article.

(L)            **"Franchise Area"** is the northeast portion of Randolph County along State Highway 13 between the Villages of Coulterville and Tilden.

**9-3-2**        **GRANT OF NON-EXCLUSIVE AUTHORITY.**

(A)            For the Term of this Article, there is hereby granted by Grantor to Franchisee and its successors, assigns or designees, the non-exclusive right to erect, maintain and operate in, under, over, along, across and upon the present and future streets, lanes, avenues, sidewalks, alleys, bridges, highways, rights-of-ways, easements dedicated for compatible uses and other public places located within the Franchise Area including subsequent additions thereto, towers, poles, lines, cable, wires, manholes and all other fixtures and equipment necessary for the maintenance and operation of a System for the purpose of transmission and distribution of cable services, information services, data services and broadband telecommunications services.

(B)            Grantor shall not permit any person to provide services similar to those provided by Franchisee without first having secured a non-exclusive franchise from Grantor that shall impose the same costs, obligations and restrictions imposed by this Article.

(C) In the event that another entity providing multi-channel video programming serves residents of the County using facilities that occupy the streets and rights of way or that includes the delivery of video programming using the facilities of a common carrier (e.g., an Open Video System), and that entity operates with no franchise or operates under a franchise that imposes lesser burdens on it than upon the Franchisee, Grantee shall have the right, upon **thirty (30) day** written notice to the County, to unilaterally adopt the less burdensome provisions imposed on the competing provider.

**9-3-3 COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES.**

Franchisee shall during the Term, be subject to all lawful exercise of the police powers of Grantor except as those powers are limited by federal law, including the Communications Policy Act of 1984, as amended and the regulations of the FCC.

**9-3-4 FRANCHISE AREA.** This Article permits the provision of service within the Franchise Area only. Franchisee shall not be required to service residents of areas within the Franchise Area that are more than **four hundred (400) feet** from a point of connection to existing distribution lines or where there is present a density of less than **twenty (20) residents** per mile except upon payment by such residents of the capital costs incurred by Franchisee in bringing service to such residents.

**9-3-5 LIABILITY AND INDEMNIFICATION.** Franchisee shall indemnify, protect, and save harmless Grantor from and against losses and physical damage to property and bodily injury or death to persons, including payments made under any Worker's Compensation law which may arise out of the erection, maintenance, use or removal of said attachments or poles within the boundaries of Grantor, or by any act of Franchisee, its agents or employees. Franchisee's obligation to indemnify Grantor shall include, but shall not be limited to, damages arising out of copyright infringements, and all other damages arising out of the installation, operation, or maintenance of the System authorized herein, whether or not any act or omission complained of is authorized, allowed or prohibited by this Article.

Franchisee shall, at all times, keep in effect the following types of coverage:

(A) **Worker's Compensation.**

(B) **Property Damage Liability Insurance** to the extent of **Two Hundred Fifty Thousand Dollars (\$250,000.00)** as to each occurrence and **Two Hundred Fifty Thousand Dollars (\$250,000.00)** aggregate, and Personal Injury Liability Insurance to the extent of **Five Hundred Thousand Dollars (\$500,000.00)** as to each occurrence and **Five Hundred Thousand Dollars (\$500,000.00)** aggregate. Excess Bodily Injury and Property Damage of **One Million Dollars (\$1,000,000.00)** each occurrence and **One Million Dollars (\$1,000,000.00)** aggregate. Automobile Bodily Injury and Property Damage Liability combined **One Million Dollars (\$1,000,000.00)** each occurrence.

(C) Franchisee shall maintain policies of insurance in the above described amounts to protect the parties hereto from and against all actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of such loss, injury or damage. Franchisee shall also maintain policies of insurance in amounts it deems necessary to protect it from all claims under the Worker's Compensation laws in effect that may be applicable to Franchisee. Grantor shall keep on file Certificates evidencing such insurance coverage.



**9-3-6**        **TECHNICAL STANDARDS.** Franchisee shall comply with the technical standards established by the FCC.

**9-3-7**        **CUSTOMER SERVICE STANDARDS/OPERATION AND MAINTENANCE OF SYSTEM.**

(A)            Franchisee shall render service and make repairs in a commercially reasonable manner, and interrupt service only for good cause, including as required by federal law for the shortest time possible, such interruptions, insofar as possible, shall occur during periods of minimum use of the System.

(B)            Under normal operating conditions, Franchisee shall respond to service requests within **two (2) business days** following receipt.

(C)            Failure by Franchisee to restore any service to a customer to service within **two (2) business days** after receipt of notification of a complete disruption of service will, upon request by the customer, result in the issuance of a credit to that customer's account for the portion of a month they were without cable service.

**9-3-8**        **LOCAL BUSINESS AGENT.** During the term of this franchise, and any renewal thereof, Franchisee agrees to maintain a local or toll free telephone number to be used by customers of the Franchisee to contact Franchisee and to place requests for service or inquiries.

**9-3-9**        **EMERGENCY ALERT SYSTEM.** Franchisee shall provide emergency alert facilities as required by federal law. Grantor or its designee shall have the capability of disseminating emergency messages over the cable system provided that Grantor or its designee acquires, at its own cost, all necessary interface and encoding equipment.

**9-3-10**       **SAFETY REQUIREMENTS.** Franchisee shall, at all times, employ ordinary care and shall use and maintain commonly accepted methods and devices for preventing failures and accidents which are likely to cause damages, injuries, or nuisances to the public.

**9-3-11**       **LIMITATIONS ON RIGHTS GRANTED.**

(A)            All transmission and distribution structures, lines and equipment erected by Franchisee within Grantor shall be located as to cause minimum interference with the proper use of streets, alleys and the public ways and places, and to cause minimum interference with the rights and reasonable convenience or property owners who adjoin any of the said streets, alleys or other public ways and places, and said poles or towers shall be removed by Franchisee whenever Grantor reasonably finds that the same restrict or obstruct the operation or location of any future streets or public places within Grantor and Grantor concurrently requires relocation of similarly situated utilities.

(B)            Construction and maintenance of the System shall be in accordance with the provisions of the National Electrical Safety Code, prepared by the National Bureau of Standards, the National Electrical Code of the National Board of Fire Underwriters, and such

applicable ordinances and regulations of Grantor, affecting electrical installation, which are presently in effect at the time of construction.

(C) In case of disturbance of any street, sidewalk, alley, public way or paved area, Franchisee shall, at its own cost and expense and in a manner approved by Grantor, replace and restore such street, sidewalk, alley, public way or paved areas in at least as good a condition as before the work involving such disturbance was done.

(D) If at any time during the period of this Article Grantor shall lawfully elect to alter or change the grade of any street, sidewalk, alley or other public way, Franchisee, upon reasonable notice by Grantor, shall remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense provided Grantor concurrently imposes identical requirements on similarly situated utilities.

(E) Franchisee shall on the request of any person holding a building moving permit or any person who wishes to remove trees or structures from their property, temporarily raise or lower its wires to permit the moving of buildings or tree removal. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same; the Franchisee shall have the authority to require such payment in advance. Franchisee shall be given not less than **fourteen (14) days** advance notice to arrange for such temporary wire changes.

(F) Subject to Grantor approval, Franchisee shall have the authority to trim trees on public property that overhang the streets, alleys, sidewalks and public ways and places so as to prevent the branches of such trees from coming in contact with the wires and cables of Franchisee.

(G) Franchisee, shall, at its expense, protect, support, temporarily disconnect, relocate on the same street, alley or public place, or remove from the street, alley or public place, any property of Franchisee when required by Grantor by reason of traffic conditions, change of establishments of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other type of structures or improvements by governmental agencies when acting in a governmental or proprietary capacity, or other structure of public improvement; provided, however, that Franchisee shall in all cases have the privileges and be subject to the obligations to abandon any property of Franchisee in place as hereinafter provided.

(H) In all sections of Grantor where Grantor designates an area where all presently above ground services are to be placed underground, Franchisee shall place its wires underground on the same time schedule and on the same conditions that are applicable to the providing of other above ground services in the designated areas.

(I) In the event that the use of any part of the System is discontinued for any reason for a continuous period of **twelve (12) months**, or in the event such System or property has been installed in any street or public place without complying with the requirements of this Article, or the rights granted hereunder have been subject to the rights of the Grantor to acquire or transfer the system as specified in **Section 9-3-15**, promptly remove from the streets, or public places, all such property and poles of such System other than any which the City may permit to be abandoned in place. In the event of such removal, Franchisee shall promptly restore the street or other areas from which such satisfactory to Grantor.

(J) Any property of Franchisee to be abandoned in place shall be abandoned in such a manner as Grantor may prescribe. Upon permanent abandonment of the property of Franchisee in place, it shall submit to Grantor an instrument to be approved by Grantor, transferring to Grantor the ownership of such property.

**9-3-12**      **OWNERSHIP AND REMOVAL OF FACILITIES.**

(A) All cable and equipment for cable service including cable television reception service installed by Franchisee at a subscriber's location shall remain the property of Franchisee and Franchisee shall have the right to remove said cable and equipment. Upon termination of all service to any subscriber, Franchisee shall promptly remove all its above ground facilities and equipment from the premises upon the request of such subscriber.

(B) At the end of the Term of this Franchise, the Company at its sole cost and expense and upon direction of the Grantor, shall remove the above ground cables and appurtenant devices constructed or maintained in connection with the services authorized herein, unless the Company, its affiliated entities or assignees should, within **six (6) months** after such expiration, termination or revocation obtain certification from the FCC to operate an Open Video System or any other federal or state certification to provide telecommunication services.

**9-3-13**      **TRANSFER OF ORDINANCE.** This Franchise and the Cable Television System shall not be sold, transferred, assigned, or otherwise encumbered, without the prior consent of Grantor, such consent not to be unreasonably withheld. Such consent shall not be required for a transfer in order to secure indebtedness such as a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of Franchisee in the Franchise or Cable System.

(A) The preceding prohibition shall not apply to the replacement or sale of components of the Cable Television System in the course of ordinary maintenance or day-to-day operation.

(B) The preceding prohibition shall not apply to a transfer to an affiliate, which shall mean an entity controlling, controlled by, or under common control with Franchisee, provided that the affiliate meets any standards required by Grantor ordinance for transfer, relating to financial responsibility or, in the alternative, Franchisee guarantees the affiliate's performance in all respects.

**9-3-14**      **PAYMENT TO THE COUNTY.** The Franchisee shall pay Grantor **three percent (3%)** of gross monthly receipts for Basic Cable Television Service provided to all subscribers located within the Franchise Area. Such payment shall be made annually within **ninety (90) days** after the end of each calendar year.

**9-3-15**      **DURATION AND RENEWAL OF ORDINANCE.** The rights granted to Franchisee herein shall become effective upon the passage of this Ordinance and shall continue for a period of **fifteen (15) years**, unless terminated earlier in accordance with this Ordinance ("Term"). Franchisee shall have the option to renew this franchise for an additional **fifteen (15) years** at any time before the expiration of the Term under the same terms and conditions by providing notice as required under **Section 9-3-26**.

**9-3-16**      **ERECTION, REMOVAL AND COMMON USE OF POLES.**

(A) No poles or other wire-holding structures shall be erected by Franchisee without prior approval of the designated representative of the Commission with regard to locations, height, type or any other pertinent aspect, which approval shall not be unreasonably

withheld. However, no location of any pole or wire-holding structure of Franchisee shall create a vested interest.

(B) Where poles or other wire-holding structures already existing in use in serving Grantor are available for use by Franchisee, but it does not make arrangements for such use, the Council may require Franchisee to use such poles and structures if it determines that the public convenience would be enhanced thereby and the terms of the use available to Franchisee are just and commercially reasonable.

**9-3-17 RATES AND CHARGES.** The Grantor reserves the right to regulate such rates and charges to the extent permitted by and using methodologies prescribed by Federal law.

**9-3-18 BOOKS AND RECORDS.** The Franchisee shall keep full, true, accurate, and current books of accounts, which books and records shall be made available for inspection at reasonable times by authorized representatives of Grantor as may be reasonably necessary for the administration of this Article. To the extent Grantor obtains any personally identifiable information or other information protected under federal, state or local privacy laws, Grantor shall assume all of the obligations of a cable operator with respect to protecting the confidentiality of that information. Grantor shall indemnify and hold Franchisee harmless from any costs, losses or damages arising from the disclosure of any protected information to or by Grantor.

**9-3-19 FORCE MAJEURE.** The Franchisee shall not be held in default under, or in compliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default (including termination, cancellation or revocation of the Franchise), where such noncompliance or alleged defaults occurred or were caused by strike, riot, war, earthquake, flood, tidal wave, unusually severe rain or snow storm, hurricane, tornado or other catastrophic act of nature, labor disputes, governmental, administrative or judicial order or regulation or other event that is reasonably beyond the Franchisee's ability to anticipate and control. This provision also covers work delays caused by waiting for utility providers to service or monitor their own utility poles on which the Franchisee's cable and/or equipment is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

**9-3-20 MODIFICATION OF OBLIGATIONS.** In addition to any other remedies provided by law or regulation, Franchisee's obligations under this Article may be modified, at its request, in accordance with Section 625 of Cable Communications Policy Act of 1984 as it now exists, or as hereafter amended.

**9-3-21 SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Article is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, or amended by the United States Congress or is superseded or

preempted by Federal Communications Commission regulation, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**9-3-22**      **PUBLICATION.** Franchisee shall assume the costs of any required publication of this Article.

**9-3-23**      **NOTICES.** All notices and other communications hereunder this Article shall be in writing and shall be deemed to have been given on the date of actual delivery if mailed, first class, registered or certified mail, return receipt requested, postage paid to the following respective addresses:

To Grantor:

Randolph County Commission  
Randolph County Courthouse  
#1 Taylor Street  
Chester, IL 62233  
Attn: Commission Chairperson

To the Franchisee:

MEDIACOM SOUTHEAST LLC  
LEGAL DEPT: BRUCE GLUCKMAN  
100 Crystal Run Road  
Middletown, NY 10941

With a copy to:

MEDIACOM SOUTHEAST LLC  
90 Main Street  
Benton, KY 42025  
Attn: General Manager

Either of the foregoing parties to this Article may change the address to which all communications and notices may be sent to it by addressing notices of such change in the manner provided hereunder.

**9-3-24**      **CONTRACT RIGHTS.** Acceptance of this Article by Franchisee shall create enforceable contract rights between Franchisee and Grantor with respect to the terms of this Article.

**9-3-25**      **PRIOR ORDINANCES.** All ordinances and parts of ordinances in conflict herewith are hereby repealed as of the effective date of this Article.

**(Ord. No. 01-01; 01-04-01)**

**[Supplement No. 2; 05-01-18]**

**ARTICLE IV – NEWWAVE CABLE TELEVISION**

**9-4-1 ANNUAL SERVICE PROVIDER.** Telecommunications Management LLC, dba NewWave shall pay an annual service provider fee to the County in an amount equal to **three percent (3%)** of annual gross revenues derived from the provision of cable or video service to households located within the County. The **twelve (12) month** period for the computation of the service provider fee shall be a calendar year.

**9-4-2 PAYMENT DUE.** The service provider fee payment shall be due annually and payable within **ninety (90) days** after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation. If mailed, the fee shall be considered paid on the date it is postmarked.

**9-4-3 GROSS REVENUE DEFINED.** For purposes of the calculation of the service provider fee, "gross revenues" shall mean consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by Telecommunications Management LLC, dba NewWave for the operation of its cable system to provide cable or video service within the County, including the following:

- (A) recurring charges for cable service or video service;
- (B) event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges;
- (C) rental of set-top boxes and other cable service or video service equipment;
- (D) service charges related to the provision of cable service or video service, including, but not limited to, activation, installation, and repair charges;
- (E) administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges; and
- (F) late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

**9-4-4 GROSS REVENUES NOT INCLUDED.** For purposes of the calculation of the service provider fee, "gross revenues" shall not include:

- (A) revenues not actually received, even if billed, such as bad debt;
- (B) the service provider fee or any tax, fee or assessment of general applicability;
- (C) any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunications services, voice over internet protocol (VoIP) services, information services, the provision of directory or Internet advertising, or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders;
- (D) security deposits collected from subscribers, or

(E) any amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

**9-4-5**        **SEVERABILITY.** If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**9-4-6**        **CONFLICT.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**(Ord. No. 18-03; 02-23-18)**

**EMPLOYEE PERSONNEL CODE**

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**CHAPTER 11**

**EMPLOYEE PERSONNEL CODE**

**ARTICLE I - INTRODUCTION**

**11-1-1 INTRODUCTION AND WELCOME TO RANDOLPH COUNTY.**

Randolph County is pleased to welcome you as an employee of the County. The County Board recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to efficient County government. This manual is provided to all employees to establish a systematic approach to administering the personnel policies adopted by the Randolph County Board. It is a basic and fundamental tool designed to communicate personnel policies and procedures as a single source of reference and guidance. The policies and benefits herein may be revised or changed from time to time, with or without notice, as the County deems appropriate and advisable.

The first responsibility of Randolph County employees is to provide the best possible service to the citizens of Randolph County. Every citizen is entitled to courteous, prompt, and impartial service. Employee conduct, efficiency, and appearance all affect the public perception of the County government and its services therefore good public relations is a part of every County employees' job.

## ARTICLE II – EMPLOYER RESPONSIBILITIES

### 11-2-1 EMPLOYMENT CATEGORIES.

(A) Full-time Employees. Those employees who have completed their Introductory Period and are regularly scheduled to work at least **forty (40) hours** per week. They are eligible for the County's benefits, unless otherwise stated in this Manual or unless otherwise provided in the benefit plan.

(B) Part-time Employees. Those employees who have completed their Introductory Period and are regularly scheduled to work less than **forty (40) hours** per week or who are so designated by a union bargaining agreement. They are ineligible for the County's benefits, unless otherwise stated in this Manual or unless otherwise provided in the benefit plan.

(C) Introductory Employees. Those employees who are within their Introductory Period. They are ineligible for the County's benefits, unless otherwise stated in this Manual, or designated by an employer benefit plan or union bargaining agreement.

(D) Temporary/Seasonal Employees. Individuals who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. They are hired for a limited duration of time not to exceed **nine hundred ninety-nine (999) hours** in any given year. They are ineligible for the County's benefits unless designated by an employer benefit plan or union bargaining agreement.

(E) Appointed Officials. Individuals who are appointed by the County Board to be responsible for designated areas of County activity to include; Emergency Management Agency, General Assistance, Highway, Public Defender, and Land Resource Management; for purposes of this handbook these Officials shall be referred to as "Department Heads". Assistant State's Attorneys are also Appointed Officials but do not serve as Department Heads. The benefit entitlement of individuals in these positions will be stipulated in their individual employment agreements or in an employer benefit plan.

(F) Elected Officials. Elected Officials are elected by the citizens of the County in general elections to be responsible for designated areas of County activity to include; Assessor, Circuit Clerk, County Clerk, County Commissioners, Coroner, Resident Judge, Sheriff, State's Attorney, and Treasurer. Elected Officials are not employees of the County and are ineligible for the County's benefits with the exception of health, accident, hospital, group life and medical insurance per **(55 ILCS 5/5-1069) (from Ch. 34, par. 5-1069).**

**11-2-2 INTRODUCTORY PERIOD.** The first **ninety (90) days** of employment are considered an introductory period during which the employee will be trained with respect to his or her new position. Employees may be evaluated more frequently during this period in order for the County to assess their capabilities, skills, work habits and overall performance. Department Heads will make every effort to assist and counsel the new employees to meet the standards of their position.

The introductory period is **ninety (90) days**. If the Department Head determines that the designated period does not allow sufficient time to thoroughly evaluate the employee's performance, they may recommend to the County Board that the introductory period be extended but not to exceed an additional **thirty (30) days**.

A requirement of employment is that employees reside in Randolph County. If hired prior to residency an employee must establish residency within **ninety (90) days** of completion of the Introductory Period. Successful completion of the Introductory Period does

not in any way affect an employee's at-will status. Both during and after completion of the Introductory Period an employee remains at-will, and either the employee or the County may terminate the employment relationship with or without cause or notice.

**11-2-3 EMPLOYMENT STATUS.** Employees will be told when hired whether their position is classified as "exempt" or "non-exempt". These classifications are dictated by federal law, to which Randolph County must strictly adhere.

(A) **Exempt.** Employees whose positions are classified as "Exempt" by FLSA regulations are paid at a salaried amount, rather than an hourly wage, and are not paid for overtime nor issued compensatory time if they work over **forty (40) hours** in a workweek. These employees do not record hours worked, but they do submit information regarding time off for vacation, illness, etc.

(B) **Non-Exempt.** Employees whose positions are classified as "Non-exempt" by FLSA regulations are to be paid at an overtime rate of **one and one-half (1 ½) times** their regular hourly rate for all hours actually worked beyond **forty (40)** in a workweek. Randolph County will exceed FLSA regulations by paying employees in this classification overtime pay, or issue compensatory time, if an employee exceeds **eight (8) hours** in a work day or **forty (40) total hours** in a work week; holidays, vacation and other time off will be counted when determining the total hours. Non-exempt employees must receive permission to work overtime in advance; working overtime without permission can lead to counseling and discipline, up to and including termination. Per Departmental guidelines and supervisory approval compensatory time off may be approved in lieu of payment for overtime.

Non-exempt employees must keep accurate time records of the actual hours they work on the County's time keeping forms. Knowing or deliberate falsification or alteration of time records will result in disciplinary action up to and including termination.

The Randolph County workweek is Sunday through Saturday.

**11-2-4 EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER.** Randolph County is an equal opportunity employer and will not discriminate based on race, color, religion, creed, sex, sexual orientation, gender-identity, pregnancy, childbirth, common or medical condition relating to pregnancy and childbirth, national origin, ancestry, age, citizenship status, marital status, military status, veteran status, unfavorable discharge from military service, physical or mental disability, arrest record, genetic information, order of protection status or any other status protected by law. This policy of nondiscrimination applies to all terms and conditions of employment including but not limited to hiring, promotion, compensation, benefits, training, discipline and termination.

(A) **Political Activity.** Employees are not required to participate in or financially contribute to political campaigns nor shall they be subject to direct or indirect political influence or coercion. As an EEO employer political affiliation or support is neither considered nor required with respect to employment with the County.

**11-2-5 REASONABLE ACCOMMODATIONS.** The County adheres to all the requirements of applicable nondiscrimination laws including but not limited to the Americans with Disabilities Act. Therefore all candidates and employees will enjoy equal employment opportunities. If you require an accommodation in your work or work environment due to a condition which qualifies under ADA please contact the Human Resource Office. The matter will

be handled with the utmost confidentiality and the County will make reasonable accommodations that do not create undue hardship as defined by Federal law.

In addition, an employee who requires a reasonable accommodation due to pregnancy, childbirth or common or medical conditions relating pregnancy or childbirth should contact the Human Resource Office. The County will make reasonable accommodations to the extent that doing so does not result in undue hardship to the County.

**11-2-6 AT-WILL EMPLOYER.** Employment with the County is at will unless an employee has a separate, written agreement stating otherwise which has been duly executed by both the employee and the County or unless the employee's employment is governed by a collective bargaining agreement, stating otherwise. At will employment means that either the employee or the County can terminate the employment relationship at any time with or without cause or notice. Nothing set forth in this employment handbook is intended to, nor should be construed to create any contractual rights.

**11-2-7 EMPLOYMENT OF RELATIVES/MINORS.** The employment of relatives in the same workplace can potentially cause serious conflicts and problems related to favoritism and employee morale. In addition to claims of favoritism in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

For these reasons, it will be our policy that relatives should not, under ordinary circumstances, be allowed to work in a supervisor/subordinate relationship. For policy purposes, relatives are defined as parents, spouse, children, siblings, in-laws, grandparents, grandchildren, and corresponding step-relatives. If employees marry during their employment by the County, they may remain employed but should not, under ordinary circumstances, work in a supervisor/subordinate relationship and must not allow their personal life to interfere with the performance of their jobs.

Individuals must be **sixteen (16) years** of age or older or have a work permit to be considered for employment.

**11-2-8 ACCESS TO PERSONNEL RECORDS.** Pursuant to the Illinois Personnel Record Review Act, an employee may review their personnel file up to **two (2) times** within in a calendar year, when requests are made at reasonable intervals, unless otherwise provided in a collective bargaining agreement. To do so an employee must complete the County's request form and the review will normally be scheduled within **seven (7) working days**. If the employer can reasonably show that the deadline cannot be met, the employer will have an additional **seven (7) days** to comply. Documents may not be removed from the file by the employee but copies may be made.

The official Employee Personnel File will be maintained by the office of Human Resources. Some employee information / forms etc. may be kept at the department but only documentation specific to the departmental level (Training records, Attendance records, etc.). Employees who wish to review their Personnel File should contact The HR Administrator in the Human Resource Office.

**11-2-9 HARASSMENT POLICY; RANDOLPH COUNTY'S POLICY AGAINST DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT.**

The County wishes to provide all employees a work environment that encourages productive activity and mutual respect. To accomplish this, the County will not tolerate harassment or inappropriate conduct described in this policy by any person and will deal severely with anyone who engages in such conduct. Therefore, it shall be the County's policy to prohibit harassment of or discrimination directed toward employees because of their race, color, religion, sex, sexual orientation, gender-identity, pregnancy, childbirth, medical or common conditions relating to pregnancy or childbirth, national origin, ancestry, age, citizenship status, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, genetic information, physical or mental disability or any other protected status. This policy is in effect whenever an employee is involved in County activities to include business trips, County events, etc.

(A) **Statement of Policy.** It is Randolph County's policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status or any other classification prohibited under federal or state law. Sexual misconduct is also prohibited. Randolph County will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom Randolph County has a business, service, or professional relationship. "Employee" for purposes of this policy includes any individual performing services for Randolph County, an apprentice, an applicant for apprenticeship, or an unpaid intern. Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. Randolph County is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. Randolph County will take disciplinary action, up to and including termination, against an employee who violates this policy.

As set forth above, sexual harassment and sexual misconduct are prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

- (1) Submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual's employment;
- (2) Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;
- (3) The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive work environment because of the persistent, severe or pervasive nature of the conduct.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The employee as well as the harasser may be woman or a man. The employee does not have to be of the opposite sex.
- The harasser can be the employee's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

- The employee does not have to be the person harassed but could be any one affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to the discharge of the employee.
- The harasser's conduct must be unwelcome.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that Randolph County deems inappropriate and in violation of our policy:

- (1) Unwanted sexual advances.
- (2) Offering employment benefits in exchange for sexual favors.
- (3) Making or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
- (4) Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
- (5) Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, derogatory or suggestive comments about a person's body or dress.
- (6) Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes regarding disabled individuals.
- (7) Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

Sexual misconduct is strictly prohibited by Randolph County and can include any inappropriate and/or illegal conduct of a sexual nature including, but not limited to, sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault or ANY sexual contact or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical.)

(B) **Responsibilities.**

- (1) **Supervisors.** Each supervisor shall be responsible for ensuring compliance with this policy, including the following:
  - (a) Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct.
  - (b) Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois.
  - (c) Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.
  - (d) Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;

- (e) Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the State's Attorney; and
  - (F) Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.
- (2) **Employees.** Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:
- (a) Refrain from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;
  - (b) Immediately reporting any violations of this policy to a supervisor and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances); Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, co-worker, volunteer, vendor, member of public).
  - (c) Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor.

Failure to take action to stop known discrimination, harassment or sexual misconduct may be grounds for discipline.

There is a clear line in most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.



Randolph County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

(C) **Applicable Procedures.** Randolph County takes allegations of discriminations, harassment and sexual misconduct very seriously. It will actively investigate all complaints.

It is helpful for the employee to directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use the Randolph County's complaint procedure to advise Randolph County of any perceived violation of this policy as soon as it occurs.

(1) **Bringing a Complaint.** Any employee of Randolph County who believes that there has been violation of this policy may bring the matter to the attention of Randolph County in one of the following ways:

- (a) Advising his or her supervisor; or
- (b) Advising the offending employee's supervisor, the State's Attorney or the County Board of Commissioners in the event that the alleged harasser is the State's Attorney.

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the State's Attorney.

The complaint should be presented as promptly as possible after the alleged violation of this policy occurs.

(2) **Resolution of a Complaint.** Promptly after a complaint is submitted, Randolph County will undertake such investigation, corrective and preventive actions as are appropriate. In general, the procedure in resolving any complaints can (but will not necessarily) include any of the following:

(a) A meeting between the employee making the complaint and an individual designated by Randolph County to investigate such complaints. Important data to be provided by the complaining employee includes the following:

- (i) A description of the specific offensive conduct;
- (ii) Identification of all person(s) who engaged in the conduct;
- (iii) The location where the conduct occurred;
- (iv) The time when the conduct occurred;
- (v) Whether there were any witnesses to the conduct;
- (vi) Whether conduct of a similar nature has occurred on prior occasions;
- (vii) Whether there are any documents which would support the complaining employee's allegations;
- (viii) What impact the conduct had on the complaining employee.

(b) While not required, Randolph County encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.

- (c) After a complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of Randolph County. The alleged offending individual should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.
- (d) After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged individual may be interviewed separately.
- (e) Once this investigation is completed, Randolph County will take such action as is appropriate based upon the information obtained in the investigation. In the event that Randolph County finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:
  - (i) Verbal or written reprimand;
  - (ii) Placing the offending employee on a corrective action plan for a period of time to be identified;
  - (iii) Delay in pay increases or promotions;
  - (iv) Suspending the offending employee from work without pay;
  - (v) Demotion;
  - (vi) Immediate termination.
- (f) Upon completion of the investigation, Randolph County will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, Randolph County looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

- (3) **Non-Retaliation.** Under no circumstances will there be any retaliation against any employee making a complaint of discrimination, harassment or sexual misconduct. Any act of retaliation by any party directed against a complaining employee, an accused employee, witnesses, or participants in the process will be treated as a separate and distinct charge and will be similarly investigated. Complaints of retaliation should be addressed to the State's Attorney or County Board.

If you have any questions concerning Randolph County's policies on this matter, please see your supervisor or the State's Attorney. Further information may also be obtained from the Illinois

Department of Human Rights, 312-814-6200, or the Equal Opportunity Commission (EEOC), 800-669-4000 or for matters involving the abuse of minors the Illinois Department of Children and Family Services (DCFS), 800-25-ABUSE.

Please acknowledge receipt and review of this policy by completing the acknowledgement located in in the rear of the handbook and returning it to the Human Resource Office.

**11-2-10 EMPLOYMENT REFERENCE CHECKS.** The County will respond to reference check inquiries from other employers, credit organizations or other entities checking references on current or former employees when accompanied by appropriate documentation. **Any Department Head or employee who receives a request for a reference must forward the request to the Human Resource Office and should not respond to the request themselves due to possible legal ramifications to Randolph County if erroneous or legally restricted information is given out.**

**ARTICLE III – EMPLOYEE RESPONSIBILITIES**

**11-3-1**     **WORK HOURS.** The normal business hours of the County are **8:00 A.M.** until **4:00 P.M.** Monday thru Friday for County business, but an individual's hours may vary per agreement with their supervisor and based on the work needs. The County complies with Illinois law with respect to meal breaks. The County pays employees for a meal break but only full time employees qualify for such a break and an employee must work **four (4) hours** or more of their entire work shift to qualify for such a break. In other words, an employee who works less than **four (4) hours** of their shift (taking a portion of the day as vacation, sick, personal, or comp time) does not qualify for a meal break during that shift pursuant to Illinois law. Work "breaks" are not mandated by Illinois law. Therefore policies regarding such breaks will be at the discretion of the Department Heads. If a Department Head institutes a "break" policy they will be limited to no more than **two (2)** per day and no longer than **ten (10) minutes** in duration. "Break" time is paid and therefore not deducted from time reports. Such breaks should not be used to adjust the starting or ending time of the employee's scheduled workday.

The workweek is Sunday through Saturday for purposes of calculating weekly pay, compensatory time, and payment of overtime.

**11-3-2**     **ATTENDANCE/PUNCTUALITY.**

(A) Punctuality and good attendance are an essential function of all County positions. The employee is to call their Department Head, or their designee, if they are not able to work or they will be late. Employees are expected to call their supervisors at least **one (1) hour** prior to the start of their shift (or as soon as possible in case of emergency) but no later than **fifteen (15) minutes** after their scheduled start time if they will be absent or late for work, advising the supervisor of the reason for the absence or late arrival, and (in the case of a late arrival) advising when the employee expects to arrive at work. Unless instructed otherwise, the employee should call in each day of absence, (unless on an approved Leave of Absence) and speak directly with their Department Head or their designee. They will be asked to leave a phone number where they can be reached throughout the day. Voice mail messages do not fulfill this responsibility or comply with this policy. If a voice mail message must be left, the employee should call back later and actually speak to the Department Head or their designee. Above procedures must be followed for the absence to be "Authorized" and eligible for pay under the County's "Sick Time" policies on page V-3 of this manual.

(B) Employees who are absent **six (6)** or more consecutive days must bring in a doctor's statement releasing them to return to work. The statement must verify that the employee was unable to work the entire length of the absence and the date the physician allows the employee to return to work. The County may request a doctor's statement for shorter absences based upon the circumstances.

(C) The County will consider any employee who fails to call in or report an absence for three days as having abandoned their job and will be deemed to have voluntarily resigned.

(D) An employee is to call in, pursuant to the above policy, when they cannot be at work as scheduled. If they (or their designated representative) do not call in by the end of their designated schedule they will be considered a "No-Call / No-Show" and such action may result in disciplinary action up to, and including, termination.

(E) Being on time means being at your workstation, or assignment, ready to work at your designated starting time. If you are not beginning work assignments at your designated starting time, you are not fulfilling your responsibility to your co-workers or the County.

(F) Excessive or frequent tardiness, absence or failure to give proper notice to your supervisor may result in disciplinary action, up to and including termination.

**11-3-3 TIME CLOCK.** The Randolph County Courthouse and Sheriff's Department use an electronic time tracking system to capture and record all non-exempt employee time records. The use of this system allows employees to accurately monitor and keep track of their time and enables employees to efficiently process employee time worked and leave taken for payroll purposes. The following procedures and guidelines have been created to ensure accurate recordkeeping and compliance for employees:

(A) Employees will use the time clock as they arrive for work and leave at the end of their work day. Employees may punch in between **7:30 a.m.** and **8:00 a.m.** with the understanding that under normal circumstances, they are not to begin working until their scheduled times. There may be circumstances where an employee work day will be before **8:00 a.m.** (i.e. Employees on Election Day may be paid to come in at **6:30 a.m.**).

(B) Employees who are late for work or leave early without approval of their supervisor or elected official, will have their pay docked. The use of accrued time in these instances will not be allowed.

(C) The scheduled work day begins at **8:00 a.m.** and ends at **4:00 p.m.** Employees should not leave before **4:00 p.m.** unless approved by their supervisor or elected official.

(D) Hourly employees must clock out for lunch each day. Those employees who are working off site must complete an 'Out of Office' form to be approved by the office holder or supervisor.

(E) Lunch periods are NOT to be used to make up for tardiness. Only upon approval by their supervisor or elected official, an employee may use benefit time to guarantee pay.

(F) Use of accrued time whether vacation, personal, sick or compensatory time will be calculated in per-minute increments.

(G) Overtime calculations for time and a half will be made on a per-minute basis. Example: 15 minutes of overtime pay will be calculated at 22.5 minutes and paid out as 23 minutes.

(H) All employees will sign their bi-weekly Time Card Report to show they agree with the payroll information presented.

**11-3-4 BAD WEATHER CONDITIONS.** It will be the policy of the County that all offices will operate their normal hours during inclement weather. But, a Department head may make the decision to allow an employee, who requests to do so, to leave before their normal end of the work day due to weather conditions and will determine who shall be asked to remain to keep the office operational until the normal end of the business day. If an employee is allowed to leave early by the County or Department Head they may request to be paid from accrued vacation, sick, or personal days, or accumulated comp time for the remaining hours that they were scheduled to work that day. If a natural disaster occurs (flood, fire, etc.) and the County must dismiss employees early, the employees will be paid for the remainder of their scheduled work day.

**11-3-5 CONFLICT OF INTEREST.** The County strives to operate within the letter and spirit of all laws applicable to our operations. Ethical conduct means not only observing the law, but also conducting business so that the County will deserve and receive recognition as a law-abiding body. The term "conflict of interest" describes any circumstances that could cast doubt upon an employee's ability to act with total objectivity with regard to the County's interest.

(A) No employee may use confidential information obtained by the employee during the course of duties on behalf of the County for personal profit in accordance with the terms of the Non-Disclosure/Confidentiality/Conflict-of-Interest Statement attached to this manual.

(B) No undisclosed or unrecorded fund or asset of the County or its subsidiaries shall be maintained or established for any purpose. No false or artificial entries shall be made on the books or records of the County or its subsidiaries for any reason. No payment on behalf of the County or its subsidiaries shall be made or approved with the understanding that it will or might be used for something other than the stated purpose.

(C) The County prohibits employees from accepting gifts or services of tangible value (over \$50 dollars) from those with whom we do business including, but not limited to, supplies from vendors or from others who seek to do business with the County.

(D) Approvals by the County of new or existing relationships with or investments in potentially conflicting outside business enterprises should be obtained from the Elected or Appointed Official and then presented to the County Board.

(E) Whenever a situation exists which presents uncertainty with respect to whether a conflict actually exists or even if there is the mere appearance of a potential conflict, the situation should be disclosed to the Department Head or Commissioners in writing. When in doubt, the employee or official should err on the side of disclosure.

**11-3-6 OUTSIDE EMPLOYMENT.** An employee may not be directly or indirectly employed by an employer that poses a real or apparent conflict of interest with their duties within the County without the Board's written permission.

If the outside work interferes with the performance of the employee's duties to the County, or otherwise adversely affects, or has the potential to adversely affect, the County's proprietary position (in the County's opinion) the Employee will be asked to terminate the outside employment in order to remain with the County.

**11-3-7 MEDIA INQUIRIES.** All media inquiries should be referred to Department Heads. No employee is authorized to speak to the media on behalf of the County unless expressly authorized to do so in advance by that employee's Department Head.

Under no circumstances are materials, documents or other information that are designated as confidential, private, proprietary, personal, or restricted to be removed from the County's premises without the prior express permission of a Department Head or the Commissioners.

Former employees have a continuing obligation to refrain from disclosing confidential information in accordance with the terms of the Non-Disclosure/Confidentiality/Conflict-of-Interest Statement attached to this policy. This means that upon termination of employment an employee must return any confidential material to their Department Head and must continue to refrain from disclosing confidential information consistent with the Agreement.

At the beginning of employment with Randolph County an employee must sign a Confidentiality Agreement in the form provided by the County. Pursuant to the terms of this Agreement, each Employee is required to:

- Keep confidential and use only for the purpose of the County's business, the County's proprietary and confidential information and materials
- Maintain in confidence and use only as permitted, third party proprietary and confidential information and materials

The Agreement includes other terms and conditions related to the above.

Employees who improperly use or disclose confidential business information, or otherwise breach terms of the Agreement, will be subject to disciplinary action, up to and including termination, even if they do not actually benefit from the disclosed information. If it is determined that an employee, or former employee, has divulged any confidential information regarding Randolph County or its residents the county reserves the right to pursue legal action.

Further, if an employee is charged with the responsibility of safe-keeping confidential materials (health, personal identity or the like) of employees or residents and fails to keep the information secure due to the employee's failure to follow stated procedures the employee will be subject to disciplinary action up to and including termination and the County will pursue any legal recourse available for resulting damages.

**11-3-8      TECHNOLOGY, E-MAIL, COMPUTERS, AND ELECTRONIC MEDIA.**

EMPLOYEES HAVE NO RIGHT OR EXPECTATION OF PRIVACY WITH RESPECT TO THEIR USE OR PATTERN OF USE OF ANY COUNTY OWNED OR OPERATED ELECTRONIC DEVICE, COMPUTER, TABLET, LAPTOP, CELL PHONE, COMPUTER NETWORK, EMAIL ACCOUNT, VOICE MAIL ACCOUNT, TEXT MESSAGE ACCOUNT OR INTERNET ACCESS. THE COUNTY RESERVES THE RIGHT TO ACCESS AND MONITOR ALL COUNTY OWNED OR OPERATED DEVICES, ACCOUNTS, NETWORKS AND SYSTEMS.

(A)            Computers, computer files, the e-mail system and software are County property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and e-mail usage may be monitored.

(B)            Internet access to global electronic information resources on the World Wide Web is provided by the County to assist employees in obtaining work-related data and technology. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted while on personal time (lunches and work breaks).

(C)            The equipment, services, and technology provided to access the Internet remain at all times the property of the County. As such, the County reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems. Employees are cautioned against opening any suspicious incoming, unsolicited e-mail or messages. Delete any suspicious unsolicited messages. If you have any questions with respect to this policy or the authenticity of an e-mail, consult your Department Head. All data found on or received by our computer e-mail system is considered to be part of the official records of the County and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should also ensure that the business information contained in e-mail messages and other transmissions is accurate, appropriate, ethical and lawful.

(D)            The County strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the County prohibits the use of computers, the e-mail system or the Internet system in ways that are disruptive, harassing or

offensive to others or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. Employees are prohibited from accessing restricted sites of any nature.

(E) The County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the County does not have the right to reproduce such software for use on more than one computer. Employees may only use software according to the software license agreement. The County prohibits the illegal duplication of software and its related documentation.

(F) The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be utilized. Employees are also responsible for ensuring that the person sending any material to them over the Internet has the appropriate distribution rights.

(G) The e-mail system is provided for business purposes only. County employees are not to use their county e-mail account for personal matters. Employees are restricted from downloading Instant Messaging software onto their computers.

(H) The use of cell phones while driving has been proven to be extremely dangerous and exposes the County to severe liabilities. Therefore we *require* that an employee using a cell phone while driving on County business safely pull off to the side of the road before using a cell phone or, at minimum, utilize a hands-free device. Any cell phone use in school zones or construction zones is prohibited even with a hands-free device. Personal calls are to be made on an employee's personal time, therefore cell phones should be placed on "silent/vibrate" and kept in a discreet location (purse, desk drawer...) during work hours. Only brief calls in relation to pressing or urgent situations are permitted during work hours. Using cell phone text messaging during work hours should be held to business in nature.

**11-3-9            NON-SOLICITATION.**

(A) It is improper and against Randolph County policy for an employee to attempt to sell products or services, promote ideologies, or distribute literature or materials related to such issues to other Randolph employees during work time or in designated work areas (i.e. offices, courtrooms, receiving areas, mail rooms, maintenance shops, etc.) as these are personal issues that should only be dealt with on personal time (lunches, breaks) and in non-work areas (such as employee lounges, locker rooms, eating areas of cafeterias). Products or services may be sold if pre-approved by the Department Head and during non-work time.

(B) Any employee wishing to post literature or other materials in Randolph County buildings or on County owned property must receive pre-approval from the Sheriff *prior to posting*.

**11-3-10            ALCOHOL AND DRUG USE/ABUSE POLICY.**

(A) **Background.**

(1) **The Cannabis Regulation and Tax Act.** On **June 25, 2019**, Governor J.B. Pritzker signed into law the Cannabis Regulation and Tax Act (CRTA) that decriminalizes the use of marijuana by adults age **twenty-one (21)** and older and becomes effective on **January 1, 2020**. The CRTA incorporates provisions of the state's medical marijuana law and specifically provides that nothing in the CRTA shall be construed to enhance or diminish protections afforded by any other law, including but not limited to the Compassionate Use of Medical Cannabis Pilot Program Act. On **December 4, 2019**, Governor Pritzker signed a bill amending the CRTA. Public Act 101-0593 went into effect upon signature. The amendments clarify several confusing provisions of the CRTA. One notable clarification provides that an employer may withdraw a job offer based on a failed drug test. This implies that pre-employment/post-offer drug testing by private employers is allowed. Public employers must still address 4<sup>th</sup> Amendment concerns despite the additional language in the Act.



- (2) **The Compassionate Use of Medical Cannabis Program Act.** On **January 1, 2014**, the Compassionate Use of Medical Cannabis Pilot Program Act (Medical Cannabis program Act or MCPA) went into effect. It was amended on **August 9, 2019**, to remove the repeal language and make the law permanent. The MCPA establishes a patient registry program and protects registered qualifying patients, and their registered designated caregivers and health-care professionals, from "arrest, prosecution, or denial of any right or privilege." The list of qualifying medical conditions has been expanded to include over 50 conditions, including migraines, PTSD and any condition for which an opioid has been or could be prescribed by a physician. The MCPA was also expanded to allow nurse practitioners and physicians' assistants make the determination regarding a patient's qualifying status.
- (3) **The Right to Privacy in the Workplace Act.** The Cannabis Regulation and Tax Act amended the Right to Privacy in the Workplace Act to read, "Except as otherwise specifically provided by law, including Section 10-50 of the Cannabis Regulation and Tax Act,...it shall be unlawful for an employer to refuse to hire or to discharge any individual, with respect to compensation, terms, conditions or privileges of employment because the individual uses lawful products off the premises of the employer during nonworking and non-call hours." The definition of on-call under this Act is identical to the definition found in the CRTA provided below.
- (4) **The Agriculture Improvement Act of 2018.** The Agriculture Improvement Act of 2018, also known as the 2018 Farm Bill, was signed into law by President Trump on **December 20, 2018**. The Farm Bill legalized the cultivation of "hemp," defined as cannabis and cannabis derivatives with less than 0.3 percent THC. Hemp was removed from the definition of marijuana in the Controlled Substances Act. This is the first time that any form of marijuana was removed from the Controlled Substances Act.

(B) **Intent.** Randolph County is concerned about the ultimate effects of the use of cannabis, alcohol and illegal drugs upon the health and safety of its employees and the public. We recognize that studies show that alcohol and drug abuse leads to increased accidents and medical claims. Employees who abuse drugs and alcohol present a danger to themselves, their fellow employees, Randolph County and the public at large. In addition, the increased medical costs incurred by employees who use/abuse drugs and/or alcohol and the associated decreased productivity of these individuals, because of accidents, absenteeism and turnover adversely affect achievement of Randolph County's mission and goals.

Randolph County recognizes that the state legislature has accepted that modern medical research confirms the beneficial uses of cannabis in treating or alleviating the pain, nausea and other symptoms associated with a variety of debilitating medical conditions. For these reasons, the State of Illinois has decriminalized the use of marijuana both for medical and recreational purposes. Randolph County also recognizes that under federal law, marijuana is still illegal. The United States Drug Enforcement Agency lists marijuana as a Schedule I drug under the Controlled Substances Act. Schedule I drugs are defined as having no approved medical use and a high potential for abuse.

Randolph County recognizes its obligations and responsibilities under these conflicting laws to implement a reasonable drug free workplace policy to ensure the safety of employees and the public at large while protecting the rights of all employees.

Randolph County will not penalize an employee or applicant solely for his/her status as a registered qualifying patient or registered designated caregiver under the Compassionate Use of Medical Cannabis Pilot Program Act, unless failing to do so would put Randolph County in violation of federal law or unless failing to do so would cause it to lose a monetary or licensing-related benefit under federal laws and rules. Randolph County prohibits the use and storage of both medical and recreational cannabis on its property, at all workplaces and in any employer-owned vehicles.

No part of this policy, nor any of the procedures hereunder, guarantees employment, continued employment, or terms or conditions of employment or limits in any way Randolph County's rights to manage its workplace or discipline employees.

(C) **Definitions.** For purposes of this policy, the following terms shall have the following meanings:

- (1) 'Premises' shall include all work sites, work areas, property owned or leased by Randolph County, or vehicles owned, operated, leased, or under the control of Randolph County. Privately-owned vehicles parked or operated on property owned, leased or managed by Randolph County is also included under the definition.
- (2) 'Randolph County time' shall include all times during which an employee is on Randolph County premises, meal and break times on or off Randolph County premises, or performing work off the premises for the benefit of Randolph County, as a representative of Randolph County.
- (3) 'On-call' for purposes of the Cannabis Regulation and Tax Act means when an employee is scheduled with at least **twenty-four (24) hours'** notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment either at the employer's premises or other previously designated location by his or her employer or supervisor to perform a work-related task.
- (4) 'Legal drug' means any substance the possession or sale of which is not prohibited by law, including prescription drugs that have been prescribed for the employee, over-the-counter drugs and (after **January 1, 2020**) cannabis as outlined in the Cannabis Regulation and Tax Act.
- (5) 'Illegal drug' means any controlled substance the possession or sale of which is prohibited by law.
- (6) 'Cannabis' or 'Marijuana' is a mixture of dried, shredded leaves, stems, seeds and flowers of the hemp plant, *Cannabis sativa*. The main active chemical in cannabis is tetrahydrocannabinol (THC), a psychoactive ingredient that produces a "high" or feeling of being "stoned." The strength of the cannabis or marijuana is correlated to the amount and potency of the THC it contains.
- (7) 'Cannabidiol' or 'CBD' is one of over **sixty (60)** different cannabinoid compounds in marijuana. CBD a non-psychoactive ingredient of cannabis and does not make a person feel "high" or "stoned." CBD is used to provide relief from chronic pain, anxiety, inflammation and epilepsy and its benefits are still being researched. Currently, there are no uniform standards for production of CBD so it is very possible that a CBD product contains small amounts of THC that would show up on a drug test. Such a test result would violate Randolph County's drug-free workplace policy.
- (8) 'Substance' means any alcohol, drugs, or other substances (whether ingested, inhaled, injected subcutaneously, or otherwise) that have known mind altering or function-altering effects upon the human body or that impair one's ability to safely perform his or her work, specifically including, but not limited to, prescription drugs and over-the-counter medications; alcohol, drugs, and other substances made illegal under federal or state law; "synthetic or designer" drugs; illegal inhalants; "look-alike" drugs; amphetamines; cannabinoids (marijuana and hashish); cocaine; phencyclidine (PCP), and opiates; and any drugs or other substances referenced in Schedule I through V of 21 C.F.R. Part 1308 (whether or not such drugs or other substances are narcotics).
- (9) 'Traceable in the employee's system' means that the results of a laboratory's analysis of the employee's urine, saliva, breath or blood specimen is positive for the tested substance.
- (10) 'Reasonable suspicion of impairment' means that Randolph County's representatives have observed and in good faith can describe specific, articulable symptoms of an employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or property, disruption of a production or

manufacturing process, or carelessness that results in any injury to the employee or others, or detection of a prohibited substance in the area where an employee has/had been working. A registered qualifying user of medical cannabis under the Compassionate Use of Medical Cannabis Program Act must first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on the employer's good faith belief of impairment. A user of cannabis under the Cannabis Regulation and Tax Act must also first be given a reasonable opportunity to contest the basis of the suspected impairment before being subject to discipline based on the employer's good faith belief of impairment.

- (11) 'Under the influence' means the condition wherein any of the body's sensory, cognitive, or motor functions or capabilities is altered, impaired, diminished, or affected due to drugs or alcohol. This also means the detectable presence of substance(s) within the body, regardless of when or where it (they) may have been consumed, having an alcohol concentration within the violation range specified by the laws of the State of Illinois, and/or having a positive test for any other substance(s). With respect to employees subject to the Federal Motor Carrier Safety Administration (FMCSA) regulations, U.S. Department of Transportation regulations, or performing safety-sensitive functions, under the influence of alcohol is defined in accordance with FMCSA regulations as having an alcohol concentration of 0.04 or greater (compared to the BAC of 0.08 for non-safety sensitive positions). Under the influence of cannabis currently means testing positive for any amount of cannabis (until the legislature determines a specific level of THC in the blood that constitutes statutory impairment).
- (12) 'Safety sensitive function' was defined by the United States Supreme Court as any job function fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences. The category of safety sensitive functions includes job duties described as safety sensitive by applicable FMCSA or other applicable regulations, statutes, or case law. Courts have also held that an employer may prohibit the off-duty use of cannabis, alcohol and other drugs by an employee in a safety sensitive position because these employees can cause great human loss before any signs of impairment become noticeable to supervisors or others.
- (13) 'Work related cause' means the employee has: incurred a work-related injury requiring medical attention at a medical facility; caused the injury of another person on Randolph County premises or during Randolph County time; caused damage to any Randolph County owned or leased property; or commits repeated and/or flagrant violations of safety standards.

(D)

**Applicability.**

- (1) This policy applies to all employees and volunteers of Randolph County as well as candidates for employment with Randolph County who have been given conditional offers of employment. Such persons are responsible to be familiar with and comply with this policy.
- (2) The provisions of this policy are subject to any federal, state, or local laws that may prohibit or restrict their applicability, and testing for substances shall be conducted and in accordance with and limited by such laws, notwithstanding any terms of this policy to the contrary.

(E)

**Policy.**

- (1) **Alcohol, Cannabis or Illegal Drugs or Substances.** The possession, sale, purchase, use, distribution, delivery or transfer of alcohol, cannabis or an illegal drug or substance while on Randolph County's premises, while on Randolph County's time or while driving a vehicle owned, operated, rented, leased or under the control of Randolph County is expressly prohibited. This includes cannabis used for medical purposes in accordance with the Compassionate Use of Medical Cannabis Program Act. In addition, employees may not report to work, be on Randolph County premises or on

Randolph County time under the influence of alcohol or cannabis or with any traceable illegal drug or substance in their system.

Employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment or perform other safety-sensitive functions in addition to the prohibitions above must not consume alcohol for **four (4) hours** prior to duty time and up to **eight (8) hours** following an accident or until the employee undergoes a post-accident test, whichever comes first. Individuals who are registered users of medical cannabis will not be disqualified from employment based solely on the detected presence of cannabis on a drug test, unless failing to do so would put Randolph County in violation of a federal law or cause it to lose a federal contract of funding. Individuals who are registered users of medical cannabis in accordance with the Compassionate Use of Medical Cannabis Program Act and individuals who use cannabis in accordance with the Cannabis Regulation and Tax Act may not report to work under the influence of cannabis. This policy prohibits the undertaking of any task under the influence of cannabis, when doing so would constitute negligence, professional malpractice or professional misconduct. Any violation of this policy may result in immediate discharge and may subject an employee to legal action.

- (2) **Legal Drugs.** Randolph County does not condone the abuse of legal drugs or working under the influence of legal drugs to the extent that job performance and/or safety is adversely affected. Employees using prescription, over-the-counter and/or other legal drugs are responsible for being aware of any potential effect such drugs may have on their judgment or ability to perform their duties.
- (3) **Drug Panel.** DOT Regulations (49 CFR Section 40.85) provides the five drugs or classes of drugs that must be tested for in a DOT drug test. They are: (a) marijuana metabolites, (b) cocaine metabolites, (c) amphetamines, (d) opioids, and (e) phencyclidine (PCP). Randolph County cannot exclude cannabis from a drug test performed pursuant to DOT Regulations. The DOT Regulations also prohibit a Medical Review Officer from verifying a test as negative based on information that a physician prescribed the use of marijuana or other Schedule I drug.
- (4) **Pre-Employment Substance Testing.** Upon receipt of a contingent offer of employment, candidates for safety-sensitive or security-sensitive positions may be subject to pre-employment drug testing. Individuals to whom a contingent offer is made and whose pre-employment drug test returns positive for cannabis, alcohol or illegal drugs may be ineligible for employment. Candidates who test positive may have their contingent offer of employment revoked.
- (5) **Random Selection Testing.** Randolph County is a drug-free workplace and reserves the right to conduct random testing on employees with safety-sensitive or security-sensitive job duties. Where random testing is prohibited or restricted by applicable federal, state or local statute or regulation, or other legally-binding agreement, Randolph County will conform to all applicable laws, regulations, and/or agreements notwithstanding the provisions of this policy.
- (6) **Reasonable Suspicion Testing.** If Randolph County's representative has a reasonable suspicion that an employee is impaired based on the representative's observations of the employee at work, and in good faith can describe specific, articulable symptoms of that employee while working that decrease or lessen his or her performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, breath, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, negligence or carelessness in operating equipment or machinery, disregard for the safety of the employee or others, or involvement in an accident that results in serious damage to equipment or

property, disruption of a production or manufacturing process, or carelessness that results in any injury to the employee or others, then Randolph County may conduct reasonable suspicion testing.

- (7) **Post-Accident Testing.** If Randolph County has reasonable cause to believe an employee has caused an on-the-job injury that is considered recordable under OSHA guidelines (i.e. requiring medical treatment) as a result of being under the influence, the supervisor may require the injured employee to undergo a post-accident substance test. The employee will also be required to undergo post-accident testing if required by FMCSA, DOT or other applicable regulation.
- (8) **Fitness for Duty.** Employees suspected of being unfit for duty as a result of the use or reasonably suspected use of substances may be subject to substance testing. Employees who have successfully completed a substance abuse or rehabilitation program will be required to submit to and successfully pass a fitness for duty substance test before being permitted to return to work.
- (9) **Blood Alcohol Concentration.** A driver subject to FMCSA or DOT regulations, or any other employee who is required to perform a safety-sensitive function and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least **twenty-four (24) hours**.
- (10) **THC Concentration.** As of this writing, the State of Illinois has no established limit of tetrahydrocannabinol (THC) in the bloodstream that constitutes impairment under the law. A person may be under the influence of marijuana as defined by a positive test for cannabis without being visibly impaired. Randolph County should train its managers and supervisors on the specific, articulable symptoms of impairment as defined above.
- (11) **Reasonable Zero Tolerance or Drug-Free Workplace Policy.** Under the law, Randolph County has the right to implement a reasonable zero tolerance or drug-free workplace policy that is applied in a non-discriminatory manner. With the enactment of the Cannabis Regulation and Tax Act and the amendment to the Right to Privacy in the Workplace Act, Randolph County is limited in its ability to prohibit or limit the use of cannabis and other substances considered legal under Illinois law by Randolph County employees while off duty and not on-call unless those employees perform safety sensitive functions. For employees in safety sensitive positions, such as those employees who drive commercial motor vehicles, operate or repair heavy or large mobile equipment, police officers, correctional officers, firefighters, EMTs and health care providers with direct patient care, it is reasonable for Randolph county to implement and consistently apply a zero tolerance or drug-free workplace policy that includes a prohibition on off duty use and to terminate any safety sensitive employee who violates this policy. Such a restrictive policy is reasonable because if these employees used cannabis or other substances while off duty, they could cause great human loss while at work before any signs of impairment become noticeable to supervisors or others. For those employees who work in non-safety sensitive positions, Randolph County can test the employee for cannabis or other substances if first Randolph County's representative can articulate after observing the employee at work that a reasonable suspicion of impairment exists.
- (12) **Disciplinary Action.**
  - (a) Any employee who possesses, sells, purchases, uses, distributes, delivers or transfers alcohol or any illegal substance on Randolph County premises will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.

- (b) Any employee who reports to work under the influence of alcohol, cannabis or with an illegal drug or substance traceable in his/her system will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge.
- (c) An employee who refuses to submit to testing when required under this policy will be removed from the work area, and may be subject to immediate disciplinary action up to and including discharge. Refusal to submit to testing shall include, but may not be limited to: (1) failure to appear for any test within a reasonable amount of time, after being directed to do so by Randolph County, consistent with this policy and/or applicable regulations, including but not limited to FMCSA or DOT regulation; (2) failure to remain at the testing site until testing is complete; (3) failure to provide a sufficient breath, saliva, blood or urine specimen for any drug or alcohol test required by this policy or applicable FMCSA or DOT regulation; (4) in the case of directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the provision of a specimen; (5) failure to provide a sufficient amount of saliva, breath, blood or urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure; (6) failing or declining to take a second test that Randolph County or the collector has directed the employee to take; (7) failure to undergo a medical examination or evaluation, as directed by the Medical Review Officer as part of the verification process or as directed by the Designated Employer Representative; (8) failure to cooperate with any part of the testing process; (9) having a verified adulterated and substituted test result as reported by the Medical Review Officer.
- (d) Any employee who refuses to participate in rehabilitation/treatment, as recommended as a result of a positive test and evaluation by a substance abuse professional, will not be allowed to perform work for Randolph County and may be subject to disciplinary action up to and including discharge.

(F)

**Testing Procedures.**

- (1) **Testing.** Randolph County may require an employee or candidate to provide a urine specimen, submit to a blood test, provide saliva samples, and/or undergo breath/alcohol testing for laboratory analysis at a medical clinic or other location as designated by Randolph County, immediately upon the request of authorized Randolph County representatives or agents in accordance with this policy.
  - (a) Where Randolph County has reasonable suspicion that an employee is under the influence of a substance, he or she will be removed from the work area and provided with transportation to the place of testing. Randolph County shall call the emergency contact indicated by the employee or, if unavailable, arrange for the employee to be transported home following the test.
  - (b) Prior to submitting to testing, an employee or candidate may confidentially disclose to the independent medical examiner any prescription drugs or over-the-counter medications that he/she has taken or known medical condition that might interfere with an accurate test result. Such information will only be revealed to Randolph County as permitted by law.
  - (c) At the discretion of Randolph County, employees suspected of violating this policy may be placed on administrative leave without pay pending test results. If the test results are negative; the

- employee will be reimbursed for any salary lost during administrative leave.
- (d) Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test and may be grounds for immediate termination of employment or ineligibility for hire.
  - (e) Should a candidate or employee fail the initial drug test, he or she will be notified of the results and will not be allowed to perform work on behalf of Randolph County. The candidate or employee will have the option of requesting testing of the split specimen within **seventy-two (72) hours** at Randolph County's expenses unless the candidate or employee presents documentation that serious injury, illness, lack of actual knowledge of the verified test result or inability to contact the Medical Review Officer prevented a timely request. If the candidate fails to request testing of the split specimen within **seventy-two (72) hours** and the candidate or employee has not presented sufficient documentation to excuse the delay, Randolph County will take appropriate action including but not limited to discipline or discharge.
  - (f) If the test of the split specimen is also positive, the candidate or employee will have the opportunity to explain the results. Randolph County retains the discretion to determine the appropriate disciplinary action, including discharge, following two positive drug tests.
  - (g) An employee who has been removed from the work area or barred from the working as a result of violating this policy, may be subject to disciplinary action up to and including immediate discharge. If any employee has not been terminated as a result of a violation, he or she may not commence or return to work unless he or she provides sufficient documentation that he or she has tested negative for the presence of a substance and is not under the influence of a substance; has been approved to commence or return to work under the terms of this policy; has received an evaluation form a Substance Abuse Professional, has successfully complied with the recommendations of the Substance Abuse Professional, and testing for the presence of a substance and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by applicable federal or state regulation.
  - (h) Randolph County will take steps to ensure the integrity of the testing process and to ensure that all test results are attributed to the correct employee.
- (2) **Consent.** The employee may be required to sign a consent form authorizing the medical clinic or other location as designated by Randolph County to perform the aforementioned tests and release the results of the testing to Randolph County.
  - (3) **Chain of Custody Procedures.** At the time specimens are taken, standard 'chain of custody' or 'chain of possession' procedures will be followed, and the employee shall be given a copy of these specimen collections procedures.
  - (4) **Confidentiality and Privacy.** The employee's right to privacy will be respected, and the results of any testing shall be kept strictly confidential by Randolph County to the extent required and permitted by law. However, Randolph County may use the results to decide upon an action to be taken towards an employee, or to the extent necessary, to defend its actions in any subsequent grievance, arbitration, or legal or other proceeding.
  - (5) **Treatment.** An employee who voluntarily informs Randolph County that he/she has a drug or alcohol abuse problem and desires rehabilitation

assistance may be granted a leave of absence, in accordance with Randolph County's Family Medical Leave Act policy. The sole purpose of such leave is to obtain the necessary rehabilitation assistance. An employee with an alcohol abuse problem may also qualify for an accommodation under the Americans with Disabilities Act, if appropriate. The employee may be required to periodically provide proof that he/she is participating in an appropriate rehabilitation or after-care program. Any employee who returns to work after completion of a rehabilitation program and who subsequently violates the substance abuse policy may be immediately discharged without regard to a request for further rehabilitation.

(G)

**Additional Policies.**

- (1) **Searches.** Upon reasonable suspicion, authorized representatives or agents of Randolph County may conduct searches of personal effects, vehicles, lockers, desks and rooms for drugs/alcohol and related paraphernalia, dangerous weapons, Randolph County property or property of other employees. Items discovered through such searches may be turned over to law enforcement authorities.
- (2) Employees must notify Randolph County within **five (5) days** of any criminal drug statute conviction.
- (3) Randolph County, with the development and implementation of this policy, is making a good faith effort to maintain a drug/alcohol-free workplace.
- (4) The Designated Employer Representatives responsible for receipt of testing results and removal of employees from safety sensitive functions when they violate this policy are Sheriff or Sheriff Chief Deputy.
- (5) Employees who have questions about this policy or would like more information regarding the effects of alcohol misuse and controlled substances on an individual's health, work and personal life, signs and symptoms of an alcohol problem, and available methods of intervening when an alcohol and/or controlled substance problem is suspected should contact the Randolph County Sheriff.

**(Ord. No. 20-01; 01-24-20)**

**11-3-11 SAFETY.** The County and the employee bear a dual responsibility in relation to safety. The County will provide training, equipment and the like to maintain on-the-job safety for its employees and it is our expectation that all employees will carry out their job duties in the safest possible manner and pursuant to all safe work rules and policies. Employees with specific job safety criteria will be given Safety Manuals and equipment by their Department Head. Any employee who observes a work activity being performed in violation of County safety policies has an obligation to report it to a Departmental Head immediately as it may save an employee or resident from injury.

To assure safety within the Courthouse there are metal detectors at the front entrance of the Courthouse building. Anyone, employee or visitors, will be required to pass thru the detectors if they enter through these doors.

To increase the safety of our work environment extension cords and power strips, must be pre-approved by a Department Head before use. Candles are prohibited in the workplace.

**11-3-12 SMOKING.** In compliance with the Smoke-Free Illinois Act, Randolph County prohibits tobacco use on the County Courthouse Campus including the parking lots. Smoking is prohibited in any area under the control of Randolph County that employees are required to enter, leave or pass through during the course of employment. These areas include, but are not limited to, offices and work areas, restrooms, conference rooms and classrooms, break rooms and cafeterias and other common areas. Smoking is prohibited within 15 feet of any entrance, exit, windows that open or ventilation intake. Smoking also is prohibited in any vehicle owned, leased or operated by the County.



**11-3-13 DRESS AND PERSONAL APPEARANCE.**

(A) **Office Staff.** The standard dress code for Randolph County is "business casual". All employees should present a neat and dignified appearance while performing their job. We recommend that employees follow the business standard for that dress style which includes dockers or dress pants, polo style shirts, dress slacks, dresses, skirts, blouses, sweaters, and business casual shoes (open or close toed). T-shirts, sweatshirts, jeans, flip-flops, and tennis shoes, for example, are not acceptable. Logo apparel is not appropriate unless the logo is department specific. Clothing that does not present a professional image because it is torn, unwashed, wrinkled exceptionally revealing, short, snug fitting, or low-cut, will not be considered appropriate. Our goal is a well-groomed, professional appearance appropriate to our County's image. If you have any questions regarding what is appropriate, consult with your Department Head. If a Department Head feels that an employee has worn something truly inappropriate that employee may be asked to leave work and return dressed in accordance with our dress code. Their time off the job will not be paid.

(B) **Departmental Codes.** Certain positions (Maintenance, Animal Control...) and Departments (Highway, Sheriff...) will have specific dress or uniform codes. You will be notified of Departmental Dress Codes for those positions in New Employee Orientation.

In addition to appropriate attire, it is every employee's responsibility to practice good grooming and personal hygiene.

**11-3-14 PROFESSIONAL CONDUCT.** Each employee holds a position of public trust and is expected to conduct themselves in a responsible, professional manner, refraining from conduct which could adversely affect the confidence of the public. In addition, good relations with co-workers, other departments and offices of the County, and public agencies are essential to the County serving its citizens. This requires that employees conduct themselves and business activities in a professional and courteous manner. Unprofessional, and therefore unacceptable, conduct may result in disciplinary action up to and including termination. The following examples cannot cover every type of *seriously inappropriate* employee misconduct but illustrate conduct that may result in termination depending upon the circumstances:

- Insubordination – Refusal to carry out supervisory instruction/s
- Violation of Alcohol / Drug policy
- Disrespectful treatment based on sex, race, color, religion, age, national origin, or disability or any other legally protected class
- Threatening a manager, co-worker, resident or contractor
- Disruptive behavior, including fighting and loud, verbal language
- Possession of weapons, explosives or the like on County premises or on County business unless job specific or expressly permitted by law
- Harassment of employee, resident, or contractor
- Falsification of records
- Unauthorized use of County property ( e.g. vehicles, equipment and the like), use or consumption of County property for personal purposes, or removal of County property without authorized approval
- Other conduct that could be considered illegal, dishonest, or counterproductive to the best interest of the County, its residents or its employees

**11-3-15 MALFEASANCE.** All employees of the County have a commitment to the residents of our County. Malfeasance by a public official means committing an illegal act in conjunction with their official duties and includes, but is not limited to, willful:

- Misappropriation of resources
- Failure to report fraud or unlawful actions
- Offering or accepting bribes
- Misuse of the power of the position

Employees who commit malfeasance are subject to disciplinary action up to and including termination and may also be subject to legal action by the County. In addition, it is the County's expectation that employees report any incidents of reasonably suspected malfeasance, misfeasance (mistakes in performance), or any such misconduct to their Department Head or the County Board. Employees who fail to follow this policy are subject to disciplinary action up to and including termination.

**11-3-16      YOUR PERSONNEL RECORDS.** It is your responsibility to promptly notify the County in writing of any changes in personal data, such as home address, telephone numbers, change in marital status, number and names of dependents and individuals to be contacted in the event of an emergency.

**11-3-17      RETURN OF COUNTY PROPERTY.** Employees must return all County property immediately upon request or upon termination of employment. The County reserves the right to pursue legal action to recover County property.

Equipment and "job aids" (such as telephones, keys, fax and copy machines, computers...) are provided to the employee to adequately perform his or her job, but such equipment remains the property of the County. Employees will be held responsible for their safe keeping of any County property assigned to them. Employees may use County property to perform County work and County property is not to be lent or duplicated for use by unauthorized individuals. County property which is lost or stolen must be reported to the Department Head immediately. Employees are expected to take reasonable steps to keep items secure. Employees should not leave portable devices like phones, laptops, tablets, keys and the like unattended. Electronic devices must be password-protected and locked whenever not in use.

Personal calls on County phones may be made on personal time but only in response to urgent issues. Such calls should be kept to a minimum and brief in nature. Calls made on County phones should never be long distance or toll calls. If an employee is found to be making calls in violation of this policy they will be charged actual billing costs plus administrative fees for the County's processing. They will also be subject to disciplinary action up to and including termination.

**11-3-18      RESIGNATION.** An employee who decides to resign is requested (but not required) to notify their supervisor two weeks prior to their last day of work. Per policy, the employee will not be permitted to schedule time off, e.g., vacation, during this notification period. Exceptions will only be considered under serious and unusual circumstances.

**ARTICLE IV – POLICIES REGARDING PERFORMANCE AND COMPENSATION**

**11-4-1**      **PERFORMANCE EVALUATIONS.** Randolph County believes that every employer's most valuable asset is a skilled and motivated work force. Our reputation for excellent service depends upon our exceptional employees. Therefore our performance evaluations are designed to promote communication between the employer and the employee during which valuable feedback is exchanged and goals are set. Our compensation policy is designed to fairly compensate all employees in accordance with sound financial principles.

Performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss approaches for meeting goals. Employees are expected to meet or exceed County expectations with respect to every aspect of their job including but not limited to quality, quantity, timeliness, attendance, safety, and the like.

Every new employee will typically be reviewed for performance monthly during their Introductory Period. Reviews will then generally be performed annually on or about the employee's anniversary date.

Evaluations will be performed by the employee's immediate supervisor and shall be completed within **thirty (30) days**. Evaluations will be kept in the Human Resource Office and a copy also can be kept in the files of Election Officials/Department Heads' office as well.

**11-4-2**      **DISCIPLINARY ACTION.** Employees are expected to meet or exceed County expectations with respect to job performance. Our goal is a safe, productive, and harmonious environment for employees and citizens alike. When an employee violates County policy or is not performing up to expectations, we will make efforts to coach that employee and communicate how they may improve their performance. Generally, corrective action will be taken by the employee's Department Head as soon as possible after the event, or the Department Head's knowledge of the event, allowing reasonable time for investigation when necessary. While the County may follow a policy of progressive discipline, it is not obligated to do so. The County reserves the right to evaluate each case based upon its individual circumstances, and to bypass any or all steps in the progressive discipline policy and proceed to more severe discipline or termination in its sole discretion.

(A)      **Oral Reprimand.** For minor or first time issues a manager may speak with the employee regarding the performance issue, clearly stating the problem and what action the employee needs to take to correct the situation. A record of the oral reprimand may be made in the employee's personnel file.

(B)      **Written Reprimand.** For more serious or repeated issues a manager will complete a Record of Employee Disciplinary Action and meet with the employee to discuss the performance issue, clearly stating the problem and what action the employee needs to take to correct the situation. The form becomes a part of the employee's official personnel records.

(C)      **Written Reprimand with Probation.** There may be times when an employee's performance is so far below expectations or the incidents are so frequent that they are placed on probation; this status indicates that the employee's job is in jeopardy and, without improvement, further action up to and including termination will be taken. A manager will complete a Record of Employee Disciplinary Action and meet with the employee to discuss the performance issue, clearly stating the problem, what action the employee needs to take to correct the situation, and the length of the probationary period. The form becomes a part of the employee's official personnel records.

(D) **Suspension.** While determining whether a violation has occurred or not, the County reserves the right to suspend an employee with or without pay while fact-finding occurs. If no violation is found to have occurred, the employee suspended without pay will be reinstated and will be paid for the period of the suspension.

Employees seeking reassessment of the disciplinary action must do so in accordance with the County's Appeal process and/or their contracted Union grievance procedures.

**11-4-3 PAYROLL.** Randolph County pays bi-weekly (26 paychecks per year). Pay Days will be every other Friday (bi-weekly). Checks will be distributed on the pay date unless it falls on a Holiday and then they will be distributed the workday prior to the pay date. The County encourages employees to have their payroll funds deposited directly into a bank account of their choice due to its convenience and safety.

The County does not provide pay advances to employees.

Non-exempt employees must keep accurate time records of the actual hours they work. Falsification or alteration of time records will result in termination.

**11-4-4 OVERTIME.** Exempt employees receive a salary and are not paid overtime for hours worked over 40 hours in a workweek.

FLSA regulations state that non-exempt employees receive overtime pay at the rate of **one and one-half (1 ½) times** their regular hourly rate for all hours actually worked beyond **forty (40) hours** in a workweek. However Randolph County will exceed FLSA regulations and include holidays, vacation and other time off when determining the total hours for the week and pay overtime, or issue compensatory time, based upon those total hours. Non-exempt employees must receive permission and approval to work overtime; working overtime without permission can lead to counseling, up to and including termination.

Based upon budgetary constraints and concern for an employee's work / life balance the County will avoid overtime hours whenever possible. However there will be times when overtime will be a necessity due to workload requirements and it will be an essential function of the job when necessary. Normally it will be assigned to the individual/s whose job description/s entails the responsibility of the duty.

**11-4-5 COMPENSATORY TIME.** The County has a compensatory time policy which applies to employees in non-exempt job classifications. Compensatory Time will generally be utilized in lieu of overtime pay and will be earned at one and one half hours for every hour worked over **eight (8)** in a work day or for every hour worked over **forty (40)** within a work week. Following are the guidelines of the policy:

(A) The comp time must be pre-approved by an Elected or Appointed Official prior to scheduling.

(B) Compensatory time should be scheduled at the earliest possible date after the work is performed that is agreeable to the employee and at the approval of the Department Head.

(C) Compensatory time may not be carried over from year to year.

(D) Compensatory time that has not been utilized at the time the employee severs employment with the County shall be paid out at the employee's current hourly rate of pay.

(E) Any compensatory time that has not been used at the end of fiscal year will be paid out to the employee.

**11-4-6 TIME REPORTING.**

(A) As stated in the previous section, employees are paid bi-weekly, every other Friday. There is a cut-off date prior to each payroll by which time the Human Resource Office must submit pay data in order to pay employees by the pay date. Therefore Department Heads must submit all pay information no later than **4:00 P.M.** on the first Friday following the end of a pay period.

(B) Non-Exempt employees are to complete Time Sheets on a daily basis detailing time on and off the job for work hours, training, paid time off (vacation, illness...), etc. Your paycheck is prepared based on the hours recorded on the time sheets; therefore they must be complete and accurate. If you make an error on the sheet or forget to record a time, speak with your Department Head for assistance in making corrections. The sheet must be signed by you and your Department Head prior to submission to payroll to indicate approval of your time to be paid.

(C) If non-exempt employees have taken time off within a week a Record of Time Off Form should accompany their weekly time sheet. The Record should detail what type of time off was taken (Vacation, Illness, Bereavement...) and whether the time should be paid or unpaid (i.e. Illness without accrued time would be unpaid, accrued vacation would be paid, paid holiday, etc.). Exempt employees should also submit the form so that time off can be entered for record keeping purposes and balanced to accrual records. Department Heads shall keep and submit attendance records to the Human Resource Office with pay period timesheets. These records will be used as the ultimate authority regarding time off balances.

(D) Any entry on your time sheet that does not follow normal procedures should be explained and initialed by you and your Department Head.

(E) Recording another employee's time without management authorization or falsification of your own time record or someone else's time record is extremely serious misconduct and will be grounds for discipline, up to and including termination.

**11-4-7 EXPENSE REIMBURSEMENT.** The County has a policy for reimbursing employees for expenses that result from approved business activities such as travel, training, errands, etc. Prevailing rates and guidelines will be determined by the Board. Reimbursement is dependent upon prior approval by the employee's Department Head. The policy details expenses related to:

- Lodging, airfare, rental cars & auto expenses
- Business Meals (excluding alcoholic beverages)
- Other – Approved expenses incurred in relation to business purposes

Requests for reimbursement shall be submitted on a Randolph County Travel Reimbursement form and must be submitted within sixty (60) days of the date expenses were incurred. IRS Guidelines for reimbursement require that expenses meet the following criteria:

- Ordinary and necessary in business, not lavish or extravagant
- Supported by the original receipt
- Documented and approved per the business purpose

**ARTICLE V – POLICIES REGARDING YOUR BENEFITS**

**11-5-1 INSURANCE BENEFITS.** The County sponsors various group insurance plans. Eligible participants include all regular full-time employees who have been employed for **thirty (30) days** and coverage begins on the first of the month after **thirty (30) days**. Dependent coverage will be an option for some of the plans. All of these plans are at the employee's option and some require that the employee pay a portion of the premium if they wish to be covered while others are provided to the employee by the County at no cost. Payroll deductions for the employee portions of premiums are made under a Federal 125 filing, meaning they are made on a pre-tax basis, lowering your taxable gross income. Specifics of coverage, employee contributions, etc. are provided in the benefit booklets, which you will receive in New Employee Orientation and upon enrollment or at any time from the County's Human Resource Office. The County reserves the right to change insurance plans and benefits as business needs necessitate.

Randolph County will comply with the Affordable Care Act for its employees.

**11-5-2 DEFERRED COMPENSATION PLAN.** The County currently has a Deferred Compensation Plan to provide eligible employees the opportunity to make investments toward their future financial security for retirement. Complete details of the plan are described in the Summary Plan Description (SPD) provided to eligible employees. Because your contribution to the plan is automatically deducted from your pay before federal and state tax withholdings are calculated, you save tax dollars now by having your current taxable gross income reduced.

**11-5-3 ILLINOIS MUNICIPAL RETIREMENT FUND (IMRF).** Once an employee reaches eligibility qualifications they are required to participate in the IMRF plan. Information regarding the plan, eligibility, etc. will be provided to employees in New Employee Orientation or at any time from the Human Resource Office. If an employee participates in IMRF, upon attaining benefit eligibility, payments are in addition to Federal Social Security payments.

**11-5-4 ADDITIONAL BENEFITS OF EMPLOYMENT.** As an employee of Randolph County there may be other benefits for which you may be eligible, such as voluntary Life, Disability Insurance or the like. The benefits themselves, the qualifications, and paperwork (if required) will be discussed with you during New Employee Orientation.

**11-5-5 PAID TIME OFF BENEFITS.**  
**(A) Vacation Policy. Full time permanent employees:** After an employee completes **twelve (12) months** of continuous service they are eligible to take paid vacation according to the following schedule:

**YEARS of SERVICE**

**DAYS EARNED**

Date of Hire to Anniversary Date	5 Days
2 <sup>nd</sup> Year	5 Days
3 <sup>rd</sup> – 4 <sup>th</sup> Years	10 Days
5 <sup>th</sup> – 8 <sup>th</sup> Years	15 Days
9 <sup>th</sup> Year	17.5 Days
10 <sup>th</sup> – 15 <sup>th</sup> Years	20 Days
16 <sup>th</sup> + Years	25 Days

A year of service begins on the employee’s date of hire, which is defined as their Anniversary Date. The **twelve (12) month** vacation year runs from an employee’s Anniversary date in one year to their Anniversary date of the following year. An employee earns vacation time in the prior year and it is available to be taken in the following year. For that reason an employee earns vacation during their first year of employment but may not take the vacation days off until the second year of service. Days of vacation earned in the prior service year will be credited to the employee during the month following their Anniversary Date each year. Vacation time, by policy, must be taken within the employee’s anniversary year and may not be carried over (accrued).

Upon termination, employees will be paid for vacation time that was earned but not used.

If a need arises for which an employee requires time off during their first year of employment they may request it of their Department Head. If approved, time off will be granted without pay since paid vacation time cannot be taken during their first year of employment.

To assist management to maintain a consistent work force and for employees to have the best selection of vacation time it is highly recommended that the employee request vacation time from their supervisor as far in advance as possible. All vacation time must be scheduled with the employee’s Department Head, or designee, and must be approved before taken. Department Heads are aware of the appropriate staffing levels required to maintain departmental operations and will not be able to approve vacation time if it draws their staffing below that appropriate level.

(B) **Days Without Pay.** The County realizes there may be unusual circumstances whereby an employee requires additional time off in a given year once they have utilized all their accrued vacation, personal, and comp days. In that instance an employee may request up to an additional “6” days of unpaid time off in a given year. The time must be scheduled in advance and requires the approval of their Department Head.

(C) **Personal Days.** Randolph County wishes to provide employees with additional time off for “life issues” which really are not categorized as “vacation” or “illness”. For example Parent/Teacher conferences, scheduled car repairs, legal hearings, etc. Therefore we provide additional time off through our Personal Day policy.

Full time permanent employees are eligible for personal days according to the following schedule:

Date of Hire to 1 Year	4 Days (Pro-Rated from Date of Hire)
1+ Years	4 Days

You are required to schedule the day with your Department Head, or designee, in advance just as you would vacation. The days shall be used within the calendar year (they do not carry over) and are not paid out upon termination.

Employees will be granted an additional personal day during even numbered years in lieu of working General Election Day.

(D) **Paid Time Off for Sickness.** Full Time Permanent and Introductory employees will earn paid time off for sickness at the rate of **eight (8) hours** for each full month of completed service. The County has the right to expect good attendance and wishes to reward those employees who make every effort to be on the job consistently therefore an employee's unused hours of sick time may be accrued from year to year up to a maximum of **sixty (60) days (four hundred eighty (480) hours)**. Employees who exceed the maximum accrual will annually have the option of; (1) Receiving payment for the days, or (2) Depositing the cash value of the days into their Section 457 Deferred Compensation Plan. That deposit has the benefit of not being subject to regular federal and state payroll taxes. The cash value of the payment or deposit will be calculated at the rate that the employee earned the time in the previous fiscal year.

Employees who have not exceeded the maximum accrual will also be given the option of annually depositing the cash value of up to **two (2) days** of accrued sick time into their Section 457 Deferred Compensation Plan. That deposit has the benefit of not being subject to regular federal and state payroll taxes. The cash value of the deposit will be calculated at the rate the employee earned the time in the previous fiscal year.

(E) **Definition.** Paid time off for sickness is a benefit given to employees under the following circumstances:

- An employee cannot perform their duties or may infect others within the workforce
- A member of the employee's immediate family requires their care (for example a child or spouse) and other arrangements have been attempted but cannot be made.
- Medical or dental appointments for the employee or an immediate family member.

**Immediate Family:** Includes, for purposes of this policy, spouse, parent, sibling, child, or individuals for whom the employee has custodial or financial responsibility.

(F) **Notification.** In order to be paid for sick time an employee must notify their Department Head, or designee, as soon as feasible for planned events (i.e. minor elective surgery, medical testing, Doctor's appointments, and the like). For unplanned sickness (i.e. colds, flu, accidents, and the like) the employee is to notify their Department Head at least one hour prior to the start of the shift or as soon as possible in case of emergency. (Refer to Attendance/Punctuality on page 10 for further policies re: reporting). If policy is not followed regarding reporting absence due to sickness the absence will be designated as "unauthorized" and subsequently will not qualify for paid sick time. In addition the employee may be subject to disciplinary action up to and including termination.

If an employee is off of work 6 or more consecutive days due to illness they must supply medical certification stating the nature of the illness and that they have been released by their physician to return to work. This certification should be turned into the Department Head upon their return and before beginning work.

(G) **Resignation Pay Out.** Employees whose date of hire is after December 1, 2008 and who choose to resign will have two options. They may be paid out their accrued sick time, up to a maximum of **sixty (60) days (four hundred eighty (480) hours)**, thru regular payroll cycles. Or they may elect to deposit the cash value of their accrued sick time up, to a maximum of **sixty days (four hundred eighty (480) hours)**, into their Section 457 Deferred Compensation Plan in lieu of receiving cash payment. That deposit has the benefit of not being subject to regular federal and state payroll taxes. The cash value of the payment or deposit will be calculated at the rate the employee earned the time in the previous fiscal year. Their termination date will be their resignation date and all other employee benefits shall cease effective that date.



(H) **Retirement Pay Out.** Employees whose date of retirement is after **December 1, 2008** will have two options. They may be paid out their accrued sick time, up to a maximum of **sixty (60) days (four hundred eighty (480) hours)**, in one lump sum payment. Or they may elect to deposit the cash value of their accrued sick time, up to a maximum of **sixty (60) days (four hundred eighty (480) hours)**, into their Section 457 Deferred Compensation Plan in lieu of receiving cash payment. That deposit has the benefit of not being subject to regular federal and state payroll taxes. The cash value of the payment or deposit will be calculated at the rate the employee earned the time in the previous fiscal year. Their termination date will be their retirement date and all other employee benefits shall cease effective that date.

Employees who are involuntarily discharged from employment for cause shall not be paid out accrued sick time.

(I) **Policy Abuse.** In order for the County to meet the obligations of its residents it is imperative that we have a dependable and consistent workforce. Work priorities are more easily managed around scheduled time off whereas unscheduled, unpredictable time off makes it extremely difficult for the County to meet its obligation to the citizenry. Subsequently, good attendance is an essential function of employment, regardless of the amount of paid sick time the employee has accrued. Therefore abuse of this policy is taken very seriously by Randolph County and an employee abusing this policy will be subject to disciplinary action, up to and including termination.

**11-5-6 FAMILY MEDICAL LEAVE.** Randolph County complies with and provides to eligible employees up to twelve (12) weeks of unpaid leave in a rolling **twelve (12) month** period, measured backwards from the date of leave, for designated family and medical reasons. This leave is granted for one or more of the following reasons:

- The birth of a newborn son or daughter or the placement with the employee of an adopted son or daughter or a child for foster care.
- To care for the employee's spouse, son or daughter, or parent who has been diagnosed with a serious health condition (as defined by federal regulations).
- Due to an employee's own diagnosed serious health condition, a condition that has rendered the employee unable to perform the functions of their position under normal working conditions (as defined by federal regulations).
- A "qualifying exigency" arising from the fact that the spouse, child, or parent of the employee is on covered active duty or call to covered active duty as defined by applicable federal regulations. Qualifying exigencies may include the following as defined by federal regulation: short notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, prenatal care, and additional activities arising out of the military member's covered active duty or call to covered active duty status as agreed by employer and employee.

The terms "son" or "daughter" are defined as biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under **eighteen (18) years** of age or **eighteen (18) years** of age or older and incapable of self-care because of a mental or physical disability. An employee stands in loco parentis to a child when the employee intends to assume the responsibilities of a parent with regard to the child through either day-to-day care or financial support.

The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing

treatment by a health care provider for a condition that either prevents the employee from performing the function of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than **three (3) consecutive calendar days** combined with at least **two (2) visits** to a health care provider or one visit and a regiment of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

To be eligible the employee must meet all of the following conditions:

- Been an employee of the County for a minimum of **twelve (12) months** (need not be consecutive except for breaks in service of **seven (7) years** or more)
- Have worked at least **one thousand two hundred fifty (1,250) hours** during the **twelve (12) month** period immediately preceding the commencement of a requested leave.
- Work at a site with **fifty (50)** or more employees within **seventy-five (75) miles**.

(A) **Notification.** The standard advance notification to the employer for *foreseeable* leave is **thirty (30) days**. If leave is necessitated by an emergency or if **thirty (30) days' notice** is not possible due to lack of knowledge of approximately when the leave will begin or due to a change in circumstances, notification to the County is required as soon as possible. If the leave is requested for a "qualifying exigency" the employee must notify the employer of their request for leave as soon as is "reasonable and practicable" upon learning of the necessity for leave.

(B) **Certification.** If the leave is necessitated by the serious health condition of the employee or their spouse, son or daughter, or parent then medical certification is required prior to the commencement of the leave or as soon as is practical after the leave begins (maximum of **fifteen (15) working days** from receipt of Notice of Rights and Responsibilities). The employee may be requested to recertify the condition consistent with applicable regulations. If the leave is for a "qualifying exigency" the employee shall be required to provide certification that the service member is on, or has been called to, active duty.

(C) **Benefits.** The employee's health coverage/s will be maintained on the same basis as if the employee was not on leave and the employee will be required to pay their contributory amount where applicable. An employee will be required to use accrued Vacation or Sick Time concurrently with FMLA leave. All other employment benefits that were accrued prior to taking the leave and which were not used concurrently with FMLA leave will be held in abeyance until the employee returns from leave. An employee will not continue to accrue benefits while on leave. Paid time off (e.g. vacation and sick time) will begin to be earned again when the employee returns to work per County / Departmental policies.

If the employee was required to pay a portion of premiums for health insurance while on leave, payment is expected to be made in the same amounts and at the same time (i.e. each payroll date) as was made while working. If any payment is more than **thirty (30) days** late, medical coverage may be canceled after **fifteen (15) days** written notice pursuant to federal regulation.

An employee can elect not to continue medical coverage while on leave. If this election is made, the County will place coverage into COBRA.

If coverage is continued while on FMLA leave, and the employee does not return to work at the end of the FMLA leave period, the County will bill the employee for the amount of premiums paid by the County during the leave period unless the employee does not return to work for a reason exempted from this provision by federal regulation.

(D) **Use of Paid Time Off.** Employees who request Family and Medical Leave will be required to use accrued Sick Time or Vacation as part of the leave. This provision is enacted to provide as consistent a workforce as possible upon completion of leaves. Leaves taken that qualify for FMLA status will be counted toward the **twelve (12) month** benefit, regardless of the employee's request.

(E) **Married Couples Working For Randolph County.** A husband and wife who both work for the County are permitted to take a combined total of **twelve (12) weeks** (circumstances 1-2) or **twenty-six (26) weeks** (circumstance 3) of leave during any **twelve (12) month** period under the following circumstances:

- (1) Birth of a child (12 weeks)
- (2) Placement of an adopted or foster child (12 weeks)
- (3) Military Caregiver Leave (26 weeks)

(F) **Intermittent Leave or Reduced Work Schedules.** When leave is necessitated by the employee's, or eligible family members', serious health condition, a qualifying exigency, or as a military caregiver it may be taken intermittently or on a reduced schedule at the employee's request and upon submission of proper certification. It is the employee's obligation to make a reasonable effort to schedule treatments so as not to unduly disrupt the County's operations. (For example; weekly dialysis treatments, reduced work schedules while recovering from a heart attack or surgery, or intermittent leave while acting as a caregiver).

(H) **Reinstatement.** Per FMLA requirements the employee will be able to return to the same job, or a job with equivalent status, pay, benefits and other employment terms upon return from leave. The County, however, reserves the right to deny restoration to "key employees" as defined by the FMLA regulations where restoration will cause "substantial and grievous economic injury" to the operations of the County.

Employees taking leave for their own serious health condition will be required to submit a medical certification of fitness to return to duty signed by the attending health care provider before the employee will be allowed to return to work. Failure to comply with this requirement does not extend the leave.

(I) **Concurrent Benefits.** As stated above, employees will be required to use accrued paid sick time and vacation benefits concurrently with FMLA benefits. When employees also qualify for time off under the Worker's Compensation Act and / or Short Term Disability policy, such leave will also run concurrently with FMLA leave. Please note that whether an employee qualifies for Worker's Compensation or Short Term Disability is governed respectively by the Worker's Compensation Act or the provisions of the Short Term Disability Policy.

**11-5-7 FAMILY MEDICAL LEAVE FOR A MILITARY CAREGIVER.** An eligible employee who is the spouse, child, parent or next of kin of a "covered service member" who is recovering from, or undergoing treatment for, an illness or injury defined as "serious" by federal regulation and sustained or aggravated while in the line of active duty is entitled to up to **twenty-six (26) weeks** of leave during a rolling **twelve (12) month** period to care for the service member. For FMLA leave requests to care for a covered service member, the single **twelve (12) month** period begins to run on the first day of eligible employee takes FMLA leave.

(A) **Definitions for Purposes of this Leave.** The County will comply with the definitions of "serious illnesses and injuries" and "covered service members" as stipulated by the National Defense Authorization Act of 2008 as amended in 2010.

(B) **Notification.** The employee must notify the employer of their request for foreseeable leave at least **thirty (30) days** in advance of the leave or, if unforeseen, as soon as is "reasonable and practicable" after learning of the necessity for leave.

(C) **Certification.** The employee shall be required to provide certification from the service member's healthcare provider that the service member qualifies as covered and has suffered a serious illness or injury per the definitions of the Act as cited above. Employees taking leave to care for a covered service member may provide an invitational travel order (ITO) or an invitational travel authorization (ITA) in lieu of the certification for the leave taken through the expiration of the ITO or ITA.

(D) **Combination of Leave Time.** If an employee needs both forms of leave, Family Medical Leave and Family Medical Leave for a Military Caregiver, during the same **twelve (12) month** period the total combined leave shall not exceed **twenty-six (26) weeks**.

All other Family Medical Leave policies regarding Benefits, Use of Paid Time Off, Reinstatement, and Concurrent Benefits, shall be applicable to Family Medical Leave for a Military Caregiver.

(E) **Exhaustion of Family Medical Leave.** An employee who is not released by their health care provider to return to work or does not elect to return to work at the end of the **twelve (12) weeks** of Family and Medical leave and who does not choose to resign may be placed on "Inactive" status. If, upon exhaustion of FMLA leave, an employee is unable to perform the essential functions of his or her position as a result of a disability covered by the Americans with Disabilities Act or due to medical or common conditions related to pregnancy or childbirth, the employee is encouraged to request a reasonable accommodation. The County is committed working with any such employee to find a reasonable accommodation that will allow the employee to perform the essential functions of his or her position.

An employee who is placed on "Inactive" status is removed from the County's payroll, will not accrue additional benefits, and will no longer be entitled to job restoration rights but is "in good standing". Inactive status will end at the earliest of the following:

- (1) The individual resigns from their position
- (2) The individual is released by their health care provider and/or reapplies for an open position
- (3) The individual begins to receive total or permanent disability
- (4) The individual has been on inactive status for the maximum of **one (1) year**

If the individual is released by their health care provider and requests to return to work they may reapply for an open position for which they are qualified. Such employees who apply for an open position must meet the minimum qualifications for the position and will be given the same consideration for employment afforded other candidates with similar qualifications. An employee who is re-hired within **one (1) year** of being placed on "Inactive" status will maintain all seniority rights to which they were entitled in their previous position.

(F) **Insurance Continuation.** "Inactive Status" is a "reduction in hours" and thus a qualifying event for purposes of insurance continuation. In this situation an eligible employee will be offered continuation, pursuant to COBRA and/or IMRF to maintain their coverage. All regulations and obligations pertaining to continuation will be communicated to the employee at that time. Continuation is at the employee's option and the full premium is the employee's obligation.

(G) **Unlawful Acts under FMLA.** The FMLA makes it unlawful for an employer to:

- (1) Interfere with, restrain or deny the exercise of any right provided under FMLA.
- (2) Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

(H) **Enforcement.** An employee may file a lawsuit with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

(I) **Non-FMLA Medical Leave.** There may be instances when a leave is requested and either the employee or the circumstances do not qualify for FMLA leave, nevertheless the need is of an urgent nature. In that instance an employee is required to complete a "Request for Leave of Absence" form and have their or their family member's health care provider complete a Health care provider's Certification both of which are to be submitted to the Human Resource office.

Approvals of leave is within the discretion of Elected Official. But, in no instance will leaves of this nature be approved for more than an **eight (8) week** period.

(J) **Use of Paid Time Off.** Employees who request Non-FMLA Leave will be required to use earned Vacation, Personal, Sick and/or compensatory time off as part of the leave. An employee will not earn any such benefits while on leave. Time off will begin to be earned again when the employee returns to work, per County policies. This provision is enacted to provide as consistent a workforce as possible upon completion of leaves. Once paid time off is exhausted the remainder of the leave will be unpaid by the County.

(K) **Reinstatement.** A health care provider's "Release to Return to Work" must be presented to the County's Human Resource's Department on the employee's first day back on the job if the employee took leave for his or her own medical condition, without which they will not be allowed to work.

(L) **Exhaustion of Non-FMLA Medical Leave.** The County will not be able to grant further periods of non-FMLA medical leave beyond this **eight (8) week** period. Thus an employee who is not released by their health care provider to return to work at the end of the **eight (8) week** period will be placed on "Inactive" status. If, upon exhaustion of Non-FMLA medical leave, an employee is unable to perform the essential functions of his or her position as a result of a disability covered by the Americans with Disabilities Act or due to medical or common conditions related to pregnancy or childbirth, the employee is encouraged to request a reasonable accommodation. The County is committed working with any such employee to find a reasonable accommodation that will allow the employee to perform the essential functions of his or her position.

An employee on "Inactive" status is removed from the County's payroll, will not be eligible to accrue any additional benefits, and will no longer be entitled to job restoration rights but they are "in good standing". Inactive status will end at the earliest of the following:

- (1) The individual resigns from their position,
- (2) The individual is released by their health care provider and is capable of returning to the job
- (3) The individual begins to receive total or permanent disability from Social Security Disability
- (4) The individual has been on leave for a maximum of **one (1) year**

If the individual is released by his/her health care provider and requests to return to work the inactive employee may reapply for any open position for which they are qualified. An

inactive employee that applies for an open position must meet the minimum qualifications for the position and will be given the same consideration for employment afforded other candidates with similar qualifications. An employee who is re-hired within **one (1) year** of being placed on "Inactive" status will maintain all seniority rights to which he/she was entitled in the employee's previous position.

(M) **Insurance Continuation.** Employees who qualify will be offered continuation coverage under COBRA and/or IMRF Continuation. All rights and obligations pertaining to this program will be communicated to the employee at that time. Continuance is at the employee's option and the employee will be obligated to pay the full premium plus any applicable administrative fee.

**11-5-8 UNPAID LEAVE FOR EMPLOYEES DUE TO DOMESTIC AND SEXUAL VIOLENCE VICTIM'S ECONOMIC SECURITY AND SAFETY ACT (VESSA).**

(A) The County will provide up to **twelve (12) weeks of unpaid leave** from work to an employee who is a victim of domestic or sexual violence (or who has a family or household member who is a victim of domestic or sexual violence) to address domestic or sexual violence if the employee is:

- (1) **seeking medical attention** for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
- (2) **obtaining services from a victim services organization** for the employee or the employee's family or household member;
- (3) **obtaining psychological or other counseling** for the employee or the employee's family or household member;
- (4) **participating in safety planning, temporarily or permanently relocating**, or taking other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or
- (5) **seeking legal assistance or remedies** to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

"Family or household member" means a spouse, parent, son, daughter, other person related by blood or by present or prior marriage, other person who shares a relationship through a son or daughter, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the domestic or sexual violence.

"Parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

(B) **Period of Leave.** Employee shall be entitled to a total of **twelve (12) workweeks (note that employers with less than fifty (50) employees can provide eight (8) weeks instead of twelve (12))** of unpaid leave during any **twelve (12) month** period. (This policy does not create a right for an employee to take unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to the unpaid leave time permitted by,

the federal Family and Medical Leave Act.) Leave may be taken intermittently or on a reduced work schedule.

(C) **Existing Leave.** The employee may use any available paid or unpaid leave (including family, medical, sick, annual, personal, etc.) from employment, pursuant to federal, State or local law, a collective bargaining agreement, or an employment benefits program or plan, in substitution for any period of such leave for an equivalent period of leave.

(D) **Employee Notice Requirements.** The employee shall provide the County with **at least forty-eight (48) hours' advance notice** of the employee's intention to take the leave, unless providing such notice is not practicable. When an unscheduled absence occurs, the County will not take any action against the employee if the employee, **within a reasonable period after the absence** (generally defined herein as **fifteen (15) days**) provides certification as shown under the next section.

(E) **Employee Certification.** The County may require the employee to provide certification to the County that:

- (1) the employee or the employee's family or household member is a victim of domestic or sexual violence; and
- (2) the leave is for one of the purposes enumerated in the first paragraph above.

The employee shall provide such certification to the County within a reasonable period after the County requests certification.

An employee may satisfy the above certification requirement by providing to the County a **signed and dated statement** of the employee, and upon obtaining such documents the employee shall provide:

- (1) **documentation** from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee or the employee's family or household member has sought assistance in addressing domestic or sexual violence and the effects of the violence;
- (2) a **police or court record**; or
- (3) other corroborating evidence.

(F) **Confidentiality.** All information provided to the County, including a statement of the employee or any other documentation, record, or corroborating evidence, and the fact that the employee has requested or obtained leave pursuant to this policy, shall be **retained in the strictest confidence by the County**, except to the extent that disclosure is: (1) requested or consented to in writing by the employee; or (2) otherwise required by applicable Federal or State law.

(G) **Restoration to Position.** In general, an employee who takes leave under this policy shall be entitled, on return from such leave:

- (1) to be restored by the County to the position of employment held by the employee when the leave commenced; or
- (2) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

(H) **Loss of Benefits.** The taking of leave under this policy shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. An employee may elect to substitute available paid leave any period of leave under this policy. An employee will not be required to substitute available paid leave for the leave provided under this policy.

An employee who takes leave under this policy for the intended purpose of the leave shall be entitled upon return from such leave to be restored to the same position or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

However, the employee is not entitled to:

- the accrual of any seniority or employment benefits during any period of leave; or
- any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.

(I) **Reporting to the County.** The County may require an employee on leave under this policy to **report periodically to the County** on the status and intention of the employee to return to work.

(J) **Maintenance of Health Benefits.** Except as provided under "Loss of Benefits," during any period that an employee takes leave under this policy, the County shall maintain coverage for the employee and any family or household member under any group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of such leave.

(K) **Failure to Return From Leave.** The County may recover the premium that the County paid for maintaining coverage for the employee and the employee's family or household member under such group health plan during any period of leave under this policy if:

- (1) the employee **fails to return** from leave under this policy after the period of leave to which the employee is entitled has expired; and
- (2) the employee **fails to return** to work for a reason other than:
  - (a) the continuation, recurrence, or onset of domestic or sexual violence that entitles the employee to leave; or
  - (b) other circumstances beyond the control of the employee.

The County may require an employee who claims that the employee is unable to return to work because of a reason described in (I) or (II) above to provide, within a reasonable period after making the claim, certification to the County that the employee is unable to return to work because of that reason.

An employee may satisfy the certification requirement above by providing to the County:

- a sworn statement of the employee;
- documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the employee has sought assistance in addressing domestic or sexual violence and the effects of that violence;
- a police or court record; or
- other corroborating evidence.

The County will not fail to hire, refuse to hire, discharge, constructively discharge, or harass any individual exercising their rights under this policy or otherwise discriminate against any individual exercising their rights under this policy with respect to the compensation, terms, conditions, or privileges of employment of the individual, or retaliate against an individual in any form or manner for exercising their rights under this policy.

(L) **Leave Availability Calculation.** The County has adopted a "rolling 12 month period" method of calculating available leave. In order to determine the amount of available leave, the calculation is made each time an employee commences leave. From that date, the preceding **twelve (12) month** period is examined. Any leave used during that



preceding **twelve (12) months** is deducted from the **twelve (12) weeks** annual leave provided by law under this policy. An employee is entitled to take no more than the remaining balance of leave.

(M) **Reference to Required Posting.** The County has posted, by the Courthouse front entrance, a poster setting forth the relevant provisions of the Victims' Economic Security and Safety Act. The terms of that poster are incorporated in this policy document as if they were specifically set forth. Each employee is charged with familiarizing him/herself with the contents of that poster concerning all applicable employee rights and obligations under the Act.

**11-5-9 VOLUNTEER EMERGENCY WORKER JOB PROTECTION ACT.** Randolph County will fully comply with all the regulations of the Volunteer Emergency Worker Job Protection Act. The definition of a "volunteer emergency worker" is a firefighter, licensed EMT, ambulance driver or attendant, or "First Responder" per the EMT System's Act who provides services to a fire department, fire protection district, or other governmental entity without receiving compensation. If you are an employee who is involved in such a role you must supply verification of that role per the employer's request. If you are going to be absent or late for your assigned shift due to volunteer emergency duties it is your responsibility to make a reasonable effort to notify your supervisor. The employee will be asked to provide documentation of service. They will not be subject to discipline for absence or tardiness due to their service but their time off the job will not be paid.

**11-5-10 BEREAVEMENT LEAVE.** Employees are entitled to up to **five (5) days** paid bereavement leave for the loss of a member of the employee's immediate family to include spouse, parent, child, sibling, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or step parents. Employees must submit some proof of the death and relationship to qualify for paid bereavement days.

Employees are entitled to up to **three (3) days** paid bereavement leave for the loss of a member of the employee's extended family to include grandparents, grandchildren, uncles, and aunts. Employees must submit some proof of the death and relationship to qualify for paid bereavement days.

With prior supervisory approval full-time employees may use up to **one (1) day** of paid Illness or Vacation to attend the services of another relative or a friend.

**11-5-11 JURY DUTY.** The County recognizes the employee's obligation as a citizen to serve on jury duty. The employee must notify their supervisor promptly and supply them with a copy of the notice to report. The employee will be required to report to work when released from jury duty if a portion of their workday remains. The County will pay the difference between the employee's regular pay and jury pay for the duration of their duty. The employee must turn in their record of appearance statement from the jury jurisdiction to the Human Resource office upon their return to work before pay will be issued.

**11-5-12 VOTING.** Pursuant to Illinois law the County will allow an employee up to **two (2) hours** of paid time from their scheduled workday to vote in primaries, general, special elections, or elections which are submitted to a popular vote in the state if the polls are

not open at least **two (2) hours** before or after the employee's regular scheduled hours. The employee must notify their supervisor at least the day prior to the election to be eligible for excused time and the supervisor may specify what time the employee may utilize (i.e. at the start, end, or during their scheduled work hours). If notification is provided by the employee they will suffer no negative repercussions for the time away from their job but if notification is not provided the employee is subject to discipline up to and including termination.

**11-5-13 SCHOOL VISITATION.** Pursuant to the School Visitation Rights Act an employee who has utilized all of their vacation, personal, and compensatory time may request to schedule up to **eight (8) hours** of time off within a calendar year to attend school conferences or classroom activities related to the employee's child, if the conference cannot be scheduled during nonworking hours. The time may not be scheduled in more than **four (4) hour** increments and will be unpaid. The employee must schedule time with their Department Head at least **seven (7) days** in advance of when they wish to take the time off unless the conference is due to an emergency in which case **twenty-four (24) hours' notice** shall be given. The employee is required to consult with the employer regarding scheduling the time off so as not to unduly disrupt the employer's operations. The employee must submit documentation to their Department Head within **two (2) working days** of the conference.

**11-5-14 BLOOD DONATION.** Randolph County will follow applicable Illinois law in regard to time off for blood donation. After an employee has exceeded their **six (6) month** anniversary date of employment they may request up to one hour paid time off every **fifty-six (56) days** to donate blood. They must request the time in advance from their Department Head and receive their approval prior to taking the time off from their job. A copy of the paperwork supplied by the donation center must be given to the Department Head on their next scheduled day at work to verify the time was used to donate.

**11-5-15 MILITARY LEAVE.** Randolph County will comply with all applicable federal and state law with respect to military leave and benefits. Employees seeking to avail themselves of the benefits under the Uniformed Services Employment and Reemployment Rights Act (USERRA) or any applicable state law with respect to military leave or benefits are directed to contact the Human Resource Director at 618-826-5000 Extension 226.

**11-5-16 WORKER'S COMPENSATION.** Employees who sustain injuries at work may be eligible for worker's compensation. All work related accidents or illnesses, no matter how minor, must be reported by a Department Head and the employee to Human Resources as soon as possible and in most cases no later than the end of the shift.

Coverage may include payment for medical treatment and, in qualifying cases, partial income replacement. There is a waiting period (dictated by state law) that must expire before employees are eligible to receive benefits for lost time and / or income. The amount of this benefit is established by state law and depends upon the nature and extent of the injury.

Employees returning to the job from an injury that qualified under Worker's Compensation must submit a written release from the attending physician before returning to normal duties.

Employees are required to:

(A) Make an immediate report to their Department Head and Human Resources.

(B) Cooperate in completing a "First Report of Injury Form" for submission to our insurance carrier.

Failure to report to work, after being released by the attending physician, may result in counseling action up to and including termination.

Where there are conflicting medical opinions between the employee's doctor and an independent medical examiner regarding the employee's ability to return to work, the case must be decided by the Worker's Commission. The employee should not be terminated based solely on the IME report.

**11-5-17 HOLIDAYS.** The County recognizes the following paid holidays for Full Time Permanent employees. Each year a list of holidays and their observance dates will be provided to employees.

New Year's Day	Columbus Day
Martin Luther King's Birthday	Veteran's Day
Lincoln's Birthday	Thanksgiving
President's Day	Thanksgiving Friday
Good Friday	Christmas Eve
Memorial Day	Christmas Day
Independence Day	New Year's Eve
Labor Day	

When Christmas Eve Day and New Year's Eve Day occur on a Saturday or Sunday, eligible employees shall be awarded an additional personal day for each holiday, which personal day shall be taken at times mutually agreeable between the employee and their Elected Official. When Christmas Day or New Year's Day occur on a Saturday or Sunday, the following Monday shall be a holiday.

Any additional or differing information regarding holidays will be found in the appropriate bargaining unit's agreement.

(A) **Eligibility.** To qualify for holiday pay an employee must be present for work on the last scheduled workday before and the next scheduled workday after the holiday unless on an approved vacation, or leave of absence. If the employee is not present on one of the aforementioned days yet can supply a medical certification (MD or Dentist) verifying illness they will then qualify for holiday pay.

(B) **Sheriff's Departments.** Due to the nature of County business, these Departments have a 24/7 operation and must staff operations at all times, including Holidays. The following applies to employees in those categories:

- (1) Work assignments will be made by the Department Head.
- (2) Employees required to work on a holiday should refer to their union contract for information on compensation.

**11-5-18 EMPLOYEE TRAINING AND DEVELOPMENT.** Randolph County believes in assisting employees in their job to the fullest extent possible. To meet that objective we will provide training opportunities by offering:

- (A) On-the-Job Training
- (B) In-house Training
- (C) Seminars

If after completing county-provided training, an employee feels that he or she needs additional training to perform any task or operate any piece of equipment effectively and in a safe manner, he or she is directed to immediately inform management. All training must be pre-approved and / or scheduled by Management. The employee will be paid at their regular rate of pay for off-site training. Reimbursement for a particular training class or seminar will not be made unless the employee's attendance has been approved prior to attendance and appropriate paperwork submitted upon completion.

**11-5-19 SOCIAL MEDIA POLICY AND GUIDELINES.** This is the official policy for social media use at Randolph County and provides guidance for employees and elected officials on their professional and personal use of social media.

All employees are responsible for knowing and understanding the policy.

(A) **Professional Use of Social Media.** Before engaging in social media as a representative of Randolph County, you must be authorized to comment by an elected official or department head. You may not comment as a representative of Randolph County unless you are authorized to do so.

Once authorized to comment, you must:

- (1) Disclose you are an employee or elected official of Randolph County, and use only your own identity.
- (2) Disclose and comment only on non-confidential information.
- (3) Ensure that all content published is accurate and not misleading and complies with all Randolph County policies.
- (4) Comment only on your area of expertise and authority.
- (5) Ensure comments are respectful and refrain from posting or responding to material that is offensive, obscene, defamatory, threatening, harassing, bullying, and discriminatory, infringes copyright, breaches a Court order, or is otherwise unlawful.
- (6) Refrain from making comments or posting material that might otherwise cause damage to the Randolph County's reputation or bring it into disrepute.

(B) **Personal Use of Social Media.** Randolph County recognizes that you may wish to use social media in your own personal life. This policy does not intend to discourage or unduly limit your personal expression or online activities.

However, you should recognize the potential for damage caused (either directly or indirectly) to Randolph County in certain circumstances via your personal use of social media when you can be identified as a Randolph County employee. Accordingly, you should comply with this policy to ensure that risk of such damage is minimized.

You are personally responsible for the content you publish in a personal capacity on any form of social media platform. Remember that all posts are public and often permanent. When in doubt, you should seek guidance from your department head on how to comply with this policy. Randolph County reserves the right to read what you write or say publicly and make a determination if it meets this policy.

- (1) Represent yourself accurately. Unless Randolph County has designated you to speak officially for Randolph County, you should not state that you write or speak on behalf of Randolph County or that your viewpoints are the same as Randolph County, and you should make this clear to those reading or listening to your points of view.

- (2) Do not disclose private or confidential information about Randolph County employees, or about citizens that you obtained through your employment with Randolph County. Confidential information is information that is exempt from disclosure under Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7.
- (3) Even when using social media on a personal basis, employees may be disciplined for posting material that is, or might be construed as, vulgar, obscene, threatening, intimidating, harassing, or a violation of Randolph County's workplace policies against discrimination, harassment on account of age, race, religion, sex, sexual orientation, ethnicity, nationality, disability, or other protected class, status, or characteristic.
- (4) If you chose to identify your work affiliation on a social network, you should regard all communication on that network as you would in a professional network. Ensure your profile, photographs and related content is consistent with how you wish to present yourself with colleagues and clients.
- (5) Employees who access social media during work hours or on Randolph County owned equipment should still comply with Randolph County computer usage policy. There is no right to privacy on Randolph County owned equipment.
- (6) Randolph County may discipline employees for making a comment or posting any material that might otherwise cause damage to Randolph County's reputation or bring it into disrepute. When the employee's comment is made as a citizen and not as an employee and is made on a matter of public concern, Randolph County may discipline the employee in situations where the interests of Randolph County in promoting efficient operations outweighs the interests of the employee in commenting on such matters of public concern.

Nothing in this policy shall be interpreted in a manner that unlawfully prohibits the right of employees to engage in protected concerted activity under the Illinois Public Labor Relations Act. Randolph County has and always will comply fully with the obligations under the Illinois Public Labor Relations Act. Likewise, nothing in this policy should be construed to violate an employee's rights under the federal or state constitutions. The employer has and always will comply with its obligations under federal and state law.

A violation of this policy may subject an employee to discipline, up to and including termination.

**11-5-20 ACCIDENT REPORTING POLICY.** Any employee who is injured while on duty (regardless of severity) shall report the injury to his/her supervisor immediately both verbally and in writing with a completed Incident Report. The Incident Report shall include the following: the date, time, place injury occurred, how the injury occurred, the type of injury, the identity of any witnesses, and whether medical assistance was obtained. The report shall be submitted by the end of the workday. Supervisors are required to accurately complete an Illinois Form 45, found in Insurance Claim Kits, with respect to all on-the-job injuries and submit it as well as the employee's Incident Report to Human Resource Office.

Any employee witnessing or receiving a report of an injury to a visitor shall verbally report the injury to the employee's supervisor immediately. The employee may also be required to complete a written Incident Report. Supervisors are required to submit all required information to the Human Resource Office.

Any accident involving Randolph County's property or vehicles or involving a privately owned vehicle being operated for Randolph County business shall be reported immediately to the employee's supervisor both verbally and in writing with a completed Incident Report. The Incident Report shall include the following: the date, time, place incident occurred, how the incident occurred, the identity of any witnesses, and the extent and type of damage, if applicable. The report shall be submitted by the end of the workday. Employees are also required to notify law enforcement when appropriate.

**11-5-21 AUTHORIZED DRIVERS AND MOTOR VEHICLE RECORD (MVR) CHECK POLICY AND PROCEDURE.**

(A) **Introduction.** The purpose of this policy is to ensure the safety of those individuals who drive Randolph County vehicles or personal vehicles on Randolph County business and to ensure the safety their passengers and the public.

(B) **Policy Statements.**

- (1) All drivers must be authorized to drive for work purposes.
- (2) Randolph County vehicles are not to be used for personal or non-work related purposes.
- (3) Randolph County reserves the right to review both the driver's license and MVR of all authorized drivers at any time.
- (4) MVR review will typically be run for authorized drivers a minimum of every **six (6) months**.
- (5) For positions which require driving as an essential function, applicants will receive a conditional offer of employment, contingent upon the results of the MVR review.

(C) **Requirements to Become an Authorized Driver.**

- (1) Must be a current employee or contracted individual.
- (2) Must complete the Employee Authorization for MVR Review (attached).
- (3) Must present and maintain a favorable MVR (see guidelines below).
- (4) Must provide a current copy of a valid driver's license for the type of vehicle to be driven.

(D) **Driver Responsibilities.**

- (1) It is the driver's responsibility to operate the vehicle in a safe manner to prevent injuries and property damage.
- (2) Drivers must have a valid driver's license for the type of vehicle to be operated, and must keep the license(s) with them at all times while driving. All CDL drivers must comply with all applicable D.O.T. regulations, including successful completion of medical, drug, and alcohol evaluations.
- (3) All drivers and passengers must wear seat belts.
- (4) Employees must report all accidents, regardless of severity, to the police and Randolph County. Failing to stop after an accident

and/or failure to report an accident may result in disciplinary action, including termination.

- (5) Authorized drivers are prohibited from reading or typing text messages, emails or posts of any type while driving. Phone use is also prohibited, unless a hands free device is used. Authorized drivers are prohibited from surfing the internet or reviewing websites or posting on social media or other websites while driving. Authorized drivers are prohibited from taking or posting photos while driving.
- (6) Distracted driving of any type is prohibited.
- (7) It is the responsibility of all authorized drivers to report the loss, bond issuance, suspension and/or revocation of his/her driver's license immediately to Randolph County.
- (8) All traffic violations (including parking tickets), citations and fines incurred when driving for work purposes are the sole responsibility of the authorized driver.
- (9) Driving for work purposes while under the influence of intoxicants or other illicit drugs is forbidden and is sufficient cause for discipline, including termination.
- (10) Authorized drivers must inform Randolph County if taking any medications that may affect their ability to safely operate an automobile.
- (11) Drivers are responsible for the security of vehicles being used by them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended. If the vehicle is left with a parking attendant, only the ignition key is to be left.

(E) **The following is a non-exhaustive list of conduct on business or personal time resulting in traffic convictions that may result in rescinding an offer of employment, terminating driving privileges, or other disciplinary action, up to and including termination.**

- (1) Reckless or negligent driving.
- (2) Driving while impaired by or under the influence of alcohol or drugs.
- (3) Homicide, negligent homicide, or involuntary manslaughter by vehicle.
- (4) Fleeing or attempting to elude police officers.
- (5) Driving without a license or while license is suspended or revoked.
- (6) Hit and run or failure to stop after an accident.
- (7) Using a motor vehicle for the commission of a felony.
- (8) Operating a motor vehicle without the owner's authority (theft).
- (9) Speeding.
- (10) "At fault" accident.
- (11) Any moving violation.

**11-5-22 POLICY AGAINST WORKPLACE VIOLENCE.** Randolph County prohibits violence in the workplace. Violent behavior is strictly prohibited on Randolph County property, or while working at any location on behalf of Randolph County, in Randolph County

vehicles or during events sponsored by Randolph County. This prohibition includes not only actual acts of violence, but also direct or implied threats of violence. Employees who exhibit or threaten violent behavior will be subject to criminal prosecution and disciplinary action up to and including termination. Randolph County takes all reports of violent behavior seriously, and will take appropriate action to investigate complaints and/or report complaints of violent behavior to law enforcement as appropriate.

Any employee who becomes aware of violent behavior or the threat of violent behavior (whether by another employee or by any other person) is directed to inform his or her supervisor immediately. Supervisors are directed to report all reports of violent behavior or threats of violent behavior immediately to Randolph County who will conduct a prompt and thorough investigation. In the case of an imminent threat and/or emergency situation, employees and supervisors are directed to immediately contact law enforcement.

The following is a non-exhaustive list of violent behavior that is prohibited by this policy:

- (A) Fighting
- (B) Physical restraint or confinement
- (C) Assault
- (D) Horseplay
- (E) Stalking
- (F) Intentionally endangering the safety of another person
- (G) Any other act that a reasonable person would perceive as a violent act

**11-5-23 RECORD RETENTION POLICY.** The Illinois Local Records Act prohibits a public entity from destroying public records without first receiving approval from the Local Records Commission. The Local Records Act defines a public record as "any book, paper, map, photograph, digitized electronic material, 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 public business and preserved or appropriate for preservation by such agency or 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." **50 ILCS 205/2.** A public record may take the form of an electronic record, including but not limited to, emails (and/or attachments thereto), text messages or other electronic data. In order to ensure compliance with the Local Records Act, employees are prohibited from altering, destroying or deleting public records unless and until appropriate approval has been received from the Local Records Commission. Any questions with respect to this policy should be directed to the Human Resource Office.

**11-5-24 SAFETY POLICY.** Randolph County is committed to providing and maintaining a safe and healthy workplace for its employees. Employees are expected to share in this commitment. In an effort to ensure health and safety in the workplace, employees must:

- (A) Follow safety protocols
- (B) Wear appropriate protective clothing
- (C) Use appropriate safety equipment
- (D) Use only approved ladders or stepladders for retrieving out-of-reach items
- (E) Inform management immediately of any observed unsafe conditions or practices



- (F) Keep your work area tidy and remove any items that may pose a safety hazard
- (G) Ensure that you know the location of emergency exits
- (H) Ensure that any accident or injury is immediately reported to management

**11-5-25 WHISTLEBLOWER POLICY.**

(A) **Code of Conduct.** Randolph County requires employees to observe the highest standards of business and personal ethics in conducting their duties on behalf of Randolph County. Compliance with all applicable federal, state and local laws, rules and regulations is required. All employees are expected to fulfill their duties honestly and with integrity.

(B) **Reporting Responsibility.** Employees are encouraged and expected to report suspected violations of federal, state or local law, rules or regulations or suspected ethical violations.

(C) **Retaliation Prohibited.** Randolph County prohibits retaliation against any employee who, in good faith, reports a suspected ethics violation or suspected unlawful conduct. Anyone who violates this policy against retaliation is subject to disciplinary action, including but not limited to, termination of employment.

(D) **Reporting Procedure.** Randolph County has an open door policy and expects and encourages employees to address questions, concerns and complaints with their supervisor. Supervisors are required to report complaints regarding suspected unethical or illegal conduct in writing to the Human Resource Director. If an employee is not comfortable speaking with his/her supervisor or is not satisfied with the supervisor's response, he/she may discuss the matter with the Randolph County Board Chairman. If a complaint involves suspected conduct of the Randolph County Board Chairman a complaint may be brought directly to the Sheriff or State's Attorney. The Human Resource Director is responsible for informing the Randolph County Board of Commissioners of all complaints of unethical or unlawful conduct pursuant to this policy.

(E) **Investigation.** All complaints pursuant to this policy will be investigated and resolved in a timely manner. Randolph County will designate the State's Attorney to investigate any complaint received. To the extent that the complaint involves suspected conduct on the part of the State's Attorney, the County Board Chairman will appoint an appropriate investigator.

(F) **Accounting and Auditing Matters.** All reported questions, concerns or complaints involving accounting or auditing practices shall be made to the State's Attorney who will immediately inform the County Board of the Randolph County. The County Board shall investigate all complaints involving accounting and auditing matters.

(G) **Acting in Good Faith.** Anyone reporting a complaint of suspected unethical or unlawful conduct must be acting in good faith and have reasonable grounds for believing that a violation has occurred. Any allegations which are not substantiated and which have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

(H) **Confidentiality.** Violations or suspected violations may be reported on a confidential basis by the complainant to the extent permitted by law. Randolph County will attempt to keep reports of violations or suspected violations confidential to the extent permitted by law, and consistent with the need to perform an appropriate and adequate investigation.

(I) **Handling of Reported Violations.** Randolph County will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

(J) **Compliance Officer.**  
Randolph County Sheriff at 618-826-5484  
Randolph County State's Attorney at 618-826-5000 Ext. 193

*[This page was left blank intentionally.]*

**APPENDIX "A"**

**EMPLOYEE ACKNOWLEDGEMENT FORM**

I have received my copy of the Randolph County Employee Handbook. I understand that it is my obligation to read, understand and follow the policies contained in the handbook. I understand that the Handbook is not an employment contract and does not bind the County in any way. The County can change or depart from any provision at any time at its own discretion. I understand that my employment is At-Will, meaning that either party may terminate the relationship at any time, with or without cause, or notice. I agree that my employment is for no definite period and regardless of the time I have worked and the manner of payment of my wages or salary, and may be terminated without any previous notice. I also understand that all final decisions with respect to the terms and conditions of my employment, including any continued employment and the terms thereof, rest solely with the County. I also understand that all final decisions on any matter, including any continued employment and the terms thereof, rest solely with the County, subject to the provisions of a Collective Bargaining Agreement (if applicable).

No person other than the Board has the authority to make an enforceable agreement or understanding, and any such agreement or understanding must be in writing signed by the Board to be enforceable.

I understand and agree that the County may monitor and review e-mail messages voice mail messages, county-issued electronic devices and accounts, and logs of accessed Internet websites to insure that these media are being used in compliance with the law and with the County's policy. I understand and agree in advance that I will not be notified when this monitoring is taking place and that the County has the sole discretion to determine the time, place and manner and all monitoring. This document is meant to be specific consent pursuant to 18 U.S.C.S. § 2511(2)(d).

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Date**

APPENDIX "B"

ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING OF POLICY AGAINST DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT

Effective January 1, 2016, Randolph County implemented a Policy against Discrimination, Harassment and Sexual Misconduct.

Remember: It is your responsibility to read, understand, and abide by this policy and procedure. If you have any questions or concerns please speak to your supervisor or the State's Attorney. Please sign and date this memo to acknowledge that you have received and understand the policy.

Please respond to the following questions, circle appropriate answer and initial:

Have you read, and do you understand this policy? Yes No Initials: \_\_\_\_\_

Do you have any questions about this policy? Yes No Initials: \_\_\_\_\_

Do you know how to file a complaint should you ever have a problem with discrimination, harassment, or sexual misconduct or if you see inappropriate behaviors at work?

Yes No Initials: \_\_\_\_\_

If you ever have a problem or concern regarding discrimination, harassment or sexual misconduct in the workplace, please list who within our organization you can address your concerns with:

- 1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Initials: \_\_\_\_\_

Are you aware of any behaviors going on either in our workplace or outside the workplace that may impact the workplace and that are in consistent with this policy?

Yes No Initials: \_\_\_\_\_

Employee Signature

Date

Please print your name

I certify that the above person has received the Policy against Discrimination, Harassment and Sexual Misconduct and that I have reviewed this checklist with him/her.

Supervisor Signature

Date

**APPENDIX "C"**

**CERTIFICATE OF RECEIPT OF DRUG AND ALCOHOL USE/ABUSE POLICY**

This is to certify that I have received, read and understand Randolph County's Drug and Alcohol Use/Abuse Policy.

\_\_\_\_\_  
Employee Name (printed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Signature

**APPENDIX "D"**

**NON-DISCLOSURE/CONFIDENTIALITY/CONFLICT OF INTEREST STATEMENT**

In compliance with Randolph County's "Confidentiality / Conflict of Interest" policies I hereby state that I agree with and will abide by, the following statements that, when considered in conjunction with my position or with relation to the County, might possibly constitute a breach of confidentiality or conflict of interest.

**I. Non-Disclosure of Confidential Information**

I will not, while employed by the County or after, disclose to third parties, publicly disseminate or use for personal profit, private, personal, proprietary or confidential information relating to the County's business.—Private, personal, proprietary or confidential information, includes information that is protected from disclosure by the Illinois Freedom of Information Act, including but not limited to, unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric, identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses, home addresses and personal license plates numbers. Private, personal, proprietary or confidential information also includes information contained within the County's records, if the disclosure would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. Private, personal, proprietary or confidential information also includes any other information that is protected from disclosure by the exemptions contained within the Freedom of Information Act.

**II. Financial Integrity**

I will not maintain or establish any undisclosed or unrecorded funds, make false or artificial entries on the books or records of the County or its subsidiaries, or make or cause to be made any payments on behalf of the County or its affiliates to be used for something other than the stated purpose.

**III. Gifts, Gratuities, and Entertainment**

I will not intentionally solicit or accept any gift, gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value from any prohibited source in violation of state or federal law, rule or regulation or County policy, including but not limited to the County's Ethics Ordinance.

**IV. Outside Interests**

I do not hold, directly or indirectly, a position of material financial interest (other than investments) in outside concerns from which I have reason to believe, secure goods or services (including services of buying or selling stocks, bonds, or other securities), or that provides services to Randolph County.

**V. Outside Activities**

I do not render directive, managerial, or consultative services to outside concerns that do business with or render other services in to Randolph County.

I hereby agree to report to the Board any situation that may develop, which will modify any statements related to these issues.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name



**APPENDIX "E"**

**EMPLOYEE AUTHORIZATION FOR MVR REVIEW**

I acknowledge that the information contained in Randolph County MVR policy has been reviewed with me, and a copy of the policy has been furnished to me. As a driver of a Randolph County vehicle or a private vehicle on Randolph County business I understand that it is my responsibility to operate the vehicle in a safe manner and to drive defensively to prevent injuries and property damage.

I also understand that my employer will periodically review my Motor Vehicle Record to determine continued eligibility. In accordance with the law, I have been informed that a MVR will be periodically obtained on me for continued qualification and employment purposes.

I acknowledge the receipt of the above disclosure and authorize my employer or its designated agent to obtain a MVR report. This authorization is valid as long as I am an employee or employee candidate and may only be rescinded in writing.

\_\_\_\_\_  
Employee Name (printed)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**FLOOD PLAIN CODE**

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CHAPTER 14

FLOOD PLAIN CODE

ARTICLE I – GENERAL REGULATIONS

**14-1-1**        **PURPOSE.** This Code is enacted pursuant to the police powers granted to Randolph County by the County Statutory Authority in **55 ILCS 5/5-1041 and 5/5-1063** in order to accomplish the following purposes.

- (A)            to prevent unwise developments from increasing flood or drainage hazards to others;
- (B)            to protect new buildings and major improvements to buildings from flood damages;
- (C)            to promote and protect the public health, safety and general welfare of the citizens from the hazards of flooding;
- (D)            to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E)            to maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (F)            to make federally subsidized flood insurance available; and
- (G)            to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

**14-1-2**        **DEFINITIONS.** For the purpose of this Code, the following definitions are adopted:

**"BASE FLOOD"** means the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 14-1-3** of this Code.

**"BASE FLOOD ELEVATION" (BFE)** means the elevation in relation to mean sea level of the crest of the base flood.

**"BASEMENT"** means that portion of a building having its floor sub-grade (below ground level) on all sides.

**"BUILDING"** means a walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers to be installed on a site for more than **one hundred eighty (180) days** per year.

**"CRITICAL FACILITY"** means any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

**"DEVELOPMENT"** means any man-made change to real estate including, but not necessarily limited to:

- (A)            demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (B)            substantial improvement of an existing building;

(C) installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;

(D) installation of utilities, construction of roads, bridges, culverts or similar projects;

(E) construction or erection of levees, dams, walls, or fences;

(F) drilling, mining, filling, dredging, grading, excavating, paving or other alterations of the ground surface;

(G) storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

**"DEVELOPMENT"** does not include maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

**"EXISTING MANUFACTURED HOME PARK OR SUBDIVISION"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**"EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"FEMA"** means Federal Emergency Management Agency.

**"FLOOD"** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**"FLOOD FRINGE"** means that portion of the flood plain outside of the regulatory floodway.

**"FLOOD INSURANCE RATE MAP"** means a map prepared by the Federal Emergency Management Agency that depicts the flood plain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

**"FLOOD INSURANCE STUDY"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**"FLOODPLAIN" AND "SPECIAL FLOOD HAZARD AREA (SFHA)"** are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The flood plains of the County are generally identified on the countywide Flood Insurance Rate Map of Randolph County prepared by the Federal Emergency Management Agency and dated **August 5, 2020**. Floodplain also includes those areas of known flooding as identified by the community.

**"FLOODPROOFING"** means any combination of structural or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**"FLOODPROOFING CERTIFICATE"** means a form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the floodprotection elevation.

**"FLOOD PROTECTION ELEVATION" OR "FPE"** means the elevation of the base flood plus **one (1) foot** of freeboard at any given location in the flood plain.

**"FLOODWAY"** means that portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Mississippi River shall be as delineated on the countywide Flood Insurance Rate Map of Randolph County prepared by FEMA and dated **August 5, 2020**. The floodways for each of the remaining floodplains of Randolph County shall be according to the best data available from the Federal, State, or other sources.

**"FREEBOARD"** means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

**"HISTORIC STRUCTURE"** means any structure that is:

(A) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(C) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

(D) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

**"IDNR/OWR"** means the Illinois Department of Natural Resources/Office of Water Resources.

**"IDNR/OWR JURISDICTIONAL STREAM"** means the Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of **six hundred forty (640) acres** or more in an urban area, or in the floodway of any stream serving a tributary area of **six thousand four hundred (6,400) acres** or more in a rural area. Construction on these streams requires a permit from the Department. (Ill Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in **Section 14-1-6** of this Code.

**"LOWEST FLOOR"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of **Section 14-1-7** of this Code.

**"MANUFACTURED HOME"** means a structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

**"MANUFACTURED HOME PARK OR SUBDIVISION"** means a parcel (or contiguous parcels) of land divided into **two (2)** or more lots for rent or sale.

**"NEW CONSTRUCTION"** means structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

**"NEW MANUFACTURED HOME PARK OR SUBDIVISION"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**"NFIP"** means the National Flood Insurance Program.

**"RECREATIONAL VEHICLE OR TRAVEL TRAILER"** means a vehicle which is:

(A) built on a single chassis;

(B) **four hundred (400) square feet** or less in size;

(C) designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**"REPETITIVE LOSS"** means flood related damages sustained by a structure on two separate occasions during a **ten (10) year** period for which the cost of repairs at the time of each such flood event on the average equals or exceeds **twenty-five percent (25%)** of the market value of the structure before the damage occurred.

**"SFHA"**. See definition of flood plain.

**"START OF CONSTRUCTION"** includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within **one hundred eighty (180) days** of the permit date. The actual start means either the firsts placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of

columns or any work beyond the state of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

**"STRUCTURE":** See **"Building"**.

**"SUBSTANTIAL DAMAGE"** means damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this Code during the life of the building equals or exceeds **fifty percent (50%)** of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

**"SUBSTANTIAL IMPROVEMENT"** means any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent of the adoption of this Code during the life of the building in which the cumulative percentage of improvements:

equals or exceeds **fifty percent (50%)** of the market value of the structure before the improvement or repair is started, or  
 increases the floor area by more than **twenty percent (20%)**.

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alternative affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

(A) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(B) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

**"VIOLATION"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

**14-1-3 BASE FLOOD ELEVATION.** This Code's protection standard is the base flood.

The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(A) The base flood elevation for the floodplains of the Mississippi River shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Randolph County prepared by the Federal Emergency Management Agency and dated **August 5, 2020**.

(B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of Randolph County.

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Randolph County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

**14-1-4 DUTIES OF THE ZONING ADMINISTRATOR.** The Randolph County Zoning Administrator shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of Randolph County meet the requirements of this Code. Specifically, the Zoning Administrator shall:

(A) Process development permits in accordance with **Section 14-1-5**;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 14-1-6**;

- (C) Ensure that the building protection requirements for all buildings subject to **Section 14-1-7** are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- (D) Assure that all subdivisions and annexations meet the requirements of **Section 14-1-8**;
- (E) Ensure that water supply and waste disposal systems meet the Public Health standards of **Section 14-1-9**;
- (F) If a variance is requested, ensure that the requirements of **Section 14-1-11** are met and maintain documentation of any variances granted;
- (G) Inspect all development projects and take any and all penalty actions outlined in **Section 14-1-13** as necessary to ensure compliance with this Code;
- (H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- (I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code;
- (L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Code;
- (M) Perform site inspections to ensure compliance with the Code and make substantial damage determinations for structures within the floodplain, and
- (N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within **six (6) months** whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

**14-1-5 DEVELOPMENT PERMIT.** No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Randolph County Zoning Office. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Code.

- (A) The application for development permit shall be accompanied by:
  - (1) drawings of the site, drawn to scale showing property line dimensions;
  - (2) existing grade elevations and all changes in grade resulting from excavation or filling;
  - (3) the location and dimensions of all buildings and additions to buildings;
  - (4) the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 14-1-7** of this Code; and
  - (5) cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- (B) Upon receipt of an application for a development permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey elevation to be below the current base flood elevation is subject to the provisions of this Code. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this Code. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions of this Code.

The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The Zoning Administrator shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Zoning Administrator **shall** not issue a permit unless all other federal, state, and local permits have been obtained.

**14-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.**

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in **Section 14-1-6(B)**, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- (1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resource, Office of Water Resources Statewide Permit Number 2;
- (2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
- (3) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
- (4) Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit No. 5:
- (5) Minor, non-obtrusive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding **seventy (70) square feet** and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit No. 6;
- (6) Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit No. 7;
- (7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- (8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
- (9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- (10) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit No. 11;
- (11) Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR Statewide Permit Number 12;
- (12) Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit Number 13;
- (13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

(B) Other development activities not listed in (A) may be permitted only if:

- (1) a permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or
- (2) sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.



**14-1-7**      **PROTECTING BUILDINGS.**

(A) In addition to the state permit and damage prevention requirements of **Section 14-1-6** of this Code, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- (1) construction or placement of a new building or alteration or addition to an existing building valued at more than **One Thousand Dollars (\$1,000)** or **seventy (70) square feet**.
- (2) substantial improvements or structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%)** or equal or exceed the market value by **fifty percent (50%)**. Alteration shall be figured cumulatively subsequent to the adoption of this Code during the life of the building. If substantially improved, the existing structure and the addition must meet the flood protection standards of this Section.
- (3) repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this Code during the life of the building. If substantially damaged the entire structure must meet the flood protection standards of this Section within **twenty-four (24) months** of the date the damage occurred.
- (4) installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
- (5) installing a travel trailer or recreational vehicle on a site for more than **one hundred eighty (180) days** per year.
- (6) repetitive loss to an existing building as defined in **Section 14-1-2.**

(B) **Residential or non-residential buildings** can meet the building protection requirements by one of the following methods:

- (1) The building may be constructed on permanent land fill in accordance with the following:
  - (a) the lowest floor (including basement) shall be at or above the flood protection elevation.
  - (b) The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least **ten (10) feet** beyond the foundation before sloping below the flood protection elevation.
  - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
  - (d) The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
  - (e) shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
- (2) The building may be elevated on solid walls in accordance with the following:
  - (a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
  - (b) All components located below the flood protection elevation shall be constructed of materials resistant to flood damage.
  - (c) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

- (d) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of **one (1)** permanent opening on each wall no more than **one (1) foot** above grade with a minimum of **two (2) openings**. The openings shall provide a total net area of not less than **one (1) square inch** for every **one (1) square foot** of enclosed area subject to flooding below the base flood elevation, and
- (e) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris.
  - (i) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
  - (ii) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
  - (iii) in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- (3) The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
  - (a) the building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - (b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of **one (1)** opening on each wall having a total net area of not less than **one (1) square inch** per **one (1) square foot** of enclosed area. The openings shall be no more than **one (1) foot** above grade.
  - (c) The interior grade of the crawlspace below the flood protection elevation must not be more than **two (2) feet** below the lowest adjacent exterior grade.
  - (d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed **four (4) feet** at any point.
  - (e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
  - (f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
  - (g) utility systems within the crawlspace must be elevated above the flood protection elevation.

(C) **Non-residential buildings** may be structurally floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

- (1) below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
- (2) the building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impact from debris and ice; and
- (3) floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- (4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this Section.

(D)  
shall be:

**Manufactured homes and travel trailers** to be permanently installed on site

- (1) elevated to or above the flood protection elevation in accordance with **Section 14-1-7(B)**; and
- (2) anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the **Illinois Mobile Home Tie-Down Act** issued pursuant to 77 IL Adm. Code § 870.

(E) **Travel trailers and recreational vehicles** on site for more than **one hundred eighty (180) days** per year shall meet the elevation requirements of **Section 14-1-7(D)** unless the following conditions are met:

- (1) The vehicle must be either self-propelled or towable by a light duty truck.
- (2) The hitch must remain on the vehicle at all times.
- (3) The vehicle must not be attached to external structures such as decks and porches.
- (4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
- (5) The vehicles largest horizontal projections must be no larger than **four hundred (400) square feet**.
- (6) The vehicle's wheels must remain on axles and inflated.
- (7) Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.
- (8) Propane tanks as well as electrical and sewage connections must be quick-disconnect.
- (9) The vehicle must be licensed and titled as a recreational vehicle or park model, and
- (10) must either:
  - (a) entirely be supported by jacks, or
  - (b) have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

(F) **Garages, sheds or other minor accessory structures** constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

- (1) The garage or shed must be non-habitable.
- (2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
- (3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
- (4) The garage or shed must be on a single-family lot and be accessory to an existing principle structure on the same lot.
- (5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

- (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
- (7) The garage or shed must have at least one permanent opening on each wall not more than **one (1) foot** above grade with **one (1) square inch** of opening for every **one (1) square foot** of floor area.
- (8) The garage or shed must be less than **Fifteen Thousand Dollars (\$15,000.00)** in market value or replacement cost whichever is greater or less than **five hundred seventy-six (576) square feet (24'x24')**.
- (9) The structure shall be anchored to resist flotation and overturning.
- (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
- (11) The lowest floor elevation should be documented and the owner advised of the flood insurance implication.

**14-1-8 SUBDIVISION REQUIREMENTS.** The County Board shall take into account hazards, to the extent that they are known, in all official actions related to land management, use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of **Sections 14-1-6** and **14-1-7** of this Code. Any proposal for such development shall include the following data:

- (1) the base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
- (2) the boundary of the floodway when applicable, and
- (3) a signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act **(765 ILCS 205/2)**.

Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

**14-1-9 PUBLIC HEALTH AND OTHER STANDARDS.**

(A) Public health standards must be met for all floodplain development. In addition to the requirements of **Sections 14-1-6** and **14-1-7**, the following standards shall apply:

- (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of **Section 14-1-7** of this Code.
- (2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
- (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

- (5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall be elevated or structurally dry floodproofed to the 500-year flood frequency elevation. In situations where a 500-year flood elevation has not been determined the flood protection elevation shall be **three (3) feet** above the 100-year flood frequency elevation. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

**14-1-10 CARRYING CAPACITY AND NOTIFICATION.** For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, Randolph County shall notify adjacent communities in writing **thirty (30) days** prior to the issuance of a permit for the alteration or relocation of the watercourse.

**14-1-11 VARIANCES.** Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the County Zoning Board of Appeals for a variance. The County Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Randolph County Board. The Randolph County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

- (1) the development activity cannot be located outside the floodplain;
- (2) an exceptional hardship would result if the variance were not granted;
- (3) the relief requested is the minimum necessary;
- (4) there will be no additional threat to public health, safety or creation of a nuisance;
- (5) there will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
- (6) the applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- (7) all other required state and federal permits have been obtained.

(B) The Randolph County Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of **Section 14-1-7** that would lessen the degree of protection to a building will:

- (1) result in increased premium rates for flood insurance up to **Twenty-Five Dollars (\$25.00)** per **One Hundred Dollars (\$100.00)** of insurance coverage;
- (2) increase the risks to life and property; and
- (3) require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) **Historic Structures.** Variances to the building protection requirements of **Section 14-1-7** of this Code which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria

more permissive than the requirements of **Sections 14-1-6** and **14-1-7** of this Code subject to the conditions that:

- (1) the repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
- (2) the repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(D) **Agriculture.** Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this Code.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

- (1) All agricultural structures considered for a variance from the floodplain management regulations of this Code shall demonstrate that the varied structures is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities cannot be considered agricultural structures.
- (2) Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
- (3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with **Section 14-1-7** of this Code.
- (4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with **Section 14-1-7** of this Code. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with **Section 14-1-7** of this Code.
- (6) The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with **Section 14-1-7(B)** of this Code.
- (7) The agricultural structures must comply with the floodplain management floodway provisions of **Section 14-1-6** of this Code. No variances may be issued for agricultural structures within any designated floodway.
- (8) Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

**14-1-12** **DISCLAIMER OF LIABILITY.** The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of

the floodplain will be free from flooding or damage. This Code does not create liability on the part of Randolph County or any officer or employee thereof for any flood damage that results from proper reliance on this Code or any administrative decision made lawfully thereunder.

**14-1-13 PENALTY.** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the State’s Attorney may determine that a violation of the minimum standards of this Code exist. The State’s Attorney shall notify the owner in writing of such violation.

(A) If such owner fails after **ten (10) days** notice to correct the violation:

- (1) Randolph County shall make application to the Circuit Court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with the Code.
- (2) Any person who violates this Code shall upon conviction thereof be fined not less than **Fifty Dollars (\$50.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense.
- (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
- (4) Randolph County shall record a notice of violation on the title of the property.

(B) The State’s Attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The State’s Attorney is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Randolph County Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

- (1) the grounds for the complaint, reasons for suspension or revocation, and
- (2) the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Randolph County Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent Randolph County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

**14-1-14 ABROGATION AND GREATER RESTRICTIONS.** This Code repeals and replaces other codes adopted by the County Board to fulfill the requirements of the National Flood Insurance Program including Ordinance No. 08-08 dated October 2, 2008. However, this Ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Code and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**(Ord. No. 20-05; 06-12-20)**

## **HEALTH REGULATIONS**

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## CHAPTER 18

## HEALTH CODE

## ARTICLE I – GENERAL PROVISIONS

**18-1-1 DEFINITIONS.**

**"BOARD OF HEALTH"** shall mean the Randolph County Board of Health or its Authorized Representative(s). Authorized Representative(s) shall be the employees of the Randolph County Health Department.

**"DISEASED ANIMAL"** shall mean an animal showing symptoms of a disease or having an illness or being in an unhealthy state. This shall include a vicious animal.

**"DOMESTIC SEWAGE"** shall mean waste water derived principally from dwellings, business, or office buildings institutions, food service establishments, and similar facilities.

**"EXTERMINATION"** shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, trapping, or by any other recognized and legal method of pest elimination approved by the health officer.

**"GARBAGE"** shall mean organic waste resulting from the preparation, processing, handling, and storage of food and all decayed or spoiled food from any source whatsoever.

**"HEALTH OFFICER"** shall mean the Administrator of the Randolph County Health Department or their Authorized Representative.

**"HEALTH DEPARTMENT"** shall mean, the Randolph County Health Department, an agency of the Board of Health.

**"HOMEOWNER INSTALLED SYSTEM"** shall mean a private sewage disposal system installed by a homeowner for his personal single family residence.

**"HUMAN WASTES"** shall mean undigested food and by-products of metabolism which are passed out of the human body.

**"INFESTATION"** shall mean the presence, within a dwelling of any insects, rodents, or other pests.

**"JUNK VEHICLE"** shall include any old, stripped, junked, and/or wrecked motor vehicle not in good and safe operating condition.

**"MANURE"** shall mean the excrement of all domestic animals and fowl, and stable bedding.

**"PERSON"** shall mean any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name the State of Illinois or any Department thereof, or any other entity.

**"PERMIT"** shall mean a written authorization issued by the Board of Health or its Authorized Representative.

**"PRIVATE SEWAGE DISPOSAL SYSTEMS"** shall mean any sewage handling or treatment facility receiving domestic sewage from less than **fifteen (15) people** or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

**"PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR"** shall mean any person engaged in the business of constructing, installing, maintaining, servicing, or cleaning of private sewage disposal systems or the hauling or disposal of waste removed therefrom. This definition shall include any person who repairs or constructs a segment of a private sewage disposal system.

**"PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR'S REGISTRATION"** shall mean an annual Registration Certificate issued by the Randolph County Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Randolph County.

**"PROPERTY OWNER"** shall mean the person in whose name legal title to the real estate is recorded.

**"RODENTS"** shall mean rats and mice.

**"RUBBISH"** shall mean combustible and noncombustible waste materials, except garbage. This term shall include such items as paper, broken boxes, twigs, dry grass, cans, broken crockery, broken glass, plastic, etc.

**"SEWAGE"** shall mean human or animal wastes and other liquid wastes from residences, business buildings, industrial establishments or other places together with such ground water infiltration and surface water as may be present.

**"VERMIN"** shall mean roaches, bed bugs, fleas, lice or similar pest-like insects.

**(Ord. No. 19-02; 01-25-19)**

**ARTICLE II - FOOD SANITATION CODE**

**18-2-1**        **ADOPTION BY REFERENCE.** In addition to those provisions set forth in the Randolph County Health Code, Article II, Food Sanitation Code, this Article hereby adopted, by reference, the provisions set forth in the State of Illinois Department of Public Health, Division of Food and Drugs, FOOD SERVICE SANITATION RULES AND REGULATIONS; and the provisions set forth in the State of Illinois, Department of Public Health, Division of Food and Drugs, Retail Food Store Rules and Regulations, 77 Illinois Administrative Code 750, and any subsequent amendments of revisions.

**18-2-2**        **CERTIFICATE OF COMPLIANCE.** It shall be unlawful for any person to operate a food service establishment or Retail Food Store within the County of Randolph who does not possess a valid Certificate of Compliance issued by the Board of Health. Only a person who complies with the requirements of this Code and the Rules and Regulations adopted by the Board of Health shall be entitled to receive and retain such a Certificate of Compliance. Certificates of Compliance shall not be transferable from one person to another person; nor shall said certificates be applicable to any locations, buildings or places other than that which it is issued. A valid Certificate of Compliance must be conspicuously posted in every food service establishment.

The fee for Certificates of Compliance shall be set by the Board of Health annually.

Food establishments will be charged according to their priority ranking.

Fees shall be payable to the Randolph County Health Department annually.

**FAILURE TO RENEW PERMIT:** If a permit has not been renewed by the renewal date, then a **fifty percent (50%)** late fee will be assessed in addition to the regular fee as provided herein. If the permit has not been renewed within **seven (7) days** of the date of renewal, then the permit holder or operator may be issued a citation for operating an establishment without a valid Randolph County Food Service Permit.

**(Ord. No. 17-03; 01-27-17)**

**18-2-3**        **VALIDITY.** A Certificate of Compliance is valid until revoked or suspended.

**18-2-4**        **EDUCATION.** To maintain standards of food sanitation, the Health Department will provide education and written guidelines to temporary food establishments as soon as the Health Department becomes knowledgeable of said temporary operations and as requested by them.

**APPLICATION FOR CERTIFICATE OF COMPLIANCE.** Any person desiring to operate a food establishment shall make a written application for a Certificate of Compliance on forms provided by the Health Department. Such application shall include: The applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, the names and addresses of all officers of the corporation; the location and address of all officers of the corporation, the location and address and type of proposed food establishments and the signature of the applicant.

Upon receipt of such application, the Health Officer shall make an inspection of the food establishment to determine compliance with the provisions of this Code and the Rules and Regulations adopted by the Board of Health. When inspection reveals that all applicable requirements of the Code and Rules and Regulations have been met, the Health Officer shall issue a Certificate of Compliance to the applicant.

The Certificate of Compliance shall be in such form as adopted and approved by the Health Department but it shall contain a description of the food establishment and shall be valid only for the location, building or place described therein.

**18-2-5      SUSPENSION OF CERTIFICATES OF COMPLIANCE.** Certificates of Compliance may be suspended temporarily by the Health Officer for failure of the holder to comply with the requirements of this Code.

Whenever a Certificate of Compliance holder or operator has failed to comply with any notice issued under the provisions of this Code, the Certificate of Compliance holder or operator shall be notified in writing that the Certificate of Compliance is, upon service of the notice, immediately suspended, and that an opportunity for a hearing may be filed with the Board of Health at the request of the Certificate of Compliance Holder.

**18-2-6      NOTICE OF NON-COMPLIANCE.** Notwithstanding the other provisions of this Code, whenever the Health Officer finds unsanitary or other conditions in the operation of a food establishment which, in his judgment, constitute a substantial hazard to the public health, the Health Officer, without warning, notice or hearing may issue a written notice to the Certificate of Compliance holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken and if deemed necessary, such order shall state that the Certificate of Compliance is immediately discontinued. Any person to whom such an order is issued shall comply immediately herewith, but upon written petition to the Board of Health shall be afforded a hearing as soon as possible.

**18-2-7      REINSTATEMENT OF SUSPENDED CERTIFICATE OF COMPLIANCE.** Any person whose Certificate of Compliance has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the Certificate of Compliance. Within **ten (10) days** following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the Certificate of Compliance have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of this Code, the Certificate of Compliance shall be reinstated.

**18-2-8      REVOCAION OF CERTIFICATE OF COMPLIANCE.** For serious or repeated violations of any of the requirements of this Code, or for interference with the Health Officer in the performance of their duties, the Certificate of Compliance may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health. Prior to such action, the Health Officer shall notify the Certificate of Compliance holder that the certificate is subject to revocation and advising that the Certificate of Compliance shall be permanently revoked at the end of **five (5) days** following service of such notice, unless a request for hearing is filed with the Board of Health by the Certificate of Compliance holder, within such **five (5) day** period. The Certificate of Compliance may be suspended for cause pending its revocation of a hearing relative thereto.

**18-2-9      INSPECTIONS.** Inspections shall be conducted as frequently as required by state guidelines.

**18-2-10      PROPER IDENTIFICATION.** The Health Officer, after proper identification, shall be permitted to enter any food establishment within the County, or its jurisdiction for the purpose of making inspections to determine compliance with this Code. The Health Officer shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food supplies, purchases received, or used, and persons employed. A report of the findings will be left with the operator.

**18-2-11**      **INSPECTION RECORDS.** Whenever the Health Officer makes an inspection the Health Officer shall record the findings on an inspection report form provided for this purpose, and shall furnish a copy of such inspection report form to the permit holder or operator. The current inspection report shall be posted in a conspicuous place in the establishment in view of the consuming public.

**18-2-12**      **ISSUANCE OF NOTICES.** Whenever the Health Officer makes an inspection of an establishment and discovers that any of the requirements of this Code have been violated, the Health Officer may notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Authority shall:

- (A)            Set forth the specific violations found.
- (B)            Establish a specific and reasonable period of time for the correction of the violations found in accordance with the enforcement procedure.
- (C)            State that failure to comply with any notice issued in accordance with the provisions of this Code may result in immediate suspension of the Certificate of Compliance.
- (D)            State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Officer within the period of time established in the notice of correction.

**18-2-13**      **SERVICE OF NOTICES.** Notices provided for under this Section shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered personally to the Certificate of Compliance holder. A copy of such notice shall be filed with the records of the Health Officer.

**18-2-14**      **PLAN REVIEW OF FUTURE CONSTRUCTION.** When a food establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as food establishment, properly prepared plans and specifications for such construction, materials of work areas, and the location, size and type of fixed equipment, and facilities, shall be submitted to the Health Officer for approval before such work is begun.

**18-2-15**      **PROCEDURE WHEN INFECTION IS SUSPECTED.** When the Health Officer has reasonable cause to suspect possibility of disease transmission from any food establishment employee, the Health Officer shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, then take appropriate action. The Health Officer may require any or all of the following measures:

- (A)            The immediate exclusion of the employee from all food establishments.
- (B)            The immediate closure of the food establishment concerned until, in the opinion of the Health Officer, no further danger of disease outbreak exists.
- (C)            Restriction of employee's services to some area of the establishment where there would be no danger of transmitting disease.
- (D)            Adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

**18-2-16**      **EXAMINATION AND CONDEMNATION OF FOOD.** Food may be examined or sampled by the Health Officer as often as may be necessary to determine freedom from adulteration or misbranding. The Health Officer may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order notice or tag placed on food by the

Health Officer, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Officer, except on order by a court of competent jurisdiction. The owner may request a hearing on the hold order with the Board of Health within **ten (10) days** and after such hearing, and on the basis of evidence produced at such hearing, or in the event that a written request for a hearing received within said **ten (10) day** period, the Board of Health may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this Code: Provided, that such order of the Board of Health to denature or destroy such food or bring it into compliance with the provisions of this Code shall be stayed if the order is appealed to a court of competent jurisdiction within **three (3) days**.

**(Ord. No. 19-02; 01-25-19)**



### ARTICLE III - BED AND BREAKFAST CODE

**18-3-1**        **ADOPTION BY REFERENCE.** In addition to those provisions set forth in this Code, this Code hereby adopts by reference, the provisions set forth in Public Act 85-0399, the "Bed and Breakfast Act", 77 Illinois Administrative Code and any subsequent amendments or revisions thereto **three (3) certified copies** of which shall be on file in the office of the County Clerk. **(Ord. #88-18; Sec. 18.23)**

**18-3-2**        **DEFINITIONS.** The following definitions shall apply to terms used in this County Health Code:

**"BED AND BREAKFAST ESTABLISHMENT"** shall mean an operator occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

**"OPERATOR"** shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Act to reside in the bed and breakfast establishment, or on contiguous property.

**"GUEST ROOM"** shall mean a sleeping room intended to serve no more than **two (2) transient guests** per night.

**18-3-3**        **MINIMUM STANDARDS.** Bed and breakfast establishments which serve breakfast shall comply with the following minimum standards.

(A)

**Food Service:**

- (1) Food shall be clean, wholesome, free from spoilage, free from adulteration and misbranding and safe for human consumption. Containers of food and food service articles shall be stored above the floor, on clean racks, shelves or other clean surfaces in such a manner as to be protected from splash or other contamination. Unopened canned and bottled foods may be stored on the floor. Milk of only pasteurized Grade A may be used. Use of home canned food is prohibited except for jams and jellies.
- (2) Food shall be protected from contamination while being stored, prepared and served, and during transportation. Perishable foods shall be stored at temperatures that will protect them against spoilage. Potentially hazardous food shall be maintained at safe temperatures of **forty-five (45) degrees Fahrenheit** or below, or **one hundred forty (140) degrees Fahrenheit** or above, as appropriate, except during necessary periods of preparation and serving. Frozen food shall be kept at temperatures that will keep them frozen, except when being thawed for preparation. Potentially hazardous frozen food shall be thawed at refrigeration temperatures or below, quick thawed as part of the cooking process, or thawed by another method approved by the local Health Department. An indicating thermometer shall be located in each refrigerator. Raw fruits and vegetables shall be washed thoroughly before use. Stuffings, poultry, and pork products shall be cooked to heat all parts of the food at least **one hundred sixty-five (165) degrees Fahrenheit** before being served. Salads made of meat, poultry, potatoes, fish, shellfish, or eggs and other potentially hazardous prepared food, shall be prepared from chilled products with a minimum of manual contact. Portions of food once served to an individual may

not be served again. Laundry facilities shall be separated from food preparation areas. Live animals shall be excluded from food preparation areas.

- (3) No person knowingly infected with a communicable disease that may be transmitted by food handling may work in a bed and breakfast establishment.
- (4) If the bed or breakfast operator suspects that any employee, family member or the operator himself or herself has a communicable disease, the operator shall notify the Health Department immediately.
- (5) All operators shall be certified. Certification shall be achieved by successfully completing an examination offered by the local Health Department or by an instructor approved to do so by the Illinois Department of Public Health as described in the current edition of the State of Illinois Food Service Sanitation Rules and Regulations.
- (6) Persons preparing or serving food or washing utensils shall wear clean outer garments and maintain a high degree of personal cleanliness. They shall wash their hands thoroughly before starting work and as often as necessary while working to remove soil and contaminants. After visiting a toilet room, persons shall wash their hands thoroughly in a lavatory but never in the kitchen sink.
- (7) No one, while preparing or serving food, may use tobacco in any form.
- (8) Utensils shall be kept clean and in good repair.
- (9) Multi-use eating and drinking utensils shall be thoroughly cleaned after each use. Facilities needed for the operations of washing, rinsing and sanitizing shall be provided.
- (10) Pots, pans and other utensils used in the preparation or serving of food or drink and all food storage utensils shall be thoroughly cleaned after each use. Cooking Surfaces of equipment, if any, shall be cleaned at least once each day. Non-food contact surfaces of equipment shall be cleaned at intervals that will keep them in a clean and sanitary condition.
- (11) Residential sinks and home-style mechanical dishwashing machines are acceptable facilities for washing multi-use eating and drinking utensils. Utensils shall be air dried.
- (12) Immediately following either manual or mechanical washing of eating or drinking utensils, and pots, pans and other cooking utensils, these utensils shall be effectively sanitized by being submerged in a hypochlorite solution with a chlorine concentration continuously maintained in one hundred parts per million, or another approved sanitizing solution which shall be used at the concentration tested and approved by the local Health Department. Dishpans may be used to accomplish the final sanitizing rinse. Operators shall have the means to test sanitizing solutions to assure adequate concentration.
- (13) The reuse of single-service utensils is prohibited.
- (14) The Health Department shall inspect each bed and breakfast establishments food service operations at least once each year prior to seasonal opening for purposes of issuing a Certificate of Compliance, without which it shall be unlawful to operate such an establishment within the County. **Sections 18-2-5 through 18-2-17 of Article II** of this Chapter are hereby adopted pertaining to the issuance of Certificates, Notices, the control of disease in employees and the embargo of food suspected of being unsafe.

(B)

**Linen:**

- (1) Each person who is provided accommodations shall be provided individual soap and clean individual bath cloths and towels. Clean bed linen in good repair shall be provided for each guest who is provided accommodations and shall be changed between guests and as often as necessary. Clean linen shall be stored and handled in a sanitary manner.

**18-3-4**        **FIRE PREVENTION.** Bed and breakfast establishments shall meet the State Fire Marshal's requirements for one and two family dwellings. In addition, the following standards shall be required:

- (A)            Manual extinguishing equipment shall be provided on each floor in accordance with NFPA 10 - Standards for the Installation of Portable Fire Extinguishers.
- (B)            All combustibles or flammable liquids shall be stored in approved metal containers. No combustible storage in or under stairways.
- (C)            All trash containers shall be metal.
- (D)            No cooking facilities shall be permitted in guest rooms.
- (E)            All hallways and stairways shall be adequately lighted.
- (F)            No portable heating devices shall be permitted in guest rooms.
- (G)            The operator shall submit a floor plan of the bed and breakfast establishment to the local Fire Department or Fire Protection District.
- (H)            Smoke detectors shall be provided in each guest room.

**18-3-5**        **LIABILITY INSURANCE.** The bed and breakfast establishment shall provide proof of at least **One Hundred Thousand Dollars (\$100,000.00)** in owner's, landlord's and tenant's, including products, liability insurance and submit evidence or renewal whenever required showing coverage while the establishment is in operation.

## ARTICLE IV - PRIVATE SEWAGE DISPOSAL SYSTEM CODE

### 18-4-1 DEFINITIONS.

**"CODE"** shall mean Illinois Department of Public Health Private Sewage Disposal Licensing Act and Code.

**"DOMESTIC SEWAGE"** shall mean waste water derived principally from dwellings, business, or office buildings, institutions, food service establishments, and similar facilities.

**"EFFLUENT RECEIVING TRENCH"** means a seepage line of gravel or gravelless design used to receive the treated discharge from an aerobic treatment plant or sand filter prior to discharge to the ground surface or other location.

**"HEALTH OFFICER"** shall mean the Administrator of the Randolph County Health Department or their Authorized Representative.

**"HEALTH DEPARTMENT"** shall mean, the Randolph County Health Department, an agency of the Randolph County Board of Health.

**"HOMEOWNER INSTALLED SYSTEM"** shall mean a private sewage disposal system installed by a homeowner for his personal single family residence.

**"HUMAN WASTES"** shall mean undigested food and by-products of metabolism which are passed out of the human body.

**"IMMEDIATE SINKHOLE DRAINAGE AREA"** shall mean any area that contributes surface water directly to the sinkhole(s); this does not include areas which contribute surface water indirectly to a sinkhole (via streams).

**"LOWER ELEVATION SEGMENTS OF SINKHOLES"** shall include the floor of the sinkhole and the sides of the sinkhole up to a point where the slope of the sinkhole side is less than **five percent (5%)**.

**"PERSON"** shall mean any individual, group of individuals, association, trust, partnership, corporation, persons doing business under an assumed name the State of Illinois or any Department thereof, or any other entity.

**"PERMIT"** shall mean a written authorization issued by the Board of Health or its Authorized Representative.

**"PRIVATE SEWAGE DISPOSAL SYSTEMS"** shall mean any sewage handling or treatment facility receiving domestic sewage from less than **fifteen (15) people** or population equivalent and having a ground surface discharge or any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.

**"PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR"** shall mean any person excavating, constructing, repairing, installing, modifying, or maintaining a private sewage disposal system.

**"PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR"** shall mean any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of wastes removed therefrom.

**"PRIVATE SEWAGE DISPOSAL SYSTEM CONTRACTOR'S REGISTRATION"** shall mean a Registration Certificate issued by the Randolph County Health Department to all private sewage disposal contractors engaged in the installation and/or servicing of private sewage disposal systems within the limits of Randolph County.

**"PROPERTY OWNER"** shall mean the person in whose name legal title to the real estate is recorded.

**"NRCS"** shall mean the USDA Natural Resource Conservation Service.

**"SEWAGE"** shall mean either human waste or domestic waste or both.

**"SINKHOLE"** shall mean any natural depression formed as a result of subsurface removal of soil or rock materials and causing the formation of collapse feature that exhibits internal drainage. The existence of a sinkhole shall be indicated by the uppermost closed depression contour lines on the USGS 7½ minute quadrangle topographic maps or as determined by field investigations.

**"SOIL CLASSIFIER"** means one of the following:

(A) A certified soil classifier of the Illinois Soil Classifiers Association (ISCA) or a certified soil classifier with the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS).

(B) A person who is an associate member of either the Illinois Soil Classifiers Association (ISCA) or the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS) provided that direct supervision is provided to this person by an ISCA or ARCPACS certified soil classifier who accompanies the person on at least **twenty-five percent (25%)** of the soil investigations and reviews and signs all of that person's soil investigation reports.

**"UPPER ELEVATION SEGMENTS OF SINKHOLES AND SINKHOLE DIVIDES"** shall mean areas having slopes of less than **five percent (5%)** but does not include the bottoms of sinkholes or subsidiary sinkholes within compound sinkholes.

**"ZERO EFFLUENT DISCHARGE SYSTEMS AND COMPONENTS"** shall mean private sewage treatment systems and components that emit absolutely no effluent. Systems and components that are **one hundred percent (100%)** self contained or that meet or exceed the soil classification requirements of this Code, and are approved by IDPH as zero discharge, shall be accepted as such system.

**18-4-2 ADOPTION BY REFERENCE.** In addition to those provisions set forth in the Randolph County Health Code, this Code hereby adopts by reference the provisions set forth in the unabridged form of the current Private Sewage Disposal Licensing Act and Code, 77 Illinois Administrative Codes 905 and 906 and any subsequent amendments or revisions thereto, **three (3) copies** of which shall be on file in the office of the Randolph County Clerk, which publication is incorporated herein and adopted by reference as part of this Code.

**18-4-3 PERMITS.** It shall be unlawful for any person to construct, alter or extend private sewage disposal system within Randolph County unless he holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, alteration, or extension is proposed. The permit shall indicate a maximum permissible waste loading.

**18-4-4 OPERATION AND CONSTRUCTION OF FACILITIES.** All facilities for the disposal of human excreta or liquid sewage shall be so constructed, maintained, and operated, that there is:

(A) No access to this possible cause of sickness and source of filth by flies, rodents, or other vectors of disease or by persons or domestic pets.

(B) No unlawful pollution of any stream or other body of water.

(C) Adequate isolation to protect wells or other sources of water supply from contamination, and freedom from odor nuisance.

**18-4-5 OWNER'S/TENANT'S RESPONSIBILITY.**

(A) Property owners of all buildings or places where people live, work, or assemble shall provide for the sanitary disposal of all human waste and domestic waste. Human waste and domestic waste from each such building or place not disposed of by discharging into a sanitary sewer, shall be disposed of into a private sewage disposal system in compliance with this Code.

(B) The owner of any property on which a private sewage disposal system or any of its components is located, shall maintain the system or components in a condition which does not pose a hazard to public health or safety, or a public nuisance.

(C) There shall be no discharge of untreated or inadequately treated sewage to the surface of the ground or to drain tiles, sinkholes, streams, rivers, lakes or other collectors of water. An

action for violation of this Section may be brought against the owner, lessee, or a manager of the property wherein the violation occurs.

(D) When an existing system malfunctions, as defined in **Section 18-4-5**, the correction of which would require a permit from the Health Department and a sanitary sewer is reasonably available, connection to the sewer is mandatory. A sanitary sewer is considered reasonably available if it is located within **three hundred (300) feet** of a residential building, or within **one thousand (1,000) feet** of a commercial building. Operation of any private sewage disposal system shall be discontinued at that time.

(E) Under no circumstance shall any person maintain or operate a private sewage disposal system in such a manner that the Health Department, in its discretion, determines it to be an ongoing public nuisance or hazard to the public health or safety. Repeated pumping of a septic tank, which is defined as pumping more than once in a **sixty (60) day** time frame, to prevent such public nuisance or hazard is not an acceptable long term or ongoing remedy to a malfunctioning system.

**18-4-6** **INDIVIDUAL SERVICE.** The use of a private sewage disposal system to serve more than one property is prohibited except where a common property is provided, under joint ownership of the users, or where the system is under public jurisdiction or managed by a district established for the maintenance of such systems. Any private sewage disposal system must be located on the same property as the building it serves.

**18-4-7** **CONSTRUCTION OF SEWAGE PLANTS.** Nothing in these regulations shall prevent the construction of sewage treatment plants in accordance with approved plans, discharging treatment effluent to an approved outlet, and operated in such a manner that there is no menace to the public health, or unlawful pollution of waters of the State.

**18-4-8** **PERMIT BY PROPERTY OWNER.** It shall be the responsibility of the property owner to obtain a Private Sewage Disposal System Permit before any construction is begun on the system. Failure of the property owner to obtain the permit before construction is begun shall constitute a violation of this Code and corrective action may be taken.

**18-4-9** **RESPONSIBILITY OF CONTRACTOR.** It shall be the responsibility of the Illinois Licensed Private Sewage Disposal System Contractor to insure that a Private Sewage Disposal System Permit has been issued and to follow the conditions of the permit. Failure of the Illinois Licensed Private Sewage Disposal Contractor to insure the permit has been issued or to violate the conditions of the permit shall constitute a violation of this Code and penalty action may be taken.

**18-4-10** **APPLICATIONS MADE TO BOARD OF HEALTH.** All applications for permits granted under the provisions of this Code shall be made to the Board of Health or its duly Authorized Representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Code.

**18-4-11** **FACILITIES NOT ALLOWED.** Private sewage disposal systems shall not be approved for treatment of automotive type waste or waste generated by car wash facilities.

**18-4-12** **APPLICATION INFORMATION.** Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:

(A) Name and address of the applicant and location of the proposed site of construction, alteration of, or extension as proposed.

(B) Complete plan of the proposed disposal facility, with sustaining data, if necessary, attesting to its compliance with the minimum standards of this Code.

(C) Such other information as may be required by the Health Department to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Code.

**18-4-13**      **AVAILABILITY OF PUBLIC SEWER.** The Health Officer may refuse to grant a permit for the construction of a private sewage disposal system where a sanitary sewage system is available. A sewer shall be deemed available when a sanitary sewer line is in place within any street, alley, right-of-way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a public sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than **three hundred (300) feet** for a single family residence and not greater than **one thousand (1,000) feet** for a commercial establishment or multi-family dwelling.

**18-4-14**      **TERM OF CONSTRUCTION PERMIT.** The permit to construct is valid for a period of **twelve (12) months** from date of issuance. If construction has not started within this period, the permit is void unless a renewal has been requested and granted.

**18-4-15**      **SANITARY DISPOSAL FACILITIES.** No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly, without adequate facilities for the sanitary and safe disposal of all human excreta together with all liquid and solid wastes that could hazard the public health or create objectionable nuisance conditions.

**18-4-16**      **CONTRACTOR'S REGISTRATION.** A contractor's registration shall be required by all private sewage disposal system installation contractors and all private sewage disposal pumping contractors operating within limits of Randolph County. The Health Department shall issue a private sewage disposal system installation contractor registration certificate or a private sewage disposal system pumping contractor registration certificate to persons applying for such certificate who pass the written examination given by the State for the certificate desired and who are licensed by the State of Illinois as a private sewage disposal system installation contractor and/or a private sewage disposal system pumping contractor.

**18-4-17**      **COMPLIANCE AND PERFORMANCE.** All private sewage disposal systems within the limits of Randolph County shall be installed, modified or serviced by an individual with a valid private sewage disposal system installation contractor's certificate; and all such systems shall be pumped, cleaned, and the contents disposed of by individuals with a valid private sewage disposal system pumping contractor's certificate; provided, however, that a homeowner may install and/or service a private sewage disposal system which serves his own personal single family residence.

**18-4-18**      **MINIMUM STANDARDS.** The minimum performance standards for private sewage disposal system installation contractors and for a homeowner who installs a private sewage disposal system for his personal residence shall be the same as the minimum performance standards promulgated under authority granted in the current Illinois Private Sewage Disposal Licensing Act and Code except that chamber systems will not be allowed a reduction in size.

**18-4-19**      **CHAMBER SYSTEMS.** Repealed.

**18-4-20**      **SUBSURFACE SEEPAGE FIELDS.** Where a subsurface seepage field is installed as a component of a private sewage disposal system, the seepage area provided shall be a minimum of **two hundred (200) square feet** of seepage area and unless serial trenches are used, a minimum of **two (2)** individual seepage lines are required.

**18-4-21**      **ENFORCEMENT.** Private sewage disposal systems constructed prior to the effective date of this Code shall comply with any provisions of this Code when deemed necessary by the Health Officer. It may not be deemed necessary if the private sewage disposal system meets the requirements of the prior Code and is not a health hazard.

**18-4-22**      **INSPECTION FOR COMPLIANCE.** The Health Officer is hereby, authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code.

**18-4-23**      **ACCESS TO PROPERTY FOR INSPECTION.** It shall be the duty of the owner or occupant of a property to give the Health Officer free access to the property for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Code.

**18-4-24**      **PROPERTY OWNER RESPONSIBILITY.** The owner or contractor shall give reasonable (minimum **twenty-four (24) hours**) advance notice to the Department before installation of any component of a private sewage disposal system. A private sewage disposal system which has been installed shall not be covered or placed in operation until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Department.

**18-4-25**      **INSPECTION OF INSTALLATION.** The Authorized Representative may make inspections during the course of the construction of any individual sewage disposal system, to insure compliance with this Code.

**18-4-26**      **FAILURE TO PERMIT INSPECTION.** If any homeowner or contractor who installs a private sewage disposal system shall backfill any portion of the system and/or cover the same which will prevent the same from being readily viewed to determine if the system meets all requirements of the Code before receipt of written approval by the Health Officer, the Health Officer may give **fifteen (15) days** notice in writing to such homeowner or contractor so violating the provisions of this Code, to uncover such backfilled or covered portions of the system.

**18-4-27**      **TIME LIMIT FOR UNCOVERING.** If, at the end of such **fifteen (15) days**, the homeowner or contractor shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty action may be taken. The Health Officer may elect to have the system uncovered at the expense of the homeowner or contractor. Failure of the homeowner to pay such costs within **thirty (30) days** shall result in execution of a lien against the property.



**18-4-28**     **REPEATED VIOLATIONS.** For serious or repeated violation of any of the requirements of this Code, or for interference with the Health Officer in the performance of his duties, the private sewage disposal contractor's Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Officer. Prior to such action, the Health Officer shall notify the contractor in writing, stating the reasons for which the Registration Certificate is subject to revocation and advising that the certificate shall be revoked at the end of **five (5) days** following service of such notice, unless a request for a hearing is filed with the Health Officer, by the holder, within such **five (5) day** period. A Registration Certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

**18-4-29**     **LIMITING LAYER.** Subsurface seepage systems receiving septic tank effluent shall have at least **two (2) feet** of vertical separation distance between the bottom of the subsurface seepage system and the top of the limiting layer. For soils in **Design Group I-VI** or with a loading rate of greater than **0.62 gallons per day per square foot** a vertical separation of **three (3) feet** between the bottom of the subsurface seepage system and the top of the limiting layer is required.

**18-4-30**     **SOIL SUITABILITY.** The guidelines in the USDA Soil Survey of Randolph County will be followed. Subsurface seepage fields will not be permitted unless the absorption capacity and treatment capabilities of the soil shall be determined as follows:

(A)

**Soil investigations.**

- (1) Determination of soil characteristics on sites proposed for development with private sewage disposal systems shall be based on soil boring data collected by a soil classifier.
- (2) There shall be a minimum of **three (3) borings** per soil absorption system site. The soil borings shall be at least **fifty (50) feet** apart and the proposed subsurface seepage system shall be within the area where the soil borings were located. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is some concern about the consistency of the soil materials or underlying geology. One of the borings shall be made at the lowest elevation of the proposed absorption field area. Borings shall extend a minimum of **sixty (60) inches** below the natural ground surface.
- (3) Observation and determination of soil characteristics may be also determined from a pit dug by a backhoe or other excavating equipment. The Department or local health authority may require soil pits (backhoe excavations) in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been previous or current fill material, cutting of soils, or where gravelly soils are encountered. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize damage to natural soil structure. Soil pits shall extend a minimum of **sixty (60) inches** below the natural ground surface.
- (4) Site characteristics to be described include zones of seasonal and permanent water saturation, U.S.D.A. soil structural features, slope, compaction and depth, soil coloration, depth of limiting layer, depth of soil mottling (depth to low chroma equal to or less than 2 and a value of 4 or more - Munsell Color System), internal drainage classification, and permeability range, and other limiting soil characteristics that may reduce permeability.
- (5) When using soil suitability, private sewage disposal systems shall be sized based on Soils Suitability Index for On Site Sewage Design shown in **Appendix A**.

- (a) Only those persons who meet the definition of soil classifier are qualified to conduct soil investigations.
- (b) If conflicting soils investigation information is provided about a given site an NRCS soil scientist may be requested to provide professional assistance.

**18-4-31 RESERVE AREA.** No private sewage disposal system shall be installed on property having insufficient replacement area to support a private sewage disposal system equal to the size and type of the original system. This replacement area shall be a separate area and shall not include the area between the trenches of a subsurface seepage system. This replacement area is intended for use only in the event of system failure. It is not intended to compensate for a building addition or change in use which results in increased flow of domestic waste. In all cases where commercial or industrial properties are proposed for development, there shall be room for a full-size replacement system. This replacement area shall be kept free of development, traffic or soil modification on all properties. This provision shall apply in all cases except where the subsurface seepage system is preceded by an aerobic treatment plant which complies with the requirements of IDPH Private Sewage Disposal Code.

**18-4-32 SITE SELECTION.** No private sewage disposal systems or components will be permitted within the Lower Elevation Segments of Sinkholes. Systems with surface discharges will not be permitted within **fifty (50) feet** of the immediate sinkhole drainage area. The immediate sinkhole drainage area is the ground surface area that provides drainage to the sinkhole.

Surface discharge systems will not be permitted in the sinkhole plain areas. This refers to areas where all of the drainage is to sinkholes.

Subsurface seepage fields will not be permitted within **seventy-five (75) feet** of the point where the slope of a sinkhole side exceeds **five percent (5%)**.

Proven zero effluent discharge systems and components will be permitted within the Upper Elevation Segments of Sinkholes.

**18-4-33 SITE ACCESS.** The site selected shall be accessible for both installation and maintenance of all components.

**18-4-34 EFFLUENT DISCHARGES.**

(A) Buried sand filters, recirculating sand filters, lagoons, and aerobic treatment plants listed by NSF for Class I effluent must have a National Pollutant Discharge Elimination System (NPDES) permit unless the health department determines the effluent will not discharge to Waters of the United States (WOTUS).

(B) Whenever property is subdivided which does not provide private sewage disposal systems in compliance with subsurface seepage or effluent discharge requirements, then a sewage system in compliance with 35 Illinois Administrative Code 301 et seq. Illinois Environmental Protection Agency shall be provided.

**18-4-35 AERATION UNITS.**

(A) Property owners shall maintain the aeration unit in accordance with the manufacturer specifications.

(B) Property owners shall be required to obtain and maintain at all times a continuing service policy with the manufacturer of the aeration unit, or a licensed installation contractor or an agent as long as the NSF standard is maintained; OR

(C) In lieu of a continuing service policy, the property owner shall have an independent certified laboratory test the system effluent every **six (6) months** for the following:

- (1) BOD<sup>5</sup>
- (2) Suspended Solids
- (3) Color
- (4) Threshold Odor
- (5) Oily Film
- (6) Foam
- (7) Chlorine Residual (if applicable)
- (8) Fecal Coliform Count.

The effluent shall be in compliance with Code specifications.

(D) Copies of the service contracts and copies of all test results shall be submitted to the Health Department.

**18-4-36**      **POWERS AND DUTIES OF THE DEPARTMENT.** In accordance with the provisions of this Code, the Department has the following powers and duties:

(A) To make such inspections as are necessary to determine satisfactory compliance with the Private Sewage Disposal Code.

(B) To cause investigations to be made when a violation of any provision of this Code is observed by or reported to the Health Department.

(C) To enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the administration and enforcement of this Code.

(D) To institute or cause to be instituted legal proceedings in the Circuit Court of Randolph County in cooperation with the State's Attorney's Office in cases of non-compliance with the provisions of the Private Sewage Disposal Code.

**18-4-37**      **VIOLATIONS.** Whenever the Health Department determines, through inspections or other means, that there is a violation of any provision of this Code, the Health Department shall give notice of such alleged violation. Such notice shall:

(A) Be in writing.

(B) Include a statement of the reasons for the issuance of the notice.

(C) Contain an outline of remedial action and allow a reasonable time to effect compliance with this Code.

(D) Be served upon the owner, operator or resident as the case may require, provided that such notice shall be deemed to have been properly served when the notice has been personally delivered or sent by registered or certified mail.

**18-4-38**      **REVOCATION OR SUSPENSION OF A PERMIT.** The Health Department shall have the authority to revoke or suspend permits when they are issued in error, or where the provisions of this Code are violated. The reason for the revocation or suspension of a permit shall be posted in writing at the site, or mailed to the applicant at the address provided in the permit application.

**18-4-39**      **VARIANCES.** If conditions exist at a proposed installation which make impractical or impossible compliance with the requirements of this Code, a variance may be requested by submitting to the Randolph County Health Department, a written proposal which is to be used in lieu of compliance with this Code. Such written request shall include pertinent data such as soil conditions, water table elevations, drainage patterns and distances to water supplies in order to support the request. The capability of the system to comply with the intent of this Code will be the basis for approval or denial

of the variances. The Department or local authority will notify the applicant in writing of its decision to either grant or deny the variance. A variance shall be requested and approved before construction begins.

**18-4-40 FEE STRUCTURE; PERMIT FEE.** The fee to be paid to the Randolph County Health Department for installation permits shall be as follows:

New Construction	\$ 350
Repair of Existing system	\$ 200
Holding Tank	\$ 175
Community Systems:	
Installed in one phase	\$ 200
Installed in phases	\$ 200 plus
	\$ 40 per phase after first phase.

**(Ord. No. 17-03; 01-27-17)**

**ARTICLE V - INDIVIDUAL WATER SUPPLY and GEOTHERMAL WELL CODE**

**18-5-1**        **ADOPTION BY REFERENCE.** In addition to those provisions set forth herein, this Code hereby adopts, by reference, the provisions set forth in the Illinois Water Well Construction Code Rules and Regulations, 77 Illinois Administrative Code 920 and the Illinois Water Well Pump Installation Code Rules and Regulations, 77 Illinois Administrative Code 925 and the Drinking Water Systems Code, 77 Illinois Administrative Code 900 and the Public Area Sanitary Practice Code, 77 Illinois Administrative Code 895 and any subsequent amendments or revisions thereto, **three (3) copies** of which shall be on file in the office of the Randolph County Clerk.

**18-5-2**        **PERMITS.** It shall be unlawful for any person to construct and/or reconstruct any individual water supply system or geothermal well within Randolph County unless he holds a valid permit issued by the Health Officer. The fee for a water supply permit shall be **One Hundred Dollars (\$100.00)**. The fee for a geothermal well permit shall be **Three Hundred Fifty Dollars (\$350.00)** for **five (5)** well boreholes or fraction thereof. Fees shall be payable to the Randolph County Health Department. **(Ord. No. 17-03; 01-27-17)**

**18-5-3**        **PERMIT PRIOR TO CONSTRUCTION.** It shall be the responsibility of the property owner to obtain a Permit before any construction is begun on the system. Failure of the property owner to obtain said permit before construction is begun shall constitute a violation of this Code and corrective action may be taken.

**18-5-4**        **CONTRACTOR'S RESPONSIBILITY FOR PERMIT.** It shall be the responsibility of the Illinois Water Well and/or Pump Installation Licensed Contractor to insure that a Private Water Supply System Permit has been issued and to follow the conditions of the permit. Failure of the Illinois Water Well and/or Pump Installation Licensed Contractor to insure the permit has been issued or to violate the conditions of the permit shall constitute a violation of this Code and penalty action may be taken.

**18-5-5**        **APPLICATIONS TO BOARD OF HEALTH.** All applications for permits granted under the provisions of this Code shall be made to the Board of Health or its duly Authorized Representative. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Code.

**18-5-6**        **APPLICATION INFORMATION.** Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:

(A)            Name and address of the applicant and location of the proposed site of construction and/or reconstruction.

(B)            Such other information as may be required by the Health Officer to substantiate that the proposed construction and/or reconstruction complies with minimum standards of this Code.

**18-5-7**        **TERM OF PERMIT.** The permit to construct is valid for a period of **twelve (12) months** from date of issuance. If construction has not started within this period, the permit is void, unless a renewal has been requested and granted.

**18-5-8**        **ENFORCEMENT.** Individual water supply systems and geothermal wells constructed prior to the effective date of this Code shall comply with any provision of this Code deemed necessary by the Health Officer.

**18-5-9**        **INSPECTIONS BY HEALTH OFFICER.** The Health Officer is, hereby, authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code.

**18-5-10**       **FREE ACCESS TO PROPERTY.** It shall be the duty of the owner or occupant of a property to give the Health Officer free access to the property for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Code.

**18-5-11**       **SYSTEM NOT TO BE COVERED.** An individual water supply system shall not be covered or placed in operation until the said installation shall have been inspected and written approval of the said system shall have been issued by the Health Officer.

**18-5-12**       **INSPECTIONS DURING CONSTRUCTION.** The Authorized Representative may make inspections during the course of construction of any individual water supply system, to insure compliance with this Code.

**18-5-13**       **CORRECTIVE ACTION.** Failure of the homeowners to receive Health Officer's written approval before covering or placing an individual water supply system in operation can result in corrective action being taken.

**18-5-14**       **SAFE WATER SUPPLIES.** All water supplies for human consumption which are available to the public shall be safe.

**18-5-15**       **CONTRACTOR'S REGISTRATION.** Individual water well and/or pump installation contractors shall register annually with the Randolph County Health Department.

**18-5-16**       **REVOCAION OF CONTRACTOR'S REGISTRATION.** For serious or repeated violations of any of the requirements of this Code, or for interference with the Health Officer in the performance of his duties, the Individual Water Well and/or Pump Installation Contractor's Registration Certificate may be revoked after an opportunity for a hearing has been provided by the Health Officer. A registration certificate may be suspended for a cause pending its revocation or a hearing relative thereto.

## ARTICLE VI - NUISANCE CODE

**18-6-1 SCOPE.** The Board of Health is hereby authorized and empowered to inspect all buildings, lands, and places, as to their condition affecting health and sanitation and, whenever any declared nuisance, or condition prejudicial to the public health is found to exist, the Board of Health shall have the power and the authority to order the owner occupant, or agent thereof to make such alterations or changes necessary to correct and remove the nuisance, or condition prejudicial to public health, or to take action under Article X, of the Randolph County Health Code.

The following are declared to be public nuisances prejudicial to public health, but are not inclusive of all conditions or acts that may give rise to the creation or continued existence of a nuisance:

(A) To cause to suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others. Carcasses of dead animals or any part of decaying animal matter, not buried or destroyed or collected, within **twenty-four (24) hours** after death.

(B) To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any water course, lake, pond, spring, well, or common sewer, street, or public highway.

(C) To corrupt or render unwholesome or impure the water of any spring, river, stream, pond, or lake to the injury or prejudice of others.

(D) All diseased animals, running at large. This is to include any animal determined by the Health Officer to be vicious.

(E) Accumulations of manure, rubbish, garbage, refuse, junk vehicles, human and industrial or noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.

(F) The housing of animals or fowl **fifteen (15) feet** from the property line to residences, schools, hospitals, public buildings, playgrounds, parks, and other places, if the animals create sanitary or health problems to persons or property in close proximity to them.

(G) To allow an abandoned refrigerator to remain on any premises that does not have the doors, lock and/or latches removed.

(H) To allow any open dug or bored well, sewage lagoon, cistern hole or pit to remain open without suitable protection such as fencing, warning devices, cover or barricade.

(I) To allow any abandoned building, mobile home, shed or other man-made structure to exist which is dangerous to public health because of its condition, faulty construction or lack of proper repair.

(J) To allow the spillage, scatter or loss of refuse from any vehicle used to transport refuse.

**ARTICLE VII - SOLID WASTE CODE**

**18-7-1        UNLAWFUL DUMPING.** All dumping of refuse within the County shall conform to the provisions of the State of Illinois, Environmental Protection Act, Title V: Land Pollution and Refuse Disposal, copies of which shall be on file in the Randolph County Health Department Office. Except in accordance with those provisions, it shall be unlawful to dump or deposit or permit to remain upon the grounds within the limits of this County, any garbage, cans, rubbish, or other offensive matter that may attract or harbor flies, rodents, vermin, or mosquitoes.

**18-7-2        PLACING OR LEAVING.** No person shall place, leave, dump, or accumulate any garbage, rubbish or other refuse in any building, or on any premises, improved or vacant, or upon any open lot or alley road in the County. No person shall burn garbage out of doors in the County except in a device approved by the Air Pollution Control Board, which provides for complete combustion without smoke or odor. A copy of a permit received from the Board to use such a device must be on file with the Board of Health.

**18-7-3        ACCUMULATION AND STORAGE.** No person shall accumulate or store on any premises, improved or vacant, or on any open lot or roadway in the County and of the following materials:

**"SALVAGE MATERIAL".** Any refuse, or waste, discharged or salvage materials, including junk autos, except in a junk yard.

**"UNUSUAL MATERIALS".** Any materials other than those ordinarily associated with the use for which the premises are regularly intended.

**18-7-4        INSPECTION.** The Health Officer, shall have the right to enter any property to inspect any facility or condition thereon for the purpose of determining whether these regulations are being complied with. Refusal, by the owner, of right of entry, shall cause the Health Officer to seek the permission of the court for right of entry.



## ARTICLE VIII - GARBAGE & TRASH COLLECTION

**18-8-1**        **DEFINITIONS.** As used in this article, the following words and phrases shall have the following meanings unless the context clearly indicates a different meaning:

**"ASHES":** Residue from fires used for cooking and for heating buildings.

**"COUNTY":** All territory located within the county limits of the County of Randolph, Illinois.

**"GARBAGE":** Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling storage and sale of produce.

**"PREMISES":** Any residence, commercial business, industry, hospital, nursing home, hotel, restaurant, and/or other business establishment within the county dealing in food or perishable items.

**"REFUSE":** Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste; street rubbish, including, but not limited to street sweepings, dirt, leaves, catch-basin dirt, contents of litter receptacles, but refuse does not mean tree branches, logs, brush cuttings and yard trimmings, earth and wastes from building construction or demolition operations nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings.

**18-8-2**        **APPLICATION OF CHAPTER.** This Article shall apply to all garbage, refuse and ashes to be collected and picked up by any collection system, private or public, conducted within the County. This Article shall also apply to all garbage, refuse and ashes transferred within the County.

**18-8-3**        **SOURCE OF REFUSE.** No garbage, refuse or ashes shall be collected by any refuse system or placed outside premises for collection by any refuse system except garbage, refuse and ashes generated by a resident of the County or from an activity conducted within the County. No person shall move or transport any garbage, refuse or ashes from one location to another to evade the provisions of this Chapter.

**18-8-4**        **GARBAGE, REFUSE AND ASHES WAITING FOR COLLECTION.** Every owner, occupant, tenant or lessee, using or occupying any premises, shall provide adequate receptacles of sizes, numbers and types required to contain all garbage, refuse and ashes generated by those persons occupying such premises. All garbage, refuse and ashes shall be stored in compliance with all public health ordinances of the County of Randolph and laws of the State of Illinois.

**18-8-5**        **UPSETTING OR TAMPERING WITH RECEPTACLES.** No person shall cause the removal, upsetting, mutilation, defacing or tampering with receptacles for garbage, refuses or ashes or cause the contents to be spilled or be strewn in or upon any public place or private premises.

**18-8-6**        **PREVENTION OF SCATTERING.** No person shall place garbage, refuse or ashes in receptacles, residential, commercial, industrial or otherwise, in such a manner so as to allow such garbage refuse or ashes to be carried or otherwise scattered or removed from such garbage, refuse and ashes receptacle by the elements or by animals.

**18-8-7**      **COLLECTION FREQUENCY: HOURS; PLACEMENT FOR COLLECTION.**

(A) In residential areas, garbage, refuse and ashes collection shall be made at least once each week. In commercial business and industrial areas and at all hospitals, nursing homes, hotels, restaurants and other business establishments within the County dealing in foods or perishable items, collection shall be made at least once a week or more frequently in order to prevent a nuisance.

(B) On the date of collection of any garbage, refuse or ashes is scheduled for any premises in the County, or not earlier than **5:00 P.M.** of the night before collection is so scheduled, all garbage, refuse and ashes shall be placed at the street in front of the premises where there is no alley or at the alley where there is an alley. Such garbage, refuse or ashes shall be in containers as required under provisions of this Chapter. After such garbage, trash and ashes has been collected and on the same day of such collection, such containers shall be removed to the rear of the premises. All receptacles or containers for the disposition of garbage, refuse and ashes to be picked up by any private collection from any premises in the County shall be maintained at the rear of the premises except as herein provided.

**18-8-8**      **COLLECTION AND TRANSFER TRUCKS.** It shall be unlawful for any person, firm or corporation, in person or by his or its agent, employee or servant, to use any vehicle to collect any kind of garbage, refuse or ashes, whether liquid or solid, except in a truck specifically equipped with a self-compactor used exclusively for garbage or refuse operations. Provided however that the requirement for using such trucks equipped with self-compactors shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material if such matter is securely lashed to such vehicle to prevent spilling or dropping at all times while such vehicle is in motion on any street or alley in the County. Any vehicle used to, transfer garbage, refuse or ashes shall be covered by a tarpaulin so as to prevent garbage, refuse or ashes from blowing, spilling or dropping on any street, alley or public way or place in the County.

**18-8-9**      **OVERLOADING COLLECTION VEHICLE PROHIBITED.** It shall be unlawful for any person to permit any vehicle for the collection of garbage, refuse or ashes in the County to be overloaded or to allow the contents thereof to be blown or scattered upon any public street, alley or other public way or place in the County. The person in charge of such vehicle shall immediately gather up or cause to be gathered up any such blown or scattered material.

**18-8-10**      **UNEMPTIED GARBAGE, REFUSE OR ASHES CONTAINERS.** It shall be unlawful for any person who is in control of any premises upon which there is located, or on whose behalf there is maintained, any receptacle or container of garbage, refuse or ash (which has been containerized in accordance with a contract for its removal) to allow such garbage, refuse or ashes to remain uncollected beyond the date provided by the contract for its collection and removal, or after such garbage, refuse or ashes creates a condition which is offensive due to odor, attraction or vermin, or danger to health, or in any case to allow such container or receptacle to remain unemptied for longer than **fourteen (14) days**.

**18-8-11**      **NEGLECT OF GARBAGE, TRASH AND ASHES CONTAINERS BY CONTRACTOR.** It shall be unlawful for any person who has been licensed by the County and who has contracted to collect and remove garbage, refuse and ashes to allow such garbage, refuse and ashes to remain uncollected beyond the date provided by the contract with the customer for such collection and removal, or in any case to allow receptacle or container to remain unemptied for longer than **fourteen (14) days**, or until such garbage, refuse and ashes creates any condition which is offensive due to odor, attraction of vermin or danger to health. If any contractor fails to comply with this Section, the commissioner of public health and safety may proceed at the contractor's expense, after notice, to abate such condition and to revoke such contractor's license.

**18-8-12**      **LICENSES.**

(A) It shall be unlawful for any person, firm or corporation to collect, or transport garbage, refuse or ashes in the County until a license therefore has been obtained upon approval by the County Board of Health. License shall only be issued to qualified applicants. Applications for the license shall be made to the Randolph County Health Department and shall be issued only upon a showing by the applicant that:

- (1) Applicant has a truck especially equipped with a self-compactor to be used exclusively for garbage or refuse operations. Vehicles used to transfer garbage will be exempt from the provision of having a self-compactor. All trucks shall be dumped of their entire contents on a daily basis at a State approved site.
- (2) The truck has been inspected within **six (6) months** by the Illinois Department of Transportation as required by State law.
- (3) The truck has audible back-up alarm system designed to alert bystanders when vehicle is in backward motion (automatic type).
- (4) Written evidence of agreement between applicant and operator of licensed landfill approved by the Illinois Environmental Protection Agency for the disposal of all garbage, refuse and ashes to be collected by the applicant.
- (5) Applicant shall state the make, model and year and license number for each motor vehicle or truck to be used by the applicant hereunder.
- (6) Applicant shall furnish a certificate of policy of liability insurance as hereafter required to the Clerk.

(B) No license shall be granted until the applicant shall have satisfied the County Board of Commissioners of the ability to strictly comply with all the requirements and conditions of this Chapter in the operations to be conducted under the license. No license issued pursuant to this Ordinance shall be transferable.

(C) If the applicant complies with this Chapter, all required fees have been paid, and it does not appear that any county ordinance has been violated, than the Health Department shall thereupon issue a license for the collection of garbage, refuse and ashes to the applicant.

**18-8-13**      **LICENSE FEE.** Every person, firm or corporation who shall be issued a license hereunder shall pay a license fee of **Fifty Dollars (\$50.00)** per year or any fractional part thereof for the first truck operated in the business and a further fee of **Twenty-Five Dollars (\$25.00)** per year or fractional part thereof for each additional truck so operated. The license year shall commence on **January 1** and end on **December 31** of each year. No permit fee payable under this Ordinance shall be refundable. Fee shall be paid to the County Clerk after the permit has been issued by the Randolph County Health Department and credited to the Solid Waste Management Fund.

**18-8-14**      **INSPECTION OF VEHICLES.** Any truck or motor vehicle for which a license is issued under this Chapter shall be used exclusively for the collection of garbage, refuse and ashes. It shall be subject to an annual inspection by the Health Officer of Randolph County Health Department or his appointee to secure compliance with all rules and regulations of the Illinois Department of Transportation and this Chapter.

**18-8-15**      **EMERGENCY OPERATION.** Any applicant to whom a license is issued under this Chapter for the collection of garbage, refuse and ashes shall be allowed to use a truck or motor vehicle, not specially equipped with a self-compactor, for a period not exceeding **seventy-two (72) hours** during which applicant's regular motor vehicle or truck so specially equipped is inoperable. Any

substitute motor vehicle or truck operated during the mechanical break-down period shall be covered by a tarpaulin so as to prevent garbage, refuse and ashes from blowing, spilling or dropping on any street, alley or public way in the County.

**18-8-16**      **INSURANCE.** It shall be unlawful to operate a vehicle hereunder or permit the same to be operated unless the permit holder shall first deposit with the Randolph County Health Department a policy or certificate of liability insurance covering all vehicles of all kinds used hereunder, the policy to be issued by an insurance company licensed to do business in the State of Illinois indemnifying the applicant in the minimum amount of **One Hundred Million Dollars (\$100,000,000.00)**.

**18-8-17**      **SUSPENSION, REVOCATION.** Licenses granted under this Chapter may be suspended or revoked at any time by the Randolph County Health Department for substantial violation of this Chapter. No license shall be revoked without an opportunity for a hearing.

(A)              Written warning will be issued by the Randolph County Health Department non-compliance with any of the provisions of this Chapter. Applicant will be given not less than **twenty-four (24) hours** nor more than **seventy-two (72) hours** to comply with the provisions then being violated by applicant.

(B)              Appeals of violation notices and/or suspensions may be made in accordance with **Article X - Administrative Procedures**, of the Health Code.

**18-8-18**      **PENALTY.** Penalty shall be as stated in **Article X, Section 18-10-6** of the Health Code.

**ARTICLE IX (RESERVED)**

**ARTICLE X - ADMINISTRATIVE PROCEDURES**

**18-10-1**     **RIGHT OF INSPECTION.** The Health Officer or authorized representative, after identification and subject to constitutional limitations, may enter at reasonable times upon private or public property for the purpose of investigation conditions relating to the administration and enforcement of this Code. The owner or occupant of the premises or the person in charge thereof shall give the Health Officer free access to all parts of the premises at all reasonable times for the purpose of investigating conditions relating to the administration and enforcement of these standards.

**18-10-2**     **ISSUANCE OF NOTICE.** Whenever the Health Department determines that a violation of any provision of this Code has occurred, the Health Department shall give notice to the person responsible for such violation, unless stated elsewhere in this Code, the notice shall be in writing.

Include a statement of the reasons for issuance of the notice. Allow reasonable time as determined by the Health Department for performance of any act it requires.

Be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of the State of Illinois, and contain an outline of remedial action which is required to effect compliance with this Code.

**18-10-3**     **HEARINGS BEFORE THE HEALTH OFFICER.** Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any Section of this Code, may file in the office of the Health Office a written request for a hearing before the Health Officer within **thirty (30) days** of receipt of violation notice.

Unless stated elsewhere in this Code, the Health Officer shall hold a hearing at a time and place designated by him within **thirty (30) days** from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If, as a result of the hearing, the Health Officer finds that strict compliance with the order, or notice would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Officer may modify or withdraw the order or notice and as a condition for such action may, where he deems it necessary, make requirements which are additional to those prescribed in this Code for the purpose of properly protecting the public health. The Health Officer shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the Office of the Health Officer as a matter of public record. Any person aggrieved by the decision of the Health Officer may seek relief therefrom through a hearing before the Board of Health.

**18-10-4**     **HEARINGS BEFORE THE BOARD OF HEALTH.** Any person aggrieved by the decision of the Health Officer rendered as the result of a hearing held in accordance with this Section may file in the Office of the Health Officer a written request for a hearing within **thirty (30) days** of the date of the decision. At a time and place designated by the Secretary of the Board of Health a hearing shall be held within **thirty (30) days** of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than **five (5) days** prior to the date on which the hearing is to be held. If as a result of facts elicited as a result of the hearing, the Board of Health finds that strict compliance with the decision of the Health Officer would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Officer, the Board of Health may grant a variance and as a condition for such variance, may, where it deems necessary, make

requirements which are additional to those prescribed by this Code, all for the purpose of properly protecting the public health.

The Board of Health shall render a decision within **ten (10) days** after the date of the hearing which shall be reduced to writing and placed on file in the Office of the Health Officer and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

A certified transcript of the record shall be provided at the expense of the person requesting the hearing. All witnesses called shall be required to testify under sworn oath.

An appeal from a decision of the Board of Health may be made to the Circuit Court of Randolph County, pursuant to the provisions of the "Administrative Review Act" in force and effect at that time in the State of Illinois.

**18-10-5**      **CLEAN-UP.** In case the owner, agent, or occupant of any premises or lot neglects or fails to clean-up and remove all garbage, rubbish, and other refuse, after due notice and time specified by the Health Officer, the Health Officer may arrange for removal of such materials and the expense incurred shall be billed to the owner, agent, or occupant. In case the owner, agent, or occupant of any premises or lot neglects or fails to exterminate any infestations of vermin or rodents after due notice and time, as specified by the Health Officer, the Health Officer shall cause such vermin or rodents to be exterminated and the expense incurred shall be billed to the owner, agent, or occupant. If the charge for clean-up, extermination remain unpaid, it shall be made a special lien against the property at the next tax roll. **(Ord. No. 89-04; 04-03-89)**

**18-10-6**      **PENALTY.** Any person who shall violate any provision of the Randolph County Health Code, shall upon conviction be punished by a fine of not less than **One Hundred Dollars (\$100.00)** or more than **One Thousand Dollars (\$1,000.00)**, and each day's failure to comply with any such provision shall constitute a separate offense.

**ARTICLE XI - MISCELLANEOUS PROVISIONS**

**18-11-1**      **CONFLICT OF ORDINANCE.** In any case where a provision of this Code is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, code of Randolph County existing on the effective date of this Code, the provision which, in the judgment of the Health Officer establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Code is found to be in conflict with a provision of any other ordinance or code of the County existing on the effective date of this Code, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Code shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Code.

**(Ord. No. 15-1; 12-01-14)**

**JAIL REGULATIONS**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
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CHAPTER 19

JAIL REGULATIONS

ARTICLE I – JAIL REIMBURSEMENT POLICY

**19-1-1**        **DEFINITIONS.** For the purposes of this Chapter, the following words shall be defined as:

(A)            **Prisoner** shall mean any person convicted and incarcerated either for a set period of time, temporary or intermittent, in the Randolph County Jail or any other facility in which Randolph County is financially liable for the prisoner’s care and upkeep.

(B)            **Convicted** shall mean a finding, plea, or ruling of guilty by any court of competent jurisdiction.

(C)            **Medical care** shall mean all care and services related to the medical, mental, and physical well-being of a prisoner. Medical care shall also include any hospital care or services and prescription drugs.

(D)            **Incarcerated** in the context of this Chapter only, shall mean those ordered to be confined on or after **May 20, 1996**, or those arrested on or after **May 20, 1996**. It shall not include those prisoners already confined as of **May 20, 1996**, or those prisoners where the order for their confinement already includes a provision for the reimbursement of incarceration costs. This definition shall not be intended to create a new penalty.

(E)            **Day** shall mean a **twenty-four (24) hour** period of time beginning at **12:01 A.M.**

**19-1-2**        **NOTIFICATION OF PRISONERS.** The Randolph County Sheriff or his official designees shall be responsible in notifying prisoners as to the amount of money the prisoner owes to the County of Randolph for their incarceration. The prisoner shall be notified in person or via mail. The prisoner’s attorney may also be notified as to the amount their client owes as a result of this present Chapter.

(A)            The Randolph County Sheriff or his official designees are hereby authorized to charge and collect from each prisoner the following amounts:

- (1) For housing and feeding, **Ten Dollars (\$10.00)** each day;
- (2) For work release, **Ten Dollars (\$10.00)** each day released;
- (3) For periodic imprisonment (weekend only sentences), **Twenty-Five Dollars (\$25.00)** each segment of the mittimus to be served;
- (4) Inmate Nurse Visit, **Thirteen Dollars (\$13.00)** per request;
- (5) Inmate in Jail Doctors Visit, **Twenty-Three Dollars (\$23.00)** per request.

Additionally, the actual cost of the medical visit will be assessed as set forth below:

- (6) Escort of inmate to outside facility for medical, dental, ocular or like appointments, **Fifty-One Dollars (\$51.00)**. Additionally, the actual cost of the medical visit from the provider will be assessed as set forth below; and
- (7) The actual costs of all medical, prescription, dental, ocular and like expenses.

**(Ord. No. 17-17; 08-11-17)**

(B) The amounts listed above shall begin to accrue at the time the prisoner is incarcerated. In no event shall any prisoner be charged for less than **one (1) day** of charges, regardless of their length of incarceration on any given day.

(C) Medical charges may be assessed from the beginning of the incarceration through the end of the incarceration.

(D) Notwithstanding anything else to the contrary, no prisoner shall be assessed, and the Sheriff shall not collect any amounts due and owing as a result of this present Chapter until such prisoner has been convicted of a criminal offense by any court of competent jurisdiction. In the event, however, any such conviction allows the prisoner credit for time already served, the prisoner may be charged and assessed the credited time for any charges authorized by this Article for any days prior to their conviction.

**19-1-3**      **CIVIL PROCESS FEES.** The Randolph County Sheriff is hereby authorized to assess the following fees in for civil process:

(A)            **Forty-Six Dollars (\$46.00)** flat fee, plus **One Dollar (\$1.00)** per mile one way;

(B)            **Seven Dollars (\$7.00)** to return service; and

(C)            **Fifty-One Dollars (\$51.00)** for civil eviction and replevin standby.

**(Ord. No. 17-17-08-11-17)**

**19-1-4**      **LIMITATIONS ON AMOUNTS.** The charge and collection of the above amount, however, are also subject to the following limitations:

(A)            Efforts to collect the charges so incurred shall first be directed toward the prisoner's voluntary compliance to pay the charges. Failing this, the Sheriff may refer the matter to the Randolph County State's Attorney for further collection activities.

(B)            If another party is legally obligated to pay for the care of the prisoner, that other party shall first be billed for the charges. Subject to existing law, the prisoner shall be responsible for any charges not paid by third party payers.

**19-1-5**      **STATE'S ATTORNEY AS AGENT.** The Randolph County State's Attorney is authorized to act as the County's and Sheriff's legal agent in collecting any charges so incurred by a prisoner. The Randolph County Sheriff, upon consultation with the State's Attorney's Office, shall have the authority to negotiate the settlement of any charges where the incurred amount owed by the prisoner does not exceed **Ten Thousand Dollars (\$10,000.00)**. Beyond that, the Sheriff must seek the consent of the Randolph County Board before any such amount is settled or comprised.

**19-1-6**      **DEPOSIT IN GENERAL FUND.** All monies collected from the prisoner shall belong to the County and be deposited with the Randolph County Treasurer into the County's General Fund.

**19-1-7**      **APPLICABILITY OF ARTICLE.** No prisoner under the care, jurisdiction or control of another entity shall be affected by the present law.

**19-1-8**      **ENFORCEMENT.** Nothing contained in the present Article obligates the Sheriff or the State's Attorney's Office to enforce the present Article.

**19-1-9**      **MEDICAL SERVICES.** Pursuant to the authority of the County Jail Act, **730 ILCS 125/17**, the County shall, effective immediately, reimburse private hospitals, physicians, or other agency providing medical services to inmates of the Randolph County Jail at the Department of Public Aid's rates for medical assistance, said rates to be determined by the Sheriff in consultation with the Department of Public Aid. **(Ord. No. 13-11; 08-29-13)**

**(Unless Otherwise Noted, Ord. No. 96-2; 06-20-96)**

**LAND RESOURCE DEPARTMENT**

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CHAPTER 20

LAND RESOURCE DEPARTMENT

ARTICLE I – ADMINISTRATION

**20-1-1**      **DEPARTMENT CREATED.** There is hereby created the Land Resource Management Department, which shall hereinafter be located on the second floor of the Randolph County Courthouse and be administered by the County’s GIS, Mapping and Platting Department Chief Clerk.

**20-1-2**      **DUTIES AND RESPONSIBILITIES.** The GIS – Mapping and Platting Department Chief Clerk shall be responsible for the following:

- (A) Maintenance of the County GIS system.
- (B) Review all deeds, before they are recorded:
  - (1) Deeds will be determined by preparer as to whether they are splits or straight transfers.
  - (2) Straight transfers will be stamped accordingly and sent on the County Clerk to be recorded.
  - (3) A deed that splits a parcel will be reviewed and drawn. If there is a problem with the deed, it will be returned to the deed preparer. If the deed closes, has the proper prior parcel information, and the correct addresses for the buyer and seller, it will be stamped “Approved” and the fee collected. Then it can be sent on to the County Clerk to be recorded.
- (C) Update property maps, in a GIS format, for the County, whenever a plat is filed, property is divided, corporate lines are changed or any other map corrections, revisions or additions are made.
- (D) Issue new Parcel numbers whenever property is divided or a plat is filed.
- (E) Prepare and keep updated a prior deed list for every parcel in the County.
- (F) Write new legal description for non-farmland files for the Assessor’s program when property is divided.

**ARTICLE II - GENERALLY**

**20-2-1**        **LOTS DESIGNATED.** All lots in any municipality or regularly recorded subdivision need only be designated by the number of the lot or lots and the name of the subdivision or addition to any subdivision.

**20-2-2**        **ADEQUATE BEARINGS.** Any portion of lot or lots should have adequate bearing and dimensions or be tied into street or road intersections and lot lines on a recorded plat.

**20-2-3**        **UNRECORDED PLAT.** No description shall refer to an unrecorded plat.

**20-2-4**        **IDENTIFIED POINTS.** Metes and bounds descriptions of all tracts must begin at some known point of beginning that can be readily identified and is so established and witnessed that it can be relocated with certainty if the marker or monument that identifies the point should be destroyed or removed, and markers or monuments referred to for a beginning point must be highway or street intersections on a recorded plat, section corners, quarter section corners and boundaries or a stone or other permanent marker, properly located and witnessed.

**20-2-5**        **DESCRIPTION REQUIRED OF PLATS.** All calls in the metes and bounds description must have an angular bearing or course that is defined by degrees, minutes and seconds and must have a distance measured in chains, rods, or feet and inches. Following the course of a public road is an acceptable bearing, if said bearing relates to the location of the road as of the date of the deed. The description must close; that is, if the courses and distances of the description are followed step by step from corner to corner, one must come back to the point of beginning, the error of closure not greater than 1 in 5,000.

**20-2-6**        **CURVED LINE DESCRIPTIONS.** All calls in the description which follow a curved line must refer to the point of tangency of the curve as well as to the radius of the curve, the bearing and dimensions to the radius point or must follow the curve of a street or highway as established on a recorded plat. The distance given on the call of a curved line should be identified as being measured along the curve or on the arc of the curve. Arc length and radius are preferred. If using deflection angles, the chord bearing must be included in order to have the proper direction of the curve.

**20-2-7**        **TAX DISTRICTS.** When a tract lies in **two (2)** or more tax districts, the acreage shall be divided by the Assessor and improvements on such tract shall be assessed in the district in which the major portion of such improvement lies.

**20-2-8**        **TRACT EXCEPTIONS.** Not allowed.

**20-2-9**      **ADDRESSES OF TAXPERSONS.** All deeds and transfer declarations must list the name and address of the person or persons to whom tax bills will be sent, and the address of the property conveyed.

**20-2-10**      **TRANSFERS AND REFERENCES.** All deeds and real estate transfer declarations will require a reference to the previous transfer by giving the book and page number, and no instrument by which the title to real estate or any interest therein or lien thereon is conveyed, created, encumbered, assigned or otherwise disposed of, shall be recorded by the Recorder of Deeds unless the name, address and telephone number of the person who, or government agency which drafted such instrument is printed, typewritten, stamped or written thereon in a legible manner.

**20-2-11**      **PERMANENT PARCEL NUMBER ON INSTRUMENT.** The instrument shall contain the permanent parcel index number of the parcel conveyed on the face of the instrument immediately under the property descriptions.

**20-2-12**      **COUNTY LINES.** When a metes and bounds description is used, and the parcel being described crosses over a county boundary line, the description should describe the area of the parcel in each county.

**20-2-13**      **REAL ESTATE TRANSFER DECLARATION.** A deed that is being recorded which requires a Real Estate Transfer Declaration, such declaration shall accompany the deed when the deed is being reviewed. The deed and the declaration must be marked as acceptable before either one may be recorded.

**20-2-14**      **TRANSFER BY WILL OR COURT ORDER.** When a will or other court action transfers ownership or interest in a parcel, a deed shall be recorded in the Recorder of Deeds Office under the guidelines stated in this Chapter.

**20-2-15**      **REQUIREMENTS OF SUBDIVISION CODE.** No plat of a subdivision shall be marked as approved for recording unless the plat has previously been approved through the provision of the Randolph County Subdivision Code.

**20-2-16**      **ROAD APPROVAL CRITERIA.** For purposes of deed or plat approval under the provisions of this Code a road shall be identified and determined acceptable only when it meets the following criteria:

- (A)              Road must have been platted and recorded in the County Clerk's office.
- (B)              Must be shown as a maintained county or road district road, as certified to the Superintendent of Highways by the respective road district commissioner, and maintained in a booklet in the Superintendent of Highway's office.

Any plat or deed making reference to a road not meeting the above criteria must be approved through the procedures of the Randolph County Subdivision Code.

**20-2-17**     **REQUIRED APPROVAL SEAL.** Upon passing this Chapter, it shall be required that any deed or plat prior to being recorded must be checked and approved for compliance of the provisions of the Plat Act and of this Code. The Commissioners of Randolph County shall appoint a person and establish a Department of Mapping and Platting, setting forth authority to approve or disapprove any deed or plat that does not meet the requirement of the Plat Act or of the Code. Any deed or plat that does not carry the required approval seal shall not be recorded by the County Clerk and Recorder.

**20-2-18**     **FEE.** A fee shall be levied against every deed or plat that is recorded in the County. This fee shall consist of a **Twenty-Five Dollar (\$25.00)** charge which shall be added to and collected at the time the deed or plat is reviewed. County, State and Federal Governments will be exempt from this fee. The monies collected by this fee shall then be deposited in the County's GIS fund to reimburse the County for providing this service.

Straight transfer deeds and plats that are provided in a digital format will be exempt from the fee.

**(Ord. No. 07-16; 09-21-07)**



## **LIQUOR**

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## CHAPTER 21

## LIQUOR

## ARTICLE I - GENERALLY

**21-1-1**        **CONSTRUCTION OF CODE.** This Code shall be liberally construed to the end that the health, safety and welfare of the people of the County, State of Illinois, shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the sale and distribution of alcoholic liquors.

**21-1-2**        **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

**"ALCOHOL"** means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

**"ALCOHOLIC LIQUOR"** includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with **Acts of Congress** and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. **(235 ILCS 5/1-3.05)**

**"BEER"** means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. **(235 ILCS 1-3.04)**

**"BOWLING ALLEY"** means every establishment or building, or part of an establishment or building, as the case may be, wherein the game of bowling, played with composition balls and ten wooden pins, is played.

**"CATERER RETAILER"** means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. **(235 ILCS 5/1-3.34)**

**"CLOSE"** means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.

**"CLUB"** means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and

character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Liquor Commissioner at the time of its application for a license under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. **(235 ILCS 5/1-3.24)**

**"CORPORATION"** means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the "Business Corporation Act" of Illinois. **(Rule 100.10(b))**

**"COUNTY CHAIRMAN"** means the Local Liquor Control Commissioner as provided in the **Illinois Compiled Statutes, Chapter 235, entitled "Dramshop"** and all references to Liquor Commissioner shall refer to the County Chairman unless otherwise provided.

**"DISTILLED SPIRITS"**. See "Spirits".

**"EVENT"** means a single theme. **(Rules and Regulations 100.10(o))**

**"HOTEL"** means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which **twenty-five (25)** or more rooms are used for the sleeping accommodations of such guests and having **one (1)** or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen or dining room equipment and capacity. **(235 ILCS 5/1-3.25)**

**"MANAGER" OR "AGENT"** means any individual employed by any licensed place of business, provided said individual possess the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe. **(Rule 100.10(f))**

**"MEAL"** means food that is prepared and served on the licensed premises and excludes the serving of snacks. **(Rules and Regulations 100.10(n))**

**"ORIGINAL PACKAGE"** means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. **(235 ILCS 5/1-3.06)**

**"PACKAGE LIQUOR STORE"** means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

**"PARTNER"** is any individual who is a member of a co-partnership. "Co-partnership" means an association of **two (2)** or more persons to carry on as co-owners of a business for profit. **(Rules and Regulations 100.10(d)(e))**

**"PREMISES/PLACE OF BUSINESS"** means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to any such place or location. **(Rules and Regulations 100.10(g))**

**"PRIVATE FUNCTION"** means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

**"PUBLIC PLACE"** means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms **"public place"** and **"public premises"** shall be interchangeable for the purposes of this Chapter.

**"RESIDENT"** means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least **one (1) year** and in the city, village and county in which the premises covered by the license are located for at least **ninety (90) days** prior to making application for such license and is a registered voter. **(Rule 100.10(a))**

**"RESTAURANT"** means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. **(235 ILCS 5/1-3.23)**

**"RETAILER"** means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.17)**

**"SALE"** means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. **(235 ILCS 5/1-3.21)**

**"SELL AT RETAIL" and "SALE OF RETAIL"** refer to any mean sales for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.18)**

**"SPECIAL EVENT"** means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization. **(235 ILCS 5/1-3.30)**

**"SPECIAL EVENTS RETAILER"** means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license. **(235 ILCS 5/1-3.17.1)**

**"SPIRITS"** means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. **(235 ILCS 5/1-3.02)**

**"TO SELL"** includes to keep or expose for sale and to keep with intent to sell. **(235 ILCS 5/1-3.22)**

**"WINE"** means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. **(235 ILCS 5/1-3.03)**

**[All references to "Rules" refer to Illinois Liquor Control Commission Rules located in Title 11; Subtitle A; Chapter 1; Part 1; Section 100.5 et seq. of the Illinois Administration Code.]**

**21-1-3      SCOPE OF CODE.** No person shall sell or possess any alcoholic liquor for beverage purposes, except as specifically provided in this Code, provided, however, that nothing herein contained shall prevent any duly licensed practicing physician or dentist from possession or using alcoholic liquor in the strict practice of his profession, or any hospital, or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institutions; and provided further that any drug store employing a licensed pharmacist may possess and use alcoholic liquors in the concoction of prescriptions of duly licensed physicians; and provided further that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite of religious ceremony conducted by such church shall not be prohibited by this Code.

**21-1-4      APPOINTMENT OF LOCAL LIQUOR CONTROL COMMISSIONER.**  
The Chairman of the Board of County Commissioners of this County is hereby designated as Local Liquor Control Commissioner and shall be referred to as Liquor Commissioner.

## ARTICLE II - LICENSES

**21-2-1      LICENSE REQUIRED.** No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this municipality without having a license to do so, issued by the Liquor Commissioner of this municipality in the manner hereinafter provided, and a valid license for such purpose issued by the **Illinois Liquor Control Commissioner of the State of Illinois.**

A similar valid license issued by the Liquor Commissioner of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. **(235 ILCS 5/4-1)**

**21-2-2      APPLICATIONS.** The Liquor Commissioner is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this County upon the conditions and in the manner provided by this Code and by the **Act of the General Assembly of Illinois**, and not otherwise. Such license shall be in writing, signed by the Liquor Commissioner and attested by the County Clerk, with the seal of his office affixed thereto.

Prior to issuance of a license, the applicant must submit to the Liquor Commissioner an application in triplicate, in writing and under oath, stating the following:

(A)            The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers, directors and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the address and name of such person.

(B)            The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.

(C)            The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D)            The length of time that the applicant has been engaged in the business of that character or in the case of a corporation, the date on which its charter was issued.

(E)            The location and description of the premises or place of business which is to be operated under such license.

(F)            Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(G)            That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the aforesaid **Act of the General Assembly** or in this Chapter or resolution and amendments thereto.

(H)            Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(I)            That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his place of business.

In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the

information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least **two (2) members** of such partnership, firm, association or club, or by the president and secretary of such corporation.

**One (1) copy** of the application shall be retained by the Liquor Commissioner, **one (1) copy** given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Liquor Commissioner and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. **(235 ILCS 5/7-1)**

**21-2-3 EXAMINATION OF APPLICANT.** The Liquor Commissioner shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Liquor Commissioner under this Section, he may authorize his agent to act on his behalf. **(235 ILCS 5/4-5)**

**21-2-4 PROHIBITED LICENSEES.** Except as otherwise provided in paragraph (U) of this Section, no license of any kind shall be issued by the Liquor Commissioner to the following:

- (A) A person who is not a resident of this County;
- (B) A person who is not of good character and reputation in the community in which he resides;
- (C) A person who is not **twenty-one (21) years** of age;
- (D) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;
- (E) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
- (F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;
- (G) A person whose license issued under this Act has been revoked for cause;
- (H) A person who, at the time of the application for renewal of any license issued hereunder, would not be eligible for such license upon first application;
- (I) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than **five percent (5%)** of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any



reason other than residence within the political subdivision, unless residency is required by local ordinance;

(J) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than **five percent (5%)** of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;

(K) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "**Business Corporation Act of 1983**" to transact business in Illinois;

(L) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;

(M) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation;

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

(O) Any law enforcing public official, including members of local liquor control commissions, any County Commissioner, and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and the Liquor Commissioner;

(P) A person who is not a beneficial owner of the business to be operated by the licensee;

(Q) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as prescribed by a statute replaced by any of the aforesaid statutory provisions;

(R) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;

(S) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in Section 5/6-21 of Chapter 235 of the Illinois Compiled Statutes;

(T) A person who is delinquent in the payment of any indebtedness or obligation to the County;

(U) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Liquor Commissioner shall determine if all provisions of this paragraph (U) have been met before any action on the corporation's license is initiated;

(V) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamps or federal wagering stamp by the federal government for the current tax period;

(W) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than **twenty percent (20%)** of the stock of such corporation has been issued a federal wagering stamp for the current tax period.

(X) **Residency.** No person shall be granted a license unless he or she has been a resident of the State of Illinois for at least **twelve (12) months** immediately preceding the date of application for such license and unless such person shall also have been a resident of the County for at least **thirty (30) days** immediately preceding the date of application of such license.

**(235 ILCS 5/6-2)**

**21-2-5 TERM; FEE SUBMITTED IN ADVANCE.** Retail liquor licenses issued under this Chapter shall be valid for a **twelve (12) month period** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The **twelve (12) month period** shall be from **July 1<sup>st</sup> to June 30<sup>th</sup>** of the following year.

(A) The licensing fees stated in this Code shall be paid to the office of County Clerk at the time of making application therefor, irrespective of the date of application. Fee payment shall be in the form of remittance of a Bank Draft, Bank Cashier's Check, Bank Money Order, Personal Check or Cash. No fee shall be accepted by the County Clerk unless the application for license is in the prescribed form. All fees must be received in the Office of the County Clerk no later than **four thirty (4:30 P.M.) on June 30<sup>th</sup>**, prior to the expiration of an existing license.

(B) In the event a licensee shall fail to make payment for a renewal of his license within the time limit prescribed, the existing license of the licensee shall lapse at the termination of the licensing period of the licensee and the County Liquor Control Commissioner may then issue the license, within the total number of licenses permitted within the Class for which the license was issued, to another applicant therefor.

(C) Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

(D) With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation must submit the new manager's name and shall be submitted **within thirty (30) days**. Continuation of the license will be contingent upon a background check of the new manager as set out in this Code, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the license shall have **thirty (30) days** to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of the license. **(See 235 ILCS Sec. 5/4-1)**

**21-2-6 CLASSIFICATION - FEES.** There shall be two **(2) classes** of licenses which shall be referred to as:

(A) **Class "A" Licenses.** A Class "A" License shall authorize the sale at retail of alcoholic liquor for consumption on or off the premises where sold. The annual fee for such

license shall be **Three Hundred Seventy-Five (\$375.00) Dollars**. If the licensee applies for a license under this Code between the **first (1<sup>st</sup>) day of July and the thirty-first (31<sup>st</sup>) day of December** of any year, they shall pay the sum of **Three Hundred Seventy Five (\$375.00) Dollars** for said license. If any licensee applied for a license between the **thirty-first (31<sup>st</sup>) day of December and the first (1<sup>st</sup>) day of July** of any given year under this Code, they shall pay as a fee the sum of **One Hundred Eighty-Seven Dollars Fifty Cents (\$187.50)** for said license.

In addition to the annual license fees, each applicant shall pay to the Office of County Clerk **Five Dollars (\$5.00)** as an Issuance Fee. (**Ord. No. 95-152; 05-08-95**)

(B) **Class "B" License - Special Events.** Upon approval by the Local Liquor Control Commissioner, a **one (1) day** license may be issued. Such license shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, and not for resale in any form, containing not more than **four percent (4%)** of alcohol by weight, to be issued for temporary stands, booths and counters such as used at picnics, celebrations and the like. The daily fee for such license shall be **Five Dollars (\$5.00)**. (**See 235 ILCS Sec. 5/4-1**)

**21-2-7 NATURE OF LICENSE.** A license issued under this Code shall be purely a personal privilege, good for not to exceed **one (1) year** after issued unless sooner revoked as in this Code authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee. (**See 235 ILCS Sec. 5/6-1**)

**21-2-8 DISPLAY OF LICENSE.** Every licensee under this Code shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. (**See 235 ILCS Sec. 5/6-24**)

**21-2-9 RECORD OF LICENSES.** The Liquor Commissioner shall keep a complete record of all licenses issued or revoked by him and shall supply the County Clerk, the Treasurer and the Sheriff a copy of the same. (**See 235 ILCS Sec. 5/4-1**)

**21-2-10 SEPARATE LICENSE FOR EACH PREMISES - TRANSFER.** Licenses issued hereunder apply to the premises described in the application and in the license issued thereon, and only **one (1) location** shall be so described in each license. After a Commissioner, upon proper showing, may endorse upon said license therefrom to other premises approved by him, but in order to obtain such approval, the licensee shall file with the Liquor Commissioner a request in writing and a statement under oath which shall show that the

premises to which removal is to be made comply in all respects with the requirements of this Code.

All licenses shall be issued for a particular location and to a particular retailer and shall be transferable from said location or retailer only with written consent of the County Liquor Commissioner.

**21-2-11 DRAMSHOP INSURANCE.** No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the following coverages up to the full amount of potential liability as established by the Illinois Compiled Statutes from time to time. **(235 ILCS 5/6-21)**

**21-2-12 DISPLAY OF LICENSE.** Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. **(235 ILCS 5/6-24)**

**21-2-13 RECORD OF LICENSES.** The Liquor Commissioner shall keep a complete record of all licenses issued by him and shall supply the Clerk and Sheriff a copy of the same. Upon issuance or revocation of a license, the Liquor Commissioner shall give written notice to these same officers within **forty-eight (48) hours.** **(235 ILCS 5/4-1)**

## ARTICLE III - REGULATIONS

**21-3-1 HOURS.** All places of business licensed under this Code shall be closed from **1:00 A.M.** to **6:00 A.M.** of the same day; being further provided that such places of business shall vacate the premises of all patrons, band members or other persons except the licensee or persons employed by the licensee on a regular basis for the maintenance of the premises at the licensed place of business by the hours of **1:00 A.M.**, and that no persons, except the licensee or persons employed by the licensed place of business, shall be in or about the premises from **1:00 A.M.** to **6:00 A.M.** of the same day.

It is further provided that such hours shall apply to each and every day of the week, except Sunday; provided further, that after such places of business are closed on Sunday morning at **1:00 A.M.**, they shall remain closed until **10:00 A.M.** on Sundays, at which time they may re-open and remain open until the following day at **1:00 A.M.**

Premises is defined for purposes of this Code as any building or part of a building or open area owned or leased and under the control of the licensee and permitted to be used or kept accessible to the public, including beer garden. **(Ord. No. 6-49; 3-1-82)**

No alcoholic liquor shall be sold and all licensed premises must remain closed at all other times other than those specified above.

The times referred to above shall refer to Daylight Savings Time or when the same is in effect in the County and upon cessation of Daylight Savings Time, shall be Central Time.

All patrons or customers shall leave the premises at the specified closing time and shall not remain on the premises thereafter.

**(235 ILCS 5/4-1)**

**21-3-2 PROHIBITED LOCATIONS.** No license shall be issued for the sale of any alcoholic liquor at retail **within one hundred (100) feet** of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Code; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises **within one hundred (100) feet** of any church or school where such church or school has been established within such **one hundred (100) feet** since the issuance of the original license. In the case of a church, the distance of **one hundred (100) feet** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

**(235 ILCS 5/6-11(e))**

**21-3-3 CHANGE OF LOCATION.** A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the

Liquor Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this State and the Code of this County. **(235 ILCS 5/7-14)**

**21-3-4 STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.** No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors. **(235 ILCS 5/6-12)**

**21-3-5 TRANSPORTING, ETC., IN MOTOR VEHICLES.** No person shall, within this municipality, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

**21-3-6 OPEN LIQUOR - CUP-TO-GO PROHIBITED.** The licensee shall not knowingly permit any person to leave his premises with open liquor or in a "cup-to-go".

**21-3-7 SHOOT MATCHES.** No licensee shall conduct or allow a shooting match on the licensed premises, unless he has a written permit from the Sheriff. This permit shall be applied for at least **five (5) days** in advance of the event to allow an inspection of the land to be used for the event as defined in **Section 21-3-1** of this Code. **(See Zoning Code - Ch. 40)**

**21-3-8 LIQUOR IN VEHICLES; UNDERAGE.** The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

- (A) If such liquor is found on the person of one of the occupants therein; or
- (B) If such vehicle contains at least one occupant **over twenty-one (21) years of age.**

**21-3-9 RESTRICTED RESIDENTIAL AREAS.** It shall be unlawful to establish a retail liquor business within the County in violation of the restrictions of the Zoning Code. **(See Chapter 40 of the Revised Code)**

**21-3-10 ELECTION DAYS.** All such licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open within the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours as set forth in this Code.

**21-3-11 UNLAWFUL ACTS.** It shall be unlawful for any person to do or commit any of the following acts within the County, to-wit:

- (A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Liquor Commissioner.
- (B) Drink any alcoholic liquors in any public park, except with the permission of the Liquor Commissioner.
- (C) Drink any alcoholic liquors in any private property without permission of the owner thereof.
- (D) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

**21-3-12 UNLAWFUL AND OBSCENE ENTERTAINMENT.**

(A) Acts or conduct on licensed premises in violation of this rule are deemed contrary to public welfare and morals, and therefore, no licensee, his agent, servant, or employee shall allow or permit any of the following acts or conduct on any licensed premises. Live entertainment is permitted on any licensed premises, except that:

- (1) No licensee shall permit any person to perform acts of or acts which stimulate:
  - (a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
  - (b) The touching, caressing or fondling of the breast, buttocks, anus or genitals.
  - (c) The displaying of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
  - (d) Exposing to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
- (2) No licensee shall permit any person to use artificial devices or inanimate objects or depict any of the prohibited activities described above.
- (3) No licensee shall permit any person to remain in or upon the licensed premises who exposes to public view, any portion of his or her genitals or anus.

(B) **Visual Displays.** The following acts or conduct on licensed premises are deemed contrary to public welfare and morals, and therefore, no licensee, his agent, servant or employee shall allow or permit on any licensed premises, the showing of films, still pictures, electronic reproduction, or other visual reproductions depicting:

- (1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
- (2) Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.
- (3) Scenes wherein a person displays the vulva or the anus or the genitals.
- (4) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

- (5) Scenes showing any person attired in any manner which is prohibited in any other section of this Article.

**21-3-13 ATTIRE AND CONDUCT.** The following attire or conduct on licensed premises are deemed contrary to public welfare and morals and therefore, no licensee, his agent, servant or employee shall allow or permit any of the following conduct or attire on any licensed premises:

(A) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(B) To employ or use the services of any hostess or any other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in paragraph (A) above.

(C) To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(D) To permit any employee or person to wear or use any device or covering exposed to view, which stimulates the breast, genitals, anus, pubic hair or any portion thereof.

**21-3-14 OUTSIDE ENTERTAINMENT.** No licensee, his agent, servant or employee shall permit or allow any performance or entertainment to be performed outside of the building after the hour of **12:00 midnight**. This Section does not apply to county picnics that are issued a **one (1) day** liquor license.

**21-3-15 SANITARY CONDITIONS.** All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of the premises used for the storage or sale of food for human consumption. **(410 ILCS 650/1 et seq.)**

**21-3-16 DISEASED EMPLOYEES.** It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. **(410 ILCS 650/10)**

**21-3-17 HEALTH PERMIT.** Every licensee shall have, at all times, a valid operating permit from the Bi-County Health Department that regulates health standards.

**21-3-18 PEDDLING.** It shall be unlawful to peddle alcoholic liquor in this County. **(235 ILCS 5/4-1)**



**21-3-19 GAMBLING.** It is unlawful to keep, place, maintain or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away, except in the following instances:

(A) **Bingo.** When conducting or participating in the game commonly known as Bingo, when conducted in accordance with the Bingo License and Tax Act (**230 ILCS 25/1 et seq.**);

(B) **Video Poker.** Video Gaming Terminal games at a licensed establishment, licensed fraternal organization, or licensed veteran's establishment, when conducted in accordance with the Video Gaming Act. (**230 ILCS 40/1 et seq.**) (**Ord. No. 13-02; 02-01-13**)

**21-3-20 DISORDERLY HOUSE.** Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. (**235 ILCS 5/4-1**)

**21-3-21 PROHIBITED SALES - GENERALLY.** No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years**, or to any intoxicated person or to any person known by him to be an habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service. (**235 ILCS 5/6-16**)

**21-3-22 PERSONS SELLING LIQUOR.** It shall be unlawful for any person under the age of **eighteen (18) years** to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises. (**235 ILCS 5/4-1**)

**21-3-23 UNDERAGED; ENTRY ON LICENSED PREMISES.** It shall be unlawful for any person under the age of **eighteen (18) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class "A" liquor license, unless accompanied by a parent or legal guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

No holder of a liquor license, nor any officer, associate, member, representative, agent or employee of such license shall permit any person under the age of **eighteen (18) years** not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this Section, any holder of a liquor license or his agent or employee may refuse to permit entry onto the licensed premises of any person under the age of **eighteen (18) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **eighteen (18) years** is that person's parent or guardian. (**235 ILCS 5/6-16**)

**21-3-24 UNLAWFUL PURCHASE OF LIQUOR.** Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession. **(235 ILCS 5/6-20)**

**21-3-25 IDENTIFICATION REQUIRED.** If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

Proof that the defendant/licensee or his employees or agent demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this Section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon. **(235 ILCS 5/6-20)**

**21-3-26 TRANSFER OF IDENTIFICATION CARD.** No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Code. The consumption of alcoholic liquor by any person under the age of **twenty-one (21) years** is forbidden. **(235 ILCS 5/6-20)**

**21-3-27 POSTING WARNING.** In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the County Clerk, and which shall read as follows:

**UNDERAGE LIQUOR WARNING**

**"YOU ARE SUBJECT TO A FINE UP TO \$1,000 UNDER THE ORDINANCES OF THIS COUNTY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR."**

**21-3-28 EXCLUSIONARY PROVISION.** The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this Code. **(235 ILCS 5/6-20)**

**21-3-29 INSPECTIONS.** It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Sheriff, any police officer, or the Liquor Commissioner for the purpose of making an inspection of such premises or any part thereof. **(235 ILCS 5/4-4)**

**21-3-30 BOOKS AND RECORDS--AVAILABLE UPON REASONABLE NOTICE AND MAINTAINED IN STATE RECORDS.** It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Liquor Commissioner having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. **(235 ILCS 5/6-10)**

**21-3-31 RESTRICTIONS ON LICENSEE.** In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A) It is unlawful for any licensee to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. **(235 ILCS 5/6-5)**

(B) No licensee licensed under the provisions of this Code shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens. **(235 ILCS 5/6-17)**

(C) No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises. **(235 ILCS 5/6-19)**

(D) No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor and no liquor shall be sold except in original packages. **(235 ILCS 5/6-22)**

(E) No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a municipality except in connection with the operation of an established food service facility or at a site specifically provided for in the Act and where dram shop insurance coverage is provided. **(235 ILCS 5/6-15)**

(F) An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of nonuse. **(See Goode V. Thomas 31 Ill. App. 3d 674, 1975)**

**21-3-32 SELLING FALSE IDENTIFICATION.** Any person who sells, gives, or furnishes to any person under the age of **twenty-one (21) years** any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of **twenty-one (21) years** evidence of age and identification of any other person is guilty of violating this Code. **(235 ILCS 5/6-16)**

**21-3-33 FALSE IDENTIFICATION.** Any person under the age of **twenty-one (21) years** who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent, written, printed, or photostatic evidence of age and identity, is guilty of violating this Code. **(235 ILCS 5/6-16)**

**21-3-34**      **UNDERAGED DRINKING ON STREETS.** Any person under the age of **twenty-one (21) years** who has any alcoholic beverage in his possession on any street or highway or in any public place, or in any place open to the public is guilty of violating this Code. This section does not apply to possession by a person under the age of **twenty-one (21) years** making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment. **(235 ILCS 5/6-16)**

**21-3-35**      **RESIDENTIAL DRINKING.** Any person shall be guilty of a violation of this Code where he or she knowingly permits a gathering at a residence which he or she occupies of **two (2) or more persons** where any one or more of the persons is under **twenty-one (21) years** of age and the following factors also apply:

- (A) the person occupying the residence knows that any such person under the age of **twenty-one (21)** is in possession of or is consuming any alcoholic beverage; and
- (B) the possession or consumption of the alcohol by the person under **twenty-one (21)** is not otherwise permitted by this Code and
- (C) the person occupying the residence knows that the person under the age of **twenty-one (21)** leaves the residence in an intoxicated condition.

For the purposes of this section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. **(235 ILCS 5/6-16)**

**21-3-36**      **RENTING HOTEL ROOMS FOR DRINKING.** Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of **twenty-one (21) years** shall be guilty of violating this Code. **(235 ILCS 5/6-16)**

## **ARTICLE IV - VIOLATIONS AND PENALTIES**

**21-4-1 OWNER OF PREMISES PERMITTING VIOLATION.** If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. **(235 ILCS 5/10-2)**

**21-4-2 ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. **(235 ILCS 5/10-3)**

**21-4-3 REVOCAION OF LICENSE AFTER CONVICTION.** Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Liquor Commissioner, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license. **(235 ILCS 5/10-4)**

**21-4-4 REVOCAION OF LICENSE WHEN EMPLOYEE CONVICTED.** Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. **(235 ILCS 5/10-5)**

**21-4-5 MISBRANDING.** Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code. **(235 ILCS 5/10-6)**

**21-4-6 ABATEMENT OF PLACE USED IN VIOLATION.** Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and

shall be abated as provided by the laws of this State for the abatement of public nuisances. **(235 ILCS 5/10-7)**

**21-4-7**      **USE OF PREMISES FOR ONE YEAR AFTER REVOCATION.** When any license has been revoked for any cause, no license shall be granted for the same premises for a period of **one (1) year** thereafter. **(235 ILCS 5/7-13)**

**21-4-8**      **REVOCATION OF LICENSES.** The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A)            In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for **thirty (30) days** or revoke any liquor license issued under this Code for violation of any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

(B)            To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

(C)            To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Code or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

(D)            To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Code by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(E)            To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

(F)            The Local Liquor Control Commissioner shall also have the power to levy fines in accordance with **Section 21-4-10** of this Code. **(235 ILCS 5/4-4)**

**21-4-9**      **COMPLAINT BY RESIDENTS.** Any **five (5) residents** of the municipality shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. **(235 ILCS 5/7-7)**

**21-4-10 REVOCAION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING.** The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the **Illinois Liquor Act**, any valid ordinance adopted by the municipality, any applicable rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

**(A) Fine as Opposed to Suspension or Revocation.** In addition to the suspension, the Local Liquor Control Commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars (\$1,000.00) for a first violation within a twelve (12) month period, One Thousand Five Hundred Dollars (\$1,500.00) for a second violation within a twelve (12) month period, and Two Thousand Five Hundred Dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand Dollars (\$15,000.00) in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the municipal treasury. (See P.A. 89-0063)

**(B) Revocation and Suspension: Notice.** However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a **three (3) day** written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Liquor Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than **seven (7) days**, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

**(C) Hearing.** The Liquor Commissioner shall, within **five (5) days** after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the **five (5) days** upon the license. The findings of the Commissioner shall be predicted upon competent evidence. **(235 ILCS 5/7-5)**

**21-4-11 APPEALS FROM ORDER OF LIQUOR COMMISSIONER.** Except as provided in this section, any order or action of a Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than **thirty (30) days** to grant a hearing upon a complaint to revoke or suspend a license may within **twenty (20) days** after notice of such order or action be appealed by any resident of the municipality under the jurisdiction of the Liquor Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the

time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. **(235 ILCS 5/7-9)**

**21-4-12**     **SUBSEQUENT VIOLATIONS IN A YEAR.** In any case in which a licensee appeals to the State Commission a suspension or revocation by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding **twelve (12) month period**, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past **twelve (12) month period.** **(235 ILCS 5/7-9)**

**21-4-13**     **APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION.** Any appeal of the decision and findings of the Liquor Commissioner in **Section 21-4-12** shall be limited to a review of the official record of the proceedings of said Liquor Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Commissioner within **five (5) days** after notice of the filing of such appeal is received by the municipality from State Commission. **(235 ILCS 5/7-9)**

**[See Section 1-1-20 for General Penalties]**



## APPLICATION FOR LIQUOR RETAILER'S LICENSE

TO: Randolph County Clerk  
1 Taylor St, Room 202  
Chester, IL 62233

The undersigned hereby make(s) application for the issuance of a county retailer's license for the sale of alcoholic liquor for the term beginning \_\_\_\_\_, 20\_\_\_\_, and ending \_\_\_\_\_, 20\_\_\_\_, and hereby certify(ies) to the following facts:

- 1) Applicant's full name \_\_\_\_\_  
(If a partnership or corporation give names of all owners of more than 5%)  
Name under which business is to be conducted: \_\_\_\_\_
- 2) Location of place of business for which license is sought \_\_\_\_\_
  - A) \_\_\_\_\_  
Exact address by street and number/zip code
  - B) \_\_\_\_\_  
(Full description of location, place or premises, specifying floor, room, etc.)
- 3) State principal kind of business \_\_\_\_\_
- 4) Class of license applied for \_\_\_\_\_
- 5) Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant? \_\_\_\_\_  
If so, are premises:
  - A) Maintained and held out to the public as a place where meals are actually and regularly served? \_\_\_\_\_
  - B) Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food? \_\_\_\_\_
- 6) Does applicant own premises for which this license is sought? \_\_\_\_\_
- 7) Has applicant a lease on such premises covering the full period for which the license is sought? \_\_\_\_\_ If so, attach copy.
- 8) Is applicant licensed as a food dispenser? \_\_\_\_\_
- 9) Is the location of applicant's business for which license is sought within 100 feet property line to property line, of any school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station, or 100 feet building to building from a church? \_\_\_\_\_
- 10) Is any law enforcing public official, mayor, alderman, member of the city council or commission, or any president or member of a county board directly interested in the business for which this license is sought? \_\_\_\_\_
- 11) Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days), or is such person directly or indirectly interested in the ownership, conduct or operation of the place of business? \_\_\_\_\_

- 12) Is the applicant or any affiliate, associate, subsidiary, officer, director or other agent engaged in the manufacture of alcoholic liquors? \_\_\_\_\_  
 \_\_\_\_\_  
 If so, at what location or locations? \_\_\_\_\_
- 13) Is the applicant engaged in the business of an importing distributor or distributor of alcoholic liquors? \_\_\_\_\_  
 If so, at what location or locations? \_\_\_\_\_
- 14) Will the business be conducted by a manager or agent? \_\_\_\_\_  
 If so, give name and residence address of such manager or agent:  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_
- 15) Do you hold any other current business licenses issued by the County? \_\_\_ If so, what type of license do you currently hold and what is the address of the licensed premises?  
 (Type) \_\_\_\_\_  
 (Address) \_\_\_\_\_

**Individual Applicant:**

- 16) A) Name \_\_\_\_\_  
 Date of birth \_\_\_\_\_  
 Month/Day/Year
- B) Residence address \_\_\_\_\_  
 (give street and number)  
 Telephone number \_\_\_\_\_
- C) Place of birth \_\_\_\_\_
- D) Are you a citizen of the United States? \_\_\_\_\_  
 If a naturalized citizen, when naturalized? \_\_\_\_\_  
 Month/Day/Year  
 Where naturalized? \_\_\_\_\_  
 (City and State)  
 Court in which (or law under which) naturalized \_\_\_\_\_
- E) Have you ever been convicted of any felony under any Federal or State law?  
 \_\_\_\_\_  
 If so, give date and state offense \_\_\_\_\_
- F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? \_\_\_\_\_  
 If so, give dates and state offense \_\_\_\_\_
- G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? \_\_\_\_\_  
 If so, give dates and state offense \_\_\_\_\_
- H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? \_\_\_\_\_
- I) Have you made application for other similar license for premises other than described in this application? \_\_\_\_\_  
 If so, give date, location of premises and disposition of application \_\_\_\_\_  
 \_\_\_\_\_

- J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? \_\_\_\_\_  
If so, state reasons therefor and date(s) \_\_\_\_\_

**Co-partnership/Corporate Applicant:**

- 17) A) Name of partner, or corporate officers and directors and shareholders, if any: (attached separate sheet if necessary)  
Date of birth \_\_\_\_\_  
Month/Day/Year
- B) Residence address \_\_\_\_\_  
(City and State)  
Telephone number \_\_\_\_\_
- C) Place of birth \_\_\_\_\_  
Month/Day/Year
- D) Are you a citizen of the United States? \_\_\_\_\_  
If a naturalized citizen, when naturalized? \_\_\_\_\_  
Month/Day/Year  
Where naturalized? \_\_\_\_\_  
(City and State)  
Court in which (or law under which) naturalized \_\_\_\_\_
- E) Have you ever been convicted of any felony under any Federal or State law? \_\_\_\_\_  
If so, give date and state offense \_\_\_\_\_
- F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? \_\_\_\_\_  
If so, give dates and state offense \_\_\_\_\_
- G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? \_\_\_\_\_  
\_\_\_\_\_
- If so, give dates and state offense \_\_\_\_\_
- H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? \_\_\_\_\_
- I) Have you made application for other similar license for premises other than described in this application? \_\_\_\_\_  
If so, give date, location of premises and disposition of application \_\_\_\_\_
- J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? \_\_\_\_\_  
If so, state reasons therefor and date(s) \_\_\_\_\_

**APPENDIX IV**

**AFFIDAVIT**

**STATE OF ILLINOIS     )**  
**)**     **SS**  
**COUNTY OF RANDOLPH)**

I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the County of Randolph or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of Applicant)

## **MANDATED POLICIES**

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**CHAPTER 22**

**MANDATED POLICIES**

**ARTICLE I – DISCLOSURE OF SOCIAL SECURITY INFORMATION**

**22-1-1            IDENTITY PROTECTION POLICY.**

(A)            It is the policy of Randolph County to protect social security numbers from unauthorized disclosure in accordance with the Illinois Identity Protection Act, **5 ILCS 179/1 et seq.** All employees of Randolph County are required to comply with this Identity Protection Policy ("Policy"). For purposes of this policy, only, "employee" shall be defined as any person performing work on behalf of Randolph County including, but not limited to, full-time, part-time, seasonal, temporary, or contractual employees, volunteers, interns, and elected or appointed officials.

(B)            Any employee of Randolph County who has access to social security numbers in the course of performing their duties will be trained to protect the confidentiality of social security numbers and will be trained on the requirements of this Policy. Training will include instructions on the proper handling of information and documents that contain social security numbers from the time of collection through the destruction of the information or documents.

(C)            Randolph County prohibits the following:

- (1)            Publicly post or publicly displaying in any manner an individual's social security number;
- (2)            Printing an individual's social security number on any card required for the individual to access products or services provided by Randolph County;
- (3)            Requiring an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted;
- (4)            Printing an individual's social security number on any materials that are mailed to the individual, through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the social security number to be on the document to be mailed.

(D)            Notwithstanding any provision in this Policy to the contrary, social security numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Unemployment Insurance Act, any material mailed in connection with any tax administered by the Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may be permissibly mailed under this Policy may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope, or be visible on an envelope with the envelope having been opened.

(E)            Randolph County prohibited the following:

- (1)            The collection, use or disclosure of a social security number from an individual, unless (a) required under State or federal law, rules, or regulations, or the collection, use or disclosure of the social security number is otherwise necessary for the performance of that agency's duties and responsibilities; (b) the need and purpose for the social security number is documented before collection of the social security number; and (c) the social security number collected is relevant to the documented need and purpose;
- (2)            Requiring an individual to use his or her social security number to access an Internet website;
- (3)            Using the social security number for any purpose other than the purpose for which it was collected.

(F)            Notwithstanding any provision in the Policy to the contrary, social security numbers may be collected, disclosed or used in the following circumstances:

- (1)            The disclosure of social security numbers to agents, employees, contractors, or subcontractors of a governmental entity or disclosure by a governmental entity to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities, and if disclosing to a contractor or subcontractor, prior to such disclosure, the individual acting on behalf of Randolph County first receives from the contractor or subcontractor a copy of the contractor's or

- subcontractor's policy that sets forth how the requirements imposed under this Policy of protecting an individual's social security number will be achieved;
- (2) The disclosure of social security numbers pursuant to a court order, warrant, or subpoena;
  - (3) The collection, use, or disclosure of social security numbers in order to ensure the safety of: State and local government employees; persons committed to correctional facilities; local jails, and other law enforcement facilities or retention centers; wards of the State; youth in care as defined in Section 4d of the Children and Family Services Act, and all persons working in or visiting a State or local government agency facility;
  - (4) The collection, use, or disclosure of social numbers for internal verification or administrative purposes;
  - (5) The disclosure of social security numbers by a State agency to any entity for the collection of delinquent child support or of any State debt or to a government agency to assist with an investigation or the prevention of fraud;
  - (6) The collection or use of social security numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm-Leach-Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or unclaimed property benefit.
- (G) Only employees who are required to use or handle information or documents that contain social security numbers are permitted to have access to such information or documents.
- (H) When Randolph County must request an individual provide a social security number, it must be provided in a manner that makes the social security number easy to redact if the record is required to be released as part of a response to a public records request.
- (I) When collecting a social security number, or upon request by an individual, Randolph County will provide a statement of the purpose or purposes for which Randolph County is collecting and using the social security number provided.
- (J) Any individual responding to a Freedom of Information Act request or other request for records, must redact social security numbers from the information or documents before allowing the public inspection or copying of the information or documents.
- (K) This Policy does not apply to the collection, use or disclosure of a social security number as required by State or federal law, rule, or regulation.
- (L) This Policy does not apply to documents that are recorded with a county recorder or required to be open to the public under any State or federal law, rule or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois. Notwithstanding this Section, county recorders must comply with **5 ILCS 179/35**.
- (M) If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, any employee of Randolph County that complies with that federal law shall be deemed to be in compliance with this Policy.
- (N) Randolph County prohibits the encoding or embedding of a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place in removing the social security number as required by this Policy.
- (O) This Policy must be provided to the Board of Commissioners of Randolph County within **thirty (30) days** of approval and employees will be promptly advised of the existence of this Policy and will be provided a copy of this Policy promptly upon approval.
- (P) Randolph County will make a copy of this Policy available to any member of the public, upon request.
- (Q) If this Policy is amended in the future, a copy will be provided to the Board of Commissioners of Randolph County, and employees will be promptly advised of the amended Policy and provided with a copy of the Policy.
- (R) This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use or disclosure of social security numbers.
- (S) Anyone violating this Policy is subject to disciplinary action, up to and including termination of employment and/or criminal prosecution as provided in **5 ILCS 179/45** or any other applicable law.

**(Ord. No. 17-30B; 12-29-17)**



**ARTICLE II – IDENTITY THEFT**

**22-2-1**      **PROGRAM ADOPTION.**    The County developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission’s Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions of 2003. 16 C.F.R. § 681.2. This Program was developed with oversight and approval of the County. After consideration of the size and complexity of the County’s operations and account systems, and the nature and scope of the County’s activities, the County Board determined that this Program was appropriate for the County, and therefore approved this Program.

**22-2-2**      **PROGRAM PURPOSE AND DEFINITIONS.**

(A)      **Fulfilling Requirements of the Red Flags Rule.** Under the Red Flag Rule, every financial institution and creditor is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

- (1)      Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
- (2)      Detect Red Flags that have been incorporated into the Program;
- (3)      Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
- (4)      Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

(B)      **Red Flags Rule Definitions Used in this Program.** The Red Flags Rule defines “Identity Theft” as “fraud committed using the identifying information of another person” and a “Red Flag” as “a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.”

According to the Rule, a county is a creditor subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

All the County’s accounts that are individual utility service accounts held by taxpayers of the County whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “covered account” is:

- (1)      Any account the County offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
- (2)      Any other account the County offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the County from Identity Theft.

“Identifying information” is defined under the Rules as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

**22-2-3 IDENTIFICATION OF RED FLAGS.** In order to identify relevant Red Flags, the County considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The County identifies the following red flags, in each of the listed categories:

(A) **Notifications and Warnings From Credit Reporting Agencies; Red Flags.**

- (1) Report of fraud accompanying a credit report;
- (2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
- (3) Notice or report from a credit agency of an active duty alert for an applicant; and
- (4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

(B) **Suspicious Documents; Red Flags.**

- (1) Identification document or card that appears to be forged, altered or inauthentic;
- (2) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
- (3) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
- (4) Application for service that appears to have been altered or forged.

(C) **Suspicious Personal Identifying Information; Red Flags.**

- (1) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
- (2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
- (3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
- (4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- (5) Social security number presented that is the same as one given by another customer;
- (6) An address or phone number presented that is the same as that of another person;
- (7) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
- (8) A person's identifying information is not consistent with the information that is on file for the customer.

(D) **Suspicious Account Activity or Unusual Use of Account; Red Flags.**

- (1) Change of address for an account followed by a request to change the account holder's or taxpayer's name;
- (2) Payments stop on an otherwise consistently up-to-date account;
- (3) Account used in a way that is not consistent with prior use (example: very high activity);
- (4) Mail sent to the account holder is repeatedly returned as undeliverable;
- (5) Notice to the County that a customer is not receiving mail sent by the County;
- (6) Notice to the County that an account has unauthorized activity;
- (7) Breach in the County's computer system security; and
- (8) Unauthorized access to or use of customer account information.

(E) **Alerts From Others; Red Flag.**

- (1) Notice to the County from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

**22-2-4 DETECTING RED FLAGS.**

(A) **New Accounts.** In order to detect any of the Red Flags identified above associated with the opening of a **new account**, County personnel will take the following steps to obtain and verify the identity of the person opening the account:

- (1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
- (2) Verify the customer's identity (for instance, review a driver's license or other identification card);
- (3) Review documentation showing the existence of a business entity; and
- (4) Independently contact the customer.

(B) **Existing Accounts.** In order to detect any of the Red Flags identified above for an **existing account**, County personnel will take the following steps to monitor transactions with an account:

- (1) Verify the identification of the individuals if they request information (in person, via telephone, via facsimile, via email);
- (2) Verify the validity of requests to change billing addresses; and
- (3) Verify changes in banking information given for billing and payment purposes.

**22-2-5 PREVENTING AND MITIGATING IDENTITY THEFT.**

(A) **Prevent and Mitigate.** In the event County personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

- (1) Continue to monitor an account for evidence of Identity Theft;
- (2) Contact the person;

- (3) Change any passwords or other security devices that permit access to accounts;
- (4) Not open a new account;
- (5) Close an existing account;
- (6) Reopen an account with a new number;
- (7) Notify the Program Administrator for determination of the appropriate step(s) to take;
- (8) Notify law enforcement; or
- (9) Determine that no response is warranted under the particular circumstances.

(B) **Protect Customer Identifying Information.** In order to further prevent the likelihood of Identity Theft occurring with respect to County accounts, the County will take the following steps with respect to its internal operating procedures to protect customer identifying information:

- (1) Ensure that its website is secure or provide clear notice that the website is not secure;
- (2) Ensure complete and secure destruction of paper documents and computer files containing customer information;
- (3) Ensure that office computers are password protected and that computer screens lock after a set period of time;
- (4) Keep offices clear of papers containing customer information;
- (5) Request only the last 4 digits of social security numbers (if any);
- (6) Ensure computer virus protection is up to date; and
- (7) Require and keep only the kinds of customer information that are necessary for County purposes.

**22-2-6 PROGRAM UPDATES.** The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the County from Identity Theft. In doing so, the Program Administrator will consider the County's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the County's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the County Board with his or her recommended changes and the County Board will make a determination of whether to accept, modify or reject those changes to the Program.

**22-2-7 PROGRAM ADMINISTRATION.**

(A) **Oversight.** Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the County. The Committee is headed by a Program Administrator who may be the head of the County or his or her appointee. Two or more other individuals appointed by the head of the County or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of County staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and

mitigation should be taken in particular circumstances and considering periodic changes to the Program.

(B) **Staff Training and Reports.** County staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

(C) **Service Provider Arrangements.** In the event the County engages a service provider to perform an activity in connection with one or more accounts, the County will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

- (1) Require, by contract, that service providers have such policies and procedures in place; and
- (2) Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

(D) **Non-Disclosure of Specific Practices.** For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered "security information" as defined in Section 114 of the Fair and Accurate Credit Transactions of 2003 (16 C.F.R. Sec. 281.2) and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to circumvent the Utility's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.

**ARTICLE III - FREEDOM OF INFORMATION POLICY**

**22-3-1 PUBLIC RECORDS AVAILABLE.** To the extent required by the Freedom of Information Act, **5 ILCS 140-1 et seq.** the County shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of the Freedom of Information Act, **5 ILCSA 140/7.**

**22-3-2 DESIGNATION, DUTIES AND TRAINING OF FREEDOM OF INFORMATION ACT OFFICERS.**

(A) The County Clerk is hereby designated to act as Freedom of Information Officer. The Officer shall receive requests submitted to the County under the Freedom of Information Act, insure that the County responds to requests in a timely fashion, and issue responses under the Freedom of Information Act. The Freedom of Information officer shall develop a list of documents or categories of records that the County shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) Note the date the County receives the written request;
- (2) Compute the date on which the period for response will expire and make a notation of that date on the written request;
- (3) Maintain an electronic or paper copy of the written request including all documents submitted with the request until the request has been complied with or denied; and
- (4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the person making the request, and a copy of other communications regarding the request.

(C) The Freedom of Information Act officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor in the office of the Attorney General of the State of Illinois and thereafter successfully complete an annual training program. Thereafter when a new Freedom of Information officer is designated by the County, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information officer.

**22-3-3 PROCEDURES.** The County shall prominently display at the County Clerk's office, display on its website, make available for inspection and copying, and send through the mail as requested, each of the following:

(A) A brief description of the County, which will include, but not be limited to a block diagram giving its functional departments, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees and the identification and membership of any board, commission, committee or council which operates in an advisory capacity relative to the operation of the County, or which exercises control over its policies or procedures; and

(B) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officers, the address where request for public records should be directed, and the fees relating thereto.

**22-3-4 REQUESTS TO INSPECT OR COPY.** All requests to inspect or copy records or documents prepared, maintained or under the control of the County shall be made in the following manner:

(A) All requests shall be in writing, shall state with reasonable particularity what records are to be inspected or copied, shall state whether the records are requested for a commercial purpose, and shall be signed by the person making the request. The request may be, but is not required to be, submitted on a form provided by the County.

(B) The written request shall be submitted to the County Clerk or to the State's Attorney. If neither the County Clerk nor the State's Attorney is available, the request shall be submitted to any employee of the County acting under the direction of the County Clerk.

(C) The Officer receiving the request shall date stamp the request and indicate the date by which a response to the request must be made.

(D) Each request for other than commercial purposes shall be granted or denied in writing within **five (5) business days** after its receipt by the County, except as hereafter stated. The failure to grant or deny a request within **five (5) business days** shall operate as a denial, except as provided hereinbelow.

(E) The time limit set forth hereinabove may be extended for an additional **five (5) business days** by notice in writing to the person making the request of the **five (5) business days** extension. The notification shall state the reason(s) for the **five (5) business day's** extension and contain a date certain on which the requested record(s) will be available. The failure to grant or deny a request within the additional **five (5) business days** shall operate as a denial. The person making the request and the County may agree in writing to extend the time for compliance for a period to be determined by the parties. If the person making the request and the County agree to extend the period for compliance, a failure by the County to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(F) Charges for copies of records and/or documents shall be imposed in accordance with the following:

- (1) No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested.
- (2) **Fifteen Cents (\$0.15)** for one-sided page for each black and white, letter, legal sized or 11" x 17" copy requested.
- (3) **One Dollar (\$1.00)** for each certified copy requested.
- (4) **Ten Cents (\$0.10)** for each audio recording.

(G) It shall be the responsibility of the person making the request to pick up the requested documents at County Building. If the person making the request asks the County to mail the documents, he or she shall provide the County with his/her correct mailing address so as to efficiently process all requests. Copies of records requested to be mailed will be forwarded United States Certified Mail to the address provided. Pre-payment of **Two Dollars Fifty Cents (\$2.50)** per ounce shall be required.

(H) When a person requests a copy of a record maintained in an electronic format, the County shall furnish it in the electronic format specified by the person making the request, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the County shall furnish it in the format in which it is maintained by the County, or in paper format at the option of the person making the request.

**22-3-5**      **REQUEST FOR COMMERCIAL PURPOSES.** The County shall respond to a request for records to be used for a commercial purpose within **twenty-one (21) working days** after receipt. The response shall (1) provide to the person making the request an estimate of the time required by the County to provide the records requested and an estimate of the fees to be charged, which the County may require the person to pay in full before copying the requested documents, (2) deny the request pursuant to **one (1)** or more of the exemptions set out in the Freedom of Information Act, **5 ILCS 140/1 et seq.**, (3) notify the person making the request that the request is unduly burdensome and extend an opportunity to the person making the request to attempt to reduce the request to manageable portions, or (4) provide the records requested.

Unless the records are exempt from disclosure, the County shall comply with a commercial request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.

It is unlawful for a person to knowingly obtain a public record for a commercial purpose within disclosing that it is for a commercial purpose, and any person obtaining a public record for commercial purpose without disclosing that it is for a commercial purpose shall be fined in accordance with the County Code.

**22-3-6**      **FEES.** The County Clerk shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

**22-3-7**      **PUBLIC FILE.** The County Clerk shall establish and maintain a central file, open to the public, of all denials of requests for records which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

**22-3-8**      **GRANTING OR DENIAL OF REQUESTS.** A request for all records within a category shall be granted unless the request constitutes an undue burden upon the County. Prior to denying a request based upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempt to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the County and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome and the extent to which compliance will so burden the operations of the County. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided are properly denied under the Freedom of Information Act shall be deemed unduly burdensome under this Section.

**22-3-9**      **CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING.** If any record exempt from disclosure contains material which is not exempt, the information which is exempt shall be deleted and the remaining information shall be available for inspection and copying.



**22-3-10**      **NOTICE OF DENIAL OF REQUEST; APPEALS.**

(A)            If the County denies the request, the County shall notify the person making the request in writing of:

- (1)    the decision to deny the request;
- (2)    the reasons for the denial, including a detailed factual basis for the application of any exemption claim;
- (3)    the names and titles or positions of each person responsible for the denial;
- (4)    the right to review by the Public Access Counselor and the address and phone number for the Public Access Counselor; and
- (5)    the right to judicial review.

If an exemption is claimed, then the denial must include the specific reasons for the denial, including a detailed factual basis and a citation to support a legal authority.

(B)            If the County asserts an exemption under Subsection (1)(c) or (1)(f) of Section 7 of the Freedom of Information Act, it shall, within the time periods provided for Respondent to request, provide written notice to the person making the request and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:

- (1)    a copy of the request for access to records;
- (2)    the proposed response from the County;
- (3)    a detailed summary of the County's basis for asserting its exemption.

If the Public Access Counselor determines that further inquiry is warranted, the procedures set forth in the Freedom of Information Act, as amended from time to time, regarding the review of denials shall be applicable. Times for response compliance by the County to the request shall be tolled until the Public Access Counselor concludes his or her inquiry.

**ARTICLE IV - FAIR HOUSING CODE**

**22-4-1        DECLARATION OF POLICY.**

(A)            In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the County may be ensured, it is hereby declared the policy of the County to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

(B)            It is the policy of the County that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the County, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C)            Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

**22-4-2        DEFINITIONS.** Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

(A)            **"Decent, Sanitary, Healthful Standard Living Quarters"**. "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

(B)            **"Discriminate"**. The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

(C)            **"Financial Institution"**. The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

(D)            **"Housing Accommodation"**. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of **one (1)** or more human beings, or any real estate so used, designed or intended for such use.

(E)            **"Owner"**. An "owner" means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

(F) **"Real Estate Broker"**. The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

(G) **"Real Property"**. The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the County.

**22-4-3 PROHIBITED ACTS.** It shall be an unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property of the County:

(A) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the County or in furnishing of any facilities or services in connection therewith.

(B) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(D) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E) To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

(F) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

(G) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed or disability.

(H) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

**22-4-4** **PENALTY.** Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **One Thousand Dollars (\$1,000.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the County to specifically enforce, by any legal means, any of the provisions of this Code.

## ARTICLE V – ETHICS ACT

**22-5-1**     **DEFINITIONS.** For the purposes of this Article, the following terms shall be given these definitions:

(A)            **"Campaign for Elective Office"** means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (1) relating to the support or opposition of any executive, legislative, or administrative action; (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person's official duties.

(B)            **"Candidate"** means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (**10 ILCS 5/1-3**).

(C)            **"Collective Bargaining"** has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (**5 ILCS 315/3**).

(D)            **"Compensated Time"** means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Article, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

(E)            **"Compensatory Time Off"** means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

(F)            **"Contribution"** has the same meaning as that term is defined in Section 9-1.4 of the Election Code (**10 ILCS 5/9-1.4**).

(G)            **"Employee"** means a person employed by the Randolph County Government, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

(H)            **"Employer"** means the Randolph County Government.

(I)            **"Gift"** means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

(J)            **"Leave of absence"** means any period during which an employee does not receive (1) compensation for employment, (2) service credit towards pension benefits, and (3) health insurance benefits paid for by the employer.

(K)            **"Officer"** means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

(L)            **"Political Activity"** means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (1) relating to the support or opposition of any executive, legislative, or administrative action,

(2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person's official duties.

(M) **"Political Organization"** means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (**10 ILCS 5/9-3**), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

(N) **"Prohibited Political Activity"** means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Managing or working on a campaign for elective office or for or against any referendum question.
- (13) Serving as a delegate, alternate, or proxy to a political party convention.
- (14) Participating in any recount or challenge to the outcome of any election.

- (O) **"Prohibited Source"** means any person or entity who:
- (1) is seeking an official action (a) by an officer or (b) by an employee, or by the officer or another employee directing that employee;
  - (2) does business or seeks to do business (a) with the officer or (b) with an employee, or the officer or another employee directing that employee;
  - (3) conducts activities regulated (a) by the officer or (b) by an employee, or by the officer or another employee directing that employee; or
  - (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

**22-5-2      PROHIBITED POLITICAL ACTIVITIES.**

(A) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Randolph County Government in connection with any prohibited political activity.

(B) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(C) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited activity.

(D) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by the Article.

(E) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

**22-5-3      GIFT BAN.** Except as permitted by his Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

**22-5-4**      **EXCEPTIONS.** Section 22-5-1 is not applicable to the following:

(A)            Opportunities, benefits, and services that are available on the same conditions as for the general public.

(B)            Anything for which the officer or employee, or his or her spouse or immediate family member, pays the market value.

(C)            Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(D)            Educational materials and missions.

(E)            Travel expenses for a meeting to discuss business.

(F)            A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(G)            Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:

- (1)            the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
- (2)            whether the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
- (3)            whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(H)            Food or refreshments not exceeding **Seventy-Five Dollars (\$75.00)** per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of the Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(I)            Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(J)            **Intra-Governmental and Inter-Governmental Gifts.** For the purpose of this provision, "**intra-governmental gift**" means any gift given to an officer or employee from another officer or employee, and "**inter-governmental gift**" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(K)            Bequests, inheritances, and other transfers at death.

(L)            Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than **One Hundred Dollars (\$100.00)**.



Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

**22-5-5**      **DISPOSITION OF GIFTS.** An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Article if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

**22-5-6**      **ETHICS ADVISOR.** The Randolph County Government Chairman, with the advice and consent of the Randolph County Government Board hereby designates the Randolph County Ethics Advisor to act on its behalf in all matters pertaining to this Article. The duties of the Ethics Advisor may be delegated to an officer or employee of the Randolph County unless the position has been created as an office by Randolph County.

**22-5-7**      **DUTIES.** The Randolph County Ethics Advisor shall provide guidance to the officers and employees of the Randolph County Government concerning the interpretation of and compliance with the provisions of this Article and State ethics law. The Ethics Advisor shall perform such other duties as may be delegated by Randolph County.

**22-5-8**      **ETHICS COMMISSION.** The Randolph County Government hereby designates Randolph County's Ethics Commission to act on its behalf in all matters pertaining to this Article.

**22-5-9**      **MEMBERSHIP.** There is a commission known as the Ethics Commission of Randolph County. The Commission is comprised of **three (3) members** appointed by Randolph County with the advice and consent of the Randolph County Board. No person is appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of Randolph County. No more than **two (2) members** of the Commission belong to the same political party at the time such appointments are made. Party affiliations are determined by affidavit of the person appointed.

**22-5-10**     **TERMS; MEETINGS.** At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. **Two (2)** commissioners shall serve **two (2) year** terms, and the **third (3<sup>rd</sup>)** commissioner shall serve a **one (1) year** term. Thereafter, all commissioners shall be appointed to **two (2) year** terms. Commissioners may be reappointed to serve subsequent terms. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any **two (2)** commissioners. A quorum shall consist of **two (2)** commissioners, and official action by the Commission shall require the affirmative vote of **two (2)** members.

**22-5-11 REMOVAL OF COMMISSIONERS.** The Randolph County Board Executive, with the advice and consent of the Randolph County Board, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than **ten (10) days'** notice. Vacancies shall be filled in the same manner as original appointments.

**22-5-12 POWERS AND DUTIES OF COMMISSION.** The Commission shall have the following powers and duties:

(A) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(B) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with **Section 22-5-14(C)** of this Article and refer violations of **Section 22-5-2** and **Section 22-5-3** of this Article to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Article and not upon its own prerogative.

(C) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Article.

(D) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the Randolph County Government to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

(E) The powers and duties of the Commission are limited to matters clearly within the purview of this Article.

**22-5-13 COMPLAINTS.**

(A) Complaints alleging a violation of this Article shall be filed with the Ethics Commission.

(B) Within **three (3) business days** after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within **three (3) business days** after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(C) Upon not less than **forty-eight (48) hours'** public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Article, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within **seven (7)**

**business days** after receiving the complaint. If the complaint is deemed sufficient to allege a violation of **Section 1-7-3** of this Article and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within **four (4) weeks** after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public. If the complaint is deemed sufficient to allege a violation of **Section 1-7-2** of this Article, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(D) On the scheduled date and upon at least **forty-eight (48) hours'** public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(E) Within **thirty (30) days** after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the Randolph County Government, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(F) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within **seven (7) business days** after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within **fourteen (14) days** after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least **forty-eight (48) hours'** public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within **seven (7) days** thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Randolph County Government, or impose a fine upon the violator, or both.

(G) If a complaint is filed during the **sixty (60) days** preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under paragraph (E) within **seven (7) days** after the complaint is filed, and during the **seven (7) days** preceding that election, the Commission shall render such decision before the date of that election, if possible.

(H) The Commission may fine any person who intentionally violates any provision of **Section 1-7-3** of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Article in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**. The Commission may recommend any appropriate discipline up to and including discharge.

(I) A complaint alleging the violation of this Act must be filed within **one (1) year** after the alleged violation.

**22-5-14**      **PENALTIES.**

(A)            Any person who intentionally violates any provision of **Section 1-7-2** of this Article may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(B)            A person who intentionally violates any provision of **Section 1-7-3** of this Article is subject to a fine in an amount of not less than **One Thousand One Dollars (\$1,001.00)** and not more than **Five Thousand Dollars (\$5,000.00)**.

(C)            Any person who intentionally makes a false report alleging a violation of any provision of this Article to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than **three hundred sixty-four (364) days**, and may be fined in an amount not to exceed **Two Thousand Five Hundred Dollars (\$2,500.00)**.

(D)            A violation of **Section 1-7-2** of this Article shall be prosecuted as a criminal offense by an attorney for the Randolph County Government by filing in the circuit court information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of **Section 1-7-3** of this Article may be prosecuted as a quasi-criminal offense by an attorney for the Randolph County Government, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(E)            In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of **Section 1-7-2** or **Section 1-7-3** of this Article is subject to discipline or discharge.

**(Resolution No. 04-05; 04-16-04)**

## ARTICLE VI – INVESTMENT POLICY

**22-6-1**     **INVESTMENT POLICY.** It is always prudent for any public unit to have an Investment Policy in place for the purpose of safeguarding funds, equitably distributing the investments and maximizing income of the governmental unit. The following policy is adopted for the Treasurer’s office.

**22-6-2**     **SCOPE OF INVESTMENT POLICY.** This Investment Policy applies to the investment activities of all funds under the jurisdiction of the Treasurer. This Investment Policy will also apply to any new funds or temporary fund placed under the jurisdiction of the Treasurer. The Illinois Compiled Statutes will take precedence except where this policy is more restrictive wherein the policy will take precedence.

**22-6-3**     **OBJECTIVES.** The purpose of this Investment Policy of the Treasurer is to establish cash management and investment guidelines for the stewardship of public funds under the jurisdiction of the Treasurer. The specific objectives of this investment policy will be as follows:

- (A)           Safety of principal.
- (B)           Diversity of investments to avoid unreasonable risks.
- (C)           The portfolio shall remain sufficiently liquid to meet all operating costs which may be reasonably anticipated.
- (D)           The highest interest rate will always be the objective of this policy combined with safety of principal, which is left to the discretion of the Treasurer, which includes whether or not the Treasurer will require collateralization of any deposits.
- (E)           In maintaining its investment portfolio, the Treasurer shall avoid any transaction that might impair public confidence in the Treasurer’s office.
- (F)           The Treasurer will give consideration to the financial institutions positive community involvement when consideration is given to the financial institution to be used as a depository.
- (G)           All funds will be invested for a period of **one (1) day** or longer, depending on the requirement for the disbursement of funds.
- (H)           All funds shall be deposited within **two (2) working days** at prevailing rates or better in accordance with Illinois Compiled Statutes.

**22-6-4**     **RESPONSIBILITY.** All investment of funds under the control of the Treasurer is the direct responsibility of the Treasurer. The Treasurer shall be responsible for all transactions and shall establish a system of controls of the activities of all subordinates who are directly involved in the assistance of such investment activities.

**22-6-5**     **PRUDENCE.** The standard of prudence to be used by investment officials shall be the “prudent person”, and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and

exercising due diligence shall be relieved of personal responsibility for any individual securities credit risk or market price changes, provided that deviations from expectation are reported in a timely fashion, and appropriate action is taken to control adverse developments.

**22-6-6**      **ACCOUNTING.** All investment transactions shall be recorded by the Treasurer or the Treasurer's staff. A report will be generated, at least monthly, listing all active investments. Information regarding securities in portfolio by class or type, book value, interest earned and market value as of report date. This report will be made available to the County Board and Treasurer.

**22-6-7**      **FINANCIAL INSTITUTIONS.** The Treasurer will have the sole responsibility to select which financial institutions will be depositories for Treasurer funds. The Treasurer will take into consideration security, size, location, condition, service, fees and the community relations involvement of the financial institution when choosing a financial institution.

At no time will the Treasurer investments exceed **sixty-five percent (65%)** of the financial institutions Capital and surplus.

All financial institutions having any type of financial relationships; deposits, investments, loans, etc. are required to provide a complete and current "Call Report" required by their appropriate regulatory authority each calendar quarter within **thirty (30) days** of the "Call" request date.

**22-6-8**      **INVESTMENT VEHICLES.** The Treasurer will use investments approved for governmental units as set forth in the most current issue of the Illinois Compiled Statutes.

**22-6-9**      **COLLATERAL.** It shall be the discretion of the Treasurer to determine whether or not collateral will be required of financial institutions receiving funds from the Treasurer. At all times the Treasurer will require that deposits in excess of **thirty-five percent (35%)** of the capital and surplus of a financial institution will be collateralized. The Treasurer may request collateral for any part of deposits in financial institutions when the Treasurer determines it to be in the best interests of safeguarding the funds on deposit.

When collateral is required, **one hundred ten percent (110%)** of the deposit will be required. Only the following collateral will be accepted:

- U.S. Government direct securities
- Obligations of Federal Agencies
- Obligations of Federal Instrumentalities
- Obligations of the State of Illinois
- Obligations of the County of Randolph
- Obligations of municipalities located within the County of Randolph, subject to acceptance by the Randolph County Treasurer

Acceptable Collateral as identified in the Illinois Compiled Statutes for use by the Treasurer of the State of Illinois.

Investments shall be made with judgment and care, under circumstances then prevailing, with persons of prudence, discretion and intelligence exercise in the management of

their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the possible income to be derived.

The above standard is established as the standard for professional responsibility and shall be applied in the context of managing the Treasurer's portfolio. Pursuant to the Public Funds Investment Act at **30 ILCS 235/2.5** and other provisions included in that Act, along with all other Statutes and Constitutional provisions regarding conflicts of interest and ethical considerations.

**22-6-10**     **SECURITY CONTROLS.** Only the Treasurer should be authorized to establish financial accounts for the office of Treasurer. At all times either the Treasurer, singly or signatories as designated by the Treasurer should be authorized to sign on financial accounts of the office of the Treasurer.

**ARTICLE VII - EQUAL EMPLOYMENT POLICY**

**22-7-1**      **ADOPTION OF CODES.** The County hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A)            **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B)            **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C)            **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D)            **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E)            **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F)            **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G)            **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H)            **Section 188 of WIA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(I)            **Chapter 68, Article I, Section 17-19 of the Illinois Constitution** which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.

(J)            **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

(K)            **Illinois Human Rights Act (775 ILCS 5)** which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

**22-7-2**      **NON-DISCRIMINATORY PRACTICES.** The County will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.



**22-7-3 CONTRACTING WITH NON-COMPLAINTS.** The County will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.

(A) The County will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

- (1) In the event of the contractor's noncompliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:
  - (a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.
  - (b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.
  - (c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.
  - (d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under the Act

- and the Department's Rules and Regulations. If any labor organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.
- (e) That he or she will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department's Rules and Regulations.
  - (f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Act and the Department's Rules and Regulations.
  - (g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

**22-7-4**      **OUTREACH TO ALL.** The County assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

**22-7-5**      **MINORITY HIRING.** Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the County as well as surrounding areas.

**22-7-6**      **ACCOMMODATIONS FOR DISABLED.** The County will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

**22-7-7**      **COMPLIANCE BY EMPLOYEES.** All County employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out County program activities.

**22-7-8**      **DESIGNATED ENFORCERS.** The County designates the County Board Chairman and the County Board to carry out the EEO/AA plan.

**ARTICLE VIII - POLICY AGAINST DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT**

The County wishes to provide all employees a work environment that encourages productive activity and mutual respect. To accomplish this, the County will not tolerate harassment or inappropriate conduct described in this policy by any person and will deal severely with anyone who engages in such conduct. Therefore, it shall be the County's policy to prohibit harassment of or discrimination directed toward employees because of their race, color, religion, sex, sexual orientation, gender-identity, pregnancy, childbirth, medical or common conditions relating to pregnancy or childbirth, national origin, ancestry, age, citizenship status, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, genetic information, physical or mental disability or any other protected status. This policy is in effect whenever an employee is involved in County activities to include business trips, County events, etc.

**22-8-1 STATEMENT OF POLICY.** It is Randolph County's policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status or any other classification protected under federal or state law. Sexual misconduct is also prohibited. Randolph County will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, appointed officials, co-workers, or non-employees with whom Randolph County has a business, service, or professional relationship. "Employee" for purposes of this policy includes any individual performing services for Randolph County, an apprentice, an applicant for apprenticeship, or an unpaid intern. The County has appointed the State's Attorney as its ethics officer to receive and oversee investigations of complaints made pursuant to this policy and he/she is referred to in this policy as "Ethics Officer." He/she can be contacted by email or phone at [attorney@randolphco.org](mailto:attorney@randolphco.org) 618-826-5000 ext. 193. The County reserves the right to change the Ethics Officer from time to time.

Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. Randolph County is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. Randolph County will take disciplinary action, up to and including termination, against an employee who violates this policy.

As set forth above, sexual harassment and sexual misconduct are prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

- (A) Submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual's employment;
- (B) Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;

(C) The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive work environment because of the persistent, severe or pervasive nature of the conduct.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The employee as well as the harasser may be woman or a man. The employee does not have to be of the opposite sex.
- The harasser can be the employee's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The employee does not have to be the person harassed but could be any one affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to the discharge of the employee.
- The harasser's conduct must be unwelcome.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that Randolph County deems inappropriate and in violation of our policy:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Making or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
4. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
5. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, derogatory or suggestive comments about a person's body or dress.
6. Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or stereotypes regarding disabled individuals.
7. Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

Sexual misconduct is strictly prohibited by Randolph County and can include any inappropriate and/or illegal conduct of a sexual nature including, but not limited to, sexual abuse, sexual exploitation, sexual intimidation, rape, sexual assault or ANY sexual contact or sexual communications with a minor (including, but not limited to, conduct or communications which are written, electronic, verbal, visual, virtual or physical).

**22-8-2      RESPONSIBILITIES.**

(A) **Supervisors.** Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

- (1) Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct.
- (2) Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois.
- (3) Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.

- (4) Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
- (5) Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the State's Attorney or to the Ethics Officer; and
- (6) Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.

(B) **Employees.** Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:

- (1) Refrain from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;
- (2) Immediately reporting any violations of this policy to a supervisor and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances); Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, appointed officer, co-worker, volunteer, vendor, member of public).
- (3) Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor.

Failure to take action to stop known discrimination, harassment or sexual misconduct may be grounds for discipline.

There is a clear line in most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of his own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.

Randolph County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

**22-8-3 APPLICABLE PROCEDURES.** Randolph County takes allegations of discrimination, harassment and sexual misconduct very seriously. It will actively investigate all complaints.

It is helpful for the employee to directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use the Randolph County's complaint procedure to advise Randolph County of any perceived violation of this policy as soon as it occurs.

(A) **Bringing a Complaint.** Any employee of Randolph County who believes that there has been violation of this policy may bring the matter to the attention of Randolph County in one of the following ways:

- (1) Advising his or her supervisor or the Ethics Officer; or
- (2) Advising the offending employee's supervisor, the State's Attorney or the County Board of Commissioners in the event that the alleged harasser is the State's Attorney.

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the State's Attorney.

The complaint should be presented as promptly as possible after the alleged violation of this policy occurs.

The County will take steps to ensure that complaints are kept confidential to the extent permissible under the law. Individuals who are involved in an investigation under this policy are required to keep the matter confidential to the fullest extent permitted under the law.

(B) **Resolution of a Complaint.** Promptly after a complaint is submitted, Randolph County will undertake such investigation, corrective and preventive actions as are appropriate. In general, the procedure in resolving any complaints can (but will not necessarily) include any of the following:

- (1) A meeting between the employee making the complaint and an individual designated by Randolph County to investigate such complaints. Important data to be provided by the complaining employee includes the following:
  - (a) A description of the specific offensive conduct;
  - (b) Identification of all person(s) who engaged in the conduct;
  - (c) The location where the conduct occurred;
  - (d) The time when the conduct occurred;
  - (e) Whether there were any witnesses to the conduct;
  - (f) Whether conduct of a similar nature has occurred on prior occasions;
  - (g) Whether there are any documents which would support the complaining employee's allegations;
  - (h) What impact the conduct had on the complaining employee.
- (2) While not required, Randolph County encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.

- (3) After a complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of Randolph County. The alleged offending individual should be advised of the charges brought against him or her, and may be provided with a copy of the written statement of complaint made by the complaining employee (if applicable). The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.
- (4) After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged individual may be interviewed separately.
- (5) Once this investigation is completed, Randolph County will take such action as is appropriate based upon the information obtained in the investigation. In the event that Randolph County finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may, but need not necessarily, include:
  - (a) Verbal or written reprimand;
  - (b) Placing the offending employee on a corrective action plan for a period of time to be identified;
  - (c) Delay in pay increases or promotions;
  - (d) Suspending the offending employee from work without pay;
  - (e) Demotion;
  - (f) Immediate termination.
- (6) Upon completion of the investigation, Randolph County will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, Randolph County looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by-case basis.

(C) **Non-Retaliation.** Under no circumstances will there be any retaliation against any employee making a complaint of discrimination, harassment or sexual misconduct. Any act of retaliation by any party directed against a complaining employee, an accused employee, witnesses, or participants in the process will be treated as a separate and distinct charge and will be similarly investigated. Complaints of retaliation should be addressed to the Ethics Officer, the State's Attorney or County Board. Illinois law provides protections to whistleblowers as set forth in the Whistleblower Act, **740 ILCS 174/15** and the Illinois Human Rights Act, **775 ILCS 5/6-101**.

(D) **False Reports Prohibited.** It is a violation of this policy for an employee to knowingly make a false report of discrimination, harassment, sexual misconduct or retaliation. An employee who is found to have knowingly made a false report is subject to disciplinary action, as set forth in **Section 22-8-3(B)(5)** above.

If you have any questions concerning Randolph County's policies on this matter, please see your supervisor or the State's Attorney. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200, or the Equal Opportunity Commission (EEOC), 800-669-4000. Confidential reports of harassment or discrimination may also be filed



with these state agencies. For matters involving the abuse of minors, contact the Illinois Department of Children and Family Services (DCFS), 800-25-ABUSE.

Please acknowledge receipt and review of this policy by completing the acknowledgement located in the rear of the handbook and returning it to the Human Resource Office.

**(Ord. No. 17-30; 12-29-17)**

## **MOTOR VEHICLE CODE**

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CHAPTER 24

MOTOR VEHICLE CODE

ARTICE I – GENERAL PROVISIONS

**24-1-1**      **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** The **Illinois Compiled Statutes - Vehicles, Illinois Vehicle Code, Chapter 625, Chapter 1**, entitled "Title and Definitions", as passed, approved and amended by the Illinois General Assembly is hereby adopted by Randolph County, the provisions thereof shall be controlling within the County.

**24-1-2**      **OBEDIENCE TO LAW ENFORCEMENT OFFICIALS.**

(A)            No person shall willfully fail or refuse to comply with any lawful order or direction of any law enforcement official, fireman, or school crossing guard invested by law with authority to direct, control, or regulate traffic. **(See 625 ILCS 5/11-203)**

(B)            In the event of fire other emergency and for the duration thereof, officers and members of the Fire Department may direct traffic if conditions so require and in a manner prescribed by the Police Department or Sheriff's Office. **(Penalty, See Article VII)**

(C)            Any person convicted of violating **Section 24-1-2(A)** is guilty of a petty offense and shall be subject to a mandatory fine of **Two Hundred Dollars (\$200.00)**. **(See 625 ILCS 5/11-203)**

**24-1-3**      **TRAFFIC LAWS APPLY TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL DRAWN VEHICLES.** Every person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle by the Illinois Vehicle Code, except those provisions of the Illinois Vehicle Code which by their very nature can have no application. **(See 625 ILCS 5/11-206) (Penalty, See Section 24-7-1)**

**24-1-4**      **OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

(A)            The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed or held in accordance with the provisions of the Illinois Vehicle Code, unless otherwise directed by a law enforcement official, subject to the exceptions granted the driver of an authorized emergency vehicle in the Illinois Vehicle Code.

(B)            It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device.

(C)            No provision this traffic code for which official traffic-control devices are required, shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person whenever a particular section does not state that official traffic-control devices are required. The section shall be effective even though no devices are erected or in place.

(D)            Whenever any official traffic-control device is placed or held in position approximately conforming to the requirements of the Illinois Vehicle Code, the device shall be

presumed to have been so placed or held by the official act or direction of lawful authority, and comply with the requirements of the Illinois Vehicle Code unless the contrary shall be established by competent evidence.

(E) The driver of a vehicle approaching a traffic-control signal on which no signal light facing the vehicle is illuminated shall stop before entering the intersection, in accordance with rules applicable in making a stop at a stop sign. **(625 ILCS 5/11-305) (Penalty, See Section 24-7-1)**

**24-1-5 FLASHING SIGNALS.** Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic-control device, it shall require obedience by vehicular traffic as follows:

(A) **Flashing Red (Stop Signal).** When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) **Flashing Yellow (Caution Signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(C) This Section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed under **625 ILCS 5/11-1201. (625 ILCS 5/11-309) (Penalty, See Section 24-7-1)**

**24-1-6 STOP AND YIELD SIGNS.**

(A) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in **625 ILCS 5/11-302.** See **Schedule "A"** and **"B"** for the list of signs.

(B) Except when directed to proceed by a law enforcement official or traffic-control signal, every driver of a vehicle and every motorman of a streetcar approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(C) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. **(625 ILCS 5/11-1204) (Penalty, See Section 24-7-1)**

**ARTICLE II - RULES OF OPERATION**

**DIVISION I - SPEED RESTRICTIONS**

**24-2-1 SPEED LIMITS.**

(A) No vehicle may be driven upon any highway of this County at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or which endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, or when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(B) No person may drive a vehicle upon any street at a speed which is greater than the applicable statutory maximum speed limit established by paragraphs (C) and (D) below, by **Section 24-2-2**, or by a regulation or ordinance made under the Illinois Vehicle Code.

(C) Unless some other speed restriction is established under the Randolph County Motor Vehicle Code, the maximum speed limit in an urban district (as defined in **Section 24-1-1**) for all vehicles is:

- (1) **Thirty (30) miles** per hour; and
- (2) **Fifteen (15) miles** per hour in an alley.

(D) Unless some other speed restriction is established under the Randolph County Motor Vehicle Code, the maximum speed limit outside an urban district for any vehicle of the first division, or a vehicle of the second division designed or used for the carrying of a gross weight of less than **eight thousand (8,000) pounds** (including the weight of the vehicle and maximum load, is:

- (1) **Sixty-five (65) miles** per hour for all highways under the jurisdiction of the Illinois State Toll Highway Authority and for all or part of highways that are designated by the Illinois Department of Transportation, have at least **four (4) lanes** of traffic, and have a separation between the roadways moving in opposite directions and
- (2) **Fifty-five (55) miles** per hour for all other highways, roads, and streets.

(E) Unless some lesser speed restriction is established under the Randolph County Motor Vehicle Code, the maximum speed limit outside an urban district for a vehicle of the second division designed or used for the carrying of a gross weight of **eight thousand (8,000) pounds** or more (including the weight of the vehicle and maximum load) is **fifty-five (55) miles** per hour.

(F) Unless some other speed restriction is established under the Randolph County Motor Vehicle Code, the maximum speed limit outside an urban district for a bus is:

- (1) **Sixty-five (65) miles** per hour upon any highway which has at least **four (4) lanes** of traffic and of which the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic,

except that the maximum speed limit for a bus on all highways, roads and streets under the jurisdiction of the Illinois Department of Transportation or the Illinois State Toll Highway Authority is **fifty-five (55) miles** per hour.

- (2) **Sixty (60) miles** per hour on any other highway, except that the maximum speed limit for a bus on all highways, roads and streets not under the jurisdiction of the Illinois Department of Transportation or the Illinois State Toll Highway Authority is **fifty-five (55) miles** per hour.

(G) Unless some other speed restriction is established under the Randolph County Motor Vehicle Code, the maximum speed limit outside an urban district for a house car, camper, private living coach, vehicles licensed as recreational vehicles, and any vehicle towing any other vehicle is **fifty-five (55) miles** per hour or the posted speed limit, whichever is less. **(625 ILCS 5/11-601 and Statutory References Authority to regulate speed, 625 ILCS 5/11-604) (Penalty, See Section 24-7-1)**

**24-2-2 SPECIAL SPEED LIMITS WHILE PASSING SCHOOLS OR WHILE TRAVELING THROUGH HIGHWAY CONSTRUCTION OR MAINTENANCE ZONES.**

(A) For the purpose of this Section, SCHOOL means the following entities:

- (1) A public or private primary or secondary school.
- (2) A primary or secondary school operated by a religious institution.
- (3) A public, private, or religious nursery school.

(B) For the purpose of this Section, a SCHOOL DAY shall begin at **7:00 A.M.** and shall conclude at **4:00 P.M.**

(C) On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of **twenty (20) miles** per hour while passing a school zone, or while traveling upon any public thoroughfare where children pass going to and from school.

(D) This Section shall not be applicable unless appropriate signs are posted upon streets wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(E) No person shall operate a motor vehicle in a construction or maintenance zone at a speed in excess of the posted speed limit when workers are present and so close to the moving traffic that a potential hazard exists because of the motorized traffic.

(F) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within **five hundred (500) feet** of signs within a special school speed zone or a construction or maintenance zone indicating the zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speed, provided the use of the device shall apply only to the enforcement of the speed limit in the special school speed zone or a construction or maintenance zone.

(G) For the purpose of this Section, a construction or maintenance zone is an area in which the Illinois Department of Transportation, the Randolph County Highway Department or a local agency has determined that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance zone and

has posted a lower speed limit with a highway construction or maintenance zone special speed limit sign.

(H) Highway construction or maintenance zone special speed limit signs shall be of a design approved by the Illinois Department of Transportation. The signs shall give proper due warning that a construction or maintenance zone is being approached and shall indicate the maximum speed limit in effect. The signs shall also state the amount of the minimum fine for a violation when workers are present. **(625 ILCS 5/11-605) (Penalty, See Section 24-7-1)**

**24-2-3 MINIMUM SPEED REGULATION.** No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and regular movement of traffic except when reduced speed is necessary for safe operation of his vehicle or in compliance with law. **(625 ILCS 5/11-606(a)) (Penalty, See Section 24-7-1)**

**24-2-4 - 24-2-5 RESERVED.**

**DIVISION II - TURNING AND STARTING; SIGNALS**

**24-2-6 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS.**

(A) The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (1) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
- (2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (3) The Illinois Department of Transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

(B) **Two-Way Left Turn Lanes.** Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices:

- (1) A left turn shall not be made from any other lane.



- (2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.

**(625 ILCS 5/11-801) (Penalty, See Section 24-7-1)**

**24-2-7      LIMITATIONS ON U-TURNS.**

(A) The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

(B) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within **five hundred (500) feet.** **(625 ILCS 5/11-802) (Penalty, See Section 24-7-1)**

**24-2-8      WHEN SIGNAL REQUIRED.**

(A) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in **Section 24-2-6**, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course, or move right or left upon a roadway unless and until the movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(B) A signal of intention to turn right or left when required must be given continuously during not less than the last **one hundred (100) feet** traveled by the vehicle before turning within a business or residence district, and the signal must be given continuously during not less than the last **two hundred (200) feet** traveled by the vehicle before turning outside a business or residence district.

(C) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

(D) The electric turn signal device required in **625 ILCS 5/12-208** must be used to indicate an intention to turn, change lanes, or start from a parallel parked position, but must not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. However, signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, and passing. **(625 ILCS 5/11-804) (Penalty, See Section 24-7-1)**

**24-2-9      SIGNAL BY HAND AND ARM OR SIGNAL DEVICE.** Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by an electric turn signal device conforming to the requirements provided in **625 ILCS 5/12-208.** **(625 ILCS 5/11-805) (Penalty, See Section 24-7-1)**

**24-2-10      METHOD OF GIVING HAND AND ARM SIGNALS.** All signals given by hand and arm shall be given from the left side of the vehicle in the following manner and the signals shall indicate as follows:

- (A) **Left Turn.** Hand and arm extended horizontally.  
 (B) **Right Turn.** Hand and arm extended upward.  
 (C) **Stop or Decrease of Speed.** Hand and arm extended downward.  
**(625 ILCS 5/11-806) (Penalty, See Section 24-7-1)**

**24-2-11** **RESERVED.**

**DIVISION III - OVERTAKING AND PASSING**

**24-2-12** **DRIVING ON RIGHT SIDE OF ROADWAY; EXCEPTIONS.**

(A) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right-of-way to all vehicle traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;
- (3) Upon a roadway divided into **three (3)** marked lanes for traffic under the rules applicable thereon;
- (4) Upon a roadway restricted to one-way traffic;
- (5) Whenever there is a single-track paved road on one side of the public highway and **two (2) vehicles** meet thereon, the driver on whose right is the wider should shall give the right-of-way on the pavement to the other vehicle.

(B) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into a private road or driveway.

(C) Upon any roadway having **four (4)** or more lanes for moving traffic, and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted to use the lanes, or except as permitted under paragraph (A)(2). However, this paragraph shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.  
**(625 ILCS 5/11-701) (Penalty, See Section 24-7-1)**

**24-2-13** **PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS.**

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than **one (1) line** of traffic in each direction, each driver shall give to the other at least **one-half (1/2)** of the main traveled portion of the roadway as nearly as possible. **(625 ILCS 5/11-702) (Penalty, See Section 24-7-1)**

**24-2-14**     **OVERTAKING VEHICLES ON THE LEFT.** The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in the Randolph County Motor Vehicle Code:

(A)           The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall the movement be made by driving off the pavement or the main traveled portion of the roadway.

(B)           Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(C)           The driver of a two-wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed land of traffic available to permit the passing maneuver safely. **(625 ILCS 5/11-703) (Penalty, See Section 24-7-1)**

**24-2-15**     **LIMITATIONS ON OVERTAKING VEHICLES ON THE LEFT.** No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of the Illinois Vehicle Code and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within **two hundred (200) feet** of any vehicle approaching from the opposite direction. **(625 ILCS 5/11-705 and 5/11-706) (Penalty, See Section 24-7-1)**

**24-2-16**     **NO PASSING ZONES.**

(A)           The Illinois Department of Transportation, the Randolph County Highway Department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. Upon request of a local school board, the Illinois Department of Transportation, the Randolph County Highway Department and local authority which has jurisdiction over the roadway in question, shall determine whether a hazardous situation exists at a particular location and warrants a no passing zone. If the Illinois Department of Transportation, the Randolph County Highway Department or local authority determines that a no passing zone is warranted, the school board and the Illinois Department of Transportation, the Randolph County Highway Department and local authority shall share equally the cost of designating the no passing zone by signs and markings. When such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(B)           Where signs or markings are in place to define a no passing zone as set forth in paragraph (A) no driver may at any time drive on the left side of the roadway within the

no passing zone or on the left side of any pavement striping designed to mark such no passing zone throughout its length.

(C) This Section does not apply under the conditions described in **625 ILCS 5/11-701(A)(2)**, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. The pavement striping designed to mark the no passing zone may be crossed from the left hand for the purpose of completing a pass that was begun prior to the beginning of the zone in the driver's direction of travel.

(D) Special speed limit areas required under **625 ILCS 5/11-605** of the Illinois Vehicle Code in unincorporated areas only shall also be no passing zones. **(625 ILCS 5/11-707) (Penalty, See Section 24-7-1)**

**24-2-17      RESERVED.**

**DIVISION IV - RIGHT-OF-WAY**

**24-2-18      VEHICLES APPROACHING OR ENTERING INTERSECTION.** When **two (2) vehicles** approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right. This rule is modified at through highways or streets and where otherwise inconsistent with the provisions of the Randolph County Motor Vehicle Code. **(625 ILCS 5/11-901) (Penalty, See Section 24-7-1)**

**24-2-19      VEHICLE TURNING LEFT.** The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but the driver, having so yielded, may proceed as soon as a safe interval occurs. **(625 ILCS 5/11-902) (Penalty, See Section 24-7-1)**

**24-2-20      VEHICLE ENTERING STOP OR YIELD INTERSECTION.**  
(A) Preferential right-of-way at an intersection may be indicated by stop or yield signs.

(B) Except when directed to proceed by a law enforcement official or traffic-control signal, the driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway, or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection, but the driver, having so yielded, may proceed as soon as a safe interval occurs.

(C) The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the existing conditions, and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the

near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(D) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, the collision or interference shall be deemed prima facie evidence of the driver's failure to yield right-of-way. **(625 ILCS 5/11-904) (Penalty, See Section 24-7-1)**

**24-2-21 VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY.** The driver of a vehicle about to enter or cross a highway from an alley, building, private road, or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered. **(625 ILCS 5/11-906) (Penalty, See Section 24-7-1)**

**24-2-22 EMERGING FROM ALLEY, BUILDING, PRIVATE ROAD, OR DRIVEWAY.** The driver of a vehicle emerging from an alley, building, private road, or driveway within an urban area shall stop the vehicle immediately prior to driving into the sidewalk area extending across the alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon, and shall yield the right-of-way to any pedestrians as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on such roadway. **(625 ILCS 5/11-1205) (Penalty, See Section 24-7-1)**

**24-2-23 STOP WHEN TRAFFIC OBSTRUCTED.**

(A) No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians or railroad trains notwithstanding any traffic-control signal indication to proceed. **(625 ILCS 5/11-1425) (Penalty, See Section 24-7-1)**

(B) No driver shall enter a highway railroad grade crossing unless there is sufficient space on the other side of the highway railroad grade crossing to accommodate the vehicle being operated without obstructing the passage of a train or other railroad equipment using the rails, notwithstanding any traffic-control signal indication to proceed. Any person found in violation of this paragraph shall be subject to a mandatory fine of **Five Hundred Dollars (\$500.00)** or **fifty (50) hours** of community service.

(C) Local authorities shall impose fines as established in paragraph (B) for persons found in violation of this Section or any similar local ordinance. **(625 ILCS 5/11-1425) (Penalty, See Section 24-7-2)**

**24-2-24 RESERVED.**

## DIVISION V - PROHIBITIONS

**24-2-25      BACKING.**

(A) The driver of a vehicle shall not back the same unless the movement can be made with safety and without interfering with other traffic.

(B) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway. **(625 ILCS 5/11-1402) (Penalty, See Section 24-7-1)**

**24-2-26      OBSTRUCTION OF DRIVER'S VIEW OR DRIVING MECHANISM.**

(A) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding **three (3)**, as to obstruct the view of the driver to the front or sides of the vehicle, or as to interfere with the driver's control over the driving mechanism of the vehicle.

(B) No passenger in a vehicle or streetcar shall ride in a position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or streetcar.

(C) No passenger on a school bus may ride or stand in a position as to interfere with the driver's view ahead or to the side or to the rear, or to interfere with his control of the driving mechanism of the bus. **(625 ILCS 5/11-1406) (Penalty, See Section 24-7-1)**

**24-2-27      OPENING VEHICLE DOORS.** No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. **(625 ILCS 5/11-1411)**

**24-2-28      FOLLOWING FIRE APPARATUS; DRIVING OVER FIRE HOSE.**

(A) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than **five hundred (500) feet** or stop the vehicle within **five hundred (500) feet** of any fire apparatus stopped in answer to a fire alarm.

(B) No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private road, or driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command. **(625 ILCS 5/11-1412) (Penalty, See Section 24-7-1)**

**24-2-29      DRIVING UPON SIDEWALK.**

(A) No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(B) This Section does not apply to any vehicle moved exclusively by human power nor to any motorized wheelchair. **(625 ILCS 5/11-1412.1) (Penalty, See Section 24-7-1)**

**24-2-30 PUTTING GLASS OR OTHER HAZARDOUS MATERIALS ON HIGHWAY PROHIBITED.**

(A) No person shall throw, spill or deposit upon any highway any bottle, glass, nails, tacks, wire, cans, or any litter (as defined in **415 ILCS 105/3** of the State Litter Control Act).

(B) Any person who violates paragraph (A) upon any highway shall immediately remove such material or cause it to be removed.

(C) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other debris, except any hazardous substance as defined in **415 ILCS 5/3.14**, hazardous waste as defined in **415 ILCS 5/3.15**, and potentially infectious medical waste as defined in **415 ILCS 5/3.84**, dropped upon the highway from such vehicle. **(625 ILCS 5/11-1413) (Penalty, See Section 24-7-1)**

**24-2-31 OBSTRUCTING PERSON IN HIGHWAYS.** No person shall willfully and unnecessarily hinder, obstruct, or delay, or willfully and unnecessarily attempt to delay, hinder, or obstruct any other person in lawfully driving or traveling along or upon any highway within Randolph County, or offer for barter or sale merchandise on said highway so as to interfere with the effective movement of traffic. **(625 ILCS 5/11-1416) (Penalty, See Section 24-7-1)**

**24-2-32 FARM TRACTOR OPERATION.**

(A) No person shall operate a farm tractor on a highway in Randolph County unless the tractor is being used as an implement of husbandry in connection with farming operations.

(B) For the purpose of this Section of the Randolph County Motor Vehicle Code, the use of a farm tractor as an implement of husbandry in connection with farming operations shall be deemed to include use of the tractor in connection with the transportation of agricultural products and of farm machinery, equipment, and supplies, as well as the transportation of the implement of husbandry from its place of purchase to its place of storage, in connection with the obtaining of repairs of the implement of husbandry, and the towing of a registered truck of not more than **eight thousand (8,000) pounds** for use as return transportation after the tractor is left at the place of work or repair. **(625 ILCS 5/11-1418) (Penalty, See Section 24-7-1)**

**24-2-33 SQUEALING OR SCREECHING TIRES.**

(A) No person shall operate any motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the vehicles tires due to rapid acceleration or excessive speed around corners or other such reason. **(625 ILCS 5/11-505) (Penalty, See Section 24-7-1)**

(B) This Section shall not apply to the following conditions:

- (1) An authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator;
- (2) The emergency operation of a motor vehicle when avoiding imminent danger; nor
- (3) Any raceway, racing facility, or other public event, not part of a highway, sanctioned by the appropriate governmental, transportation or highway agency.

### ARTICLE III – PARKING REGULATIONS

#### **24-3-1      UNAUTHORIZED USE OF PARKING SPACES RESERVED FOR PERSONS WITH DISABILITIES.**

(A) It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a person with disabilities, as defined by **Section 24-1-1**, pursuant to **625 ILCS 5/3-616, 5/11-1301.1 or 5/11-1301.2**, or to a disabled veteran pursuant to **625 ILCS 5/3-609**, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as designated under **625 ILCS 5/11-301**, for motor vehicles bearing such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under **625 ILCS 5/11-301**, for motor vehicles displaying such registration plates. When using the parking privileges for persons with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear view. An individual with a vehicle properly displaying a person with disabilities license plate or parking decal or device issued to a disabled person under **625 ILCS 5/3-616, 5/11-1301.1 or 5/11-1301.2** is in violation of this Section if the person is not the authorized holder of a person with disabilities license plate or parking decal or device and is not transporting the authorized holder of a person with disabilities license plate or parking decal or device to or from the parking location and the person uses the person with disabilities license plate or parking decal or device to exercise any privileges granted through the person with disabilities license plates or parking decals or devices under this Code. Any motor vehicle properly displaying a person with disabilities license plate or a person with disabilities parking decal or device containing the international symbol of access issued to persons with disabilities shall be recognized by local authorities as a valid license plate or device and receive the same parking privileges as residents of the County.

(B) Any person or local authority owning or operating any public or private off-street parking facility may, after notifying the appropriate law enforcement agency, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by a person with disabilities which does not display a person with disabilities registration plates or a special decal or devices as required under this Section.

(C) Any person found guilty of violating the provisions of this Section shall be fined as set forth in **Section 24-7-1** in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this Section. **(625 ILCS 5/11-1301.3) (Penalty, See Section 24-7-1)**

#### **24-3-2      PENALTY.**

(A) Whoever violates any provision of this Article for which no specific penalty is otherwise provided shall be fined as set forth in **Section 24-7-1**.

(B) Whoever violates **Section 24-3-1** shall be fined **Two Hundred Dollars (\$200.00)** in addition to any costs or charges connected with the removal or storage of the motor vehicle. **(625 ILCS 5/11-1301.3)**



**ARTICLE IV – ALL-TERRAIN VEHICLES AND OFF-HIGHWAY MOTORCYCLES**

**24-4-1      OPERATION OF ALL-TERRAIN VEHICLES AND OFF-HIGHWAY MOTORCYCLES ON STREETS, ROADS AND HIGHWAYS.**

(A)            Except as provided under this Section, it shall be unlawful for any person to drive or operate an all-terrain vehicle or off-highway motorcycle upon any street, road or highway in Randolph County.

(B)            **Exception.** All-terrain vehicles and off-highway motorcycles may make a direct crossing provided:

- (1)          The crossing is made at an angle of approximately **ninety (90) degrees** to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing; and
- (2)          The all-terrain vehicle or off-highway motorcycle is brought to a complete stop before attempting a crossing; and
- (3)          The operator of the all-terrain vehicle or off-highway motorcycle yields the right-of-way to all vehicular traffic which constitutes a hazard. **(625 ILCS 5/11-1426) (Penalty, See Section 24-7-1)**

**24-4-2      SIGNAL FROM OFFICER TO STOP.**

(A)            An all-terrain vehicle or off-highway motorcycle operator, after having received a visual or audible signal from a law enforcement officer to come to a stop, may not:

- (1)          Operate an all-terrain vehicle or off-highway motorcycle in willful or wanton disregard of the signal to stop;
- (2)          Interfere with or endanger the law enforcement officer or another person or vehicle; or
- (3)          Increase speed or attempt to flee or elude the officer. **(625 ILCS 5/11-1427.4) (Penalty, See Section 24-7-1)**

**ARTICLE V – MOTOR VEHICLE OFFENSES**

**24-5-1      NEGLIGENT DRIVING.** It shall be unlawful for any person, firm or corporation to operate any motor vehicle upon a public way in a negligent manner and without due caution or in a manner so as to endanger or be likely to endanger any person or any property. **(Penalty, See Section 24-7-1)**

**24-5-2      TRANSPORTATION OR POSSESSION OF ALCOHOLIC LIQUOR IN A MOTOR VEHICLE.**

(A) Except as provided in paragraph (C) below, no driver may transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon any roadway within the geographical boundaries of Randolph County except in the original container and with the seal unbroken.

(B) Except as provided in paragraph (C) below, no passenger may carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon any roadway within the geographical boundaries of Randolph County except in the original container and with the seal unbroken.

(C) This Section shall not apply to the passengers in a limousine when it is being used for purpose for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which charters buses are ordinarily used or on a motor home or mini motor home as defined in **625 ILCS 5/1-145.01**. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this Section. For the purposes of this Section, a limousine is a motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification pursuant to **625 ILCS 5/6-104**.

(D) The exemption applicable to chartered buses under paragraph (C) does not apply to any chartered bus being used for school purposes.

(E) Any driver who is convicted of violating paragraph (A) of this Section for a second or subsequent time within **one (1) year** of a similar conviction shall be subject to suspension of driving privileges as provided under **625 ILCS 5/6-206(a)(23)**.

(F) Any driver, who is less than **twenty-one (21) years** of age at the date of the offense and who is convicted of violating paragraph (A) of this Section, shall be subject to the loss of driving privileges as provided under **625 ILCS 5/6-205(A)(13)** and **625 ILCS 5/6-206(A)(23)**. **(Penalty, See Section 24-7-1)**

**24-5-3      FAILURE TO WEAR SEAT SAFETY BELT.**

(A) Each driver and front seat passenger of a motor vehicle operated upon any roadway within the geographical boundaries of Randolph County shall wear a properly adjusted and fastened seat safety belt; except that a child less than **six (6) years** of age shall be protected as required pursuant to the Illinois Child Passenger Protection Act (**625 ILCS 25/1 et seq.**). Each driver of a motor vehicle transporting a child **six (6) years** of age or more, but less than **sixteen (16) years** of age, in the front seat of a motor vehicle shall

secure the child in a properly adjusted and fastened seat safety belt. This paragraph shall not apply to any of the following:

- (1) A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed **fifteen (15) miles** per hour;
- (2) A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt;
- (3) A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a safety belt.
- (4) A driver operating a motor vehicle in reverse;
- (5) A motor vehicle with a model year prior to 1965;
- (6) A motorcycle or motor-driven cycle;
- (7) A motorized pedalcycle;
- (8) A motor vehicle which is not required to be equipped with seat safety belts under federal law;
- (9) A motor vehicle operated by a rural letter carrier of the United States postal service while performing duties as a rural letter carrier.

(B) No motor vehicle, or driver or passenger of such vehicle, shall be stopped or searched by any law enforcement officer solely on the basis of a violation or suspected violation of this Section. **(625 ILCS 5/12-603.1)**

**24-5-4 PENALTY.** A violation of this Section shall be a petty offense and subject to a fine not to exceed **Fifty Dollars (\$50.00)**.

**24-5-5 CHILD PASSENGER PROTECTION ACT.**

(A) When any person is transporting a child in Randolph County under the age of **four (4) years** in a non-commercial motor vehicle of the first division, a motor vehicle of the second division with a gross vehicle weight rating of **nine thousand (9,000) pounds** or less, or a recreational vehicle on the roadways, streets or highways of Randolph County, such person shall be responsible for providing for the protection of such child by properly securing him or her in a child restraint system. The parent or legal guardian of a child under the age of **four (4) years** shall provide a child restraint system to any person who transports his or her child. Any person who transports the child of another shall not be in violation of this Section unless a child restraint system was provided by the parent or legal guardian but not used to transport the child.

(B) For purposes of this Section and paragraph (C), "child restraint system" means any device which meets the standards of the United States Department of Transportation designed to restrain, seat or position children. **(625 ILCS 25/4)**

(C) Every person, when transporting a child **four (4) years** of age or older but under the age of **sixteen (16)**, as provided in **625 ILCS 25/4**, shall be responsible for securing that child in either a child restraint system or seat belts. **(625 ILCS 25/4a)**

(D) **Children Six (6) Years of Age or Older But Under the Age of Eighteen (18); Seat Belts.** Every person under the age of **eighteen (18) years**, when

transporting a child **six (6) years** of age or older but under the age of **eighteen (18) years**, as provided in **625 ILCS 25/4** shall be responsible for securing that child in a properly adjusted and fastened seat safety belt. **(625 ILCS 25/4b)**

(E) **Penalty.** A violation of the Child Passenger Protection Act is a petty offense punishable by a fine of not more than **Fifty Dollars (\$50.00)** waived upon proof of possession of an approved child restraint system as defined under the Child Passenger Protection Act. A subsequent violation of the Child Passenger Protection Act is a petty offense punishable by a fine of not more than **One Hundred Dollars (\$100.00)**.

**ARTICLE VI – IMPOUNDING VEHICLE PROCEDURE**

**24-6-1**      **PROCEDURE FOR IMPOUNDING VEHICLES.**      Vehicles may be properly impounded by the County under this Section and the County may impose fees therefore for the following violations:

(A)            Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 2012; or

(B)            Driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of the Illinois Motor Vehicle Code; or

(C)            Operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or

(D)            Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or

(E)            Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 2012; or

(F)            Driving while a driver’s license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Motor Vehicle Code; except that vehicles shall not be subject to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or

(G)            Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substance Act; or

(H)            Operation or use of a motor vehicle with an expired driver’s license, in violation of Section 6-101 of the Illinois Motor Vehicle Code, if the period of expiration is greater than **one (1) year**; or

(I)            Operation or use of a motor vehicle without ever having been issued a driver’s license or permit, in violation of Section 6-101 of the Illinois Motor Vehicle Code, or operating a motor vehicle without ever having been issued a driver’s license or permit due to a person’s age; or

(J)            Operation or use of a motor vehicle by a person against whom a warrant has been issued by a Circuit Clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of the Illinois Motor Vehicle Code; or

(K)            Operation or use of a motor vehicle in the commission of, or in the attempt to commit, an Offense in violation of Article 16 or 16A of the Criminal Code of 2012; or

(L)            Operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 2012, when so provided by this Article.

Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, due to the above enumerated offenses/criteria, the officer shall provide for the towing of the vehicle to a facility authorized by the County.

**24-6-2**      **ADMINISTRATIVE HEARING/NOTICE.**

(A)            At the time the vehicle is towed, the County shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the

owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing.

(B) The County shall also provide notice that the motor vehicle shall remain impounded pending completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the County a bond equal to the administrative fee as provided by Administrative Fee Section, and pays all towing and storage charges.

(C) The registered owner or lessee, and any lienholder of record, shall be provided with a notice of hearing. This notice shall:

- (1) Be served upon the owner or lessee, and any lienholder of record, either by personal service or first class mail to the interested party's address as registered with the Secretary of State;
- (2) Be served upon interested parties within **ten (10) days** after the vehicle is impounded by the County; and
- (3) Contain the date, time and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than **forty-five (45) days** after the date of the mailing of the notice of hearing.

- (D)
- (1) All administrative hearings shall be held in accordance to the requirements contained in subdivision (b)(4) of Section 11-208.3 of the Illinois Motor Vehicle Code. In addition, all administrative hearings shall be conducted by a hearing officer who shall be an attorney licensed to practice law in this State for a minimum of **three (3) years**. The County Board Chairman may appoint the Randolph County State's Attorney or his designee as a hearing officer.
  - (2) At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment. If the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure release of the vehicle shall be forfeited to the County.
  - (3) All final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law. Unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee or lienholder of record until all administrative fees and towing and storing charges are paid.

(E) Vehicles not retrieved from the towing facility or storage facility within **thirty-five (35) days** after the administrative hearing officer issues a written decision, shall be deemed abandoned and disposed of in accordance with the provisions of Article II Chapter 4 of the Illinois Motor Vehicle Code.

(F) Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

**24-6-3      ADMINISTRATIVE FEE.**

(A)      The administrative fee related to the administrative and processing cost associated with the investigation, arrest and detention of an offender, or the removal, impoundment, storage, or release of vehicle by the County shall be **One Hundred Dollars (\$100.00)** per vehicle.

(B)      The administrative fee imposed by the County shall be in addition to any fees charged for the towing and storage of an impounded vehicle. The administrative fee shall be waived by the County upon verified proof that the vehicle was stolen at the time of the impoundment.

(C)      Any fees imposed shall be collected by the Randolph County Sheriff's Office and deposited into the Randolph County General Fund.

**24-6-4      DUTY OF LESSOR OF VEHICLE ON NOTICE OF VIOLATION OF THIS CHAPTER.**

Every person in whose name a vehicle is registered pursuant to law and who leases such vehicle to others, after receiving written notice of a violation of this Chapter involving such vehicle, shall upon request provide such police officers as have authority of the offense, and the court having jurisdiction thereof, with a written statement of the name and address of the lessee at the time of such offense and the identifying number upon the registration plates and registration sticker or stickers of such vehicle.

**(Ord. No. 14-04; 05-09-14)**

**ARTICLE VII - PENALTIES**

**24-7-1** **PENALTY FOR VIOLATIONS OF THIS CHAPTER.** Whoever violates any provision of the Randolph County Motor Vehicle Code for which another penalty is not already otherwise provided by ordinance or by appropriate statutory penalty as generally set forth in **625 ILCS 5/16-101 et seq.**, shall, upon conviction, be subject to a fine of not less than **Seventy-Five Dollars (\$75.00)** and not more than **One Thousand Dollars (\$1,00.00)**.

**24-7-2** **PENALTY FOR OTHER VIOLATIONS.** Whoever violates any provision of this traffic code for which another penalty is not already otherwise provided by ordinance or by appropriate statutory penalty as generally set forth in **625 ILCS 5/16-101 et seq.**, shall, upon conviction, be subject to a fine of **Five Hundred Dollars (\$500.00)** or **fifty (50) hours** of community service.

**24-7-3** **PENALTY; DRIVING UNDER INFLUENCE.** Whoever violates **625 ILCS 5/11-501** *Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof*, within the geographical boundaries of Randolph County, shall, upon conviction, be subject to an additional **Thirty Dollar (\$30.00)** fee which shall be added to all fines imposed for violation of said code (**625 ILCS 5/11-501**). These fees shall be used to finance the court system of Randolph County.

**(Ord. No. 03-06; 07-28-03)**



**SCHEDULE "A"**

**STOP INTERSECTIONS**

In accordance with the provisions of **Section 24-1-6** the following streets are hereby designated as stop intersections:

<b><u>STREETS</u></b>	<b><u>DIRECTION</u></b>	<b><u>SIDE</u></b>	<b><u>SIGN FACING</u></b>
TWP 25 & TWP 35	West	North	East
TWP 71A & 250	North	East	South
TWP 71A & 222	North	East	South
TWP 71A & 222	South	West	North
TWP 71A & 236	North	East	South
TWP 71A & 236	South	West	North
TWP 71A & 47A	East	North	West
TWP 71A & 47A	East	South	West
TWP 71A & 41	West	North	East
TWP 47A & 224	South	West	North
TWP 47A & 222	South	West	North
TWP 47A & 250	East	South	West
TWP 97 & 2136	North	East	South
TWP 97 & 236	South	West	North
TWP 97 & 220	North	East	South
TWP 105 & 166	South	West	North
TWP 105 & 148	North	East	South
TWP 105 & 148	South	West	North
TWP 146 & 159	West	South	East
TWP 144 & 159	North	East	South
TWP 144 & 185	East	South	West
TWP 144 & 207	East	South	West
TWP 238 & 252	West	North	East
TWP 238 & 252	North	East	South
TWP 260 & 279	West	South	East
TWP 260 & 289	East	North	West
TWP 311 & 152	North	East	South
TWP 311 & 152	South	West	North
TWP 311 & 170	South	West	North
TWP 108 & 104A	East	Northwest	
TWP 246 & 264	West	South	East
TWP 244 & 264	West	North	East
TWP 114 & 243	East	South	West
TWP 335A & 162	North	East	South
TWP 194 & 329	West	North	East
TWP 243 & 110	North	East	South
TWP 110 & 223	North	East	South
TWP 110 & 223	South	West	North
TWP 283 & 122A	North	East	South
TWP 122 & 245	West	North	East
TWP 283 & 138	North	East	South
TWP 244 & Co. Hwy 16	East	South	West
TWP 207 & 160	North	East	South
TWP 207 & 144	North	East	South
TWP 49 & 50	East	South	West
TWP 49 & 50	West	South	East

<b><u>STREETS</u></b>	<b><u>DIRECTION</u></b>	<b><u>SIDE</u></b>	<b><u>SIGN FACING</u></b>
TWP 103 & 54	South	West	North
TWP 52 & 203	South	West	North
TWP 27 & 34	North	East	South
TWP 18 & 137	West	North	East
TWP 18 & 137	East	South	West
TWP 161 & 163	East	South	West
TWP 17 & 70	North	East	South
TWP 17 & 70	South	West	North
TWP 49 & 56	South	West	North
TWP 68 & 81	North	East	South
TWP 68 & 81	South	West	North
TWP 60 & 65	East	South	West
TWP 49 & 53	East	South	West
TWP 49 & 53	West	North	East
TWP 49 & 53	South	West	North
TWP 37 & 53	East	South	West
TWP 37 & 68	West	North	East
CH 15 & 323	North	East	South
TWP 323 & 321	North	East	South
Hwy I & TWP 61	East	North	West
Hwy I & TWP 61	West	South	East
Hwy 1 & TWP 125	West	North	East
Hwy I & TWP 141	East	North	West
Hwy I & TWP 141	West	South	East
Hwy 1 & TWP 155	East	South	West
Hwy I & TWP 157	West	North	East
Hwy 1 & TWP 205	East	South	West
Hwy I & TWP 200	West	North	East
Hwy I & TWP 225	West	South	East
Hwy I & TWP 114	East	North	West
Hwy I & TWP 112	North	East	South
Hwy I & TWP 19	West	South	East
Hwy I & TWP 5C	West	South	East
Hwy 1 & TWP 153	West	South	East
Hwy 2 & TWP 131	East	South	West
Hwy 2 & TWP 131	West	North	East
Hwy 2 & TWP 189	East	West	East
Hwy 2 & TWP 189	West	North	East
Hwy 2 & CH 16	West	North	East
Hwy 2 & CH 16	East	South	West
Hwy 2 & CH 3	North	East	South
Hwy 2 & CH 3	South	West	North
Hwy 2 & TWP 210	North	East	South
Co. Hwy 2 & TWP 232	South	West	North
Co. Hwy 2 & CH 5	North	East	South
Co. Hwy 2 & CH 19	South	West	North
Co. Hwy 2 & TWP 289	South	West	North
Co. Hwy 2 & CH 22	South	West	North
Co. Hwy 2 & CH 22	North	East	South

<u>STREETS</u>	<u>DIRECTION</u>	<u>SIDE</u>	<u>SIGN FACING</u>
Co. Hwy 3 & TWP 196A	North	East	South
Co. Hwy 3 & TWP 196A	South	West	North
Co. Hwy 3 & TWP 160	South	East	North
Co. Hwy 3 & TWP 142	North	East	South
Co. Hwy 3 & TWP 122	North	East	South
Co. Hwy 3 & CH 1	South	West	North
Co. Hwy 3 & CH I	North	East	South
Co. Hwy 3 & TWP 114	East	North	West
Co. Hwy 3 & TWP 114	West	South	East
Co. Hwy 3 & TWP 108	North	West	South
Co. Hwy 3 & TWP 104A	North	East	South
Co. Hwy 3 & TWP 104A	South	West	North
Co. Hwy 4 & TWP 76	North	East	South
Co. Hwy 4 & TWP 100	North	East	South
Co. Hwy 4 & TWP 100	South	West	North
Co. Hwy 4 & CH 1 INT.	North	East	South
Co. Hwy 4 & CH 1 INT.	South	West	North
Co. Hwy 4 & TWP 141	South	East	North
Co. Hwy 4 & TWP 146	North	East	South
Co. Hwy 4 & TWP 146	South	West	North
Co. Hwy 4 & CH 2	North	East	South
Co. Hwy 4 & CH 2	South	West	North
Co. Hwy 4 & TWP 196	North	East	South
Co. Hwy 4 & TWP 196	South	West	North
Co. Hwy 4 & TWP 151	North	East	South
Co. Hwy 5 & TWP 226A	West	North	East
Co. Hwy 5 & TWP 226A	West	North	East
Co. Hwy 5 & TWP 194	East	South	West
Co. Hwy 6 & TWP 257	West	North	East
Co. Hwy 6 & TWP 255	West	South	East
Co. Hwy 7 & TWP 149	North	East	South
Co. Hwy 9 & TWP 252	West	North	East
Co. Hwy 9 & TWP 236	North	East	South
Co. Hwy 9 & TWP 238	East	South	West (#08-12)
Co. Hwy 10 & TWP 27	East	South	West
Co. Hwy 10 & TWP 49	East	South	West
Co. Hwy 10 & TWP 49	West	North	East
Co. Hwy 10 & TWP 81	West	North	East
Co. Hwy 10 & TWP 103	East	South	West
Co. Hwy 10 & TWP 65	West	North	East
Co. Hwy 11 & TWP 209	East	South	West
Co. Hwy 11 & TWP 109	East	South	West
Co. Hwy 11 & TWP 119	East	South	West
Co. Hwy 12 & TWP 123	West	North	East
Co. Hwy 12 & TWP 137	East	South	West
Co. Hwy 12 & TWP 137	West	North	East
Co. Hwy 12 & CH 23	East	South	North
Co. Hwy 12 & TWP 203	West	North	East
Co. Hwy 12 & CH 12 West End	West	North	East
Co. Hwy 12 & TWP 101A	East	South	West

<b><u>STREETS</u></b>	<b><u>DIRECTION</u></b>	<b><u>SIDE</u></b>	<b><u>SIGN FACING</u></b>
Co. Hwy 16 (Eden Rd)	East	South	West
Co. Hwy 16 & TWP 145	East	South	West
Co. Hwy 16 & TWP 159A	East	South	West
Co. Hwy 16 & TWP 159A	West	North	East
Co. Hwy 16 & TWP 214A	North	East	South
Co. Hwy 16 & TWP 214C	South	West	North
Co. Hwy 18 & TWP 178	South	West	North
Co. Hwy 19 & TWP 260	West	North	East
Co. Hwy 19 & TWP 260	East	South	West
Co. Hwy 22 & TWP 313	West	South	East
Co. Hwy 22 & TWP 291	West	North	East
Co. Hwy 22 & TWP 279	East	South	West
Co. Hwy 22 & TWP 262	East	South	West
Co. Hwy 22 & CH 14	West	North	East
Co. Hwy 22 & TWP 237	East	South	West

**SCHEDULE "D"**

**YIELD RIGHT-OF-WAY**

In accordance with the provisions of **Section 24-3-4** the following streets are hereby designated as right-of-way intersections:

<b><u>STREETS</u></b>	<b><u>DIRECTION</u></b>	<b><u>SIDE</u></b>	<b><u>SIGN FACING</u></b>
TWP 25 & TWP 24	East	South	West
TWP 25 & 26A	East	South	West
TWP 71A & 59	East	North	West
TWP 71A & 33	East	South	West
TWP 71A & 33	East	Southwest	
TWP 105 & 146	North	East	South
TWP 105 & 118	North	East	South
TWP 105 & 118	South	West	North
TWP 129 & 131	North	East	South
TWP 129 & 168	North	East	South
TWP 76 & 155	West	North	East
TWP 260 & 242	South	East	North
TWP 278 & 315	West	South	East
TWP 337 & 226	North	East	South
TWP 311 & 136	North	East	South
TWP 311 & 194	North	East	South
TWP 311 & 210	South	West	North
TWP 311 & 226A	North	East	South
TWP 241 & 90	North	East	South
TWP 124 & 225	East	South	West
TWP 50 & 103	East	South	West
TWP 50 & 103	West	North	East
TWP 27 & 50	North	East	South
TWP 27 & 38	North	East	South
TWP 27 & 26	North	East	South
TWP 135 & 10	South	West	North
TWP 215 & 30	South	West	North
TWP 197 & 31	South	West	North
TWP 215 & 217	North	East	South
TWP 161 & 149	West	North	East
TWP 323 & 86A	West	North	East
TWP 323 & 317	West	North	East
CH 15 & 307	West	North	East
Co. Hwy I & TWP 91	East	North	West
Co. Hwy I & TWP 93	West	North	East
Co. Hwy 2 & TWP 267	South	North	West
Co. Hwy 2 & TWP 186	North	East	South
Co. Hwy 3 & TWP 144	South	West	North
Co. Hwy 3 & TWP 124	South	East	North
Co. Hwy 3 & TWP 110	South	East	North

<b><u>STREETS</u></b>	<b><u>DIRECTION</u></b>	<b><u>SIDE</u></b>	<b><u>SIGN FACING</u></b>
Co. Hwy 4 & TWP 97	South	West	North
Co. Hwy 7 & TWP 149	North	East	South
Co. Hwy 12 & CH 12	West	North	East
Co. Hwy 12 & TWP 197	South	West	North
Co. Hwy 16 & TWP 187	East	South	West
Co. Hwy 22 & TWP 315	West	North	East
Co. Hwy 22 & TWP 278	North	East	South
Co. Hwy 22 & TWP 269	West	North	East

**SCHEDULE "M"**

**NO PARKING ZONES**

In accordance with the provisions of this Chapter, the following streets are hereby established as no-parking zones.

<b><u>STREET - SIDE</u></b>	<b><u>LOCATION</u></b>
CH #6 (Both)	From 1,035 Southeast of Riley Creek Bridge and extending in a southeast direction for a distance of 600 feet (600') <b>(Ord. No. 89-100)</b>

**SCHEDULE "S"**

**POSTED LOAD LIMITS**

In accordance with this Chapter, the following streets are hereby designated as load-limit streets and highways:

	<b><u>STRUCTURE NO.</u></b>	<b><u>POSTED LOAD</u></b>	
Road District No. 1	4107	3 tons	
	4108	4 tons	
	4109	3 tons	
	4114	2 tons	
	4141	3 tons	
	4146	3 tons	
	4149	11 tons	
	4150	3 tons	
	4151	2 tons	
	4152	1 ton	
	4153	3 tons	
	4160	3 tons	
	4169	7 tons	
	Road District No. 2	4201	4 tons
		4202	3 tons
		4203	3 tons
4204		8 tons	
4205		3 tons	
4206		4 tons	
4207		4 tons	
4209		4 tons	
4210		8 tons	
4211		3 tons	
4215		4 tons	
4216		5 tons	
4224		8 tons	
4225		3 tons	
4226		3 tons	
4231		4 tons	
4233		12 tons	
4291		12 tons	
4293		3 tons	
4294		4 tons	
4295	12 tons		
4296	4 tons		
4297	4 tons		
4298	3 tons		
4299	3 tons		
	Township Rd. #22	10 tons	
	Township Rd. #244	10 tons	
Road District No. 3	4300	4 tons	
	4360	12 tons	
	4361	5 tons	
	County Hwy #11	15 tons	

**SCHEDULE "S"**

**LOAD RESTRICTIONS**

In accordance with the provisions of this Chapter, the following roads and highways are hereby established as a load limit road or highway. Each end of all affected County highways shall be posted with an appropriate sign.

<b><u>HIGHWAY</u></b>	<b><u>LOCATION</u></b>
County Highway #11 15 ton limit	Entire Route
Township Road #22 10 ton limit	Entire Route
Township Road #244 10 ton limit	Entire Route

**SCHEDULE "T"**

**LOAD LIMITS  
COUNTY AND ROAD DISTRICT BRIDGES**

In accordance with the provisions of this Chapter the following bridges shall have the posted weight limits:

	<b><u>STRUCTURE NO.</u></b>	<b><u>POSTED LOAD</u></b>
County Bridges	3152	18 tons
Road District No. 1	4141	3 tons
	4128	16 tons
Road District No. 2	4221	10 tons
	4289	11 tons
	4224	5 tons
	4295	7 tons
Road District No. 3	4300	3 tons
	4361	7 tons



## ***NUISANCES***

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CHAPTER 25

NUISANCES

ARTICLE I – GENERALLY

**25-1-1**      **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the County for any person within the limits of the County to permit the following, but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A)            **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited, or to remain in any place to the prejudice of others.

(B)            **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any watercourse, lake, pond, spring, well, or common sewer, street or public highway.

(C)            **Corruption of Water.** To corrupt or render unwholesome or pollute the water of any spring, river, stream, pond or lake to the injury or prejudice of others.

(D)            **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places and ways to burying places.

(E)            **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore in any building within **five hundred (500) feet** of any valuable building erected at the time such business may be commenced. **(See Zoning Code, Ch. 40)**

(F)            **Powder Magazines.** To establish powder near incorporated towns at a point different from that according to law by the corporate authorities of the magazines appointed town, or within **one thousand (1,000) feet** of any occupied dwelling house. **(See Zoning Code, Ch. 40)**

(G)            **Noxious Odors.** To erect, use, or continue to use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals or of the public.

(H)            **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on or affixing them to fences or other private property or on rocks or other natural objects without the consent of the owner, or, if on the highway or other public place, without permission of the proper authorities.

(I)            **Wells Unplugged.** To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J)            **Burn-out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "**burn-out pit**" so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner, except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K)            **Discarded Materials.** To permit concrete bases, machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands

surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(M) **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property when the harassment, intimidation, or threat relates to a person's attempt to sell, buy or lease a residence or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(N) **Business.** To establish, maintain, and/or carry on any offensive or unwholesome business within the limits of the County.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer, or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds and premises belonging to or occupied by any person.

(P) **Expectorate.** To expectorate on any public sidewalk, street, or other public building or floor or walk of any public vehicle or hall.

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon the streets of the County from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **Accumulation of Junk And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, or boats, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the City.

(S) To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(T) To create any condition, through the improper maintenance of a swimming pool or wading pool, or by causing any action which alters the condition of a natural body of water, so that it harbors mosquitoes, flies or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(U) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor or encourage the infestation of rodents.

(V) **Bringing Nuisances into the County.** To bring into the County or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the County, or which may or shall be dangerous or detrimental to health.

(W) **Offensive Liquids.** To keep any nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise

into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(V) **Dense or Offensive Smoke.** To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the City so as to cause annoyance or discomfort to the residents thereof.

(W) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

(X) **Motor Transport Engines.** To operate motor vehicle transport engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(Y) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(Z) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(See 740 ILCS 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this City from declaring what shall be nuisances, and abating them within the City limits. **(740 ILCS 55/221)**

**25-1-2 NUISANCES DETRIMENTAL TO HEALTH GENERALLY.** No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained, or operated in the County if such use, keeping, maintenance of same shall be dangerous or detrimental to health.

**25-1-3 NOTICE TO ABATE.** Whenever the Sheriff or his designated representative finds that a nuisance exists, he shall direct the County Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A) A description of what constitutes the nuisance;
- (B) The location of the nuisance;
- (C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
- (D) A statement suggesting how such abatement might be accomplished;
- (E) The date by which abatement must be completed;
- (F) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
- (G) A statement that the responsible party has a right to appeal the abatement order to the County Board.
- (H) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this County will abate the nuisance and assess the costs against the property and/or impose a fine.

**25-1-4**        **HEARING.** Any person ordered to abate a nuisance may have a hearing with the Sheriff or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the County Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Sheriff or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

**25-1-5**        **APPEAL.** Any party aggrieved by the decision of the Sheriff may appeal to the County Board. Such appeal shall be taken by filing with the County Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the County Board at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

**25-1-6**        **ABATEMENT BY COUNTY.** If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this County may perform the required action to abate. Any County official who is authorized to abate any nuisance as defined in this Chapter shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the County Clerk who shall pay such expenses on behalf of this County.

**25-1-7**        **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The Sheriff or the County Clerk shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

**(720 ILCS 5/47-5; 5/47-10 and 5/47-15)**

**ARTICLE II - WEEDS**

**25-2-1**        **DEFINITION.** "**Weeds**" as used in this Code include, but not be limited to the following:

Burdock, Ragweed (giant), Thistle, Ragweed (common), Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp and Johnson Grass and all other noxious weeds as defined by the State.

**25-2-2**        **DECLARED NUISANCE.** It is hereby declared to be a nuisance for the owner or owners of subdivision lots in zoned residential areas and platted subdivisions in the unincorporated areas of the County or any part thereof, to refuse or neglect to cut weeds, as defined in **25-2-1** when such weeds and vegetation have reached a height in excess of **eight (8) inches**.

**25-2-3**        **NOTICE OF NUISANCE.** The County Weed Commissioner or any other person so designated by the County Board Chairman may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or owners within **ten (10) days** after such notice has been duly served.

**25-2-4**        **SERVICE OF NOTICE.** Service of the notice provided for herein shall be effected by mailing a written copy of such notice to the last known address of each owner or owners.

**25-2-5**        **ABATEMENT.** If the owner or owners so notified does not abate the nuisance within **ten (10) days**, the Weed Commissioner may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or owners.

**25-2-6**        **LIEN-IMPOSED.** The cost of abatement of said nuisance shall be considered a lien upon the subdivision lot affected, superior to all other liens and encumbrances, except tax liens; provided that within **sixty (60) days** after such cost and expense has been incurred, the County or person performing the service by authority of the County in his or its own name files notice of lien in the County Recorder of Deed's Office in the County in which such subdivision lot is located. The notice shall consist of a sworn statement setting out:

- (1)                A description of the subdivision lot sufficient for identification thereof,
- (2)                The amount of money representing the cost and expense incurred or payable for the service, and
- (3)                The date or dates when said cost and expense was incurred by the County. However, the lien shall not be valid as to any purchaser whose rights in and to such

subdivision lot have arisen subsequent to the weed-cutting and prior to the filing of such notice, and the lien of the County shall not be valid as to any mortgagee, judgement creditor or other lien or whose rights in and to such subdivision lot arise prior to the filing of such notice.

**25-2-7**      **PAYMENT.** Notice of such lien or claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and release shall be filed of record in the same manner as filing notice of the lien.

**25-2-8**      **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such 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 in the name of the County after lien is in effect for **sixty (60) days.**

**25-2-9**      **NOXIOUS WEEDS.** Control and eradication of noxious weeds shall be governed by the current provisions of **505 ILCS 100/1 (Noxious Weed Law).**

**(55 ILCS 5/5-1057)**

**ARTICLE III - GARBAGE AND DEBRIS**

**25-3-1**      **ACCUMULATION PROHIBITED.** No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

**25-3-2**      **NOTICE TO PERSON.** The Sheriff or his deputy may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

**25-3-3**      **SERVICE OF NOTICE.** Service of notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **fifteen (15) years or older** found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

**25-3-4**      **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the County Board may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

**25-3-5**      **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the County shall be recorded in the following manner:

- (A)            A description of the real estate sufficient for identification thereof.
- (B)            The amount of money representing the cost and expense incurred or payable for the service.
- (C)            The date or dates when said cost and expense was incurred by the County and shall be filed within **sixty (60) days** after the cost and expense is incurred.

**25-3-6**      **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the County or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

**25-3-7**      **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of such 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 in the name of the County, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.



**ARTICLE IV - INOPERABLE MOTOR VEHICLE**

**25-4-1 INOPERABLE MOTOR VEHICLES A NUISANCE.** Inoperable motor vehicles, whether located on public or private property and in view of the general public, are hereby declared to be a nuisance for which the provisions and penalties hereof shall apply.

**25-4-2 INOPERABLE MOTOR VEHICLE DEFINED.** As used in this Article "inoperable motor vehicle" means any motor vehicle from which, for a period of at least **seven (7) days** the engine, wheels, or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include (i) a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations; (ii) any motor vehicle that is kept within a building when not in use; (iii) to operate historic vehicles over **twenty-five (25) years of age**; or (iv) to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

**25-4-3 REMOVAL OF INOPERABLE MOTOR VEHICLES.** When an inoperable motor vehicle is discovered within the corporate limits of the County, it shall be the responsibility of the Sheriff to determine the registered owner and/or party in lawful possession thereof, and to serve on such person or party, in person or by certified mail, a written notice stating that said person or party shall dispose of said inoperable motor vehicle under their control within **seven (7) days** of the date of issuance of said notice or be subject to the penalties herein provided. If the Sheriff cannot determine the owner or other party in lawful possession thereof or if the owner or other party in lawful possession thereof fails to remove said inoperable motor vehicle from public view within the time aforesaid, then the Sheriff is hereby authorized to impound and remove the inoperable motor vehicle as an abandoned motor vehicle in accordance with the provisions of **625 ILCS 5/4-201 et seq.**

**RANDOLPH COUNTY**

**NUISANCE VIOLATION NOTICE**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Sheriff or his representative has determined that the property owned by you (and/or occupied by you, as the case may be) located at \_\_\_\_\_ located within the County contains an unlawful nuisance(s) as defined by **Section 25-1-1** of the Revised Code of Ordinances as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are required pursuant to **Section 25-1-3** to abate and remove any nuisance(s) within **five (5) days** from the date of this notice as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you wish to appeal this notice, then the appeal shall be made in writing to the County Board office by: \_\_\_\_\_.

If the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this County will abate the nuisance and assess the costs against the property and/or impose a fine as provided by the **Revised Code of Ordinances, Chapter 25; Article I.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
COUNTY SHERIFF  
RANDOLPH COUNTY

**NOTE: The penalty for failure to abate said nuisance(s) may be as high as \$1,000.00 per day per violation.**

**NOTICE**

**UNLAWFUL WEED GROWTH**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that \_\_\_\_\_  
has determined that property owned by you (and/or occupied by you, as the case may  
be) at \_\_\_\_\_, located within the  
County contains unlawful weed growth as defined by Chapter 25 of the County Code.

You are required to remove all growth within **fifteen (15) days** from the date  
of this Notice.

If you refuse or neglect to remove such growth, the authorities of the **County of  
Randolph** may provide for the removal thereof. The cost of such growth removal shall  
be paid by you.

\_\_\_\_\_  
WEED COMMISSIONER  
RANDOLPH COUNTY, ILLIONIS

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**NOTICE**

**UNLAWFUL GARBAGE AND/OR DEBRIS**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the \_\_\_\_\_

\_\_\_\_\_ has determined that property owned by you (and/or occupied by you, as the

case may be) located at \_\_\_\_\_,

located within the County contains garbage and/or debris as defined by **Chapter 25** of the County Code.

You are required to remove all such material within **five (5) days** from the date of this Notice.

If you refuse or neglect to remove such garbage and/or debris, the authorities of the **County of Randolph** may provide for the removal thereof. The cost of the garbage and/or debris removal shall be paid by you.

\_\_\_\_\_  
COUNTY SHERIFF  
RANDOLPH COUNTY

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

**NOTICE**

**ABANDONED VEHICLE VIOLATION**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the \_\_\_\_\_  
has determined that the property owned by you (and/or occupied by you, as the case may be)  
located at \_\_\_\_\_, located within the County  
contains an unlawful abandoned vehicle(s), as defined by **Section 25-4-1** of the County Code.

You are required to abate and remove any abandoned vehicle(s) within **seven (7)**  
**days** from the date of this Notice.

If you wish to appeal said notice, then the appeal shall be made to the County Clerk  
within **seven (7) days** of this Notice.

If you refuse or neglect to remove and abate specified nuisance(s), the County Board of  
this County may provide for the removal and abatement thereof. The cost of such removal and  
abatement shall be paid by you.

\_\_\_\_\_  
COUNTY SHERIFF  
RANDOLPH COUNTY

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

## **NURSING HOME**

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CHAPTER 26

NURSING HOME

ARTICLE I – REGULATIONS

**26-1-1**        **PREFERENCE TO ELDERLY.** Preference will be given to elderly married persons of the age of **sixty-five (65)** or over, who, by reason of the infirmities of old age are no longer able to reside in their own homes, or other rental properties, and who do not need the facilities of a nursing home, but do need the type of care and facilities to be offered at an old folks' home.

**26-1-2**        **SINGLE PERSONS.** Single persons, who, by reason of age and infirmities shall also be admitted as apartment space is available upon the same qualifications, terms and conditions as married persons.

**26-1-3**        **RENTAL CHARGES.** Rentals to be charged shall be sufficient to cover the costs of operation of the old folks' home as construction costs will deplete the major portion of the bequest.

**26-1-4**        **MAINTENANCE REVENUE.** The rentals to be charged shall also provide a sum sufficient to create a reserve for maintenance and replacement of equipment.

**26-1-5**        **ESTABLISHING RESERVE.** The Board will endeavor to determine rentals with the program in mind of accumulating a reserve for the construction of additional units on the site.

**26-1-6**        **MINIMUM RATE.** The minimum rental for a facility shall not be less than **Fifty Dollars (\$50.00)** nor more than **One Hundred Dollars (\$100.00)**, but these rentals shall be subject to change as conditions may hereinafter warrant.

**26-1-7**        **MAXIMUM RENTAL.** The annual rentals will be established so as not to exceed **twenty-five percent (25%)** of the annual income of the occupant, but that the monthly rental shall not be less than the amount heretofore established.

**26-1-8**        **UTILITIES.** The tenants shall be responsible for utilities, to-wit: water, sewer, gas and electricity in addition to the rental charges.

**26-1-9**      **NURSING SERVICES.** The medical and nursing services will be made available to residents of the old folks' home through the Home, Health Agency of the Randolph County Health Department as all persons under the Medicare Program can receive nursing services upon the order of their physician.

**26-1-10**      **TRANSPORTATION.** The transportation arrangements shall be made for residents of the old folks' home that require this service upon reasonable regulations to be hereinafter adopted by this Board; also facilities shall be made available for the delivery of supplies and groceries to the residents.

A program shall be worked out with the County Medical Association relative to the necessary medical care for residents of the home.

**26-1-11**      **ACTIVITY PROGRAM.** An activity program and therapeutic program shall be established which shall be patterned after the usual and customary programs available in approved homes for care of the aged persons.

**26-1-12**      **ADMITTING PERSONS UNDER SIXTY-FIVE (65) YEARS.** The Board shall not be precluded from admitting persons to residency in the old folks' home who are less than **sixty-five (65) years** of age if such persons are so incapacitated with a physical impairment which is of long duration and substantially impedes the person's ability to live independently and is of such a nature that such disability can be improved by residence in a facility as planned and programmed under this resolution, but that such persons shall not be given preference over a person **sixty-five (65)** or over, who needs the care and facility of this proposed establishment.

**26-1-13**      **POWER TO REMOVE PATIENTS.** The Board shall have the power, at any time after admission to the home, to determine that such person is incapable, because of age and debility to maintain themselves in the proposed facility and require the care and attention that can only be afforded in a nursing home.

**26-1-14**      **REGULATIONS.** This Board shall, prior to the opening of the old folks' home, adopt formal by-laws, which shall in all respects, govern the admissions, regulations and operation of the old folks' home, which said by-laws and regulations shall not be inconsistent with the broad proposals of this Article.

**26-1-15**      **BY-LAWS REQUIREMENTS.** The by-laws shall set forth definite admission requirements, tenant selection and assignment policy, rental, continued occupancy requirements, ineligible families and persons, rent reviews and changes, verification of income, definition of income, the leasing of the units, and the occupancy standards, but no regulation as to admission or other standards shall be in contravention to the established definition of an old folks' home, or to the judicial interpretation of the provisions as set forth in the Will of Anna Wehrheim Brown under which this trust is established.



**26-1-16**      **RESIDENTS OF COUNTY.** Any by-laws hereinafter adopted concerning admissions shall provide that preference be given to residents of Randolph County. **(Ord. No. 10-20-70)**

**26-1-17**      **ADMINISTRATOR.**

(A)            The Administrator appointed by the County Board of Randolph County shall have authority to conduct the daily operations of the Nursing Home as well as purchase materials, supplies, equipment, services or repairs that do not exceed the sum of **Ten Thousand Dollars (\$10,000.00)** per contract. **(Ord. #90-106; 03-19-90)**

(B)            The Administrator shall have authority to provide and formulate policy and procedures for the operation of the Randolph County Nursing Home.

(C)            The Administrator shall report to the County Board on a monthly basis concerning such expenditures.

## ARTICLE II

**CONSTITUTION AND BY-LAWS OF  
THE RANDOLPH COUNTY NURSING HOME**

**26-2-1      ADMINISTRATIVE MANAGEMENT.**

(A) The Randolph County Board of Commissioners shall be the governing body and shall assume full legal responsibility for the overall conduct of the facility. They shall be responsible for compliance with the applicable laws and regulations of legally authorized agencies.

(B) The Randolph County Board of Commissioners appoints a full time administrator who is qualified by training and experience and delegates to him the internal operation of the facility in accordance with established policies,

(C) The Administrator is at least **twenty-one (21) years** old capable of making mature judgment and has no physical or mental disabilities or personality disturbances which interfere with carrying out his responsibilities. The Administrator shall have a minimum of a high school education and have completed courses in administration or management required by the Illinois State Licensing Board for Administrators. The Administrator shall hold a current Illinois Administrators License and have had at least **one (1) year** of work experience including some administrative experience in an extended care facility or related health program.

(D) The County Board of Commissioners shall meet twice each month with the Administrator to discuss Nursing Home Policies and to allow for payment of bills.

(E) All bills for the Nursing Home shall be submitted to the Board of Commissioners for approval.

(F) Checks issued on account of Randolph County Nursing Home shall be signed by the Administrator and co-signed by the County Treasurer.

(G) A record of Nursing Home expenditures shall be submitted to the County Board of Commissioners once a month.

(H) Written personnel policies will be made available to each employee.

(I) An Administrator of Randolph County Nursing Home, who, prior to this date or who hereafter shall have had **two (2) years** continuous employment, shall be considered on tenure and shall be dismissed only for reasons of gross inefficiency, gross negligence or undesirable moral conduct.

**26-2-2      ADMISSIONS.**

(A) The Randolph County Nursing Home shall have an open admission policy for all persons in the community without regard to race, color or national origin.

(B) Randolph County residents shall have preference, however, out-of-county patients may be admitted providing there are no Randolph County applicants on the waiting list.

(C) The health care of every patient shall be under the supervision of a physician.

(D) A personal interview with a member of the patient's family or sponsor will be required prior to admission. A medical record form will be supplied by the Nursing Home. This form must be completed and returned to the Nursing Home prior to admission.

(E) Fee for private pay patients must be paid **one (1) month** in advance.

(F) Part months will be computed on a daily rate and overcharges will be refunded to the patient or sponsor.

(G) The Randolph County Nursing Home shall not knowingly admit a person suffering from tuberculosis or an infectious communicable disease, and/or keep patients who have characteristics of serious mental or emotional problems.

**26-2-3 DISCHARGES.**

(A) Patients will be discharged on written approval of their attending physician.

(B) Patients will be discharged for lack of payment with a proper **thirty (30) day** notice.

(C) The patients' family or sponsor will be notified prior to discharge.

**26-2-4 TRANSFER.**

(A) Patients' transfers will be in accordance with a transfer agreement between the Sparta Community Hospital and other hospitals.

(B) Patients will be transferred only on order of a physician.

(C) Next of kin or sponsor shall have prior notification.

**26-2-5 PHYSICIAN SERVICES.**

(A) The medical staff of Sparta Community Hospital and other physicians attending patients in the Nursing Home will serve on the medical staff of the Nursing Home.

(B) The Chief of Staff at Sparta Community Hospital will serve as Chief of Staff at Randolph County Nursing Home.

(C) Every patient will be under the supervision of his personal physician. The physician will note in the clinical record that arrangements have been made for the medical care of the patient in his absence.

(D) Patients will be seen by a physician at least once every **thirty (30) days**.

(E) Orders concerning medication and treatments are in effect for the specified number of days indicated by the physician, but in no case exceed a period of **thirty (30) days**, unless reordered in writing by the physician.

(F) Telephone orders must be physician within **forty-eight (48) hours**.

(G) In cases of emergency, steps will be taken for the immediate care of the patient. The attending physician is to be notified. In cases where the physician orders a patient transfer, the ambulance service will be notified (as listed on the patient's admission record). The next of kin or sponsor is notified. A patient transfer referral form is completed and sent with the patient along with appropriate clothing, dentures, glasses and toilet articles.

**26-2-6 NURSING SERVICES.**

(A) There will be a full-time registered professional nurse who will be the director of nursing service. The director of nursing services will have no administrative duties. She will be responsible for compliance with overall patient care policies.

(B) The director of nursing service must be trained or experienced in areas such as nursing service administration, rehabilitation nursing, and geriatric nursing.

(C) There will be a full-time registered professional nurse to supervise nursing care. She will assist the director of nursing and assume responsibilities delegated to her by the director of nursing service.

(D) There will be at least **one (1)** registered professional nurse or qualified licensed practical nurse, who is a graduate of a State approved school of practical nursing, on duty during each tour of duty.

(E) There is to be **twenty-four (24) hour** nursing service with a sufficient number of nursing personnel on duty at all times to meet the total needs of patients.

(F) There is to be an active program of restorative nursing care directed toward assisting each patient to achieve and maintain his highest level of self-care and independence.

(G) Nursing personnel are to be aware of the dietary needs and food and fluid intake of patients.

(H) There is to be a written nursing care plan for each patient based on the nature of illness, treatment prescribed, long and short-term goals and other pertinent information.

(I) There is to be a continuing in-service educational program in effect for all nursing personnel in addition to a thorough job orientation for new personnel.

**26-2-7        RESERVED.**

**26-2-8        RESTORATIVE SERVICES.**

(A) Restorative services, including modalities to be used, frequency, and anticipated goals, are to be prescribed by the physician and carried out under medical direction.

(B) At a minimum, restorative nursing care designed to maintain function or improve the patient's ability to carry out the activities of daily living is provided by the facility.

(C) Commonly used ambulation and rehabilitation equipment necessary for the services offered, is available for use in the facility.

**26-2-9        DIETARY SERVICES.**

(A) A person who shall be designated by the administrator is responsible for the total food service.

(B) The food and nutritional needs of patients are to be met in accordance with physicians orders and to the extent medically possible, meet the dietary allowances of the Food and Nutrition Board of the National Research Council, adjusted for age, sex and activity.

(C) Therapeutic diets are prepared and served as prescribed by the attending physician.

**26-2-10       PHARMACEUTICAL SERVICES.**

(A) The Randolph County Nursing Home provides appropriate methods and procedures for the obtaining, dispensing, and administering of drugs and biologicals, from the local pharmacies.

(B) All medications administered to patients are ordered in writing by the patient's physician.

**26-2-11**      **DIAGNOSTIC SERVICES.**

(A)            The Nursing Home will have provisions for promptly and conveniently obtaining required clinical laboratory, X-ray and other diagnostic services from a physician's office, or from the hospital.

(B)            Arrangements are to be made for the patient, if necessary, for their transportation to and from the hospital or the physician's office.

**26-2-12**      **DENTAL SERVICES.** Patients are to be assisted to obtain regular and emergency dental care.

**26-2-13**      **PATIENT ACTIVITIES.** There is to be a full-time Activities Director employed who will provide activities suited to the needs and interests of patients. These activities are provided as an important adjunct to the active treatment program and to encourage restorative self-care and resumption of normal activities.

**26-2-14**      **CLINICAL RECORDS.**

(A)            The Nursing Home is to maintain a separate clinical record for each patient admitted with all entries kept current, dated, and signed.

(B)            All information contained in the clinical records is to be treated as confidential and is to be disclosed only to authorized persons.

(C)            A Release of Information is to be signed by the patient or his family on admission.

**26-2-15**      **HOUSEKEEPING SERVICES.**

(A)            The Nursing Home will provide sufficient housekeeping and maintenance personnel to maintain the interior and exterior of the facility in a safe, clean, orderly, and attractive manner. Nursing personnel are not to be assigned housekeeping duties.

(B)            There will be a housekeeping supervisor who will supervise housekeeping personnel and personally be responsible for distribution of clean linens.

(C)            Pest control services are to be provided by contract with a pest control company.

**26-2-16**      **RULES OF OCCUPANCY.**

(A)            **Visiting Hours.**

(1)            Visiting hours are from **10:00 A.M.** until **8:30 P.M.** daily.

(2)            Guests will be permitted to leave the Nursing Home with relatives or friends, provided they have the prior authorization from their attending physician.

(B)            **Church Policy.** There are to be regularly scheduled church services for all denominations.

(C)            **Clothing.**

(1)            The family will be requested to supply the necessary articles of clothing, clean and in good repair. The family is to check from

time to time to see of the patients have sufficient clothing to meet their needs.

- (2) Clothing and all personal items must be checked at the Social Service office.
- (3) All clothing will be laundered by the Nursing Home if the resident chooses.

(D) **Food and Medicine.** No food or medicine are to be brought to the guests unless they are approved by the nurse in charge or the Administrator.

(E) **Personal Belongings.**

- (1) The patients may have their own fans, but they must be of a Nursing Home approved type.
- (2) Patients may have their own personal chairs, which must be of solid wood, vinyl or plastic covering.
- (3) The Nursing Home cannot be responsible for repair or upkeep of personal belongings.

(F) **Personal Finance.**

- (1) The Nursing Home will not assume any responsibility of paying insurance premiums, medical or drug bills, nor be responsible for any banking transactions on the patients' behalf.
- (2) The Nursing Home will maintain a separate personal account for the patients.

## OFFENSES

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## CHAPTER 27

## OFFENSES

## ARTICLE I – DEFINITIONS

**27-1-1**        **MEANINGS OF WORDS AND PHRASES.** For the purpose of this Chapter the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-16; 2-19 and 2-20**, as approved, adopted and amended are hereby adopted by the County, as fully as if set out herein.

**27-1-2**        **CRIMINAL CODE ADOPTED.** The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720**, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the County; the provisions thereof shall be controlling within the corporate limits of the County; provided, however, the penalties as provided by this Code shall apply.

## ARTICLE II - GENERALLY

**27-2-1**        **DISTURBING POLICE OFFICER.** No person shall, by violent conduct, disturb any police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the County owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not constitute a crime unless the language is directed at the officer and provokes a breach of the peace.

**27-2-2**        **IMPERSONATION OF OFFICER.** No person in the County shall falsely represent himself to be an officer of the County or shall, without being duly authorized by the County, exercise or attempt to exercise any of the duties, functions or powers of the County officer, or hinder, obstruct, resist or otherwise interfere with any County officer in the discharge of the duties of his office. **(720 ILCS 5/32-5.1)**

**27-2-3**        **DISTURBING LAWFUL ASSEMBLIES.** It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct.

**27-2-4**        **UNLAWFUL ASSEMBLY.** It shall be illegal for persons to assemble unlawfully in the following situations:

- (A) The use of force or violence disturbing the public peace by **two (2)** or more persons acting together and without authority of law; or
- (B) The assembly of **two (2)** or more persons to do an unlawful act; or
- (C) The assembly of **two (2)** or more persons, without authority of law, for the purpose of doing violence to the person or property of any one supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. **(720 ILCS 5/25-1)**

**27-2-5 DISTURBING THE PEACE.** No person shall disturb the peace of any individual or private family, or of any lawful congregation within the County by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct.

**27-2-6 ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF.** It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

**27-2-7 SALE OF CIGARETTES OR TOBACCO TO MINORS.** No minor under **eighteen (18)** years of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under **eighteen (18) years of age.**

For the purpose of this Section, "smokeless tobacco" is defined in **Section 27-2-8(A).**

(A) Tobacco products listed above may be sold through a vending machine only in the following locations:

- (1) Factories, businesses, office, private clubs, and other places not open to the general public.
- (2) Places to which minors under **eighteen (18) years** of age are not permitted access.
- (3) Places where alcoholic beverages are sold and consumed on the premises.
- (4) Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over **eighteen (18) years** of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this Section, "direct supervision" means that the owner or employee has an unimpeded line of sight to the vending machine.
- (5) Places where the vending machine can only be operated by the owner or an employee over age **eighteen (18)** either directly or through a remote control device if the device is inaccessible to all customers.

**(720 ILCS 675/1)**

**27-2-8**      **SMOKELESS TOBACCO.**

(A)      **Definition.** For the purposes of this Section, the term "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(B)      **Sales of Smokeless Tobacco Products to Persons Under Eighteen (18).** No person shall sell any smokeless tobacco product to any person under the age of **eighteen (18)**.

(C)      **Distribution.** No person shall distribute or cause to be distributed to any person under the age of **eighteen (18)**, without charge or at a nominal cost, any smokeless tobacco product. **(720 ILCS 680-1 et seq.)**

**27-2-9**      **UNLAWFUL CONDUCT ON A PUBLIC WAY.**

(A)      It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B)      It shall be unlawful to impede or interfere with another person's use of a public way.

**27-2-10**      **AID IN ESCAPE.** It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge. **(720 ILCS 5/31-7)**

**27-2-11**      **ESCAPES.** It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. **(720 ILCS 5/31-6(C))**

**27-2-12**      **FALSE PRETENSES.** It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

**27-2-13**      **RENTING PREMISES FOR UNLAWFUL PURPOSES.** It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

**27-2-14**      **AID TO AN OFFENSE.** It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any

of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

**27-2-15 POSTING BILLS.** It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this Section shall not prevent posting by proper County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

**27-2-16 INTOXICATION IN PUBLIC.** No person shall, in the County, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this County or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the County, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner.

**27-2-17 BEGGING.** No person shall beg or solicit alms within the County without having obtained permission in writing from the Mayor.

**27-2-18 DISCHARGE OF FIREARMS OR BOW AND ARROW.** It shall be unlawful to discharge any firearm, bow and arrow or air gun in the County or so that the bullet, arrow, missile or projectile therefrom enters the County without written permission from the Chairman, provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to prevent any citizen from discharging a firearm when lawfully defending his person or property; nor to prevent the discharge of bow and arrow by students upon school grounds while under the direct and immediate supervision of teachers or other school supervisory personnel.

**27-2-19 GAMES IN STREET.** No person shall, upon any County street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

**27-2-20 STORAGE OF EXPLOSIVES.**  
 (A) **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store at or in any place within the County, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.

(B) **Blasting Powder, Etc.** No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the County in any quantity exceeding **five (5) pounds**.

**27-2-21**     **THROWING ROCKS.** No person in the County shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

**27-2-22**     **DESTRUCTION OF PUBLIC PROPERTY.** No person in the County shall deface, destroy, or in any way, injure any public property, or any other apparatus of the County.

**27-2-23**     **FORTUNE TELLING.** No person in the County shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.

**27-2-24**     **ABANDONED REFRIGERATORS OR ICEBOXES.** It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. **(720 ILCS 505/1)**

**27-2-25**     **THEFT OF RECYCLABLES UNLAWFUL.** It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the County or from any specified recycling center within the County limits unless said person is acting as an agent for the County or acting as an agent for a waste hauler licensed by the County.

**27-2-26**     **THROWING OBJECTS FROM MOTOR VEHICLES.** It shall be unlawful for any person occupying or driving a motor vehicle, whether moving or not, to shoot, throw, cast, launch or drop any object, liquid or substance at any person, animal or structure, wherein the possibility of harm, injury or damage may occur as a result of these actions.

The driver and/or all passengers shall be, upon conviction, fined in accordance with the provisions of the County Code and shall be liable for all damage, injury or harm caused by the activity. **(See Section 27-3-2)**

**27-2-27**     **DEPOSITING OF SNOW AND ICE RESTRICTED.** No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts.

**27-2-28**     **PROTECTIVE COVERING OR FENCING.** Any person, corporation or partnership which either owns, or maintains, or uses, or abandons any open well, cesspool, cistern, quarry, recharging basin, catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding such installation with protective fencing is guilty of a violation of **Section 1-1-20** of this Code. The provisions of this Act shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location. **(720 ILCS 605/1)**

**27-2-29**     **CURFEW HOURS FOR MINORS.**

(A)     **Definitions.** Whenever used in this Section.

- (1)     **"Curfew hours"** means:
  - (a)     11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
  - (b)     12:01 A.M. until 6:00 A.M. on Saturday; and
  - (c)     12:01 A.M. until 6:00 A.M. on Sunday.
- (2)     **"Emergency"** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (3)     **"Establishment"** means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.
- (4)     **"Guardian"** means:
  - (a)     A person who, under court order, is the guardian of the person of a minor; or
  - (b)     A public or private agency with whom a minor has been placed by a court.
- (5)     **"Minor"** means any person under **eighteen (18) years** of age.
- (6)     **"Operator"** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7)     **"Parent"** means a person who is:
  - (a)     A natural parent, adoptive parent, or stepparent of another person; or
  - (b)     At least **twenty-one (21) years** of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8)     **"Public Place"** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- (9)     **"Remain"** means to:
  - (a)     linger or stay; or



- (b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
  - (10) **"Serious bodily injury"** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
- (B) **Offenses.**
- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the County during curfew hours.
  - (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the County during curfew hours.
  - (3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.
- (C) **Defenses.**
- (1) It is a defense to prosecution under subsection (B) that the minor was:
    - (a) Accompanied by the minor's parent or guardian;
    - (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
    - (c) In a motor vehicle involved in interstate travel;
    - (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
    - (e) Involved in an emergency;
    - (f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
    - (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the County, a civil organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the County, a civic organization or another similar entity that takes responsibility for the minor;
    - (h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
    - (i) Married or had been married or is an emancipated minor under the Emancipation or Mature Minors Act, as amended.

- (2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) **Enforcement.** Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) is present. **(720 ILCS 555/1)**

**27-2-30** **SANCTITY OF FUNERAL AND MEMORIAL SERVICES.** It shall be unlawful for a person to violate any of the following provisions of this Section:

(A) Engaging in any loud protest of signing, chanting, whistling or yelling with, or without, noise amplification including but not limited to bullhorns, auto horns and microphones within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(B) Displaying any visual images that convey fighting words, actual or veiled threats against any other person within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(C) Blocking access to any facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(D) Ending in a directed protest march or picket at any public location within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates.

**27-2-31** **USE OF UPHOLSTERED FURNITURE IN OUTDOOR LOCATIONS PROHIBITED.**

(A) Upholstered or other furniture designed or manufactured primarily for indoor use shall not be used or allowed to remain:

- (1) on unenclosed exterior porches or balconies;
- (2) in an open area on private property exposed to outdoor weather conditions.

(B) It shall not be a defense to said prohibition that such furniture is covered by plastic cover, or other tarpaulin, canvas or sheeting.

(C) This prohibition shall not apply to the following:

- (1) wood, metal, or plastic furniture;
- (2) outdoor patio furniture with weather-resistant cushions;

- (3) upholstered furniture designated for prepaid special pickup or delivery by public or private hauler, provided that such remain outdoors for a period not to exceed **seventy-two (72) hours**.

**ARTICLE III - OFFENSES AGAINST PROPERTY**

**27-3-1**     **PETTY THEFT.** A person commits a petty theft when the value of the property is under **Three Hundred Dollars (\$300.00)** and he knowingly:

(A) obtains or exerts unauthorized control over property of the owner; or  
 (B) obtains by deception, control over property of the owner; or  
 (C) obtains by threat, control over property of the owner; or  
 (D) obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

(1) intends to deprive the owner permanently of the use or benefit of the property;

(2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit;

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

(E) It shall be unlawful to commit a petty theft.

**(720 ILCS 5/16-1)**

**27-3-2**     **CRIMINAL DAMAGE TO PROPERTY.** Any of the following acts by a person shall be a violation of this Code.

(A) To knowingly damage any property of another without his consent; or  
 (B) recklessly, by means of fire or explosive, damage property of another; or  
 (C) knowingly start a fire on the land of another without his consent; or  
 (D) knowingly injure a domestic animal of another without his consent; or  
 (E) knowingly deposit on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby, intend to interfere with the use by another of the land or building. **(720 ILCS 5/21-1)**

**27-3-3**     **CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT.** No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization. **(720 ILCS 5/21-1.1)**

**27-3-4**     **INJURY TO UTILITY WIRES AND POLES.** It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric lightpost, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

**27-3-5**      **DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED.** It shall be unlawful for any person in any manner or form, to deface, disfigure, damage or destroy any of the street signs or parts thereof located in the County.

**27-3-6**      **TAMPERING WITH PUBLIC NOTICE.** It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice, posted according to law, during the time for which the notice was to remain posted. **(720 ILCS 5/32-9)**

**ARTICLE IV - PUBLIC HEALTH, SAFETY AND DECENCY**

**27-4-1**      **DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE.** A person commits disorderly conduct when he knowingly:

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

(B)            transmits in any manner to the Fire Department of any City, town, city or fire protection district, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

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

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

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

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

(G)            transmits a false report to the Department of Children and Family Services.

**(720 ILCS 5/26-1)**

**27-4-2**      **RESISTING OR OBSTRUCTING A PEACE OFFICER.** A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. **(720 ILCS 5/31-1)**

**27-4-3**      **REFUSING TO AID AN OFFICER.** A person who refuses or knowingly fails, upon command, to reasonably aid a person known by him to be a peace officer in the following commits a misdemeanor:

(A)            apprehending a person whom the officer is authorized to apprehend; or

(B)            preventing the commission by another of any offense.

**(720 ILCS 5/31-8)**

**27-4-4**      **ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.**

(A)            **Drive-in Business.** A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be

consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B) **Declared Public Places.** For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

- (1) No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.
- (2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:
  - (a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.
  - (b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.
  - (c) For **three (3) or more** persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.
  - (d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, **one (1)** or more signs bearing the following legend in letters at least **two (2) inches or more** in height and readable:

**"CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."**

## ARTICLE V - ANTI-LITTER

**27-5-1 DEFINITIONS.** For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

**"AIRCRAFT"** is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

**"AUTHORIZED PRIVATE RECEPTACLE"** is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

**"CONSTRUCTION SITES"** means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

**"HANDBILL"** is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

- (A) advertise for sale any merchandise, product, commodity or thing; or
- (B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

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

**"LOADING AND UNLOADING DOCK"** means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

**"PRIVATE PREMISES"** means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

**"PUBLIC PLACE"** means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

**"PUBLIC RECEPTACLES"** means any receptacles provided by or authorized by the County.



**"VEHICLE"** is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

**27-5-2 LITTERING PROHIBITED.** No person shall deposit any litter within the County except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

**27-5-3 PREVENTION OF SCATTERING.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

**27-5-4 RECEPTACLES - UPSETTING OR TAMPERING.** No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

**27-5-5 SIDEWALKS AND ALLEYS FREE FROM LITTER.** Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

**27-5-6 OWNER TO MAINTAIN PRIVATE PREMISES.**  
 (A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.  
 (B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

**27-5-7 LITTERING FROM VEHICLES.**  
 (A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.  
 (B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the County unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the County, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

**27-5-8 LITTERING FROM AIRCRAFT.** No person in an aircraft shall throw out, drop or deposit any litter within the County.

**27-5-9**      **LITTER IN PARKS.** No person shall deposit litter in any park within the County except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

**27-5-10**      **HANDBILLS.**

(A)      **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(B)      **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises or vehicles, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises or vehicles which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes, may not be so used when prohibited by federal postal law or regulations.

(C)      **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D)      **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E)      **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

**27-5-11**      **POSTING NOTICES PROHIBITED.** No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

**27-5-12**      **CONSTRUCTION SITES.**

(A)      Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B)      Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

**27-5-13 LOADING AND UNLOADING DOCKS.** The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

**27-5-14 PARKING LOTS.**

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces.**

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

**27-5-15 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY.** The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Sheriff or his designated representative shall be responsible for the implementation of this enforcement program.

**(415 ILCS 105/1 et seq.)**

**ARTICLE VI - TRESPASS**

**27-6-1 TRESPASSES PROHIBITED.** It shall be unlawful for any person, firm, or corporation to commit a trespass within this municipality upon either public or private property.

**27-6-2 SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION.** Without constituting any limitation upon the provisions of **Section 27-6-1** hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of **Section 27-6-1**, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) the pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) a failure or refusal to depart from the premises of another in case of being requested, either orally or in writing to leave by any owner or occupant thereof; or

(D) an entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

## ARTICLE VII - PARENTAL RESPONSIBILITY REGULATIONS

**27-7-1**      **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply:

**"ACTS OF VANDALISM AND SIMILAR OFFENSES"** shall include any of the following acts:

(A) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the County, whether such property is owned by the State, County or governmental body or owned by any private person, firm, partnership, or association; or

(B) maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person; or

(C) maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or

(D) maliciously, recklessly or knowingly depositing on land or in the building of another person, without his consent, any stink bomb or any offensive smelling compound and thereby interfering with the use and occupancy by another of the land or building; or

(E) maliciously, recklessly, or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without his consent.

**"LEGAL GUARDIAN"** shall include a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian, or given custody of a minor under the **Illinois Juvenile Court Act**.

**"MINOR"** shall include a person who is above the age of **seven (7) years**, but not yet **eighteen (18) years** of age.

**"PARENT"** shall include the lawful father and mother of a minor child whether by birth or adoption.

**"PROPERTY"** shall include any real estate including improvements thereon and tangible personal property.

**27-7-2**      **PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS.** The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

(A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and

(B) Said parent or legal guardian shall have received a written notice thereof, either by certified mail, return receipt requested, or by personal service, with a certificate of personal service returned from the County, following said adjudication or non-judicial sanctions; and

(C) If, at any time within **one (1) year** following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

**(740 ILCS 115/1 et seq. and 740 ILCS 115/4)**

**(See also 740 ILCS 5/21-1.2 et seq.)**

**ARTICLE VIII – TRUANCY AND CURFEW CODE**

**27-8-1 DEFINITIONS.** As used in this Article unless the context requires otherwise the following words and phrases shall mean:

**"COUNTY CURFEW HOURS"** means the period of time specified in **Section 27-2-31** of the Chapter.

**"COURT"** means the 20<sup>th</sup> Judicial Circuit; Randolph County, Illinois.

**"CUSTODIAN"** means:

- (A) a person who under court order is the custodian of the person of a minor
- or
- (B) a public or private agency with which the court has placed a minor or
- (C) a person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.

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

**"ESTABLISHMENT"** means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

**"GUARDIAN"** means:

- (A) parent or
- (B) a person who under court order is the guardian of the person of a minor;
- or
- (C) a public or private agency with which the court has placed a minor.

**"MINOR"** means a person under **eighteen (18) years** of age.

**"PARENT"** means a person who is a natural parent, adoptive parent, or step-parent of another person.

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

**"RESPONSIBLE ADULT"** means a person at least **eighteen (18) years** of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

**"SERIOUS BODILY INJURY"** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

**"TRUANCY CURFEW HOURS"** means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.

**"TRUANT OFFICER"** means any officer, appointee, employee or other agency of any school district or any federal, state or local government, entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute. **(105 ILCS 5/26-1 et seq.)**

**"TRUANCY REVIEW BOARD"** means any agency or entity established by any school district or any federal, state or local governmental entity or any counseling or social agency or any combination thereof recognized by the County and/or the court as an agency which provides service to improve education performance and/or attendance.

**27-8-2      CURFEW RESTRICTIONS.**

(A) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the County during curfew hours.

(B) It is unlawful for any parent or guardian or custodian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the County during curfew hours.

(C) It is a defense to prosecution under **Section 27-8-2(A) and (B)** or **Section 27-8-4** (hereinafter) that the minor was:

- (1) accompanied by the minor's parent, guardian, custodian or responsible adult;
- (2) on an errand at the direction of the minor's parent, guardian, custodian or responsible adult; without any detour or stop;
- (3) in a motor vehicle involved in interstate travel with the consent or authorization of a parent, guardian or custodian;
- (4) engaged in, going to or returning home from an employment activity without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence;
- (7) engaged in, going to or returning home from official school, religious or other recreational activity supervised by adults, sponsored by a civic organization, or another similar entity that takes responsibility for the minor;
- (8) exercising First Amendment rights protected by the United States Constitution; or
- (9) emancipated pursuant to law.

**27-8-3      TRUANCY RESTRICTIONS.**

(A) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present in any public place or on the premises of any establishment within the County during truancy curfew hours.

(B) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the County during truancy curfew hours.



(C) It is a defense to prosecution under this Section or **Section 27-8-4** that the minor was:

- (1) accompanied by a parent, guardian, custodian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
- (2) involved in an emergency;
- (3) going to or returning from a medical appointment without any detour or stop;
- (4) engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
- (5) in possession of valid proof that the minor is a student who has permission to leave the school campus;
- (6) a bona fide participant in an alternative education or home schooling program;
- (7) engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods.

**27-8-4 ESTABLISHMENT RESTRICTIONS.** It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of **Sections 27-8-2** or **27-8-3** above during curfew or truancy hours.

It is a defense to prosecution, under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of **Sections 27-8-2** or **27-8-3** notified a law enforcement agency that a minor was present on the premises of the establishment during curfew or truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

**27-8-5 ENFORCEMENT RESTRICTIONS.** Every member of the Police Department while on duty is hereby authorized as follows:

(A) For the first offense of any minor violating the provisions of this Code, to issue to the minor a citation, in writing, in the same form as described in paragraph (C) below. For a second offense, the law enforcement officer is authorized to temporarily detain any minor violating the provisions of this Code (regardless of whether a citation is immediately issued) until the parent, custodian or guardian of the minor shall take him or her into custody, but such officer shall immediately upon taking custody of the minor reasonably attempt to communicate with the parent, custodian or guardian of the minor unless subparagraph (E) herein is applicable. A parent, custodian or guardian must take custody of the minor within **one (1) hour** of the time of notice or be subject to a charge of **Twenty-Five Dollars (\$25.00)** per hour as hereinafter provided.

(B) Whenever a Police Officer or Truant Officer witnesses or has knowledge based on reasonable grounds of a violation of this Code by any person, such person may be issued a citation. A citation or complaint may be made to a Police Officer or Truant Officer by any person.

- (C) A citation issued hereunder this shall be in writing and shall:
- (1) state the name of the person being cited and the person's address if known;
  - (2) set forth the specific section of this Code that was violated, the date of the violation and a brief description of the violation;
  - (3) be signed by the issuing Police Officer, Truant Officer or complaining party.

In each instance where a citation is issued to a minor for violation of this Code a minor's parent, custodian or guardian shall be provided a copy of the citation notifying the parent, custodian or guardian of the charge made against the minor.

(D) A minor cited for a citation under this Code must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

(E) Every member of the Police Department while on duty is hereby authorized to temporarily detain any minor violating the provisions of **Section 27-8-3** of this Code, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

**27-8-6      PENALTY.**

(A) Any person who violates any provision of this Article shall, upon conviction thereof, be fined as provided in **Section 1-1-20** of this Code. **(See also Section 1-1-20)**

(B) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform **ten (10) hours** of court approved community service during times other than the minor's hours of school attendance and/or the minor's parent, custodian, guardian or other adult having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(C) In addition to any penalty imposed pursuant to (A) or (B) above, the minor's parents, custodian, guardian or other adult having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under **Section 27-8-7** hereinafter.

**27-8-7      CIVIL LIABILITY.** If a minor is detained for a period of time in excess of **one (1) hour** which requires the supervision of the minor by personnel of the Police Department, the parent, custodian, guardian or other adult having legal care or custody of the minor shall be jointly and severally liable for the costs therefore. The parent, custodian, guardian or other adult having legal care or custody of the minor who has committed any offense of this Code shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Code or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of this Code and subject the violator to the penalties described within **Section 27-8-6** above. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney's fees incurred by the County in collecting.

**27-8-8      COLLECTED FUNDS.** Monies collected through this Code shall be earmarked for the Randolph County Community Service fund. **(Ord. No. 07-02; 02-23-07)**

**ARTICLE IX - OPEN BURNING**

**27-9-1**        **DEFINITIONS.** Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

**"AGRICULTURAL WASTE"** means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

**"GARBAGE OR HOUSEHOLD TRASH"** means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

**"LANDSCAPE WASTE"** means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

**"OPEN BURNING"** means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

**27-9-2**        **BURNING PROHIBITED.** It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

**27-9-3**        **RESTRICTIONS ON BURNING OF LANDSCAPE WASTE.** The open burning of landscape waste shall be permitted only on the following conditions:

(A)            Landscape waste shall be burned on the premises on which such waste is generated; and

(B)            Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C)            Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D)            Open burning of landscape waste may only take place during daylight hours with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,

(E)            No open burning of landscape waste shall be permitted on any streets or roadways; and,

(F)            No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

(G)            All open burning shall occur between **8:00 A.M.** and **5:00 P.M.**; provided however, all fires shall be extinguished by sunset.

**(See 415 ILCS 5/1 et seq.)**

## ARTICLE X – ADULT USES REGULATED

**27-10-1 PURPOSE AND ADDITIONAL FINDINGS.**

(A) **Purpose.** It is the purpose of this Article to regulate public nudity in order to promote the health, safety, morals, and general welfare of the citizens of the County. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials.

(B) **Findings.** The County Board finds:

- (1) Public places allowing nudity lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled.
- (2) Sexual acts, including masturbation, and oral and anal sex, occur at adult oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, live sex shows or public nudity.
- (3) Allowing public nudity creates unhealthy conditions.
- (4) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.
- (5) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses involving public nudity, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (6) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.
- (7) The Surgeon General of the United States in his report of **October 22, 1986**, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (8) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (9) Sanitary conditions in some adult oriented businesses and those places allowing public nudity are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities, including nudity, and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (10) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses allowing public nudity and where persons view "adult" oriented films.
- (11) The findings noted in paragraphs (1) through (10) raise substantial governmental concerns.

- (12) Public places allowing nudity have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (13) The general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this Article.

**27-10-2**     **DEFINITIONS.** As used in this Article:

(A)     **"Adult Oriented Business"** means an establishment as defined in the County Code.

(B)     **"Entity"** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(C)     **"Nude"** means the showing of:

- (1) Human male or female genitals or pubic area with less than a fully opaque covering; or
- (2) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and any other clothing to covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or
- (3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed.

(D)     **"Person"** means any live human being aged **ten (10) years** of age or older.

(E)     **"Place Provided or Set Apart for Nudity"** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

(F)     **"Public Place"** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises, or portions thereof, such as homes and hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

**27-10-3 PROHIBITION.** It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

**27-10-4 LIMITATION.** This Article shall not be deemed to address photographs, movies, video presentations, or any other non-live performance.

**27-10-5 ADULT ENTERTAINMENT FACILITY.** It shall be unlawful within a municipality to locate an adult entertainment facility within **one thousand (1,000) feet** of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means:

(A) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or

(B) an adult bookstore or adult video store in which **twenty-five percent (25%)** or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material.

**(See Chapter 7 for licensing provisions)**

## ARTICLE XI - OBSCENITY

**27-11-1 OBSCENITY.**

(A) **Elements of the Offense.** A person commits an obscenity offense when, with the knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

- (1) sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
- (2) presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
- (3) publishes, exhibits or otherwise makes available anything obscene; or
- (4) performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
- (5) creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
- (6) advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(B) **Obscene Defined.** Any material or performance is obscene if:

- (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(C) **Interpretation of Evidence.** Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

- (1) the character of the audience for which the material was designed or to which it was directed;
- (2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;

- (3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
- (4) the degree, if any, of public acceptance of the material in this State;
- (5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
- (6) purpose of the author, creator, publisher or disseminator.

(D) **Prima Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies, or the possession of more than **three (3) copies** of obscene material shall be prima facie evidence of an intent to disseminate.

### **27-11-2 HARMFUL MATERIAL.**

(A) **Elements of the Offense.** A person who, with knowledge that a person is a child; that is, a person under **eighteen (18) years** of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to, or sends or causes to be sent to, or exhibits to or offers to distribute or exhibit any harmful material to a child is guilty of a violation of this Code.

#### (B) **Definitions.**

- (1) Material is harmful if, to the average person applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is material, the redeeming social importance of which is substantially less than its prurient appeal.
- (2) **"Material"** as used in this Code means any writing picture, record or other representation or embodiment.
- (3) **"Distribute"** means to transfer possession of material whether with or without consideration.
- (4) **"Knowingly"** as used in this Section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(C) **Interpretation of Evidence.** The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case, the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

In prosecutions under this Section where circumstances of production, presentation, sale, dissemination, distribution, or publicity, indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is, in fact, substantially less than its prurient appeal.



(D)

**Affirmative Defenses.**

- (1) Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under **eighteen (18) years** of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.
- (2) Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.
- (3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child shall be a defense to any criminal prosecution under this Section:
  - (a) A document issued by the federal government or any state, county or municipal government, or subdivision or agency thereof, including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.
- (4) In the event an advertisement of harmful material as defined in this Section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this Section that the advertisement contained the following statement or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under the age of **eighteen (18) years** and that the purchaser falsely stated that he was not under the age of **eighteen (18) years**:

**"NOTICE: It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein is guilty of a misdemeanor."**

(E) **Child Falsifying Age.** Any person under **eighteen (18) years** of age who falsely states, either orally or in writing that he is not under the age of **eighteen (18) years**, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a misdemeanor.

**27-11-3      TIE-IN SALES OF OBSCENE PUBLICATIONS TO DISTRIBUTORS.**

Any person, firm or corporation, or any agent, officer or employee thereof engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of an offense. Each publication sold or delivered in violation of this Section shall constitute a separate offense.  
**(720 ILCS 5/11-22)**

## ARTICLE XII – SMOKE FREE AIR CODE

**27-12-1 BACKGROUND.** Smoking creates the hazard of injury to the personal health of those in the environment of such smoke as well as the potential of damage to property that may result from the incendiary nature of such activity. It has been determined that breathing ambient smoke is a health hazard to both smokers and nonsmokers. Cigarette smoking also produces several substances that are considered hazardous to health including carbon monoxide, hydrogen cyanide, nitrous oxide and formaldehyde. Secondhand smoke (68% of the total smoke produced by a cigarette) affects the health of the bystander, interfering with respiratory tract defenses, often causing nonsmokers to have allergic or irritative reactions, and is a known cause of lung cancer.

Because the hazards of smoking have a potentially harmful effect, material and direct, on the public health, safety, welfare, comfort, and property of residents of the County, it is necessary and desirable to establish regulations that prohibit smoking in all enclosed public places, in all enclosed places of employment, near entrances to all such public places and places of employment, in and near open air public dining areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues.

**27-12-2 PURPOSE.** This Article may be cited as the "Smoke Free Air Code," the purpose of which is to protect the public health, comfort and environment by prohibiting smoking in all enclosed public places and places of employment, within **twenty-five (25) feet** of all public entrances to such places, in open air public dining areas and within **twenty-five (25) feet** of such areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues in order to ensure that nonsmokers may breathe the air free from the hazardous effects of secondhand smoke.

**27-12-3 DEFINITIONS.** For the purposes of this Article, the following terms shall have the following meanings:

**"Business"** means any sole proprietorship, partnership, joint venture, corporation, association or other business entity, whether formed for profit or nonprofit purposes. "Business" includes a "club" as defined in this Section.

**"Club"** means a private not-for-profit association, corporation or other entity consisting of persons who are bona fide paying members and which owns, leases or uses a building or portion thereof, the use of which is restricted primarily to members and their guests.

**"Employee"** means any person who is employed or retained by a business, and shall include the owner or operator of a sole proprietorship or other similar business entity.

**"Employer"** means any business that employs one or more employees.

**"Enclosed Area"** means all space in any structure or building that is enclosed on all sides by any combination of walls, windows, or doorways, extending from floor to the ceiling.

**"Open Air Dining Area"** means a seating area open to the air that is accessory to a restaurant, hotel, cafeteria, private club or other public place engage din purveying commercial food or beverage service where members of the public, members or guests are invited to sit and receive food and beverage service for a consideration.

**"Outdoor Event"** means a scheduled outdoor musical, dance, theatrical, dramatic, entertainment or performance event, or a scheduled outdoor community fair, parade, event or

market, that is organized, licensed or permitted by the owner of an outdoor venue and to which the public is invited.

**"Outdoor Venue"** means an outdoor theater, amphitheater, plaza, street or other improved area that is used as a public venue or forum to which members of the general public are invited to listen, view or otherwise participate in an outdoor event that is organized, licensed or permitted by the owner of the venue.

**"Place of Employment"** means an area under the control of a public or private employer within the County that employees normally frequent during the course of employment, and includes, without limitation, common work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, staircases, hallways, restrooms, medical facilities, private clubs, and the interior of a vehicle of public conveyance. "Place of Employment" also includes the home office portion of a private dwelling, but only if the home office is used by more than one employee or is frequented by business invitees.

"Place of Employment" does not include that part of a private dwelling used as a home office by a single employee only who resides in that dwelling.

**"Park"** means a public park or recreation area that is open to and used by the general public.

**"Public Entrance"** means the doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place.

"Public entrance" also means a doorway or other entrance for pedestrian ingress and egress to a place of employment; (i) that is open to and intended for use by the general public or business invitee's ingress and egress to the place of employment; (ii) where employees are required or permitted to enter or exit the place of employment.

**"Public Place"** means an area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitation:

- (A) vehicles of public conveyance;
- (B) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple family residential structures;
- (C) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of any building or structure that is accessible to the public including without limitation office, commercial, and industrial buildings, banks and financial institutions, educational institutions, health care facilities such as hospitals, clinics and doctor's offices, museums, libraries, restaurants, polling places, government and County-owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, and retail and service establishments.
- (D) rooms, chambers, halls, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including specifically, but without limitation, any enclosed area under the control of the County where there is in progress any public meeting.

"Public place" shall not include:

- (A) a private dwelling unit, unless said dwelling is also used as a day care facility for children or adults; provided that rooms in nursing homes or long-term care facilities occupied by one or more persons who have requested in writing a room where smoking is permitted shall be considered private dwelling units; or

(B) hotel or motel rooms designated as smoking, provided that no more than **twenty percent (20%)** of the available rooms for rent in any single building shall be designated as smoking rooms.

**"School Grounds"** mean all public or private outdoor school grounds, but excluding any open areas specifically designated and permitted by the school administration for smoking by adults who are invited to use such area for smoking.

**"Smoke" or "Smoking"** means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

**27-12-4      PROHIBITION IN ENCLOSED PUBLIC PLACES.**

(A) It is unlawful to smoke in any enclosed area of any public place.

(B) It shall be unlawful for the owner, occupant or lessee, as the case may be, who is in control of a public place to knowingly permit smoking in any enclosed area in a public place.

**27-12-5      PROHIBITION IN UNENCLOSED PUBLIC PLACES AND OUTDOOR VENUES.**

(A) It is unlawful to smoke in the following unenclosed public places:

- (1) The seating areas of all outdoor arenas, stadiums and amphitheaters.
- (2) Public parks and recreation areas.
- (3) School grounds.
- (4) Public sidewalks within **fifteen (15) feet** of a public entrance, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
- (5) Public sidewalks within **fifteen (15) feet** of an open air dining area, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.

(B) It is unlawful to smoke in or within **fifteen (15) feet** of an outdoor venue during the time that an outdoor event is taking place.

**27-12-6      PROHIBITION IN PLACES OF EMPLOYMENT.**

(A) It is unlawful to smoke in any enclosed area of any place of employment.

(B) It shall be unlawful for any employer to knowingly permit smoking in any enclosed area of any place of employment.

**27-12-7      PROHIBITION IN OPEN AIR DINING AREAS.**

(A) It is unlawful to smoke in open air dining area.

(B) It shall be unlawful for the owner, occupant or lessee, as the case may be, in control of an open air dining area to knowingly permit smoking in the area available for open air dining.

(C) it is unlawful to smoke within **fifteen (15) feet** of an open air dining area.

**27-12-8      PROHIBITION AT PUBLIC ENTRANCES.**

(A)            It is unlawful to smoke within **fifteen (15) feet** of a public entrance to a public place or to a place of employment.

(B)            It is unlawful for any person or persons to gather or congregate for the purpose of smoking within **fifteen (15) feet** of a public entrance.

**27-12-9      DESIGNATION OF OTHER NO-SMOKING AREAS.** Nothing in this Article shall be deemed to limit the owner, occupant or lessee of a public place or a place of employment to further prohibit smoking by designating outdoor areas not subject to the restrictions in this Article as a place where smoking is also prohibited, provided that the owner, occupant or lessee shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the designated outdoor area.

**27-12-10     NO RETALIATION.** No person, business or employer shall discharge, refuse to hire, or in any manner retaliate against an employee or customer because that employee or customer reports a violation of this Article or exercises by rights afforded by this Article.

**27-12-11     SIGNS.**

(A)            Each owner, lessor, lessee, employer, or other person in control of a public place shall post conspicuous "No Smoking" signs in the enclosed area of any public place where smoking is prohibited. Such "No Smoking" signs shall have a white field with the words "No Smoking" printed in red letters, **four (4) inches** high with a **one-half (1/2) inch** face, or shall bear the international "No Smoking" symbol, which consists of a pictorial representation of a cigarette enclosed in a circle with a bar across it. It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this Article.

(B)            Each owner, lessor, lessee, employer or other person in control of a public park or recreation area, or of a school ground, shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the park, recreation area or school ground.

(C)            Each owner, lessor, lessee, management company or other person in control of an outdoor venue shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the outdoor venue during outdoor events.

**27-12-12     EXEMPTIONS.** The prohibition on smoking set forth in Section 6-35 and 6-37 shall not apply to a public place or place of employment of a tobacco dealer that permits customers to sample tobacco products on the premises of the tobacco dealer, provided that smoke generated by smoking on the premises of the tobacco dealer does not infiltrate any other enclosed public place or place of employment. For purposes of this exemption, a tobacco dealer is a retailer whose principal business is the sale at retail of tobacco and tobacco-related products.

**27-12-13** **PENALTIES.**

(A) Any person who smokes in an area where smoking is prohibited under the provisions of this Article shall be guilty of an offense punishable by:

- (1) A fine of not less than **Twenty-Five Dollars (\$25.00)** for a first violation.
- (2) A fine of not less than **Fifty Dollars (\$50.00)** for a second violation.
- (3) A fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Five Hundred Dollars (\$500.00)** for a third and subsequent violation(s).

(B) Any person who owns, manages, operates or otherwise controls a public place, a place of employment or an open air dining area that permits smoking in an area where smoking is prohibited under the provisions of this Article, shall be guilty of an offense punishable by a fine of (i) not less than **One Hundred Dollars (\$100.00)** for the first violation, (ii) not less than **Two Hundred Fifty Dollars (\$250.00)** for the second violations, and (iii) not less than **Five Hundred Dollars (\$500.00)** for each additional violation thereafter, unless said additional violation has occurred within **one (1) year** after the first violation, in which case the minimum fine shall be not less than **One Thousand Dollars (\$1,000.00)**. The maximum amount of fine to be levied herein shall not exceed **Two Thousand Five Hundred Dollars (\$2,500.00)** for each violation.

(C) Each day that any violation of this Article shall continue shall constitute a separate offense.

**27-12-14** **SEVERABILITY.** If any provision or part of this Article or application thereof to any person or circumstance is held to be invalid, the remainder of the Article and the application of the provision or part thereof to other persons not similarly situated or to other circumstances shall not be affected thereby.

## ARTICLE XIII - SYNTHETIC DRUGS

**27-13-1 SALE, POSSESSION OR DELIVERY OF SYNTHETIC COCAINE PROHIBITED.**

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Synthetic Cocaine, "Bath Salts" or Substances Containing Cocaine** includes but not limited to the names, MDPK, Magic, Super Coke, PV, Ivory Wave, Ocean, Cloud Nine, Charge Plus, White lightning, Scarface, Hurricane, Charlie Red Dove and White Dove. It is an herbal and chemical product which mimics the effects of Cocaine, including but not limited to Methylenedioxypropylamphetamine, (a psychoactive drug), or cathinone derivatives.
- (2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cocaine or substance containing cocaine, with or without consideration, whether or not there is an agency relationship.
- (3) **Knowledge.** Knows, acts knowingly or with knowledge:
  - (a) the nature or attendant circumstances of his/her conduct described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
  - (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
  - (c) knowledge may be inferred from the surrounding circumstances.
- (4) **"Bath salts"** a substance that contains methylenedioxypropylamphetamine (MDPV) or contains a norepinephrine-dopamine reuptake inhibitor (NDRI).
- (5) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cocaine or a substance containing cocaine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cocaine or a substance containing cocaine or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cocaine as an incident to lawful research, teaching or chemical analysis and not for sale.
- (6) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (7) **Possession.** Possession may be either actual or constructive.
  - (a) actual possession means exercising physical dominion.



- (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cocaine or substance containing cocaine or drug paraphernalia.

(B) **Possession of Synthetic Cocaine or Substance Containing Cocaine or "Bath Salts" Prohibited.**

- (1) **Violation.** No person shall possess any substance containing synthetic cocaine or a substance containing cocaine.
- (2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars (\$250.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)**.
- (3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars (\$100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.
- (4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.
- (5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cocaine for research purposes shall be exempt from the provisions of this Section.

**27-13-2 SALE, POSSESSION OR DELIVERY OF SYNTHETIC CANNABIS PROHIBITED.**

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Synthetic Cannabis** includes the brand names K2 and Spice. It is an herbal and chemical product which mimics the effects of Cannabis, including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073 and HU-210.
- (2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cannabis, with or without consideration, whether or not there is an agency relationship.
- (3) **Knowledge.** Knows, acts knowingly or with knowledge:
  - (a) the nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
  - (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.

- (c) knowledge may be inferred from the surrounding circumstances.
- (4) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.
- (5) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (6) **Possession.** Possession may be either actual or constructive.
- (a) actual possession means exercising physical dominion.
- (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis or drug paraphernalia.
- (7) **Produce or Production.** Planting, cultivating, tending or harvesting.
- (B) **Possession of Synthetic Cannabis Prohibited.**
- (1) **Violation.** No person shall possess any substance containing synthetic cannabis.
- (2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars (\$250.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)**.
- (3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars (\$100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.
- (4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.
- (5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cannabis for research purposes pursuant to **720 ILCS 550/11**, as hereafter amended, shall be exempt from the provisions of this Section.

## ARTICLE XIV - REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS

**27-14-1**     **DEFINITIONS.** The following definitions apply to this Section:

(A)     A **"Child Sex Offender"** includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, **730 ILCS 150/1 et seq.**, as now or as hereafter amended, where the victim was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of **eighteen (18) years**:

- (1)     Sexual exploitation of a child (**720 ILCS 5/11-9.1**);
- (2)     Predatory criminal sexual assault of a child (**720 ILCS 5/12-14.1**);
- (3)     Indecent solicitation of a child (**720 ILCS 5/11-6**);
- (4)     Public indecency committed on school property (**720 ILCS 5/11-9**);
- (5)     Child luring (**720 ILCS 5/10-5(b)(10)**);
- (6)     Aiding and abetting child abduction (**720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10)**);
- (7)     Soliciting for a juvenile prostitute (**720 ILCS 5/11-15.1**);
- (8)     Patronizing a juvenile prostitute (**720 ILCS 5/11-18.1**);
- (9)     Exploitation of a child (**720 ILCS 5/11-19.2**);
- (10)    Child pornography (**720 ILCS 5/11-20.1**);
- (11)    Criminal sexual assault (**720 ILCS 5/12-13**);
- (12)    Aggravated criminal sexual assault (**720 ILCS 5/12-14**);
- (13)    Aggravated criminal sexual abuse (**720 ILCS 5/12-16**);
- (14)    Kidnapping or aggravated kidnapping (**720 ILCS 5/10-1 or 5/10-2**);
- (15)    Unlawful restraint or aggravated unlawful restraint (**720 ILCS 5/10-3 or 5/10-3.1**).

(B)     **"School"** means any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and pre-schools.

(C)     **"Loiter"** shall mean standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of **eighteen (18) years**.

(D)     **"Park"** includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term "Park" shall also include any privately owned recreational area upon which the County has been authorized by its owner to patrol and enforce the ordinances contained in this Code. The term "Park" shall also include ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

**27-14-2 PROHIBITED ACTS.**

(A) It is unlawful for a child sex offender to reside within **one thousand five hundred (1,500) feet** of any of the following:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

(B) It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within **one thousand five hundred (1,500) feet** of any of the following, unless the person loitering is with a child under the age of **eighteen (18) years** and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling, or step-sibling of that child under the age of **eighteen (18) years**;

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

(C) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to employ a sex offender within **one thousand five hundred (1,500) feet** of any festival or other event which is open to the public.

(D) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to enter into a lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within **one thousand five hundred (1,500) feet** of any of the following:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

**27-14-3 PENALTY.** Any person found guilty of violating paragraphs (A) or (B) of **Section 27-14-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **Seven Hundred Fifty Dollars (\$750.00)**, with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violating paragraphs (C) or (D) of **Section 27-14-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **Seven Hundred Fifty Dollars (\$750.00)**, revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager or other entity violating paragraphs (C) or (D) of **Section 27-14-2** shall be presumed to have had knowledge of the employee's or tenant's status as a child sex offender, where the employee's or tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, **730 ILCS 152/101 et seq.**, as now or hereafter amended.

**27-14-4 OTHER PROVISIONS.**

(A) In the event a court of competent jurisdiction should declare the terms of any portion of this Article invalid or unenforceable, the remainder of this Article shall remain in full force and effect.

(B) All distances designated in this Article shall be measured from the lot line of the park property or school property and from the lot line of the subject residence.

(C) Nothing in this Article prohibits a child sex offender from residing within **one thousand five hundred (1,500) feet** of any property, if that residence is owned or leased by the child sex offender before the effective date of this Article. This Article is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Article.

## ARTICLE XV – DRUG PARAPHERNALIA

### 27-15-1 DEFINITIONS.

(A) The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or marketed for use with illegal cannabis or drugs, as defined by the **Illinois Compiled Statutes**, or designed for use in planting, propogating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Illinois Controlled Substances Act, **720 ILCS 570/100 et seq.**, "Drug paraphernalia" includes, but is not limited to:

- (1) Kits used, intended for use or designed for use in the planting, propogating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
- (3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
- (4) Testing equipment, used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness or purity of controlled substances;
- (5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;
- (6) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

- (a) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;
- (b) Water pipes;
- (c) Carburetion tubes and devices;
- (d) Smoking and carburetion masks;
- (e) Roach clips or other objects used to hold burning materials, such as a marijuana cigarette which has become too small or short to be held in the hand;
- (f) Miniature cocaine spoons and cocaine vials;
- (g) Chamber pipes;
- (h) Carburetor pipes;
- (i) Electric pipes;
- (j) Air-driven pipes;
- (k) Chilams;
- (l) Bongs;
- (m) Ice pipes or chillers.

**27-15-2 DETERMINATION OF DRUG PARAPHERNALIA.** In determining whether an object is "drug paraphernalia", a court or other authority should consider, in addition to all other relevant factors, the following:

- (A) Statements by an owner or anyone in control of the object concerning its use;
- (B) Prior convictions, if any, of an owner or anyone in control of the object, under any state or federal law relating to any controlled substances;
- (C) The proximity of the object, in time and place, to a direct violation of this Article;
- (D) The proximity of the object to controlled substances;
- (E) The existence of any residue of controlled substances on the object;
- (F) Direct or circumstantial evidence of the intent of an owner or anyone in control of the object to deliver it to persons whom he knows, or should reasonable know, intend to use the object to facilitate a violation of this Article; and the innocence of any owner or anyone in control of the object, as to a direct violation of this Article, shall not prevent a finding that the object is intended or designed for use as "drug paraphernalia";
- (G) Instructions, oral or written, provided with the object concerning its use;
- (H) Descriptive materials accompanying the object which explain or depict its use;
- (I) National and local advertising concerning the object's use;
- (J) The manner in which the object is displayed for sale;
- (K) 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;
- (L) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise in question;
- (M) The existence and scope of legitimate uses for the object in the community;
- (N) Expert testimony concerning the object's use.

**27-15-3 OFFENSES AND PENALTIES.**

(A) **Possession of Drug Paraphernalia.** It is unlawful for any person to use, or possess with the intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the **Illinois Controlled Substance Act, (720 ILCS 570/100 et seq.)**. Any person violating this Section is guilty of a crime and, upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)** and not more than **Five Hundred Dollars (\$500.00)**.

(B) **Manufacture or Delivery of Drug Paraphernalia.** It is unlawful for any person to deliver, to sell, to possess with the intent to deliver or sell, or to manufacture with the intent to deliver or sell, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the **Illinois Controlled Substance Act, (720 ILCS 570/100 et seq.)**. Any person violating this section is guilty of a crime, and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)** and not more than **Five Hundred Dollars (\$500.00)**.

(C) **Delivery of Drug Paraphernalia to a Minor.** Any person **eighteen (18) years** of age or older who violates subsection (B) of this Section by delivering, selling, or giving drug paraphernalia to a juvenile is guilty of an additional offense, and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

(D) **Advertisement of Drug Paraphernalia.** It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person violating this Section is guilty of a crime and upon conviction, shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Five Hundred Dollars (\$500.00)**.

**27-15-4 FORFEITURE OF PROPERTY.**

(A) All articles defined in subsection (B)(1) shall be subject to forfeiture.

(B) Property subject to forfeiture under this Article may be seized by any peace officer upon process issued by any court having jurisdiction over the property. Seizure by any police officer without process may be made:

- (1) If the property subject to seizure has been the subject of a prior judgment in favor of the County in an ordinance violation proceeding;
- (2) If there is probable cause to believe that the property is either directly or indirectly dangerous to health or safety.

(C) In the event of seizure pursuant to subsection (B), proceedings under subsection (D) shall be promptly instituted.

(D) Property taken or detained under this Article shall not be subject to replevin, but is deemed to be in the custody of the Sheriff, subject only to the orders of the court having jurisdiction over the forfeiture proceedings. When property is seized under this Article, the Sheriff may:



- (1) Place the property under seal; or
- (2) Remove the property to a place designated by him; or
- (3) Take custody of the property and remove it to an appropriate location for destruction.

**27-15-5 PROHIBITION OF POSSESSION OF WEAPONS, LIQUOR AND DRUGS IN COUNTY BUILDINGS.** Except for evidence purposes, it shall be unlawful for any person other than police officers to possess within County buildings:

- (A) a dangerous weapon as defined in **720 ILCS 5/33A-1**, as now and hereafter amended or renumbered, or
- (B) alcoholic liquor as defined in Chapter 21 of this Code,
- (C) a controlled substance as, defined in **720 ILCS 570/102**, as now and hereafter amended or renumbered, or
- (D) cannabis, as defined in the "**Cannabis Control Act**", **720 ILCS 550/1 et seq.**, as now and hereafter amended and renumbered.

**ARTICLE XVI – CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED**

**27-16-1**     **DEFINITIONS.** The following words and phrases shall, for the purposes of this Article, have the meanings respectively ascribed to them by this Section, as follows:

**Adult-Use Cannabis Business Establishment:** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

**Adult-Use Cannabis Craft Grower:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

**Adult-Use Cannabis Cultivation Center:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

**Adult-Use Cannabis Dispensing Organization:** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

**Adult-Use Cannabis Infuser Organization or Infuser:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

**Adult-Use Cannabis Processing Organization or Processor:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

**Adult-Use Cannabis Transporting Organization or Transporter:** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation

and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

***Person:*** Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

**27-16-2 CANNABIS BUSINESS ESTABLISHMENT PROHIBITED.** The following Adult-Use Cannabis Business Establishments are prohibited in the County. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the County of any of the following:

- (A) Adult-Use Cannabis Craft Grower
- (B) Adult-Use Cannabis Cultivation Center
- (C) Adult-Use Cannabis Dispensing Organization
- (D) Adult-Use Cannabis Infuser Organization or Infuser
- (E) Adult-Use Cannabis Processing Organization or Processor
- (F) Adult-Use Cannabis Transporting Organization or Transporter

**27-16-3 PUBLIC NUISANCE DECLARED.** Operation of any prohibited Cannabis Business Establishment within the County in violation of the provisions of this Article is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

**(See Section 1-1-20 for Penalties)**

**(Ord. No. 19-16; 11-15-19)**

**PARKS AND RECREATION**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b><i>I</i></b>	<b><i>SHILOH PARK BOARD</i></b>	
	<i>Section 28-1-1 - Board Established</i>	<i>28-1</i>
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CHAPTER 28

PARKS AND RECREATION

ARTICLE I – SHILOH PARK BOARD

**28-1-1**        **BOARD ESTABLISHED.** The Shiloh Park Board is hereby established. There shall be **five (5) members** on the Board appointed by the County Board. They shall serve a term of **three (3) years**. Vacancies shall be filled in manner for the unexpired term.

**28-1-2**        **ORGANIZATION.** The Board shall meet each year in March and select from among their members, a Chairman, a Vice-Chairman, a Secretary and a Treasurer. The officers shall serve for **one (1) year**.

**28-1-3**        **SUPERVISION BY BOARD.** The Park may be used for picnic, reunions, social gatherings, weddings and wedding anniversaries upon approval of the Park Board, provided the Board is notified at least **seven (7) days** in advance.

**28-1-4**        **CURFEW.** The time limit for use of the park is as follows:  
(A) Picnic closing time - 2:00 A.M.  
(B) All other gatherings - 2:00 A.M.

**28-1-5**        **RULES FOR USE OF EQUIPMENT AND DANCE FLOOR.** Any group desiring to use the dance floor shall reside in this community and furnish a deputy sheriff until **two (2:00) o'clock A.M.** The floor shall not be used for profit. If admission is charged, the organization using same shall be a non-profit organization. Any group using the stove shall pay a fee of **Two Dollars (\$2.00)** for the stove and **Five Dollars (\$5.00)** for use of lights. A deposit in the amount of **Twenty Dollars (\$20.00)** shall be made to insure the cleaning of the stove and park fryer.

**28-1-6**        **ALCOHOL SALES.** Beer may be sold in the park only at the Annual Picnic and by non-profit organizations using same with permission of the Park Board. All groups shall have a liquor license that intend to sell beer and an effective Dram Shop Insurance Policy for the event.

**28-1-7**        **ACCIDENT RESPONSIBILITY.** Any group using the park is responsible for accidents and any damage to the park equipment.

**(Ord. No. 6-5-64)**

***POLLUTION CONTROL FACILITY SITING PROCEDURES***

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<i>Section 29-1-1</i>	- <i>Definitions</i>	<i>29-1</i>
<i>Section 29-1-2</i>	- <i>Procedures and Timing for the Pre-Filing Process</i>	<i>29-2</i>
<i>Section 29-1-3</i>	- <i>Procedures for Filing a Siting Application</i>	<i>29-8</i>
<i>Section 29-1-4</i>	- <i>The Application</i>	<i>29-9</i>
<i>Section 29-1-5</i>	- <i>County Review</i>	<i>29-13</i>
<i>Section 29-1-6</i>	- <i>Other Parties</i>	<i>29-14</i>
<i>Section 29-1-7</i>	- <i>Public Hearing</i>	<i>29-14</i>
<i>Section 29-1-8</i>	- <i>Public Comment</i>	<i>29-16</i>
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<i>Section 29-1-10</i>	- <i>Site Approval Decision</i>	<i>29-17</i>
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## CHAPTER 29

## POLLUTION CONTROL FACILITY SITING PROCEDURES

**29-1-1**      **DEFINITIONS.**      The following terms or words have the meaning ascribed as follows:

(A)      **"Applicant"** is any person, firm or partnership, association or corporation, company or organization of any kind who files a request for site approval pursuant to state statute.

(B)      **"County"** is Randolph County, Illinois.

(C)      **"County Board"** is the Randolph County Board of Commissioners.

(D)      **"County Government"** is intended to include all departments, commissions, agencies, and offices of the Randolph County government *except for and not including* the County Board.

(E)      **"Facilitator"** is a person or firm nominated by the County Board chairperson and appointed by a majority vote of the County Board to design, implement, and report on the Pre-Filing Review Process.

(F)      **"Hazardous Waste Disposal Site"** is a site at which hazardous waste is disposed. "Hazardous Waste" is waste as defined in the Illinois Environmental Protection Act (hereinafter referred to as the "Act") as amended (**415 ILCS Sec. 5/1 et seq.**).

(G)      **"IEPA"** is the Illinois Environmental Protection Agency.

(H)      **"Pre-Filing Review Process"** is a procedure to review, comment upon, and inquire about a preliminary version of a Siting Application that is nearly ready for filing.

(I)      **"Regional Pollution Control Facility"** is any waste storage site, sanitary landfill, waste disposal site, waste transfer station or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general purpose unit of government. For purposes of this Chapter, a local general-purpose unit of government is Randolph County. A Regional Pollution Control Facility is also any facility defined as such in the Act.

(J)      **"Petition"** is the document and appendices a Petitioner files for pre-filing review.

(K)      **"Petitioner"** is any person, firm or partnership, association or corporation, company or organization of any kind who files a request for pre-review pursuant to this Chapter.

(L)      **"Pollution Control Facility Committee"** is the committee appointed by the County Board Chairman whose function is to attend the public hearings on requests for site approval, make factual findings, and make recommendations regarding the requests for site approval to the County Board.

(M)      **"Siting Application"** is filed by an Applicant seeking siting approval from the County Board pursuant to the **nine (9)** criteria in **415 ILCS Sec. 5/39.2**, as amended.

(N)      **"Stakeholder"** shall include:

- (1) Property owners that the Petitioner will be required by statute to put on notice of the application for siting approval as required by the Act;
- (2) The head of any homeowners association or registered neighborhood within the public notice area as required by the Act;
- (3) The State's Attorney's Office;

- (4) Representatives from any citizens group or public interest group that have been or are now concerned with environmental matters or landfill proposals in the County; and,
- (5) Other interested parties as may be determined by the Pre-Filing Review Process Facilitator.

(O) "Webmaster" is a person or firm whose occupation is designing, developing, and maintaining websites.

In addition, all other words used in this Chapter and defined in the Act shall have the same definitions and meanings found in the Act.

**29-1-2 PROCEDURES AND TIMING FOR THE PRE-FILING PROCESS.**

(A) Any Petitioner that intends to apply for siting approval from the County Board shall submit a pre-filing petition as part of a Pre-Filing Review Process. The filing of said petition shall trigger a Pre-Filing Review Process. The purpose of the Pre-Filing Review Process is to:

- (1) Ensure that the Petitioner pursues early and effective review of their applications, giving the Petitioner the opportunity to understand and try to mitigate any real or perceived negative impacts that the application may have or may appear to have on the community;
- (2) Ensure that the County Government and Stakeholders have an adequate opportunity to learn about applications that may affect them and to work with Petitioners to resolve concerns before the Siting Application is filed; and,
- (3) Facilitate ongoing communication between the Petitioner, the County Government, and Stakeholders throughout the Pre-Filing Review Process and the siting hearings.

(B) The Pre-Filing Review Process is not intended to produce complete consensus on all aspects of a Petitioner’s application, rather it is intended to promote informed participation in the siting process by the County Government and Stakeholders.

(C) A minimum of **one hundred twenty (120) days**, but no more than **one hundred eighty (180) days**, before filing an application for siting approval the Petitioner shall file a pre-filing petition with the County Clerk that includes preliminary information regarding the Siting Application that it intends to file. **Four (4)** paper copies of said petition and all exhibits shall be filed with the County Clerk. In addition, the Petitioner shall also submit **four (4) copies** of the entire application, including all exhibits, in electronic format on a CD-ROM using Microsoft Word and PDF files. That petition shall include the following:

- (1) A written statement on **8 1/2" x 11" paper** which sets forth:
  - (a) The identification of the Petitioner and owner, and if the proposed site is owned in trust, the beneficiaries;
  - (b) the legal description of the proposed site and a street address or some other reasonable description of where the proposed site is to be located;
  - (c) a description of the proposed facility, its operation and the expected longevity thereof;
  - (d) the area to be served by the proposed facility and a statement of the needs for such area for such a facility;



- (e) a list of the existing regional pollution control facilities located within or serving or capable of serving the area proposed to be served and, with respect to each such facility, the following information shall be provided: location, size, owner and/or operator, type of pollution control facility, remaining capacity, probable life of the proposed facility, and types of wastes received;
  - (f) the expected types, amounts and methods of treatment or storage of all wastes proposed for the site and the origins of these wastes;
  - (g) a description of the geologic and hydrogeologic character of the site including core samples, the monitoring plans, including and background analyses for ground water, surface water and air;
  - (h) reasons supporting approval of the applications; and,
  - (i) a prayer for site approval.
- (2) The request for a permit made to the Illinois Environmental Protection Agency, if any such request has been made.
- (3) A site plan showing details of the proposed facility including but not limited to:
- (a) cross sections;
  - (b) all existing wells within **five hundred (500) feet** of the site;
  - (c) all monitoring wells;
  - (d) fences, buildings and other structures;
  - (e) roads, entrances, and driveways; and,
  - (f) core sample locations on and within **two hundred (200) feet** of the site.
- (4) A detailed topographic survey of the subject site and the surrounding area within **five hundred (500) feet** which indicates land use and, if applicable, the boundary of the **one hundred (100) year** flood plain.
- (5) A statement of the plan of operation for the proposed facility, including but not limited to the following:
- (a) method of landfilling, incineration, resource recovery or other process;
  - (b) hours of operation;
  - (c) personnel;
  - (d) litter, vector, dust and odor control;
  - (e) surface drainage and erosion control;
  - (f) fire control;
  - (g) corrective actions for spills and other operational accidents;
  - (h) if applicable, the stages of development or use; and,
  - (i) an end use plan.
- (6) A statement or report of traffic information regarding the proposed site including the anticipated number of vehicles and their size, weight and direction of movement.

- (7) All physical evidence (except testimony) including but not limited to studies; maps; reports; permits or exhibits which the Petitioner desires the County Board to consider at the public hearing. It is intended that the Petitioner provide a full and complete disclosure of his case to facilitate early review and analysis by all parties with an opportunity for revision should the Petitioner deem it appropriate.
- (8) Certificates of insurance verifying the insurance policies carried by the Petitioner to cover single accidents, such as fires, explosions, non-sudden accidental occurrences and pollution impairment.
- (9) If the site is a proposed hazardous waste facility, a copy of the Resource Conservation Recovery Act Contingency Plan.
- (10) A pre-filing petition fee of **Twenty-Five Thousand Dollars (\$25,000.00)** to cover the reasonable and necessary costs including, but not limited to, professional fees and other expenses incurred by the County as part of the Pre-Filing Review Process. Should any portion of this fee be unexpended at the conclusion of this stage of the proceedings then it shall be returned to the Petitioner. In the event that the County expects to incur any additional costs, fees and expenses in excess of **Twenty-Five Thousand Dollars (\$25,000.00)** the County Treasurer shall anticipate these costs, fees, and/or expenses and then advise the Petitioner how much additional funding will be necessary to cover the same. Petitioner shall pay said additional costs, fees, and/or expenses within **seven (7) days** notice thereof. The Pre-Filing Review Process shall not proceed until said anticipated costs, fees and/or expenses have been paid to the County. Should any portion of these anticipated costs, fees, and/or expenses be unexpended at the conclusion of this stage of the proceedings then they shall also be returned to the Petitioner.

(D) The Petitioner must also include a history of its operation experience in the pre-filing petition that it files with the County Clerk. The history must be thorough and accurate as of the date of filing.

- (1) If the Petitioner is a corporation, the Petitioner shall submit copies of the Articles of Incorporation as an exhibit to the pre-filing petition. If the Petitioner is a corporation more than **fifty percent (50%)** owned by another corporation, these requirements shall be applicable to said corporation.
- (2) As an exhibit to the pre-filing petition the Petitioner shall submit audited financial statements for the **five (5) preceding years**. If the Petitioner is a new corporation it shall provide statements for the years that are available.
- (3) If the Petitioner is a publicly held company it shall submit copies of all documents filed by it with any state or federal securities regulatory agencies during the preceding **ten (10) years**.
- (4) The Petitioner shall provide a list of all lawsuits, court proceedings, or administrative proceedings in which any person or entity identified as the Petitioner or operator has been a party during the **ten (10) years** preceding the filing of this pre-filing

petition. With respect to each such listing the court or agency with jurisdiction over the matter shall be identified, the number of such case shall be listed, and a brief summary of the nature of each and the decision rendered therein shall be provided.

- (5) The Petitioner shall also attach a statement detailing the prior and current experiences of the Petitioner, its officers, management or supervisory personnel who have been engaged in the activity for which the Petitioner intends to be engaged if the Siting Application is approved. Said statement shall contain the following:
- (a) Name of other facilities;
  - (b) Location of other facilities;
  - (c) Operational capacity of other facilities;
  - (d) Type of waste handled or disposed of at other facilities;
  - (e) Record of actions by any regulatory agency or government regulating entity; and,
  - (f) Comparison of design and proposed operating procedures of the proposed pollution control facility to Petitioner's existing pollution control facilities.
- (6) If the Petitioner has previously closed any facility defined as a hazardous waste disposal site or a pollution control facility, or a landfill or dump, either voluntarily or involuntarily, the Petitioner shall provide the following information:
- (a) The location of the facility that was closed;
  - (b) The date that the closing process started and ended;
  - (c) The details of the plan for closing such facility. If the Petitioner had not previously prepared a detailed plan for closing then this should be stated in the statement.
  - (d) If the closing of any facility has begun or has been completed the Petitioner shall:
    - (i) indicate whether the stated plan has been followed and describe any deviations from the plan;
    - (ii) describe any problems that have been encountered;
    - (iii) describe how the problems were handled;
    - (iv) describe the arrangements for post-closure care.
  - (e) If the closing has begun or has been completed without a plan the Petitioner must describe:
    - (i) what procedures have been used to date in the closing process;
    - (ii) any problems that have been encountered;
    - (iii) how problems have been handled;
    - (iv) any plans for post-closure care.
  - (f) The terms of this paragraph apply to facilities that were closed when the Petitioner was the owner or operator of a facility, and also to facilities that were owned or operated by a corporation or partnership of which the Petitioner was owner of more than **ten percent (10%)** of the ownership interest of said corporation or partnership.

(E) Within **five (5) working days** from the filing of the pre-filing petition the County Clerk shall notify the Chairperson of the County Board that such a petition has been filed. The Chairperson of the County Board shall establish a list of nominees to serve as the Facilitator. The Chairperson may select the nominees from a list of registered members of the International Association of Public Participation (IAP2).

(F) Within **fifteen (15) days** of said receipt from the County Clerk of the pre-filing petition the County Board shall appoint one of the Chairperson's nominees by a majority vote to serve as the Facilitator. The Facilitator shall design, implement, supervise, and evaluate the Pre-Filing Review Process. The Facilitator shall remain unbiased and it shall be his/her task to maintain the integrity of the process.

(G) Within **ten (10) working days** of the Facilitator's appointment the Petitioner shall provide the Facilitator with the following information:

- (1) Names and addresses of residents, property owners, interested parties, political jurisdictions and public agencies that would be entitled to notice pursuant to the Act.
- (2) The identity and address of state, county and municipal officials and agencies that may be affected by the proposed siting application.

(H) Within **fifteen (15) days** of her/his appointment the Facilitator shall:

- (1) Cause written notification by certified return-receipt-requested mail to issue to Stakeholders and County Government officials about the Pre-Filing Review Process.
- (2) Set forth a method for providing Stakeholders and County Government officials with an opportunity to discuss the Petitioner's proposal, ask questions, or express concerns about issues or problems that they may perceive regarding the proposal.
- (3) Propose a schedule for completing the Pre-Filing Review Process within **ninety (90) days**.

(I) The Facilitator shall provide notice of the Pre-Filing Review Process and a written invitation to participate to the following:

- (1) Property owners that the Petitioner is required by statute to put on notice of the application for siting approval as required by the Act;
- (2) The head of any homeowners association or registered neighborhood within the public notice area as required by the Act;
- (3) The State's Attorney's Office;
- (4) Representatives from any citizens group or public interest group that have been or are now concerned with environmental matters or landfill proposals in the County; and,
- (5) Other interested parties as determined by the Facilitator.

(J) Upon permission of the Facilitator the Petitioner shall cause notice of the Pre-Filing Review Process to be published in all newspapers of general circulation that are published in the County. The Facilitator may also establish additional means of publishing notice of the process and it shall be the Petitioner's responsibility to carry out the same in accordance with said directives. Said notice will establish procedures that will allow members of the general public with the opportunity to participate along with the other Stakeholders. All Pre-Filing Review meetings, conferences, or discussions shall be held pursuant to public notice and in an open forum where the general public has the right to participate.

(K) The Facilitator shall convene as many public gatherings as she/he deems appropriate to fulfill the intent of this Section of this Chapter. The inquiry under this process shall not be limited to the information contained in the pre-filing petition. In addition to carrying out the duties of designing and implementing a public involvement process the Facilitator shall be required to hold all meetings or gatherings in public; maintain a verbatim record of these conferences, meetings or gatherings that shall be submitted as part of the record in any SB172 hearing that may follow; and take care that appropriate notices issue. All meetings, conferences, and/or gatherings called by the Facilitator shall be open to the media.

(L) The Facilitator shall cause a record of the pre-filing proceedings to be published on a website that is free for public access. The Facilitator shall cause the website to be updated weekly from the time that the petition is filed until the Facilitator issues the final report. After the final report has been filed the Facilitator shall direct the Webmaster to report to and take direction from the County Clerk's office.

(M) The Facilitator shall file a report with the County Clerk within **fifteen (15) days** after she/he closes the Pre-Filing Review Process. The Petitioner shall also file a report with the County Clerk within **fifteen (15) days** after the Pre-Filing Review Process closes. The Petitioner's report shall include a summary of the topics that were discussed and how it responded to questions or comments raised. Any party to the Pre-Filing Review Process may also file a written response to either the Facilitator's report or the Petitioner's report as an exhibit in the record of proceedings called for pursuant to **415 ILCS Sec. 5/39.2** for site approval.

(N) At a minimum, the Facilitator's report shall include the following information:

- (1) Details of techniques used to involve the County Government and Stakeholders in preparing the final version of the siting application, including:
  - (a) Dates and locations of all meetings where the County Government and Stakeholders were invited to discuss the Petitioner's proposal;
  - (b) Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
  - (c) Where the County government and Stakeholders receiving notices, newsletters, or other written materials are located;
  - (d) The number of people that participated in the process; and,
  - (e) An evaluation of the Pre-Filing Review Process including observations about the Petitioner's willingness to inform and involve the public in addressing concerns raised by the proposed facility.
- (2) A summary of concerns, issues and problems expressed during the process, including:
  - (a) The substance of the concerns, issues, and problems;
  - (b) How the Petitioner addressed or intends to address concerns, issues and problems expressed during the process; and,
  - (c) Concerns, issues and problems the Petitioner is unwilling or unable to address and reasons why.

- (3) The outcome of the Pre-Filing Review Process shall not be grounds to reject an otherwise acceptable Siting Application.
- (O) All pre-filing review by the County Government or County Board of the Petitioner's preliminary application for siting, or any portions thereof, shall be strictly in accordance with the provisions of this Section of this Chapter.
- (P) No member of the Planning Commission, Pollution Control Facility Committee, or the County Board shall participate in the Pre-Filing Review Process.
- (Q) Parties to the pre-filing review process are authorized to engage in preliminary discussions about terms and conditions that might be appropriate for a host agreement between the Petitioner and County. Such agreement will be determined definitively by the County Board at a public proceeding.
- (R) The County Board shall approve payment of costs, fees and/or expenses from the money deposited by the Petitioner.
- (S) The County Board may remove the Facilitator with or without cause.

**29-1-3 PROCEDURES FOR FILING A SITING APPLICATION.**

- (A) For each Siting Application filed the Chairperson of the County Board shall appoint a Pollution Control Facility Committee consisting of **five (5) members** of the Planning Commission. During the course of the public hearing, at least **one (1)** Pollution Control Facility Committee member shall be present for each session.
- (B) At the time that the Chairperson of the County Board appoints the Pollution Control Facility Committee the State's Attorney shall appoint a hearing officer to preside over the public hearing. The hearing officer must be a licensed attorney in the State of Illinois with a minimum of **ten (10) years** of experience in the practice of law. She/he must also have demonstrable experience in conducting public hearings pursuant to **415 ILCS Sec. 5/39.2**. The hearing officer will be charged with the responsibility of presiding at the public hearing, ruling on pre-hearing and evidentiary motions, and overseeing the making of the record. The hearing officer shall make all decisions and ruling in accordance with fundamental fairness. The hearing officer may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence. No ruling of the hearing officer shall be appealable to the County Board.
- (C) The Chairman of the County Board shall notify the County Clerk of the date upon which such hearing shall be held and shall request the County Clerk to cause notice of such hearing to be made as follows:
  - (1) Published **two (2)** legal notices in a newspaper of general circulation published in the County. **One (1)** such notice shall be published no later than **sixty (60) days** from the date of filing of an application and **one (1)** such notice shall be published no later than **seventy-five (75) days** from the date of filing of an application. Such notices shall consist of the following:
    - (a) The name and address of the person, partnership or corporation requesting site location approval;
    - (b) The owner of the site, and in case ownership is in a land trust, the names of the beneficiaries of said trust;
    - (c) The legal description of the site;
    - (d) The street address of the property, and if there is no street address applicable to the property, a description of the site with reference to location, ownership or occupancy

- or in some other manner that will reasonably identify the property to residents of the neighborhood;
- (e) The nature and size of the proposed development;
  - (f) The nature of the activity proposed;
  - (g) The probable life of the proposed activity;
  - (h) The time and date of the public hearing;
  - (i) The location of the public hearing; and,
  - (j) A statement that all copies of evidence other than testimony to be submitted at the public hearing must be filed with the County Clerk at least **seven (7) days** before the public hearing.
- (2) Certified mail to all members of the General Assembly from the district in which the proposed site is located.
  - (3) Certified mail to the Illinois Environmental Protection Agency.
  - (4) Certified mail to all municipalities and townships within **one and one-half (1 ½) miles** of the proposed facility.
  - (5) Public hearing notice in a newspaper of general circulation published as a display and at least once during the week preceding the public hearing. Such notice shall consist of all items described in paragraph (1) above except for items (1)(c) and (1)(j).

**29-1-4 THE APPLICATION.**

(A) A minimum of **twelve (12)** complete copies of requests for site approval, including **twelve (12) copies** of all site plans, exhibits, and maps, shall be filed in the office of the Randolph County Clerk. In addition, the Applicant shall also submit **four (4) copies** of the entire application, including all exhibits, in electronic format on a CD-ROM using Microsoft Word and PDF files. Upon receipt of any such request for site approval, the County Clerk shall data stamp same and immediately deliver **three (3) copies** of the request for site approval to the Chairman of the County Board and **one (1) copy** of the request for site approval to the State's Attorney. The remaining copies shall be held in reserve to be disseminated at the direction of the County Board or hearing officer. The applicant shall also file **one (1)** additional copy of the request for site approval to each municipality within **one and one-half (1 ½) miles** of the proposed facility.

(B) A copy of the request for site approval shall be made available for public inspection in the office of the County Clerk and members of the public shall be allowed to obtain a copy of the request for site approval or any part thereof upon payment of the actual cost of reproduction. The County Clerk shall fulfill all copying requests within a reasonable time from the time of the request.

(C) Requests for site approval shall include a final version of the following:

- (1) A written statement on **8 ½" x 11"** paper which sets forth:
  - (a) the identification of the Applicant and owner, and if the site is owned in trust, the beneficiaries;
  - (b) the legal description of the site and a street address or some other reasonable description of where the site is to be located;
  - (c) a description of the facility, its operation and the expected longevity thereof;

- (d) the area to be served by the facility and a statement of the needs for such area for such a facility;
  - (e) a list of the existing regional pollution control facilities located within or serving or capable of serving the area to be served and, with respect to each such facility, the following information shall be provided: location, size, owner and/or operator, type of pollution control facility, remaining capacity, probable life of the proposed facility, and types of wastes received;
  - (f) the expected types, amounts and methods of treatment or storage of all wastes proposed for the site and the origins of these wastes;
  - (g) a description of the geologic and hydrogeologic character of the site including core samples, the monitoring plans, including the background analyses for ground water, surface water and air;
  - (h) reasons supporting approval of the applications;
  - (i) a prayer for site approval.
- (2) The request for a permit made to the Illinois Environmental Protection Agency, if any such request has been made.
- (3) A site plan showing details of the proposed facility including but not limited to:
- (a) cross sections;
  - (b) all existing wells within **five hundred (500) feet** of the site;
  - (c) all monitoring wells;
  - (d) fences, buildings and other structures;
  - (e) roads, entrances, and driveways; and,
  - (f) core sample locations on and within **two hundred (200) feet** of the site.
- (4) A detailed topographic survey of the subject site and the surrounding area within **five hundred (500) feet** which indicates land use and, if applicable, the boundary of the **one hundred (100) year** flood plain.
- (5) A statement of the plan of operation for the proposed facility, including but not limited to the following:
- (a) method of landfilling, incineration, resource recovery or other process;
  - (b) hours of operation;
  - (c) personnel;
  - (d) litter, vector, dust and odor control;
  - (e) surface drainage and erosion control;
  - (f) fire control;
  - (g) corrective actions for spills and other operational accidents;
  - (h) if applicable, the stages of development or use; and,
  - (i) an end use plan.



- (6) A statement or report of traffic information regarding the proposed site including the anticipated number of vehicles and their size, weight and direction of movement.
- (7) All physical evidence (except testimony) including but not limited to studies; maps; reports; permits or exhibits which the Applicant desires the County Board to consider at the public hearing.
- (8) Certificates of insurance verifying the insurance policies carried by the applicant to cover single accidents, such as fires, explosions, non-sudden accidental occurrences and pollution impairment.
- (9) If the site is a proposed hazardous waste facility, a copy of the Resource Conversation Recovery Act Contingency Plan.
- (10) A **Four Hundred Thousand Dollar (\$400,000)** application fee to cover fees, costs, and any and all necessary and incidental expenses incurred by the County in relation to said application including, but not limited to, the fees and costs for court reporters, transcription, consultants, attorneys, engineers, hearing officers, and others hired by the County in conducting the review of the request for site approval, the subsequent public hearing, and the site approval decision, provided however, that any portion of the application fee that remains unexpended after the County has paid all costs, fees, and/or expenses the result from the filing of said application shall be returned to the applicant. Any additional fees and costs incurred by the County above and beyond the filing fee shall be paid by the Applicant and the same shall be due and payable upon receipt of notice thereof.
- (11) The County may also draw from the **Four Hundred Thousand Dollar (\$400,000)** application fee to cover the costs, fees and/or expenses of any administrative and/or civil appeals or other legal proceedings that follows from or is related to the SB172 hearing or site approval decision. Moreover, any additional costs, fees and/or expenses incurred by the County as a result of such appeal or legal proceedings that are above and beyond the funds submitted as the filing fee shall be paid by the Applicant and the same shall be due and payable upon receipt of notice thereof.

(D) The Applicant must also include a history of its operation experience that it files with the County Clerk. The history must be thorough and accurate as of the date of filing.

- (1) If the Applicant is a corporation, the Applicant shall submit copies of the Articles of Incorporation as an exhibit to the pre-filing petition. If the applicant is a corporation more than **fifty percent (50%)** owned by another corporation, these requirements shall be applicable to said corporation.
- (2) As an exhibit to the pre-filing petition the Applicant shall submit audited financial statements for the **five (5) preceding years**. If the Applicant is a new corporation it shall provide statements for the years that are available.

- (3) If the Applicant is a publicly held company it shall submit copies of all documents filed by it with any state or federal securities regulatory agencies during the preceding **ten (10) years**.
- (4) The Applicant shall provide a list of all lawsuits, court proceedings, or administrative proceedings in which any person or entity identified as the applicant or operator has been a party during the **ten (10) years** preceding the filing of this pre-filing petition. With respect to each such listing the court or agency with jurisdiction over the matter shall be identified, the number of such case shall be listed, and a brief summary of the nature of each and the decision rendered therein shall be provided.
- (5) The Applicant shall also attach a statement detailing the prior and current experiences of the Applicant, its officers, management or supervisory personnel who have been engaged in the activity for which the Applicant intends to be engaged if the Siting Application is approved. Said statement shall contain the following:
  - (a) name of other facilities;
  - (b) location of other facilities;
  - (c) operational capacity of other facilities;
  - (d) type of waste handled or disposed of at other facilities;
  - (e) record of actions by any regulatory agency or government regulating entity; and,
  - (f) comparison of design and proposed operating procedures of the proposed pollution control facility to Applicant's existing pollution control facilities.
- (6) If the Applicant has previously closed any facility defined as a hazardous waste disposal site or a pollution control facility, or a landfill or dump, either voluntarily or involuntarily, the Applicant shall provide the following information:
- (7) The location of the facility that was closed:
  - (a) the date that the closing process started and ended;
  - (b) the details of the plan for closing such facility. If the Applicant had not previously prepared a detailed plan for closing then this should be stated in the statement.
  - (c) if the closing of any facility has begun or has been completed the Applicant shall:
    - (i) indicate whether the stated plan has been followed and describe any deviations from the plan;
    - (ii) describe any problems that have been encountered;
    - (iii) describe how the problems were handled;
    - (iv) describe the arrangements for post-closure care.
- (8) If the closing has begun or has been completed without a plan the Applicant must describe:
  - (a) what procedures have been used to date in the closing process;
  - (b) any problems that have been encountered;
  - (c) how problems have been handled; and,
  - (d) any plans for post-closure care.

(9) The terms of this paragraph apply to facilities that were closed when the Applicant was the owner or operator of a facility, and also to facilities that were owned or operated by a corporation or partnership of which the Applicant was owner of more than **ten percent (10%)** of the ownership interest of said corporation or partnership.

(E) The pages of the application and all exhibits submitted to the County Clerk shall be consecutively numbered.

(F) Within **twenty-one (21) days** after delivery of an application, the County Clerk shall advise the applicant either:

- (1) That the application is complete and that it has been accepted for filing, designating the date of filing; or,
- (2) That the application is not complete, specifying wherein it is deficient.

(G) The acceptance of the application by the County Clerk is a pro forma acceptance. The Applicant is solely responsible for providing sufficient technical information to meet its burden of proving the criteria cited in **415 ILCS Sec. 5/39.2** of the Act, as may be amended from time to time.

(H) In order to give members of the public an opportunity to make informed written comment pursuant to Section 39.1(c) of the Act and to give members of the public and departments of the County an opportunity to prepare adequately and fairly for the public hearing hereinafter described, the applicant must fully comply with all application requirements as set forth in this Chapter. Failure to comply with these requirements will render such required information inadmissible at said public hearing.

(I) No request for site approval may be amended to add additional data or reports once the request for site approval has been filed with the County Clerk. However, the Applicant may withdraw its request for site approval at least **fourteen (14) days** before the first scheduled hearing. Upon withdrawal of a request for site approval any unexpended portion of the application fee shall be returned to the applicant. The refileing of a request for site approval puts into operation all the requirements set forth in this Chapter as pertains to any new request for site approval.

**29-1-5      COUNTY REVIEW.**

(A) Upon receipt of a copy of a request for site approval, the County Clerk shall notify the following county departments of such receipt:

- (1) Monroe Randolph Bi-County Health Department;
- (2) Randolph County Planning Commission;
- (3) Randolph County Zoning Administrator;
- (4) Solid Waste Committee;
- (5) Randolph County Highway Department;
- (6) Randolph County Road District No. 1;
- (7) Randolph County Road District No. 2;
- (8) Randolph County Road District No. 3;
- (9) Randolph County Road District No. 4; and,
- (10) Randolph County State's Attorney's Office.

(B) The Planning Commission shall be the department responsible for coordinating review of the request for site approval by the aforementioned departments and is

authorized to call inter-departmental meetings and set deadlines for the submittal of reports and recommendations.

(C) The aforementioned departments may attend the public hearings and may ask such questions as needed to assist in reaching their recommendations.

(D) The aforementioned departments are authorized to prepare and submit reports and recommendations in response to the request for site approval. Preliminary reports prepared by county departments and retained consultants summarizing and analyzing the request for site approval, reports, studies, exhibits and any written comments filed with the County Clerk, concerning the appropriateness of the proposed site, shall be filed with the County Clerk no later than **seven (7) days** in advance of the date set for hearing. In the event that the **seventh (7<sup>th</sup>) day** prior to the date set for public hearing falls on a Saturday, Sunday or holiday, the next working date shall be considered the day that reports shall be filed. Copies of departmental reports shall be available for public inspection in the office of the County Clerk. Members of the public shall be allowed to obtain copies of the reports upon payment of the actual cost of reproduction.

(E) The county departments and consultants retained by the County are authorized to present testimony at the public hearing as hereinafter described.

(F) The County Clerk shall file a certified copy of the Facilitator's report with the Pollution Control Facility Committee at the inception of the proceedings and they shall be received into evidence and given the same weight as any other evidence received by the Pollution Control Facility Committee.

**29-1-6      OTHER PARTIES.**

(A) All reports, studies, exhibits or other evidence or copies thereof, other than testimony, which any other person desires to submit for the record at the public hearing must be filed with the County Clerk at least **ten (10) days** before the public hearing and shall be available for public inspection in the office of the County Clerk. In the event that the **tenth (10<sup>th</sup>) day** prior to the date set for public hearing falls on a Saturday, Sunday or holiday, the next working day shall be considered the day that reports, studies, and exhibits must be filed.

(B) The County Clerk shall date-stamp any such reports, studies, exhibits or other evidence upon receipt and shall cause to have published no later than **thirty (30) days** after the date of filing of the application a black border notice stating that such evidence and the application are available in the County Clerk's office for public inspection. In the case of documentary evidence, members of the public shall be allowed to obtain copies of said documents upon payment of the actual cost of reproduction.

**29-1-7      PUBLIC HEARING.**

(A) No less than **ninety (90) days** but not more than **one hundred twenty (120) days** from the date of filing of the request for site approval with the County Clerk, a public hearing shall be convened by the Pollution Control Facility Committee.

(B) Within **ten (10) working days** of the date upon which an application for site approval is deemed filed of record with the County Clerk's office, the Chairperson of the County Board shall nominate **five (5) members** from the pool of eligible candidates to serve on the Pollution Control Facility Committee. All nominees must be approved by a majority vote of the County Board. **Two (2) members** shall constitute a quorum for the purpose of holding such a public hearing.

(C) Within **ten (10) working days** of the date a request for site approval is deemed filed of record with the County Clerk, the Chairman of the County Board shall determine the date, time and location upon which such public hearing shall be held, but in any event the initial public hearing must be scheduled no sooner than **ninety (90) days** but no later than **one hundred twenty (120) days** from the date the request for site approval was filed with the County Clerk.

(D) The Applicant shall have the burden of going forward with evidence of the suitability of the site location for the proposed use.

(E) Any person appearing at such public hearing shall have the right to give testimony and comment on the suitability of the site location for the proposed use. Any person shall have the right to be represented by an attorney at said public hearing. Such attorneys shall have the right of reasonable cross examination. Opportunity for any persons appearing at such public hearing to cross question any witness may be limited by the hearing officer.

(F) Conduct of the public hearing shall be substantially as follows:

- (1) Call to order.
- (2) Introduction of the Pollution Control Facility Committee and hearing officer.
- (3) Recognition of the applicant and identification of the request for site approval.
- (4) Recognition of fees, notices, and date of filing of the request for site approval.
- (5) Recognition of the County and other parties wishing to testify and other reports, exhibits, maps, or documents of record as filed pursuant to this Chapter. All parties, including members of the public, intending to testify or cross examine must sign in or submit written notification of said intent to the Pollution Control Facility Committee (c/o the Randolph County Clerk) on or before the **first (1<sup>st</sup>) day** of the public hearing. Should the public hearing extend beyond **one (1) day**, additional parties or members of the public not of record as to the **first (1<sup>st</sup>) day** of the public hearing will not be allowed to present testimony or cross examine.
- (6) The applicant, the County, and other parties may make an opening statement.
- (7) The Committee shall then hear testimony from the applicant and/or any witnesses that the Applicant may wish to call. Upon the close of the applicant's testimony, other parties may offer expert witnesses and evidence they may wish to present. These other parties may or may not be represented by counsel. Upon the close of the applicant's and other parties' testimony and evidence, the County may present any witnesses and evidence it wishes to present. Members of the public, of record, as set forth in **Section 29-1-5(I)(5)** above, may then present oral comment to the Pollution Control Facility Committee. The hearing officer shall decide the order of presentation of testimony subject to this Chapter.
- (8) All witnesses shall testify under oath. Testimony may include the use of exhibits. All witnesses shall be subject to reasonable questioning as follows: direct, cross-questioning, redirect, recross,

etc. After all parties have presented testimony, reasonable rebuttal, sur-rebuttal, etc., may be allowed at the discretion of the hearing officer.

- (9) Should any issues, facts, data, or other evidence arise during the course of the public hearing, which were not apparent or reasonably foreseeable by a County Clerk, such situation may constitute grounds for a recess in the public hearing for a period not to exceed **five (5) working days**.
- (10) Summary statements by applicant, other parties and the County, subject to limitations as imposed by the hearing officer.
- (11) Rebuttal statement, if any, by the applicant, subject to limitations as imposed by the hearing officer.
- (12) Hearing closed.

**29-1-8      PUBLIC COMMENT.**

(A) The County Clerk (on behalf of the County Board) shall receive written comment from any person concerning the appropriateness of the proposed site. Upon receipt of any such written comment the County Clerk shall date stamp same and shall file written comment and the postmarked envelope in which comment is received.

(B) Copies of such written comments shall be made available for public inspection in the offices of the County Clerk, and members of the public shall be allowed to obtain a copy of any written comment upon payment of actual cost of reproduction.

(C) Any written comment received by the County Clerk or postmarked not later than **thirty (30) days** after the date of the last public hearing shall be made part of the record at the public hearing as hereinafter described and the County Board shall consider any such timely written comments in making its final determination concerning said request. In the event that the **thirtieth (30<sup>th</sup>) day** falls on a Sunday or a federal holiday, the next day on which mail is delivered shall be considered the **thirtieth (30<sup>th</sup>) day** for purposes of this paragraph.

**29-1-9      RECORD.**

(A) The County Clerk shall be responsible for keeping the record of said hearing.

(B) The record shall consist of the following:

- (1) The request for site location approval as described in **Section 29-1-2(C)** hereof.
- (2) Proof of notice as described in **Section 29-1-5(E)** hereof.
- (3) Proof of notice given by applicant pursuant to Section 39.2(b) of the Act.
- (4) Written comment filed by the public and received by the County Clerk or postmarked within **thirty (30) days** of the close of the hearing.
- (5) All reports, studies, exhibits or documents received into evidence at the public hearing.
- (6) The transcript of the public hearing.
- (7) Findings of fact and recommendations of the Pollution Control Facility Committee.

- (8) The Resolution containing the final decision of the County Board.
- (C) The County Clerk shall be responsible for certifying all copies of the record of the public hearing.
- (D) The County Clerk shall direct the Webmaster referred to in **Section 29-1-2(L)** of this Chapter to publish the entire record of these proceedings on the website used by the Facilitator. The website shall continue to be free for public access. The County Clerk shall submit documents to the Webmaster so that website shall be updated weekly from the time that the application for siting approval is filed until the County Board renders a decision. After that it will be updated at least once per month until all administrative and civil appeals have ended. Updates shall include all documents that have been submitted or filed as part of the record.

**29-1-10 SITE APPROVAL DECISION.**

- (A) After the public hearing and any continuation thereof, the Pollution Control Facility Committee shall hold a public review meeting for purposes of establishing findings of fact and a recommendation concerning the site approval request. Any findings of fact and recommendation shall be supported by the record and shall be presented to the County Board Chairman, which shall in turn submit it to the full County Board at least within **one hundred seventy (170) days** from the County Clerk's receipt of the site approval request.
- (B) In making its recommendation on the request for site approval, the Pollution Control Facility Committee shall base its decision on the following criteria:
  - (1) The facility is necessary to accommodate the waste needs of the area it is intended to serve;
  - (2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
  - (3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
  - (4) The facility is located outside the boundary of the **one hundred (100) year** floodplain as determined by the Illinois Department of Transportation, or the site is flood-proofed to meet the standards and requirements of the Illinois Department of Transportation and is approved by that Department;
  - (5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
  - (6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
  - (7) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;
  - (8) If the facility is to be located in a county where the County Board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with that plan; and,

(9) If the facility will be located within a regulated recharge area, any applicable requirements specified by the Board for such areas have been met.

(C) The County Board shall consider the record from the public hearing and the findings of fact and recommendations of the Pollution Control Facility Committee and shall make a determination concerning a site approval request within **one hundred eighty (180) days** from the County Clerk's receipt of the Siting Application. The County Board may conditionally approve any Siting Application provided such conditions are not inconsistent with regulations promulgated by the Illinois Pollution Control Board. The record shall support any determination by the County Board.

(D) No determination by the County Board of a site approval request may be reconsidered.

**29-1-11      ADMINISTRATION OF FEES AND COSTS.**

(A) Upon termination of any proceedings under the hearing process, a final accounting and summary of all authorized expenditures and reimbursements shall be presented to the appropriate County Board committee.

(B) Any portion of an application fee not required for reimbursement to the County, County Government, or County Board for costs, fees or expenses incurred under the pre-filing review process, the hearing process, or for administrative or civil appeals shall be returned to the Applicant. The Applicant shall pay any and all costs, fees and/or expenses in excess of the application fee within **ten (10) days'** notice from the County that the same is due. This Chapter expressly reserves all right of review and approval for said additional expenses, fees and cost to the County and the Applicant is expressly prohibited from contesting any claim by the County for additional expenses, fees and cost that the County has reviewed and approved.

(C) In order to properly administer the application fee received with respect to the hearing process and procedure set forth herein, the County Board is hereby authorized and directed to receive and hold such application fees for administration.

**(Ord. No. 02-02; 09-13-02)**



**PUBLIC SAFETY**

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## CHAPTER 30

## PUBLIC SAFETY

ARTICLE I – EMERGENCY MANAGEMENT AGENCY  
(EMA)**30-1-1**      **ESTABLISHMENT; PURPOSE; MEMBERSHIP; STATUTORY AUTHORITY.**

(A) There is hereby created within the County governmental organization an entity to be known as the Emergency Management Agency, hereinafter referred to as the EMA. This entity shall be responsible for the coordination of all emergency management programs within its jurisdiction and with private organizations, other political subdivisions, the State and federal government in accordance with the provisions of the Illinois Emergency Management Agency Act (**See 20 ILCS 3305/1 et seq.**), hereinafter "the Act".

(B) The purpose of the EMA shall be the coordination of emergency services functions which may be necessary for or proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes.

(C) The EMA shall consist of the Coordinator and such additional members as may be selected by the Coordinator and approved by the County Board.

(D) All emergency services functions of the EMA shall at all times be in accordance with the provisions of the Act and all rules and regulations promulgated thereunder.

**30-1-2**      **LIMITATIONS.**

(A) Nothing in this Code shall be construed to interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to mitigate imminent or existing danger to public health or safety.

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster.

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but State and political subdivision emergency operations plans shall place reliance upon the forces available for performance of functions related to emergency management.

(D) Limit, modify, or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in him under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Act; limit any home rule unit; or prohibit any contract or association pursuant to Article VII, Section 10 of the Illinois Constitution.

**30-1-3**      **DEFINITIONS.**

**"Emergency Management"** means the efforts of the State and the political subdivisions to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation, preparedness, response and recovery.

**"Emergency Management Agency"** means the agency established by ordinance within a political subdivision to coordinate the emergency management program within the political subdivision and with private organizations, other political subdivisions, the State and federal governments.

**"Emergency Operations Plan"** means the written plan of the State and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters.

**"Emergency Services"** means the coordination of such functions by the State and its political subdivision, other than functions for which military forces are primarily responsible, as may be necessary for proper to prevent, minimize, repair and alleviate injury and damage resulting from any natural or technological causes. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken or threatened areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

**"Disaster"** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action.

**"Mobile Support Team"** means the utilization of personnel to be dispatched by the Governor, or, if he so authorized the Director, by the Director, to supplement local political subdivisions for emergency management programs in response to a disaster.

**"Coordinator"** means the staff assistant to the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs of that political subdivision.

**"Political Subdivision"** means any county, city, village, incorporated town or township is in a county having a population of more than **two million (2,000,000)**.

**"Principal Executive Officer"** means chairman of the county board, supervisor of a township if the township is in a county having a population of more than **two million (2,000,000)**, mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established pursuant to Section 7 of the Emergency Interim Executive Succession Act.

**"Disaster Training Exercise"** means a planned event designed specifically to simulate an actual disaster which will provide emergency operations training for emergency response personnel. Actual response by EMA volunteers to local emergency situations not qualifying as disasters, as defined in this Section, is considered a disaster training exercise. Provided, however, that performance of the usual and customary emergency functions of a political subdivision (e.g., police, fire or emergency medical services) is not included within this definition of a disaster training exercise.

**"Illinois Emergency Management Agency" OR "IEMA"** means the agency established by this Act within the executive branch of State Government responsible for coordination of the overall emergency management program of the State and with private organizations, political subdivisions and the federal government.

**"Municipality"** means any city, village or incorporated town.

**30-1-4      FUNCTIONS STATUTORY RESPONSIBILITIES.**

(A) Each county shall maintain an EMA which has jurisdiction over and serves the entire county, except as otherwise provided in this Act.

(B) The County EMA shall not have jurisdiction within a political subdivision that has its own emergency management agency, but shall cooperate with the emergency management of a city, village or incorporated town within their borders.

(C) The County EMA shall work with the liaison appointed by each municipality within its jurisdiction which is not required to and does not have an emergency management agency in order to facilitate the cooperation and protection of that municipality with the County EMA in which it is located in the work of disaster mitigation, preparedness, response and recovery.

(D) The Principal Executive Officer of the County shall notify the Illinois Emergency Management Agency of the manner in which the political subdivision is providing or securing emergency management, identify the executive head of the EMA and furnish additional information relating thereto as the Illinois Emergency Management Agency requires.

(E) The EMA shall prepare and keep current as emergency operations plan for its geographic boundaries. It shall be submitted to the IEMA for review and approval, in accordance with P.A. 87-168.

(F) The EMA shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.

(G) The EMA shall coordinate emergency management functions within the territorial limits of the subdivision within which it is organized as are prescribed in and by the State Emergency Operations Plan, and programs, orders, rules and regulations as may be promulgated by the Illinois Emergency Management Agency and in addition, shall conduct such functions outside of those territorial limits as may be required pursuant to such mutual aid agreements and compacts as are entered into under subparagraph (5) of paragraph (C) of Section 6 of the Illinois Emergency Management Agency Act. (P.A. 87-168, eff. January 1, 1992).

(H) The County upon advise from the EMA may enter into contracts and incur obligations necessary to place it in a position effectively to combat such disasters in order to protect the health and safety of persons and to protect property, and to provide emergency assistance to victims of those disasters. If such a disaster occurs, the County may exercise the powers vested under this Section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure and disposition of public funds and property.

(I) The EMA personnel who, while engaged in a disaster or disaster training exercise, suffer disease, injury or death, shall, for the purpose of benefits under the Workers' Compensation Act or Workers' Occupational Disease Act only, be deemed to be employees of the State, if:

- (1) the claimant is duly qualified and enrolled (sworn in) as a volunteer for the Illinois Emergency Management Agency or an emergency management agency accredited by the Illinois Emergency Management Agency, and;
- (2) if the claimant was participating in an actual disaster as defined in paragraph (E) of Section 4 of the Act or the exercise participated

in was specifically and expressly approved by the Illinois Emergency Management Agency.

Illinois Emergency Management Agency shall use the same criteria for approving an exercise and utilizing State volunteers as required for any political subdivision. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable State employees doing the same type work or income from the person's regular employment, whichever is greater.

(J) Prior to conducting a disaster training exercise, the Principal Executive Officer of the County or his designee shall provide area media with written notification of the disaster training exercise. Such notification shall indicate that information relating to the disaster training exercise shall not be released to the public until commencement of the exercise. The notification shall also contain a request that the notice be so posted to ensure that all relevant media personnel are advised of the disaster training exercise, all messages, two-way radio communications, briefings, status reports, news released, and other oral or written communications shall begin and end with the following statement; "This is an exercise message".

**30-1-5            EMA COORDINATOR; OFFICE.**

(A) The EMA shall have a Coordinator who shall be appointed by the Principal Executive Officer of the County in the same manner as are the heads of regular governmental departments.

(B) The EMA Coordinator shall have direct responsibility for the organization, administration, training and operation of the EMA, subject to the direction and control of that Principal Executive Officer.

(C) The EMA shall have an office and the County is authorized to designate space in a County building, or elsewhere, as may be provided for the EMA.

**30-1-6            COMPENSATION; STATE REIMBURSEMENT.**

(A) EMA members who are paid employees or officers of the County, if called for training by the State Director, shall receive for the time spent in such training the same rate of pay as is attached to the position held; member who are not such County employees or officers shall receive for such training such compensation as may be established by the County Board.

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

**30-1-7            LOCAL DISASTER DECLARATIONS.**

(A) A local disaster may be declared only by the Principal Executive Officer of the County, or his interim emergency successor, as provided in Section 7 of the Emergency Interim Executive Succession Act (**5 ILCS 275/1 et seq.**). It shall not be continued or renewed for a period in excess of **seven (7) days** except by or with the consent of the governing board of the County. Any order or proclamation declaring, continuing, or terminating

a local disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk.

(B) The effect of a declaration of a local disaster is to activate the emergency operations plan of the County and to authorize the furnishing of aid and assistance thereunder.

**30-1-8      TESTING OF DISASTER WARNING DEVICES.**

(A) The EMA shall be allowed to test disaster warning devices including outdoor warning sirens on the **first (1<sup>st</sup>) Tuesday of each month at 10 o'clock** in the morning.

(B) The EMA may also test disaster warning devices including outdoor warning sirens during disaster training exercises that are specifically and expressly approved in advance by the Illinois Emergency Management Agency.

**30-1-9      MUTUAL AID BETWEEN POLITICAL SUBDIVISIONS.**

(A) The EMA Coordinator may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions within this State for reciprocal disaster response and recovery assistance in case a disaster is too great to be dealt with unassisted. Such mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions. Such arrangements shall be consistent with the State Emergency Operations Plan and State emergency management program, and in the event of such a disaster as described in Section 4 of the Illinois Emergency Management Agency Act, it shall be the duty of the EMA to render assistance in accordance with the provisions of such mutual aid arrangements.

(B) The EMA Coordinator may, subject to the approval of the Director of the Illinois Emergency Management Agency, assist in the negotiation of mutual aid agreements between this and other states.

**30-1-10     IMMUNITY.**

(A) Neither the State, any political subdivision of the State, nor, except in cases of negligence or willful misconduct, the Governor, the Director, the Principal Executive Officer of a political subdivision, or the agents, employees, or representatives of any of them, engaged in any emergency management response or recovery activities of any of them, while complying with or attempting to comply with the Act or any rule or regulations promulgated pursuant to the Act is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, apply to political subdivisions and principal executive officers required to maintain emergency management agencies that are not in compliance with Section 10 of the Act, notwithstanding provisions of any other laws. This Section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this Act under the Workers' Compensation Act or the Workers' Occupational Disease Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

**30-1-11     AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.**

(A) Whenever the federal government or any agency or officer thereof or whenever any person, firm or corporation shall offer to the County, services, equipment,

supplies, materials, or funds by way of gift or grant, for purposes of emergency managements, the County, acting through the Principal Executive Officer, may accept such offer and upon such acceptance, may authorize an officer of the County to receive such services, equipment, supplies, materials or funds on behalf of the County.

(B) The County, acting through the Principal Executive Officer, shall have the authority to establish a special fund if needed to accept such gifts, grants or loans. The establishment of such a special fund shall be in accordance with all County ordinances relating to this subject matter and the laws of the State of Illinois. All services, gifts, grants or loans accepted pursuant to the Section shall be subject to County auditing procedures.

**30-1-12 ORDERS, RULES AND REGULATIONS.**

(A) The County Board shall have the authority to promulgate orders, rules and regulations upon the advise of the EMA Coordinator for the purpose of emergency management and in times of disaster.

(B) The EMA shall execute and enforce such orders, rules and regulations as may be made by the Governor under the authority of the Illinois Emergency Management Agency Act (P.A. 87-168). The EMA shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under the Governor's authority and which have been provided by the Illinois Emergency Management Agency.

**30-1-13 UTILIZATION OF EXISTING AGENCY, FACILITIES, AND PERSONNEL.** The EMA acting through its Principal Executive officer may utilize the services, equipment, supplies and facilities of existing departments, offices and agencies within its jurisdiction, to maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities as needed.

**30-1-14 OATH.** Every person appointed to serve in any capacity in the County EMA organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the EMA Coordinator:

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

**30-1-15      NO PRIVATE LIABILITY.**

(A)            Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a disaster training exercise together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B)            Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of the County under the provisions of the Act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C)            Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the County under the Act during an actual or impending disaster, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

**30-1-16      PROHIBITION OF POLITICAL ACTIVITY.** The EMA established by this Code shall not be employed directly or indirectly by any person for political purposes.

**(Ord. No. 06-12; 08-25-06)**



**APPENDIX "A"**

**ILLINOIS EMERGENCY MANAGEMENT  
MUTUAL AID SYSTEM  
AGREEMENT**

An Ordinance approving this Agreement made and entered into the date set forth next to the signature of the respective parties, by and between the units of local government subscribed hereto (hereafter "Unit(s)") that have approved this Agreement and adopted same in manner as provided by law and are hereafter listed at the end of this Agreement.

**WHEREAS**, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and,

**WHEREAS**, the "Intergovernmental Cooperation Act", 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government; and,

**WHEREAS**, Section 5 of the Intergovernmental Cooperation Act, 5 ILCS 220/5, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and,

**WHEREAS**, the parties hereto have determined that it is in their best interests to enter into this Agreement to secure to each the benefits of mutual aid in emergency management and the protection of life and property from an emergency or disaster; and,

**WHEREAS**, the parties hereto have determine that it is in their best interests to form an association to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster.

**NOW, THEREFORE**, in consideration of the foregoing recitals, the Unit's membership in the Illinois Emergency Management Mutual Aid System (IEMMAS) and the covenants contained herein, **THE PARTIES HERETO AGREE AS FOLLOWS:**

**SECTION ONE - Purpose**

It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual Member Unit's personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit's personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect

the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Illinois Emergency Management Mutual Aid System is desirable for the effective and efficient provision of mutual aid.

## SECTION TWO - Definitions

For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

A. "Illinois Emergency Management Mutual Aid System" (hereinafter referred to as "IEMMAS"). A definite and prearranged plan whereby response and assistance is provided to an Affected/Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the IEMMAS Member Units and amended from time to time.

B. "Member Unit". A unit of local government including but not limited to a city or county having an Emergency Management Program accredited/certified by the State of Illinois, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the IEMMAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of IEMMAS.

C. "Affected/Stricken Unit". A Member Unit which requests aid through the Illinois Emergency Management Agency in the event of an emergency.

D. "Aiding Unit". A Member Unit furnishing equipment, personnel, and/or services to an Affected/Stricken Unit.

E. "Emergency/Disaster". An occurrence or condition in a Member Unit's territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the Affected/Stricken Unit and such that a Member Unit determines the necessity and advisability of requesting aid.

F. "IEMA Regions". The geographically associated Member Units or unit of which have been grouped for operational efficiency and representation of those Member Units.

G. "Training". The regular scheduled practice of emergency procedures during non-emergency drills/exercise to implement the necessary joint operations of IEMMAS.

H. "Executive Board". The governing body of IEMMAS comprised of the IEMMAS Team Leaders and Assistant Team Leaders, of whom are members of the Illinois Emergency Services Management Association.

location of the emergency/disaster and the type and amount of equipment and personnel and/or services requested from the IEMMAS.

C. The Emergency Manager/Coordinator, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:

1. Establish the incident command system at the site of the emergency.
2. Determine what equipment, personnel and/or services is requested according to the system maintained by IEMMAS;
3. Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Affected/ Stricken Unit;
4. Dispatch immediately the requested equipment, personnel and/or services, to the extent available, to the location of the emergency reported by the Affected/Stricken Unit in accordance with the procedures of IEMMAS;
5. Notify the Affected/Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.

#### **SECTION FOUR - Incident Management System**

The National Incident Management System shall be the standard under which this Agreement shall function. The purpose of the incident management system shall be to provide structure and coordination to the management of emergency incident operations in order to provide for the safety and health of emergency service organization personnel and other persons involved in those activities. Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the Aiding Unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the State Incident Commander at the Forward Command Post. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Emergency Manager/Coordinator or his designee; provided, however, that the party withdrawing such aid shall notify the State Incident Commander at the Forward Command Post of the withdrawal of such aid and the extent of such withdrawal.

#### **SECTION FIVE - Compensation for Aid**

Equipment, personnel, and/or services provided pursuant to this Agreement shall be at no charge to the party requesting aid; however, any expenses recoverable from third parties shall be equitably distributed among responding parties. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statutes.

#### **SECTION SIX - Insurance**

Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including: personal injury, property damage. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The State of Illinois shall provide workman compensation and comprehensive liability insurance. Upon request, Member Units shall provide such evidence as herein provided to the IEMMAS members.

**SECTION SEVEN – Indemnification**

Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a party hereto or its personnel.

Each party requesting or providing aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this Agreement. Provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

**SECTION EIGHT - Non-Liability for Failure to Render Aid**

The rendering of assistance under the terms of this Agreement shall not be mandatory if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Affected/Stricken Unit of the Aiding Unit's inability to respond; however, failure to immediately notify the Affected/ Stricken Unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this Section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

**SECTION NINE - Term**

This Agreement shall be in effect for a term of one year from the date of signature hereof and shall automatically renew for successive one year terms unless terminated in accordance with this Section.

Any party hereto may terminate its participation in this Agreement at any time, provided that the party wishing to terminate its participation in this Agreement shall give written notice to the IEMMAS specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

**SECTION TEN - Effectiveness**

This Agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

**SECTION ELEVEN - Binding Effect**

This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto; and this Agreement shall not be assigned by IEMMAS without prior written consent of the parties hereto.

**SECTION TWELVE - Validity**

The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable and this Agreement may be enforced with that provision severed or modified by court order.

**SECTION THIRTEEN - Notices**

All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the IEMMAS mailing lists or, to other such addresses as shall be agreed upon.

**SECTION FOURTEEN - Governing Law**

This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois.

**SECTION FIFTEEN - Execution in Counterparts**

This Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

**SECTION SIXTEEN - Executive Board of IEMMAS**

The Executive Board of IESMA is hereby identified as the authority to consider, adopt and amend from time to time, as needed, rules, procedures, by-laws and any other matters deemed necessary. The Executive Board shall consist of 3 members appointed from within each IEMMAS who shall serve as the voting representative of said region on IEMMAS matters, and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective region and shall have all rights and privileges attendant to a representative of that region. The IESMA Executive Board as provided for in the by laws shall coordinate the activities of the IEMMAS.

**SECTION SEVENTEEN - Duties of the Executive Board**

The Executive Board shall meet regularly to conduct business and to consider and publish the rules and procedures of the IEMMAS.

**SECTION EIGHTEEN - Rules and Procedures**

Rules and procedures of the IEMMAS shall be established by the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the IEMMAS.

**SECTION NINETEEN - Amendments**

This Agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules and procedures of the IEMMAS as established by the Executive Board to this Agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to, and approves this Mutual Aid System Agreement to which this signature page will be attached, and agrees to be a party thereto and be bound by the terms thereof.

**(Ord. No. 07-19; 10-05-07)**

**SANITARY LANDFILL CODE**

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CHAPTER 32

SANITARY LANDFILL CODE

ARTICLE I – GENERALLY

**32-1-1**        **CODE ESTABLISHED.** This Chapter shall be known and cited as the Sanitary Landfill Code of Randolph County.

**32-1-2**        **PURPOSE AND AUTHORITY.**

(A)            The County adopts and avails the County of the provisions of "an act authorizing the County to regulate garbage disposal areas approved **September 26, 1980**, and all supplement amendments thereto, "enacted by the People of the State of Illinois represented in the General Assembly of the State of Illinois". **(See 415 ILCS)**

(B)            The County adopts and avails the County of the provisions of "An act to prohibit open garbage dumps", approved **June 29, 1970** and all supplemental amendments thereto, "enacted by the People of the State of Illinois, represented in the General Assembly of the State of Illinois. Except as hereinafter stated, and unless a different meaning of a word or term is clear from its context, the definitions of words or terms as are used in this Code shall be the same as those used in the Environmental Protection Act.

**32-1-3**        **DEFINITIONS.** The following terms or words shall have the meanings ascribed to them as follows:

(A)            **"GARBAGE DISPOSAL AREA"** shall mean any site, including a sanitary landfill or land reclamation area used for the disposal of solid or semi-solid refuse from more than one premise, or from a commercial or industrial operation, not suitable for discharge into water carriage waste disposal systems. It means any area within a county but outside any city, village, or incorporated town in such county to which garbage is hauled for disposal. The term does not include the area on any person's land used for disposal of garbage from such person's own household.

(B)            **"SANITARY LANDFILL"** shall mean a method of disposing of refuse on land without creating nuisances or hazards to the public health or safety by confining refuse to the smallest practical volume by employing power equipment, and covering with a layer of compacted earth or suitable cover material at the conclusion of each day's operation, or at such intervals on a more frequent basis as may be necessary.

(C)            **"LAND RECLAMATION AREA"** shall mean all land or parcels of land on which refuse or nonputrescible refuse or solid waste is accepted for deposit or permitted to be deposited regardless of whether a charge is made therefore.

(D)            **"COMBUSTIBLE WASTE"** shall mean all waste substances capable of incineration or burning, but excluding explosive or highly inflammable material.

(E)            **"NON-COMBUSTIBLE WASTE"** shall mean all other waste substance not capable of incineration or burning such as earth fill, glass, metal, earthenware and the like.

(F)            **"REFUSE"** shall mean all waste substances, including animal and vegetable, as well as combustible and non-combustible waste and all putrescible matter.

(G)            **"PERSON"** shall mean any person, firm, club, corporation, association, partnership, company, organization or political subdivision.



(H) **"A DISPOSAL AREA"** shall mean any area within the County to which refuse is to be hauled for disposal. The term does not include the area on any person's land used for the disposal of refuse from such person's household, provided that the items of waste are covered hereinafter in **Article IV** of this Chapter.

(I) **"BEDROCK"** means the solid rock exposed at the surface of the earth or overlain by unconsolidated material.

(J) **"CELL"** means compacted refuse completely enclosed by cover material.

(K) **"COMPACTION"** means the reduction of volume of material under load.

(L) **"COVER MATERIAL"** means soil or other material that is used to cover compacted solid waste in a sanitary landfill and that is free to objects that would hinder compaction and free of content that would be conducive to vector harborage, feeding, or breeding.

(M) **"DEVELOPMENT"** means construction or installation of a facility.

(N) **"FACILITY"** means any device, mechanism, equipment or area used for storage, transfer, processing, incineration or deposit of solid waste.

(O) **"GROUNDWATER"** means water occurring in the zone of saturation in any aquifer or soil.

(P) **"HAZARDOUS WASTE"** means solid waste with inherent properties which make such waste difficult or dangerous to manage by normal means including but not limited to chemicals, explosives, pathological waste, radioactive materials and wastes likely to cause fire.

(Q) **"LEACHATE"** means liquid containing materials removed from solid waste.

(R) **"LIFT"** means an accumulation of refuse which is compacted into a cell and over which compacted cover is placed.

(S) **"MODIFICATION"** means any physical change, or change in the method of operation, of a solid waste management facility.

(T) **"OPERATOR"** means a person who own, leases, or manages a solid waste management facility.

(U) **"PERMEABILITY"** means the capability of a material to pass a fluid.

(V) **"PROFESSIONAL ENGINEER"** means an engineer registered to practice engineering in the State of Illinois.

(W) **"SALVAGING"** means the return of solid waste materials to beneficial use.

(X) **"SCAVENGING"** means the removal of materials from a solid waste management facility in a manner not in conformity with the regulations governing salvaging.

(Y) **"SITE"** means any location, place, or tract of land and facilities, used for solid waste management.

(Z) **"SOLID WASTE"** means refuse having **forty percent (40%)** or more solid contents.

(AA) **"SOLID WASTE DISPOSAL"** means disposition of solid waste by means acceptable under regulations adopted by the Board.

(BB) **"SOLID WASTE MANAGEMENT"** means the processes of storage, processes of storage, processing, or disposal of solid wastes, not including hauling or transport.

(CC) **"SURFACE WATER"** means all water the surface of which is exposed to the atmosphere.

(DD) **"VECTOR"** means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

(EE) **"WATER TABLE"** means that surface in unconfined water at which the pressure is atmospheric and is defined by the levels at which waste stands in wells that penetrate the water just far enough to hold standing water.

(FF) **"WORKING FACE"** means any part of a sanitary landfill where refuse is being disposed.

(GG) **"COMMERCIAL HAULER"** means any person collecting garbage for hire from more than **two (2) residences** or from any commercial or industrial establishment or public building.

(HH) **"LIQUID"** means a waste, or part of a waste, which yields any, fluid when subjected to the paint filter test described in **Section 729.320** of the Environmental Protection Act. (Source: added at 9 Ill. Reg. 718, effective January 3, 1985)

(II) **"ALL WEATHER ROAD"** means a road built of suitable material which allows for unrestricted and unaided vehicular movement in all forms of wet or dry weather.

(JJ) **"SLUDGE"** means, any material containing less than **forty percent (4%)** solids with no free flowing liquids present.

(KK) **"CONTAINERS"** means five gallon pails, forty/forty-five gallon fiberboard, steel and plastic drums, and fifty/fifty-five gallon steel drums.

**ARTICLE II - ADMINISTRATION**

**32-2-1**        **ENVIRONMENT COMMITTEE.** The enforcement of this Code is hereby vested in the Bi-County Health Department, hereinafter known as the "Committee".

The Committee shall enforce this Code and all amendments and regulations hereinafter adopted by the Randolph County Board. The Bi-County Health Department shall enforce the provisions of **Section 18-8-13** of the Health Code providing for the licensing of trash vehicles.

**32-2-2**        **APPROPRIATIONS.** The County Board shall appropriate funds to carry out the duties of the Committee, and the Board shall have the authority to extend, under regular County procedure all sums appropriated to it for the purposes and activities authorized herein.

**32-2-3**        **RULES AND PROCEDURES.** The Committee shall adopt such rules concerning the filing of appeals and applications for amendments, variances, giving of notice and conduct of hearings as shall be necessary to carry out their duties as defined herein. The Committee shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record the vote of all actions taken. All minutes and records shall be filed for a period not to exceed **two (2) consecutive years** in the office of the County Board and shall be of public records.

ARTICLE III - FEES

**32-3-1**      **LICENSE FEE.**

(A)      **Generally.** No person shall operate any landfill and/or sanitary landfill or solid waste disposal site, or land reclamation areas except such sites which are owned and operated by persons within or outside their corporate limits, and by industries disposing of non-combustible and non-putrescible waste on their own property, without first obtaining a license and paying **Five Hundred Dollars (\$500.00)** annually for each.

(B)      **Application.** No such license shall be issued, except on application and approval by the Committee.

(C)      **Fees and Fines.** All fees and fines are to be payable to the Randolph County Clerk's Office.

**32-3-2**      **FEES PER YARD.** A fee of **Fifteen Cents (\$0.15)** per cubic yard of non-hazardous solid waste is imposed upon any solid waste disposal facility located in Randolph County that permanently disposes of more than **150,000 cubic yards** of non-hazardous solid waste in a calendar year. **(Ord. No. 91-114; 1209-91)**

However, the total fee imposed shall not exceed:

(A)      \$8,350.00 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

(13)      \$4,200.00 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

(C)      \$1,200.00 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

(D)      \$150.00 if more than 10,000 cubic yards of non hazardous waste is permanently disposed of at the site in a calendar year. **(Ord. No. 92-116; 2-3-92)**

**32-3-3**      **EXPENDITURE OF FUNDS.** Fees collected pursuant to this Code shall be placed in a separate fund and any interest received shall be credited to the fund. All monies expended from the fund shall be in accordance with subsection (J) of Paragraph 1022.15 of Chapter 111 1/2 of the Environmental Protection Act. **(Ord. No. 91-114; 12-09-91)**

ARTICLE IV - REGISTRATION AND/OR PERMITS

**32-4-1**      **REGISTRATION AND/OR PERMITS.** All refusal disposal sites or facilities shall be registered with the Committee on forms provided by the department.

**32-4-2**      **NOTIFICATION OF CHANGE.** The Committee shall be notified in writing at least **thirty (30) days** prior to any proposed change in method of operation, deviation from the approved method of operation, relocation, closure or plan.

**ARTICLE V - INSPECTIONS AND FINES**

**32-5-1**     **INSPECTION BY COMMITTEE.** The Committee, or its authorized representative, is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code and regulations promulgated hereunder. It shall be the duty of the operator of a Sanitary Landfill and/or Landfill Solid Waste Disposal Site or Land Reclamation Project to give the Committee free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Code and the regulations promulgated hereunder.

**32-5-2**     **FINES.** Any person who fails to comply with the provisions of this Code or the regulations adopted pursuant thereto shall be deemed guilty of a violation of this Code and shall, upon conviction, be fined a sum not to exceed **Five Hundred Dollars (\$500.00)**. Each day that a violation continues to exist, after notice by the Committee, shall constitute a separate offense.

**ARTICLE VI - CONDITIONS**

**32-6-1**     **NOTICE AND COMMUNICATIONS.** All notices and communications to the County will be addressed separately to:

**RANDOLPH COUNTY COMMISSIONERS  
P. O. BOX 108  
CHESTER, IL 62233**

**32-6-2**     **SEVERABILITY.** If any item or provisions of this agreement is held invalid, unenforceable, voidable or void, said term or provisions shall not affect the other terms or provisions of this agreements which can be given effect without the invalid term or provision.

**ARTICLE VII - NEW POLLUTION CONTROL FACILITY**

**32-7-1**     **DEFINITIONS.** The following terms or words have the meanings ascribed to them as follows:

(A)     **"APPLICANT"** is any person, firm or partnership, association, corporation, company or organization of any kind who files a request for site approval pursuant to this Code.

(B)     A **"HAZARDOUS WASTE DISPOSAL SITE"** is a site at which hazardous waste is disposed. "Hazardous Waste" is waste as defined in the Illinois

Environmental Protection Act, (hereinafter referred to as the Act) as amended (**415 ILCS 5/1**).

(C) A **"REGIONAL POLLUTION CONTROL FACILITY"** is any waste storage site, sanitary landfill, waste disposal site, waste transfer station or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general purpose unit of government. For purposes of this Code, a local general purpose unit of government is Randolph County. A Regional Pollution Control Facility is also any facility defined as such in the Act.

(D) "THE REGIONAL POLLUTION CONTROL HEARING COMMITTEE" is the committee appointed by the County Board Chairman whose function is to attend the public hearings on requests for site approval, make factual findings, and make recommendations regarding the requests for site approval to the County Board.

(E) "IEPA" is the Illinois Environmental Protection Agency.

In addition, all other words used in this Code and defined in the Act shall have the same definitions and meanings as found in **415 ILCS 15/1 et. seq.**

**32-7-2 APPLICATION.**

(A) A minimum of **twelve (12) complete copies** of requests for site approval, including **twelve (12) copies** of all site plans, exhibits, and maps, shall be filed in the Office of the Randolph County Clerk. Upon receipt of any such request for site approval to the Chairman of the County Board, **one (1) copy** of the request for site approval to the Planning Commission, **one (1) copy** to the hearing officer, **one (1) copy** to the Office of the State's Attorney, and **one (1) additional copy** of the request for site approval to each municipality within **one and one-half (1 1/2) miles** of the proposed facility.

(B) A copy of the request for site approval shall be made available for public inspection in the Office of the County Clerk and members of the public shall be allowed to obtain a copy of the request for site approval or any part thereof upon payment of the actual cost of reproduction. All copying requests shall be fulfilled by the County Clerk within a reasonable time from the time of the request.

(C) Requests for site approval shall be of the form as provided by the Planning Commission and shall include the following:

- (1) A written petition of 8 1/2" x 11" paper which sets forth:
  - (a) the identification of the applicant and owner, and if the proposed site is owned in trust, the beneficiaries;
  - (b) the legal description of the proposed site and a street address or some other reasonable description of where the proposed site is located;
  - (c) a description of the proposed facility, its operation and the expected longevity thereof;
  - (d) a list of the existing Regional Pollution Control Facilities within the area proposed to be served and, with respect to each such facility, the following information shall be provided; location, size, owner and/or operator, type of pollution control facility, remaining capacity, probable life of the proposed facility, and types of wastes received;
  - (e) the expected types, amounts and methods of treatment or storage of all wastes proposed for the site and the origins of these wastes;

- (f) a description of the geologic and hydrogeologic character of the site including core samples, the monitoring plans, including any background analyses for ground water, surface water and air;
- (g) reasons supporting approval of the application;
- (2) The request for a permit made to the Illinois Environmental Protection Agency, if any such request has been made.
- (3) A site plan showing details of the proposed facility including but not limited to:
  - (a) cross sections;
  - (b) all existing wells within **500 feet** of the site;
  - (c) all monitoring wells;
  - (d) fences, buildings and other structures;
  - (e) roads, entrances, and driveways; and
  - (f) core sample locations on and within **200 feet** of the site.
- (4) A detailed topographic survey of the subject site and the surrounding area within **500 feet** which indicates land use and, if applicable, the boundary of the 100 year flood plain as determined by the Illinois Department of Transportation.
- (5) A statement of the plan of operation for the proposed facility, including but not limited to the following:
  - (a) method of landfilling, incineration, resource recovery or other process;
  - (b) hours of operation;
  - (c) personnel;
  - (d) litter, vector, dust and odor control;
  - (e) surface drainage and erosion control;
  - (f) fire control;
  - (g) corrective actions for spills and other operational accidents;
  - (h) if applicable, the stages of development or use;
  - (i) an end use plan.
- (6) A statement or report of traffic information regarding the proposed site including the anticipated number of vehicles and their size, weight and direction of movement.
- (7) All studies, maps, reports, permits or exhibits which the applicant desires the County Board to consider at the public hearing.
- (8) A description of the insurance policies carried by the applicant to cover single accidents, such as fires or explosions, and non-sudden accidental occurrences.
- (9) If the site is a proposed hazardous waste facility, a copy of the Resource Conservation Recovery Act Contingency Plan.
- (10) A **\$250,000 application fee** to cover notice costs, court reporter costs, transcription costs, county consultant costs, hearing officer costs, and other expenses incurred by the County of Randolph in conducting the review of the request for site approval, the subsequent public hearing, and the site approval decision, provided however, that any portion of the application fee that remains unexpended at the conclusion of the hearing process

shall be returned to the applicant. Should there be any additional costs incurred by the County over the amount paid by the applicant in the application fee, the applicant shall bear any and all additional costs.

(D) No application for site approval shall be deemed to have been filed or accepted for filing unless all of the requirements of this Code applicable thereto shall have been met and the County Clerk shall not give a receipt or other indication of filing until such time as it is determined that the application complies with the requirements of this Code. Within a reasonable period of time after delivery of an application, the County Clerk shall advise the applicant:

- (1) Either that the application is complete and that it has been accepted for filing, designating the date of filing; or
- (2) That the application is not complete, specifying wherein it is deficient.

(E) In order to give members of the public an opportunity to make informed written comment pursuant to Section 39.1 (c) of the Act (**415 ILCS 5/39.2(c)**) and to give members of the public and departments of the County an opportunity to prepare adequately and fairly for the public hearing hereinafter described, the applicant must fully comply with all application requirements as set forth in **Section 32-7-2, par. (C)**, hereof. Failure to comply with said application requirements shall render such required information inadmissible at said public hearing.

(F) No request for site approval may be amended to add additional data or reports once the request for site approval has been filed with the County Clerk. However, an applicant may withdraw his request for site approval at least **fourteen (14) days** before the first scheduled hearing and may file a new request for site approval. Upon withdrawal of a request for site approval, any unexpended portion of the application fee shall be returned to the applicant, the refiling of a request for site approval puts into operation all the requirements set forth in this Code as pertains to any new request for site approval.

**32-7-3 COUNTY REVIEW.**

(A) Upon receipt of a copy of a request for site approval, the Chairman of the Planning Commission shall notify the following County Departments of such receipt:

- (1) Health Department;
- (2) Highway Department;
- (3) State's Attorney's Office.

(B) The Planning Commission shall be the department responsible for coordinating review of the request for site approval by the aforementioned Departments and is authorized to call interdepartmental meetings and set deadlines for the submittal of reports and recommendations.

(C) The aforementioned departments may attend the public hearings and may ask such questions as needed to assist in reaching their recommendations.

(D) The aforementioned departments are authorized to prepare and submit reports and recommendations in response to the request for site approval. Preliminary reports prepared by County Departments and retained consultants summarizing and analyzing the request for site approval, reports, studies, exhibits and any written comments filed with the County Clerk, concerning the appropriateness of the proposed site, shall be filed with the County Clerk no later than **ten (10) days in** advance of the date set for hearing. In the event that the **tenth (10<sup>th</sup>) day** prior to the date set for public hearing falls on a Saturday, Sunday



or holiday, the next working day shall be considered the day that reports shall be filed. Copies of departmental reports shall be available for public inspection in the Office of the County Clerk. Members of the public shall be allowed to obtain copies of the reports upon payment of the actual cost of reproduction.

(E) The County Departments and consultants retained by the County are authorized to present testimony at the public hearing as hereinafter described.

**32-7-4 OTHER PARTIES.** All reports, studies, exhibits or other evidence or copies thereof, other than testimony, which any other person desires to submit for the record at the public hearing must be filed with the County Clerk at least **ten (10) days** before the public hearing and shall be available for public inspection in the Office of the County Clerk. In the event that the **tenth (10<sup>th</sup>) day** prior to the date set for public hearing falls on a Saturday, Sunday or holiday, the next working day shall be considered the day that reports, studies, and exhibits must be filed. The County Clerk shall date stamp any such reports, studies, exhibits or other evidence upon receipt. In the case of documentary evidence, members of the public shall be allowed to obtain copies of said documents upon payment of the actual cost of reproduction.

**32-7-5 PUBLIC HEARING.**

(A) No sooner than **ninety (90) days** but no longer than **one hundred eighty (180) days** from the date of filing of the request for site approval with the County Clerk, a public hearing shall be held by the Regional Pollution Control Hearing Committee.

(B) The Regional Pollution Control Hearing Committee shall consist of **five (5) members** of the Planning Commission which are appointed by the Chairman of the County Board.

(C) Within **ten (10) working days** of the date a request for site approval is filed, the Chairman of the County Board shall determine the date, time and location upon which such public hearing shall be held, but in any event the initial public hearing must be scheduled no sooner than **ninety (90) days** but no later than **one hundred eighty (180) days** from the date the request for site approval was filed with the County Clerk.

(D) The Chairman of the County Board shall notify the County Clerk of the date upon which such hearing shall be held and shall request the County Clerk to cause notice of such hearing to be made as follows:

- (1) Published legal notice in a newspaper of general circulation published in the County at least once per week for **three (3) successive weeks** prior to the date set for hearing. Such notice shall consist of the following:
  - (a) The name and address of the person, partnership or corporation requesting site location approval.
  - (b) The owner of the site, and in case ownership is in a land trust, the names of the beneficiaries of said trust.
  - (c) The legal description of the site.
  - (d) The street address of the property, and if there is no street address applicable to the property, a description of the site with reference to location, ownership or occupancy or in some other manner that will reasonably identify the property to residents of the neighborhood.
  - (e) The nature and size of the proposed development.

- (f) The nature of the activity proposed.
- (g) The probable life of the proposed activity.
- (h) The time and date of the public hearing.
- (i) The location of the public hearing.
- (j) A statement that all copies of evidence other than testimony to be submitted at the public hearing must be filed with the County Clerk at least **ten (10) days** before the public hearing.

- (2) Certified mail to all members of the General Assembly from the district in which the proposed site is located.
- (3) Certified mail to the Illinois Environmental Protection Agency.
- (4) Certified mail to all municipalities and townships within **one and one-half (1 1/2) miles** of the proposed facility.

(E) The State's Attorney shall appoint the hearing officer for the public hearing on the request for site approval.

The hearing officer shall preside over the public hearing and shall make any decision concerning the admission of evidence and the manner in which the hearing is conducted subject to this Code.

The hearing officer shall make all decisions and rulings in accordance with fundamental fairness. The hearing officer may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence. No ruling of the hearing officer shall be appealable to the County Board.

(F) The applicant for site location approval shall have the burden of going forward with evidence of the suitability of the site location for the proposed use.

(G) Any person appearing at such public hearing shall have the right to give testimony and comment on the suitability of the site location for the proposed use. Any person shall have the right to be represented by an attorney at said public hearing. Such attorneys shall have the right of reasonable cross-examination. Opportunity for any persons appearing at such public hearing to cross-examine any witness shall be limited by the hearing officer.

(H) Conduct of the public hearing shall be substantially as follows:

- (1) Call to order.
- (2) Introduction of the hearing committee and hearing officer.
- (3) Recognition of the applicant and identification of the request for site approval.
- (4) Recognition of fees, notices, and date of filing of the request for site approval.
- (5) Recognition of the County and other parties wishing to testify and any other reports, exhibits, maps or documents of record as filed pursuant to this Code. All parties, including members of the public, intending to testify or cross examine must sign in or submit written notification of said intent to the Randolph County Board of Commissioners on or before the **first (1<sup>st</sup>) day** of the public hearing. Should the public hearing extend beyond **one (1) day**, additional parties or members of the public, not of record as of the **first (1<sup>st</sup>) day** of the public hearing will not be allowed to present testimony or cross examine.
- (6) The applicant, the County, and other parties may make an opening statement.

- (7) The Committee shall then hear testimony from the applicant and/or any witnesses the applicant may wish to call. Upon the close of the applicant's testimony, other parties may offer expert witnesses and evidence they may wish to present. These other parties may or may not be represented by counsel. Upon the close of the applicant's and other parties' testimony and evidence, the County may present any witnesses and evidence it wishes to present. Members of the public, of record, as set forth in **Section 32-7-5**, par. (H) (5) above, may then present oral comment to the hearing committee. The hearing officer shall decide the order of presentation of testimony subject to this Code.
- (8) All witnesses shall testify under oath. Testimony may include the use of exhibits. All witnesses shall be subject to reasonable examination as follows: direct, cross-examination, redirect, recross, etc. After all parties have presented testimony, reasonable rebuttal, sur-rebuttal, etc., may be allowed at the discretion of the hearing officer.
- (9) Should any issues, facts, data, or other evidence arise during the course of the public hearing, which were not apparent or reasonably foreseeable by a party from the request for site approval as filed with the County Clerk, such situation may constitute grounds for a recess in the public hearing for a period not to exceed **five (5) working days**.
- (10) Summary statements by applicant, other parties and the County, subject to limitations as imposed by the hearing officer.
- (11) Rebuttal statement, if any, by the applicant, subject to limitations as imposed by the hearing officer.
- (12) Hearing closed.

**32-7-6 PUBLIC COMMENT.**

(A) The County Clerk shall receive written comment from any person concerning the appropriateness of the proposed site. Upon receipt of any such written comment the County Clerk shall date stamp same and shall file written comment and the postmarked envelope in which comment is received.

(B) Copies of such written comments shall be made available for public inspection in the offices of the County Clerk, and members of the public shall be allowed to obtain a copy of any written comment upon payment of actual cost of reproduction.

(C) Any written comment received by the County Clerk or postmarked no later than **thirty (30) days** after the date of the last public hearing shall be made part of the record at the public hearing as hereinafter described and the County Board shall consider any such timely written comments in making its final determination concerning said request. In the event that the **thirtieth (30th) day** falls on a Sunday or a federal holiday, the next day on which mail is delivered shall be considered the **thirtieth (30th) day** for purposes of this paragraph.

**32-7-7**

**RECORD.**

- (A) The County Clerk shall be responsible for keeping the record of said hearing.
- (B) The record shall consist of the following:
- (1) The request for site location approval as described in **Section 32-7-2, par. (C)** hereof.
  - (2) Proof of notice as described in **Section 32-7-5, par. (E)** hereof.
  - (3) Proof of notice given by applicant pursuant to **Section 39.2(b) of said Act (415 ILCS 39.2(b))**
  - (4) Written comments filed by the public and received by the County Clerk or postmarked within **thirty (30) days** of receipt of the filing of a request for site location approval.
  - (5) All reports, studies, exhibits or documents received into evidence at the public hearing.
  - (6) The transcript of the public hearing.
  - (7) Findings of fact and recommendations of the Regional Pollution Control Hearing Committee.
  - (8) The Resolution containing the final decision of the County Board.
- (C) The County Clerk shall be responsible for certifying all copies of the record of the public hearing.

**32-7-8**

**SITE APPROVAL DECISION.**

- (A) After the public hearing and any continuation thereof, the County Board of Commissioners shall hold a public review meeting for purposes of establishing findings of fact and a recommendation concerning the site approval request. Any findings of fact and recommendation shall be supported by the record.
- (B) The County Board of Commissioners shall base its decision on the following criteria:
- (1) The facility is necessary to accommodate the waste needs of the area it is intended to serve;
  - (2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
  - (3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect of the value of the surrounding property;
  - (4) The facility is located outside the boundary of the 100 year flood plain as determined by the Illinois Department of Transportation, or the site is flood proofed to meet the standards and requirements of the Illinois Department of Transportation and is approved by the Department;
  - (5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents; and
  - (6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.
  - (7) If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which

includes notification, containment and evacuation procedures to be used in case of an accidental release.

(C) The County Board shall consider the record from the public hearing and shall make a determination concerning a site approval request at least within **one hundred eighty (180) days** from the County Clerk's receipt of the site approval request. The County Board may conditionally approve any request for site approval provided such conditions are not inconsistent with regulations promulgated by the Illinois Pollution Control Board. Any determination by the County Board shall be supported by the record.

**32-7-9      ADMINISTRATION OF FEES AND COSTS.**

(A) All expenses incurred by the County in conducting the review of the request for site approval, the subsequent hearing, and the site approval decision shall be paid from the application fee as provided in this Code.

(B) Upon termination of any proceedings under the hearing process, a final accounting and summary of all authorized expenditures and reimbursements shall be presented to the appropriate County Board committees.

(C) Any portion of an application fee not required for reimbursement to the County for costs or expenses incurred by the County under the hearing process shall be returned to the applicant. Should there be costs and/or expenses in excess of the amount paid by the applicant in the application fee, the applicant shall bear any and all additional costs.

(D) In order to properly administer the application fee received with respect to the hearing process and procedure set forth herein, the County Treasurer is hereby authorized and directed to receive and hold such application fees for administration.

**32-7-10      WAIVER OF RULES.** In order to insure fundamental fairness, compliance with the Act, and to protect the public interest, the Committee, by majority vote of members present and voting, may waive any of the above rules.

**[This Chapter Ord. No. 87-09; 02-20-90]**

## **STREET REGULATIONS**

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## CHAPTER 33

## STREET REGULATIONS

## ARTICLE I – CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

**33-1-1**      **PURPOSE AND SCOPE.**

(A)      **Purpose.** The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the County's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the County rights-of-way and the County as a whole.

(B)      **Intent.** In enacting this Article, the County intends to exercise its authority over the rights-of-way in the County and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

- (1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) prevent interference with the facilities and operations of the County's utilities and of other utilities lawfully located in rights-of-way or public property;
- (4) protect against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) preserve the character of the neighborhoods in which facilities are installed;
- (7) preserve open space, particularly the tree-lined parkways that characterize the County's residential neighborhoods;
- (8) prevent visual blight from the proliferation of facilities in the rights-of-way; and
- (9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C)      **Facilities Subject to this Article.** This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the County. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D)      **Franchises, Licenses, or Similar Agreements.** The County, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the County rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the County enter into such an agreement. In such an agreement, the County may provide for terms and conditions inconsistent with this Article.

(E)      **Effect of Franchises, Licenses, or Similar Agreements.**



- (1) **Utilities Other Than Telecommunications Providers.** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the County, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- (2) **Telecommunications Providers.** In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the County and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Articles or Chapters.** This Article supersedes all Articles or Chapters or parts of Articles or Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State and Federal Laws.** In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

(H) **Sound Engineering Judgment.** The County shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the County so determines. Nothing herein shall be construed to limit the ability of the County to regulate its rights-of-way for the protection of the public health, safety and welfare.

**33-1-2 DEFINITIONS.** As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 520.30, unless the context clearly requires otherwise.

**"AASHTO":** American Association of State Highway and Transportation Officials.

**"ANSI":** American National Standards Institute.

**"Applicant":** A person applying for a permit under this Article.

**"ASTM":** American Society for Testing Materials.

**"Backfill":** The methods or materials for replacing excavated material in a trench or pit.

**"Bore" or "Boring":** To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

**"Cable Operator":** That term as defined in 47 U.S.C. 522(5).

**"Cable Service":** That term as defined in 47 U.S.C. 522(6).

**"Cable System":** That term as defined in 47 U.S.C. 522(7).

**"Carrier Pipe":** The pipe enclosing the liquid, gas or slurry to be transported.

**"Casing":** A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

**"Clear Zone":** The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon

the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

**"Coating"**: Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

**"Conductor"**: Wire carrying electric current.

**"Conduit"**: A casing or encasement for wires or cables.

**"Construction" or "Construct"**: The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

**"Cover"**: The depth of earth or backfill over buried utility pipe or conductor.

**"Crossing Facility"**: A facility that crosses one or more right-of-way lines of a right-of-way.

**"Disrupt the Right-of-Way"**: For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse affect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

**"Emergency"**: Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

**"Encasement"**: Provision of a protective casing.

**"Engineer"**: The County Engineer or his or her designee.

**"Equipment"**: Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

**"Excavation"**: The making of a hole or cavity by removing material, or laying bare by digging.

**"Extra Heavy Pipe"**: Pipe meeting ASTM standards for this pipe designation.

**"Facility"**: All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the County.

**"Freestanding Facility"**: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

**"Frontage Road"**: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

**"Hazardous Materials"**: Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the County Engineer or Superintendent to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

**"Highway Code"**: The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

**"Highway"**: A specific type of right-of-way used for vehicular traffic including rural or urban roads, alleys or streets. "Highway" includes all highway land and improvements,

including roadways, ditches and embankments, bridges, drainage structures, sign, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

**"Holder":** A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

**"IDOT":** Illinois Department of Transportation.

**"ICC":** Illinois Commerce Commission.

**"Jacking":** Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

**"Jetting":** Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

**"Joint Use":** The use of pole lines, trenches or other facilities by two or more utilities.

**"Major Intersection":** The intersection of two or more major arterial highways.

**"Occupancy":** The presence of facilities on, over or under right-of-way.

**"Parallel Facility":** A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

**"Parkway":** Any portion of the right-of-way not improved by street or sidewalk.

**"Pavement Cut":** The removal of an area of pavement for access to facility or for the construction of a facility.

**"Permittee":** That entity to which a permit has been issued pursuant to **Sections 33-4-4** and **33-4-5** of this Article.

**"Practicable":** That which is performable, feasible or possible, rather than that which is simply convenient.

**"Pressure":** The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

**"Petroleum Products Pipelines":** Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

**"Prompt":** That which is done within a period of time specified by the County. If no time period is specified, the period shall be **thirty (30) days**.

**"Public Entity":** A legal entity that constitutes or is part of the government, whether at local, state or federal level.

**"Restoration":** The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

**"Right-of-Way" or "Rights-of-Way":** Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the County has the right and authority to authorize, regulate or permit the location of facilities other than those of the County. "Right-of-way" or "rights-of-way" shall not include any real or personal County property that is not specifically described in the previous two sentences and shall not include County buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

**"Roadway":** That part of the highway that includes the pavement and shoulders.

**"Sale of Telecommunications at Retail":** The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

**"Security Fund":** That amount of security required pursuant to **Section 33-1-10**.

**"Shoulder"**: A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

**"Sound Engineering Judgment"**: A decision(s) consistent with generally accepted engineering principles, practices and experience.

**"Superintendent of Public Works"**: The Superintendent of Public Works or his or her designee, hereinafter referred to as "Superintendent".

**"Telecommunications"**: This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the County through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

**"Telecommunications Provider"**: Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

**"Telecommunications Retailer"**: Means and includes every person engaged in making sales of telecommunication at retail as defined herein.

**"Trench"**: A relatively narrow open excavation for the installation of an underground facility.

**"Utility"**: The individual or entity owning or operating any facility as defined in this Article.

**"Vent"**: A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

**"Video Service"**: That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

**"Water Lines"**: Pipelines carrying raw or potable water.

**"Wet Boring"**: Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

**33-1-3 ANNUAL REGISTRATION REQUIRED.** Every utility that occupies right-of-way within the County shall register on **January 1** of each year with the

Superintendent, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a **twenty-four (24) hour** telephone number for each such person, and evidence of insurance as required in **Section 33-1-8** of this Article, in the form of a certificate of insurance.

**33-1-4      PERMIT REQUIRED; APPLICATIONS AND FEES.**

(A)      **Permit Required.** No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any County right-of-way which:

- (1) changes the location of the facility;
- (2) adds a new facility;
- (3) disrupts the right-of-way (as defined in this Article), or
- (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Superintendent and obtaining a permit from the County therefor, except as otherwise provided in this Article.

No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

(B)      **Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the County and shall be filed in such number of duplicate copies as the County may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C)      **Minimum General Application Requirements.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy number, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.
- (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence that the utility has placed on file with the County:
  - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to

minimize disruptions to efficient pedestrian and vehicular traffic; and

- (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the County and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the County finds that additional information or assurances are needed;
- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- (7) Evidence of insurance as required in **Section 33-1-8** of this Article;
- (8) Evidence of posting of the security fund as required in **Section 33-1-10** of this Article;
- (9) Any request for a variance from one or more provisions of this Article (**See Section 33-1-21**); and
- (10) Such additional information as may be reasonably required by the County.

(D) **Supplemental Application Requirements for Specific Types of Utilities.** In addition to the requirements of paragraph (C) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

- (1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- (3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
- (4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control have been satisfied; or
- (5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(E) **Applicant's Duty to Update Information.** Throughout the entire permit application review period and the construction period authorized by the permit, any

amendments to information contained in a permit application shall be submitted by the utility in writing to the County within **thirty (30) days** after the change necessitating the amendment.

(F) **Application Fees.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a base fee in the amount of \$100.00. Additional application review costs will vary with the complexity of the project and will be determined on a case by case basis and shall be paid prior to issuance of final permit. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

### **33-1-5 ACTION ON PERMIT APPLICATIONS.**

(A) **County Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Superintendent within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall reject such application in writing, stating the reasons therefor. If the Superintendent is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Superintendent, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

### **(B) Additional County Review of Applications of Telecommunications Retailers.**

- (1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the County that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the County not less than **ten (10) days** prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Superintendent shall specify the portion of the right-of-way upon which the facility may be placed, used or constructed.
- (2) In the event that the Superintendent fails to provide such specification of location to the telecommunications retailer within either (a) **ten (10) days** after service of notice to the County by the telecommunications retailer in the case of work not involving excavation for new construction or (b) **twenty-five (25) days** after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.
- (3) Upon the provision of such specification by the County, where a permit is required for work pursuant to **Section 33-1-4** of this Article the telecommunications retailer shall submit to the County an application for a permit and any and all plans, specifications

and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of paragraph (A) of this Section.

(C) **Additional County Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted **forty-five (45) days** after submission to the County, unless otherwise acted upon by the County, provided the holder has complied with applicable County codes, ordinances, and regulations.

### **33-1-6 EFFECT OF PERMIT.**

(A) **Authority Granted; No Property Right or Other Interest Created.** A permit from the County authorizes a permittee to undertake only certain activities in accordance with this Article on County rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way.

(B) **Duration.** No permit issued under this Article shall be valid for a period longer than **six (6) months** unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) **Pre-Construction Meeting Required.** No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the County with such County representatives in attendance as the County deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(D) **Compliance With All Laws Required.** The issuance of a permit by the County does not excuse the permittee from complying with other requirements of the County and applicable statutes, laws, ordinances, rules, and regulations.

**33-1-7 REVISED PERMIT DRAWINGS.** In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the County within **ninety (90) days** after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance in accordance with **Section 33-1-21** of this Article. If the County denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.



**33-1-8 INSURANCE.**

(A) **Required Coverages and Limits.** Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the County, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs (1) and (2) below:

- (1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:
  - (a) **Five Million Dollars (\$5,000,000.00)** for bodily injury or death to each person;
  - (b) **Five Million Dollars (\$5,000,000.00)** for property damage resulting from any one accident; and
  - (c) **Five Million Dollars (\$5,000,000.00)** for all other types of liability;
- (2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of **One Million Dollars (\$1,000,000.00)** for personal injury and property damage for each accident;
- (3) Worker's compensation with statutory limits; and
- (4) Employer's liability insurance with limits of not less than **One Million Dollars (\$1,000,000.00)** per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

(B) **Excess or Umbrella Policies.** The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) **Copies Required.** The utility shall provide copies of any of the policies required by this Section to the County within **ten (10) days** following receipt of a written request therefor from the County.

(D) **Maintenance and Renewal of Required Coverages.** The insurance policies required by this Section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until **thirty (30) days** after receipt by the County, by registered mail or certified mail, return receipt requested, of a written notice addressed to the County Administrator of such intent to cancel or not to renew."

Within **ten (10) days** after receipt by the County of said notice, and in no event later than **ten (10) days** prior to said cancellation, the utility shall obtain and furnish to the County evidence of replacement insurance policies meeting the requirements of this Section.

(E) **Self-Insurance.** A utility may self-insure all or a portion of the insurance coverage and limit requirements required by paragraph (A) of this Section. A utility

that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under paragraph (A), or the requirements of paragraphs (B), (C) and (D) of this Section. A utility that elects to self-insure shall provide to the County evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under paragraph (A) of this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

(F) **Effect of Insurance and Self-Insurance on Utility's Liability.** The legal liability of the utility to the County and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) **Insurance Companies.** All insurance provided pursuant to this Section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rates "A-" or better and of a class size "X" or higher by A.M. Best Company.

**33-1-9 INDEMNIFICATION.** By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the County and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the County, its officials, officers, employees, agents or representatives.

**33-1-10 SECURITY.**

(A) **Purpose.** The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve a security for:

- (1) The faithful performance by the permittee of all the requirements of this Article;
- (2) Any expenditure, damage, or loss incurred by the County occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the County issued pursuant to this Article; and
- (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the County may pay or incur by reason of any action or non-performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the County must perform itself or have

completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the County from the permittee pursuant to this Article or any other applicable law.

(B) **Form.** The permittee shall provide the Security Fund to the County in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the County, or an unconditional letter of credit in a form acceptable to the County. Any surety bond or letter of credit provided pursuant to this paragraph shall, at a minimum:

- (1) Provide that it will not be canceled without prior notice to the County and the permittee;
- (2) Not require the consent of the permittee prior to the collection by the County of any amounts covered by it; and
- (3) Shall provide a location convenient to the County and within the State of Illinois at which it can be drawn.

(C) **Amount.** The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Superintendent, and may also include reasonable, directly related costs that the County estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the County, with each phase consisting of construction of facilities in one location or related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Superintendent may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this paragraph (C) for any single phase.

(D) **Withdrawals.** The County, upon **fourteen (14) days'** advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this paragraph, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the County for such amount within the **fourteen (14) day** notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
- (2) Fails to pay any liens relating to the facilities that are due and unpaid;
- (3) Fails to reimburse the County for any damages, claims, costs or expenses which the County has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
- (4) Fails to comply with any provision of this Article that the County determines can be remedied by an expenditure of an amount in the Security Fund.

(E) **Replenishment.** Within **fourteen (14) days** after receipt of written notice from the County that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in paragraph (C) of this Section.

(F) **Interest.** The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the County, upon written

request for said withdrawal to the County, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in paragraph (C) of this Section.

(G) **Closing and Return of Security Fund.** Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the County for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the County to the extent necessary to cover any reasonable costs, loss or damage incurred by the County as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) **Rights Not Limited.** The rights reserved to the County with respect to the Security Fund are in addition to all other rights of the County, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the County may have. Notwithstanding the foregoing, the County shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

### **33-1-11 PERMIT SUSPENSION AND REVOCATION.**

(A) **County Right to Revoke Permit.** The County may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

- (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
- (2) Noncompliance with this Article;
- (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) **Notice of Revocation or Suspension.** The County shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this **Section 33-1-11**.

(C) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the County, the permittee shall have the following options:

- (1) Immediately provide the County with evidence that no cause exists for the revocation or suspension;
- (2) Immediately correct, to the satisfaction of the County, the deficiencies stated in the written notice, providing written proof of such correction to the County within **five (5) working days** after receipt of the written notice of revocation; or
- (3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the County providing written proof of such removal to the County within **ten (10) days** after receipt of the written notice of revocation.

The County may, in its discretion, for good cause shown, extend the time periods provided in this paragraph.

(D) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the County may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(E) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of paragraph (C) of this Section, the County or its designee may, at the option of the County:

- (1) correct the deficiencies;
- (2) upon not less than **twenty (20) days** notice to the permittee, remove the subject facilities or equipment; or
- (3) after not less than **thirty (30) days** notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the County. The permittee shall be liable in all events to the County for all costs of removal.

### **33-1-12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.**

(A) **Notification of Change.** A utility shall notify the County no less than **thirty (30) days** prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(B) **Amended Permit.** A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the County's right-of-way.

(C) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

### **33-1-13 GENERAL CONSTRUCTION STANDARDS.**

(A) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- (1) Standard Specifications for Road and Bridge Construction;
- (2) Supplemental Specifications and Recurring Special Provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;
- (5) Standard Specifications for Traffic Control Items;
- (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- (7) Flagger's Handbook; and
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this Article, the Superintendent shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Superintendent shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

**33-1-14** **TRAFFIC CONTROL.**

(A) **Minimum Requirements.** The County's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

(B) **Warning Signs, Protective Devices, and Flaggers.** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

(C) **Interference with Traffic.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) **Notice When Access is Blocked.** At least **forty-eight (48) hours** prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to **Section 33-1-20** of this Article, the utility shall provide such notice as is practicable under the circumstances.

(E) **Compliance.** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the County.

**33-1-15** **LOCATION OF FACILITIES.**

(A) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

(1) **No Interference with County Facilities.** No utility facilities shall be placed in any location if the Superintendent determines that the proposed location will require the relocation or displacement of any of the County's utility facilities or will otherwise interfere with the operation or maintenance of any of the County's utility facilities.

(2) **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

(3) **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

- (4) **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
- (5) **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.
- (B) **Parallel Facilities Located Within Highways.**
- (1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:
- (a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
  - (b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of **two (2) feet (0.6m)** behind the face of the curb, where available;
  - (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of **four (4) feet (1.2m)** outside the outer shoulder line of the roadway and are not within the clear zone;
  - (d) No pole is located in the ditch line of a highway; and
  - (e) Any ground-mounted appurtenance is located within **one (1) foot (0.3m)** of the right-of-way line or as near as possible to the right-of-way line.
- (2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:
- (a) The facility is located as near the right-of-way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the right-of-way line;
  - (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
  - (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than **five (5) feet (1.5m)** from the right-of-way line and any above-grounded appurtenance shall be located within **one (1) foot (0.3m)** of the right-of-way line or as near as practicable.
- (C) **Facilities Crossing Highways.**
- (1) **No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of County highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid

settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

- (2) **Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- (3) **90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a **ninety (90) degree** angle to the centerline as practicable.
- (4) **Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:
  - (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
  - (b) Poles are located within **one (1) foot (0.3m)** of the right-of-way line of the highway and outside of the clear zone; and
  - (c) Overhead crossings at major intersections are avoided.
- (5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:
  - (a) The design materials and construction methods will provide maximum maintenance-free service life; and
  - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) **Markers.** The County may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

(D) **Facilities to be Located Within Particular Rights-of-Way.** The County may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(E) **Freestanding Facilities.**

- (1) The County may restrict the location and size of any freestanding facility located within a right-of-way.
- (2) The County may require any freestanding facility located within a right-of-way to be screened from view.

(F) **Facilities Installed Above Ground.** Above ground facilities may be installed only if:

- (1) No other existing facilities in the area are located underground;
- (2) New underground installation is not technically feasible; and
- (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable.



Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G)

**Facility Attachments to Bridges or Roadway Structures.**

- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
- (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
  - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
  - (b) The type, length, value, and relative importance of the highway structure in the transportation system;
  - (c) The alternative routings available to the utility and their comparative practicability;
  - (d) The proposed method of attachment;
  - (e) The ability of the structure to bear the increased load of the proposed facility;
  - (f) The degree of interference with bridge maintenance and painting;
  - (g) The effect on the visual quality of the structure; and
  - (h) The public benefit expected from the utility service as compared to the risk involved.

(H)

**Appearance Standards.**

- (1) The County may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

33-1-16

**CONSTRUCTION METHODS AND MATERIALS.**

(A)

**Standards and Requirements for Particular Types of Construction Methods.**

- (1) **Boring or Jacking.**
- (a) **Pits and Shoring.** Boring and jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Superintendent from the edge of the pavement. Pits for boring or jacking shall be excavated no more than **forty-eight (48) hours** in advance of boring or jacking operations and backfilled within **forty-eight (48) hours** after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- (b) **Wet Boring or Jetting.** Wet boring or jetting shall not be permitted under the roadway.
- (c) **Borings With Diameters Greater than Six (6) Inches.** Borings over **six (6) inches (0.15m)** in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than **one (1) inch (25mm)**.
- (d) **Borings with Diameters Six (6) Inches or Less.** Borings of **six (6) inches** or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
- (e) **Tree Preservation.** Any facility located within the drip line of any tree designed by the County to be preserved shall be bored under or around the root system.
- (2) **Trenching.** Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 IDOT's "Standard Specifications for Road and Bridge Construction".
- (a) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Superintendent.
- (b) **Open Trench and Excavated Material.** Open trench and wind rowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for wind rowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

- (c) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the County to be preserved.
- (3) **Backfilling.**
- (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
- (b) For a period of **three (3) years** from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Superintendent, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Superintendent.
- (4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be discouraged but may be permitted only upon location specific approval by the Superintendent and only if that portion of the roadway is closed to traffic.
- (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Superintendent.
- (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the County.
- (c) All saw cuts shall be full depth.
- (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last **seven (7) years**, or resurfaced in the last **three (3) years**, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.
- (5) **Encasement.**
- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the County.
- (b) The venting, if any, of any encasement shall extend within **one (1) foot (0.3m)** of the right-of-way line. No above-

ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

- (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or County approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the County. Bell and spigot type pipe shall be encased regardless of installation method.
  - (d) In the case of gas pipelines of **60 psig** or less, encasement may be eliminated.
  - (e) In the case of gas pipelines or petroleum products pipelines with installations of more than **60 psig**, encasement may be eliminated only if:
    - (i) extra heavy pipe is used that precludes future maintenance or repair and
    - (ii) cathodic protection of the pipe is provided;
  - (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.
- (6) **Minimum Cover of Underground Facilities.** Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric Lines	30 inches (0.8m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6m, as Determined by County)
Gas or Petroleum Products	30 inches (0.8m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, Or Drainage Line	Sufficient Cover to Provide Freeze Protection

(B) **Standards and Requirements for Particular Types of Facilities.**

(1) **Electric Power or Communication Lines.**

- (a) **Code Compliance.** Electric power or communications facilities within County rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines", and the National Electrical Safety Code.

- (b) **Overhead Facilities.** Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
- (c) **Underground Facilities.**
- (i) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
  - (ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:
    - a. the crossing is installed by the use of "moles", "whip augers", or other approved method which compress the earth to make the opening for cable installation or
    - b. the installation is by the open trench method which is only permitted prior to roadway construction.
  - (iii) Cable shall be grounded in accordance with the National Electrical Safety Code.
  - (iv) **Burial of Drops.** All temporary service drops placed between **November 1** of the prior year and **March 15** of the current year, also known as snowdrops, shall be buried by **May 31** of the current year, weather permitting, unless otherwise permitted by the County. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within **ten (10) business days** after placement.
- (2) **Underground Facilities Other Than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:
- (a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;
  - (b) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
  - (c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
  - (d) tunneling with vented encasement, but only if installation is not possible by other means.
- (3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a County approved manner and in conformance with

the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT’s “Standard Specifications for Road and Bridge Construction”, and all other applicable laws, rules, and regulations.

- (4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
- (5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current “Standard Specifications for Water and Sewer Main Construction in Illinois”.
- (6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending **one (1) foot (305mm)** in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Superintendent, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C)

**Materials.**

- (1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT’s “Standard Specifications for Road and Bridge Construction”, the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- (2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval of the Superintendent. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the County.
- (3) **Hazardous Materials.** The plans submitted by the utility to the County shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D)

**Operational Restrictions.**

- (1) Construction operations on rights-of-way may, at the discretion of the County, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
- (2) These restrictions may be waived by the Superintendent when emergency work is required to restore vital utility services.
- (3) Unless otherwise permitted by the County, the hours of construction are from **6:00 A.M. to 6:00 P.M.**

(E)

**Location of Existing Facilities.** Any utility proposing to construct facilities in the County shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The County will make its permit record available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the County or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within **forty-eight (48) hours**, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

**33-1-17****VEGETATION CONTROL.**

(A)

**Electric Utilities - Compliance with State Laws and Regulations.**

An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the County as permitted by law.

(B)

**Other Utilities - Tree Trimming Permit Required.**

Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing the same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.

- (1) **Application for Tree Trimming Permit.** Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
- (2) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The County will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The County may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(C) **Specimen Trees or Trees of Special Significance.** The County may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(D) **Chemical Use.**

- (1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the County for any purpose, including the control of growth, insects or disease.
- (2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Superintendent that such spraying is the only practicable method of vegetation control.

### **33-1-18 REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.**

(A) **Notice.** Within **ninety (90) days** following written notice from the County, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any County improvement in or upon, or the operations of the County in or upon, the rights-of-way.

(B) **Removal of Unauthorized Facilities.** Within **thirty (30) days** following written notice from the County, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
- (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) **Emergency Removal or Relocation of Facilities.** The County retains the right and privilege to cut or move any facilities located within the rights-of-way of the County, as the County may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the County shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the County, the utility shall notify the County within **ninety (90) days**. Following receipt of such notice the County may direct the utility to remove all or any portion of the facility if the Superintendent determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the County does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the County, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.



**33-1-19 CLEANUP AND RESTORATION.** The utility shall remove all excess material and restore all turf and terrain and other property within **ten (10) days** after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the County. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Superintendent. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Superintendent for good cause shown.

**33-1-20 MAINTENANCE AND EMERGENCY MAINTENANCE.**

(A) **General.** Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the County and at the utility's expense.

(B) **Emergency Maintenance Procedures.** Emergencies may justify noncompliance with normal procedures for securing a permit:

- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flags. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- (2) In an emergency, the utility shall, as soon as possible, notify the Superintendent or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the County police shall be notified immediately.
- (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) **Emergency Repairs.** The utility must file in writing with the County a description of the repairs undertaken in the right-of-way within **forty-eight (48) hours** after an emergency repair.

**33-1-21 VARIANCES.**

(A) **Request for Variance.** A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Superintendent as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority to Grant Variances.** The Superintendent shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

(C) **Conditions for Granting of Variance.** The Superintendent may authorize a variance only if the utility requesting the variance has demonstrated that:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions for Granting of a Variance.** As a condition for authorizing a variance, the Superintendent may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

(E) **Right to Appeal.** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Superintendent under the provisions of this Article shall have the right to appeal to the County Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the County Clerk within **thirty (30) days** after the date of such order, requirement, decision or determination. The County Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least **seven (7) days** after the filing of the appeal. The County Board shall timely decide the appeal.

**33-1-22 PENALTIES.** Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the County will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the County's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the County. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it. **(See Section 1-1-20 for additional penalties.)**

**33-1-23 ENFORCEMENT.** Nothing in this Article shall be construed as limiting any additional or further remedies that the County may have for enforcement of this Article.

**ARTICLE II - ENCROACHMENT**

**33-2-1**      **DEFINED.**

(A)      **Roadway Right-of-Way** is defined as those areas existing or acquired by dedication or by fee simply for highway purposes.

(B)      **Encroachment** is defined as any building, fence, sign or any other structure or object of any kind (with exception of utilities and public road signs) which is placed, located, or maintained in, on, under, or over any portion of the roadway right-of-way.

**33-2-2**      **DRAINAGE FACILITIES.** It is unlawful for any person to construct or cause to be constructed any drainage facility for the purpose of the detention or retention of water within a distance of **ten (10) feet** plus one-half times the depth of any drainage facility adjacent to the right-of-way of any public highway without the written permission of the County Superintendent of Highways.

It is unlawful for any person to construct or cause to be constructed any earthen berm such that the toe of such berm will be nearer than **ten (10) feet** to the right-of-way of any public highway without the written permission of the County Superintendent of Highways. **(III. Rev. Stat. Ch. 121, Sec. 9-115.1)**

**33-2-3**      **UNLAWFUL.** It shall be unlawful for any person, firm, or corporation to erect, or cause to be erected, any encroachment as hereinabove defined, within the limits of the roadway right-of-way.

**ARTICLE III - TREES AND CULVERTS**

**33-3-1**      **PLANTING.** It shall be unlawful to plant any tree, shrub or bush in any public road or highway right-of-way within the County.

**33-3-2**      **CULVERTS.** It shall be unlawful for any person to place a culvert in any drainage ditch within the bounds of any street, parkway or alley in the County, without having obtained a permit for the same filing an application therefor with the County Highway Department; and the culvert so installed shall meet with the requirements of the Highway Engineer and shall be installed at the direction of an employee of the County Highway Department to insure that the culvert is installed to obtain the proper drainage from the ditch in which the culvert is placed.

**33-3-3**      **PERMIT.** No person shall hereafter construct, build, establish or maintain any driveway over, across or upon any portion of a public sidewalk, street or parkway, without first having obtained a permit from the County Highway Superintendent. Application for the permit must be requested in writing, upon forms furnished by the County Highway Superintendent. All work shall be done under the jurisdiction of the County Highway Superintendent and shall be subject to such requirements as the County shall impose having due regard for drainage and maintenance of the street and the safety of the people using the street or sidewalk.

**ARTICLE IV - REGULATIONS**

**33-4-1**        **UNDERMINING.** No person shall undermine in any manner, any street or any other ground of real estate situated in the County.

**33-4-2**        **OPEN DOORS.** No person shall open, or allow to remain open any door or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the County, for any purpose, except the taking in and removing of goods; and any person allowing such grating to remain open shall warn passers-by of the danger.

**33-4-3**        **VAULTS.** No person shall dig or cause to be dug, in any street or sidewalk, any vault, without covering the opening thereof in such a manner as to prevent persons, animals and vehicles from falling into the excavation. Such vault shall be in conformance with other code provisions.

**33-4-4**        **CLOSING STREET.** Whenever public safety or the improvement or repair of any street, alley, or public place requires it, the Sheriff may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Sheriff. Whenever such signs are so placed, no person shall ride or drive upon or across such street, alley, or public place, or in any manner, destroy, deface, or remove any such sign.

**33-4-5**        **SIGNS ACROSS STREET.** No person shall place any sign, advertisement or banner over any or across any street or road in the County, unless he has written approval of the County Board.

**33-4-6**        **OBSTRUCTING.**  
(A)            No person shall place or cause to be placed or erected on any public ground, or in any public street, alley, or sidewalk in the County, any debris, materials, or obstruction, except as may be permitted by this Chapter.  
(B)            It shall be the duty of the police to exercise a vigilant supervision over such places, and to notify any person found making such deposit, or responsible for the same, to remove the offending matter at once.

**33-4-7**        **SIGNS ON POLES.** No person shall nail, tack, paste, paint, or fasten or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

**33-4-8**        **LOCATION RECORDS.** Every public utility, after the enactment of this Article, shall maintain records showing the location of all of its underground facilities except relatively minor facilities which connect a particular premise or building to a facility serving more than one premise or building and except oil or gas-gathering or field lines. Every public utility shall maintain equipment which can locate such facilities in the field.

**33-4-9**        **BURNING ON PUBLIC STREETS.** It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, roads, sidewalks or alleys in the County.

**33-4-10**       **MERCHANDISE ON PUBLIC STREET.** It shall be unlawful for any person to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the County Board.

## **ARTICLE V - DRIVEWAY REGULATIONS**

**33-5-1**        **LOCATIONS.** There shall be a minimum of **three hundred twenty (320) feet** between driveways measured from centerline in all "A-1" agricultural zoned districts.

**33-5-2**        **VARIANCES.** Request for variances or relief from the driveway requirements must be submitted to the Randolph County Zoning Administrator in written and/or in graphic form. The Zoning Administrator will forward copies of the application to the County Highway Superintendent and appropriate Road District Commissioner for review. The **three (3) officials** will confer on the application and consider the following factors as a basis for granting an access driveway.

- (A)            Vision, grade and alignment conditions for motorists using the proposed driveway and the highway;
- (B)            Interference with the free and safe movement of highway traffic;
- (C)            Existing or proposed highway features, such as turning lanes, median openings, intersections, drainage and traffic signals;
- (D)            Existing topographical features of the abutting property;
- (E)            Existing and abutting property located between driveways or between a driveway and a topographical condition which would result in denying access to the highway;
- (F)            Entrances for access to agricultural fields shall be exempted from this Ordinance and shall not be used for spacing determination.

## ARTICLE VI - ADDRESS NUMBER REGULATIONS

**33-6-1 ADMINISTRATION.** This Article shall be administered by the Randolph County Board of Commissioners, in conjunction with Randolph County E911 and Randolph County Zoning, who are authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in **Sections 33-6-5 and 33-6-6.**

**33-6-2 NAMING SYSTEM.** All roads that serve **two (2)** or more properties shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road named assigned by Randolph County shall not constitute or imply acceptance of the road as a public way. In the event the road as defined above is private, the land owner(s) of the private road subject to this Article shall be jointly and severally responsible for the cost of having a sign and pole placed on the road. The sign and post shall be approved and/or purchased from the Randolph County Highway Department. Said sign and post shall be placed at a location to be determined by either E911 or Randolph County Zoning. Failure of the land owner(s) to place a sign and post as required herein and/or pay for the sign and post as provided above shall subject the land owner(s) to enforcement provisions herein in **Section 33-6-7** of this Article.

The above shall not apply to signs placed at the intersections of private roads and roads under the jurisdiction of Randolph County or any of the Road Districts of Randolph County. (**Ord. No. 13-17; 11-01-13**)

**33-6-3 NUMBERING SYSTEM.** Numbers shall be assigned every **fifty (50) feet** along both sides of the road, with even numbers appearing on the right side of the road and odd numbers appearing on the left side of the road, ascending from the number origin.

The following criteria shall govern the numbering system.

(A) Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. (i.e. apartments)

**33-6-4 COMPLIANCE.** All owners of structure, by the date stipulated in **Section 33-6-7**, shall display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

(A) **Number on the Structure or Residence.** Where the residence or structure is within **fifty (50) feet** of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure near the front door or entry.

(B) **Number at the Street Line.** Where the residence or structure is over **fifty (50) feet** from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box or some structure at the property line next to the walk or access drive to the residence or structure.

(C) **Size and Color of Number.** The numbering shall be a minimum of **three (3) inches** in height and of a color that is visible contrast to the surface upon which it is mounted.

(D) Every person whose duty it is to display the assigned number shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance with this Article.

(E) **Interior Location.** All residents and other occupants are requested to post the assigned number and road name to their telephone for emergency reference.

**33-6-5 NEW CONSTRUCTION AND SUBDIVISIONS.** All new construction and subdivisions shall be named and numbered in accordance with the provisions of this Article and as follows:

(A) **New Construction.** Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number. This shall be done at the time of the issuance of the building permit by the appropriate city or county agency.

(B) **New Subdivisions.** Any prospective subdivider shall provide a proposed road name and lot numbering system to the appropriate city or county zoning agency. Approval by the zoning agency shall constitute the assignment of road names and numbers to the lots in the subdivision.

**33-6-6 PENALTY.** This Article shall be the responsibility of the Law Enforcement Agencies throughout Randolph County, Illinois. Violations of this Article are subject to a fine of not less than **Two Hundred Dollars (\$200.00)**.

**(Ord. No. 00-01; 09-29-00)**

## **SUBDIVISION CODE**

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**CHAPTER 34**

**SUBDIVISION CODE**

**ARTICLE I – SCOPE AND PURPOSE**

**34-1-1**        **SCOPE AND LEGAL AUTHORITY.** For the purpose of controlling future development of the County and for the promotion of the public health, safety, comfort, morals and welfare of persons living within the territory governed, the provisions and regulations hereafter contained shall govern the subdividing and platting of lands lying within the area of jurisdiction of the County.

The rules and regulations governing plats and subdivision of land contained herein shall apply within the County as permitted within the project area, the extent of jurisdiction shall be determined and agreed upon between the County and the municipality or municipalities concerned and as provided by State Statutes. Except in the case of resubdivision, this Code shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder of Deeds prior to the effective date of this Code. This Ordinance does not intend to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinance, or interfere with restrictive covenants running with the land. Where this Ordinance imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, code, or restrictive covenants, the provisions of this Code shall control.

**34-1-2**        **TITLE.** This Code shall be known, referred to, and cited as "**The Land Subdivision Code of Randolph County, Illinois**".

**34-1-3**        **APPLICATION OF ORDINANCE.** No lot in a subdivision, as defined herein, may be conveyed unless a Final Plat of the property has been approved according to the requirements and provisions of this Ordinance, and recorded in the office of the County Recorder of Deeds.

**34-1-4**        **INTENT AND PURPOSE.** This Code is intended for the purposes of coordinated, efficient and economic development of the County, providing adequate services and utilities, safe convenient access and a desirable and attractive living environment through good subdivision design. In achieving these purposes, the County shall utilize development standards which are directed toward reasonable costs for initial development and continuing maintenance; such standards shall include the following:

- (A)            The proper location and width of streets and the proper location of building setback lines, open spaces, recreational areas and public lands.
- (B)            The avoidance of conditions which would lead to the creation of blighted areas.
- (C)            The avoidance of overcrowding of population and congestion of vehicular traffic.
- (D)            Proper grading and improvement of streets, curbs, gutters, sidewalks and provision of water, sewer, storm water drainage and erosion control.

(E) The provision of adequate space for traffic and utility facilities; for access of emergency apparatus; for the control of the number, spacing, type and design of access points to existing or future streets; for minimum width, depth, and area of lots; for adequate light and air; and for a proper distribution of population.

(F) Provision of adequate right-of-way easements such that extensions are continued within subdivisions and may be continued to adjacent lands.

**34-1-5 INTERPRETATION.** This Code is intended as **MINIMUM REQUIREMENTS** to achieve the above stated purposes, as specified in **Section 34-1-4**. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply.

**34-1-6 ADMINISTRATION.** This Code shall be administered by the administrative officer designated by the County Board, and the County Planning Commission.

**34-1-7 INSTANCES WHEN PLATS WILL NOT BE REQUIRED.** The provisions of these regulations do not apply and no plat is required in any of the following instances:

(A) The division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access.

(B) The division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access.

(C) The sale or exchange of parcels of land between owners of adjoining and contiguous land.

(D) The sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of **October 1, 1973**.

(E) The conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access.

(F) The conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use of instruments relating to the vacation of land impressed with a public use.

(G) Conveyance made to correct descriptions in prior conveyances.

(H) The sale or exchange of parcels or tracts of land following the division into no more than **two (2) parts** of a particular parcel of land existing on **July 17, 1959**, and not involving any new streets or easements of access.

(I) The division of land for cemetery usage.

(J) The division and distribution of land pursuant to law or court order.

(K) Any other instance where the State of Illinois does not require filing of a plat, as per the Plat Act, **Illinois Compiled Statutes**.

**34-1-8**      **NEW STREETS.** A new street when referred to in **Section 34-1-7**, is a street that did not legally exist by statute or common-law prior to the proposed division or conveyance described in **Section 34-1-7**.

**34-1-9**      **NEW EASEMENT OF ACCESS.** A new Easement of Access when referred to in **Section 34-1-7** is an easement that did not legally exist by statute or common-law prior to the proposed subdivision or conveyance described in **Section 34-1-7**.

**34-1-10**     **SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT.** Land unsuitable for subdivision development due to drainage, flood hazard area, hillside area, rock formation or any other conditions constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data to the administrative officer establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property.

## ARTICLE II - DEFINITIONS

**34-2-1 DEFINITIONS.** For the purpose of this Code, the terms used herein are defined as follows:

**"ADMINISTRATIVE OFFICER OR ZONING OFFICIAL".** The official appointed by the County Board of Commissioners to administer the provisions of this Ordinance, or his duly appointed representative(s).

**"ALLEY".** A minor way used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

**"AREA, GROSS".** The entire area within the boundary lines of the territory proposed for subdivision, including the area to be dedicated for street and alley rights-of-way and public use.

**"AREA, NET".** The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley right-of-way and public use.

**"BLOCK".** An area of land entirely bounded by streets, highways, or physical barrier (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, or highway) or a combination of streets, public parks, cemeteries, railroad right-of-way, shorelines or waterways, or corporate boundary lines.

**"BUILDING".** Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter, or protection of persons or property.

**"BUILDING LINE".** See SETBACK LINE.

**"CLUSTER DEVELOPMENT".** A subdivision development planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of this Ordinance and the Zoning Code of the County.

**"COMPREHENSIVE PLAN".** The plan or any portion thereof adopted by the County Board for the coordinated development of the County, including among other things: plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the County.

**"COUNTY ENGINEER".** May mean either the County Superintendent of Highways or such other licensed professional engineer designated by the County Board to conduct business or perform defined professional engineering services for the County in his place or stead.

**"DENSITY, GROSS".** The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

**"DENSITY, NET".** The total number of dwelling units divided by the total project area less area for street rights-of-way.

**"DESIGN".** The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including material, alignment, grade, and width of these elements.

**"DRAINAGEWAY".** A water course, gully, dry stream, creek or ditch which carries storm water runoff; which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such water course, gully, dry stream, creek or ditch.

**"EASEMENT".** A right to use another person's property, but only for a limited and specifically named purpose.

**"FILING DATE"**. The beginning or starting date that commences after the applicant has filed the last item of required data or information and has paid the necessary fee(s), for review by the Planning Commission.

**"IMPROVEMENT"**. Refers to site grading, street work and utilities (including water, sewer, electric, gas and storm water), to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Includes the furnishing of all materials, equipment, and construction of all the improvements required in **Article VI** of this Code or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the administrative officer.

**"IMPROVEMENT PLAN"**. The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in or in conjunction with the subdivision.

**"LOT"**. A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

**"LOT, BUTT"**. A lot at the end of a block and located between **two (2) corner lots**.

**"LOT, CORNER"**. A lot abutting upon **two (2)** or more streets at their intersection.

**"LOT DEPTH"**. The mean horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

**"LOT, INTERIOR"**. A lot whose side lines do not abut upon any street.

**"LOT, THROUGH"**. A lot having frontage on **two (2)** parallel or approximately parallel streets.

**"LOT WIDTH"**. The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

**"MASTER DEVELOPMENT PLAN"**. A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficiently detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

**"METES AND BONDS DESCRIPTION"**. A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and describing the bearings and distances of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by described lines or portions thereof.

**"OWNER"**. A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**"PARKING LANE"**. An auxiliary lane of a street used primarily for vehicular parking.

**"PERSON"**. Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

**"PERFORMANCE GUARANTEE OR BOND"**. A surety issued by an insurance company licensed to do business in Illinois or letter of credit issued by a bank and approved by the County Board to guarantee installation of any improvements.

**"PLANNED UNIT DEVELOPMENT (PUD)"**. A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is

reviewed, evaluated and approved by the County Board and satisfies the requirements contained herein.

**"PLANNING COMMISSION"**. The Planning Commission of Randolph County, Illinois.

**"PLAT"**. The maps, drawings, charts, and other documents complying with all applicable provisions of this Code which constitute the plan for subdivision.

**"PLAT, FINAL OR FINAL DEVELOPMENT PLAT"**. The final engineering and architectural detail maps, drawings and supportive material on which the developer's plan of the project area is presented and, if approved, will be submitted to the County Recorder of Deeds for recording and to the Zoning Officer for filing.

**"PLAT, PRELIMINARY OR PRELIMINARY DEVELOPMENT PLAT"**. Preliminary engineering and architectural maps, drawings, charts and supportive material indicating the proposed layout of the project area.

**"PROJECT AREA"**. That territory intended to be subdivided or developed, and portrayed and defined in the preliminary and final plats.

**"RE-SUBDIVISION"**. See "SUBDIVISION".

**"RIGHT OF WAY"**. (ROW) A strip or parcel of land over which the owner, by dedication or otherwise, has granted or reserved the right use for streets, alleys or other public ways.

**"ROADBED"**. The graded portion of a street upon which the base course, surface course, shoulders, and median are constructed.

**"ROADWAY"**. The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter which lies between the right-of-way lines.

**"SETBACK LINE"**. The line parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

**"SOIL AND WATER CONSERVATION"**. The County Soil and Water Conservation District.

**"SPECIFICATIONS"**. The Standard Specifications for Road and Bridge Construction, prepared by the Department of Transportation of the State of Illinois, as adopted and amended by the Department, which are in effect at the time the area is being subdivided. Any term in such specifications referring to state departments of officials or to persons contracting with the state shall be deemed to refer to applicable departments, officials, or persons in the County of Randolph. Any person or his agent, or the employee, or agent of any business entity known herein as a contractor for purposes of making and entering into contracts as contemplated within the meaning of this Code and pursuant to the requirements set forth in **Article VI** hereof even though the subdivider (contractor) may enter into agreements to be completed by "independent contractors".

**"STREET"**. A public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court, or as otherwise designated, but excluding an alley or a way for pedestrian use only.

**"STREET, BUTT OR STUB"**. A street that is temporarily terminated, but is planned for future continuation.

**"STREET, CUL-DE-SAC"**. A short, land access street having only one end open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

**"STREET, DEAD-END"**. Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end, and are not permitted in any proposed subdivision.



**"STREET, LAND ACCESS".** Land access streets provide access to abutting properties, having a relatively short travel distance, and have a low volume design capacity and travel speeds.

**"STREET, LOOPED".** Land access streets having **two (2)** open ends, each end generally connecting with the same street, no other streets intersecting between its ends, and no property fronts on both sides of the street.

**"STREET, AREA SERVICE HIGHWAY".** Area service highways interconnect collectors and land access streets with the principal system and vice versa, bring all developed areas within a reasonable distance of principal streets, connect and provide direct access to major traffic generators, provide secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

**"STREET, COLLECTOR".** Collector streets interconnect the principal street system with land access streets; provide internal circulation within residential, commercial, and industrial areas; provide access to abutting properties; and have a moderate volume design capacity and travel speeds.

**"STREET, MARGINAL ACCESS OR SERVICE ROAD".** A land access street parallel and adjacent to area service highways providing access to abutting properties.

**"STREET, NEW".** One that did not previously exist legally.

**"STRUCTURE".** Anything constructed which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground.

**"SUBDIVIDE".** See **"SUBDIVISION"**.

**"SUBDIVIDER".** Means any person, dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

**"SUBDIVISION".** The division of land into **two (2)** or more lots or parcels for the purpose of either immediate or future sale, rental, or building development, or uses, other than agricultural use or production.

Establishment or dedication of a public street or alley through a tract of land regardless of size. The term **"subdivision"** shall also include all re-subdivisions of land or lots.

**"SUBDIVISION, MINOR".** A division of land into **two (2)**, but not more than **six (6)** lots, all of which front upon an existing street, not involving any new streets or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

**"TRAVEL WAY".** That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

**"ZONING OFFICER OR ADMINISTRATIVE OFFICER".** See ADMINISTRATIVE OFFICER.

**"ZONING CODE".** The Zoning Ordinance of Randolph County, Illinois.

### ARTICLE III - PROCEDURES FOR SUBMISSION OF PLATS

**34-3-1 PRE-APPLICATION CONFERENCE.** Before submitting a preliminary plat, the applicant is encouraged to confer with the County Zoning Officer, Planning Commission, and other official units of government affected thereby as well as those providing services to the area in question to initiate pre-planning activities and obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of detailed plans, surveys and other data.

**34-3-2 PRELIMINARY PLAT PROCEDURES.** A subdivider desiring to subdivide a tract of land shall file **eleven (11) copies** of the preliminary plat with the Zoning Officer. The applicant shall furnish additional copies for evaluation and comment by other governmental agencies and organizations, as requested by the Planning Commission. The Zoning Officer shall then determine if the zone district classification(s) of the territory are correct and that the proposed subdivision complies with the applicable provisions of the Zoning Code. He shall then forward **one (1) copy** each to the Planning Commission and the County Soil and Water Conservation District. All fees required for the review shall be paid by the applicant.

A copy of deed to property shall be submitted when filing a Preliminary Plat. A copy of Deed Restrictions and Covenants shall accompany the Preliminary Plat. The Deed Restrictions shall be recorded in the County Clerk's Office along with the Final Plat after Final Plat has been approved.

As required by **765 ILCS Sec. 205/2**, written approval from proper Road Authority regarding entrances onto State, County, or Road District Roads shall be submitted with plat. Also written approval from Local Health Department regarding sewage disposal systems for subdivision shall be submitted. (Subdivision Plat Review Application shall be completed.)

A Drainage Report shall be submitted and shown on separate copy of plat and signed by Registered Professional Engineer and Subdivider as specified in **765 ILCS Sec. 205/2**.

**34-3-3 SOIL AND WATER CONSERVATION DISTRICT.** The County Soil and Water Conservation District may comment on the preliminary plat within **thirty (30) days** after receiving the application. The comment shall be noted, in writing, and filed with the Zoning Officer. If comments are not received within **thirty (30) days**, the Planning Commission shall assume that the Soil and Water Conservation District has no objections to the proposed preliminary plat. (**Sec. 301.0**)

**34-3-4 NOTICE.** When the preliminary plat is being reviewed, the Planning Commission shall give notice and provide an opportunity to be heard to the following persons or groups at its next regularly scheduled meeting:

- (A) Any person who requests notification of the meeting.
- (B) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks and similar barriers; the information shall be provided by the applicant to the Zoning Officer when filing the preliminary plat.
- (C) Any governmental district, agency, organization or taxing body which requests notification of the meeting.

**34-3-5 PLANNING COMMISSION ACTION.** The Planning Commission shall review the preliminary plat within **sixty (60) days** from the date of application or the filing of the last item of required supporting data, whichever is later, and shall forward the plat to the County Board with a recommendation that the plat be approved, approved with modifications, or disapproved, and giving the reasons for the recommendations made.

**34-3-6 COUNTY BOARD ACTION.** The County Board shall review the preliminary plat and shall either approve or disapprove the plat.

**34-3-7 FILING.** **Two (2) copies** of the approved preliminary plat shall be filed with the Zoning Officer and a copy signed by the County Board Chairman be returned to the subdivider by the Zoning Officer.

**34-3-8 RIGHTS AND PRIVILEGES.** Preliminary plat approval shall confer upon the subdivider the following rights and privileges:

(A) That the preliminary plat approval will remain in effect for a **one (1) year** period. The applicant may, during this period, submit all or part or parts of the preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the County Board, have final approval of the last part of the plat delayed for a period not to exceed **five (5) years** from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least **one (1) block** in area.

(B) That the general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval.

(C) The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been accepted by the County Engineer, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance to County improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he shall submit the improvement plans to the Zoning Officer at the time that the final plat is submitted.

**34-3-9 SUBDIVISION NEAR MUNICIPALITY.** When a subdivision is located within **one and one-half (1 1/2) miles** of the corporate limits of any municipality that has adopted and filed with the County Recorder of Deeds an official comprehensive plan, which plan has been implemented by ordinance as provided by State Statutes, the plat shall be submitted by the applicant to the Municipality for approval. However, the subdivider shall submit a copy of the preliminary plat as approved by the Municipality to the Zoning Officer of the County for the Planning Commission's review and comment.

(A) The Planning Commission and the County Engineer shall determine if the preliminary plat complies with this Ordinance and whether the preliminary plat is in substantial compliance with the County's Transportation Plan adopted by the County Board. Whenever the preliminary plat does not comply with the above, the Zoning Officer shall notify the Municipality in writing of the specific instances of noncompliance.

(B) The Zoning Officer shall also notify the County Superintendent of Highways in writing whenever the preliminary plat contains roads or streets that are less than the specifications and regulations provided herein. The Superintendent of Highways may refuse to accept any such noncomplying street or road for incorporation into or as part of the County road system.

**34-3-10 IMPROVEMENT PLAN PROCEDURES.** Improvement plans do not require Planning Commission action, but shall be approved by the County Engineer who shall certify to the Planning Commission that the plan is in conformance with these regulations and requirements. Variance from these requirements shall be permitted only by Planning Commission action pursuant to **Article VII**. No developer, however, shall proceed with any construction work in the project area before obtaining this approval. In minor subdivisions, if in the opinion of the County Engineer, this requirement would create an unnecessary hardship, the County Engineer may waive improvement plan requirements, provided he so notifies the Planning Commission in writing.

(A) To secure formal action on the improvement plans, the developer shall file **three (3)** blue line prints of the improvement plans with the Zoning Officer who shall forward them to the County Engineer.

(B) The County Engineer shall review the proposed improvement plans and notify the Planning Commission, in writing, of his approval, conditional approval, or denial. Upon notification by the County Engineer, the Zoning Officer shall notify the applicant by making a copy of the County Engineer's report stating the approval, conditional approval or denial. If the notice is of denial, or conditional approval, the County Engineer shall, as a guideline to applicant, state his reasons.

- (1) Approval means the applicant is now authorized to proceed with the physical improvements in the subdivision, provided the County Board accept the improvement plans.
- (2) Conditional approval means the developer may proceed as outlined in the preceding paragraph, but only after he has submitted **three (3) copies** of the corrected improvement plans to the Zoning Officer, who shall forward the plans to the County Engineer.
- (3) Denial means disapproval of improvement plans. For further consideration, the developer must rework his plans to conform to the requirements and then resubmit the reworked plans to the Zoning Officer as though they were a completely new set of plans.

**34-3-11 FINAL PLAT PROCEDURES.** Eleven (11) copies of the final plat shall be submitted to the Zoning Officer. He shall then transmit **one (1) copy** each to the Planning Commission and County Engineer. The final plat shall include all plans and specifications as may be necessary to comply with all requirements herein and such information as may be necessary concerning the form of guarantee or performance bond to be used.

**34-3-12 SUBMITTAL OF IMPROVEMENT PLANS.** If the applicant has not previously submitted improvement plans, then they shall be submitted along with the final plat

to the Zoning Officer, who shall forward the final plat and improvement plans to the County Engineer.

**34-3-13**     **SOIL AND WATER CONSERVATION DISTRICT.** The Planning Commission may, if it believes that substantial changes have been made from the preliminary plat, request that the Soil and Water Conservation District review the final plat.

**34-3-14**     **PLANNING COMMISSION ACTION.** The Planning Commission shall review the final plat and documentation and transmit their report on findings and recommendations to the County Board within **thirty (30) days** of the filing date of the final plat.

**34-3-15**     **COUNTY BOARD REVIEW.** The County Board shall review the final plat and shall either approve or disapprove the plat. Approval however, shall not be granted unless the following conditions are met:

- (A)           The final plat conforms to the preliminary plat approved previously.
- (B)           The final plat meets the design standards and engineering specifications set forth herein.
- (C)           The final plat meets all requirements of the laws of the State of Illinois.
- (D)           The subdivider or applicant posts a performance bond or Irrevocable Letter of Credit with the County equal to the estimated cost of all improvements for construction, maintenance and operation, as the case may be.

**34-3-16**     **COUNTY BOARD ACTION.** If the final plat is approved, the chairman of the County Board shall affix his signature to the plat and attach thereto a notation that the plat has received final approval of the County Board. The County Clerk shall then attest the signature of the Chairman and affix the County Seal thereto. If the final plat is disapproved, the reasons for such action and specific instances where the plat is not in conformance with the requirements herein shall be noted.

**34-3-17**     **COUNTY CLERK ACTION.** The County Clerk shall attach to a copy of the final plat a certified copy of the County Board resolution certifying approval or disapproval.

**34-3-18**     **RECORDING PROCEDURE.** No subdivision plat or re-plat shall be filed for record or recorded in the Office of the Recorder of Deeds, unless and until the approval of the County Board is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the County Board and filed for record in the Office of the Recorder of Deeds as herein provided.

**34-3-19**     **OFFICIAL FILINGS.** The subdivider shall file the approved final plat along with the Deed Restrictions and Covenants of the subdivision with the County Recorder of Deeds within **sixty (60) days** after the County Board have affixed their signature thereto. **One**

**(1) copy** of the final plat and the Deed Restrictions shall be given to the Administrative Officer by the County Recorder of Deeds bearing the official stamp of the County Recorder of Deeds attesting the recordings within **twenty (20) days** of such action.

**34-3-20**     **ILLEGAL PLATS.** It shall be unlawful for the County Recorder to accept for recording any plat of a subdivision within the unincorporated area of County until the plat has been approved as required herein and such approval has been endorsed in writing on the plat or as otherwise provided herein.

**34-3-21**     **MINOR SUBDIVISIONS.** Minor subdivisions (see definition, "SUBDIVISION, MINOR") may be exempted from the procedures and requirements for preliminary plats and the subdivider may proceed to file the final plat for review. Final plat procedures and requirements shall be as specified in **Sections 34-3-11 to 34-3-17.**

**34-3-22**     **FEES.** The review fee for the preliminary plat shall be **One Hundred Dollars (\$100.00)**, plus **Fifteen Dollars (\$15.00)** per lot, sub-lot, or tract of land. The fee shall be collected by the Zoning Officer after the last item of required information has been submitted by the applicant.

**34-3-23**     **FINAL PLAT.** The review fee for the final plat shall be **Fifty Dollars (\$50.00)**, plus **Fifteen Dollars (\$15.00)** per lot, sub-lot, or tract of land. The fee shall be collected by the Zoning Officer after the last item or required information has been submitted by the applicant.

**34-3-24**     **IMPROVEMENT PLAN REVIEW AND INSPECTION FEE.** All public improvements proposed to be made under the provisions of this Ordinance shall be inspected during the course of construction by the County's duly designated representative. The fees and costs connected with such inspections and in reviewing improvement plans and specifications shall be paid by the developer. This fee shall not exceed **five percent (5%)** of the total cost for all improvements, based on the determination made by County Engineer.

## ARTICLE IV - SPECIFICATIONS FOR PLATS

**34-4-1 PRELIMINARY PLAT REQUIREMENTS.** The preliminary plat shall portray or present the following:

(A) Name under which the proposed subdivision is to be recorded and location.

(B) Small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated streets within **three hundred (300) feet** of the proposed subdivision. The key map shall show the location of any corporate limits of any municipality lying within **one and one-half (1.5) miles** or less of the subdivision.

(C) North arrow and date.

(D) Names and addresses of the owner, subdivider, land planning consultant, and the registered land surveyor who prepared the preliminary plat.

(E) Tract boundary lines, showing their lengths and directions according to available information and references to lines of the public land survey and of other major land divisions.

(F) All lot lines adjacent to and abutting the subdivision, and identification of adjoining lots.

(G) Layout of proposed lots, showing their approximate dimensions, numbers and their approximate minimum area, showing an identifying number for each lot, and stating the zone district classification(s) of the proposed subdivision.

(H) Streets or alleys and rights-of-way and adjoining the site of the proposed subdivision and their names; the street roadway and right-of-way widths, approximate gradients, types and widths of pavement, curbs, sidewalks, planting strips and other pertinent data; the classification of all existing or proposed streets as to function as established herein.

(I) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes, the use(s) of the area to be subdivided, and on the manner and extent of correspondence of the proposed uses to the Comprehensive Plan, as adopted by the County Board.

(J) Easements, existing and proposed, showing locations, widths, and purposes.

(K) The gross and net area of the proposed subdivision, the area of street rights-of-way, and the area of any parcels reserved for the common use of the property owners within the subdivision or for public use.

(L) Where the topography has a significant bearing upon the street grades, the plan of public utilities and drainageways or facilities in the proposed subdivision, elevation contour lines at intervals as shown on USGS topographical maps. Contour lines shall be shown for all hillside areas and all other areas of significant slope.

(M) Location of major water courses, ponding areas, natural drainageways and flood hazard areas.

(N) Location, size and available capacity of existing public utilities and drainageways or facilities within or adjoining the proposed subdivision and the location and size of the nearest water trunk mains, interceptor sewer lines and other pertinent utilities.

(O) Location, type and approximate size of utility improvements to be installed.

(P) "The preliminary plat shall be drawn to a scale not more than **one hundred (100) feet to one (1) inch**; and the resulting plat is at least **eight and one-half**

**(8 1/2) inches by fourteen (14) inches** but not more than **thirty (30) inches by thirty-six (36) inches.**" (Ord. No. 86-33; 03-17-86)

(Q) A statement to the effect that "this plat is not for record" shall be printed or stamped upon all copies of preliminary plat.

(R) Tentative approval of the street names and house numbers by Zoning and 911 Office with jurisdiction in the area being subdivided shall be endorsed upon the preliminary plat. Duplication of street names, within the County's jurisdiction shall be prohibited.

(S) Indicate on plat whether or not any part of the property shown is located within Special Flood Hazard Area as identified by Federal Emergency Management Agency.

**34-4-2 PLANNING COMMISSION REQUIREMENTS.** In order to provide for a well informed review of the preliminary plat by the Planning Commission, the following information shall also be required:

(A) The final land use plan for all uses in the project or project area phase under consideration.

(B) A project or project phase development schedule indicating:

- (1) the approximate date when construction of the project can be expected to begin,
- (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin,
- (3) the anticipated rate of development,
- (4) the approximate dates when the development of each of the stages in the development will be substantially completed, and
- (5) the area and location of common or public open space that will be provided at each stage.

(C) The term or the text of agreements, provisions, or covenants which will guarantee the conveyance and governance of use, provide proper maintenance, and continued protection of the proposed development and any of its common open areas or facilities.

(D) The following plans and diagrams, in so far as the Planning Commission finds that the proposed development will create special problems of traffic, parking and landscaping:

- (1) An off-street parking and loading plan.
- (2) A landscaping and tree-planting plan.

**34-4-3 FINAL PLAT REQUIREMENTS.** The final plat to be provided by the subdivider shall meet the following specifications:

(A) The final plat may include all or only part of the project area portrayed on the preliminary plat which has received approval.

(B) The final plat shall be drawn on new linen tracing cloth, mylar or other material or comparable stability with water proof black ink to a scale of not more than **one hundred (100) feet to one (1) inch**; provided that the resulting drawing is at least **eight and one-half (8 1/2) inches by fourteen (14) inches but not more than thirty (30) inches by thirty-six (36) inches**. **Five (5)** black or blue line prints shall be provided by the subdivider, along with the original mylar or linen.

(C) All dimensions shall be shown in feet and decimals of a foot.



(D) The final plat shall be prepared under the active and personal direction of a registered Illinois Land Surveyor, who shall certify that the plat correctly shows the results of his survey of the boundaries and platting of parcels within the subdivision.

**34-4-4 PLAT DATA.** The final plat shall portray or present the following:

(A) Accurate boundary lines, with dimensions and bearings or angles, which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot in five thousand (5,000) feet.**

(B) Accurate distances and directions to the nearest established official monument. Reference corners shall be accurately described on the final plat.

(C) Reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found.

(D) Accurate metes and bounds description of the boundary and the included area of the subdivision to the nearest **one hundredth (1/100)** of an acre.

(E) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

(F) Right-of-way line of streets, easements and other rights-of-way and property lines and areas of lots and other tracts, with accurate dimensions, bearings and curve data, including radii, arcs and chords, points of tangency, and central angles.

(G) Name and right-of-way width for each proposed street or other right-of-way.

(H) Location and dimensions of any easement and a statement of purpose for each easement.

(I) Number to identify each lot or site.

(J) Purpose for which sites, other than residential lots, are dedicated or reserved.

(K) Lot dimensions and areas of each lot, and building or setback lines and dimensions.

(L) Location, type, material and size of all monuments and lot markers.

(M) Certification, before a Notary Public, by the owners in fee of all property embraced within the final plat, acknowledging the plat to be their free and voluntary act, dedicating to the public use forever the streets and drainage easements shown thereon, dedicating the easements shown thereon for the construction and maintenance of municipal and public utility services, and stating that building lines shown thereon will be referenced to in all future conveyances of lots in the subdivision. In addition, the dedication and reservation to the public of any right-of-way lying along any public road adjacent to the boundaries of the plat.

(N) Reference to recorded subdivision plats within **three hundred (300) feet** of adjoining platted land by record name, date and number.

(O) Restrictions of all types which will run with the land and become covenants in the deeds for lots.

(P) Title or name of subdivision; identification of the portion of the Public Lands Survey in which the subdivision is located; and north arrow, graphic scale and date drawn.

- (Q) Certification by registered land surveyor with registration numbers and seal affixed to all final documents prepared by the surveyor.
- (R) Certification of dedication of all public areas.
- (S) Indicate on plat whether or not any part of the property shown is located within a Special Flood Hazard Area as identified by Federal Emergency Management Agency.

**34-4-5 IMPROVEMENT PLANS.** After the preliminary plat is approved, improvement plans prepared by an engineer for the subdivision of all or any part of the tract shall be submitted to the Zoning Officer for Review by the County Engineer. Improvement plans shall be prepared on an exhibit not to exceed **forty-eight (48) inches by forty-eight (48) inches** and shall contain the following information:

- (A) Title page, which shall include a key map showing the relationship of the area to be subdivided to the project area and which shall reflect areas of the project area previously subdivided plus adjacent streets.
- (B) North arrow and graphic scale.
- (C) Title block showing name and address of developer and engineering firm, as well as the engineer's seal.
- (D) One or more bench marks, in or near the subdivision, to which the subdivision is referenced. The elevation shall be based on the sea level datum.
- (E) List of the standards and specifications followed, citing volume, section, page or other references.
- (F) Paving details conforming to Randolph County standards specifications.
- (G) Details of streets, existing and proposed sanitary sewers, water lines, drainage channels, swales, and storm sewers as required by **Article VI**.
- (H) Plans and profiles of streets, storm and sanitary sewers, water lines and other improvements required by **Article VI**. The plans and profiles shall be drawn at a scale not greater than **one hundred to the inch (1" = 100")** horizontal; and **one inch equals ten feet (1" = 10')** vertical.
- (I) Any structural or non-structural measure proposed to prevent soil erosion and sediment control as required by **Section 34-5-19** must be shown or included in a statement accompanying the improvement plans.
- (J) Existing and proposed survey monuments on street plans or on the proposed final plat as required by **Section 34-6-2**.
- (K) As built drawings shall be submitted to the Administrative Officer after the improvements have been installed.

**34-4-6 VARIANCE FROM THE PRELIMINARY PLAT.** If the improvement plans require substantial alteration of the approved preliminary plat, then a new preliminary plat must be submitted to the Zoning Officer before the improvement plans can be approved.

## ARTICLE V - MINIMUM STANDARDS OF DESIGN

**34-5-1**      **GENERAL STATEMENT.** The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No preliminary plat shall be approved unless it conforms to the following minimum standards of design. The Planning Commission, in its review of the preliminary plat, will take into consideration the requirements of the community and the best use of the land being subdivided.

**34-5-2**      **STREET PLANNING.** The arrangement, character, extent, width and location of all streets shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographic conditions, to runoff of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Wherever possible and necessary, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. Where adjoining unsubdivided areas may be subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets into adjoining areas by carrying the new streets to the boundaries of the new subdivision at appropriate locations. No building shall be allowed in areas within a projected street continuation. In no case shall land be subdivided in such a manner that adjoining property be denied access.

(A)            **Extensions of Streets.** Where subdivision streets or rights-of-way are continuations or extensions of existing streets or rights-of-way, the width thereof shall be of the same or greater width as the existing street or right-of-way except that in no case shall the street or right-of-way in the subdivision be of less width than the minimum as provided herein. Dedication of half or portions of a street shall be discouraged, but may be permitted whenever there is no other logical method of platting. Reserve strips, of any type, shall not be allowed.

(B)            **Frequency of Street Access.** Land access roads and private drives onto a township road, county road or state highway shall not be closer than **one-eighth (1/8) mile (660 feet)**.

**34-5-3**      **PRIVATE STREETS.** Private roads and streets shall be permitted only when the subdivider submits sufficient evidence to the County Board that there can be no public interest in such private road or street. A subdivision of **four (4) lots** or less may be provided with a private street or road.

(A)            The deed must clearly show that said private streets are not dedicated to the public but shall remain private, to be maintained by the adjoining lot owners.

(B)            Private road and street construction shall conform to the design standards established in **Section 34-5-5.**

(C)            When such a private street is provided, the location and width must be shown on the plat; the street must conform to the minimum requirements contained herein.

(D)            No additional subdivision may be developed using such a private street as a means of access to a public road or street.

(E)            The plat must contain a properly executed certificate by the subdivider containing the following:

## SAMPLE CERTIFICATE

I, \_\_\_\_\_, owner of tract \_\_\_\_\_  
 \_\_\_\_\_ and the private road or street shown on the plat hereon  
 do hereby declare that said private road or street is not dedicated to the public  
 but shall remain private, to be maintained by and for the adjoining lot owners  
 until such time that said street(s) are accepted for dedication by the appropriate  
 road district or Randolph County, Illinois.

Signed \_\_\_\_\_

Date \_\_\_\_\_

**34-5-4**      **STREET DESIGN REQUIREMENTS.** The following requirements shall also be met when planning the street network:

- (A)            Streets shall intersect, as nearly as possible, at right angles.
- (B)            Land access street curb intersections shall be rounded by radii of at least **fifteen (15) feet**; intersections involving collector streets shall have radii of not less than **twenty-five (25) feet**.
- (C)            Street jogs with center line offsets of less than **one hundred twenty-five (125) feet** are prohibited.
- (D)            "Unless topography indicates a need for a greater length, dead-end streets, designed to be so permanently, shall be no longer than **five hundred (500) feet** and shall terminate a circular open space having a radius at the outside of the pavement of at least **fifty (50) feet** and a diameter at the outside of the right-of-way of at least **one hundred twenty (120) feet**. This length may be increased where topography or existing conditions prohibit a reasonable connection."
- (E)            Land access streets shall be designed so as to discourage through traffic.
- (F)            No land access street shall be in excess of **ten percent (10%)** grade and no collector street grade shall be in excess of **eight percent (8%)** grade, except as otherwise approved by the Planning Commission due to adverse topographic conditions. For adequate drainage, the minimum grade of any new street shall not be less than **one-half (1/2) of one percent (1%)**.
- (G)            The Planning Commission shall not approve streets which will be subject to frequent inundation or flooding.
- (H)            Alleys shall be avoided in single-family and two-family districts; however, alleys may be required in multiple-family districts and commercial or industrial districts unless other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent and adequate for the use proposed.
- (I)            Dead-end alleys shall not be permitted, except where provided with adequate turn-around facilities at the dead-end, or where such dead-end alleys provide the only access to off-street parking or loading spaces.
- (J)            Alleys, where provided, shall have a right-of-way of not less than **twenty (20) feet**.
- (K)            Intersection of more than **two (2) streets** at **one (1) point** shall be prohibited.

(L) Where subdivision abuts on or contains an existing or proposed area service highway, the Planning Commission may require that marginal access streets be provided in order that no lots front on such existing or proposed area service highway.

(M) Wherever the Illinois Department of Transportation or the County of Randolph has gone on record as desiring the relocation and/or the construction of a new highway or whenever a municipality has duly recorded with the County a comprehensive plan and/or adopted an official map defining the location of streets, the subdivider shall reserve rights-of-way for the alignments and widths as prescribed by the appropriate jurisdictional agency.

**34-5-5 RIGHT-OF-WAY AND SURFACE WIDTH REQUIREMENTS.** The following shall be the minimum rights-of-way and surface width requirements provided under the terms of this Code; however, the Planning Commission may increase street rights-of-way because of limitations imposed by topography and/or other physical factors and specific design requirements.

<b><u>Street Classification</u></b>	<b><u>Surface (A)</u></b>	<b><u>Right-of-way</u></b>
Area Service Highway	(B)	(B)
Collector	(B)	(B)
Land Access Street:		
Parking one Side	32 ft.	42 ft. (C)
Parking Both Sides	40 ft.	50 ft. (C)
No Parking (D)	24 ft.	40 ft. (C)
Illinois Department of Transportation Specifications		

(A) Measured from the back of the curb to the back of the curb.

(B) The County Engineer shall be consulted for design and construction standards pertaining to Area Service Highways and Collector Streets.

(C) If sidewalks are required on **one (1) side**, add **four (4) feet** and if sidewalks are required on both sides, add **eight (8) feet** to right-of-way requirements.

(D) This pavement and right-of-way width will only be allowed in areas having a density less than **one (1) dwelling unit** per net acre and providing at least **four (4) off-street parking spaces** per dwelling unit. A **twenty-eight (28) foot** roadbed must be provided; this will allow **four (4) foot** shoulders on each side of the pavement. The administrative officer may also waive curb and gutter requirements.

**34-5-6 ADDITIONAL RIGHT-OF-WAY REQUIREMENTS.** Whenever the subdivision adjoins a non-access highway constructed by the Illinois Department of Transportation, which is the maintenance responsibility of the Illinois Department of Transportation, the Planning Commission, upon the recommendation of the Illinois Department of Transportation, may require the reservation of a service road with a minimum right-of-way of not less than **sixty (60) feet** which road shall parallel the highway and may have connections thereto at locations that are jointly approved by the Planning Commission and the Illinois Department of Transportation.

(A) Wherever any highway, constructed by the Illinois Department of Transportation, which is the maintenance responsibility of the Illinois Department of

Transportation, traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width of not less than **sixty (60) feet** from the center line of such highway.

(B) If any tract of land proposed to be subdivided (or any part thereof) lies adjacent to any highway over which the Illinois Department of Transportation has jurisdiction with respect to maintenance and upkeep, and an access is desired from such highway to any lot, street, roadway, alley or otherwise in such proposed subdivision, then the subdivider shall be required to obtain and submit to the Zoning Officer a written permit from the Illinois Department of Transportation granting him permission to construct such access way.

**34-5-7 COUNTY HIGHWAYS.** Wherever any highway, constructed by the County, which is the maintenance responsibility of the County, and traverses or adjoins the subdivision, the subdivider shall reserve a right-of-way having a width of not less than **fifty (50) feet** from the center line of any County highway and **thirty (30) feet** from the center line of any road district highway in the County.

**34-5-8 COLLECTOR LOCATIONS.** If a subdivision is planned adjacent to an existing County or Road District road, the developer shall reserve a right-of-way that is a minimum of **fifty (50) feet** wide from the centerline of any County Highway and a minimum of **thirty (30) feet** wide from the centerline of any Road District road.

**34-5-9 NOISE ABATEMENT.** If the project or subdivision is to be developed within **one thousand (1,000) feet** of the center line of an existing or planned highway, with a **fifteen (15) year** projected Average Daily Volume in excess of **two thousand (2,000) vehicles**, consideration must be given to the relationship between highway traffic noise and the proposed development. In order to alleviate excessive highway noise impacts, the Planning Commission, in consultation with the Illinois Department of Transportation, may require the developer to conform with additional setback requirements or provide adequate buffering.

**34-5-10 EASEMENTS.** Easements of not less than **ten (10) feet** in width shall be provided on each side of all rear lot lines, and alongside lot lines where necessary for storm and sanitary sewers, gas, water and other mains, and for electric and telephone lines for other public utilities. Easements of greater width may be required along or across lots when necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement. A **two (2) foot** easement shall be required on **one (1) side** of and adjacent to an alley to accommodate pole lines.

Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The location and minimum widths of such easements shall be approved by the County Engineer.

**34-5-11 BLOCKS.** No block shall be longer than **one thousand two hundred (1,200) feet** or less than **five hundred (500) feet** in length.

(A) All blocks, whenever it is deemed essential by the Planning Commission to provide access to schools, playgrounds, shopping centers and other community facilities,

shall have a crosswalk with a right-of-way of at least **ten (10) feet** in width near the center of the block.

(B) The length, width and shapes of blocks shall be determined with due regard to building sites, land use, zoning requirements, access, safety and convenience.

(C) Where a subdivision adjoins an area service higher type roadway, the greater dimension of the block shall generally front or back upon such highway to avoid unnecessary multiplicity of points of ingress or egress.

### **34-5-12      RESERVED.**

**34-5-13      LOTS.** Lot area and dimensions shall conform to the requirements of the applicable district of the Zoning Code.

(A) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development. **(See Figures One and Two)**

(B) All side lines of lots shall be at right angles to straight street right-of-way lines and radial to curved street right-of-way lines, except where a variation of this rule will provide a better street and lot design.

(C) All remnants of lots below minimum lot area size left over after subdividing a larger tract shall be added to adjacent lots, rather than allowing to remain as unusable land.

(D) Lots which cannot be served by either a public or private sanitary sewer or a public water system, shall comply with the applicable provisions of the County Zoning Code.

(E) Lots with double frontage should be avoided where possible. Corner lots and lots with double frontage shall have extra dimension sufficient to permit the establishment of front building or setback lines on the adjoining streets.

(F) The subdividing of the land shall be such as to provide drainage away from building locations.

(G) In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, wetlands, steep slopes, water courses, historic spots, or similar conditions, and plans adjusted to preserve those which will add attractiveness, safety and stability to the proposed development. **(See Figures One and Two)**

**34-5-14      LOT CONVEYANCE.** The owner(s) may convey title to lots in the improved portions of the subdivision, provided that streets, storm and sanitary sewers, and sewage treatment plants be designed and built to serve the entire area or be initially developed in such a manner that they can easily be expanded or extended, as the case may be to serve the entire development.

**34-5-15      PUBLIC RESERVATIONS.** When a school board, park board or governing body of a County or Municipality goes on record as desiring to purchase ground in the subdivision for a school, park or other public purpose, such area shall be reserved for acquisition within a **twelve (12) month** period. If within this **twelve (12) month** period, an

acquisition price cannot be agreed upon or condemnation proceedings have not been instituted, the owner or subdivider may subdivide, sell, or dispose of the ground.

**34-5-16**     **SEWAGE DISPOSAL.** In areas where on-site sewage disposal systems will be installed, the size and relative location shall be governed by the Illinois Department of Public Health and Randolph County Sewage Code regulations in effect at the time. In addition, the following requirements shall also apply:

(A)           On each lot, there shall be an area preserved for the construction of an additional drain field system should the original drain field fail. The area set aside for a second drain field shall be of a size and so located that a drain field can be constructed that will meet all standards on size and setbacks recommended by the Illinois Department of Public Health and the Monroe/Randolph Bi-County Health Department or their successor.

**34-5-17**     **INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.** All individual sewage systems shall be designed and installed in accordance with the current regulations of the Illinois Department of Public Health and the Monroe/Randolph Bi-County Health Department or their successor. Subdivider shall at time of submitting the Preliminary Plat make application to the Bi-County Health Department for approval of the method proposed for sewage disposal on each individual lot.

(A)           For subsurface seepage systems the developer must demonstrate, by furnishing percolation tests and soil survey data that the proposed systems would function properly at the locations proposed.

(B)           For surface discharge systems, the developer shall submit as part of the site drainage study report a discharge location proposal for each lot. Copy of the drainage study report is to be submitted to the Monroe/Randolph Bi-County Health Department or their successor at the time the application for approval of sewage disposal system(s) is made.

(C)           Any subdivision allowing use of aerobic disposal systems, shall as part of the protective covenants for the subdivision, require that a maintenance agreement contract on the system be mandatory. The maintenance agreement must comply with regulations set forth in the Illinois Department of Public Health Private Sewage Disposal Code and the Randolph County Sewage Code and provide for a minimum of **one (1)** documented inspection every **twelve (12) months** by a qualified company.

(D)           The Preliminary Plat shall not be approved by the County Board until the Health Department's written approval of the developers sewage disposal proposal is obtained from the Health Department Administrator.

**34-5-18**     **STREETS.** All streets proposed for either public or private maintenance shall be constructed to the minimum standards of this Code and be subject to the improvement plan review procedures.

**34-5-19**     **DRAINAGE.** No plat shall be approved for any subdivision which is subject to flooding as defined in the County Zoning Ordinance, unless the plat conforms to the applicable requirements of the Ordinance.

(A)           No plat shall be approved for any subdivision or part thereof which is subject to periodic flooding or which contains inadequate drainage facilities or which makes



adequate drainage of streets impossible. However, if the subdivider agrees in writing to make improvements at his expense which will, in the opinion of the Planning Commission, make the area safe for human occupancy and use further provides adequate drainage for streets, then the preliminary and final plat may be approved.

(B) Storm water drainage shall be discharged to marsh lands, swamps, retention basins or other treatment facilities. Diversion of storm water to marshlands or swamps shall be considered by the Planning Commission for existing or planned surface drainage. Marshlands and swamps used for storm water shall provide for natural or artificial water level control.

(C) No existing ditch, stream, drain or drainage canal shall be deepened, widened, filled, rerouted or filled without written permission from the proper authority.

(D) Where artificial channels must be constructed to augment the natural drainage system, such channels as well as the natural drainage ways may be planned as part of a recreation trail system. Channels shall be designed to be aesthetically compatible for recreational trail use.

(E) The drainage system shall be constructed and operational during construction; or as approved by the County Engineer.

(F) The natural drainage system shall be used as far as is feasible for the storage and flow of runoff.

(G) The County Board shall not approve the final plat unless in addition to the requirements of **Section 34-5-18** above, the topographical and profile studies to be submitted with the subdivision plat have on their face the certification of a Registered Professional Engineer, and the owner of the land or his duly authorized attorney. The certification shall state in effect that to the best of their knowledge and belief:

- (1) the drainage of surface waters will not be changed by subdivision construction; or
- (2) if surface drainage will be changed, adequate provision has been made for collecting such water into designated public areas or approved drains. In addition, certification must be made that such water will not cause damage to adjoining properties because of subdivision construction.

These topographical and profile studies shall not be recorded but shall be filed as a public document.

**34-5-20** **EROSION AND SEDIMENT CONTROL.** The following standards shall be applied in the subdivision and construction of land areas.

(A) The development shall conform to the natural limitations presented by topography and soil so as to create the least potential for soil erosion.

(B) Natural plant covering shall be retained and protected so far as is consistent with developing the site.

(C) When soil is exposed, the exposure shall be for the shortest feasible period of time.

(D) Land shall be developed in increments of workable size such that adequate erosion and siltation controls can be provided as construction progresses. The smallest practical area of land shall be exposed at any one period of time.

(E) Appropriate control measures shall be installed prior to development when necessary to control erosion.

- (F) Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
- (G) Sediment basins, debris basins, desilting basins, or silt traps shall be installed and maintained to remove sediment from runoff waters undergoing development.
- (H) Temporary vegetation or, where appropriate, mulching or other erosion control product shall be used to protect areas exposed during development.
- (I) Where the topsoil is removed, sufficient topsoil shall be set aside for respreading over the developed area. The soil shall be restored to a depth of **four (4) inches** and shall be of a quality at least equal to the soil quality prior to development.
- (J) Permanent, final plant covering or structures shall be installed as soon as possible.

**34-5-21 TREE REMOVAL CONSERVATION OF VEGETATION.** All subdivisions shall be planned, designed, constructed and maintained so that:

- (A) Existing healthy trees and native vegetation on the site are preserved to the maximum extent feasible and are protected by adequate means during construction.
- (B) Existing native vegetation is not disturbed, injured or removed prior to site development, except to the extent necessary.
- (C) Following construction, vegetation suitable to the site is planted. Multiple varieties should be used alternately. Trees should be planted at intervals of at least **one (1)** every **sixty (60) feet** and at a distance of at least **six (6) feet** outside of the road right-of-way. No tree shall be planted within the road right-of-way.
- (D) Existing trees are preserved within any right-of-way when such trees are suitably located, healthy, and when approved grading allows.
- (E) No branches, dead trees, or uprooted stumps remain after development.

## ARTICLE VI - MINIMUM STANDARDS OF IMPROVEMENT

**34-6-1 GENERAL STATEMENT.** Utility and street improvements shall be provided by the subdivider in each new subdivision in accordance with the standards and requirements described in the following Section. The requirements set forth below shall be considered as minimum requirements and nothing contained herein shall be construed to mean that the subdivider cannot construct or provide improvements of a higher type.

No final plat shall be approved unless:

- (1) the improvements required in this Article have been completed and approved prior to such approval, or
- (2) the subdivider shall file a performance guarantee or bond as provided in **Section 34-6-17.2**.

**34-6-2 REFERENCE MONUMENTS.** The surveyor must at the time of making the survey, set in such manner that they will not be moved by frost, good and sufficient monuments marking the external boundaries of the tract to be divided and must designate upon the plat the points where they may be found. These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to be not less than **twenty (20) feet** back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the right of way line of the street. These monuments, two of which must be of reinforced concrete and set at opposite extremities of the property platted. All lot corners shall be monumented in a like manner with iron pins or pipe.

Concrete monuments shall be in accordance with State Plat Act.

**34-6-3 STREET IMPROVEMENTS.** All streets shall be constructed as hereinafter provided:

(A) All new roadways within a subdivision shall be designed and constructed according to the Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction" (hereinafter referred to as the Standard Specifications) and the accompanying "Highway Standards" manual, which are in effect at the time the improvement plans are submitted for approval.

(B) **Grading Roadway and Side Slope.** The width of all street surfaces and roadway right-of-ways shall be as detailed in **Section 34-5-5**. The typical roadway cross-section shall be as detailed in **Figures 3 and 4** of this Code.

- (1) All disturbed areas shall be seeded in accordance with the Standard Specifications.
- (2) Alleys shall be designed and constructed the same as Land Access Streets except that the minimum surface width shall be **eighteen (18) feet**, and curb and gutter will not be required.
- (3) Cul-de-sacs shall have a minimum diameter of **eighty (80) feet**.

(C) **Street Construction Standards.** All streets within the jurisdictional authority of the County other than state highways shall be improved with pavements bounded by integral concrete curbs and gutters, in accordance with the following minimum criteria:

- (1) The County Engineer shall be consulted for design and construction standards pertaining to Area Service Highways and Collector Streets.
- (2) The design and construction of Land Access Streets shall be according to the Standard Specifications and as detailed in **Figures 3 and 4** depending on the lot sizes and average lot density.
- (3) Land access streets for large lot subdivisions can be constructed, if approved by the Planning Commission, in accordance with the roadway cross section shown by attached **Figure 4**. A large lot subdivision shall be defined as having a minimum lot density of **one (1) lot** per acre based on the total subdivided area with no lot less than **three-fourths (3/4) acre** in size.

(D) **Utility Lines.** Underground utility lines in utility easements or rights-of-way shall be installed prior to the construction of such streets and alleys.

(E) **Guard Rails.** The administrative officer may require the placement of metal guard rails at locations where, in his opinion, the public safety is involved.

**34-6-4 COMBINATION CONCRETE CURB AND GUTTER, STORM SEWERS AND OTHER DRAINAGE APPURTENANCES.** Storm sewers shall be required to provide adequate drainage along any street and such storm sewers, manholes, catch basins, inlets and outlets shall be constructed in accordance with the applicable provisions in the specifications. Catch basins are to be constructed in accordance with Illinois Department of Transportation standards. The storm water drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with the drainage laws of the State of Illinois. The plans and specifications for the disposing of storm water shall be approved by the County Engineer.

**34-6-5 FLOW LINES.** The flow line of any combination curb and gutter section, as well as the flow line of any storm sewer, shall have a fall of at least **0.5 of a foot per one hundred (100) lineal feet**, except where vertical curves in the grade line of the street make this provision inapplicable with respect to the curb and gutter.

**34-6-6 PIPE CULVERTS.** All across-road culverts and entrance culvert shall comply with the specifications. No such pipe culverts, however, shall be less than **fifteen (15) inches** in diameter unless written approval is given by the County Engineer for a reduced size, a minimum of **twelve (12) inches** in diameter. The sizes of all drainage structures shall be computed by using "Talbot's Formula" for runoff. The design, installation and construction of all drainage structures shall be computed by using construction of all drainage structures shall be subject to the approval of the County Engineer and the Road District Highway Commissioner and/or Illinois Department of Transportation.

**34-6-7 RESERVED.**

**34-6-8 ELECTRICAL POWER, TELEPHONE AND CABLE ANTENNA TELEVISION (CATV).** Electrical, telephone, and CATV service lines shall be placed underground throughout the subdivision. The conduit or cables shall be located within easements or public rights-of-way in a manner which will not conflict with other underground services. All transformers and terminal boxes shall be located so as not to be unsightly or hazardous to the public. The location of such services within any public right-of-way shall be approved by the County Engineer.

**34-6-9 PUBLIC UTILITY ENGINEERING REQUIREMENTS.** All proposed water and sanitary sewer facilities shall comply with the minimum requirements and recommendations of the Environmental Protection Agency of the State of Illinois. When a proposed subdivision is accessible to a public sewer system and/or water distribution system, the subdivider shall provide the subdivision with a complete sanitary sewer system and/or water distribution system to be connected to the proper public system(s), when a permit can be secured from the public agency. Utilities, when possible, shall be placed in the back lot easements.

Whenever a private system of sanitary sewers and a treatment plant are provided, such system and plant shall conform to all standards, specifications and requirements of the Illinois Environmental Protection Agency and shall be approved by the agency and the County Engineer.

Whenever a private sewage system is utilized, the system shall comply with applicable County regulations or recommendations of the Illinois Department of Public Health, whichever is greater. Any such private sewage system need not be constructed until the principal building or residence is erected on the lot.

**34-6-10 SANITARY SEWERS.** When provided, each lot in the subdivision shall be provided at the property line with a connection to the private or public sanitary sewer system. The construction of the sewer system shall conform to the approved plans and specifications and all work should be properly inspected and approved by the County Engineer.

**34-6-11 WATER.** When provided, each lot in the subdivision shall be provided at the property line with a connection to the semi-private or public water system. The construction of the water system shall conform to the approved plans and specifications and all work shall be properly inspected and approved by the County Engineer. Water distribution lines shall not be smaller than **six (6) inches** in diameter.

**34-6-12 FIRE HYDRANTS.** When a public or semi-private water distribution system is provided, fire hydrants shall be installed by the subdivider as part of the water distribution system. Installation of hydrants shall be accomplished in such manner that each lot is within **four hundred (400) feet** of the fire hydrant when measured along the center line of the right-of-way. No fire hydrant shall be placed on a main smaller than **six (6) inches** in diameter. Fire hydrants must be located no further than **twenty (20) feet** from the curb. Hydrants installed shall be of the type approved by the Fire Chief of the district having jurisdiction.

**34-6-13**     **SIDEWALKS.** Sidewalks, if provided, shall be of Portland cement concrete, with a minimum thickness of **four (4) inches** and a minimum width of **four (4) feet**.

(A)           All walks shall be constructed at a grade no steeper than **ten percent (10%)**, unless steps of adequate design with handrails are provided and approved by the County Engineer.

(B)           Non-residential sidewalks within the non-residential site shall be concrete, **four (4) inches** thick and **six (6) feet** in width, except at driveways where thickness shall be approved by the County Engineer and shall be adequate for the intended use.

(C)           Sidewalks shall be provided with number six (6) reinforcing mesh across the entire width and breadth of driveway aprons or the concrete shall be at least **six (6) inches** in thickness.

**34-6-14**     **BIKE PATHS AND TRAILS.** In additions to the sidewalk requirements, developers are encouraged to include other methods of pedestrian movement such as bike paths and nature trails in conjunction with or partially in substitution for sidewalks, in accordance with the Department of Natural Resources specification.

**34-6-15**     **STREET MARKERS AND TRAFFIC SIGNS.** All traffic control devices shall conform to the latest edition of the State of Illinois Manual of Uniform Traffic Control Devices. The County Engineer will provide written requirements at the time of the improvement plan review.

**34-6-16**     **PROVISIONS FOR MAINTENANCE AND OPERATION.** When a subdivision contains sewers, sewage treatment plants, water supply system, park area, streets or other physical facilities that have not been dedicated to and accepted by an existing public agency, adequate provision shall be made for the continuous maintenance, supervision, operation, and reconstruction of such facilities by the lot owners in the subdivision, subject to the regulations of the Department of Public Health and Commerce Commission of the State of Illinois and the Illinois Environmental Protection Agency, where applicable.

**34-6-17**     **PERFORMANCE GUARANTEE, BOND OR ESCROW AGREEMENT.** Final plat shall be neither approved by the County Board nor recorded by the County Clerk unless the applicable following conditions are met.

**34-6-17.1**   **PRIOR INSTALLATION.** The capital improvement or facilities intended to be dedicated to the County, Road District, other public body or acceptable private entity have been completed, inspected and accepted prior to such approval; or

**34-6-17.2**   **SURETY BOND.** A surety bond by an insurance company authorized to do business in the State of Illinois or Irrevocable Letter of Credit shall be posted by the applicant with the County Clerk as approved by the County Board before construction of the improvements or facilities is started. Such surety bond shall be **one and one-half (1 1/2)**

**times** the amount determined by the County Engineer as equal to the estimated construction cost of all improvements intended to be dedicated to the County, other public body or approved private legal entity. Performance of work necessary to complete construction and installation of the required improvements to be dedicated to the County, other public body, or approved private legal entity shall be completed within **two (2) years** of the date of approval of the final plat, unless such time is extended by written agreement between the applicant and the County Board. If such improvements are not satisfactorily installed within the time period specified or required, then such surety bond or proportion thereof shall be forfeited by the applicant, and the proceeds of the surety bond shall be used to pay for the completion of installing such improvements in accordance with the requirements specified herein.

**34-6-17.3 SURETY RELEASE.** The Bond or an Irrevocable Letter of Credit shall remain in effect until such time as the County Clerk shall, by written authorization to the County Treasurer, release the surety from the obligation of the bond, which release may be partial and may occur from time to time, as improvements are completed and approved; provided, however:

(A) Authorization to release up to **ninety percent (90%)** of the bond amount or the Irrevocable Letter of Credit may be authorized by the County Clerk upon written notification from the County Engineer. Such authorization by the County Engineer shall only be given as improvements are installed equal in value to funds released.

(B) The remaining **ten percent (10%)** may only be released when the County Engineer notifies the Zoning Officer, in writing, that all improvements have been completed in a satisfactory manner. The Administrative Officer shall then notify the County Clerk that authorization may be given to release all funds. Whenever improvements are to be dedicated to another authority, school district, road district, park or other government, such improvements shall be accepted or approved before the release of all funds.

**34-6-18 ACCEPTANCE OF IMPROVEMENTS.** The completed improvements will not be accepted by the Road District nor the County until the developer provides an affidavit which certifies that all sums of money due for labor, material, freight, machinery, damages, etc. have been paid. See **Figure 5** for a sample affidavit. The developer shall be responsible for maintaining the completed roadway, including seeding and drainage appurtenances, for a period of **one (1) year** after the improvements are accepted by the Road Commissioner or County Engineer.

**ARTICLE VII - VARIANCES**

**34-7-1 VARIATIONS.** The Planning Commission may grant a variance or special exception from all provisions of **Article V** and **Article VI** of this Ordinance, except **Section 34-5-12** of **Article V**, provided, in each case, that **three (3)** of the following provisions, including (A) and (B) are met:

(A) the subdivider shall apply in writing for such a variance or exception upon filing of the preliminary plat with the Zoning Officer; and

(B) any variance or exception granted shall comply with the Intent and Purpose declared in **Section 34-1-4** of **Article I**; and

(C) the subdivider shows that because of topographical or other physical conditions peculiar to the site the provisions of this Ordinance would cause an unnecessary hardship if strictly adhered to; or

(D) in the opinion of the Planning Commission, the variation or exception will afford better site design and land utilization.

**34-7-1.1** Any variation proposed or contained within a planned unit development shall be governed by the applicable requirements in The Randolph County Zoning Code, rather than this Article.

**34-7-1.2** Any variation granted shall be in writing and clearly state all conditions requiring the variance or special exception and shall set forth the exact terms of the variance; a copy of which shall be attached to the preliminary plats or final plats as the case may be.

**34-7-1.3** A copy of any variation shall be part of the public record and shall be filed in the office of the Zoning Officer.



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CHAPTER 36

TAXATION

ARTICLE I – TAXPAYERS RIGHTS CODE

**36-1-1** **TITLE.** This Article shall be known as, and may be cited as, the “Locally Imposed and Administered Tax Rights and Responsibility Code”.

**36-1-2** **SCOPE.** The provisions of this Code shall apply to the County’s procedures in connection with all of the County’s locally imposed and administered taxes.

**36-1-3** **DEFINITIONS.** Certain words or terms herein shall have the meaning ascribed to them as follows:

(A) **Act.** “Act” means the “Local Government Taxpayers’ Bill of Rights Act”.

(B) **Corporate Authorities.** “Corporate Authorities” means the County Board Chairman and St. Clair County Board.

(C) **Locally Imposed and Administered Tax or “Tax”.** “Locally Imposed and Administered Tax” or “Tax” means each tax imposed by the County that is collected or administered by the County not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the County other than infrastructure maintenance fees.

(D) **Local Tax Administrator.** “Local Tax Administrator”, the Randolph County Treasurer, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator’s stead. The local tax administrator shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the local tax administrator shall not be inconsistent with this Code and the Act. **(Ord. No. 18-09; 04-20-18)**

(E) **County.** “County” means the County of Randolph, Illinois. **(Ord. No. 18-09; 04-20-18)**

(F) **Notice.** “Notice” means each audit notice, collection notice or other similar notice or communication in connection with each of the County’s locally imposed and administered taxes.

(G) **Tax Ordinance.** “Tax Ordinance” means each ordinance adopted by the County that imposes any locally imposed and administered tax.

(H) **Taxpayer.** “Taxpayer” means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the County.

**36-1-4** **NOTICES.** Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than **seven (7) calendar days** prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

- (A) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or
- (B) Personal service or delivery.

**36-1-5**      **LATE PAYMENT.** Any notice, payment, remittance or other filing required to be made to the County pursuant to any tax ordinance shall be considered late unless it is:

- (A) physically received by the County on or before the due date, or
- (B) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the County, with adequate postage prepaid.

**36-1-6**      **PAYMENT.** Any payment or remittance received for a tax period shall be applied in the following order:

- (A) first to the tax due for the applicable period;
- (B) second to the interest due for the applicable period; and
- (C) third to the penalty for the applicable period.

**36-1-7**      **CERTAIN CREDITS AND REFUNDS.**

(A) The County shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be **four (4) years** after the end of the calendar year in which payment in error was made. The County shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the County.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

- (1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
  - (a) the name of the locally imposed and administered tax subject to the claim;
  - (b) the tax period for the locally imposed and administered tax subject to the claim;
  - (c) the date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
  - (d) the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
  - (e) a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall

- be no refund and only a credit given in the event the taxpayer owes any monies to the County.
- (2) Within **ten (10) days** of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
    - (a) grant the claim; or
    - (b) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.
  - (3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of **five percent (5%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

**36-1-8**      **AUDIT PROCEDURE.** Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Code.

- (A) Each notice of audit shall contain the following information:
  - (1) the tax;
  - (2) the time period of the audit; and
  - (3) a brief description of the books and records to be made available for the auditor.
- (B) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within **thirty (30) days** after the originally designated audit and during normal business hours.
- (C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than **seven (7) days** nor more than **thirty (30) days** from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the **thirty (30) days**, approved in writing, that is convenient to the taxpayer and the local tax administrator.
- (D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English Language and shall be subject to and available for inspection by the County.
- (E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the County. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.
- (F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within **thirty (30) days** of the County's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

**36-1-9**      **APPEAL.**

(A) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

- (1) the reason for the assessment;
- (2) the amount of the tax liability proposed;
- (3) the procedure for appealing the assessment; and
- (4) the obligations of the County during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within **forty-five (45) days** of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within **fourteen (14) days** of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the **forty-five (45) day** period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than **ninety (90) days** after the expiration of the **forty-five (45) day** period.

**36-1-10**      **HEARING.**

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under **Section 36-1-9**, above, the local tax administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed **fourteen (14) days**.

(C) At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

**36-1-11**     **INTEREST AND PENALTIES.** In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A)           **Interest.** The County hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax to be **twelve percent (12%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed.

(B)           **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of **five percent (5%)** of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of **five percent (5%)** of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the County issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to **twelve percent (12%)** of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

**36-1-12**     **ABATEMENT.** The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

**36-1-13**     **INSTALLMENT CONTRACTS.** The County may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is **thirty (30) days** delinquent, the taxpayer shall have **fourteen (14) working days** to cure any delinquency. If the taxpayer fails to cure the delinquency within the **fourteen (14) day** period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

**36-1-14**     **STATUTE OF LIMITATIONS.** The County, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have **forty-five (45) days** after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A)           No determination of tax due and owing may be issued more than **four (4) years** maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B)           If any tax return is not filed or if during any **four (4) year** period for which a notice of tax determination or assessment may be issued by the County, the tax paid was less than **seventy-five percent (75%)** of the tax due, the statute of limitations shall be **six (6) years** maximum after the end of the calendar year in which return for the applicable

period was due or end of the calendar year in which the return for the applicable period was filed.

(C) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

**36-1-15** **VOLUNTARY DISCLOSURE.** For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

**36-1-16** **PUBLICATION OF TAX ORDINANCES.** Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the County Clerk's office.

**36-1-17** **INTERNAL REVIEW PROCEDURE.** The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

- (A) timely remove the lien at the County's expense;
- (B) correct the taxpayer's credit record; and
- (C) correct any public disclosure of the improperly imposed lien.

**36-1-18** **APPLICATION.** This Ordinance shall be liberally construed and administered to supplement all of the County's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

## ARTICLE II - SALES TAXES

### DIVISION I - USE TAX

**36-2-1**      **TAX ESTABLISHED.** A County Supplementary Use Tax is hereby imposed upon the privilege of using in the County of Randolph Illinois, any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of this State's government at a rate of **one-fourth (1/4) of one percent (1%)** of the selling price of such tangible personal property as "selling price" is defined in the "Use Tax Act", approved **July 14, 1955**, as amended. The tax shall be collected from persons whose Illinois address for titling or registration purposes is given as being within the County of Randolph, State of Illinois.

**36-2-2**      **ADMINISTRATION OF TAX.** Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and the same conditions, restrictions, limitations, found in the "Use Tax Act", as are now or hereafter amended, unless otherwise noted or excepted in **805 ILCS 30/11. (Ord. No. 88-92; 03-07-88)**

**36-2-3**      **RESERVED.**

### DIVISION II - SERVICE OCCUPATION TAX

**36-2-4**      **TAX ESTABLISHED.** A County Supplementary Service Occupation Tax is hereby imposed upon all persons engaged in the business of making sales of service within the County of Randolph, Illinois, at the rate of **one-fourth (1/4) of one percent (1%)** of the cost price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service.

**36-2-5**      **ADMINISTRATION OF TAX.** Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties, and the same conditions, restrictions, limitations, penalties, and definitions of terms, and the same mode of procedures as found in the "Service Occupation Tax Act and Retailers' Occupation Tax Act", respectively as are now or hereafter amended, unless otherwise noted. **(Ord. No. 88-94; 03-07-88)**



**DIVISION III - SUPPLEMENTARY RETAIL OCCUPATION TAX**

**36-2-6**      **TAX ESTABLISHED.** A County Supplementary Retailers' Occupation Tax at a rate of **one-fourth (1/4) of one percent (1%)** is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail within the County of Randolph.

**36-2-7**      **ADMINISTRATION OF TAX.** Such persons in administering and accounting for the tax are subject to the same rights, remedies, privileges, immunities, powers and duties and the same conditions, restrictions, limitations, penalties, and definitions of terms, and the same mode of procedures as found in the "Retailers' Occupation Tax Act" as are now or hereafter amended, unless otherwise noted or excepted in **805 ILCS 30/11. (Ord. No. 88-93; 03-07-88)**

### ARTICLE III - LODGING TAX

**36-3-1**        **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

- (A)            **Board** shall mean the County Board of Randolph County, Illinois.
- (B)            **Treasurer** shall mean the Treasurer of Randolph County, Illinois.
- (C)            **Operator** shall mean the owner/operator of each hotel and/or motel within the County of Randolph, and the person(s) having a right of property operating said hotel, motel or bed and breakfast having been issued a license by virtue of governing laws within the Cities, Counties and State of Illinois.

**36-3-2**        **TAX IMPOSED.** A tax is hereby imposed upon all occupants of each hotel, motel or bed and breakfast within Randolph County, Illinois for the use of renting, leasing, or letting of rooms in such hotel, motel or bed and breakfast.

The rate of such tax shall be at the rate of **five percent (5%)** of the gross rental receipts from each rental, leasing or letting.

**36-3-3**        **REGISTRATION.** Each hotel, motel or bed and breakfast located within the boundaries of Randolph County shall file a "Certificate of Registration" within the office of the Treasurer, whose office is located at the Randolph County Courthouse, Chester, Illinois 62233. Registration forms will be available to each hotel, motel or bed and breakfast operator through the office of the Treasurer of Randolph County.

It is the duty of the hotel, motel or bed and breakfast operator to update the "Certificate of Registration" form on an annual basis. The final date for filing and updating of the "Certificate of Registration" shall be **December 15** of each given year hereafter following the effective date of this Article. Any new business coming under license to do business as a hotel, motel or bed and breakfast within Randolph County, shall file a "Certificate of Registration" no later than **thirty (30) days** following the **first (1<sup>st</sup>) day** of operation as a new hotel and/or motel business.

**36-3-4**        **COMPUTATION OF TAX.** Each operator shall file an "Occupancy Tax Return" each and every month following the effective date of this Article. The return shall contain the total dollar gross receipts received from room occupancy rentals along with the total amount due and payable to the County of Randolph heretofore required by the adoption of this Ordinance. "Occupancy Tax Returns" will be available to each hotel, motel or bed and breakfast operator through the office of the Treasurer of Randolph County. A copy of the "Occupancy Tax Return Form" is attached hereto and marked Exhibit "A".

**36-3-5**        **FEE DEADLINE.** All tax fees due to the County of Randolph, Illinois shall be due and payable to the County of Randolph the last day of the month immediately following the month of collection. The tax shall begin on the **first (1<sup>st</sup>) day of August, 1989**, with tax fees due on the last day of said month being the last day of **September, 1989**, and all succeeding months thereafter in like manner.

**36-3-6**      **PENALTIES.** A **one percent (1%)** late penalty will be due and payable to the County of Randolph should any hotel, motel or bed and breakfast operator fail to file Lodging Tax Return by the end of each month, and an additional **one percent (1%)** each month thereafter. The States Attorney of Randolph County shall enforce said penalties at the request of the Randolph County Treasurer, according to law. The tax herein levied and imposed shall be paid in addition to all other taxes and charges. It shall be the duty of the operator to pay the amount of the tax to the Treasurer as provided by the Treasurer and/or as otherwise provided. Every operator shall keep records of occupancy and such records shall be made available upon demand by the Treasurer or a duly authorized agent or employee of Randolph County and shall be preserved for a period of **three (3) years**. It shall be unlawful for any person to interfere with the Treasurer or a duly authorized deputy of the Treasurer in the enforcement of this Article. If the States Attorney of Randolph County must bring an action of law to enforce payment of the tax in addition to the penalties herein the operator shall be liable for the cost of such collection including reasonable attorney's fees, said fees accruing to the County.

**36-3-7**      **REMITTANCE OF FEES-USE FUNDS.** Pursuant to this tax all fees due and owing to the County of Randolph and collected by the County Treasurer shall be made payable to the Treasurer, Randolph County, Illinois. Upon collection of said funds the Treasurer shall transfer said funds to a separate account or fund established by the Randolph County Board. **Three percent (3%)** of said funds shall be retained by the County of Randolph to reimburse the County Treasurer and other County offices for their administrative expenses in the implementation of this Article.

The funds remaining in said account, that result from the tax from each operator, shall remain in this account and from this account the County Treasurer shall within **thirty (30) days** of receipt transmit to the community where the receipts have been collected a total of **two and one-half percent (2.5%)** for the community's own use. The remaining funds in the county account shall be designated to be used exclusively for the promotion of tourism in the County. All monies shall be approved for distribution by the County Board of Randolph County.

**36-3-8**      **EXEMPTIONS.** Gross receipts received by each hotel, motel or bed and breakfast operator from the renting, leasing or letting of rooms for a period in excess of **four (4) weeks** at such hotel, motel or bed and breakfast are hereby exempt from taxation by the County of Randolph. **(See 55 ILCS Sec. 5/5-1030) (Ord. No. 02-10; 08-20-02)**

**ARTICLE IV - COUNTY CLERK/RECORDER FEES**

**DIVISION I - RECORDING FEES**

**36-4-1 RECORDING FEES ESTABLISHED.** The County Recorder shall collect the following recording fees for various services in the County, to-wit:

- (A) **Deeds** \$71.00 (per instrument)  
State Agency, Unit of Government, or School District \$61.00 (per instrument)
- (B) **Assignments** of mortgages, leases and liens \$71.00 (per instrument)
- (C) **Condominium** declarations of ownership \$109.00 (per instrument)
- (D) **Corporation** certificates, annual reports, change of registered agents, limited partnerships, etc. \$61.00 (per instrument)
- (E) **UCC Financing Statements** \$61.00 (per instrument)
- (F) **Financing Statement Searches**
  - Search per debtor name/per address \$10.00 each
  - Search per additional names or addresses \$10.00 each
  - Request for copy of UCC Financing Statement \$1.00 per page
  - Request by mail for copy of UCC Financing Statement \$5.75 each
- (G) **Liens** - Chattel, County/Municipality Demolition, Condemnation, Mechanics, Mobile home \$71.00 (per instrument)
- (H) **Government Liens and Releases** (State of Illinois and United States Government) \$11.00 (per instrument)  
Additional names per lien, release, etc. \$1.00 each
- (I) **Certification** (search) liens (only applies to U.S. liens, etc.)  
per name \$26.00 each  
Copy of any notice of federal lien, notice or certificate, affecting a lien, release etc. (per page) \$.50 each
- (J) **Lis Pendens Notice/Release** \$71.00 (per instrument)
- (K) **Memorandum of Judgment/Release of Judgment** \$61.00 (per instrument)
- (L) **Monument Record** \$71.00 (per instrument)
- (M) **Notice of Probate** \$61.00 (per instrument)
- (N) **Oil, Gas & Mineral Assignments** \$71.00 (per instrument)



## DIVISION II – COUNTY CLERK’S FEES

**36-4-3**      **CLERK'S FEE.**    The County Clerk's fees for various services or publications in the County are as follows:

Issuing of Marriage License	\$50.00
Civil Union License	\$50.00
Certified copies:	
Birth	\$14.00    \$5.00 each additional
Death	\$18.00    \$9.00 each additional
Marriage	\$14.00    \$5.00 each additional
Corrections	\$15.00
Delayed Birth	\$15.00
Assumed Name Certificate	\$20.00
Notary Certificate (pick-up or mail)	\$18.00
County Plat Book	\$25.00 (in person) \$27.50 (mail)
County Maps	\$2.00 (in person) \$3.50 (mail)
County Subdivision Ordinance Book	\$10.00 (in person) \$13.00 (mail)
Genealogical research	\$10.00 for 5 years, plus \$1.00 for each additional year
Copies	\$2.00
Liquor License	\$375.00 (annual) \$187.50 (six months)
Filing fee	\$30.00
County Code Book	\$110.00
County Code Book (no binder)	\$75.00
Tax Certificates Cancelled	\$88.00
Document Copies	\$0.50

**\$2.00** from each eligible death certificate shall be paid into the Death Certificate Surcharge Fund; **\$2.00** from each eligible death certificate shall be paid into the Cemetery Oversight Licensing and Disciplinary Fund; **\$5.00** from each eligible marriage/civil union license shall be paid into the Domestic Violence Fund; **\$3.00** from each certified document produced by the County Clerk shall be deposited into the County Clerk’s Automation Fund; any other portions of the above fees not mandated to be distributed to the State of Illinois, or any other government agency, including but not limited to the County of Randolph, shall be deposited into the County General Revenue Fund.

**(Ord. No. 17-05; 02-10-17)**

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## ARTICLE V - 9-1-1 TAX

**36-5-1**      **FEE IMPOSED.** A surcharge is hereby imposed, subject to the provisions of **Section 37-4-2**, upon the monthly billed subscribers of telecommunication carriers residing within the County for funding of a "9-1-1" emergency telephone system.

**36-5-2**      **FEE ESTABLISHED.** A surcharge is hereby imposed on monthly billed subscribers of telecommunication carriers residing within the county at a rate of **Ninety-Eight Cents (\$.98)** per month per in-service network connection, as hereinafter defined.

**36-5-3**      **RESIDENCE.** A monthly billed subscriber shall be deemed to reside within the County if the service address, as hereinafter defined is located within the County.

**36-5-4**      **DEFINITIONS.** For purpose of this Article the following definitions shall apply:

**"NETWORK CONNECTIONS"** means the number of voice grade communication channels directly between a subscriber and a telecommunications carrier's public switched network without the intervention of any other telecommunications carriers switched network which would be required to carry the subscriber's inter-premises traffic.

**"TRANSMITTING MESSAGES"** shall have the meaning ascribed to the term in Section 8-11-2 of the Illinois Municipal Code.

**"TELECOMMUNICATIONS CARRIER"** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator, or other representative appointed by order of any court engaged in the business of transmitting messages by means of electricity.

**36-5-5**      **EXEMPTION CONNECTIONS.** The County Clerk of Randolph shall provide any telecommunication carrier collecting the surcharge with a certified list of those network connections assigned to the County of Randolph to be exempt from imposition of the surcharge. The certified list may be revised by the County Clerk of Randolph on **sixty (60) days** prior written notice provided to the telecommunication carriers.

**36-5-6**      **IMPOSITION OF SURCHARGE.** The surcharge shall be imposed on the **first (1<sup>st</sup>) day** of the month following the expiration of **ninety (90) days** from the date of the County Clerk of Randolph certifies to the individual telecommunication carriers who are required to collect surcharge pursuant to the referendum.

**36-5-7**      **ACCOUNTING FEE.** In lieu of the telecommunication carriers imposing a **three percent (3%)** accounting and collection charge on its subscribers as permitted under the Act, each telecommunications carrier is hereby authorized and instructed to recover said



accounting and collection charge by deducting **three percent (3%)** from the gross amount of surcharge collected otherwise due and owing the County prior to remittance under **Section 37-5-8** of this Article.

**36-5-8**      **SURCHARGE DUE.** Every telecommunication carrier shall remit to the County Treasurer the amount of surcharge collected for each calendar month within **thirty (30) days** following expiration of each month to which the surcharge applies, net of any network or other "9-1-1" or sophisticated "9-1-1" system charge then due the particular telecommunication carrier as shown on an itemized bill and the **three percent (3%)** accounting and collection charge described in **Section 37-4-6**.

**36-5-9**      **REPORTS TO COUNTY.** Simultaneously with the remittance described in **Section 37-4-7** above each telecommunication carrier shall make a return to the County Treasurer for the period to which the remittance applies stating as follows:

- (A)            The name of the telecommunication carrier.
- (B)            The telecommunication carriers principal place of business.
- (C)            The number of network connections to which the surcharge applies.
- (D)            The amount of surcharge collected.
- (E)            Such other reasonable and related information as the corporate authorities may require.

**36-5-10**      **AMOUNT PAID BUT NOT DUE.** If it shall appear that an amount of surcharge has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any surcharge due, or to become due, under this Article provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefore shall be so credited. **Ninety (90) days** prior notice shall be given to the Emergency Telephone System Board on any credit against a surcharge due.

**36-5-11**      **ACTION TO RECOVER SURCHARGE.** No action to recover any amount of surcharge due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

**(See Chapter 5; Article for the duties of the 9-1-1 Board.)**

**(This Article Ord. No. 90-109)**

**ARTICLE VI - MANUFACTURED HOME TAX**

**36-6-1 DEFINITIONS.**

**"Mobile Home".** As used in this Article, "manufactured home" means a factory assembled structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, and placement on a temporary foundation, at which it is intended to be a permanent habitation, and situated so as designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons, provided that any such structure resting in whole on a permanent foundation, with wheels, tongue and hitch removed at the time of registration provided for in **Section 36-6-3** of this Article, shall not be construed as a "manufactured home", but shall be assessed and taxed as real property as defined by Section 1 of the "Revenue Act of 1939", filed **May 17, 1939**, as amended. Manufactured homes owned by a corporation or partnership and on which personal property taxes are paid as required under the Revenue Act of 1939 shall not be subject to this tax. Manufactured homes located on a dealer's lot for resale purposes or as an office shall not be subject to this tax.

**"Manufactured Home Park".** As used in this Article, the phrase "manufactured home park" has the meaning ascribed to it by Section 2.5 of "An Act to provide for, license and regulate manufactured homes and manufactured home parks and to repeal an act names herein", approved **September 8, 1971**, as amended. **(210 ILCS 115/1 et seq.)**

**"Permanent Habitation".** As used in this Article, "permanent habitation" means available for habitation for a period of **two (2)** or more months.

**36-6-2 TAX ESTABLISHED.** Manufactured homes in addition to such taxes as provided in the "Use Tax Act" shall be subject to the following privilege tax only, and to no ad valorem tax. Except as provided in **Section 36-6-7**, the owner of each inhabited manufactured home shall pay to the County Treasurer of the County in which such manufactured home is located an annual tax to be computed at the rate shown in the table below:

**TAX YEAR FOLLOWING MODEL YEAR OF MANUFACTURED HOME TAX PER SQUARE FOOT**

Model year and 1st and 2nd year following	\$ .15.0
3rd, 4th and 5th years following model year	\$ .13.5
6th, 7th and 8th years following model year	\$ .12.0
9th, 10th, and 11th years following model year	\$ .10.5
12th, 13th and 14th years following model year	\$ .09.0
15th year following model year and subsequent years	\$ .07.5

For purposes of this Article, the square-footage shall be based upon the outside dimensions of the manufactured home excluding the length of the tongue and hitch. The owner of a manufactured home on **January first (1<sup>st</sup>)** of any year shall be liable for the tax of that year, except that the owner of a manufactured home on **July 1, 1975**, shall be liable for the tax for the period of **July 1, 1975, to December 31, 1975**.

**36-6-3**      **REGISTRATION FORM; CONTENTS OF REGISTRATION FORM; SIGNATURE; MISINFORMATION; APPLICATION OF SECTION.** The owner of each inhabited manufactured home located in this County on the effective date of this Article shall, within **thirty (30) days** after such date, file with the Supervisor of Assessments a manufactured home registration form containing the information hereinafter specified. Manufactured home park operators shall forward a copy of the manufactured home registration form provided in Section 12 of "An Act to provide for, license and regulate manufactured homes and manufactured home parks and to repeal an Act named herein", approved **September 8, 1971**, as amended to the Supervisor of Assessments within **five (5) days** of the entry of a manufactured home into such park. The owner of a manufactured home not located in a manufactured home park shall, within **thirty (30) days** after initial placement of such manufactured home in any county and within **thirty (30) days** after movement of such manufactured home to a new location, file with the Supervisor of Assessments a manufactured home registration showing the name and address of the owner and every occupant of the manufactured home, the location of the manufactured home, the year of manufacture, and the square feet of floor space contained in such manufactured home. Such registration shall also include the license number of such manufactured home and of the towing vehicle, if there be any, and the State issuing such licenses. The registration shall be signed by the owner or occupant of the manufactured home. It is the duty of the Supervisor of Assessments to require timely filing of a properly completed registration for each manufactured home located in his County. Any person furnishing misinformation for purposes of registration or failing to file a required registration is guilty of a Class A misdemeanor. **(210 ILCS 115/1 et seq. and 35 ILCS 515/4)**

**36-6-4**      **DELIVERY OF REGISTRATIONS TO COUNTY CLERK.** The Supervisor of assessments, within **seven (7) days** after filing of a registration, shall deliver such registration to the County Clerk. **(35 ILCS 515/4)**

**36-6-5**      **COMPUTATION OF TAX; DUE DATE; DISTRIBUTION TO DISTRICTS.** Except as otherwise provided in this Section, within **sixty (60) days** of receipt of each registration form, the County Clerk shall compute the tax due, as provided in **Section 36-6-2**, and certify the tax to the County Treasurer who shall mail the tax bill to the owner of such manufactured home at the time he receives the certification or the annual billing date, whichever occurs later. If the registration form is accompanied by a receipt for privilege taxes paid in Illinois for the current tax year, no further privilege tax shall be imposed for the remainder of the current tax year. If the manufactured home is initially harbored after the annual liability date, as provided in **Section 36-6-2** of this Article, the County Clerk shall reduce such tax **one-twelfth (1/12)** for each month that has passed since such annual liability date. A manufactured home harbored after the **first (1<sup>st</sup>) day** of such month shall be considered to have been harbored for the entire month for the purposes of this Section. Thereafter, except for the year 1975, the County Clerk shall compute such tax as the **first (1<sup>st</sup>) day of June** of each year and certify the tax to the County Treasurer. Such tax shall be due and payable to the County Treasurer within **sixty (60) days** after the Treasurer mails the tax bill to the address of record. The County Treasurer shall distribute such taxes to the local taxing districts within the boundaries of which such manufactured homes are located, in the same proportion as the property taxes collectible for each such taxing district in the prior year.

**36-6-6 ERROR IN TAX BILL.** If a tax bill is in error as to the square footage of the manufactured home or as to the rate of tax, the owner may file an affidavit with the County Treasurer setting forth such error. If the tax bill does not show the name of the correct owner, the person whose name appears as owner on the bill may file an affidavit with the County Treasurer so stating and identifying the correct owner, if known. Upon the filing of an affidavit as provided in this Section, the County Treasurer shall issue a corrected bill and shall so indicate on his records. **(35 ILCS 515/7)**

**36-6-7 REDUCTION OF PRIVILEGE TAX; CONDITIONS.** The privilege tax for owners of manufactured homes who:

- (A) are actually residing in such manufactured homes,
- (B) hold title to such manufactured home as provided in the "Illinois Vehicle Code", approved **September 29, 1969**, as amended, and
- (C) are **sixty-five (65) years** of age or older or are disabled persons within the meaning of Section 3.14 of the "Senior Citizens and Disabled Persons Property Tax Relief Act" on the annual billing date, shall be reduced to **eighty percent (80%)** of the tax provided for in **Section 36-6-2** of this Article. An application for reduction of the tax shall be filed with the County Clerk by the individuals who are entitled to the reduction. If the application is filed after **May 1**, the reduction in tax shall begin with the next annual bill. Application for the reduction in tax shall be done by affidavit in substantially the following form:

**APPLICATION FOR REDUCTION OF MANUFACTURED HOME LOCAL SERVICES TAX**

I hereby make application for a reduction to **eighty percent (80%)** of the total tax imposed under "An Act to provide for a privilege tax on manufactured homes".

- (A) **Senior Citizens.**
  - (1) I actually reside in the manufactured home...
  - (2) I hold title to the manufactured home as provided in the Illinois Vehicle Code...
  - (3) I reached the age of **sixty-five (65)** on or before either **January 1** of the year in which this statement is filed.
- (B) **Disabled Persons.**
  - (1) I actually reside in the manufactured home...
  - (2) I hold title to the manufactured home as provided in the Illinois Vehicle Code...
  - (3) I was totally disabled on ..... and have remained disabled until the date of this application. My Social Security, Veterans, Railroad or Civil Service Total Disability Claim Number is ..... the undersigned declares under the penalty of perjury that the above statements are true and correct.

Dated \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Address

\_\_\_\_\_  
(City) (State) (Zip)

This application shall be accompanied by a copy of the applicant's most recent application filed with the Illinois Department of Revenue under the "Senior Citizens and Disabled Persons Property Tax Relief Act", approved **July 17, 1972**, as amended.

**36-6-8 UNPAID TAXES; LIEN ON MANUFACTURED HOME.** If any privilege tax imposed by this Article is not paid when due, the County Treasurer of the County in which the manufactured home is located shall have a lien on the manufactured home for the amount of the tax, addition to the tax, penalty and interest due. Such lien shall terminate unless the County Treasurer files with the County Recorder of the County in which the manufactured home is located a notice of lien and files a financing statement in the office of the Secretary of State pursuant to Article 9 of the "Uniform Commercial Code", as now or hereafter amended within **two (2) years** of such tax due date. From the time of filing, the amount set forth in the certificate also constitutes a lien upon all property of the taxpayer then owned by him or thereafter acquired by him in the period before the expiration of the lien. Such liens have the same force, effect and priority as a judgment lien and continue for **ten (10) years** from the date of the recording unless sooner released or otherwise discharged. The County Treasurer may, at any time, release all or any portion of the property subject to any lien provided for in this Chapter or subordinate the lien to other liens if he determines that the taxes are sufficiently secured by a lien or other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of the taxes. **(35 ILCS 515/9.1)**

**36-6-9 INTEREST ON DELINQUENT TAXES; PENALTY FOR FRAUD.** If any privilege tax, or part thereof, imposed by this Article is not paid on or before the due date for such tax, interest on such amount at the rate of **one and one-half percent (1 1/2%)** per month shall be paid for the period from such due date to the date of payment of such amount. If such failure to pay such tax is the result of fraud, there shall be added to the tax as a penalty an amount equal to **fifty percent (50%)** of the deficiency. **(35 ILCS 515/9)**

**36-6-10 INVALIDITY OF PROVISIONS.** If any section, subsection, sentence or clause of this Article shall be adjudged unconstitutional, such adjudication shall not affect the validity of the Article as a whole or of any section, sub-section, sentence or clause thereof not adjudged unconstitutional.

**36-6-11**      **MANUFACTURED HOME DEALERS - NOTIFICATION.** Manufactured home dealers shall, within **ten (10) days** after any retail sale and delivery of a manufactured home, notify the County Clerk of the County in which the point of delivery is located of the sale, the name of the purchaser, the point at which delivery to the purchaser was made, and the serial number and exterior measurements of the manufactured home.

**36-6-12**      **MOVING PERMITS - PENALTY.** Before any manufactured home subject to the tax imposed by this Article may be moved, the transporting company must obtain a permit from the County Treasurer certifying that the tax on the manufactured home has been paid for the current tax period. It shall be a Class B misdemeanor for any person or entity to move any manufactured home or cause it to be moved a distance of more than **one (1) mile** without having received such permit from the taxpayer. It shall be a Class B misdemeanor for any taxpayer to move any manufactured home or cause it to be moved a distance of more than **one (1) mile** without such permit having been issued by the County Treasurer. This Section does not apply to any person or entity who moves a manufactured home or causes it to be moved pursuant to a court order.

**36-6-13**      **PENALTY.** It shall be a violation of this Code to fail to submit information required under this Article or to knowingly submit any false information under this Article.

**ARTICLE VII - TREASURER****DIVISION I - SALE-IN-ERROR FEE**

**36-7-1 FEE ESTABLISHED - SALE IN ERROR.** The County Treasurer/Collector shall charge and collect a fee in the amount of **Twenty Dollars (\$20.00)** from each person purchasing any property at a sale held under the Property Tax Code of the State of Illinois, prior to the issuance of any certificate of purchase.

**36-7-2 SALE IN ERROR INTEREST FUND ESTABLISHED.** The County Treasurer shall deposit such sums of money received pursuant to this Article into a special fund designated as **"Sale in Error Interest Fund"**. It shall be the duty of the County Treasurer, as trustee of the fund, to invest the principal and income of the fund from time to time, if not immediately required for payments under this Section, in investments as are authorized by the Counties Code of the State of Illinois. The fund shall be held to satisfy orders for payment of interests and costs obtained against the County Treasurer as trustee of the fund. No payment shall be made from the fund except by order of the Court declaring a sale in error under **Section 21-310 of the Property Tax Code**. Any moneys accumulated in the fund by the County Treasurer in excess of **One Hundred Thousand Dollars (\$100,000.00)** shall be paid each year to the general fund of the County, prior to the commencement of the annual tax sale, first to satisfy any existing unpaid judgments entered pursuant to **Section 21-295**, and any funds remaining thereafter shall be paid to the general fund of the County.

**(Ord. No. 09-08; 06-25-09)**

**ARTICLE VIII – SHERIFF’S FEES**

**36-8-1 PROCESSING FEE ESTABLISHED.** The fee for prisoners posting bond shall be **Thirty-Five Dollars (\$35.00)**, which is to be added to the bond amount. **(Ord. No. 17-17; 08-11-17)**

**ARTICLE IX – CLERK OF THE CIRCUIT COURT**

**DIVISION I –CRIMINAL FEES**

**36-9-1 CIVIL FEES AND CRIMINAL ASSESSMENTS.** Civil fees and criminal assessments shall meet the requirements of Section 27.1b of the Clerks of Courts Act, **705 ILCS 105/27.1b**, and the Criminal and Traffic Assessment Act, **705 ILCS 105/135 et seq.** (Ord. No. 2019-39; 05-20-19)

**36-9-2 - 36-9-3 RESERVED.**

**DIVISION II – GENERAL FEES**

**36-9-4 CIVIL FEES.**

(A) Fees in civil matters shall be assessed and distributed as set forth herein, in compliance with Section 27.1b of the Clerks of Courts Act, **705 ILCS 105/27.1b**.

(B) The fees for filing a complaint, petition or other pleading initiating a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:

- (1) **Schedule 1:** \$306.00 to be divided as follows:
  - (a) \$45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
    - (i) Court Automation Fund - \$20.00
    - (ii) Court Document Storage Fund - \$20.00
    - (iii) Circuit Court Clerk Operation and Administrative Fund - \$5.00
  - (b) \$11.00 to be remitted to the State Treasurer and deposited as follows:
    - (i) Access to Justice Fund - \$2.00
    - (ii) Supreme Court Special Purposes Fund - \$9.00
  - (c) \$250.00 to be remitted to the County Treasurer and deposited as follows:
    - (i) Circuit Clerk Filing Cost - \$155.00
    - (ii) Court Document Storage Fund - \$20.00
    - (iii) Court Automation Fund - \$20.00
    - (iv) Circuit Court Clerk Operation and Administrative Fund - \$5.00
    - (v) Court Security Fund - \$50.00
- (2) **Schedule 2:** \$256.00 to be divided as follows:
  - (a) \$45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
    - (i) Court Automation Fund - \$20.00
    - (ii) Court Document Storage Fund - \$20.00

**(Ord. No. 19-10; 09-06-19)**



- (iii) Circuit Court Clerk Operation and Administrative Fund - \$5.00
- (b) \$11.00 to be remitted to the State Treasurer and deposited as follows:
  - (i) Access to Justice Fund - \$2.00
  - (ii) Supreme Court Special Purposes Fund - \$9.00
- (c) \$200.00 to be remitted to the County Treasurer and deposited as follows:
  - (i) Circuit Clerk Filing Cost - \$105.00
  - (ii) Court Document Storage Fund - \$20.00
  - (iii) Court Automation Fund - \$20.00
  - (iv) Circuit Court Clerk Operations & Admin Fund - \$5.00
  - (v) Court Security Fund - \$50.00

**(Ord. No. 19-10; 09-06-19)**

- (3) **Schedule 3:** \$89.00 to be divided as follows:
  - (a) \$22.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
    - (i) Court Automation Fund - \$10.00
    - (ii) Court Document Storage Fund - \$10.00
    - (iii) Circuit Court Clerk Operation - \$2.00
  - (b) \$11.00 to be remitted to the State Treasurer and deposited as follows:
    - (i) Access to Justice Fund - \$2.00
    - (ii) Supreme Court Special Purposes Fund - \$9.00
  - (c) \$56.00 to be remitted to the County Treasurer and deposited as follows:
    - (i) Circuit Clerk Filing Cost - \$25.00
    - (ii) Court Document Storage Fund - \$10.00
    - (iii) Court Automation Fund - \$10.00
    - (iv) Circuit Court Clerk Operations & Admin Fund - \$2.00
    - (v) Court Security Fund - \$9.00

**(Ord. No. 19-10; 09-06-19)**

- (4) **Schedule 4:** \$0.00

(C) The fees for filing an appearance in a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:

- (1) **Schedule 1:** \$181.00 to be divided as follows:
  - (a) \$45.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
    - (i) Court Automation Fund - \$20.00
    - (ii) Court Document Storage Fund - \$20.00
    - (iii) Circuit Court Clerk Operation and Administrative Fund - \$5.00
  - (b) \$11.00 to be remitted to the State Treasurer and deposited as follows:
    - (i) Access to Justice Fund - \$2.00
    - (ii) Supreme Court Special Purposes Fund - \$9.00

- (c) \$125.00 to be remitted to the County Treasurer and deposited as follows:
  - (i) Circuit Clerk Filing Cost - \$80.00
  - (ii) Court Automation Fund - \$20.00
  - (iii) Court Document Storage Fund - \$20.00
  - (iv) Circuit Court Clerk Operation & Admin Fund - \$5.00

**(Ord. No. 19-10; 09-06-19)**

- (2) **Schedule 2:** \$109.00 to be divided as follows:
  - (a) \$10.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
    - (i) Court Automation Fund - \$4.00
    - (ii) Court Document Storage Fund - \$4.00
    - (iii) Circuit Court Clerk Operation and Administrative Fund - \$2.00
  - (b) \$9.00 to be remitted to the State Treasurer and deposited as follows:
    - (i) Supreme Court Special Purposes Fund - \$9.00
  - (c) \$90.00 to be remitted to the State Treasurer and deposited as follows:
    - (i) Circuit Clerk Filing Cost - \$40.00
    - (ii) Court Document Storage Fund - \$4.00
    - (iii) Court Automation Fund - \$4.00
    - (iv) Circuit Court Clerk Operation & Admin Fund - \$2.00
    - (v) Court Security Fund - \$40.00

**(Ord. No. 19-10; 09-06-19)**

- (ii) Court Security Fund - \$52.00

(D) Except as otherwise specifically provided, the following miscellaneous fees are to be deposited in the County General Fund to be used for purposes related to the operation of the court system in the County:

(1)	Alias summons or citation:	\$5.00
(2)	Jury services:	212.50
(3)	Change of venue:	40.00
(4)	Petition to vacate or modify:	
	(a) If filed within 30 days:	50.00
	(b) If filed after 30 days:	75.00
	(c) Notice sent to Secretary of State:	40.00
(5)	Appeals preparation:	
	(a) If record is 100 pages or less:	50.00
	(b) If record is between 100 and 200 pages:	100.00
	(c) If record is 200 pages or more:	Additional fee of 0.25 per page
(6)	Garnishment, wage deduction, and citation proceedings:	
	(a) Amount in controversy \$1,000 or less:	15.00
	(b) Amount in controversy greater than \$1,000 And not more than \$5,000:	15.00
	(c) Amount in controversy greater than \$5,000:	15.00
(7)	Mailing: \$2.00 plus the cost of postage	
(8)	For each certified copy of a judgment, following the first copy:	6.00

- (9) Certification, authentication, and reproduction:
  - (a) Each certification or authentication for taking acknowledgement of a deed or other instrument in writing with the seal of office:
    - 6.00
  - (b) Reproduction of any document contained in the Clerk's files:
    - (i) \$1.00 for the first page
    - (ii) \$0.50 per page for the next 19 pages
    - (iii) \$0.25 per page for all additional pages
- (10) For each record search, within a division or municipal district:
  - 6.00 for each year search
- (11) For each page of hard copy print output, when case records are maintained on an automated medium:
  - 4.00
- (12) Performing a marriage in court:
  - 10.00
- (13) Expungement petition: \$60.00 and an additional fee of \$4.00 for each certified copy of an order to expunge arrest records.
- (14) Probate filings:
  - (a) For each account (other than one final account) filed in the estate of a decedent or ward:
    - 25.00
  - (b) Filing a claim:
    - (i) Amount claimed greater than \$150.00 and not more than \$500.00:
      - 25.00
    - (ii) Amount claimed greater than \$500.00 and not more than \$10,000.00:
      - 40.00
    - (iii) Amount claimed greater than \$10,000:
      - 60.00
- (Ord. No. 19-10; 09-06-19)**
- (c) For each certified copy of letters of office, of court orders or other certifications:
  - 6.00 per page
- (d) For each exemplification:
  - 1.00 plus the fee for certification
- (15) For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the Clerk's Office:
  - 10.00

**36-9-5 CRIMINAL ASSESSMENTS.**

(A) Assessments shall be imposed in criminal, traffic, conservation and non-traffic matters in accordance with the schedules set forth in the Criminal and Traffic Assessment Act, **705 ILCS 135/1-5 et seq.**, and shall be distributed as set forth herein.

(B) **Schedules.**

(1) **Schedule 1 - Generic Felony Offenses.**

- (a) The Clerk shall collect \$549.00 and remit as follows:
  - (i) \$354.00 to the County Treasurer to be deposited as follows:
    - a. \$20.00 to the Court Automation Fund
    - b. \$20.00 to the Court Document Storage Fund

- c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
  - d. \$255.00 to the County General Fund to be distributed as follows:
    - i. Circuit Clerk Filing Cost: \$110.00
    - ii. General Fund: \$35.00
    - iii. Court Security Fund: \$60.00
    - iv. Court System Fund: \$50.00
  - e. \$10.00 to the Child Advocacy Center Fund
  - f. \$2.00 to the State's Attorney Records Automation Fund
  - g. \$2.00 to the Public Defender's Records Automation Fund
  - h. \$20.00 to the County Jail Medical Costs Fund
  - i. \$20.00 to the Probation and Court Services Fund
- (ii) \$195.00 to the State Treasurer
- (2) **Schedule 2 – Felony DUI Offenses.**
- (a) The Clerk shall collect \$1,709.00 and remit as follows:
- (i) \$399.00 to the County Treasurer to be deposited as follows:
    - a. \$20.00 to the Court Automation Fund
    - b. \$20.00 to the Court Document Storage Fund
    - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
    - d. \$300.00 to the County General Fund to be distributed as follows:
      - i. Circuit Clerk Filing Cost: \$115.00
      - ii. County General Fund: \$35.00
      - iii. Court Security Fund: \$60.00
      - iv. Court System Fund: \$90.00
    - e. \$10.00 to the Child Advocacy Center Fund
    - f. \$2.00 to the State's Attorney Records Automation Fund
    - g. \$2.00 to the Public Defender Records Automation Fund
    - h. \$20.00 to the County Jail Medical Costs Fund
    - i. \$20.00 to the Probation and Court Services Fund
  - (ii) \$1,110.00 to the State Treasurer
  - (iii) \$200.00 to the treasurer of the unit of local government of the arresting agency to be deposited in to the DUI Fund of that local government
  - (iv) If the arresting agency is a state agency, the arresting state agency portion be remitted by the

Clerk of the Court to the State Treasurer. If arrest is made by more than one agency, then amount is remitted equally to each agency.

(3)

**Schedule 3 – Felony Drug Offenses.**

(a) The Clerk shall collect \$2,215.00 and remit as follows:

(i) \$354.00 to the County Treasurer who shall deposit the money as follows:

- a. \$20.00 to the Court Automation Fund
- b. \$20.00 to the Court Document Storage Fund
- c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
- d. \$255.00 to the County General Fund to be distributed as follows:
  - i. Circuit Clerk Filing Cost: \$110.00
  - ii. County General Fund: \$35.00
  - iii. Court Security Fund: \$60.00
  - iv. Court System Fund: \$50.00
- e. \$10.00 to the Child Advocacy Center Fund
- f. \$2.00 to the State’s Attorney Records Automation Fund
- g. \$2.00 to the Public Defender Records Automation Fund
- h. \$20.00 to the County Jail Medical Costs Fund
- i. \$20.00 to the Probation and Court Services Fund

(ii) \$1,861.00 to the State Treasurer

(4)

**Schedule 4 – Felony Sex Offenses.**

(a) The Clerk shall collect \$1,314.00 and remit as follows:

(i) \$354.00 to the County Treasurer to be distributed as follows:

- a. \$20.00 to the Court Automation Fund
- b. \$20.00 to the Court Document Storage Fund
- c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
- d. \$255.00 to the County General Fund to be distributed as follows:
  - i. Circuit Clerk Filing Cost: \$115.00
  - ii. County General Fund: \$35.00
  - iii. Court Security Fund: \$60.00
  - iv. Court System Fund: \$45.00
- e. \$10.00 to the Child Advocacy Center Fund
- f. \$2.00 to the State’s Attorney Records Automation Fund
- g. \$2.00 to the Public Defender Records Automation Fund

- h. \$20.00 to the County Jail Medical Costs Fund
  - i. \$20.00 to the Probation and Court Services Fund
  - (ii) \$960.00 to the State Treasurer
- (5) **Schedule 5 – Generic Misdemeanor Offenses.**
- (a) The Clerk shall collect \$439.00 and remit as follows:
    - (i) \$282.00 to the County Treasurer to be deposited as follows:
      - a. \$20.00 to the Court Automation Fund
      - b. \$20.00 to the Court Document Storage Fund
      - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
      - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
      - e. \$185.00 to the County General Fund to be distributed as follows:
        - i. Circuit Clerk Filing Cost: \$85.00
        - ii. County General Fund: \$15.00
        - iii. Court Security Fund: \$60.00
        - iv. Court System Fund: \$25.00
      - f. \$10.00 to the Child Advocacy Center Fund
      - g. \$2.00 to the State’s Attorney Records Automation Fund
      - h. \$2.00 to the Public Defender Records Automation Fund
      - i. \$10.00 to the County Jail Medical Costs Fund
      - j. \$20.00 to the Probation and Court Services Fund
    - (ii) \$155.00 to the State Treasurer
    - (iii) \$2.00 to the arresting agency
- (6) **Schedule 6 – Misdemeanor DUI Offenses.**
- (a) The Clerk shall collect \$1,381.00 and remit as follows:
    - (i) \$322.00 to the County Treasurer to be deposited as follows:
      - a. \$20.00 to the Court Automation Fund
      - b. \$20.00 to the Court Document Storage Fund
      - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
      - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
      - e. \$225.00 to the County General Fund to be distributed as follows:
        - i. Circuit Clerk Filing Cost: \$90.00
        - ii. County General Fund: \$15.00
        - iii. Court Security Fund: \$60.00

- iv. Court System Fund: \$60.00
- f. \$10.00 to the Child Advocacy Center Fund
- g. \$2.00 to the State’s Attorney Records Automation Fund
- h. \$2.00 to the Public Defender Records Automation Fund
- i. \$10.00 to the County Jail Medical Costs Fund
- j. \$20.00 to the Probation and Court Services Fund
- (ii) \$707.00 to the State Treasurer
- (iii) \$352.00 to the arresting agency – If arrest is made by more than one agency, then amount is remitted equally to each agency

(7) **Schedule 7 – Misdemeanor Drug Offenses.**

- (a) The Clerk shall collect \$905.00 and remit as follows:
  - (i) \$282.00 to the County Treasurer to be deposited as follows:
    - a. \$20.00 to the Court Automation Fund
    - b. \$20.00 to the Court Document Storage Fund
    - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
    - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
    - e. \$185.00 to the County General Fund to be distributed as follows:
      - i. Circuit Clerk Filing Cost: \$85.00
      - ii. County General Fund: \$15.00
      - iii. Court Security Fund: \$60.00
      - iv. Court System Fund: \$25.00
    - f. \$10.00 to the Child Advocacy Center Fund
    - g. \$2.00 to the State’s Attorney Records Automation Fund
    - h. \$2.00 to the Public Defender Records Automation Fund
    - i. \$10.00 to the County Jail Medical Costs Fund
    - j. \$20.00 to the Probation and Court Services Fund
  - (ii) \$621.00 to the State Treasurer
  - (iii) \$2.00 to the arresting agency
  - (iv) If arrest is made by more than one agency, then amount is remitted equally to each agency

(8) **Schedule 8 – Misdemeanor Sex Offenses.**

- (a) The Clerk shall collect \$1,184.00 and remit as follows:
  - (i) \$282.00 to the County Treasurer to be deposited as follows:
    - a. \$20.00 to the Court Automation Fund

- b. \$20.00 to the Court Document Storage Fund
  - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
  - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
  - e. \$185.00 to the County General Fund to be distributed as follows:
    - i. Circuit Clerk Filing Cost: \$85.00
    - ii. County General Fund: \$15.00
    - iii. Court Security Fund: \$60.00
    - iv. Court System Fund: \$25.00
  - f. \$10.0 to the Child Advocacy Center Fund
  - g. \$2.00 to the State's Attorney Records Automation Fund
  - h. \$2.00 to the Public Defender Records Automation Fund
  - i. \$10.00 to the County Jail Medical Costs Fund
  - j. \$20.00 to the Probation and Court Services Fund
- (ii) \$900.00 to the State Treasurer
  - (iii) \$2.00 to the arresting agency
  - (iv) If arrest is made by more than one agency, then amount is remitted equally to each agency

(9) **Schedule 9 – Major Traffic Offenses.**

- (a) The Clerk shall collect \$325.00 and remit as follows:
  - (i) \$203.00 to the County Treasurer to be deposited as follows:
    - a. \$20.00 to the Court Automation Fund
    - b. \$20.00 to the Court Document Storage Fund
    - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
    - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
    - e. \$150.00 to the County General Fund to be distributed as follows:
      - i. Circuit Clerk Filing Cost: \$50.00
      - ii. County General Fund: \$15.00
      - iii. Court Security Fund: \$60.00
      - iv. Court System Fund: \$25.00
  - (ii) \$97.00 to the State Treasurer
  - (iii) \$25.00 to the arresting agency
  - (iv) If arrest is made by more than one agency, then amount is remitted equally to each agency

(10) **Schedule 10 – Minor Traffic Offenses.**

- (a) The Clerk shall collect \$226.00 and remit as follows:



- (i) \$168.00 to the County Treasurer to be deposited as follows:
    - a. \$20.00 to the Court Automation Fund
    - b. \$20.00 to the Court Document Storage Fund
    - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
    - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
    - e. \$115.00 to the County General Fund to be distributed as follows:
      - i. Circuit Clerk Filing Cost: \$25.00
      - ii. County General Fund: \$15.00
      - iii. Court Security Fund: \$45.00
      - iv. Court System Fund: \$30.00
  - (ii) \$46.00 to the State Treasurer
  - (iii) \$12.00 to the arresting agency
  - (iv) If arrest is made by more than one agency, then amount is remitted equally to each agency
- (11) **Schedule 10.5 – Truck Weight and Load Offenses.**
- (a) The Clerk shall collect \$260.00 and remit as follows:
    - (i) \$168.00 to the County Treasurer to be deposited as follows:
      - a. \$20.00 to the Court Automation Fund
      - b. \$20.00 to the Court Document Storage Fund
      - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
      - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
      - e. \$115.00 to the County General Fund to be distributed as follows:
        - i. Circuit Clerk Filing Cost: \$45.00
        - ii. Court Security Fund: \$10.00
        - iii. Court System Fund: \$60.00
    - (ii) \$92.00 to the State Treasurer
- (12) **Schedule 11 – Conservation Offenses.**
- (a) The Clerk shall collect \$195.00 and remit as follows:
    - (i) \$168.00 to the County Treasurer to be deposited as follows:
      - a. \$20.00 to the Court Automation Fund
      - b. \$20.00 to the Court Document Storage Fund
      - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
      - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
      - e. \$115.00 to the County General Fund to be distributed as follows:

- i. Circuit Clerk Filing Cost: \$25.00
      - ii. Court Security Fund: \$10.00
      - iii. Court System Fund: \$80.00
    - (ii) \$25.00 to the State Treasurer
    - (iii) \$2.00 to the arresting agency
    - (iv) If arrest is made by more than one agency, then amount is remitted equally to each agency
- (13) **Schedule 12 – Dispositions under Supreme Court Rule 529.**
- (a) The Clerk shall collect \$164.00 and remit as follows:
    - (i) \$100.00 to the County Treasurer to be deposited as follows:
      - a. \$20.00 to the Court Automation Fund
      - b. \$20.00 to the Court Document Storage Fund
      - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
      - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
      - e. \$47.00 to the County General Fund to be distributed as follows:
        - i. Circuit Clerk Filing Cost: \$37.00
        - ii. Court Security Fund: \$10.00
    - (ii) \$14.00 to the State Treasurer
    - (iii) \$50.00 to the arresting agency
    - (iv) If arrest is made by more than one agency, then amount is remitted equally to each agency.
- (14) **Schedule 13 – Non-Traffic Violations.**
- (a) The Clerk shall collect \$100.00 and remit as follows:
    - (i) \$75.00 to the County Treasurer to be deposited as follows:
      - a. \$20.00 to the Court Automation Fund
      - b. \$20.00 to the Court Document Storage Fund
      - c. \$5.00 to the Circuit Court Clerk Operation and Administrative Fund
      - d. \$8.00 to the Circuit Court Clerk Electronic Citation Fund
      - e. \$22.00 to the County General Fund to be distributed as follows:
        - i. Circuit Clerk Filing Cost: \$12.00
        - ii. Court Security Fund: \$10.00
    - (ii) \$25.00 to the arresting agency
    - (iii) If arrest is made by more than one agency, then amount is remitted equally to each agency.

**(Ord. No. 19-06A; 06-27-19)**

**EXHIBIT "A"**

**HOTEL/MOTEL MONTHLY TAX RETURN**

**ALL TAX FEES DUE THE COUNTY OF RANDOLPH, ILLINOIS, SHALL BE DUE AND PAYABLE TO THE COUNTY OF RANDOLPH THE LAST DAY OF THE MONTH IMMEDIATELY FOLLOWING THE MONTH OF COLLECTION. THE TAX SHALL BEGIN ON THE FIRST DAY OF AUGUST, 1989 WITH THE TAX FEES DUE ON THE LAST DAY OF SAID MONTH BEING THE 30<sup>TH</sup> DAY OF SEPTEMBER, 1989 AND ALL SUCCEEDING MONTHS THEREAFTER IN A LIKE MANNER.**

1. HOTEL/MOTEL NAME \_\_\_\_\_
2. FOR PERIOD BEGINNING \_\_\_\_\_ AND ENDING \_\_\_\_\_
3. TOTAL ROOM RECEIPTS FOR MONTH \$ \_\_\_\_\_  
(EXCLUDING ALL ROOM TAXES)
4. LESS RECEIPTS FROM PERMANENT GUESTS \$ \_\_\_\_\_  
(EXCLUDING ALL ROOM TAXES)
5. TOTAL ADJUSTED ROOM RECEIPTS \$ \_\_\_\_\_  
(ITEM #3 MINUS ITEM #4)
6. COUNTY TAX DUE (5% OF ITEM #5 ABOVE) \$ \_\_\_\_\_  
(DUE WITHIN 30 DAYS OF ENDING DATE ABOVE)
7. ADD PENALTY, IF DELINQUENT (1% PER MONTH) OF ITEM #6 ABOVE—ENTER \$0 IF NONE IS DUE \$ \_\_\_\_\_
8. TOTAL COUNTY TAX DUE \$ \_\_\_\_\_  
(ITEM #6 PLUS ITEM #7)
9. OWNER OR AUTHORIZED SIGNATURE \_\_\_\_\_

**PLEASE ENCLOSE A COPY OF YOUR MONTHLY STATE REPORT, THIS FORM, AND YOUR CHECK IN THE AMOUNT OF "TOTAL COUNTY TAX DUE" EACH MONTH TO THE RANDOLPH COUNTY TREASURER TO AVOID ANY LATE PENALTIES.**

**MAKE CHECKS PAYABLE TO:**

**RANDOLPH COUNTY TREASURER  
#1 TAYLOR STREET, ROOM 205  
CHESTER, IL 62233**

***Zoning  
Code  
of  
Randolph County  
Illinois***

**[October 1, 2019]**

**PREPARED BY:  
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## **ZONING CODE**

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CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

**40-1-1**        **PURPOSE.** In accordance with State law, (**55 ILCS 5/5-12001**), this Code regulates lots, structures, uses, and similar matters in order to preserve, protect, and promote the public health, safety and general welfare. More specifically, this Code is intended to assist in achieving the following objectives:

(A)            To encourage the development of buildings and uses on appropriate sites in order to maximize Countywide social and economic benefits while accommodating the particular needs of all residents;

(B)            To discourage development on inappropriate sites and to protect prime farmland, farmland of statewide importance, wetlands, flood plains and groundwater;

(C)            To protect and enhance the character and stability of sound existing residential, commercial and industrial areas, and to gradually eliminate nonconforming uses and structures;

(D)            To conserve and increase the value of taxable property throughout the County;

(E)            To ensure the provision of adequate light, air and privacy for the occupants of all buildings;

(F)            To protect property from damage caused by fire, flooding, and adverse soil and topographical conditions;

(G)            To provide adequate and well-designed off-street parking areas for all buildings and uses, and to reduce vehicular congestion on the public streets and highways; and

(H)            To provide for the efficient administration and fair enforcement of all the substantive regulations set forth herein.

**40-1-2**        **JURISDICTION.** This Code shall be applicable throughout Randolph County, except within the corporate limits of municipalities which have adopted local zoning codes.

**40-1-3**        **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the County, and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

**40-1-4**        **DISCLAIMER OF LIABILITY.**

(A)            Except as may be provided otherwise by statute or ordinance, no official, board member, agent or employee of the County shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his or her duties under this Code. (**See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ILCS Sec. 10/1-101.**)

(B)            Any suit brought against any official, board member, agent, or employee of the County, as a result of any act required or permitted in the discharge of his or her duties under this Code, shall be defended by the State's Attorney until the final determination of the legal proceedings.

**40-1-5**        **SEPARABILITY.** If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

**40-1-6**      **WHEN EFFECTIVE.** This Code shall take effect after its final passage, approval, and publication as provided by law, on the effective date set forth below.

The Randolph County Zoning Commission having completed its legal duties, this Code is passed by the Randolph County Board of Commissioners this **tenth (10<sup>th</sup>) day of June, 1991.** (See 55 ILCS Sec. 5/5-12007)

**EFFECTIVE DATE: JULY 1, 1991.**

**ARTICLE II - DEFINITIONS**

**40-2-1 CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-2** shall have their standard English dictionary meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory; the term "may" is discretionary.

(F) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(G) A general term that follows or is followed by enumeration of specific terms shall not be limited to the enumerated class unless expressly limited.

**40-2-2 SELECTED DEFINITIONS.**

**"Abutting":** Having a common lot line or district line. Synonym for "adjacent" and "contiguous".

**"Access Way":** A curb cut, ramp, driveway, or other means for providing vehicular access to an off-street parking.

**"Accessory Structure/Use":** Any structure or use which:

(A) is subordinate to and serves a principal structure or use;

(B) is subordinate in area, extent or purpose to the principal structure or use;

(C) contributes to the comfort, convenience or necessity of occupants of the principal structure or use served;

(D) does not change the basic character of the premises as determined by its principal structure or use.

**"Administrator":** The official appointed by the Randolph County Board of Commissioners to administer this Code, or his representative. **(Synonymous with "Zoning Administrator.")**

**"Agriculture":** Any one or more in combination of the following pursuits: the growing of farm or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, animal/poultry husbandry, fish farming, sod farming and tree farming. The term "agriculture" encompasses buildings occupied as residences by persons engaged in agricultural activities. In addition, it includes non-residential accessory uses and structures customarily incidental to agricultural activities. Buildings occupied as residences by persons not engaged in agriculture shall not be considered as being used for agricultural purposes, even though they are located on agricultural land; and said buildings are subject to the provisions of this Code.

**"Aisle":** A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

**"Alley":** A public or private way (See definition of "street") which affords a secondary means of vehicular access to abutting premises that front on a nearby street.

**"Alter":** To change the size, shape, or use of a structure.

**"Amendment":** A change in the provisions of this Code {including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

**"Anchor":** Any approved device used to keep a mobile home firmly attached to the stand on which it is placed.

**"Attached":** As applied to buildings, "attached" means having a common wall and/or common roof.

**"Board of Appeals":** The Zoning Board of Appeals of Randolph County, Illinois.

**"Boarding House":** A residential building or portion thereof--other than a motel or hotel or bed & breakfast--containing lodging rooms for accommodation of **three (3) to ten (10) persons** who are not members of the keeper's family, and where lodging and/or meals are provided by prearrangement and for definite periods, but not on an overnight or per-meal basis, to the transient public.

**"Buffer Strip"**: An area of land--undeveloped except for landscaping, fences, etc.--used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

**"Building"**: Any covered structure permanently affixed to the land and designed or used to shelter persons or chattels.

**"Building Height"**: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs. Necessary appurtenances listed in **Section 40-3-9(A)** shall be excluded in building height calculation.

**"Building Line"**: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the front lot line.

**"Certificate of Zoning Compliance, Initial"**: A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore, proceed.

**"Certificate of Zoning Compliance, Final"**: A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

**"Clinic"**: An establishment wherein licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

**"Club/Lodge"**: A nonprofit association of persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; but, not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**"Commercial Use/Establishment"**: Any use or establishment wherein goods and/or services, (See **Section 40-4-4**) are provided for remuneration, whether to the consuming public (retail) or to other businesses (wholesale).

**"Conforming"**: In compliance with the applicable provisions of this Code.

**"Convenience Store"**: Any small retail commercial or service establishment offering food and services.

**"Corrective Action Order"**: A legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

**"County"**: Randolph County, Illinois.

**"Day Care Center"**: Any child care facility which regularly provides day care for less than **twenty-four (24) hours** per day for more than **eight (8) children** in a family home, or more than **three (3) children** in a facility other than a family home.

**"Detached"**: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

**"Develop"**: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

**"Dimensions"**: Refers to the depth and width of a lot or a structure.

**"District Zoning"**: A portion of the territory of the County wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

**"Driveway"**: A minor way commonly providing vehicular access to a garage or off-street parking area.

**" Dwelling"**: A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motels, bed & breakfast or other accommodations for the transient public.

**" Dwelling, Multiple-Family"**: A building or portion thereof containing **three (3)** or more dwelling units.

**" Dwelling, Single-Family"**: A dwelling on a permanent foundation containing one dwelling unit and intended for the occupancy of one family. A mobile home (see definition) with the wheels and tongue removed and placed on a permanent foundation shall be deemed a detached single-family dwelling.

**" Dwelling, Two-Family"**: A dwelling containing **two (2) dwelling units**, a duplex.

**" Dwelling Unit"**: One or more rooms designed or used as living quarters by one family. A "dwelling unit" always includes bathroom and kitchen facilities.

**" Easement"**: A right to use another person's real property for certain limited purposes.

**"Enclosed"**: As applied to a building, "enclosed" means covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls, with openings only for windows and doors.

**"Enlarge"**: To increase the size of any existing use or structure (i.e., principal or accessory).  
Synonym for "extend" and "expand".

**"Erect"**: To build, construct.

**"Existing"**: Actually built/constructed or in use operation on the effective date of this Code.

**"Family"**: One person, or two or more persons related by blood, marriage or legal adoption, or not more than **three (3)** unrelated persons, maintaining a common household in a dwelling unit.

**"Farmland of Statewide Importance"**: Land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage and oilseed crops. Criteria for defining and delineating this land is to be determined by the appropriate State agency or agencies. Generally, farmlands of statewide importance include those that are nearly prime farmlands and that economically produce high yields of crops when treated and managed according to acceptable farming methods.

**"Farmstead"**: A farm and its buildings.

**"Flood Plains"**: Flood plains as determined by the Federal Emergency Management Agency (FEMA) and as applicable to the National Flood Insurance Program (NFIP) means the lowland and relatively flat areas adjoining inland and coastal waters, including flood prone areas that at a minimum, are subject to a **one percent (1%)** or greater chance of flooding in any given year (i.e., a 100-year flood plain).

**"Floor Area, Gross"**: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes basement floors, attic floor space, halls, closets, stairwells, space devoted to mechanical equipment and enclosed porches.

**"Foundation, Permanent"**: In order to be considered permanent, a foundation shall meet the following criteria:

(A) The foundation shall extend into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block or mortared brick extending into the ground below the frost line, shall satisfy the requirement for a permanent foundation.

(B) Piers may be used, extending into the ground below the frost line, to properly support the structure as per the manufacturer's recommendation. **(Ord. No. 10-06; 10-29-10)**

**"Frontage"**: The lineal extent of the front (street-side) of a lot.

**"Hereafter"**: Any time after the effective date of this Code.

**"Home Occupation"**: Any business, profession, or occupation conducted for gain entirely on a residential premises in conformity with the provisions of this Code.

**"Immobilize"**: As applied to a mobile home, "immobilize" means to remove the wheels, tongue and hitch and to place on a permanent foundation.

**"Intensify"**: To increase the level or degree of.

**"Intersection"**: The point at which **two (2)** or more public rights-of-way (generally streets) meet.

**"Junk/Salvage"**: Scrap materials (i.e. metal, paper, glass, plastics and similar commodities) and discarded items (vehicles, equipment, appliances, batteries, tires and similar products) that are potentially recyclable.

**"Lot"**: A tract of land intended as a unit for the purpose (whether immediate or future) of transfer of ownership or development. A "lot" may or may not coincide with a "lot of record." "Lot" is synonymous with "tract", "plot", and "site".

**"Lot of Record"**: An area of land designated as a lot on a plat of subdivision or described by metes and bounds in a deed, and recorded with the Randolph County Recorder of Deeds.

**"Lot, Corner"**: A lot having at least **two (2)** adjacent lot lines that abut for their full length upon streets. Both such lot lines shall be deemed front lot lines.

**"Lot, Through"**: A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

**"Lot Area"**: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

**"Lot Coverage"**: The portion of a lot that is occupied by structures, including accessory structures.

**"Lot Depth"**: The average horizontal distance between the front lot line and the rear lot line of a lot.

**"Lot Line, Front":** Any lot boundary abutting a street.

**"Lot Line, Rear":** An interior lot line which is most distant from and most nearly parallel to the front lot line.

**"Lot Line, Side":** Any boundary of a lot which is not a front lot line or a rear lot line.

**"Lot Width":** The mean horizontal width of a lot measured at right angles to the side lot lines.

**"Maintenance":** The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep said structure, etc. in sound condition.

**"Materially":** As applied to the impact of one thing on another, "materially" means significantly or substantially.

**"Mobile Home":** A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. All mobile homes located in Randolph County after the adoption of this Code shall be constructed to the U.S. Department of Housing and Urban Development (HUD) requirements for mobile homes and shall have the proper seal to denote compliance.

**"Mobile Home Park":** A tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **five (5)** or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. Neither an immobilized mobile home nor a motorized recreational vehicle shall be construed as being a part of a mobile home park.

**"Mobile Home Stand":** The part of a mobile home space beneath the mobile home that includes the concrete slab or runners on which the home is placed and to which it is anchored.

**"Nonconforming":** As applied to a lot, structure, or use, "nonconforming" means: (1) lawfully existing on the effective date of this Code or pertinent amendment thereto, but (2) not in compliance with the applicable provisions set forth herein.

**"Nuisance":** Any thing, condition or conduct that endangers health, unreasonably offends the senses, obstructs the free use and comfortable enjoyment of property and/or essentially interferes with the comfortable enjoyment of life as identified in **740 ILCS Sec. 55/221**.

**"Nursery School":** See "Day Care Center".

**"Office":** Any building or portion thereof in which the business (usually clerical and administrative affairs) of a commercial enterprise or professional person is transacted.

**"Overlay District":** A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems.

**"Parking Area/Lot, Off-Street":** Land that is improved in accordance with this Code and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking lot", depending on the circumstances of its use, may be either a principal use or an accessory use.

**"Parking Space, Off-Street":** An area within an off-street parking area lot or garage, used for the storage of **one (1)** passenger motor vehicle according to the Illinois Accessibility Code.

**"Permitted Use":** Any use which is or may be lawfully established in a particular district.

**"Person":** Any individual, firm, association, organization, or corporate body.

**"Premises":** A lot and all the structures and uses thereon.

**"Prime Farmland":** Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops. As determined by the United States Department of Agriculture, prime farmland has the soil quality, growing season and moisture supply needed to economically produce sustained high yields of crops when treated and managed according to acceptable farming methods.

**"Principal Structure/Use":** The main structure erected on or the main use occupying a lot as distinguished from an accessory (subordinate) structure or use.

**"Property Line":** See "Lot Line".

**"Reconstruct":** As applied to nonconforming structures, "reconstruct" means to rebuild after partial or total destruction.

**"Relocate"**: To move to another portion of a lot or to a different lot.

**"Repair"**: To restore to sound condition, but not to reconstruct.

**"Restrictive"**: Tending to keep within prescribed limits.

**"Retail"**: Refers to the sale of goods or services directly to the consumer rather than to another business.

**"Right-of-Way, Public"**: A strip of land which the owner/subdivider has dedicated to a unit of government for streets, alleys, or other public purposes.

**"Salvage/Yard/Recycling Center"**: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used-lumber yards, and yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including establishments where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase, or storage of used cars in operable condition, or storage of materials incidental to manufacturing operations.

**"Sanitary Landfill"**: A tract of open land used for the permanent disposal of refuse in accordance with the requirements of the Illinois Environmental Protection Agency (IEPA). At a "sanitary landfill" the refuse is periodically covered with soil or foam, as approved by the IEPA.

**"Seasonal Dwelling"**: A structure used on a part-time basis for recreational purposes--not a primary residence (e.g. weekend cabin).

**"Screening"**: Trees, shrubs, walls, solid fences, etc., used as a means of visual and noise control.

**"Service Use/Establishment"**: Any use or establishment wherein services are provided for remuneration either to individuals or to other firms.

**"Setback"**: The horizontal distance from the lot line in question to the side of the structure facing that lot line or to the edge of the area of operation of the principal use (in case of a use which does not involve a structure).

**"Setback Line"**: See "Building Line".

**"Small Retail"**: Any business, profession, or occupation conducted for gain as distinguished from a commercial establishment in conformity with the provisions of this Chapter. **(Ord. No. 19-09; 06-27-19)**

**"Special Use"**: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses are allowed only by permit and generally must meet special standards not necessarily applicable to permitted uses in the district.

**"Special Use Permit"**: A permit issued in accordance with the provisions of this Code to regulate development of a special use.

**"Stop Order"**: A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

**"Storage Containers"**: Industrial-grade steel containers used for storage. Also known as freight containers, ISO containers, intermodal containers, shipping containers, high-cube containers, portable storage units, conex boxes or sea cans. **(Ord. No. 19-07; 06-27-19)**

**"Street"**: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way of pedestrian or bicycle use only.

**"Street, Private"**: Any street providing access to abutting property that is not maintained by and dedicated to the County or other unit of government.

**"Stringent"**: Binding, exacting.

**"Structure"**: Anything constructed or erected on the ground, or attached to something having a fixed location on the ground. All buildings are structures but not all structures are buildings.

**"Structure, Temporary"**: Any structure that is not attached to a permanent foundation.

**"Topography"**: The relief features or surface configuration of an area.

**"Travel Trailer"**: A structure designed for temporary occupancy which is designed to be moved by a motor vehicle, i.e., RV (recreational vehicles).

**"Travel Trailer Park"**: A lot developed with facilities for accommodating temporarily occupied travel trailers, including campgrounds, recreational camps and private/leased lots used for weekend homes, mobile homes, campers and RV (recreational vehicles).



**"Use":** The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, and/or maintained.

**"Variance":** A relaxation of the strict application of the lot size, setbacks, or other area-bulk requirements applicable to a particular lot, structure or use.

**"Wetlands":** Wetlands are those areas as determined by the Natural Resource Conservation Service and U.S. Army Corps of Engineers. Wetlands generally include swamps, marshes, bogs and similar areas, such as sloughs, potholes, wet meadows, river overflows, mudflats and natural ponds.

**"Wholesale":** Refers to the sale of goods or services by one business to another business.

**"Yard":** Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal structure.

**"Yard, Front":** A yard which is bounded by the side lot lines, front lot lines, and the building line.

**"Yard, Rear":** A yard which is bounded by the side lot lines, rear lot line, and the building line.

**"Yard, Side":** A yard which is bounded by the rear lot line, front lot line, side lot line, and the building line.

**"Yard Line":** A line in a lot that is parallel to the lot line along which the yard in question extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

**"Zoning Map":** The map and any amendments thereto designating zoning districts, and incorporated into this Code by reference.

**ARTICLE III - GENERAL SUBSTANTIVE REGULATIONS**

**40-3-1 ESTABLISHMENT OF DISTRICTS.** In order to implement the regulatory scheme of this Code so to achieve the objectives stated in **Section 40-1-1**, all the territory of Randolph County other than territory within the corporate limits of municipalities which have adopted local zoning codes is hereby divided into the following zoning districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>	<u>MINIMUM AREA*</u>
Agricultural	A	40 acres
Rural Single Family Residential	R-1	10 acres
Community Residential	R-2	5 acres
Commercial	C	2 acres
Industrial	I	5 acres
Flood Plain Overlay	O-FP	None

\* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the acreage of numerous noncontiguous parcels, when aggregated, happen to equal or exceed the minimum area indicated above.

**40-3-2 ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the listed zoning districts are hereby established as shown on the official zoning map of the County. This map, including all notations and other information thereon, is hereby made a part of this Code by reference. The official zoning map shall be kept on file in the Administrator's office.

**40-3-3 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.** In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

(A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- |     |                                      |                                  |
|-----|--------------------------------------|----------------------------------|
| (1) | Center line of any street or alley   | Such centerline.                 |
| (2) | Lot line                             | Such lot line.                   |
| (3) | Railroad tracks                      | Right-of-way line of such tracks |
| (4) | Stream                               | Center of such stream            |
| (5) | Section, fractional, or survey lines | Such lines                       |

(B) Whenever any public right-of-way is legally vacated, the zoning districts of the owners of the underlying fee of such vacated public way shall automatically extend to the Vacated Way and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

(C) The final determination of the boundaries of the Flood Plain Overlay District shall be based upon the current National Flood Insurance Program (NFIP) "Maps" for Randolph County, Illinois prepared by the Federal Emergency Management Agency (FEMA) and on file in the Zoning Administrator's office.

**40-3-4 GENERAL PROHIBITION.** Hereafter, it shall be unlawful to:

(A) erect, use, occupy, enlarge, alter, relocate or reconstruct any structure or part thereof;

(B) create any lot; or

(C) use, occupy, or develop any lot or part thereof .... except in conformity with the provisions of this Code.

**40-3-5 UNLISTED USES PROHIBITED.** Any use not specifically listed as permitted or allowed by special use permit within a particular zoning district shall be deemed prohibited in that district until the County Board rezones the property in question or otherwise amends this Code in accordance with **Sections 40-9-30 through 40-9-35.**

**40-3-6 MEETING MINIMUM REQUIREMENTS.** Except as specifically provided otherwise in this Code, every lot must independently meet the minimum area, minimum dimensions and minimum setback requirements of the district in which it is located (i.e. without counting any portion of an abutting lot).

**40-3-7 ACCESS REQUIRED.** No structure shall be erected on any lot unless such lot abuts or has permanent access to a public street or a private street that conforms to the standards set forth in the Randolph County Subdivision Code.

**40-3-8 FRONT SETBACKS - CORNER/THROUGH LOTS.** Every lot with multiple frontages (e.g. corner or through lots) shall meet the front setback requirements of the district in which it is located on every side that abuts a street.

**40-3-9 INTRUSIONS INTO YARDS.** To the extent indicated, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u>FEATURES</u>	<u>MAXIMUM INTRUSION</u>
(A) Cornices, chimneys, planters or similar architectural features	Two (2) feet.
(B) Fire escapes	Four (4) feet.
(C) Patios	No limit.
(D) Porches, if unenclosed <u>and</u> at ground level	Six (6) feet.
(E) Balconies	Four (4) feet.
(F) Canopies, roof overhangs	Four (4) feet.

**40-3-10 EXCEPTIONS TO HEIGHT LIMITS.**

(A) **Necessary Appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations of the district in which they are located provided they comply with all other pertinent regulations of the County, State and Federal government.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or manmade, shall intrude into the air space that is between **two (2) feet** and **ten (10) feet** above the level of the adjacent street.

(C) **Airport Hazard Areas.** Notwithstanding any other provision of this Code, all structures erected within any airport hazard area, as defined by State law, shall conform to the location,

height and identification requirements imposed by the Illinois Department of Transportation pursuant to "An Act relating to Airport Zoning" (**See 620 ILCS 5/48**) and "An Act in relation to Zoning to Eliminate Airport Hazards" (**See 620 ILCS 25/1 - 25/37**).

**40-3-11 SEWERS, SEPTIC TANKS.** In all districts, property owners of all structures and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the public sanitary sewerage system is reasonably accessible (i.e. when the distance from the property in question to the nearest public sewer with available capacity does not exceed **three hundred (300) feet** for single family residences and **one thousand (1,000) feet** for commercial establishments or multi-family dwellings), all sewage shall be discharged into such system, whether or not a private sewer system is more convenient.

(B) Whenever the public sewer system is not reasonably available, a private sewer system (whether central or individual) shall be installed and used. All private sewer systems shall be designed, constructed, operated, and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, **225 ILCS 225**, as amended from time to time;
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, and as amended from time to time;
- (3) Pertinent, current regulations issued by the **Illinois Environmental Protection Agency**; and
- (4) Applicable County or local codes and ordinances, particularly the **Randolph County Subdivision Code**.

(C) A building permit shall not be issued until a private sewage permit has been issued by the Monroe-Randolph Bi-County Health Department.

The Administrator shall not issue any initial certificates of zoning compliance unless, following consultation with technically qualified persons as necessary, he is satisfied that these requirements will be met. Furthermore, no final certificate shall be issued until all final qualifications are met.

**40-3-12 ONE DWELLING PER LOT.** Except as specifically provided otherwise herein (the important exceptions being multiple-family complexes, mobile home parks, and residences in agricultural districts occupied by persons engaged in agricultural activities), only one dwelling may be situated on any lot or lot of record. Thus, for example, it shall generally be unlawful to place a mobile home on any lot which there is an existing dwelling.

**40-3-13 ACCESSORY USES.** Any accessory use (**See Sec. 40-2-2 "Selected Definitions"**) shall be deemed permitted in a particular zoning district if such accessory use is:

- (A) accessory to a principal structure or use that is permitted in that zoning district or allowed by a special use permit that has been granted; and
- (B) in compliance with the restrictions set forth in **Section 40-3-14**.

**40-3-14 ACCESSORY USE RESTRICTIONS.**

(A) **Height.** No accessory use shall be higher than:

- (1) **fifteen (15) feet** in any Residential District; or
- (2) **twenty-five (25) feet** in the Commercial and Industrial District.

(B) **Setbacks.**

- (1) In the Commercial or Industrial District, no accessory use shall encroach into any part of any yard (front, side or rear) that is required by the minimum setback regulations of the particular district.

- (2) In any Residential District, accessory uses are prohibited in any required front yard, but permitted in any side or rear yard provided such accessory uses are not closer than **seven (7) feet** to any side or rear lot line.
- (3) In any Agricultural District, accessory uses are prohibited in the required front yard.

(C) **Use As Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited in every zoning district.

**40-3-15** **AGRICULTURAL EXEMPTION.** The provisions of this Code shall not be exercised so as to impose regulations or require permits with respect to land used or to be used for agricultural purposes (as defined herein), or with respect to the erection, maintenance, repair, alteration, remodeling, or extension of structures used or to be used for agricultural purposes upon such land; except that said structures are required to meet building setback requirements applicable in the district in which the structure is to be built. Should said land or structure cease to be used solely for agricultural purposes then, and only then, shall the other provisions of this Code apply (**55 ILCS Sec. 5/12000**).

**ARTICLE IV - REGULATIONS FOR SPECIFIC DISTRICTS**

**DIVISION I - AGRICULTURAL DISTRICT**

**40-4-1**      **"A" AGRICULTURAL DISTRICT'S PURPOSE.** The carrying out of agricultural activities has long been, and continues to be, an important part of the way of life for Randolph County residents, and such activities provide a large portion of the income derived by the County's population. Thus, to promote and protect this mainstay of the local economy, it has been established as official policy that the County should protect, preserve and encourage the pursuit of agriculture by its residents. The creation of the "A" Agricultural District is an integral part of that policy. The "A" District encompasses sparsely developed farm and woodland areas which, because of the fertility of the soil, topography, the availability of water, and other factors, including the suitability of the land for the raising of animals, have agricultural productivity. The regulations for this district are intended to preserve such agricultural land by severely restricting the encroachment of non-agricultural uses and structures. The owners and renters of property, whether farm or non-farm, in this district should realize that they will likely encounter the smells, sights and sounds attendant to agricultural operations.

**40-4-2**      **PERMITTED USES.** Provided all pertinent requirements of this Code are met (see especially **Section 40-4-30**), the following uses are permitted in the **"A" District**:

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in **Section 40-2-2**.

Animal hospitals and veterinarian offices, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such uses.

Bed and Breakfast establishments.

Carnivals and picnics sponsored by a government entity or a civic organization, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such operations, and that such carnivals and picnics do not last more than **seven (7) consecutive days**.

Cemeteries and mausoleums.

Churches and other places of formal worship.

Commercial grain elevators and storage facilities.

Detached single-family dwellings -- additional single-family dwellings shall be permitted on an agricultural lot of record provided the occupants of said single-family dwellings are directly related by birth, marriage, or adoption to the owners and residents of the lot of record. Each additional single-family dwelling shall be located on a lot of at least **one (1) acre** in size. Only one such additional dwelling lot can be conveyed unless such additional lots comply with **Section 34-1-3** of the **Randolph County Subdivision Code** and the **Illinois Compiled Statutes**.

Government uses of the County or Road District or municipality covered by this Code.

Home occupations in accordance with **Section 40-5-2**.

Kennels and stables.

Non-commercial recreational uses.

Parks and playgrounds.

Railroad tracks and accessory equipment, but not including classification yards, terminal facilities, or maintenance facilities.

Rental of farm dwellings by the owner of the farm on which they are located to persons not engaged in farming, provided that no lot separate from the farm is created, that the buildings are rented as single-family dwellings, and that the buildings existed before the effective date of this Code.

Storage container homes. (**Ord. No. 19-07; 06-27-19**)

Storage containers. (**Ord. No. 19-07; 06-27-19**)

Accessory uses in accordance with **Section 40-3-13**.

**40-4-3**        **SPECIAL USES.** The following uses shall be permitted in the "A" District only upon the issuance of a special use permit in accordance with the provisions of **Section 40-9-2:**

Agricultural product processing plants.

Airports.

Commercial carnivals, circuses, and similar temporary, transient amusement activities not sponsored by a government entity or civic organization

Commercial recreational uses.

Farm dwellings existing before the effective date of this Code may be sold as non-farm dwellings, provided at least **two (2) acres** is deeded with the dwelling, and provided further that, notwithstanding any contrary provision of this Code, the property owner may demolish the farm dwelling and replace it with a new non-farm dwelling.

Government uses of a municipality not covered by this Code.

Oil wells and gas drilling operations.

Rented or leased seasonal dwellings.

Schools.

Small retail. (**Ord. No. 19-09; 06-27-19**)

Stockyards.

Temporary non-farm dwellings, including mobile homes, on the same lot as another principal use.

Underground and surface mining, loading and hauling of coal or other minerals, provided that the provisions of **Sections 40-5-8** and **40-5-9** are met as appropriate.

Utility substations, including electrical substations, gas regulation stations and similar facilities.

Wind energy conversion systems in accordance with **Sections 40-5-51 et seq.**

**40-4-4**        **RESERVED.**

## DIVISION II - RESIDENTIAL DISTRICTS

**40-4-5**        **"R-1" RURAL SINGLE-FAMILY RESIDENTIAL DISTRICT: PURPOSE.** As stated in **Section 40-4-1**, the preservation of agricultural land has been established as County policy. However, it is recognized that some present and future County residents may desire to reside in a low-density, non-farm rural setting. Thus, the "R-1" Rural Single-Family Residential District has been created to accommodate this demand. The "R-1" District is not intended, however, to restrict agricultural operations; indeed, the owners and renters of land within the "R-1" District should realize that they will likely encounter the smells, sights and noises attendant to agricultural operations.

The "R-1" Rural Single-Family Residential District encompasses various hilly/wooded areas scattered throughout the County's rural environs. The topography, soils, heavy tree cover and other characteristics of these areas--and the consequent difficulty of extending public utilities and services to them--impose significant constraints on both large-scale farming and intensive urban development. However, land in this district is well-suited for low-density residential development and related uses. Thus, the district regulations are designed to encourage construction of single-family homes on large lots and to discourage development of incompatible uses.

**40-4-6**        **PERMITTED USES.** Provided all pertinent requirements of this Code are met (see especially **Section 40-4-30**), the following uses are permitted in the "R-1" District:

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in **Section 40-2-2.**

Cemeteries and Mausoleums.

Churches and other places of formal worship.

Detached single-family dwellings.

Government uses of the County or Road District or municipality covered by this Code.  
Home occupations in accordance with **Section 40-5-2**.  
Institutional uses such as convents, retreat houses, etc.  
Non-commercial recreational uses.  
Parks and playgrounds.  
Railroad tracks and accessory equipment, but not including classification yards, terminal facilities or maintenance facilities.  
Schools.  
Accessory uses in accordance with **Section 40-3-13**.

**40-4-7**      **SPECIAL USES.** The following uses shall be permitted in the "R-1" District only upon the issuance of a special use permit in accordance with the provisions of **Section 40-9-2**:

Bed and Breakfast establishments.  
Commercial recreational uses.  
Government uses of a municipality not covered by this Code.  
Mobile homes on individual lots, provided all applicable requirements of this Code are met (see **Sections 40-4-30 and 40-5-5**).  
Mobile home parks in compliance with **Section 40-5-6**.  
Storage container homes. (**Ord. No. 19-07; 06-27-19**)  
Temporary non-farm dwellings, including mobile homes, on the same lot as another principal use (see **Section 40-3-15**: Agricultural Exemption)  
Travel trailer and RV (recreational vehicle) parks in conformity with State requirements.  
Utility substations, including electrical substations, gas regulation stations and similar facilities.

**40-4-8 - 40-4-9**      **RESERVED.**

**40-4-10**      **"R-2" COMMUNITY RESIDENTIAL DISTRICT: PURPOSE.** The "R-2" Community Residential District encompasses land within or near municipalities or other built-up areas that are best suited for the development of various housing types and compatible uses. The regulations for this district are intended to stabilize and preserve sound existing neighborhoods developed at varying densities, and to promote construction of new single-family houses, duplexes and multi-family dwellings.

**40-4-11**      **PERMITTED USES.** Provided all pertinent requirements of this Code are met (see especially **Section 40-4-30**), the following uses are permitted in the "**R-2**" District:

Agriculture, including all of the uses and structures included in the definition of agriculture set forth in **Section 40-2-2**, provided that adequate safeguards are taken to protect adjacent properties from any adverse effects resulting from such operations.  
Boarding houses.  
Churches and other places of formal worship.  
Clinics, medical/dental.  
Clubs or lodges, but not those which have as their chief activity a service customarily carried on as a business.  
Convenience stores.  
Day care centers.  
Detached single-family dwellings and duplexes.  
Government uses of the County, Road District, or Municipality covered by this Code.  
Home occupations in accordance with **Section 40-5-2**.  
Parks and playgrounds.



Schools.  
Accessory uses in accordance with **Section 40-3-13**.

**40-4-12**      **SPECIAL USES.**

Bed and Breakfast establishments.  
Government uses of a municipality not covered by this Code.  
Hospitals and nursing homes, long term care facilities.  
Mobile homes on individual lots, provided all applicable requirements of this Code are met (see **Sections 40-4-30** and **40-5-5**)  
Mobile home parks in conformity with **Section 40-5-6**.  
Multiple-family dwellings.  
Railroad tracks and accessory equipment, but not classification yards, terminal facilities or maintenance facilities.  
Storage container homes. (**Ord. No. 19-07; 06-27-19**)  
Temporary non-farm dwellings, including mobile homes, on the same lot as another principal use (see **Section 40-3-15**: Agricultural Exemption)  
Travel trailer park. (**Ord. No. 09-01; 12-12-08**)  
Utility substations, including electrical substations, gas regulation stations and similar facilities.

**40-4-13 - 40-4-14**      **RESERVED.**

**DIVISION III - COMMERCIAL DISTRICT**

**40-4-15**      **"C" COMMERCIAL DISTRICT: PURPOSE.** The "C" Commercial District encompasses those areas--primarily within municipalities covered by this Code or on the outskirts of municipalities--where a wide variety of goods and services is available to the general public at retail or wholesale.

**40-4-16**      **WHEN SCREENING IS REQUIRED.** Screening approved by the Administrator-- which may include a wall, solid fence, or closely planted shrubbery at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property -- shall be installed along the side and rear lot lines of any lot that abuts any Residential District.

**40-4-17**      **PERMITTED USES.** Provided all pertinent requirements of this Code are met (see especially **Section 40-4-30**), the following uses are permitted in the **"C" District**:

Agricultural uses.  
Bed and Breakfast establishments.  
Churches and other places of formal worship.  
Commercial uses/establishments.  
Detached single-family dwellings and duplexes.  
Government uses of the County, Road District or Municipality covered by this Code.  
Mixed residential/commercial.  
Multi-family dwellings.  
Offices.  
Service uses/establishments.  
Utility substations.  
Accessory uses in accordance with **Section 40-3-13**.

**40-4-18**      **SPECIAL USES.**

Industrial uses.  
Schools.

**40-4-19**      **RESERVED.**

**DIVISION IV - INDUSTRIAL DISTRICT**

**40-4-20**      **"I" INDUSTRIAL DISTRICT: PURPOSE.**      The "I" Industrial District encompasses areas where manufacturing and processing plants, research facilities, warehouses, and similar uses may locate without detriment to the remainder of the County. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

**40-4-21**      **USE RESTRICTIONS.**

(A)      **No Nuisances.**      No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission, offensive glare, and noxious odors.

(B)      **Buffer Strips.**      Wherever any industrial use located in this district abuts any Residential or Commercial District, a **ten (10) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least **four (4) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full grown.

**40-4-22**      **PERMITTED USES.**      Provided all pertinent requirements of this Code are met (see especially **Subsection 40-4-21** above and **Section 40-4-30**), the following uses are permitted in the "I" District:

- Agricultural uses.
- Assembly, manufacturing or processing of any commodity from raw or semi-finished materials.
- Commercial establishments, wholesale.
- Government uses of the County, road district or municipality covered by this Code.
- Recycling center.
- Research and development facilities.
- Storage containers. (**Ord. No. 19-07; 06-27-19**)
- Utility substations.
- Warehouses and storage yards.
- Accessory uses in accordance with **Section 40-3-13**.

**40-4-23**      **SPECIAL USES.**

- Salvage/junk yards, but only in accordance with **Section 40-5-4**.
- Government uses of a municipality not covered by this Code.
- Oil wells and gas drilling operations.
- Sanitary landfills.
- Schools.
- Underground and surface mining, loading and hauling of coal or other minerals, provided that the provisions of **Sections 40-5-8** and **40-5-9** are met as appropriate.
- Wind energy conversion systems in accordance with **Sections 40-5-51 et seq.**

**40-4-24**      **RESERVED.**

**DIVISION V - FLOOD PLAIN OVERLAY DISTRICT**

**40-4-25 "O-FP" - FLOOD PLAIN OVERLAY DISTRICT: PURPOSE.** The "O-FP" Flood Plain Overlay District delineates areas of the County as identified by the National Flood Insurance Program (NFIP) "Maps" for Randolph County, Illinois prepared by the Federal Emergency Management Agency (FEMA) that, in the absence of adequate flood protection measures, are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the tax base, and the need for extraordinary relief measures. The purpose of this district is to alert the property owners and residents to the potential flood hazards associated with the land included in this district. Although it is not a requirement of this Code, owners of property located in this district are encouraged to limit development of this land to (1) uses which inherently have low flood damage potential and (2) other uses allowed in the primary districts (those districts overlain by the "O-FP" District), provided adequate protective measures have been taken.

**40-4-26 - 40-4-29 RESERVED.**

**DIVISION VI – LOT SIZE, SETBACK AND HEIGHT RESTRICTIONS BY DISTRICT**

**40-4-30 RESTRICTIONS.** Every lot or the principal structure thereon (as the case may be) shall comply with the minimum lot size, minimum setbacks, and maximum height restrictions for the particular district in which said lot/principal structure is located.

RESTRICTIONS	"A" DISTRICT	"R-1" DISTRICT	"R-2" DISTRICT	"C" DISTRICT	"I" DISTRICT
(A) Minimum District Area	40 acres	10 acres	5 acres	2 acres	5 acres
(B) Minimum Lot Area	30 acres	1 acre	12,000* sq. ft. or 3,000 sq. ft. per dwelling unit, whichever is greater	6,000* sq. ft.	20,000* sq. ft.
(C) Minimum Lot Width (at established building line)	800 ft.	150 ft.	50 ft.	50 ft.	125 ft.
(D) Minimum Lot Depth	800 ft.	150 ft.	100 ft.	100 ft.	150 ft.
(E) Minimum Setbacks					
1. From Front Lot Line	50 ft.	50 ft.	25. Ft.	None	50 ft.
2. From Side Lot Line	25 ft.	25 ft.	7 ft.	None	25 ft.
3. From Rear Lot Line	25 ft.	25 ft.	25 ft.	None	25 ft.
(F) Maximum Structure Height	None	35 ft.	35 ft.	35 ft.	None

\* Except that when a private sewerage system dependent on a soil absorption system is to be used, the minimum lot area shall be **one (1) acre** (i.e. 43,560 sq. ft.)

**ARTICLE V - SUPPLEMENTARY REGULATIONS FOR SPECIFIC USES**

**DIVISION I - GENERALLY**

**40-5-1**        **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements, design standards and use limitations for specific, potentially troublesome, structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted; but, if more stringent regulations are applicable in any particular district, such regulations shall prevail.

**40-5-2**        **HOME OCCUPATIONS.** A "home occupation" means any business, profession or occupation conducted for gain or support entirely within any dwelling or on any residential premises. No home occupation shall be established or conducted except in conformity with the following regulations:

(A)            **Unrelated Employees.** A home occupation shall employ not more than **one (1)** individual who is unrelated to the family residing on the premises.

(B)            **Floor Space.** In Residential Districts, the total area used for a home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **three hundred (300) square feet**, whichever is less.

(C)            **Dwelling Alterations.** A dwelling shall not be altered to accommodate a home occupation in such a way as to materially change the residential character of the building.

(D)            **Outdoor Storage.** Outdoor storage of equipment or materials used in connection with a home occupation is prohibited in Residential Districts; however, limited use of an enclosed accessory structure is permissible for such storage needs.

(E)            **Nuisances.** A home occupation shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference noticeable at or beyond the boundary lines of the lot.

(F)            **Parking.** Every home occupation shall provide **two (2)** off-street parking spaces in addition to the usual requirements for the dwelling (see **Section 40-6-8**). Said parking spaces shall be located on the same lot as the dwelling.

(G)            **Sign.** A home occupation may display only **one (1)** identification/advertising sign. The area of said sign shall not exceed **six (6) square feet**.

**40-5-3**        **BED AND BREAKFAST.**

(A)            "Bed and breakfast establishment" shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast and light snacks/refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

"Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required by this Act to reside in the bed and breakfast establishment, or on contiguous property.

"Guest room" shall mean a sleeping room intended to serve no more than **two (2)** transient guests per night.

(B)            Bed and breakfast establishments shall be a permitted use in the Agricultural and Commercial Districts and shall require a special use permit in all Residential Districts.

**40-5-4**        **SALVAGE/JUNK YARDS.**

(A)            No part of any salvage/junk yard (see definition in **Section 40-2-2**) shall be located closer than **five hundred (500) feet** to the boundary of any Residential District.

(B)            All vehicles, parts and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely planted shrubbery at least **ten (10) feet** high and of sufficient density to block the view from adjacent property.

**40-5-5**      **MOBILE HOMES ON INDIVIDUAL LOTS.** No person shall place any mobile home on an individual lot (i.e. a lot not in a mobile home park) except in conformity with the following regulations:

(A)      **Same Lot Size/Setbacks.** A mobile home may be placed on any individual lot only if the district's minimum lot size and setback requirements are strictly observed.

(B)      **One Per Lot.** Only **one (1)** mobile home shall be placed on any individual lot.

(C)      **Foundation.** Every mobile home shall be placed on a permanent foundation as set forth in this Code.

(D)      **Anchors.** Anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of every mobile home stand or as otherwise necessary for protection against high winds. Every mobile home shall be securely tied down to such anchors.

(E)      **Skirting.** Every mobile home shall be skirted with fire-resistant material. The skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home.

(F)      **Tie-Down Requirements.** Every mobile home shall meet all Illinois Department of Public Health tie-down requirements.

**40-5-6**      **MOBILE HOME PARKS.** After the effective date of this Code, no mobile home park shall be established except in conformity with the requirements of the subsections below:

(A)      **Compliance with Illinois Law.** Every mobile home park shall, at a minimum, conform to the requirements of:

(1)      "An Act to provide for, license and regulate mobile homes and mobile home parks" (**210 ILCS 115/1**), and as amended; and

(2)      "Rules and Regulations for Mobile Home Parks," Illinois Department of Public Health, and as amended.

(B)      **Minimum Lot Area, Setbacks, Etc.**

(1)      **Minimum Lot Area.** No mobile home park shall be located on a tract less than **two (2) acres** in area.

(2)      **Minimum Dimensions.** No mobile home park shall be developed on any tract that is less than **two hundred fifty (250) feet** in both width and depth.

(3)      **Minimum Setbacks.** No part of a mobile home or other structure in any mobile home park shall be situated closer than **twenty-five (25) feet** to any lot line of the park.

(4)      **Maximum Height.** No structure in any mobile home park shall be more than **thirty-five (35) feet** in height.

**40-5-7**      **SANITARY LANDFILLS.** Any person who intends to establish or conduct a sanitary landfill within Randolph County shall obtain a permit from the Illinois Environmental Protection Agency indicating that the sanitary landfill fully complies with the "Solid Waste Rules and Regulations" and other regulations promulgated by the IEPA pursuant to the authority granted by State law and must be consistent with Randolph County Solid Waste Plan.

**40-5-8**      **SURFACE MINING.** It shall be unlawful for any operator to engage in surface mining in Randolph County until a permit has been properly obtained from the Illinois Department of Natural Resources (IDNR) and has posted a performance bond in accordance with the provisions of applicable State statutes and regulations. Note: referenced to current regulatory departments.

(A)      **Reclamation Plans.** As set forth in State law, whenever any land in the County is proposed to be surface-mined, the prospective mine operator shall file a reclamation plan for public inspection at the County Courthouse not less than **sixty (60) days** prior to any action on said plan by the

Illinois Department of Natural Resources (IDNR). Within **forty-five (45) days** of receiving said plan, the County Board may:

- (1) request that a public hearing be conducted in the County by the Illinois Department of Natural Resources (IDNR); and
- (2) propose the uses for which surface-mined land is to be reclaimed.

**40-5-9**        **UNDERGROUND MINING.** It shall be unlawful for any operator to engage in underground mining in Randolph County until a permit has been properly obtained from the Illinois Department of Natural Resources (IDNR).

(A)        **Specific Requirements.** The following requirements must be met as a condition for obtaining a special use permit for underground mining activities:

- (1) no open pit or shaft shall be less than **five hundred (500) feet** from an existing residence or Residential District established by this Code; and
- (2) all structures for screening, crushing, washing, mixing or storage shall be located not less than **one thousand (1,000) feet** from an existing residence or any Residential District established by this Code.

**40-5-10**       **GAS/OIL DRILLING OPERATIONS.** It shall be unlawful for any operator to engage in gas/oil drilling operations in Randolph County until a permit has been properly obtained from the Illinois Department of Natural Resources (IDNR). Gas/oil wells and gas/oil storage tanks shall conform to the setback requirements of the zoning district in which they are located.

**40-5-11**       **SCREENING.** Any screening (see definition in **Section 40-2-2**) must conform to the front yard (any yard that abuts a street) setback requirements of the district in which it is located, unless it is of a height and/or type that does not obstruct or physically interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

**40-5-12**       **STORAGE CONTAINER HOMES ON INDIVIDUAL LOTS.** A "storage container home" means any fully intact storage container that has been modified for, and is being used, for the purposes of a dwelling. No person shall play any intact storage container on an individual lot for single unit residential purposes except in conformity with the following regulations:

(A)        **Same Lot Size/Setbacks.** A storage container may be placed on an individual lot only if the district's minimum lot size and setback requirements are strictly observed.

(B)        **One Per Lot.** Only one storage container home shall be placed on an individual lot.

(C)        **Foundation.** Every storage container home shall be placed on a permanent foundation as set forth in this Chapter.

(D)        **Anchors.** Anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of storage container home stand or as otherwise necessary for protection against high winds. Every storage container home shall be securely tied down to such anchors.

(E)        **Aesthetics.** Commercial logos and other marks of commercial use shall be covered with siding or paint.

**(Ord. No. 19-07; 06-27-19)**

**40-5-13**       **SMALL RETAIL.** A "small retail establishment" is a specialty designation for commercial enterprises allowed as a special use in agricultural districts (A). No small retail establishment shall be established or conducted except in conformity with the following regulations:

(A) **Unrelated Employees.** A small retail establishment shall employ not more than **one (1)** individual who is unrelated to the family residing on the premises.

(B) **Floor Space.** The total area for the small retail establishment shall not exceed **three percent (3%)** of the area of the lot up to **six thousand (6,000) square feet.**

(C) **Nuisances.** A small retail establishment shall not generate any offensive noise, vibration, smoke, dust, odors, heat, glare or electrical interference noticeable at or beyond the boundary lines of the lot.

(D) **Parking.** Every small retail establishment shall provide **two (2)** off-street parking spaces in addition to the usual requirements for the dwelling if one exists. Said parking spaces shall be located on the same lot as the small retail establishment.

**(Ord. No. 19-09; 06-27-19)**

**40-5-14 - 40-5-30 RESERVED.**

## **DIVISION II – SOLAR ENERGY SYSTEM REGULATIONS**

**40-5-31 PURPOSE.** The purpose of this regulation is to facilitate the construction, installation, and operation of Solar Energy Systems (SES) in Randolph County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this regulation to encourage the development of SESs that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This regulation is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this regulation shall not be deemed to nullify any provisions of local, state or federal law.

### **40-5-32 DEFINITIONS.**

**Accessory:** As applied to a building, structure, or use, one which is on the same lot with, incidental to and subordinate to the main or principal structure or use and which is used for purposes customarily incidental to the main or principal structure, or the main or principal use.

**Building Integrated Photovoltaic Systems:** A solar energy system that consists of integrating photovoltaic modules into the building structure as the roof or façade and which does not alter the relief of the roof.

**Collective Solar:** Solar installations owned collectively through subdivision homeowner associations, college student groups, or other similar arrangements.

**Commercial/Large Scale Solar Farm:** A utility scale commercial facility that converts sunlight to electricity, whether by photovoltaics, concentrating solar thermal devices, or various experimental technologies for onsite or offsite use with the primary purpose of selling wholesale or retail generated electricity.

**Community Solar Garden:** A community solar-electric (photovoltaic) array, of no more than **five (5) acres** in size, that provides retail electric power (or financial proxy for retail power) to multiple households or businesses residing in or located off-site from the location of the solar energy system.

**Ground Mount Solar Energy System:** A solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

**Net Metering:** A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

**Photovoltaic System:** A solar energy system that produces electricity by the use of semiconductor devices called photovoltaic cells that generate electricity whenever light strikes them.

**Qualified Solar Installer:** A trained and qualified electrical professional who has the skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved.

**Roof Mount:** A solar energy system in which solar panels are mounted on top of a building roof as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

**Solar Access:** Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

**Solar Collector:** A device, structure or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

**Solar Energy:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System (SES):** The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic systems, solar thermal systems and solar hot water systems.

**Solar Storage Battery/Unit:** A component of a solar energy device that is used to store solar generated electricity or heat for later use.

**Solar Thermal Systems:** Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

**40-5-33 GROUND MOUNT AND ROOF MOUNT COMMERCIAL/RESIDENTIAL APPLICATION (SES) PERMITTED AS AN ACCESSORY USE.** Ground Mount and Roof Mount (SES) shall be permitted by a building permit in all zoning districts where there is a principal structure. An application shall be submitted to the Land Resource Management Administrator demonstrating compliance with the then existing Randolph County Zoning Code in addition to the following requirements below:

- (A) **Height.**
  - (1) Building or roof mounted solar energy systems shall not exceed the maximum allowed height for principal structures in any zoning district.
  - (2) Ground or pole-mounted solar energy systems shall not exceed **twenty (20) feet** in height which oriented at maximum tilt.
  - (3) Ground mounted solar energy systems may be placed in the front yard, but shall not exceed **thirty (30) inches** above grade.
- (B) **Setbacks.**
  - (1) Ground mounted solar energy systems shall meet the accessory structure setbacks for the zoning district in which the unit is located.
  - (2) Ground mounted solar energy systems shall not extend beyond the side yard or rear yard setback when oriented at minimum design tilt.



- (3) In addition to building setbacks the collector surface and mounting devices for roof mounted systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector or mounting system has been engineered to safely extend beyond the edge, and setback requirements are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.

(C) **Reflection Angles.** Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.

(D) **Aviation Protection.** For solar units located within **five hundred (500) feet** of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.

(E) **Visibility.** Solar energy systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the North while still providing adequate solar access for collectors.

(F) **Safety.**

- (1) Roof or building mounted solar energy systems, excluding building integrated systems, shall allow for adequate roof access for firefighting purposes to the south facing or flat roof upon which the panels are mounted.
- (2) All solar energy systems shall be performed by a qualified solar installer.
- (3) Any connection to the public utility grid shall be inspected by the appropriate public utility and a letter of inspection sent to Land Resource Management Office within **forty-five (45) days** after inspection.
- (4) All solar energy systems shall be maintained and kept in good working order. If it is determined by the Land Resource Management Administrator that a solar energy system is not being maintained, kept in good working order, or is no longer being utilized to perform as intended for **six (6) consecutive months**, the property owner shall be given **thirty (30) day notice** for removal of the unit and all equipment. If the solar energy system is not removed within **thirty (30) days** the Land Resource Management Administrator shall issue a Notice of Violation and Notice to Appear before the Randolph County Circuit Court as an ordinance violation.
- (5) All persons, individuals, businesses and business entity installing a solar energy system, if burying underground cables, shall become a member of the Illinois One Call System, known as JULIE, Inc. for the purpose of marking any buried cables for excavation purposes.

(G) **Approved Solar Components.** Electric Solar energy system components shall have a UL listing or approved equivalent and solar hot water systems shall have an SRCC rating.

(H) **Restrictions on Solar Energy Systems Limited.** Consistent with **765 ILCS 165/** no homeowner’s agreement, covenant, common interest community or other contracts between multiple property owners within a subdivision of unincorporated Randolph County shall prohibit or restrict homeowners from installing solar energy systems.

**40-5-34 BUILDING INTEGRATED SYSTEMS.** Building Integrated Systems shall be permitted outright in all Zoning Districts.

**40-5-35 COMMUNITY SOLAR GARDENS (SES).** Development of Community Solar Gardens is permitted by Special Use as a principal use in all zoning districts subject to the following requirements:

(A) **Rooftop Gardens Permitted.** Rooftop gardens are permitted in all zoning districts where buildings are permitted.

(B) **Ground Mount Gardens.** Ground mount community solar energy systems must be less than **five (5) acres** in total size, and require a special use in all districts. Ground-mount solar developments covering more than **five (5) acres** shall be considered a solar farm.

(C) **Interconnection.** An interconnection agreement must be completed with the electric utility in whose service the territory the system is located.

(D) **Dimensional Standards.** All solar related structures in newly platted and existing platted subdivisions shall comply with the principal structure setback, height, and coverage limitations for the district in which the system is located.

(E) **Aviation Protection.** For solar units located within **five hundred (500) feet** of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.

(F) **Other Standards.**

- (1) Ground Mount Systems shall comply with all required standards for structures in the district in which the system is located.
- (2) All solar gardens shall comply with the then existing Special Use Permitting process of the Randolph County Zoning Code.
- (3) All solar gardens shall also comply with all other State and Local Requirements.

**40-5-36 COMMERCIAL/LARGE SCALE SOLAR FARM (SES).** Ground Mount solar energy systems that are the primary use of the lot, designed for providing energy to off-site uses or export to the wholesale market require a Special Use in the Agriculture Districts of the Randolph County Zoning Code. The following information shall also be submitted as part of the application:

(A) A site plan with existing conditions showing the following:

- (1) Existing property lines and property lines extending **one hundred (100) feet** from the exterior boundaries including the names of adjacent property owners and the current use of those properties.
- (2) Existing public and private roads, showing widths of the road and any associated easements.
- (3) Location and size of any abandoned wells, sewage treatment systems.
- (4) Existing buildings and impervious surfaces.
- (5) A contour map showing topography at **two (2) foot** intervals. A contour map of surrounding properties may also be required.
- (6) Existing vegetation (list type and percent of coverage: i.e. cropland/plowed fields, grassland, wooded areas, etc.)
- (7) Any delineated wetland boundaries.
- (8) A copy of the current FEMA FIRM maps that show the subject property including the **one hundred (100) year** flood elevation and any regulated flood protection elevation, if available.
- (9) Surface water drainage patterns.
- (10) The location of any subsurface drainage tiles.

(B) A Site Plan of proposed conditions showing the following:

- (1) Location and spacing of the solar panels.
- (2) Location of access roads.
- (3) Location of underground or overhead electric lines connecting the solar farm to a building, substation or other electric load.
- (4) New electrical equipment other than at the existing building or substation that is to be the connection point for the solar farm.

- (C) **Fencing and Weed/Grass Control.**
- (1) The applicant shall submit an acceptable weed/grass control plan for property inside and outside the fenced area for the entire property. The Operating Company or Successor during the operation of the Solar Farm shall adhere to the weed/grass control plan.
  - (2) Perimeter fencing having a height of **six (6) to eight (8) feet** shall be installed around the boundary of the solar farm. The fence shall contain appropriate warning sign age that is posted such that it is clearly visible on the site.
  - (3) The applicant shall maintain the fence and adhere to the weed/grass control plan. If the Operating Company does not adhere to the proposed plan a fine of **Five Hundred Dollars (\$500.00)** per week will be assessed until the Operating Company or Successor complies with the weed/grass control and fencing requirements.
- (D) **Manufacturers Specifications.** The manufacturer’s specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles and racks.
- (E) **Connection and Interconnection.**
- (1) A description of the method of connecting the SOLAR array to a building or substation.
  - (2) Utility interconnection details and a copy of written notification to the utility company requesting the proposed interconnection.
- (F) **Setbacks.** A minimum of **fifty (50) feet** must be maintained on all property lines. Solar panels shall be kept at least **five hundred (500) feet** from a residence that is not part of the Special Use Permit.
- (G) **Aviation Protection.** For solar energy systems located within **five hundred (500) feet** of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glaze Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
- (H) **Fire Protection.** A fire protection plan for the construction and the operation of the facility, and emergency access to the site.
- (I) **Endangered Species and Wetlands.** Solar Farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the Department’s online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.
- (J) **Road Use Agreements.** All routes on either County or Township Roads that will be used for the construction and maintenance purposes shall be identified on the site plan. All routes for either egress or ingress need to be shown. The routing shall be approved subject to the approval of the Randolph County Highway Engineer in coordination with the Township Road Commissioners. The Solar Farm Developer shall complete and provide a preconstruction baseline survey to determine existing road conditions for assessing potential future damage due to development related traffic. The development shall provide a road repair plan to ameliorate any and all damage, installation or replacement of roads that might be required by the developer. The developer shall provide a letter of credit or surety bond in an amount and form approved by the Highway/Road Officials when warranted.
- (K) **Decommissioning of the Solar Farm.** The Developer shall provide a decommissioning plan for the anticipated service life of the facility or in the event the facility is abandoned or had reached its life expectancy. If the solar farm is out of service or not producing electrical energy for a period of **twelve (12) months**, it will be deemed nonoperational and decommissioning and removal of that facility will commence according to the decommissioning plan as provided and approved. A cost estimate for the decommissioning of the facility shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar farm. The decommissioning cost estimate shall explicitly detail the cost before considering any projected salvage value of the out of service solar farm. The decommissioning cost shall be made by a cash, surety bond or irrevocable letter of credit before construction commences. Further

a restoration plan shall be provided for the site with the application. The decommissioning plan shall have the following provided:

- (1) Removal of the following within **six (6) months**:
  - (a) All solar collectors and components, aboveground improvements and outside storage.
  - (b) Foundations, pads and underground electrical wires and all electrical equipment shall be removed by the solar company installer and/or the property owner. The site shall be reclaimed to a depth of **four (4) feet** below the surface of the ground.
  - (c) Hazardous material shall be removed from the property and dispose of in accordance with Federal and State law.
- (2) The decommissioning plan shall also recite an agreement between the applicant and the County that:
  - (a) The financial resources for decommissioning shall be in the form of a Surety Bond, or shall be deposited in an escrow account with an escrow agent acceptable to the Land Resource Management Administrator.
  - (b) A written escrow agreement will be prepared, establishing upon what conditions the funds will be disbursed.
  - (c) The County shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within **six (6) months** of the end of project life or facility abandonment.
  - (d) The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
  - (e) The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.
  - (f) Financial provisions shall not be so onerous as to make solar power projects unfeasible.

**40-5-37**      **COMPLIANCE WITH STATE AND FEDERAL LAWS.** All solar energy systems shall comply with all Federal and State requirements.

**40-5-38**      **LIABILITY INSURANCE.** The owner or operator of the solar farm shall maintain a current general liability policy covering bodily injury and property damage and name Randolph County as an additional insured with limits of at least **Two Million Dollars (\$2,000,000.00)** per occurrence and **Five Million Dollars (\$5,000,000.00)** in the aggregate with a deductible of no more than **Five Thousand Dollars (\$5,000.00)**. Proof of insurance must be sent to Land Resource Management Office from insurance company on annual basis.

**40-5-39**      **ADMINISTRATION AND ENFORCEMENT.** The Land Resource Management Administrator shall enforce the provisions of this Section through an inspection of the solar farm every year. The Land Resource Management Administrator is hereby granted the power and authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the operator/owner of the

facility. Any person, firm or cooperation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this Section may face fines of not less than **Twenty-Five Dollars (\$25.00)** nor more than **Five Hundred Dollars (\$500.00)** for each offense.

**40-5-40 FEES CHARGED FOR BUILDING PERMITS.** The fees for processing the applications for building permits and mechanical permits shall be collected by the Land Resource Management Administrator who shall be accountable to the County for such fees as follows:

(A) There is a standard **Thirty-Five Dollar (\$35.00)** fee for initial certificate of compliance application plus **One Dollar (\$1.00)** per **One Thousand Dollars (\$1,000.00)** of the estimated cost of construction of the solar farm. **(See Appendix "B")**

**40-5-41 ANNUAL UPDATE REQUIREMENTS.** All contact information including name, phone number, and address of the current property owner, leasor, leasee, and utility company shall be submitted annually within **thirty (30) days** of the anniversary date of the Special Use Permit until decommissioning has been completed at which point the Special Use Permit will be null and void.

**40-5-42 - 40-5-50 RESERVED.**

**(Ord. No. 18-06; 03-23-18)**

### **DIVISION III – WIND ENERGY CONVERSION SYSTEMS**

**40-5-51 PURPOSE.** The purpose of this Division is to facilitate the construction, installation, and operation of Wind Energy Conversion Systems (WECS) in Randolph County in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. It is the intent of this Division to encourage the development of WECS that reduce the reliance on foreign and out-of-state energy resources, bolster local economic development and job creation. This Division is not intended to abridge the safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this Division shall not be deemed to nullify any provisions of local, state or federal law.

**40-5-52 DEFINITIONS.** The definitions applicable to this Division are as follows:  
***Applicant*** means the entity or person who has submitted an application for a Special Use Permit for a WECS Project, commonly known as a Wind Farm.

***Financial Assurance*** means reasonable assurance from a creditworthy party, examples of which include surety bond, cash escrow, or irrevocable letter of credit.

***Noise*** means sound that adversely effects the psychological or physiological well-being of people.

***Non-participating Parcel*** means a parcel of real estate that is neither a Project Parcel nor a Participating Parcel.

***Operator*** means the entity responsible for the day-to-day operation and maintenance of the WECS, including any third-party subcontractors.

***Owner*** means the entity or entities with an equity interest in the WECS, including their successors and assigns. Owner does not mean the landowner from whom the land is leased for locating the WECS, unless the property owner has an equity interest in the WECS.

***Participating Parcel*** means a parcel on which the landowner has entered into a financial or easement agreement with the owner, operator or applicant of a WECS project.

***Principal Use Structures*** means the structure that one or more person(s) occupy the majority of the time on that property for either business or personal reasons. Primary structure includes structures such

as residence, commercial building, hospital, and day-care facility. Primary structure excludes structures such as hunting shed, storage shed, pool house, unattached garage, and barn.

**Professional Engineer** means a qualified individual who is licensed in the State of Illinois as a professional engineer in the required area of expertise.

**Project Parcel** means the parcel or parcels of real estate on which all or any part of a WECS Project will be constructed.

**Setback Easement** shall mean a legal document from a neighboring parcel owner granting the applicant/owner of a WECS Project a waiver of one or more of the setback requirements contained herein for the duration of the life of the WECS Project (including repowering with a substantially similar system).

**Shadow Flicker** means the on-and-off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.

**Structural Engineer** means a qualified individual who is licensed as a structural engineer in the State of Illinois.

**Substation** means the apparatus that connects with the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission line or high-voltage electric transmission grid.

**Wind Energy Conversion Systems (WECS)** means all necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower to the substations.

**WECS Project** means all WECS, substations and ancillary facilities, WECS towers, underground cable installations, and third-party transmission lines associated with the project up to the point of connection with the high-voltage electric transmission grid.

**WECS Tower** means the support structure to which the nacelle and rotor are attached.

**WECS Turbine** means the support structure to which the nacelle and rotor are attached, and the nacelle and rotor.

**40-5-53 PERMIT REQUIREMENTS.** To obtain siting approval, the Applicant must first submit a Special Use Permit Application to the Land Resource Management office and be subject to recommendation by the Zoning Board of Appeals, and approval by the County Board of Commissioners. In addition to the regularly required information on a Special Use Permit Application, the Applicant shall provide a site plan containing the following information and meeting the following requirements:

- (A) The boundaries of all WECS Project parcels and participating parcels.
- (B) The boundaries of all non-participating parcels located adjacent to the boundary of the WECS Project parcels.
- (C) The names and addresses of the owners of all WECS Project parcels, participating parcels, and all non-participating parcels located adjacent to the boundary of the WECS Project parcels.
- (D) Existing zoning of each WECS Project parcel and all required setbacks on each WECS Project parcel.
- (E) The proposed location of all components of the proposed WECS Project, including but not limited to the WECS turbine, WECS tower, access roads, control facilities, construction staging area(s), maintenance facility or facilities, and all power collection and transmission systems.
- (F) The location and description of all structures located on WECS Project parcels, participating parcels, and any non-participating parcel located adjacent to the boundary of a WECS Project parcel and participating parcel of where said structures are located within **three thousand five hundred (3,500) feet** of a WECS Turbine.
- (G) The location of all major above- and below-ground utility lines, telephone lines, and railroad rights-of-way located within and adjacent to the WECS Project, and within **three thousand five hundred (3,500) feet** of a proposed WECS.
- (H) The location of all public roads and right-of-way located within and adjacent to the WECS Project parcels and within **three thousand five hundred (3,500) feet** of a proposed WECS.
- (I) Municipal boundaries, **one and one-half (1.5) mile** municipal extraterritorial jurisdiction radii, civil township boundaries, county boundaries, and school district boundaries.
- (J) The location of all mapped wetlands (per USFWS National Wetlands Inventory) and Special Flood Hazard Areas (per the Randolph County Flood Insurance Rate Maps) within the WECS Project.

- (K) Dimensional representation and sizes of the structural components of the WECS construction including the base, footings, tower, and blades.
- (L) Schematic of electrical systems associated with the proposed WECS Project including all existing and proposed electrical connections.
- (M) WECS manufacturer’s specifications (including nameplate capacity) and installation and operation instructions, or specific WECS design information (in English), including whether or not proposed equipment is new or used.
- (N) All required studies, reports, certifications, and approvals, demonstrating compliance with the provision of this Division, federal and state laws, and administrative provisions.
- (O) Any other information required by the Land Resource Management Office.
- (P) Copies of all necessary access easements, necessary utility easements and setback easements.

The applicant shall notify the County of any changes to the information provided in the subsections above that occurs while the special use application is pending.

**40-5-54            STANDARDS FOR DESIGN AND INSTALLATION.**

(A)            **Location.**

- (1) WECS governed by the provisions of this Division shall be permitted as special use in Agricultural and Industrial zoned land.
- (2) WECS governed by the provisions of this Division shall be prohibited within designated historical areas as registered and defined by the National Park Service, state and county historic districts.

(B)            **Prohibition.** No WECS or WECS Project governed by the Division shall be constructed, erected, installed, or located within Randolph County unless prior Special Use Permit Application has been approved for each individual WECS or WECS Project pursuant to this Division. Upon special use approval, a Zoning Compliance and Building Permit shall be obtained from the Land Resource Management Office prior to the commencement of construction of any WECS or WECS Project or any part thereof.

(C)            **Conformance with Approved Application and Plans.**

- (1) The Applicant for the WECS Project shall construct the WECS Project in substantial accordance with submitted Special Use Permit Application and all accompanying documents.
- (2) The Applicant shall be bound by any and all proposals and representations made under oath at the public hearing(s) before the Zoning Board of Appeals, which shall be considered supplementary conditions of the Special Use Permit Application granted by the Randolph County Board of Commissioners, even if not directly specified herein.
- (3) The Applicant and/or owner/operator of the WECS Project shall obtain all required permits from other governmental agencies (such as the Federal Aviation Administration) prior to commencing construction or as otherwise required by the applicable laws and regulations. Copies or evidence of such permits shall be submitted to the Land Resource Management Office on or before the issuance of an Initial Certificate of Zoning Compliance and Building Permit for any WECS.
- (4) Construction activity associated with WECS turbines shall not commence before **5:00 A.M.** nor continue past **10:00 P.M.** on any day of the week.
- (5) Construction of the WECS Project within Randolph County shall commence within **twenty-four (24) months** of the date of the Special Use Permit Application approval by the County Board of Commissioners. The County Board of Commissioners may grant an extension, after petitioning the Land Resource Management Office, of the foregoing time period upon the Applicant and/or owner/operator of the WECS Project demonstrating reasonable justification for such a request.

- (D) **Design Safety Certification.**
- (1) All components of the WECS Project shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI") and the American Wind Energy Association ("AWEA"). As a part of the Special Use Permit Application, Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL") or an equivalent third party.
  - (2) Following the granting of a Special Use Permit, a professional engineer and/or structural engineer, in the relevant area of expertise, shall certify, as part of the Zoning Certificate of Compliance and Building Permit Application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

- (E) **Setbacks.**
- (1) All WECS turbines shall be set back a distance of at least **one and one-half (1.5) miles (7,920 feet)** from any incorporated municipality's boundaries unless that municipality chooses to exercise its siting authority pursuant to Illinois law.
  - (2) All WECS turbines shall be set back at least **two thousand five hundred (2,500) feet** from principal use structures on a non-participating parcel.
    - (a) The WECS Project Applicant may negotiate a setback easement to reduce this setback requirement.
  - (3) All WECS turbines shall be set back at least **two thousand five hundred (2,500) feet** from boundary of designated historical areas as registered and defined by the National Park Service and state and county historic districts.
  - (4) All WECS turbines shall be set back a distance of at least **one thousand (1,000) feet** the WECS turbine height from the property line of a non-participating parcel.
    - (a) The WECA Project Applicant may negotiate a setback easement to reduce this setback requirement.
  - (5) All WECS turbines shall be set back at least **1.25 times** the WECS turbine height from public roads, third party transmission lines, and communication towers.
  - (6) The WECS Project Applicant does not need to obtain a variance from Randolph County upon the granting of a setback easement by a parcel owner. Any negotiated setback easement(s) shall run with the land and be recorded with the Randolph County Clerk and Recorder as part of the chain of the title in the deed of the parcel granting said setback easement(s).

(F) **Height.** WECS turbine height shall not exceed **six hundred fifty (650) feet** anywhere in Randolph County for any WECS Project, as measured from the natural grade to the tip of the rotor blade at its highest point.

- (G) **Equipment.**
- (1) Used Equipment is permitted only if recertified to factory specifications or better by the factory or an appropriate professional engineer.
  - (2) No experimental or prototype equipment still in testing shall be utilized.

- (H) **Controls and Brakes.**
- (1) All WECS Projects shall be equipped with manual and automatic controls and mechanical brakes to limit rotation of blades to a speed below the designed limits of a WECS. A professional engineer or authorized factory representative must certify that the rotor and overspeed control design and fabrication conform to good engineering practices.
  - (2) No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's or authorized Factory Representative's statement of certification.



(I) **Electrical Components.**

- (1) All electrical components of the WECS shall conform to applicable state and national codes, and relevant national and international standards (i.e. ANSI and International Electrical Commission).
- (2) All electrical wires and lines used to collect power from individual WECS turbines, as well as communication lines, shall be trenched-in, installed and located underground at a depth consistent with local utility and telecommunication underground lines standards.
- (3) The Applicant or owner/operator of the WECS Project shall provide information on underground facilities constructed and/or installed as part of the WECS Project to the "One-Call System" operated by the joint Utility Locating Information for Excavators company, commonly known as "JULIE."

(J) **Color.** WECS turbines shall be painted white or gray or another non-reflective, unobtrusive color.

(K) **Warnings.**

- (1) A visible "High Voltage" sign shall be placed at the base of all WECS Projects, pad mounted transformers and substations. The sign must have a minimum of **six (6) inch** letters. Signs shall be placed at all points of site ingress.
- (2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of **fifteen (15) feet** from the ground.

(L) **Advertisements and Signs.** No advertising material and/or signage other than warning, equipment identification, or ownership information shall be allowed on the WECS. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners, or waving, fluttering or revolving devices on the WECS, but not including any meteorological devices.

(M) **Climb Prevention.** All WECS Project towers shall be unclimbable by design or protected by anti-climbing devices such as:

- (1) Fences with locking portals at least **six (6) feet** high; or
- (2) Anti-climbing devices **twelve (12) feet** vertically from the base of the WECS tower; or
- (3) Anchor points for the guy wires supporting tower shall be enclosed by a **six (6) foot** high fence or shall be located within the confines of a yard that is completely fenced.

(N) **FAA Compliance.** The WECS Project shall comply with all applicable Federal Aviation Administration (FAA) requirements, which shall be explained in the Special Use Permit Application. The applicant shall obtain all of the necessary approvals and permits from the FAA and be responsible for a determination of no significant impact to air navigation. The Special Use Permit Application shall contain all construction drawings illustrating the location, number of lights, and color of lights and intensity of lights as approved by the FAA.

(O) **Compliance with Additional Regulations.** Nothing in this Special Use Permit is intended to preempt other applicable state and federal laws and regulations.

(P) **Use of Public Roads.**

- (1) Any proposed public roads that will be used for construction purposes shall be identified and approved by the respective Township Road Commissioner and County Engineer prior to the granting of the Special Use Permit. Traffic for construction purposes shall be limited to these roads. All overweight and/or oversized loads to be transported on public roads will require a permit from the respective highway authority.
- (2) Any road damage caused by the transport of the facility's equipment, the installation, maintenance, or removal, must be completely repaired to the satisfaction of the Township Road Commissioner and the County Engineer. The Township Road Commissioner and County Engineer may choose to

- require remediation of the road repair upon completion of the project or are authorized to collect fees for overweight and/or oversized load permits.
- (3) Financial assurance in an amount to be fixed by the Township Road Commissioner or the County Engineer to insure the township or the county that future repairs are completed to their satisfaction. If required, said financial assurance shall be in place prior to the granting of a Special Use Permit.

(Q)

**Drainage to Farmland.**

- (1) To the extent practical, all underground wiring or cabling for the WECS Project shall be at a minimum depth of **four (4) feet** below grade or deeper if required to maintain a minimum **one (1) foot** of clearance between wire or cable and any agricultural drainage tile.
- (2) To the extent practical, the Applicant shall locate all existing agricultural drainage tile prior to establishing staging areas, construction access lanes or driveways, construction of the WECS, substations, and installation of underground wiring or cabling. The Applicant shall contact affected landowners and tenants for their knowledge of the tile locations prior to the proposed construction. Drainage districts shall be notified at least **two (2) weeks** prior to disruption of tile.
- (3) All identified drainage tile lines shall be located and marked prior to construction to alert construction crews of possible need for tile repairs.
- (4) Any agricultural drainage tile located underneath construction staging areas, access lanes, driveways, and substations shall be replaced properly.
- (5) All exposed tile lines shall be protected to prevent foreign materials from entering into the tile.
- (6) Permanent repairs shall be made within **fourteen (14) days** of the tile damage provided the weather and soil conditions are suitable; if conditions are not suitable within that time, a temporary tile repair shall be made. Immediate temporary repair shall be required if water is flowing through any damaged tile line.
- (7) All damaged tile shall be repaired so as to operate as pre- and post-construction.
- (8) Following the completion of the WECS Project construction, the applicant shall be responsible for correcting all tile line repairs completed by applicant that fail.
- (9) All soil conservation practices (such as terraces, waterways, etc.) that are damaged by the WECS construction shall be restored by the applicant to the pre-construction characteristics.

(R)

**Use of Consultants.**

The County may desire to retain experts in the areas of engineering, planning, environmental, and legal in order to properly and effectively review the documentation submitted by the Applicant. In such instance, the Applicant will be advised of the required service and be provided an estimate of the expert's fees. Since such fees are beyond the customary fees associated with smaller and less complex matters, the Applicant will be required to pay for the expert services as part of the review process and such payments shall occur regardless of the findings of the expert or the action ultimately taken by the County on the application. After notice to the Applicant of the cost of such required experts, the Applicant will be required to escrow all fees into a County account. The Applicant will be provided with duplicate copies of consultant invoices and may comment on each invoice. A monthly statement of the manner in which the escrowed funds in the account are utilized will be made available to the Applicant and if required the Applicant shall replenish the account.

**40-5-55**

**OPERATION AND MAINTENANCE.**

(A)

**Interference.**

- (1) No WECS shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television,

wireless phone, or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No WECS shall be installed in a location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

- (2) The Applicant shall provide the applicable microwave transmission providers, local emergency service providers, and the local phone company copies of the project summary and site plan. If these providers demonstrate a likelihood of interference with their communications resulting from the WECS, the Applicant shall take measures to mitigate anticipated interference or relocate the WECS tower or facility. If, after the construction of the wind farm, the owner/operator receives a written complaint related to the above mentioned interference, the owner/operator shall take corrective measures to cure the problem.

(B) **Coordination with Emergency Response Providers.**

- (1) The Applicant shall submit to the local fire district(s), the Sheriff's Department and other relevant police authorities a complete copy of the application for the wind farm project along with an analysis of the anticipated fire and police protection needs.
- (2) The Applicant shall cooperate with the fire protection district(s) and Sheriff's Department and other relevant police authorities and develop emergency response plans that describe the potential emergency services that may be required and an analysis of the fire and police capabilities in terms of equipment and manpower to respond to potential emergency conditions. The Applicant or owner/operator shall work with local rescue authorities to provide training (at Applicant or owner/operators expense) to personnel who can assist with rescue from a wind turbine or tower.
- (3) The emergency response plans developed shall be submitted to the Land Resource Management Office before an Initial Zoning Compliance and Building Permit is issued.
- (4) Nothing in this Section shall alleviate the need to comply with all other applicable fire, life safety and/or emergency response laws and regulations.

(C) **Lighting.** The WECS shall not be lighted except as required by the FAA or other state and federal laws.

(D) **Materials Handling, Storage, and Disposal.**

- (1) All solid wastes related to the construction, operation, and maintenance of the WECS shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
- (2) All hazardous materials related to the construction, operation, and maintenance of the WECS shall be handled, stored, transported, and disposed of in accordance with all federal, state, and local laws.

(E) **Annual Inspection.** Every WECS Project must be inspected by an authorized factory representative to certify that it is in good working condition and is not a hazard to the public. The WECS owner/operator will pay for the inspection. A copy of said annual inspection must be filed with the Land Resource Management Office within **fifteen (15) days** after the inspection report is received by the project owner/operator.

**40-5-56** **IMPACT.**

(A) **Noise.**

- (1) Noise levels from each wind farm tower or wind farm shall be in compliance with the applicable Illinois Pollution Control Board (ICPB) regulations. (35 Illinois Administrative Code, subtitle H: Noise Parts 900, 901, 910 and other applicable provisions of this Code, as amended from time to time).

- (2) The Applicant shall submit manufacturer's wind sound power level characteristics and other relevant data regarding wind turbine noise adequate to continue to provide an evaluation and review for determining compliance with all noise regulation.
- (3) The Applicant through the use of a qualified professional, as part of the Special Use Permit Application process, shall appropriately demonstrate compliance with the above noise requirements.
- (4) The Applicant shall submit a map of the relevant noise contours for the proposed wind farm and indicate the proposed wind farm towers and all existing principal buildings within at least **three thousand five hundred (3,500) feet** of any WECS turbine.
- (5) If a computer model is used to generate the required noise contours, the Applicant shall state the assumptions of the model's construction and algorithms so that a competent and objective third party can as simply as possible verify the adequacy of the methodology and resultant data.
- (6) After construction of the WECS Project, the Land Resource Management Office shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and undertake any necessary enforcement actions as required to mitigate the noise violation. Such actions may not be limited to:
  - (a) The Land Resource Management Office may seek authorization from the County Board of Commissioners to retain the services of noise consultant to determine compliance with the relevant regulations and applicable laws. In such instance, the WECS Project owner/operator shall be notified of the action and the cost of such service and shall submit an adequate escrow payment to cover the cost of the consultant's services.
  - (b) The Land Resource Management Office shall require the WECS Project owner/operator to cooperate fully with the noise consultant in the enforcement action including shutting down all WECS turbines in order to allow for proper documentation of ambient noise levels. The Land Resource Management Office shall fully cooperate with the owner/operator in order to minimize any harmful effect on the operation, maintenance and economic viability of the WECS Project.
  - (c) In the event that a violation of the IPCB noise regulations is identified, the Land Resource Management Office may require the WECS Project owner/operator to take whatever actions necessary to stop the violation. The Land Resource Management Office may seek further consultation from other sources including but not limited to the Randolph County State's Attorney. The WECS Project owner/operator shall be responsible for all costs incurred by the County for evaluating identifiable violations. The WECS Project owner/operator shall not be responsible for County services in which there are no identifiable violations.

(B)

**Shadow Flicker.**

- (1) The Applicant shall conduct a study on potential shadow flicker. The study shall identify the locations of shadow flicker that may be caused by the project and expected durations of the flicker at these locations. The study shall identify problem areas where shadow flicker may interfere more than **thirty (30) hours** per year with principal use structures and describe measures that shall be undertaken to eliminate or mitigate the problems. Any safety problems identified by the County Engineer caused by shadow flicker on county or road district roads shall be mitigated.

(2) After construction of the WECS Project, the Land Resource Management Office shall take appropriate enforcement action as necessary to investigate shadow flicker complaints in order to determine the validity of the complaints and undertake any necessary enforcement actions as required to mitigate the noise violation. Such actions may not be limited to:

(a) In the event that a violation of regulations is identified, the Land Resource Management Office may require the WECS Project owner/operator to take whatever actions necessary to stop the violation. The Land Resource Management Office may seek further consultation from other sources including but not limited to the Randolph County State’s Attorney. The WECS Project owner/operator shall be responsible for all costs incurred by the County for evaluating identifiable violations. The WECS Project owner/operator shall not be responsible for County services in which there are no identifiable violations.

(C) **Environmental Impact Study.**

(1) A site-specific pre- and post-construction environmental impact study shall be conducted by a qualified professional, such as a certified wildlife biologist, in consultation with the U.S. Fish and Wildlife Service, and the Illinois Department of Natural Resources.

(2) A site-specific pre- and post-construction environmental impact study shall address the direct and indirect impacts of the proposed WECS Project upon birds and bats as defined by the federal and state threatened and endangered species requirements.

(3) A site- specific pre- and post-construction environmental impact study shall include an examination of known environmentally sensitive areas and other natural resources that may be impacted by the proposed WECS Project.

(4) A site- specific pre- and post-construction environmental impact study shall take place from the beginning of the spring migration for birds and bats, whichever comes earlier in the calendar year, through the end of the fall migration for birds and bats, whichever comes latest in the calendar year.

(5) The above environmental impact studies shall be submitted as part of the Special Use Permit Application.

(D) **Emergency Shutdown Plan.**

(1) The WECS owner/operator shall be required to immediately cease operations for the duration of an emergency. Emergency shall mean a proven condition or situation caused by the WECS Project or by any other conditions that present an imminent physical threat of danger to life or significant threat to property. A WECS that is found to present an imminent physical threat or danger to life or significant threat of damage to property shall be immediately shut down and repaired or otherwise made safe and certified so by a professional engineer prior to resumption of operation. The County shall have the right to access all WECS to verify conditions and/or repair progress with reasonable notice of the WECS owner/operator. Within **twenty-four (24) hours** of an occurrence of a tower collapse, turbine failure, property damage or contamination, fires, thrown blade or hub, collector or feeder line failure, injured WECS worker or private person, the owner/operator shall notify the County of the occurrence and proposed remedial action.

(2) The above plan is to specifically include the procedures to be used in violent storm conditions to shut down all turbines in order not to interfere with Doppler radar and the safety of the local residents.

**40-5-57      DECOMMISSIONING.**

(A) A decommissioning and site reclamation plan must be submitted with the Special Use Permit Application to ensure that the WECS project is properly decommissioned and the site properly reclaimed. The decommissioning and reclamation plan shall, at a minimum, include:

- (1) Provisions describing the triggering events for decommissioning the WECS project.
- (2) An estimate of the decommissioning costs certified by a professional engineer. The manner in which salvage value will be considered must be considered and documented. All costs will be itemized.
- (3) Provision for anticipated repairs to any public roads or facilities used for the purpose of reclamation of the WECS project and all costs related to removal of structural materials and access roads.
- (4) Provisions for the removal of structures, concrete, debris and cabling, including those below the soil surface to a depth of **five (5) feet**.
- (5) Provisions for the disconnecting of all cabling from the high-voltage power grid or any other possible source of energy.
- (6) Provisions for the restoration of the soil and vegetation.
- (7) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs by way of sale, gift, and assignment in fact or at law or any other such transfer of financial interest of ownership in the WECS project. Any successor or assigned shall assume the terms, covenants, and obligations of this plan and must agree to assume all reclamation liability and responsibility for the WECS project.
- (8) A provision that this plan is governed by Illinois law.
- (9) A provision that indemnifies the County with respect to any and all liability arising out of the decommissioning and site reclamation plan.
- (10) A provision that the County shall have access to the site, pursuant to reasonable notice, to effect, inspect or complete decommissioning if necessary.
- (11) A provision that the applicant, or owner/operator shall notify the Land Resource Management Office by certified mail of the commencement of a voluntary or involuntary bankruptcy proceeding, naming the applicant, owner or operator as debtor, within **thirty (30) days** of the beginning of the proceeding.
- (12) Financial assurance, in the form of an irrevocable letter of credit, secured by the owner or operator, for the purpose of adequately performing decommissioning and site reclamation, in an amount equal to **one hundred fifty percent (150%)** of the professional engineer's certified estimate of the decommissioning and site reclamation costs.

(B) Every **five (5) years** a professional engineer's certified estimate of decommissioning and site reclamation costs will be submitted and an adjustment to the financial assurance will be required.

**40-5-58      FINANCIAL ASSURANCES.**

(A) At the time of approval of the Special Use Permit the amount of the irrevocable letter of credit shall be **one hundred fifty percent (150%)** of an independent engineer's cost estimate to complete the work. The County has the right to require multiple letters of credit based on the regulations governing federal insurance for deposits or other federal and state regulations and laws.

(B) It is recognized that there may be a salvage value that will result from the reclamation process; however, the County may limit the amount that can be used for determining the amount of the irrevocable letter of credit.

(C) The Applicant, owner/operator, or legally responsible party shall gradually pay down the value of the irrevocable letter of credit by placing cash deposits in an escrow account over the first

**seven (7) years** of the wind farm operation as follows, and replacement letters of credit shall be simultaneously issued in the reduced amount.

- (1) The owner of the WECS Project and the County shall agree upon a mutually accepted financial institution in excellent financial standing at which an escrow account shall be established.
- (2) The County shall be the beneficiary of the escrow account for the purpose of the reclamation of the WECS in the event that the wind farm owner is unwilling to or incapable of decommissioning the WECS project.
- (3) The owner of the WECS project shall grant perfected security in the escrow account by use of a control agreement establishing the County as an owner of record.
- (4) At all times the total combined value of the irrevocable letter of credit and the escrow account shall be increased annually as necessary to reflect actual rates of inflation over the span of the wind farm, and the amount shall be equal to or exceed the following:
  - (a) The amount of the engineer's cost estimate as increased by known and documented rates of inflation since the WECS project was approved; plus
  - (b) An amount for any future years left in the anticipated life span of the wind farm at an assumed rate of inflation of **three percent (3%)** per year.
- (5) Interest accrued on the escrow account that is over and above the total initial valuation value required shall go to the WECS owner, subject to the terms of the decommissioning and site reclamation agreement.
- (6) In order to provide funding for the decommissioning at the time of decommissioning, the owner may exchange a new irrevocable letter of credit in an amount equal to the amount in the escrow account in exchange for the County agreeing to a release of the full amount of the escrow account.

(D) The County may draw down on the funds in the escrow account in the event of the following situations and when the owner shall determine not to take any action to remedy the conditions. The terms under which such action may be taken should be defined in the decommissioning agreement but generally be limited to the following examples:

- (1) In the event that any wind turbine or component thereof ceases to function and becomes mechanically inoperative for more than **six (6) consecutive months** and the owner is not diligently repairing such turbine or component thereof.
- (2) In the event that the owner declares any wind turbine or component to be functionally obsolete for tax purposes.

(E) The decommissioning and site reclamation provision shall be included as part of the Special Use Permit Application. The irrevocable letter of credit and evidence of the escrow account must be submitted to the County prior to any construction permit being issued.

**40-5-59**      **CESSATION OF OPERATIONS.** If any WECS has not been in operation and producing electricity for at least **two hundred seventy (270) consecutive days**, it shall be removed. The Land Resource Management Office shall notify the owner to remove the system. Within **thirty (30) days**, the owner/operator shall either submit evidence showing that the system has been operating and producing electricity or under repair or remove it. If the owner fails to or refuses to remove the WECS, the violation shall be referred to the Randolph County State's Attorney for enforcement.

**40-5-60**      **BUILDING PERMIT FEES.**  
 (A) No structure shall be erected until a Randolph County building permit is issued per **Section 6-2-1** of the Randolph County Building Codes.

(B) By resolution, the County Board shall establish (and may periodically amend) a schedule of special building permit fees for the construction of Wind and Solar Energy Conversion Systems. See **Appendix "A"** and **"B"** of this Code for a current schedule of fees.

**40-5-61** **PENALTY.** Any person, firm, or corporation, or agents, employees, or contractors of such, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of, any provisions of this Division, shall be subject to a fine of not more than **Five Hundred Dollars (\$500.00)** for each offense; and each day a violation continues to exist shall constitute a separate offense.

**(Ord. No. 2019-14; 09-20-19)**

**[See Section 1-1-20 for Code Penalties]**



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**ARTICLE VI - OFF-STREET PARKING**

**40-6-1**        **APPLICABILITY OF ARTICLE.**    Off-street parking shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

**40-6-2**        **EXISTING OFF-STREET PARKING.**

(A)            Existing off-street parking located on the same lot as the use served shall not be reduced--or if already less than, shall not be further reduced--below the requirements and standards for similar new structures or uses.

(B)            When an existing structure is damaged or destroyed and subsequently repaired or rebuilt, off-street parking equivalent to any maintained at the time of such damage or destruction shall be restored, but additional off-street parking need not be provided unless Subsection (C) or (D) applies.

(C)            Whenever the use of any structure or premises is intensified through addition of dwelling units, increased floor area, greater seating capacity, etc., additional off-street parking commensurate with such increases in use and/or intensity shall be provided.

(D)            Whenever the existing use of a structure or premises is changed to a different use, off-street parking shall be provided as required herein for such new use.

**40-6-3**        **PARKING LOT DESIGN STANDARDS.**

All off-street parking lots shall conform to the current edition of Architectural Graphic Standard.

**40-6-4**        **SURFACING.**

Parking lots shall be graded and improved with crushed rock at least **four (4) inches** thick and treated with a dust palliative approved by the Administrator.

**40-6-5**        **LOCATION OF OFF-STREET PARKING.**

All off-street parking shall be located in conformity with the following requirements:

(A)            **For Dwellings.**    Parking spaces accessory to dwellings shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard except in the driveway, but may be located in the side or rear yards. Each parking space accessory to a multiple-family dwelling shall be unobstructed so that no vehicle need be moved to allow another vehicle to enter/exit the parking area.

(B)            **For Commercial/Industrial Uses.**

(1)            Every off-street parking space accessory to any commercial or industrial use shall be located within **five hundred (500) feet** of the use served; provided, that no portion of any parking lot for non-residential uses shall extend into any Residential District or into the Agricultural District except by written permission of the Administrator.

(2)            In the Commercial or Industrial District, off-street parking facilities for different structures or uses may be provided collectively, but if the total number of spaces so located together is not less than the sum of the separate requirements for each structure or use and only if all other pertinent regulations are observed.

**40-6-6**        **COMPUTATION OF REQUIRED PARKING SPACE.**

In computing the number of parking spaces required by this Code, the Administrator shall apply the following rules:

(A)            In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee

parking" means "one parking space shall be required per **one and one-half (1.5)** employees" unless otherwise stated.

(B) In computing parking space requirements on the basis of building floor area, the gross floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed one parking space.

(D) If computation of the number of parking spaces required by this Code results in a fractional space, any fraction of one-half or more shall be counted as one space.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking spaces shall be counted as part of the off-street parking spaces required for another structure or use.

**40-6-7 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.** Where provided, all off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size Of Space.** Every off-street loading space shall be at least **twelve (12) feet** wide and sufficiently long to accommodate the type of vehicle expected to use the space. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

(C) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick.

**40-6-8 NUMBER OF PARKING SPACES REQUIRED.** Off-street parking spaces shall be provided as indicated in table below. For any use not listed in the table, the same number of parking spaces shall be provided as are required for the most similar listed use. The Administrator shall make the determination of similarity:

<u>Use</u>	<u>Parking Spaces Required</u>
(A) <u>Dwellings, Lodgings:</u>	
Bed & breakfast, hotels, motels, boarding houses & lodges	1 space per lodging unit, plus employee parking
Mobile homes (including those in mobile home parks)	2 spaces per mobile home
Multi-family dwellings	
1 bedroom	1.5 spaces per dwelling unit
2 or more bedrooms	2 spaces per dwelling unit
Single-family & two-family dwellings	2 spaces per dwelling unit
(B) <u>Educational, Institutional, Recreational:</u>	
Churches	1 space per 4 seats in the largest seating area
Hospitals	1 space per 2 beds, plus employee parking
Libraries, museums	1 space per 500 sq. ft. of floor area

<u>Use</u>	<u>Parking Spaces Required</u>
Nursing homes	1 space per 5 beds
Schools	
Elementary and junior high	1 space for every 20 students that the building is designed to accommodate, plus employee parking.
Senior High	1 space for every 4 students of driving age that the building is designed to accommodate, plus employee parking.
(C) <u>Commercial, Office, Service:</u>	
Note: All commercial and service uses, unless specifically indicated otherwise below.	1 space per 300 sq. ft. of floor area
Banks, savings & loans	
Walk-in	1 space per 300 sq. ft. of floor area
Drive-in	5 stacking spaces per teller window, plus employee parking
Beauty and Barber shops	2 spaces per chair, plus employee parking
Furniture and appliance stores	1 space per 600 sq. ft. of floor area
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater
Mortuaries/funeral homes	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room
Restaurants; refreshment stands	
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater
Drive-in	1 space per 25 sq. ft. of building floor area
Service stations/automotive repair	2 spaces per service stall, plus employee parking

<u>Use</u>	<u>Parking Spaces Required</u>
Taverns	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater
Theaters, meeting halls	1 space per 4 seats in the largest seating area
Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area, plus 1 space per 2,500 sq. ft. of open lot area.

## ARTICLE VII - NONCONFORMITIES

**40-7-1**        **PURPOSE OF ARTICLE.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. For example, nonconformities are frequently responsible for truck traffic on residential streets, the overtaxing of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

**40-7-2**        **NONCONFORMING LOTS.** Any vacant lot that does not conform to **one (1)** or more of the lot size requirements of the district in which it is located may be developed for any use permitted in that district, provided such vacant lot:

- (A)            was recorded in the Randolph County Recorder of Deeds office prior to the effective date of this Code (or any pertinent amendment thereto); and
- (B)            is at least **thirty (30) feet** wide; and
- (C)            that no health hazards will be created by such use.

**40-7-3**        **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth and area requirements of the district in which it is located, the land involved shall be considered an individual parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

**40-7-4**        **NONCONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Code but which could not be erected under the terms of this Code because of requirements/restrictions on the lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions. Nonconforming dwelling units are not subject to these provisions, and may lawfully remain.

(A)            **Enlargement, Alterations.** No such structure shall be enlarged or altered in any way which increases its nonconformity.

(B)            **Relocation.** No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

(C)            **Reconstruction.** No such structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently pursued to completion. (The Administrator may provide for an extension of time.)

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.



**40-7-5**      **NONCONFORMING USES.** Any otherwise lawful use existing on the effective date of this Code which would not be allowed under the terms of this Code may lawfully continue, subject to the following provisions. Dwelling units are not subject to these provisions, and may lawfully remain.

(A)      **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B)      **Expansion of Use.** No nonconforming use may be expanded so as to occupy a larger portion of the structure or lot than was occupied on the effective date of this Code.

(C)      **Change of Use.** A nonconforming use shall not be changed except to a use permitted under the applicable district regulations.

(D)      **Relocation.** No nonconforming use shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(E)      **Discontinuance of Use.** When a nonconforming use is discontinued for **twelve (12)** consecutive months or for **thirty (30) months** during any **three (3) year** period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

**40-7-6**      **NONCONFORMITIES UNDER PERMIT AUTHORITY.** The regulations of this Article shall not affect the terms of any permit issued prior to the effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

40-8-1 **ZONING ADMINISTRATOR.** The office of Zoning Administrator of Randolph County is hereby established. The Administrator shall be appointed by the County Board Chairman with the advice and consent of the County Board of Commissioners, and shall continue to hold office at the pleasure of the County Board. The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

- (A) To review and pass upon applications for initial and final certificates of zoning compliance;
(B) To inspect land, structures, and uses to determine compliance with this Code, and, where there are violations, to initiate appropriate corrective action;
(C) To review and forward to the Zoning Board of Appeals all applications for special use permits, variances, appeals and amendments;
(D) To maintain up-to-date records of this Code including, but not limited to, the district map, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Board of Appeals, amendments and all applications related to these matters;
(E) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Zoning Board of Appeals at least once each year;
(F) To provide information to the general public on matters related to this Code; and
(G) To perform such other zoning-related duties as the County Board may prescribe.

40-8-2 **INITIAL CERTIFICATES OF ZONING COMPLIANCE.** Upon the effective date of this Code, no lot shall be created, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. (See Section 40-3-15, Agricultural Exemption.) The Administrator shall not issue an initial certificate of zoning compliance unless, he determines that the proposed work conforms to the applicable provisions of this Code.

40-8-3 **APPLICATION.** Every applicant for an initial certificate of zoning compliance shall submit to the Administrator, in graphic and narrative form on forms provided by the County, the items of information listed below. The Administrator shall decide if any items are not applicable. (NOTE: Filing fee generally required.)

ITEMS OF INFORMATION:

- (A) Name and address of the applicant;
(B) Name and address of the owner or operator of the proposed lot, structure, or use, if different from (A);
(C) Brief, general description/explanation of the proposal;
(D) Location of the proposed lot, use or structure, and its relationship to adjacent lots, uses or structures;
(E) Area and dimensions of the site for the proposed finished grade;
(F) Height and setbacks of the proposed structure;
(G) Number and size of proposed dwelling units, if any;
(H) Location and number of proposed parking/loading spaces and access ways;
(I) Identification and location of all existing or proposed utilities, whether public or private; and/or
(J) Any other pertinent information that the Administrator may require.

**40-8-4**      **DURATION OF INITIAL CERTIFICATE.** Initial certificates of zoning compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

**40-8-5**      **FINAL CERTIFICATES OF ZONING COMPLIANCE.** No lot or part thereof, recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied or put into operation until a final certificate of zoning compliance has been issued. **(See Section 40-3-15, Agricultural Exemption.)** The Administrator shall not issue a final certificate of zoning compliance until he has determined, **by inspection**, that the work authorized by this initial certificate of zoning compliance has been completed in accordance with an approved plan. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

**40-8-6**      **CORRECTIVE ACTION ORDERS.** Whenever the Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, the Administrator shall so notify the responsible party and order appropriate corrective action.

(A)      **Contents of Corrective Order.** The order to take corrective action shall be in writing and shall include:

- (1) A description of the premises sufficient for identification;
- (2) A statement indicating the nature of the violation;
- (3) A statement of the remedial action necessary to effect compliance;
- (4) The date by which the violation must be corrected;
- (5) A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (6) The date by which an appeal of the correction action order must be filed, and a statement of the procedure for so filing; and
- (7) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

(B)      **Service of Corrective Action Order.** A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (1) Served upon him personally;
- (2) Sent by registered mail to his last known address; or
- (3) Posted in a conspicuous place on or about the affected premises.

(C)      **Stop Order.** Whenever any work is being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation must cease immediately. **(See Section 40-8-6(A)(4).)** In such case, the corrective action order is equivalent to a stop order.

**40-8-7**      **EMERGENCY MEASURES.** Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

**40-8-8**      **COMPLAINTS.** Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

**40-8-9**        **FILING FEES.** By resolution, the County Board shall establish (and may periodically amend) a schedule of filing fees for the various permits and procedures listed in this Code. Said fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid by the applicant to the County Treasurer's office and are non-refundable. A current schedule of filing fees shall be maintained in the Administrator's office and on file with the County Clerk. **(See Appendix "A" for applicable fees.)**

**40-8-10**        **PENALTIES.**  
(A)            Any person who is convicted of a violation of this Code shall be guilty of a Class B misdemeanor and shall be fined not less than **Twenty Dollars (\$20.00)**, nor more than **Five Hundred Dollars (\$500.00)**, plus costs. Each day that a violation continues shall be considered a separate offense.  
(B)            Nothing contained in this Section shall prevent the County from taking any other lawful action that may be necessary to secure compliance with this Code.

**ARTICLE IX - SPECIAL PROCEDURES AND PERMITS****DIVISION I - BOARD OF APPEALS**

**40-9-1**        **BOARD ESTABLISHED.** The Zoning Board of Appeals of Randolph County is hereby established in accordance with Illinois law. **(See 55 ILCS 5/5-12010)**

**40-9-2**        **MEMBERSHIP CHAIRMAN, RESIDENCY.** The Board of Appeals shall consist of **seven (7) members** appointed by the County Board Chairman with the advice and consent of the County Board of Commissioners. At the time of these appointments, one Board of Appeals member shall be named as chairman by the County Board Chairman; if the chairman's office becomes vacant, the County Board Chairman shall designate a new chairman. A majority of the members shall have agricultural-related backgrounds and these appointments shall also be equally distributed from within the area zoned by the County. All members of the Board of Appeals shall reside in the area affected by the Randolph County Zoning Code with failure to maintain this residency cause for removal from the Board.

**40-9-3**        **TERM OF OFFICE, VACANCIES.** Each member of the Board of Appeals shall hold office for **five (5) years** from the date of his appointment, and until his successor has been selected and qualified; provided, however, that the initial appointees to the Board of Appeals shall serve respectively for the following terms: **one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, one (1) for five (5) years, one (1) for six (6) years, and one (1) for seven (7) years.** The County Board may remove any member of the Board of Appeals for cause, after a public hearing. A vacancy on the Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of a new member.

**40-9-4**        **COMPENSATION.** Each member of the Board of Appeals shall be compensated for his services on a per diem basis with a mileage allowance for travel. The amount of the compensation shall be determined by the County Board and paid by the County Treasurer.

**40-9-5**        **MEETINGS, QUORUM.** All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times and places within the County as the Board of Appeals may determine. The Chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. **Four (4) members** of a **seven (7) member** Board of Appeals shall constitute a quorum; and the affirmative vote of at least **four (4)** of the **seven (7) members**, whichever the case may be, shall be necessary to recommend any variation or modification to the County Board.

**40-9-6**        **RECORDS.** The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or decision of the Board of Appeals shall be filed in the Administrator's office and be a public record.

**40-9-7 - 40-9-9**        **RESERVED.**

**DIVISION II - SPECIAL USE PERMITS**

**40-9-10 SPECIAL USES BY PERMIT.** This Code divides the County into various districts and permits in each district, as a matter of right, only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation, and other factors. Such "special uses" require careful case-by-case review, and may be allowed only by permission of the County Board. **(See 55 ILCS 5/5-12009.5)**

**40-9-11 APPLICATION.** Every applicant for special use permit shall submit to the Administrator, in narrative and graphics form on forms provided by the County, the items of information listed below. [Every special use permit application shall also be filed with the Randolph County Soil and Water Conservation District as per State law, **(See 70 ILCS Sec. 405/22.02a)** and, if the land in question is within **one and one-half (1 1/2) miles** of a municipality, with the Clerk of that municipality.] The Administrator shall promptly transmit the completed application, and any comments or recommendation he deems appropriate, to the Board of Appeals. **(Note: Filing fee required.)**

**ITEMS OF INFORMATION**

- (A) name and address of the applicant;
- (B) name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (E) area and dimensions of the site for the proposed structure or uses;
- (F) existing topography of the site (USGS contour data is acceptable), and proposed finished grade;
- (G) existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) height and setbacks of the proposed structure;
- (I) number and size of proposed dwelling units, if any;
- (J) number and location of proposed parking/loading spaces and access ways;
- (K) identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) any other pertinent information that the Administrator may require.

**40-9-12 PUBLIC HEARING NOTICE.** The Board of Appeals shall hold a public hearing on every special use permit application within a reasonable time after said application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date and place of the hearing, and the nature of the proposed special use, shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) by first class mail to the applicant and to all parties whose properties are adjacent to the property for which the special use permit is sought; and
- (B) by publication in a newspaper of general circulation within the County.

**40-9-13 ADVISORY REPORT, FACTORS CONSIDERED.** Within a reasonable time after the public hearing, the Board of Appeals shall submit its advisory report to the County Board. In deciding what its advice should be, the Board of Appeals shall consider the following factors:

- (A) whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety and welfare, and the physical environment.
- (B) the effect the proposed special use would have on the value of neighboring properties and on the County's overall tax base;
- (C) whether there are any facilities near the proposed special use (e.g. schools, hospitals, etc.) that require special protection or consideration.

**40-9-14**      **ACTION BY COUNTY BOARD.** The County Board shall act on each request for special use permit at its next regularly scheduled meeting following submission of the Board of Appeals' advisory report. Without further public hearing, the County Board may grant a special use permit by an ordinance passed by a simple majority vote. In a separate statement accompanying any such Code, the County Board shall state its findings of fact, and indicate its reasons for approving (with or without conditions) or denying the request for special use permit.

### **DIVISION III - APPEALS**

**40-9-15**      **NATURE OF AN APPEAL.** Any person aggrieved by any decision or order of the Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals. Every such appeal shall be made and treated in accordance with Illinois law (**See 55 ILCS 5/5-12012**) and the provisions of this Article.

**40-9-16**      **FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Board of Appeals a written notice specifying the grounds for appeal. [Every appeal shall be filed with the **Randolph County Soil and Water Conservation District** as per State law. (**See 70 ILCS 405/22.02a**) and, if the land in question is within **one and one-half (1 1/2) miles** of a municipality, with the Clerk of that municipality.] Not more than **five (5) working days** after the notice of appeal has been filed, the Administrator shall transmit to the Board of Appeals all records pertinent to the case. (**Note: Filing fee required.**)

**40-9-17**      **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Board of Appeals, after the notice of appeal has been filed with him, that, for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Circuit Court grants a restraining order for due cause and so notifies the Administrator.

**40-9-18**      **PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By first-class mail to the petitioner and to all parties whose properties are adjacent to the premises to which the appeal pertains;
- (B) By publication in a newspaper of general circulation within the County.

**40-9-19**      **DECISION BY BOARD OF APPEALS.** The Board of Appeals shall render a decision on the appeal within a reasonable time after the hearing. The Board of Appeals may reverse or

affirm, in whole or in part, or may modify or amend the decision or order appealed from the extent and in the manner that it deems appropriate. In so doing, the Board of Appeals has all the power of the Administrator.

**DIVISION IV - VARIANCES**

**40-9-20**      **PURPOSE OF VARIANCES.** A variance is a relaxation of the strict application of the lot size, setbacks, or other area-bulk requirements of this Code that are applicable to a particular lot, structure or use. Every request for a variance shall be treated in accordance with the Illinois law (**See 55 ILCS 5/5-12009**) and the provisions of this Article.

**40-9-21**      **APPLICATION FOR VARIANCES.** Every applicant for a variance shall submit to the Administrator, in narrative and graphics form on forms provided by the County, the items of information listed below. [Every variance application shall also be filed with the **Randolph County Soil and Water Conservation District** as per State law (**See 70 ILCS 405/22.02a**) and, if the land in question is located within **one and one-half (1 1/2) miles** of a municipality, with the Clerk of that municipality.] The Administrator shall promptly transmit said application to the Board of Appeals together with any recommendation or comments he may wish to make. (**Note: Filing fee required.**)

- (A) Name and address of the applicant;
- (B) Location of the lot, structure or use for which the variance is sought;
- (C) Relationship of said lot, structure or use to adjacent lots, structures or uses;
- (D) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (E) Any other pertinent information that the Administrator may require.

**40-9-22**      **PUBLIC HEARING, NOTICE.** The Board of Appeals shall hold a public hearing on each variance request within a reasonable time after the variance application is submitted to them. At the hearing any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath. Notice of the hearing shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By first-class mail to the applicant and to all parties whose properties are adjacent to the property for which a variance is sought; and
- (B) By publication in a newspaper of general circulation within the County.

**40-9-23**      **CONTENTS OF NOTICE.** The notice of a public hearing on a variance request shall include the following information:

- (A) date, time and place of said hearing;
- (B) name and address of the applicant;
- (C) the particular location of the real estate for which the variation is requested by legal description and street address, and, if no street address, then by locating such real estate with reference to any well-known landmark, road or intersection;
- (D) whether or not the applicant is acting for himself or in the capacity of agent or representative of a principal, and stating the name and address of the true principal;
- (E) whether the applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders and shareholders owning any interest in excess of **twenty percent (20%)** of all outstanding stock of such corporation;
- (F) whether the applicant or his principal, if other than the applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true owners of such business or entity;



- (G) whether the applicant is a partnership, joint venture, syndicate or an unincorporated voluntary association, and, if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and
- (H) a brief statement describing the proposed variance.

**40-9-24 STANDARDS FOR VARIANCES. The Board of Appeals shall not grant any variance unless, based upon the evidence presented to them, they determine that:**

- (A) The proposed variance is consistent with the general purpose of this Code (See **Section 40-1-1**); and
  - (B) Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property; and
  - (C) The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and
  - (D) The plight of the applicant is due to circumstances not of his own making; and
  - (E) The circumstances engendering the variance request are peculiar and not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
  - (F) The variance, if granted, will not alter the essential character of the area where the premises in question are located nor materially frustrate implementation of the County's Comprehensive Plan; and
  - (G) The proposed variance will not result in a lot less than **two (2) acres** in size.
- (Ord. No. 19-08; 06-27-19)**

**40-9-25 TERMS OF RELIEF, FINDINGS OF FACT.** The Board of Appeals shall render a decision on every variance request within a reasonable time after the public hearing. The Board shall specify the terms of relief granted (if any) in one statement and its findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeals' reasons for granting or denying any requested variance.

**40-9-26 - 40-9-29 RESERVED.**

**DIVISION V - REZONINGS AND TEXT AMENDMENTS**

**40-9-30 AMENDMENTS.** The County Board may amend this Code in accordance with State law (**See 55 ILCS 5/5-12014**) and the provisions of this Section. Proposed alterations of district boundaries, proposed changes in the status of uses (permitted, special, or prohibited) and proposed text changes shall be deemed proposed amendments. Amendments may be proposed by the County Board, the Administrator, the Board of Appeals, or any party in interest.

**40-9-31 FILING.** Every proposal to amend this Code shall be submitted to Administrator in narrative and graphics form on forms provided by the County and shall include information as the Administrator considers necessary to allow the County Board to make an informed decision. (The person proposing an amendment shall also file a copy of this proposal with the **Randolph County Soil and Water Conservation District (See 70 ILCS 405/22.02a)** and, if the land in question is located within **one and one-half (1 1/2) miles** of a municipality, with the Clerk of that municipality.) The Administrator shall promptly transmit copies of the proposal, together with any comments or recommendations he deems appropriate to make, to the Board of Appeals. **(NOTE: Filing fee required.)**

**40-9-32 PUBLIC HEARING, LOCATION.** The Board of Appeals shall hold a public hearing on every amendment proposal within a reasonable time after said proposal has been submitted to them. Said hearing shall be held in the road district affected by the terms of the proposed amendment. However, if the proposed amendment would affect more than one road district, or in the case of general (text) amendments to this Code, the public hearing may be held in the County Courthouse instead of in the road district. At the hearing, any interested party (including any school or other taxing district in which the property in question is located) may appear and testify, either in person or by duly authorized agent or attorney. All testimony shall be given under oath.

**40-9-33 NOTICE OF PUBLIC HEARING.** Notice indicating the time, date and place of the public hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By first-class mail to the applicant and to all parties whose properties are adjacent to the property that would be rezoned (in the case of rezoning); and
- (B) By publication in a newspaper of general circulation within the County.

**40-9-34 ADVISORY REPORT.** Within a reasonable time after the public hearing, the Board of Appeals shall submit an advisory report to the County Board. Said advisory report shall include a recommendation regarding adoption of the proposed amendment, and the reasons therefor. If the proposed amendment involves a rezoning, the advisory report shall include findings of fact concerning each of the following matters:

- (A) Existing use(s) and zoning of the property in question;
- (B) Existing use(s) and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;
- (D) Suitability of the property in question for the proposed use;
- (E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned.
- (F) The effect the proposed rezoning would have on implementation of the County Comprehensive Plan.

**40-9-35 ACTION BY COUNTY BOARD.** The County Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the aforementioned advisory reports. Without further public hearing, the County Board may pass any proposed amendment by simple majority vote except as indicated below.

**40-9-36 EXCEPTIONS.** The favorable vote of all **three (3) members** of the County Board is required to pass an amendment to this Code in the following instances:

- (A) in the case of a written protest against a proposed amendment, filed with the County Clerk, and signed or acknowledged by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered; or
- (B) in the case of a written protest against a proposed amendment that affects land location within **one and one-half (1 1/2) miles** of the limits of a zoned municipality, provided that said written protest is:
  - (1) submitted by the particular zoned municipality with limits nearest adjacent to the affected property; and
  - (2) signed and acknowledged by the Mayor and City Council or by the Village President and Village Board of Trustees of said municipality; and
  - (3) filed with the County Clerk.

**ARTICLE X - PLANNED UNIT DEVELOPMENT (PUD)**

**40-10-1 INTENT AND PURPOSE.** This Article establishes provisions for rezoning of land within the County to provide for a Planned Unit Development (PUD). The purpose of this Article, Planned Unit Development, is to achieve the objectives enumerated at **Section 40-1-1** (the intent and purpose of this Code) and the following additional objectives:

- (A) to provide a regulatory mechanism whereby the County can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the County's issuance of the necessary zoning, subdivision, and/or building permits;
- (B) to permit development of a wide variety of building types and other structures and uses in a single comprehensively planned project;
- (C) to preserve the natural topography, scenic features, mature trees, and historic structures existing on sites proposed for development;
- (D) to encourage innovative site layouts and coordinated architectural treatment of different building types and other structures and uses;
- (E) to ensure the provision of usable common open space in planned developments, and to spur installation of various amenities therein;
- (F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

**40-10-2 COMPLIANCE WITH ORDINANCES GENERALLY REQUIRED. IMPORTANT:** Except as specifically provided otherwise in this Article, planned unit developments (PUDs) – including all buildings and other structures and uses therein – shall, at a minimum be built in conformity with all applicable codes and ordinances including this (Zoning) Code and the Subdivision Code.

**40-10-3 DISTRICTS WHERE ALLOWED.** Planned unit developments (PUDs) may be built in any zoning district, but only upon the issuance of a **special use permit** by the County Board of Commissioners.

**40-10-4 PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS.** The planned unit development (PUD) concept is intended to afford both the developer and the County considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, PUDs may deviate from generally applicable ordinance requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** PUDs may include all types of buildings and other structures and uses approved by the County Board of Commissioners; provided, that in approving such mixed construction and uses, the County Board of Commissioners may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In PUDs, the County Board of Commissioners may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PUD are appropriately interrelated and property abutting the PUD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width, and depth; minimum setbacks; and maximum structure height.

(C) **Location of Parking/Loading Spaces.** By permission of the County Board of Commissioners, off-street parking and loading spaces in PUDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Article VI**.

**40-10-5 PRELIMINARY PUD DEVELOPMENT PLANS.** Every applicant for preliminary PUD development plan approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A) filing PUD development plan with the Zoning Administrator;
- (B) review of the PUD development plan by the County Planning Commission;
- (C) public hearing by the County Zoning Board of Appeals as per the requirement of

**Section 40-9-12;**

- (D) recommendation by the County Zoning Board of Appeals to the County Board of Commissioners regarding approval/rejection of the PUD development plan; and
- (E) action by County Board of Commissioners on the PUD development plan.

**40-10-6 APPLICATION, INFORMATION REQUIRED.** Every applicant for approval of a preliminary PUD development plan shall submit to the Zoning Administrator, in narrative and/or graphic form, the items of information listed below:

(Written Documents)

- (A) legal description of the total site proposed for development;
- (B) names and addresses of all owners of property within or adjacent to the proposed PUD;
- (C) statement of the planning objectives to be achieved by the PUD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (D) development schedule indicating the approximate date when construction of the PUD or phases of the PUD can be expected to begin and be completed;
- (E) statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, building units, etc;
- (F) data indicating:
  - (1) total number and type of proposed building units,
  - (2) gross and net acreage of parcel,
  - (3) acreage of gross and usable open space, and
  - (4) area of various uses.

(Graphic Materials)

- (G) existing site conditions including contours at **five (5) foot** intervals and locations of water courses, flood plains, wetlands, unique natural and man-made features, and wooded areas;
- (H) proposed lot lines and plot designs;
- (I) proposed location, size (square feet), and general appearance of all existing and proposed buildings and other structures and uses;
- (J) location and size (acres or square feet) of all areas and facilities conveyed, dedicated, or reserved as common open spaces, public park and recreation areas, linear paths, and similar public and semi-public uses;
- (K) existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership—public or private—should be included where appropriate);
- (L) existing and proposed pedestrian and other specially identified circulation systems, including their relationship to the vehicular circulation system and proposed treatments of points of conflict;
- (M) existing and proposed utility systems including sanitary and storm sewers, and water, electric, gas, cable and telephone lines;
- (N) general landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- (O) enough information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas;
- (P) any additional information required by the County to evaluate the character and impact of the proposed PUD.

**40-10-7 ADVISORY REPORT, CRITERIA CONSIDERED.** The County Planning Commission shall submit to the County Zoning Board of Appeals a written advisory report concerning acceptance/rejection of the PUD development plan. In deciding what its advice should be, the County Planning Commission shall consider the following criteria:

- (A) the extent to which the proposed development is consistent with the County's Comprehensive Plan and with the purposes of this Zoning Code and of all other applicable codes and ordinances;
- (B) the extent to which the proposed development deviates from the regulations that are generally applicable to the property (including but not limited to, the use and lot and building regulations of the district), and the apparent merits (if any) of said deviations;
- (C) whether the proposed design of the PUD makes adequate provisions of vehicular, pedestrian and other specially identified circulation, off-street parking and loading, separation of the different land uses, open space, park and recreation areas and facilities, preservation of unique natural and man-made features, and so forth;
- (D) the compatibility of the proposed PUD with adjacent properties and surrounding area; and
- (E) any other reasonable criteria that the County Planning Commission may devise.

**40-10-8 PUBLIC HEARING BY ZONING BOARD OF APPEALS.** After the County Planning Commission has submitted its advisory report, the County Zoning Board of Appeals shall hold a public hearing as per the requirements of **Section 40-9-12**. Within a reasonable time following the hearing, the County Zoning Board of Appeals shall file a report of the hearing and its advisory report with the County Board of Commissioners accompanied by the advisory report of the County Planning Commission.

**40-10-9 DECISION BY BOARD OF COMMISSIONERS.** After the County Zoning Board of Appeals has submitted its advisory report, the County Board of Commissioners, by resolution, shall either approve or disapprove the preliminary PUD development plan. The County Board of Commissioners shall not approve any preliminary PUD development plan unless:

- (A) the State's Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and
- (B) the proposed PUD, as evidenced by the development plan, complies with all applicable codes and ordinances. (Deviations to the extent permitted under **Section 40-10-4** shall not be deemed non-compliance.)

**40-10-10 FINAL DEVELOPMENT PLANS.** With respect to the preparation, submission, and review of PUD final development plans, the developer and this County shall comply with the regulations of the following sections.

**40-10-11 FILING, INFORMATION REQUIRED.** Not later than **one (1) year** after the approval of the preliminary PUD development plan, the applicant shall file with the Zoning Administrator the final PUD development plan for the first phase of the proposed PUD. Said final PUD development plan shall contain in final form all the items of information listed in **Section 40-10-6**, plus the following:

- (A) proof that the developer has acquired legal title to all land within the PUD or has executed a binding agreement with all the owners of such land thereby giving the developer effective control over its development;
- (B) legal description of each lot to be individually owned and each parcel to be held in common;
- (C) articles of incorporation and bylaws of any/all property owners association(s) identified;

(D) restrictive covenants and any other legal instruments required by the State's Attorney guaranteeing the proper upkeep and use of the common open space and park and recreation areas and facilities therein; and

(E) legal instruments dedicating streets and other improvements to this County or conveying same to an identified property owners association (as the case may be).

**40-10-12 ADVISORY REPORT.** Not later than **sixty (60) days** after the application for final PUD development plan approval is filed, the County Planning Commission – following consultation with the Zoning Administrator, the County Engineer, and the State's Attorney – shall submit a written advisory report to the County Board of Commissioners. The County Planning Commission's advisory report shall fully discuss the extent to which the final PUD development plan conforms to the approved preliminary PUD development plan and to all other applicable codes and ordinances.

**40-10-13 ACTION BY COUNTY BOARD.** At its next regularly scheduled meeting following submission of the County Planning Commission's advisory report, the County Board of Commissioners shall, by resolution, either approve or disapprove the PUD final development plan. The County Board of Commissioners shall not approve any final PUD development plan unless:

(A) the developer has posted a performance bond or deposited funds in escrow in an amount the County Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

(B) the State's Attorney has stated that all legal instruments (particularly restrictive covenants and "dedications") are satisfactory; and

(C) the proposed PUD, as evidenced by the final PUD development plan, complies with all applicable codes and ordinances and substantially conforms to the approved preliminary PUD development plan.

**40-10-14 CHANGES IN APPROVED PLANS.** No changes shall be made to any approved PUD development plan except as follows:

(A) **Minor** changes if required by engineering or other circumstances not foreseen at the time the final PUD development plan was approved.

(B) All other changes shall require a public hearing before the County Zoning Board of Appeals and a resolution by the County Board of Commissioners.

(C) No approved change shall have any effect until it is recorded with the County Clerk/Recorder of Deeds as an amendment to the recorded copy of the PUD development plan.

**40-10-15 FAILURE TO BEGIN DEVELOPMENT.** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the PUD development plan shall lapse upon written notice to the applicant from the County Board of Commissioners and shall be of no further effect. However, in its discretion and for good cause, the County Board of Commissioners may extend for a reasonable time the period for the beginning of construction. If a final PUD development plan lapses as per this Section:

(A) the special use permit shall be automatically revoked;

(B) any building permits shall automatically become null and void; and

(C) all regulations applicable before the PUD was approved shall automatically be in full effect.

**(Ord. No. 04-34; 12-17-04)**

**APPENDIX "A"**

**FEES  
(Section 40-8-9)**

<b>Tier 1 (0-100 Acres)</b>			
<b>Application/Fee</b>	<b>Filing Fee</b>	<b>Publication Cost</b>	<b>Total Fee</b>
Zoning	\$35.00	\$0.00	\$35.00
Special Use Permit	160.00	40.00	200.00
Map Amendment	160.00	40.00	200.00
Appeal	160.00	40.00	200.00
Variance	160.00	40.00	200.00
Late Fee	25.00	0.00	25.00

<b>Tier 2 (101+ Acres)</b>			
<b>Application/Fee</b>	<b>Filing Fee</b>	<b>Publication Cost</b>	<b>Total Fee</b>
Zoning	\$35.00	\$0.00	\$35.00
Special Use Permit	60.00 + 1.00 per acre	40.00	100.00 + 1.00 per acre
Map Amendment	60.00 + 1.00 per acre	40.00	100.00 + 1.00 per acre
Appeal	60.00 + 1.00 per acre	40.00	100.00 + 1.00 per acre
Variance	60.00 + 1.00 per acre	40.00	100.00 + 1.00 per acre
Late Fee	25.00	0.00	25.00

*Example: Special Use Permit on 250 acres of land = \$350 Total fee*

**(Ord. No. 2019-14; 09-20-19)**

**APPENDIX "B"**

**FEEs**  
**(Section 40-5-60)**

Solar Energy Conversion System Fee	\$15.00 per kW of generation power
Wind Energy Conversion System Fee	\$40.00 per foot of Wind Tower height



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