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**PART I**

**ADMINISTRATIVE  
LEGISLATION**



## **Chapter 1**

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#### **Ordinances and Fines**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### **ARTICLE I** **Interpretation and Definitions** **[Derived from Title 1, Ch. 1, Art. 1, §§ 4 and 6, and Art. 3, of the 1993 Code]**

##### **§ 1-1. Interpretations.**

In the determination of the provisions of each Section of the Code the following rules shall be observed:

- A. Intent to defraud. Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

- B. Liability of employers and agents. When the provisions of any Section of this Village Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer agents and all other persons concerned with in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.

### **§ 1-2. Rules of construction.**

In the construction of the Village Code the following rules shall be observed, unless such construction would be inconsistent with the intent of the Board or contradictory to the contest of the provisions.

- A. Tense: words used in the present tense include the future.
- B. "May" is permissive.
- C. "Must" states a requirement.
- D. "Shall" is mandatory.

### **§ 1-3. Definitions.**

- A. Construction of words.
  - (1) Whenever any word in any Section of this Village 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.
  - (2) When any subject matter, party or person is referred to in this Village 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 Village Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.
- B. Definitions. Whenever the following words or terms are used in this Code they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT — A person acting on behalf of another.

BOARD — Unless otherwise indicated, shall mean the Board of Trustees of the Village of Port Byron.

CODE — The Municipal Code of Port Byron and amendments thereto.

COUNTY — County of Rock Island.



**EMPLOYEES** — Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words "of the Village of Port Byron."

**FEE** — A sum of money charged by the Village for the carrying on of a business, profession or occupation.

**FISCAL YEAR** — Begins on April 1 of each year and ends on March 31 of the following year. **[Amended 1-3-1955 by Ord. No. 54-9]**

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

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

**MISDEMEANOR** — Any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by State law.

**NEGLIGENT** — The word "negligent", as well as "neglect", "negligence" and "negligently" imports a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

**NUISANCE** — Anything offensive or obnoxious to the health and welfare of the Inhabitants of the Village; 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, includes any person who occupies the whole or any part of such building or land whether alone or with others.

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

**OFFICERS** — Whenever reference is made in this Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of Port Byron".

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

**OWNER** — As applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

**PERSON** — Any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity or 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 associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violation of said Section.

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

**RETAILER** — 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.

**SIDEWALK** — That portion or margin of a street which is between the curblin and the adjacent property line.

**STATE** — Unless otherwise indicated, the State of Illinois.

**STREET** — Includes alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

**TENANT** — As applied to a building or land, includes any person who occupies the whole or any part of such building or land whether alone or with others.

**VILLAGE** — The Village of Port Byron, County of Rock Island, State of Illinois.

**WHOLESALE or WHOLESALE DEALER** — 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.

**WILFULLY** — 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 or 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.

## ARTICLE II

### Penalties

[Derived from Title 1, Ch. 1, Art. 4, of the 1993 Code]

#### § 1-4. Penalty.

Any person convicted of a violation of any Section of this Code shall be fined in a sum not less than \$25 nor more than \$500; or, where consistent with the provisions of Section 1-2-1.1 of the Illinois Municipal Code and its amendments thereto, a violation of applicable Sections of this Code shall be punishable by incarceration in a penal institution other than a penitentiary, not to exceed six months; or by both such fine and imprisonment.

**§ 1-5. License.**

When a person is convicted of a violation of any Section of this Village Code any license previously issued to him by the Village may be revoked by the court or by the Board of Trustees.

**§ 1-6. Application.**

- A. The penalty provided in this chapter shall be applicable to every Section of this Village 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 Village 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 Village Code.
- B. In all cases where the same offense is made punishable or is created by different clauses or Sections of this Village Code the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty 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 provisions of this Village Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this article shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

**§ 1-7. Liability of officers.**

No provisions of this Village 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 for a failure to perform such duty, unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the Section creating the duty.

ARTICLE III  
**Budget and Ordinances**  
**[Derived from Title 1, Ch. 4, Art. 1, of the 1993 Code]**

**§ 1-8. Annual budget. [Amended 6-11-2007 by Ord. No. 071106A]**

- A. Budget Officer.
  - (1) There is created hereby the position of Budget Officer in the Village of Port Byron, who shall be designated by the Village President with the approval of the Board of Trustees.

- (2) The Budget Officer may hold another municipal office, either elected or appointed, and may receive the compensation established from time to time by the President and Board of Trustees of the Village for both offices. Such Budget Officer shall serve at the pleasure of the Village President.
- (3) Before entering upon the duties of this office, the Budget Officer shall take oath as provided by statute.

B. Powers and duties of Budget Officer.

- (1) The Budget Officer shall have the following powers and duties:
  - (a) To permit, encourage, and establish the efficient planning, budgeting, auditing, reporting, accounting, and other fiscal management procedures in all municipal departments, commissions, and boards.
  - (b) To compile an annual budget.
  - (c) To examine all books and records of all Village departments, commissions, and boards which relate to moneys received and paid out by the Village, its departments, commissions, and boards and debts and accounts receivable, amounts owed by or to the Village, its departments, commissions and boards.
  - (d) To obtain such additional information from the Village, its departments, commissions, and boards as may be useful for purposes of compiling a municipal budget, such information to be furnished by the Village, its departments, commissions, and boards in the form required by the Budget Officer, and
  - (e) To establish and maintain such procedures as shall ensure that no expenditures are made by the Village, its departments commissions, or boards except as authorized by the budget.
- (2) Any department, commission, or board which refuses to make such information as requested of it available to the Budget Officer shall not be permitted to make expenditures under any subsequent budget for the Village until such department, commission, or board shall comply in full with the request of the Budget Officer.

C. Compilation and contents of budget. The Budget Officer shall compile a budget which contains estimates of revenues available to the Village for the fiscal year for which the budget is drafted, together with recommended expenditures for the Village and all of its departments, commissions, and boards. Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management practices. The budget shall contain actual or estimated revenues and expenditures for the two years immediately preceding the fiscal year for which the budget is prepared. So far as is possible, the fiscal data for such two preceding fiscal years shall be itemized in the manner which is in conformity with the chart of accounts recommended above. Each budget shall show the specific fund from which each anticipated expenditure shall be made.

D. Passage of annual budget — effect.

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§ 1-8

- (1) Passage of the annual budget by adoption of an appropriate Ordinance by the corporate authorities shall be in lieu of passage of the appropriation ordinance as required by statute.
- (2) The annual budget shall be published in the manner provided for in Subsection G of this section.
- (3) The annual budget shall be adopted by the corporate authorities before the beginning of the fiscal year to which it applies.

E. Revision of annual budget.

- (1) The President and Board of Trustees of the Village may delegate authority to heads of Village departments, commissions, and boards to decide, add to, change or create sub-classes within object classes budgeted previously to the department board, or commission subject to such limitation or requirement for prior approval by the Budget Officer or Village President, as the Board of Trustees, upon a 2/3 vote of the members of the Village Board of Trustees then holding office, may establish.
- (2) By a vote of 2/3 of the members of the Village Board of Trustees then holding office, the annual budget for the Village may be revised by deleting, adding to, changing, or creating sub-classes within object classes and object classes themselves.
- (3) No revision of the budget shall be made increasing the total budget in the event funds are not available to effectuate the purpose of the revision.

F. Funds for contingency purposes. The annual budget may contain money set aside for contingency purposes not to exceed 10% of the total budget and in accordance with any Capital Reserve Fund Ordinance in effect.

G. Public inspection, notice and hearing on budget.

- (1) The President and Board of Trustees of the Village shall make the tentative annual budget conveniently available to public inspection for at least 10 days prior to the passage of the annual budget by posting in the Village hall or in such form as the President and Board of Trustees of the Village may prescribe.
- (2) Not less than one week after the posting of the tentative annual budget, and prior to final action on the budget, the President and Board of Trustees of the Village shall hold at least one public hearing on the tentative annual budget, after which hearing or hearings the tentative annual budget may be further revised and passed without any further inspection, notice or hearing. Notice of the hearing shall be given by publication in a newspaper having a general circulation in the municipality at least one week prior to the time of hearing.

**§ 1-9. Appropriation before expenditure.**

No contract shall hereafter be made by the Board of any committee or member thereof, and no expense shall be incurred by any of the officers or department of the corporation, whether the object of the expenditure shall have been ordered by the Board or not, unless an appropriation shall have been previously made concerning such expenses, excepting as expressly provided by the Statutes of the State of Illinois.

**§ 1-10. Publication.**

The Board shall cause all ordinances of the Village, which impose any fines, penalties, or forfeiture, or which make any appropriation, to be published, either in a newspaper published in said Village, and if there be none published in said Village then in one published in the County of Rock Island, and if so published in a newspaper, the same shall be done within one month after the same are passed; or said ordinances may be published in book or pamphlet form. None of the ordinances above mentioned shall take effect until 10 days after its publication. All ordinances printed in book or pamphlet form by the authority of the Board need not be otherwise published.

**§ 1-11. Record.**

All ordinances passed by the Board shall be recorded by the Village Clerk in a proper book or books, with indexes. The original shall be filed with the Clerk and due proof of the publication of all ordinances requiring publication, by the certificate of the publisher or printer, shall be procured by the Clerk and attached thereto, or written and attested upon the face of such ordinances.

**§ 1-12. Election of procedure.**

In all cases where the same offense may be punishable, or shall be created by different clauses or sections of the ordinances of said Village, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

**§ 1-13. General penalty provision.**

Whenever in this or any other ordinance hereafter passed, or passed on this day, a minimum but no maximum fine or penalty is imposed, the court may, in its discretion, adjudge the offender or offenders to pay any sum of money not exceeding the minimum fine or penalty so fixed, not exceeding the sum of \$500.

**§ 1-14. Repeal not to revive.**

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be constructed to revive such former ordinance, clause or provision unless it shall therein be so expressly provided.

**§ 1-15. Gender and number.**

Whenever any words in any ordinance importing the plural number shall be 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 be used. And when any subject matter, party or person shall be referred to in any ordinance by word 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 included; provided, that these rules of construction shall not be applied to any ordinance which shall contain any express provision including such construction, or where the subject matter or context of such ordinance may be repugnant thereto.

**§ 1-16. General penalty.**

Whenever, in any ordinance, the doing of an act or the omission to do any act or duty is declared to be a breach thereof and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than \$25 nor more than five hundred dollars (\$250).

**§ 1-17. Effect of repeal.**

Whenever an ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of ordinance thus repealed or modified shall continue in force until due publication of the ordinance repealing or modifying the same when such publication shall be required to give effect thereto, unless therein otherwise expressly provided, but no suit, proceeding, right, fine or penalty, instituted, created, given or secured or accrued under any ordinance previous to its repeal shall in any case be effected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if such ordinance had continued in force.

**§ 1-18. When to take effect.**

All ordinances hereafter passed by the Board requiring publication shall take effect from and after due publication thereof, unless otherwise therein expressly provided. Ordinances not requiring publication shall take effect from their passage unless therein otherwise expressly provided.

**§ 1-19. Distribution of ordinance books.**

All printed books belonging to the Village containing the revised ordinances shall be deposited with the Village Clerk. He shall deliver one copy thereof to each elective officer of the Village and to such other persons as the Board may direct. When such books are delivered to officers or employees of the Village they shall remain the property of the Village and shall be delivered by such officers or employees to their successors in office or employment respectively.

ARTICLE IV  
**Corporate Limits**  
[Derived from Title 1, Ch. 4, Art. 3, of the 1993 Code]

**§ 1-20. Establishment of limits.**

The corporate limits of the Village shall be established as follows: the Village of Port Byron, Rock Island County, Illinois and any additions or annexations thereto, all as shown by the Office of the Recorder of Deeds, Rock Island County, Illinois.

ARTICLE V  
**Ordinance Citation Procedure**  
[Adopted 11-1-1999 by Ord. No. 99-1-11D]

**§ 1-21. "No contest" procedure initiated.**

There is hereby initiated a "No Contest" procedure for the disposition of Ordinance Violation Citations which procedure may be applicable to citations hereinafter issued for the violation of the Port Byron Village Code as identified in § 1-23 of this article.

**§ 1-22. Amount of "no contest" fine.**

In the event that a person is accused of a violation of any of the sections of the Port Byron Village Code referred to in § 1-23 hereof and does not wish to contest said allegation, and further, in the event that the "No Contest" procedure is available for the disposition of the Citation issued for such offense, then said person so accused may pay to the Village at Police Headquarters within seven days from the date of the Citation (the date of issuance included) for and in full satisfaction of said violation a fine in the amount of the minimum penalty prescribed in and by the section of the Code that the person is accused of violating.

**§ 1-23. List of offenses and fines.**

A list of the "No Contest" offenses covered by ordinance and the "No Contest" fine is included as an attachment to this chapter.

ARTICLE VI  
**Adoption of Code**  
[An ordinance adopting the Code of the Village of Port Byron and making certain substantive changes to existing ordinances of the Village will be provided to the Village for adoption the Board of Trustees at the end of the preojct. Upon final adoption, it will be included here as Article VI of this chapter.]



## GENERAL PROVISIONS

*1 Attachment 1***Village of Port Byron****Ordinances and Fines**

Check Ordinance For Complete Wording of Appropriate Section  
 Check Ordinance For Full Bonding Details, 1st, 2nd, 3rd Offense

<b>Group</b>	<b>Violation</b>	<b>Updated Section Nos.</b>	<b>Title</b>	<b>Chap</b>	<b>Art</b>	<b>Sec</b>	<b>Minimum Fine</b>	<b>Maximum Fine</b>
Animal	More than 1 agricultural animal per acre	§ 112-1A	4	1	1	1.1	\$35	\$100
	Keeping agricultural animals on less than 5 acres	§ 112-1A	4	1	1	1.1	\$35	\$100
	Failure to provide adequate shelter for agricultural animals	§ 112-1B	4	1	1	1.2	\$35	\$100
	Failure to provide adequate sanitation for agricultural animals	§ 112-1B	4	1	1	1.2	\$35	\$100
	Livestock and domestic fowl running at large, declared a nuisance	§ 112-1C	4	1	1	1.3	\$35	\$100
	License required from R1 county for any dog, 1st offense	§ 112-13	4	1	2	1	\$20	\$100
	License required from R1 county for any dog, 2nd offense	§ 112-13	4	1	2	1	\$40	\$100
	Running at large, dogs or cats, 1st offense	§ 112-14	4	1	2	2	\$20	\$100
	Running at large, dogs or cats, 2nd offense	§ 112-14	4	1	2	2	\$40	\$100
	Keeping more than 4 dogs or 4 cats, or combination of, 1st offense	§ 112-19	4	1	2	7	\$20	\$100
	Keeping more than 4 dogs or 4 cats, or combination of, 2nd offense	§ 112-19	4	1	2	7	\$40	\$100

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Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Dangerous animal defined, see ordinance	§ 112-20	4	1	3	1	\$25	\$100
	Beekeeping within village, less than 10 acres	§ 112-21	4	1	3	2	\$25	\$100
	Dangerous animal, permitting to run at large	§ 112-22A	4	1	3	3(a)	\$25	\$100
	Dangerous animal, leading with a chain or rope, muzzled or not	§ 112-22A	4	1	3	3(a)	\$25	\$100
	Dangerous animal declared a nuisance	§ 112-22B	4	1	3	3(b)	\$25	\$100
	Dead animals, bringing into and leaving in village	§ 208-3	5	2	1	3	\$25	\$500
	Dead animals, unlawful to leave unburied after notification	§ 208-3	5	2	1	3	\$25	\$500
	Dead animals, unlawful to leave unburied more than 12 hours	§ 208-3	5	2	1	3	\$25	\$500
	Hitch or fasten horse to, or near tele wire when may injure or dam	§ 265-4	6	1	1	4	\$25	\$500
	Hitch or fasten horse to, or near railing when may injure or damage	§ 265-4	6	1	1	4	\$25	\$500
	Hitch or fasten horse to, or near lamppost when may injure or damage	§ 265-4	6	1	1	4	\$25	\$500
	Hitch or fasten horse to, or near tele pole when may injure or damage	§ 265-4	6	1	1	4	\$25	\$500
	Hitch or fasten horse to, or near tree when may injure or damage	§ 265-4	6	1	1	4	\$25	\$500
	Hitch or fasten horse to, or near shrub when may injure or damage	§ 265-4	6	1	1	4	\$25	\$500

## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
Bicycle	Illinois Vehicle Code, any violation of 625 ILCS 5/11-1502 to 5/11-1515 inclusive	§ 245-13A	4	2	12	3(A)	\$50	\$500
	Prohibited on sidewalk area in downtown business district defined as main street from lynn street to walnut street	§ 245-13B	4	2	12	3(B)	\$50	\$500
	Prohibited on private or public property or parking lot except for legitimate business or with owners agents written permission	§ 245-13C	4	2	12	3(C)	\$50	\$500
	Prohibited on items such as vehicles, benches, tables, park equipment, except on own property or property of parent or guardian	§ 245-13D	4	2	12	3(D)	\$50	\$500
Building	Parental responsibility, parent to knowingly allow minor on public/private property to violate any provision of this ordinance or state	§ 245-13E	4	2	12	3(E)	\$50	\$500
	Building without building permit	Ch. 124, Art. VII	3	1	1	2	\$25	\$500
	Satelite dishes, see ordinance	§§ 124-1 – 124-5	3	1	2	1-5	\$25	\$500
	Swimming pool, vio of R1 county board of health sanitation require	§ 124-15	3	1	3	10	\$50	\$500
	Swimming pool, violation of location, see ordinance	§ 124-8	3	1	3	3	\$50	\$500
	Swimming pool, construction, installation without permit	§ 124-9	3	1	3	4	\$50	\$500
	Swimming pool, improper gate, fence, locks	§ 124-11	3	1	3	6	\$50	\$500
	Swimming pool, fence less than 5 feet high	§ 124-12	3	1	3	7	\$50	\$500
	Swimming pool, electrical installations in violation of ordinance	§ 124-13A	3	1	3	8.1	\$50	\$500

## PORT BYRON CODE

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Swimming pool, electrical conductors within 15 feet of pool	§ 124-13B	3	1	3	8.2	\$50	\$500
	Swimming pool, failure to ground metal fences, enclosures, railing	§ 124-13C	3	1	3	8.3	\$50	\$500
	Swimming pool, failure to have 1 or more throwing buoys	§ 124-14	3	1	3	9	\$50	\$500
	Plumbing Code violations, see ordinance	§ 124-17	3	2	1	1	\$25	\$500
	Electrical code violations, see ordinance	§ 124-19	3	3	1	1	\$25	\$500
	Gas systems installation violations, see ordinance	§ 124-20	3	4	1	1	\$25	\$500
	Failure to prevent spread to within 25 feet of any structure	§ 132-2	4	2	5	1(a)	\$50	\$500
	On private land within 25 feet of any structure	§ 132-2	4	2	5	1(a)	\$50	\$500
	On street, sidewalk, or alley	§ 132-2	4	2	5	1(a)	\$50	\$500
	Failure to extinguish by sunset	§ 132-3	4	2	5	1(b)	\$50	\$500
	Must be constantly attended by competent person until extinguished	§ 132-3	4	2	5	1(b)	\$50	\$500
	Permitted only between sunrise and sunset	§ 132-3	4	2	5	1(b)	\$50	\$500
	Must have garden hose, water supply available for use	§ 132-3	4	2	5	1(b)	\$50	\$500
Burning	When prohibited by fire chief, with 12 hours notice	§ 132-4	4	2	5	1(c)	\$50	\$500
	When fire chief declares an emergency	§ 132-4	4	2	5	1(c)	\$50	\$500
	Burning garbage, hay, straw without permit	§ 132-5	4	2	5	1(d)	\$50	\$500
	Burning any material which give off obnoxious door, without permit	§ 132-5	4	2	5	1(d)	\$50	\$500

## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Burning rubbish, roofing materials, rags, without permit	§ 132-5	4	2	5	1(d)	\$50	\$500
Business	Solicitors seeking donations without permit	§ 250-1	2	2	1	1	\$25	\$500
	Dance hall, no license	§ 144-1	2	2	3	1	\$100	\$500
	Dance hall, hours other than 2100-0100 Mon-Fri, 2000-2400 sun	§ 144-5	2	2	3	5	\$100	\$500
	Dance hall, failure to have officer on duty	§ 144-6	2	2	3	6	\$100	\$500
	Dance hall, less than 2 exits of 3 feet or more in width	§ 144-7	2	2	3	7	\$100	\$500
	Keeping automatic amusement device for public use without license	§ 108-3	2	2	14	3	\$100	\$500
	Keeping automatic amusement device which disturbs the peace	§ 108-6	2	2	14	6	\$100	\$500
	Keeping game machine for gain or profit without permit	§ 108-9	2	2	15	3	\$100	\$500
	Keeping game machine out of plain view	§ 108-12	2	2	15	6	\$100	\$500
	Makes fraudulent tax return on taxes collected	?? § 270-16	2	3	3	8	\$100	\$200
Disorderly	Fails to make tax return on taxes collected	?? § 270-16	2	3	3	8	\$100	\$200
	Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace	§ 217-5A(1)	4	2	8	2(A)(1)	\$100	\$500
	Does or makes any unreasonable offensive act, which creates a clear and present danger of a breach of the peace	§ 217-5A(2)	4	2	8	2(A)(2)	\$100	\$500
	Does or makes any unreasonable offensive act, which creates a clear and present danger of imminent threat of violence	§ 217-5A(2)	4	2	8	2(A)(2)	\$100	\$500

## PORT BYRON CODE

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Makes, continues, or causes any excessive, unnecessary, unusually loud noise which annoys or disturbs peace or safety of others	§ 217-5A(3)	4	2	8	2(A)(3)	\$100	\$500
	Fails to obey lawful order to disperse by peace officer when 2 or more persons are committing acts of disorderly conduct	§ 217-5A(4)	4	2	8	2(A)(4)	\$100	\$500
	Assembles with 2 or more persons and uses threat of force or violence to disturb the public peace	§ 217-5A(5)	4	2	8	2(A)(5)	\$100	\$500
	Appears in public place under influence alcohol/drugs, to the degree that he may endanger himself or other persons or prop, or annoy others	§ 217-5A(6)	4	2	8	2(A)(6)	\$100	\$500
	Enters property of another and for lewd or unlawful purpose deliberately looks into dwelling on the property through any window or opening	§ 217-5A(7)	4	2	8	2(A)(7)	\$100	\$500
	Driver of a motor vehicle, operates sound system which can be heard outside vehicle 75 feet away, on public or private property or another	§ 217-5A(8)	4	2	8	2(A)(8)	\$100	\$500
	Knowingly possess any substance containing cannabis in about of 10 grams or less, 1st offense in twelve-month period	§ 149-2A	4	2	6	2(A)	\$100	\$500
	It is unlawful for any person knowingly to use, smoke, inhale, ingest, inject any substance containing cannabis, 1st offense in twelve-month period	?? § 149-2B	4	2	6	2(A)	\$100	\$500
Drugs								

## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
Garbage	It is unlawful for any person knowingly to use, smoke, inhale, ingest, inject any substance containing cannabis, 2nd offense in twelve-month period	?? § 149-2B	4	2	6	2(A)	\$200	\$500
	Knowingly possess any substance containing cannabis in about of 10 grams or less, 2nd offense in twelve-month period	§ 149-2A	4	2	6	2(A)	\$200	\$500
	Knowingly possess any substance containing cannabis in about of 10 grams or less, 3rd offense in twelve-month period	§ 149-2A	4	2	6	2(A)	\$500	\$500
	It is unlawful for any person knowingly to use, smoke, inhale, ingest, inject any substance containing cannabis, 3rd offense in twelve-month period	?? § 149-2B	4	2	6	2(A)	\$500	\$500
	Possession of drug paraphernalia	§ 149-6	4	2	7	2	\$750	\$750
	Unlawful to allow decay unless in tightly covered contain	§ 255-2	5	3	1	2	\$25	\$500
	Unlawful to place anywhere unless in tightly covered container	§ 255-2	5	3	1	2	\$25	\$500
	Unlawful to remain anywhere unless in tightly covered container	§ 255-2	5	3	1	2	\$25	\$500
	Unlawful to accumulate when it can be blown away by wind	§ 255-3	5	3	1	3	\$25	\$500
	Allowing to fall from vehicle, unlawful to deposit, allow to fall	§ 255-4	5	3	1	4	\$25	\$500
	Burning or incinerating anywhere in village	§ 255-5	5	3	1	5	\$25	\$500
	For collection, not in metal/plastic container with lid and handle	§ 255-9	5	3	1	9	\$25	\$500

## PORT BYRON CODE

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
Liquor	For collection, container less than 10 gallons, more than 30	§ 255-9	5	3	1	9	\$25	\$500
	Scavenger, unlawful to remove garbage except under contract	?? can't find Title 5, Ch. 3, Art. 3	5	3	3	4	\$50	\$100
	Sell, give, deliver alcoholic beverage to person under 21 years	§ 104-3	2	2	4	3	\$100	\$500
	Sell, give, deliver alcoholic beverage to intoxicated person	§ 104-3	2	2	4	3	\$100	\$500
	Sell, give, deliver alcoholic beverage to known insane person	§ 104-3	2	2	4	3	\$100	\$500
	Sell, give, deliver alcoholic beverage to habitual spendthrift	§ 104-3	2	2	4	3	\$100	\$500
	Sell, give, deliver alcoholic beverage to known mentally deficient	§ 104-3	2	2	4	3	\$100	\$500
	Sell, give, deliver alcoholic beverage to known mentally ill person	§ 104-3	2	2	4	3	\$100	\$500
	Sell, give, deliver alcoholic beverage to known habitual drunkard	§ 104-3	2	2	4	3	\$100	\$500
	Possess, sell, dispose of liquor in misbranded container	§ 104-4	2	2	4	4	\$100	\$500
	Open alcohol container in motor vehicle, carry, transport, possess	§ 104-5	2	2	4	5	\$100	\$500
	Exiting premises with open container, permitting by licensee	§ 104-6	2	2	4	6	\$100	\$500
	Exiting premises with any open container, including "to go" cups	§ 104-6	2	2	4	6	\$100	\$500



## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Exiting premises with open container, permitting by employee	§ 104-6	2	2	4	6	\$100	\$500
	Exiting premises with open container, permitting by manager	§ 104-6	2	2	4	6	\$100	\$500
	Exiting premises with open container, permitting by representative	§ 104-6	2	2	4	6	\$100	\$500
	Nudity, allowing, authorizing, permitting, participating in	§ 104-7	2	2	4	7	\$250	\$500
	Unlawful exhibition, performance, or acts, allowing, authorizing, permitting, participating in	§ 104-7	2	2	4	7	\$250	\$500
	Sell alcoholic liquor at retail without permit	§ 104-13B(1)	2	2	6	1(b)(1)	\$100	\$500
	Giving away alcoholic liquor at retail without permit	§ 104-13B(2)	2	2	6	1(b)(2)	\$100	\$500
	Dispensing of alcoholic liquor at retail without permit	§ 104-13B(3)	2	2	6	1(b)(3)	\$100	\$500
	Pouring of liquor without permit	§ 104-13B(5)	2	2	6	1(b)(5)	\$100	\$500
	Providing “set-ups” containing alcoholic beverage without permit	§ 104-13B(6)	2	2	6	1(b)(6)	\$100	\$500
	Possess alcoholic beverage to be served without permit, commercial	?? § 104-13B(9)	2	2	6	1(b)(7)	\$100	\$500
	Possess alcoholic beverage to be served without permit, business	?? § 104-13B(9)	2	2	6	1(b)(7)	\$100	\$500
	Maintaining private club or public serving liquor without permit	§ 104-13B(7)	2	2	6	1(b)(7)	\$100	\$500
	Maintaining restaurant serving liquor without permit	?? § 104-13B(8)	2	2	6	1(b)(7)	\$100	\$500

## PORT BYRON CODE

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Violation of license provisions, see ordinance	§§ 104-30 – 104-38	2	2	8	1-9	\$100	\$500
	On premises after closing, any person other than licensee	§ 104-45A(1)	2	2	10	1(a)(1)	\$100	\$500
	On premises after closing, any person other than employee	§ 104-45A(2)	2	2	10	1(a)(2)	\$100	\$500
	Non authorized lights on after closing hours, see ordinance	§ 104-45B	2	2	10	1(b)	\$100	\$500
	Denying person or full and equal enjoyment of accommodations	§ 104-46	2	2	10	2	\$100	\$500
	Any sale of alcoholic beverage other than on cash basis	§ 104-47	2	2	10	3	\$100	\$500
	Dancing without “club” license	§ 104-48	2	2	10	4	\$100	\$500
	Live entertainment without “club” license	§ 104-48	2	2	10	4	\$100	\$500
	Violating restraint of trade	§ 104-49	2	2	10	5	\$100	\$500
	Using words “saloon” or “bar” in any sign or advertisement	§ 104-50	2	2	10	6	\$100	\$500
	Pandering, see ordinance	§ 104-51	2	2	10	7	\$100	\$500
	Possession of open alcoholic liquor on public right-of-way	§ 104-52	2	2	10	8	\$100	\$500
	Carrying of open alcoholic liquor on public right-of-way	§ 104-52	2	2	10	8	\$100	\$500
	Transporting of open alcoholic liquor on public right-of-way	§ 104-52	2	2	10	8	\$100	\$500
	Minors, tend bar, pour, draw, mix, or sell liquor of any kind	§ 104-55	2	2	11	3	\$100	\$500
	Minors, possession, any alcoholic liquor	§ 104-56	2	2	11	4	\$100	\$500

## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Minors, consumption of alcoholic liquor	§ 104-57	2	2	11	5	\$100	\$500
	Minors, giving liquor to minors	§ 104-58	2	2	11	6	\$100	\$500
	Minors, failure to check positive identification	§ 104-59	2	2	11	7	\$100	\$500
	Minors, obtain false ID card by means of false information	§ 104-60	2	2	11	8	\$100	\$500
	Minors, use, carry, possess false or forged ID card	§ 104-60	2	2	11	8	\$100	\$500
	Minors, liquor license holder employing minor on license premises	§ 104-61A	2	2	11	9(a)	\$100	\$500
	Minors, on premises without parent, guardian, responsible adult	§ 104-61B	2	2	11	9(b)	\$100	\$500
	Minors, in area of dispensing of alcohol other than 1100-2000 hrs	§ 104-61B	2	2	11	9(b)	\$100	\$500
	Minors, in area of ingesting of alcohol other than 1100-2000 hours	§ 104-61B	2	2	11	9(b)	\$100	\$500
	Keeping automatic amusement device for public use without license	§ 108-3	2	2	14	3	\$100	\$500
	Keeping automatic amusement device which disturbs the peace	§ 108-6	2	2	14	6	\$100	\$500
	Keeping game machine for gain or profit without permit	§ 108-9	2	2	15	3	\$100	\$500
	Keeping game machine out of plain view	§ 108-12	2	2	15	6	\$100	\$500
	Exotic dancing, commission, allow, permit, participate	§ 100-2	2	2	18	2	\$250	\$500
Massage	Failure to properly display massage establishment license	§ 197-11	2	2	16	11	\$100	\$500
	Changing location of licensed business without clerk approval	§ 197-12	2	2	16	12	\$100	\$500

## PORT BYRON CODE

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Massage therapist failing to register within 5 days of employment	?? § 197-13A	2	2	16	12(A)	\$100	\$500
	Owner, proprietor, manager employing person under 18 years of age	?? § 197-13B	2	2	16	12(B)	\$100	\$500
	Licensee failure to register all massage therapists with renewal	?? § 197-13C	2	2	16	12(C)	\$100	\$500
	Violation of hours of operation	§ 197-14	2	2	16	14	\$100	\$500
	Persons other than licensee/employee on premises after closing	§ 197-15A	2	2	16	15(A)	\$100	\$500
	Person other than licensee on premises 1 hour after closing	§ 197-15B	2	2	16	15(B)	\$100	\$500
	Permittee not allowing/hindering inspection of premises	§ 197-16	2	2	16	16	\$100	\$500
	Fraud in practice of massage	§ 197-18A	2	2	16	18(1)	\$100	\$500
	Fraud or deceit in being qualified to practice massage	§ 197-18A	2	2	16	18(1)	\$100	\$500
	Licensee/therapist violating any other section of ordinance	§ 197-18J	2	2	16	18(10)	\$100	\$500
	Licensee/therapist violating any other section of ordinance	§ 197-18J	2	2	16	18(10)	\$100	\$500
	Licensee or massage therapist being convicted of felony	§ 197-18B	2	2	16	18(2)	\$100	\$500
	Licensee/therapist engaged in practice using false name	§ 197-18C	2	2	16	18(3)	\$100	\$500
	Licensee/therapist engaged in practice impersonating another	§ 197-18C	2	2	16	18(3)	\$100	\$500
	Licensee/therapist addicted to intoxicants, hindering performance	§ 197-18D	2	2	16	18(4)	\$100	\$500

## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Licensee/therapist practices other licensed profession w/o authority	§ 197-18E	2	2	16	18(5)	\$100	\$500
	Licensee/therapist prescribes medicines or drugs	§ 197-18E	2	2	16	18(5)	\$100	\$500
	Licensee/therapist false/misleading advertising	§ 197-18E	2	2	16	18(5)	\$100	\$500
	Licensee allows/permits unqualified person to perform massage	§ 197-18F	2	2	16	18(6)	\$100	\$500
	Licensee employs unqualified person to perform massage	§ 197-18F	2	2	16	18(6)	\$100	\$500
	Liquor being sold or consumed within establishment	§ 197-18G	2	2	16	18(7)	\$100	\$500
	Licensee/therapist has been convicted of prostitution	§ 197-18H	2	2	16	18(8)	\$100	\$500
	Any person touching another in the sexual or genital area, any way	§ 197-18I	2	2	16	18(9)	\$100	\$500
	Operation of massage establishment without license	§ 197-2A	2	2	16	2(A)	\$100	\$500
	Licensee employing unqualified massage therapist	§ 197-2B	2	2	16	2(B)	\$100	\$500
	Unqualified massage therapist conducting massage	§ 197-2C	2	2	16	2(C)	\$100	\$500
	Massage therapist conducting massage, not in licensed premises	§ 197-2C	2	2	16	2(D)	\$100	\$500

## PORT BYRON CODE

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
Parent	Inciting violations by minors, willfully cause, aid, or encourage minor to violate any law, or to tend to cause minor to violate	§ 201-6	4	2	11	3	\$100	\$500
	Improper supervision of minors, fail to make reasonable, necessary, and effective efforts to prevent minor from violating law	§ 201-7	4	2	11	4	\$100	\$500
	Vandalism and malicious damage, parent knowingly permit minor to willfully/maliciously damage or destroy property, injure person or animal	§ 201-8A	4	2	11	5(A)	\$100	\$500
	Vandalism and malicious damage, parent responsible for damages for damage or destruction of property, injure person or animal	§ 201-8B	4	2	11	5(B)	\$100	\$500
	Parent responsibility for violations by minors, to knowingly suffer, permit, or allow minor to violate any law	§ 201-9	4	2	11	6	\$100	\$500
Parking	Within 250 feet of entrance to Dorrance Park on Hillsdale Road			95	633	1	\$25	\$25
	Boat dock area, limited to vehicles with trailers in ramp area	§ 213-7D	4	3	1	7(D)	\$25	\$525
	On bridge or approach thereto	§ 290-2A(1)	7	2	1	1(a)	\$10	\$50
	On crosswalk	§ 290-2A(1)	7	2	1	1(a)	\$10	\$50
	In intersection	§ 290-2A(1)	7	2	1	1(a)	\$10	\$50
	Within 20 feet of intersection	§ 290-2A(2)	7	2	1	1(b)	\$10	\$50
	Within 30 feet of state road stop sign	§ 290-2A(2)	7	2	1	1(b)	\$10	\$50
	Within 30 feet of through street	§ 290-2A(2)	7	2	1	1(b)	\$10	\$50
	Where usable width of road begins less than 14 feet	§ 290-2A(3)	7	2	1	1(c)	\$10	\$50

## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Double parking	§ 290-2A(4)	7	2	1	1(d)	\$10	\$50
	Blocking the use of a driveway	§ 290-2A(5)	7	2	1	1(e)	\$10	\$50
	Within 10 feet of entrance to the post office	§ 290-2A(6)	7	2	1	1(f)	\$10	\$50
	Within 20 feet of either side of driveway entrance to fire station	§ 290-2A(6)	7	2	1	1(f)	\$10	\$50
	Within 25 feet of nearest rail at railroad crossing grade	§ 290-2A(6)	7	2	1	1(f)	\$10	\$50
	Where official signs prohibit parking	§ 290-2A(7)	7	2	1	1(g)	\$10	\$50
	On any sidewalk	§ 290-2A(8)	7	2	1	1(h)	\$10	\$50
	With 2 right wheels more than 12 feet from curb	§ 290-2B	7	2	1	2	\$10	\$50
	On street when 2 inches or more snow on road	§ 290-3A	7	2	2	1	\$10	\$50
	On street when emergency situation has been declared	§ 290-3A	7	2	2	1	\$10	\$50
Parking, RV	RV parked on Street	§ 290-4A(1)	7	2	3	1.a.	\$25	\$500
	RV parked on right of way	§ 290-4A(2)	7	2	3	1.b.	\$25	\$500
	RV parked on village property	§ 290-4A(3)	7	2	3	1.c.	\$25	\$500
	RV parked on property leased by village	§ 290-4A(4)	7	2	3	1.d.	\$25	\$500
	RV parked on property maintained by village	§ 290-4A(5)	7	2	3	1.e.	\$25	\$500
	RV on private property not owned by vehicle owner w/o consent	§ 290-4A(6)	7	2	3	1.f.	\$25	\$500
	RV on private property when vehicle blocks view	§ 290-4A(7)	7	2	3	1.g.	\$25	\$500
	RV parked on sidewalk	§ 290-4A(8)	7	2	3	1.h.	\$25	\$500
	RV parked where official signs prohibit	§ 290-4A(9)	7	2	3	1.i.	\$25	\$500
	RV on private property providing potential of fire hazard	§ 290-4A(10)	7	2	3	1.j.	\$25	\$500

## PORT BYRON CODE

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
Parks	Picnicking or lunching in area other than designated area	§ 213-10	4	3	1	10	\$25	\$525
	Conducting amusement for gain without permit	§ 213-3	4	3	1	3	\$25	\$525
	Assembly without permit	§ 213-4	4	3	1	4	\$25	\$525
	Littering	§ 213-6	4	3	1	6	\$25	\$525
	Disturb peace, use profane, obscene or blasphemous language	§ 213-6A	4	3	1	6(a)	\$25	\$525
	Commit an assault, battery, or engage in fighting	§ 213-6B	4	3	1	6(b)	\$25	\$525
	Endanger the safety of any person by conduct or act	§ 213-6C	4	3	1	6(c)	\$25	\$525
	Carry, possess, or drink any alcoholic liquor in park	§ 213-6D	4	3	1	6(d)	\$25	\$525
	Violate any posted rules for use of the park	§ 213-6E	4	3	1	6(e)	\$25	\$525
	Drive, park, or stop a vehicle on the boat docks	§ 213-6F	4	3	1	6(f)	\$25	\$525
	No loafing or loitering from dusk to dawn	§ 213-7A	4	3	1	7(a)	\$25	\$525
	No overnight parking without permission of police department	§ 213-7B	4	3	1	7(b)	\$25	\$525
	No commercial ventures without permit	§ 213-7C	4	3	1	7(c)	\$25	\$525
	Parking limited to vehicles with trailers in ramp areas	§ 213-7D	4	3	1	7(d)	\$25	\$525
	Curfew, under 18, out between 2300 and 0600, Monday through Friday	§ 201-1	4	2	1	1	\$25	\$500
Public	Curfew, under 18, out between 2400 and 0600, Saturday and Sunday	§ 201-1	4	2	1	1	\$25	\$500
	Curfew, parent allowing violation of curfew	§ 201-2	4	2	1	2	\$25	\$500
	Obscenity, selling within the village	§ 217-2A	4	2	2	2(a)	\$25	\$500



## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Obscenity, offers or attempts to sell within the village	§ 217-2B	4	2	2	2(b)	\$25	\$500
	Obscenity, distributes or gives away within the village	§ 217-2C	4	2	2	2(c)	\$25	\$500
	Obscenity, offers or attempts to gives away within the village	§ 217-2D	4	2	2	2(d)	\$25	\$500
	Obscenity, prints or publishes within the village	§ 217-2E	4	2	2	2(e)	\$25	\$500
	Obscenity, exhibits or shows within the village	§ 217-2F	4	2	2	2(f)	\$25	\$500
	Obscenity, produces, directs, or plays, any obscene play	§ 217-2G	4	2	2	2(g)	\$25	\$500
	Obscenity, advertises for sale within the village	§ 217-2H	4	2	2	2(h)	\$25	\$500
	Obscenity, advertises for viewing within the village	§ 217-2I	4	2	2	2(i)	\$25	\$500
	Obscenity, publicly performs obscene act within the village	§ 217-2J	4	2	2	2(j)	\$25	\$500
	Obscenity, publicly presents an obscene exhibition of his body	?? § 217-2J	4	2	2	2(k)	\$25	\$500
	Obscenity, buys or procures for resale	?? § 217-2K	4	2	2	2(l)	\$25	\$500
	Nuisances, when declared to be by laws of the State of Illinois	§ 208-1	5	2	1	1	\$25	\$500
	Filth in streets, unlawful to throw, deposit, or cause to be	§ 208-2	5	2	1	2	\$25	\$500
	Unhealthy premises, injurious, to any individual	§ 208-4	5	2	1	4	\$25	\$500
	Unhealthy premises, detrimental to health of any individual	§ 208-4	5	2	1	4	\$25	\$500
	Unhealthy premises, nauseous, foul, offensive, to any individual	§ 208-4	5	2	1	4	\$25	\$500

## PORT BYRON CODE

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Obstruction in streets, see ordinance	§ 208-5	5	2	1	5	\$25	\$500
	Obstructing street, see ordinance	§ 208-6	5	2	1	6	\$25	\$500
	Nuisances on private property, see ordinance	§ 208-7	5	2	1	7	\$25	\$500
	Obstruction, injury to public property	§ 265-1	6	1	1	1	\$25	\$500
	Obstruction, change of water course	§ 265-2	6	1	1	2	\$25	\$500
	Permit required to change or obstruct flow of water	§ 265-3	6	1	1	3	\$25	\$500
	Injury to streets, fences, trees, shrubs, railings	§ 265-4	6	1	1	4	\$25	\$500
	Injury to lamppost, telephone or telegraph pole or wire	§ 265-4	6	1	1	4	\$25	\$500
	Paper, debris on streets, sidewalks, depositing, placing or throw	§ 265-5	6	1	1	5	\$25	\$500
	Paper, debris on streets, sidewalks, leaving when may be blown	§ 265-5	6	1	1	5	\$25	\$500
	Paper, debris on streets, sidewalks, leaving when may scatter	§ 265-5	6	1	1	5	\$25	\$500
	Failure to furnish drainage ditch	§ 265-21	6	1	4	1	\$25	\$500
	Constructing or maintaining driveway without furnishing a culvert	§ 265-22	6	1	4	2	\$25	\$500
	Failure to keep culvert or ditch free of obstruction	§ 265-23	6	1	4	3	\$25	\$500
	Dumping leaves, trash, soil, other material in ditch or culvert	§ 265-24	6	1	4	4	\$25	\$500
Public	Obstructing ditch or culvert	§ 265-24	6	1	4	4	\$25	\$500
Railroads	Speed greater than 35 mph	§ 229-1	6	2	1	1	\$25	\$500
	Stopping more than 10 minutes when blocking public highway	§ 229-2	6	2	1	2	\$10	\$100

## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Failure to ring bell constantly while within village limits	§ 229-3	6	2	1	3	\$25	\$500
	Failure to maintain crossings	?? § 229-4	6	2	1	3	\$25	\$500
Roller skates	Prohibited on sidewalk in downtown business district, main street from Lynn to Walnut Streets	§ 245-8A	4	2	10	3(A)	\$50	\$500
	Prohibited on street in downtown business district, main street from Lynn to Walnut Streets	§ 245-8B	4	2	10	3(B)	\$50	\$500
	Prohibited on Illinois RT84 except to cross at 90° angle to get to opposite side after 1st stopping to assess traffic conditions	§ 245-8C	4	2	10	3(C)	\$50	\$500
	Prohibited in village owned or maintained park (does not include the bike path or Dorrance Park where it is allowed)	§ 245-8D	4	2	10	3(D)	\$50	\$500
	Prohibited on private or public property or parking lot except for legitimate business or with owners or owners agents written permission	§ 245-8E	4	2	10	3(E)	\$50	\$500
Skateboard	More than 1 person operating or riding on a roller skate at 1 time	§ 245-8F	4	2	10	3(F)	\$50	\$500
	Prohibited on any sidewalk in village	§ 245-3A	4	2	9	3(A)	\$50	\$500
	Prohibited on any street in village	§ 245-3B	4	2	9	3(B)	\$50	\$500
	Prohibited on any bike path in village	§ 245-3C	4	2	9	3(C)	\$50	\$500
	Prohibited on any private or public property, parking lots, without written permission of property owners or property owners agents	§ 245-3D	4	2	9	3(d)	\$50	\$500

## PORT BYRON CODE

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	More than 1 person operating or riding on a skateboard at 1 time	§ 245-3E	4	2	9	3(E)	\$50	\$500
Snow	Parking on street when emergency situation has been declared	§ 290-3A	7	2	2	1	\$10	\$50
	Parking on street when 2" or more snow on roadway	§ 290-3A	7	2	2	1	\$10	\$50
Tobacco	Business or person selling, offering for sale, giving away, furnishing, or delivering tobacco product/accessory to person under 18 yrs	§ 275-3A	2	2	17	3(A)	\$100	\$500
	Business failing to post required underage sign	§ 275-3B	2	2	17	3(B)	\$100	\$500
	Business failing to post required warning to minors sign	§ 275-3C	2	2	17	3(C)	\$100	\$500
	Business or person employing or allowing person under 18 yrs of age to sell tobacco products, smoking herbs, tobacco accessories	§ 275-3D	2	2	17	3(D)	\$100	\$500
	Business or person selling, offering to sell, giving away tobacco product/accessory within 100' of school or child care facility	§ 275-3E	2	2	17	3(E)	\$100	\$500
	Business or person selling, offering to sell, giving away tobacco product/accessory on property owned by village	§ 275-3F	2	2	17	3(F)	\$100	\$500
	Business having tobacco vending machine except for legally licensed tavern	§ 275-3G(1)	2	2	17	3(G)(1)	\$100	\$500
	Business has tobacco vending machine within 25' of entrance	§ 275-3G(1)	2	2	17	3(G)(1)	\$100	\$500
	Business has vending machine not in view of owner/employee during operation of machine	§ 275-3G(1)	2	2	17	3(G)(1)	\$100	\$500

## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Business does not having locking device on vending machine	§ 275-3G(2)(a)	2	2	17	3(G)(2)(a)	\$100	\$500
	Business commingle's tobacco products with other products in a vending machine	§ 275-3G(3)	2	2	17	3(G)(3)	\$100	\$500
	Business having free-standing displays of tobacco products or accessories	§ 275-3H	2	2	17	3(H)	\$100	\$500
	Selling tobacco products/smoking herb in form other than original factory wrapped package	§ 275-3I	2	2	17	3(I)	\$100	\$500
	Promoting or distribution tobacco/accessories on street, park, public ground, public building within village	§ 275-3J(1)	2	2	17	3(J)(1)	\$100	\$500
	Redemption of coupons or promotions only at checkout counter or location directly controlled by business employee	§ 275-3J(2)	2	2	17	3(J)(2)	\$100	\$500
	Selling, giving, furnishing tobacco products, smoking herb, tobacco accessories to any person under 18 years of age	§ 275-4A	2	2	17	4(A)(1)	\$100	\$500
	Selling or giving tobacco products, smoking herb, tobacco accessories to person known by seller to be under 18 years of age	§ 275-4B	2	2	17	4(A)(2)	\$100	\$500
	Selling or giving tobacco products, smoking herb, tobacco accessories to person without obtaining photo Id	§ 275-4C	2	2	17	4(a)(3)	\$100	\$500
	Selling or giving tobacco products, smoking herb, tobacco accessories to anyone other than in original factory-wrapped package	§ 275-4D	2	2	17	4(A)(4)	\$100	\$500

## PORT BYRON CODE

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
	Possessing tobacco products, smoking herb, tobacco accessories, by person under 18 yrs, except in own home with parent or guardian present	§ 275-5A(1)	2	2	17	5(A)(1)	\$100	\$500
	Using tobacco products, smoking herb, tobacco accessories, by person under 18 years, except in own home with parent/guardian present	§ 275-5A(2)	2	2	17	5(A)(2)	\$100	\$500
	Person under age 18 years purchasing tobacco products, smoking herb, tobacco accessories	§ 275-5A(3)	2	2	17	5(A)(3)	\$100	\$500
	Person under age 18 years accepting delivery of tobacco products, smoking herb, tobacco accessories	§ 275-5A(4)	2	2	17	5(A)(4)	\$100	\$500
	Any person giving person under age 18 false id, to purchase tobacco products, smoking herb, tobacco accessories	§ 275-5B(1)	2	2	17	5(B)(1)	\$100	\$500
	Any person misrepresenting age to purchase tobacco products, smoking herb, tobacco accessories	§ 275-5B(2)	2	2	17	5(B)(2)	\$100	\$500
	Any person using false id to purchase tobacco products, smoking herb, tobacco accessories	§ 275-5B(3)	2	2	17	5(B)(3)	\$100	\$500
	Any person in possession of false or altered id, to buy tobacco products, smoking herb, tobacco accessories	§ 275-5B(4)	2	2	17	5(B)(4)	\$100	\$500
	Open alcohol container in motor vehicle, carry, transport, possess	§ 104-5	2	2	4	5	\$100	\$500
	Maximum weight limit, over 10 tons when posted and prohibited	§ 290-6A	7	3	2	1	\$25	\$500
Traffic	Snowmobile, prohibited on any roadway and sidewalk	§ 290-7A(1)	7	3	3	1.1	\$50	\$500

## GENERAL PROVISIONS

Group	Violation	Updated Section Nos.	Title	Chap	Art	Sec	Minimum Fine	Maximum Fine
Vehicles	Snowmobile, prohibited on any private parking lot w/o permission	§ 290-7A(2)	7	3	3	1.2	\$50	\$500
	Snowmobile, prohibited on any public parking lot w/o permission	§ 290-7A(2)	7	3	3	1.2	\$50	\$500
	Abandonment of any motor vehicle on any public way	§ 285-3A	4	2	3	3(a)	\$25	\$500
	Abandonment on any public property or private property	§ 285-3B	4	2	3	3(b)	\$25	\$500
	Parking of inoperable on any public way when it presents a hazard	§ 285-3C	4	2	3	3(c)	\$25	\$500
	Parking of inoperable on any public way for more than 48 hours	§ 285-3D	4	2	3	3(d)	\$25	\$500
	Park of inoperable, private property, w/o consent of owner 8 hours	§ 285-3E	4	2	3	3(e)	\$25	\$500
	Parking of inoperable on private property in public view, 14 days	§ 285-3F	4	2	3	3(f)	\$25	\$500





## **Chapter 7**

### **BOARDS, COMMISSIONS AND COMMITTEES**

#### **ARTICLE I Green Committee**

#### **§ 7-2. Annual appointments.**

#### **§ 7-3. Objectives.**

#### **§ 7-4. Meetings.**

#### **§ 7-1. Formation.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### **ARTICLE I Green Committee**

**[Adopted 6-9-2008 by Ord. No. V080906A]**

#### **§ 7-1. Formation.**

That a committee be formed in the Village of Port Byron known as the "Port Byron 'Green' Committee.

#### **§ 7-2. Annual appointments.**

The committee will be reappointed annually by the Mayor with the advise and consent of the Village Board.

#### **§ 7-3. Objectives.**

The objectives of this committee will be to enhance sustainability in Port Byron by way of beautification projects, recommendations for energy-efficient practices, Earth Day Festival planning, and marketing "green" practices in the community.

#### **§ 7-4. Meetings.**

Open committee meetings will be held on an as needed basis, but not less than once per quarter.



## **Chapter 12**

### **CEMETERY**

**§ 12-1. Boundaries.**

**§ 12-2. Board of Managers.**

**§ 12-3. Records.**

**§ 12-4. Platting.**

**§ 12-5. Transfers of lots.**

**§ 12-6. Proceeds of sales.**

**§ 12-7. Agreement for care.**

**§ 12-8. Burials.**

**§ 12-9. Report of Managers.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 11-12-2002 by Ord. No. 02-12-11 (Title 1, Ch. 3, Art. 2, of the 1993 Code). Amendments noted where applicable.]**

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**§ 12-1. Boundaries.**

- A. That the following bounded and described lots, pieces or parcels of land situated in the Village of Port Byron, County of Rock Island and State of Illinois, to wit: the south 14 acres of the northwest quarter of the southeast quarter of Section 25 in township 19 north range one east of the fourth principal meridian subject to the public highway on the west end of said described land shall be a public Village cemetery to be known as oak grove, upon and after the due and proper transfer of said premises to said Village by the Oak Grove Cemetery Association.
- B. That the following bounded and described lots, pieces or parcels of land, situated in the Village of Port Byron, County of Rock Island and State of Illinois, to wit: the east 40 feet of lot number eight; and the unnumbered lot, dedicated for cemetery purposes, and bounded on the south by Cherry Street, on the west by lot 10, on the north by lot eight, and on the east by lot nine; all in Belcher and Sigsworth's addition to the town (now Village) of Port Byron, Rock Island County, Illinois shall be known as the Old Village Cemetery, and shall be a public Village cemetery to be maintained by said Village as a neglected cemetery, but no lots shall be sold therein.

**§ 12-2. Board of Managers.**

- A. There shall be a board of managers which may be known as the Oak Grove Cemetery Board and which shall be appointed by the Mayor, President of the Board of trustees with the advice and consent of the Board of trustees, consisting of a board of not less than three persons (nor more than five) who shall not hold any other elective or appointive office in the Village and the term of office of each of its members shall be three years, so staggered that the terms of at least one (but not more than two) shall expire on the first monday in may of each successive year. Said board of managers shall select from its number a President, secretary and treasurer, excepting that the treasurer may or may not be a member of said board.

- (1) Village Clerk. The Clerk of said Village shall have and perform the duties of such a Clerk as set forth in 65 ILCS 5/11-52.2-1.
- (2) Village Treasurer. The treasurer of said board shall have the custody of all money and property received in trust by said Village and, in connection therewith, perform such duties as are set forth in said 65 ILCS 5/11-52.2-1.

B. Powers of Board of Managers.

- (1) The Board of Managers shall have the care, charge, management, and control of such cemetery under the supervision of the Board of trustees of said Village of Port Byron and including the following powers:
  - (a) To lay out and ornament for cemetery purposes, the said ground and such grounds as the Village may hereafter acquire for cemetery purposes, to have the same surveyed and plats thereof made.
  - (b) To erect such buildings, tombs, enclosures or other structures, as they may deem advisable.
  - (c) To construct drives, roads, avenues and alleys through said grounds and establish the course, width, grade and ornaments thereof.
  - (d) To enclose such grounds, with a good and sufficient fence, as said board of managers shall deem necessary from time to time.
  - (e) To determine the value of burial lots which are offered for sale and, as the agents of said cemetery, to sell and dispose of such lots, on such terms and with such conditions for the permanent care and preservation of said cemetery and all its parts, as they may think proper.
  - (f) To appoint a sexton and other officers and employees, fix their compensation and prescribe their duties; and to make, (as the agents of said cemetery) all necessary contracts for the purpose of utilizing and adorning said grounds, said sexton shall be a special police and serve (without pay) when appointed as such by the Mayor and confirmed by the Village Board, and shall be subject to the rules of the police department.
  - (g) To make all necessary by-laws, rules or regulations governing said cemetery, and from time to time to amend or repeal the same; to prescribe the rights and duties of owners of lots therein, and properly control visitors to the cemetery; to prohibit the enclosure, adornment or use of lots in any manner they may deem improper; and in general to supervise and control the cemetery grounds and act in such ways as may be necessary in the premises, all their acts, nevertheless, being subject to revision and revocation by the Village Board.
- (2) The foregoing powers conferred upon the Board of managers of said cemetery, shall not be construed as giving to said board power to make any contract requiring any expenditures of moneys over and above the amount appropriated by

the Village Board for such purposes, and the revenue derived from the sale of lots, etc., in said cemetery.

C. Perpetual trusts.

- (1) Said Village Treasurer may receive, in perpetual trust, from the proprietors or owners of any lot in said cemetery, or any person interested in the maintained of the same any gift, devise or bequest of any money or property of a value of \$100 and upwards which may be donated to said board and thereby obligate said cemetery to give perpetual care to said lot, or lots, such care in all cases shall include the maintenance and care of said lots, and the graves thereon, but not monuments or artificial erections or grading without special contract.
- (2) Said Village Treasurer may also receive the perpetual care funds which may be transferred to it by the Oak Grove Cemetery Association now existing in the Village of Port Byron, Rock Island County, Illinois.
- (3) Said Village Treasurer shall invest all funds given, devised and bequeathed to it in perpetual trust for the care of lots and graves as provided for investment of trust funds by Chapter 148, Section 32 of the statutes of the State of Illinois, except that, in the case of all funds paid to the Oak Grove Cemetery Association of Port Byron, Illinois, heretofore, and by said association turned over to said board of managers as perpetual care funds, said funds shall be administered by said Village Treasurer in accordance with the terms and conditions of the perpetual care fund contracts issued and signed by the said Oak Grove Cemetery Association, and signed by the person or persons or estates having deposited said funds with said Oak Grove Cemetery Association.

**§ 12-3. Records.**

Said Village Treasurer shall cause to be kept in books provided for that purpose, a full and complete record of all their meetings, proceedings, orders, rules and regulations; of all plats and surveys; of all purchases and sales of property, with the names of the purchasers thereto, and a record of the title papers in full: and a complete register of all the burials in said cemetery with the date of burial and names and ages of the dead, which books of record shall, at all proper times, be open for the inspection of those interested.

**§ 12-4. Platting.**

In laying out said cemetery grounds, the managers shall cause the corners of the principal subdivisions to be indicated by substantial monuments to be fixed permanently in the ground, as starting points for future measurements and surveys; and such monuments shall be plainly indicated on the plats aforesaid, said plats when completed shall be certified by the surveyor who made the same, authenticated by the corporation seal of said Village, subscribed by the Mayor and Village Clerk, acknowledged before any officer authorized by law to take acknowledgments of deeds, and filed for record in the recorder's office in said rock island county, and the filing of such plats shall operate as a legal vacation of any former plats or subdivisions of said ground and of any streets, roads, or avenues passing through said

grounds. No change shall be made in the platting of lots sold, or in any laying out of the avenues or alleys adjacent thereto, without consent of the owners thereof.

#### **§ 12-5. Transfers of lots.**

The right of property to any burial lot which may be sold, shall be vested in the purchaser and his heir's a certificate of purchase, executed by and in the name of the Village of Port Byron, subscribed and acknowledged by the Mayor and Village Clerk and countersigned by the Clerk and treasurer of the Board of trustees and shall be recorded by him in a book kept for that purpose. Every transfer of such lots shall be made by surrendering such certificate to the Clerk and treasurer of said board who shall cancel the same, note such cancellation on the record and issue a new certificate in lieu thereof. Burial lots shall not be held and used for the purpose of speculation and no lot owner shall permit interment in or upon any lot held by him for compensation.

#### **§ 12-6. Proceeds of sales.**

The proceeds arising from the sale of lots in said cemetery shall be known as the cemetery fund, and shall be used by the Board of trustees to defray the expenses arising from the purchase, laying out, improvement, ornamentation and care of the cemetery and to the payment of any liabilities and charges that may be incurred in carrying out the provisions of said ordinance, and to no other purpose whatsoever, excepting the investment of surplus funds in their hands as provided in § 12-2 of this chapter as to the Board of trustees.

#### **§ 12-7. Agreement for care.**

Any lot owner aforesaid desiring to avail himself or herself of the provisions of § 12-6 as to perpetual trust funds, may give, devise or bequeath said funds to said board of trustees who are hereby authorized to and shall give to such person so paying such sum of money a receipt and contract therefor substantially in the following form:

**The Oak Grove Cemetery Board  
Village of Port Byron  
Port Byron, Illinois**

In consideration of \$\_\_\_\_\_ dollars, having been deposited with the Oak Grove Cemetery Board of the Village of Port Byron, for the perpetual care of lot \_\_\_\_\_ located as follows: lot no. \_\_\_\_\_ block no. \_\_\_\_\_ in the Oak Grove Cemetery, Port Byron, Illinois, to place the aforesaid amount at interest, the income only to be used, and as follows: 3/4 to be used in the care of lot \_\_\_\_\_ and 1/4 to go to the Oak Grove Cemetery Board to be used as they see fit; and it is further agreed that if any part of the 3/4 income is not used within the fiscal year the same is to be carried to the following year or years

To be used in care of aforesaid lot.

\_\_\_\_\_ President

\_\_\_\_\_ Secretary and Treasurer

Deposited By \_\_\_\_\_

**§ 12-8. Burials. [Amended 12-13-2007 by Ord. No. V071012]**

- A. Burial of the destitute. There shall be set apart a sufficient portion of said cemetery grounds as a free burial place for the interment of any destitute person who may die within the Village, and whom it shall be necessary for the Village to bury. Said grounds shall be kept and ornamented as the said board may deem proper out of any of the cemetery funds in their hands not otherwise appropriated.
- B. Number of remains in one grave site. There shall be a limit to the number of burial remains to a maximum of two per each grave site within the cemetery. This may consist of one full burial and one cremation; one full burial and one baby; or two cremations.

**§ 12-9. Report of Managers.**

The Village Board shall, between the first and 10th days of April in each year, report a detailed statement of all receipts and expenditures of money made by them during the preceding fiscal year or since the last report, respectively, the amount of money invested and the nature of the investment and the amount of money on hand at the time of such report.





## **Chapter 19**

### **ELECTIONS**

#### **§ 19-1. Election date.**

#### **§ 19-2. Election precinct.**

**[HISTORY: Derived from Title 1, Ch. 4, Art. 2, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]**

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#### **§ 19-1. Election date.**

In the best Interests of the Village and pursuant to the provisions of Chapter 46, Section 2-34 of the Illinois Revised Statutes, the Village of Port Byron hereby designates the date as set by the State of Illinois and Rock Island County.

#### **§ 19-2. Election precinct.**

The territory embraced within the corporate limits of the Village shall be one election precinct and no person shall vote at any election who has not resided in said Village, in the County of Rock Island, and in the State of Illinois 30 days previous to the time of offering his vote.



## **Chapter 23**

### **EMERGENCY MANAGEMENT**

#### **ARTICLE I** **Civil Defense**

- § 23-1. Establishment.**
- § 23-2. Director.**
- § 23-3. Functions.**
- § 23-4. Service as mobile support team.**
- § 23-5. Agreements with other political subdivisions.**
- § 23-6. Emergency action.**
- § 23-7. Compensation.**
- § 23-8. Reimbursement by state.**
- § 23-9. Purchases and expenditures.**
- § 23-10. Oath.**
- § 23-11. Office.**

#### **§ 23-12. Appropriation; levy of taxes.**

#### **ARTICLE II** **Declaration of Emergency**

- § 23-13. Authority to declare.**
- § 23-14. Duties and responsibilities.**

#### **ARTICLE III** **Emergency Manager**

- § 23-15. Creation of office: appointment.**
- § 23-16. Duties and responsibilities.**
- § 23-17. Compensation.**
- § 23-18. Qualifications and training.**

#### **Major Emergency/Disaster Command Flow Chart**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### **ARTICLE I** **Civil Defense** **[Derived from Title 1, Ch. 3, Art. 1, of the 1993 Code]**

#### **§ 23-1. Establishment.**

- A. There is hereby created the local Municipal Civil Defense Organization to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural disaster, in accordance with "The Illinois Civil Defense Act of 1951", as amended.
- B. The Civil Defense Organization shall consist of the Director and additional members to be selected by the Director.

#### **§ 23-2. Director.**

- A. The Director of the Municipal Civil Defense Organization shall be appointed by the President and Board of Trustees and shall serve until removed by the same.

- B. The Director shall have direct responsibility for the organization, administration, training and operation of the Civil Defense Organization, subject to the direction and control of the Village President, as provided by Statute.
- C. In the event of the absence, resignation, death or inability to serve of the Director, the Village President or any person designated by him, shall be and act as Director until a new appointment is made as provided in this chapter.

### **§ 23-3. Functions.**

The Municipal Civil Defense Organization shall perform such civil defense functions within the Municipality as shall be prescribed in and by the State civil defense plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any Mutual Aid Agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by the "Illinois Civil Defense Act of 1951", as amended.

### **§ 23-4. Service as mobile support team.**

- A. All or any members of the Municipal Civil Defense Organization may be designated as members of a Mobile Support Team created by the State Director of Civil Defense as provided by law.
- B. The leader of such Mobile Support Team shall be designated by the Director of the Municipal Civil Defense Organization.
- C. Any member of a Mobile Support Team who is a municipal employee or officer while serving on call to duty by the Governor, or the State Director of Civil Defense, shall receive the compensation and have the powers, duties, rights and immunities incident to such employment or office.
- D. Any such member who is not a paid officer or employee of the Municipality, while so serving, shall receive from the State reasonable compensation as provided by law.

### **§ 23-5. Agreements with other political subdivisions.**

The Director of the Civil Defense Organization may negotiate Mutual Aid Agreements with other municipal corporations or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Board of Trustees and by the State Director of Civil Defense.

### **§ 23-6. Emergency action.**

If the Governor declares that a civil defense emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of major disaster resulting from enemy sabotage or other hostile action or from natural disaster, it shall be the

duty of the Municipal Civil Defense Organization to cooperate fully with the State office of civil defense and with the Governor in the exercise of emergency powers as provided by law.

**§ 23-7. Compensation.**

Members of the Civil Defense Organization who are paid employees or officers of the Municipality, if called for training by the State Director of Civil Defense, shall receive for time spent in such training the same rate of pay as is attached to the position held; members who are not such municipal employees or officers shall receive for such training time such compensation as may be established by the Board of Trustees.

**§ 23-8. Reimbursement by state.**

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

**§ 23-9. Purchases and expenditures.**

- A. The Board of Trustees may, on recommendation of the Municipal Director of Civil Defense, authorize any purchase or contracts necessary to place the Municipality in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from natural disaster.
- B. In the event of enemy caused or natural disaster, the Municipal Director of Civil Defense is authorized, on behalf of the Municipality, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the exigency, without regard to the statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations, as authorized by "The Illinois Civil Defense Act of 1951", as amended; provided that, if the Board of Trustees meets at such times, he shall act subject to the directions and restrictions imposed by that body.

**§ 23-10. Oath.**

Every person appointed to serve in any capacity in the Municipal Civil Defense Organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Director:

"I, (Name) a member of the Civil Defense Organization of the Village of Port Byron do solemnly swear 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 that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Port Byron Civil Defense Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

**§ 23-11. Office.**

The Village President is authorized to designate space in the Village Hall or elsewhere, as may be provided for by the Village Board for the Municipal Civil Defense Organization as its office.

**§ 23-12. Appropriation; levy of taxes. [Amended 1-21-1974]**

The Village Board may have an appropriation for civil defense purposes in the manner provided by law, and may levy in addition for civil defense purposes only, a tax not to exceed \$0.05 per \$100 of the assessed value of all taxable property in addition to all other taxes, as provided by "The Illinois Civil Defense Act of 1951", as amended; provided, however, that the amount collectable under such levy shall in no event exceed \$0.25 per capita.

**ARTICLE II**

**Declaration of Emergency**

**[Adopted 2-14-2005 by Ord. No. 051402B]**

**§ 23-13. Authority to declare.**

The authority to declare an emergency or disaster is held by the Village President.

**§ 23-14. Duties and responsibilities.**

The Village President shall have the duties and responsibilities, but not limited to:

- A. Assume responsibility for the overall emergency response and recovery operations.
- B. Assign the Village Emergency Manager as Lead Commander of all emergency/disaster operations.
- C. Assess the emergency/disaster and determine the severity of the emergency/disaster and the level of emergency response needed for operations.

- D. If the emergency/disaster exceeds the response capabilities of the Village, notification for assistance shall be made to Rock Island County ESDA for additional county, state or federal response resources.
- E. Ensure all emergency response is in accordance with current systems of Incident Command, Unified Command and National Incident Management System (NIMS) standards.
- F. Authorizes the mitigation strategy for recovery.
- G. Assist with the ongoing review and revisions of policies for the emergency response organizations and operations.

### ARTICLE III

#### Emergency Manager

[Adopted 2-14-2005 by Ord. No. 051402C]

#### **§ 23-15. Creation of office: appointment.**

There is created the Office of Emergency Manager, an executive office of the Village. The Emergency Manager shall be appointed by the President of the Board of Trustees by and with the consent of the Board of Trustees. The Emergency Manager shall be appointed annually and shall hold the office, unless sooner discharged, until the end of the municipal year for which the Emergency Manager is appointed or until a successor is appointed and qualified.

#### **§ 23-16. Duties and responsibilities.**

During a declared emergency, the Emergency Manager shall have the following duties and responsibilities:

- A. Shall have the day-to-day responsibility of managing emergency management response, activities and programs to include but not limited to;
  - (1) Coordinating all aspects of the Village's mitigation, preparedness, response, and recovery operations.
  - (2) Coordinates resources from all operational organizations before, during, and after the declared emergency.
  - (3) Coordinates and directs all Village Department heads and Supervisors to include police, fire, public works, support staff, volunteers and any other group or organization so needed to respond to the emergency.
  - (4) Ensure that all activities by all emergency responders and support staff are compliant with the Unified Command System, Incident Command System, National Incident Management System and local, State and federal Laws.
  - (5) Coordinate mutual-aid response as needed via ILEAS, MABUS, Rock Island County ESDA and IEMA.

- (6) Report as needed, emergency response activities to the Village President and/or Board of Trustees.
  - (7) Provide a written report of the emergency activities to the Village President and Board of Trustees within 30 days upon termination of the declared emergency.
- B. In the absence of the Village President, the Emergency Manager shall have final authority of all declared emergency and/or disaster operations. In the absence of both the Village President and Emergency Manager the succession of authority during the declared emergency/disaster shall be the Police Chief or Fire Chief depending on the nature of the emergency/disaster.

**§ 23-17. Compensation.**

The compensation for the Emergency Manager position shall be fixed annually by the Village Board of Trustees and in addition to any other compensation afforded the appointee.

**§ 23-18. Qualifications and training.**

The Emergency Manager shall have achieved training certificates in the areas of; Incident Command, Unified Command, NIMS and Emergency Management issued from or equivalent to the agencies of Illinois Emergency Management Agency, Federal Emergency Management Agency, Fire Service Institute (State and/or Federal) and/or other training provided by State and/or Federal agencies. Training from the private sector may also be considered. The Board of Trustees shall ensure the Emergency Manager receives continual training/education in the field of emergency management.

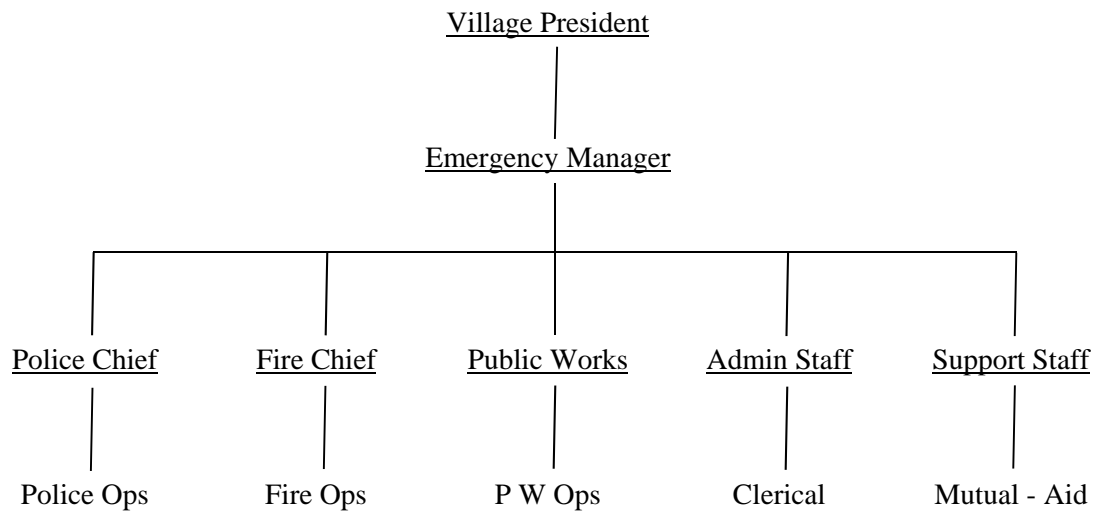


MANUSCRIPT  
EMERGENCY MANAGEMENT

*23 Attachment 1*

**Village of Port Byron**

**Major Emergency/Disaster  
Command Flow Chart**





## Chapter 28

### FINANCES

#### ARTICLE I Capital Reserve Fund

##### § 28-1. Establishment of fund; purpose.

##### § 28-2. Ledger divisions.

##### § 28-3. Intent.

##### § 28-4. Votes required for expenditures.

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I Capital Reserve Fund [Adopted 5-8-2006 by Ord. No. 060805B]

##### § 28-1. Establishment of fund; purpose.

That a Capital Reserve Fund Account shall be established for capital expenditures and/or replacement of depreciated or damaged capital assets.

##### § 28-2. Ledger divisions. [Amended 6-11-2007 by Ord. No. 071106C]

The Capital Reserve Fund Account shall be established with separate ledger areas divided as follows for purposes of tracking individual accounts and each year the following accounts and balances shall be established until further action by the Village:

- A. Buildings and grounds: \$5,000.
- B. Fire: \$7,000.
- C. Police: \$12,000.
- D. Streets and bridges: \$10,000.
- E. Water: \$25,000.
- F. Sewer: \$25,000.
- G. Cemetery: \$2,500.

##### § 28-3. Intent.

It is intended that these various accounts shall accumulate in order to provide replacement for new assets as determined necessary from time to time.

**§ 28-4. Votes required for expenditures.**

In order to spend funds from those accounts a super majority vote shall be required. A minimum of two-thirds votes shall be required for any expenditures.

## **Chapter 34**

### **INVESTMENT POLICY**

**§ 34-1. Scope.**

**§ 34-2. General objectives.**

**§ 34-3. Standards of care.**

**§ 34-4. Safekeeping and custody.**

**§ 34-5. Suitable and authorized investments.**

**§ 34-6. Investment parameters.**

**§ 34-7. Reporting.**

**§ 34-8. Policy considerations.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 12-6-1999 by Ord. No. 99-6-12A (Title 1, Ch. 4, Art. 4, of the 1993 Code). Amendments noted where applicable.]**

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**§ 34-1. Scope.**

- A. This policy applies to the investment of short-term operating funds. Longer-term funds, including investments of employees' investment retirement funds and proceeds from certain bond issues, are covered by a separate policy.
- B. Pooling of Funds. Except for cash in certain restricted and special funds, the Village will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

**§ 34-2. General objectives.**

- A. The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield:
  - (1) Safety. Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.
    - (a) Credit Risk. The Village will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
      - [1] Limiting investment to the safest type of securities.
      - [2] Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the Village will do business.
      - [3] Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

(b) Interest Rate Risk. The Village will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

- [1] Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
  - [2] Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.
- (2) Liquidity. The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio also may be placed in money market mutual funds or local government investment pools which offer same-day liquidity for short-term funds.
- (3) Yield. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

B. Securities shall not be sold prior to maturity with the following exceptions:

- (1) A security with declining credit may be sold early to minimize loss of principal.
- (2) A security swap would improve the quality, yield, or target duration in the portfolio.
- (3) Liquidity needs of the portfolio require that the security be sold.

### **§ 34-3. Standards of care.**

A. Prudence.

- (1) The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

- (2) Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.
- B. Ethics and Conflicts of Interest. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Village.
- C. Delegation of Authority. Authority to manage the investment program is granted to [designated official, hereinafter referred to as investment officer] and derived from the following: (insert code citation, ordinances, charters or statutes). Responsibility for the operation of the investment program is hereby delegated to the investment officer, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with the investment policy. Procedures should include referenced to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officer. The investment officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

**§ 34-4. Safekeeping and custody.**

- A. Authorized financial dealers and institutions.
  - (1) A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected by creditworthiness (e.g. a minimum capital requirement of \$10,000,000 and at least five years of operation). These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule).
  - (2) All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:
    - (a) Audited financial statements.
    - (b) Proof of National Association of Securities Dealers (NASD) certification.
    - (c) Proof of state registration.
    - (d) Completed broker/dealer questionnaire.

- (e) Certification of having read and understood and agreeing to comply with the Village's investment policy.
- (3) An annual review of the financial condition and registration of qualified financial institutions and broker/dealers will be conducted by the investment officer.
- (4) From time to time, the investment officer may choose to invest in instruments offered by minority and community financial institutions. In such situations, a waiver to the criteria under **Paragraph I** may be granted. All terms and relationships will be fully disclosed prior to purchase and will be reported to the appropriate \_\_\_\_\_ [Colona] on a consistent basis and should be consistent with state or local law. These types of investment purchases should be approved by the appropriate legislative or governing body in advance.

B. Internal controls.

- (1) The investment officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the Village are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that:
  - (a) The cost of a control should not exceed the benefits likely to be derived and
  - (b) The valuation of costs and benefits requires estimates and judgments by management.
- (2) Accordingly, the investment officer shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:
  - (a) Control of collusion.
  - (b) Separation of transaction authority from accounting and recordkeeping.
  - (c) Custodial safekeeping.
  - (d) Avoidance of physical delivery securities.
  - (e) Clear delegation of authority to subordinate staff members.
  - (f) Written confirmation of transactions for investments and wire transfers.
  - (g) Development of a wire transfer agreement with the lead bank and third-party custodian.

C. Delivery vs. Payment. All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian as evidenced by safekeeping receipts.



**§ 34-5. Suitable and authorized investments.**

**A. Investment types.**

- (1) Consistent with the GFOA Policy Statement on State and Local Laws Concerning Investment Practices, the following investments will be permitted by this policy and are those defined by state and local law where applicable:
  - (a) U.S. government obligations, U.S. government agency obligations, and U.S. government instrumentality obligations, which have a liquid market with a readily determinable market value;
  - (b) Canadian government obligations (payable in local currency);
  - (c) Certificates of deposit and other evidences of deposit at financial institutions, bankers' acceptances, and commercial paper, rated in the highest tier (e.g. A-1, P-1, F-1, or D-1 or higher) by a nationally recognized rating agency;
  - (d) Investment-grade obligations of state, provincial and local governments and public authorities;
  - (e) Repurchase agreements whose underlying purchased securities consist of the foregoing;
  - (f) Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of dollar-denominated securities; and
  - (g) Local government investment pools, either state-administered or through joint powers statutes and other intergovernmental agreement legislation.
- (2) Investment in derivatives of the above instruments shall require authorization by the appropriate governing authority. (See the GFOA Recommended Practice on "Use of Derivatives by State and Local Governments," 1994.)

**B. Collateralization.** Where allowed by state law and in accordance with the GFOA (Government Finance Officers' Association) Recommended Practices on the Collateralization of Public Deposits, full collateralization will be required on non-negotiable, certificates of deposit.

**C. Repurchase agreements.** Repurchase agreements shall be consistent with GFOA Recommended Practices on Repurchase Agreements.

**§ 34-6. Investment parameters.**

**A. Diversification.** The investments shall be diversified by:

- (1) Limiting investments to avoid overconcentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities).
- (2) Limiting investment in securities that have higher credit risks.

- (3) Investing in securities with varying maturities, and
- (4) Continuously investing a portion of the portfolio in readily available funds such as local government investment pools (LGIPs), money market funds or overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations. (See the GFOA Recommended Practice on "Diversification of Investments in a Portfolio" in Appendix 3.).

B. Maximum maturities.

- (1) To the extent possible, the Village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Village will not directly invest in securities maturing more than five years from the date of purchase or in accordance with state and local statutes and ordinances. The Village shall adopt weighted average maturity limitations (which often range from 90 days to three years), consistent with the investment objectives.
- (2) Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five years if the maturity of such investments are made to coincide as nearly as practicable with the expected use of funds. The intent to invest in securities with longer maturities shall be disclosed in writing to the legislative body.
- (3) Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as LGIPs, money market funds, or overnight repurchase agreements to ensure that appropriate liquidity is maintained to meet ongoing obligations.

**§ 34-7. Reporting.**

A. Methods. The investment officer shall prepare an investment report at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the \_\_\_\_\_ [Colona] to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the investment officer, the legislative body, and any pool participants. The report will include the following:

- (1) Listing of individual securities held at the end of the reporting period.
- (2) Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities over one-year duration that are not intended to be held until maturity (in accordance with Governmental Accounting Standards Board (GASB) requirements).
- (3) Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks.
- (4) Listing of investment by maturity date.

- (5) Percentage of the total portfolio which each type of investment represents.
- B. Performance standards. The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis.
- C. Marking to market. The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed consistent with GFOA Recommended Practice on "Mark-to-Market Practices for State and Local Government Investment Portfolios and Investment Pools." In defining market value, considerations should be given to the GASB Statement 31 pronouncement.

**§ 34-8. Policy considerations.**

- A. Exemption. Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.
- B. Amendments. This policy shall be reviewed on an annual basis. Any changes must be approved by the investment officer and any other appropriate authority, as well as the individual(s) charged with maintaining internal controls.



## **Chapter 55**

### **OFFICERS AND EMPLOYEES**

#### **ARTICLE I Officers**

- § 55-1. Officer named.**
- § 55-2. Vacancies.**
- § 55-3. Oath, bonds; who may administer.**
- § 55-4. Qualifications.**
- § 55-5. Officer to hold one office only.**
- § 55-6. Conservators of peace.**
- § 55-7. Powers conferred upon state officers.**
- § 55-8. Salaries.**

#### **ARTICLE II Village President**

- § 55-9. Qualifications.**
- § 55-10. Vacancy; duties.**
- § 55-11. Veto of ordinances.**

#### **ARTICLE III Village Clerk**

- § 55-12. Records of meetings.**
- § 55-13. List of committees; signature.**
- § 55-14. Supervision of revenues; deeds and vouchers.**
- § 55-15. Collector duties.**

#### **ARTICLE IV Village Collector**

- § 55-16. Creation of office.**
- § 55-17. Appointment.**
- § 55-18. Salary.**
- § 55-19. Duties.**

#### **§ 55-20. Reports.**

#### **ARTICLE V Village Treasurer**

- § 55-21. Duties.**
- § 55-22. Clerk may serve.**

#### **ARTICLE VI Animal Control Officer**

- § 55-23. Creation of position.**
- § 55-24. Badge of office.**
- § 55-25. Supervision of the animal shelter and other facilities.**
- § 55-26. Impoundment of animals.**
- § 55-27. Miscellaneous.**

#### **ARTICLE VII Maintenance and Utility Man**

- § 55-28. Appointment.**
- § 55-29. General duties.**
- § 55-30. Salary fixed by Board.**

#### **ARTICLE VIII Building Inspector**

- § 55-31. Building Inspector ordinance.**
- § 55-32. Powers.**
- § 55-33. Duties.**
- § 55-34. Term of office.**
- § 55-35. Compensation.**

**ARTICLE IX  
Purchases; Prevailing Wages; Grievances**

- § 55-36. Purchased by employees.  
§ 55-37. Public works construction;  
wages paid laborers.  
§ 55-38. Grievance procedure for Village  
employees.

**ARTICLE X  
Participation in State Retirement Fund**

- § 55-39. Election to participate.  
§ 55-40. Standard for participation.  
§ 55-41. Filing.

**ARTICLE XI  
Sexual Harassment Policy**

- § 55-42. Prohibition.  
§ 55-43. Definitions.

**ARTICLE XII  
State Officials and Employees Ethics Act**

- § 55-44. Adoption by reference.  
§ 55-45. Prohibited activities.  
§ 55-46. Terms defined.  
§ 55-47. Violations and penalties.  
§ 55-48. Construal of provisions.  
§ 55-49. Incorporation of amendments.  
§ 55-50. Severability.

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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**ARTICLE I  
Officers  
[Derived from Title 1, Ch. 2, Art. 1, of the 1993 Code]****§ 55-1. Officer named.**

The officers of the Village shall consist of a Village President, six Trustees and a Village Clerk.

**§ 55-2. Vacancies.**

Vacancies occurring in any office except that of the Village President or Trustee, shall be filled by appointment of the Village President, with the consent of the Board of Trustees.

**§ 55-3. Oath, bonds; who may administer.****A. Oath.**

- (1) All officers of the Village shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

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 \_\_\_\_\_ according to the best of my ability.

- (2) Which oath or affirmation so subscribed to shall be filed with the Village Clerk. The President and Clerk shall have the power to administer oaths and affirmations upon all lawful occasions.
- B. All such officers, except the Trustees shall, before entering upon the duties of their respective offices, execute a bond, with security to be approved by the Board of Trustees, payable to the said Village, in such penal sum as is set forth by the State and Board of Trustees, conditioned for the faithful performance of the duties of the office, and the payment of all moneys received by such officer, according to the law and the ordinances of the Village.
- C. The following shall give bond in the following amounts: **[Amended 7-9-2007 by Ord. No. 070907V3]**
  - (1) Village President: \$3,000.
  - (2) Village Clerk: \$16,000.
  - (3) Village Treasurer: \$6,000.
  - (4) Chief of Police: \$3,000.
  - (5) Deputy Clerk: \$16,000.

#### **§ 55-4. Qualifications.**

No person shall be eligible to any office who is not a qualified elector of the Village, who shall not have resided therein at least 30 days preceding his election or appointment; nor shall any person be eligible to any office who is in default to the Village.

#### **§ 55-5. Officer to hold one office only.**

The Village President, Village Clerk or member of the Board of Trustees shall not hold any other office under the Village government during his term of office.

#### **§ 55-6. Conservators of peace.**

The Village President, Trustees and Chief of Police shall be conservators of the peace, and as such shall exercise the powers conferred upon them under the Statutes of the State of Illinois.

**§ 55-7. Powers conferred upon state officers.**

Any sheriff of Rock Island County, Illinois, may serve any process or make any arrest authorized to be made by any Village officer.

**§ 55-8. Salaries.**

The compensation paid the elected and appointed officials of the Village and of the various employees thereof shall be set from time to time by the President and Board of Trustees.

**ARTICLE II****Village President**

**[Derived from Title 1, Ch. 2, Art. 3, of the 1993 Code]**

**§ 55-9. Qualifications.**

The Village President shall be a citizen of the United States.

**§ 55-10. Vacancy; duties.**

- A. Whenever a vacancy shall occur in the office of Village President, when the unexpired term shall be one year or more, from the date when the vacancy occurs, it shall be filled by special election. If the vacancy is less than one year, the Board of Trustees shall elect one of its own members to act as President until the next annual election, and until his successor is elected and qualified. If the President, at any time during his term of office, shall move from the limits of said Village, his office shall thereby become vacant.
- B. During a temporary absence or disability of the Village President, the Board shall elect one of its own members to act as President pro tem, who, during such absence or disability of the President, shall possess the power of the President.
- C. The President shall preside at all meetings of the Board, but shall not vote except in case of a tie, when he shall give the casting vote.
- D. The President shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the Village demand such removal, but he shall report the reasons for such removal to the Board of Trustees at a meeting thereof to be held not less than five days nor more than 10 days after such removal. If the President shall fail or refuse to file with the Village Clerk a statement of the reasons of the said removal, or if the Board by 2/3 vote of all its members authorized by law to be elected, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take new oath of office. No officer shall be removed a second time for the same offense.
- E. The President may release any person imprisoned for the violation of any Village ordinance, and shall report such release, with the cause thereof, to the Board at its first session thereafter.



- F. The President shall perform such duties as are or may be required by law or by the Village ordinances, and shall take care that the laws and ordinances are faithfully executed. He shall have the power at all times to examine and inspect books, records and papers of any agent, employee or officer of the Village.

**§ 55-11. Veto of ordinances.**

- A. All ordinances passed by the Board of Trustees, shall, before they take effect, be deposited with the Village Clerk, and if the Village President approves thereof, he shall sign the same, and such as he does not approve he shall return to the Board with his objections thereto in writing at the next regular meeting of the Board, occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto extends only to part of such ordinance, the residue thereof shall take effect and be in force, but in case the President shall fail to return any ordinance with his objections thereto by the time aforesaid, he shall be deemed to have approved such ordinance and the same shall take effect accordingly.
- B. Upon the return of any ordinance by the President, with his veto, the vote by which the same was passed shall be reconsidered by the Board, and if, after such reconsideration, 2/3 of all the members elected to the Board shall agree by yeas and nays, to pass the same, it shall go into effect, notwithstanding the President may refuse to approve the same.

**ARTICLE III**

**Village Clerk**

**[Derived from Title 1, Ch. 2, Art. 4, of the 1993 Code]**

**§ 55-12. Records of meetings.**

- A. The Village Clerk shall attend every meeting of the Board of Trustees and shall keep a correct record of all proceedings of said Board, and safely keep the Corporate Seal and use it in all cases where necessary, whenever applied to for that purpose; the Clerk shall notify all committees appointed by said Board of their appointment; and the Clerk shall perform all other duties which, by usage and custom, devolve upon clerks and secretaries of incorporated bodies; and to facilitate the discharge of the Clerk's duties, the Clerk may, and the Clerk is hereby authorized, to procure for said Village, such blank forms as may be necessary for the above purpose.
- B. The Clerk shall keep all the records, papers, ordinances, votes and proceedings of the Board, and of the Village, and of all assessments and returns, and of the elections of the Village officers, and shall record in a book, all ordinances of said Village, and all appointments of officers of said Village, and have all ordinances, when so required by law, published immediately after their passage; and should any records or papers, or other instrument of writing belonging to said Village be lost or obliterated the Clerk shall be responsible for the damage that may accrue by such loss.

**§ 55-13. List of committees; signature.**

The Clerk shall keep a list of all committees appointed by said Board or the Village President, and in conjunction with the Village President, sign all ordinances, bonds and licenses and affix the Seal of the Village thereto, and perform such other duties as may be required by the Board of Trustees.

**§ 55-14. Supervision of revenues; deeds and vouchers.**

The Clerk shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection or disbursement of corporation revenues, and report and pay them monthly into the treasury. The Clerk shall have charge of all deeds, vouchers, books and papers of any kind; the control of which is not given to any other officer.

**§ 55-15. Collector duties.**

- A. It shall be the duty of the Clerk, who shall also be the Village Collector of special assessments, into whose hands all warrants for collection shall so come, as for as practicable, to call upon all persons resident within the Village, whose names appear on the assessment roll, or the occupants of the property assessed, and personally or by written or printed notice left at the Clerk's abode, inform them of such assessment and request payment of the same.
- B. It shall be the duty of the Clerk as collector of special assessments, by the second Monday in April of each year, to make a report to the general officers of Rock Island County designated by the general revenue laws of this State, to apply for a judgment and sell lands for taxes due the County and State, of all lands, town lots and real property on which the Clerk shall have been unable to collect special assessments, if any, with the amount of the special assessments due and unpaid thereon, together with the Clerk's warrant authorizing the collection thereof; which report shall be accompanied with the oath of the Collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments remain due and unpaid; that the Clerk cannot collect the same, or any part thereof, and that the Clerk has given the notice required by law that the said warrants have been received by the Clerk for collection. The Clerk shall also file with the County Collector, on or before March 15, in each and every year, a list of all delinquents for special assessments or special tax which may remain in the Clerk's hands, according to the State law in such case made and provided.

**ARTICLE IV****Village Collector**

[Adopted 4-12-1982 by Ord. No. 4-12-82 (Title 1, Ch. 2, Art. 5, of the 1993 Code)]

**§ 55-16. Creation of office.**

There is hereby created the Office of the Village Collector.

**§ 55-17. Appointment.**

The Village Clerk of the Village of Port Byron, Illinois shall be the Village Collector.

**§ 55-18. Salary. [Amended 3-20-1995; 7-9-2007 by Ord. No. 070907V2]**

The salary of the Village Collector shall be in sum of \$300 per month.

**§ 55-19. Duties.**

It shall be the duty of the Village Collector to collect and receive monies that are not paid directly to the Treasurer, and to keep such records pertaining to such collections as may be required by statute or ordinance.

**§ 55-20. Reports.**

The Village Collector shall make such reports as are required by statute. The Village Collector shall also make an annual report during the last month of the fiscal year, showing all the activities of his or her office.

ARTICLE V  
**Village Treasurer**  
**[Derived from Title 1, Ch. 2, Art. 6, of the 1993 Code]**

**§ 55-21. Duties.**

- A. The Village Treasurer shall receive all monies belonging to said Village and shall keep his books and accounts in such a manner as to exhibit, at all times, the true financial condition of the corporation, and such books and accounts shall always be subject to the inspection of any member of the Board of Trustees. He shall give every person paying money into the Treasury a receipt therefor, specifying the date of payment and on what account, and shall keep such receipt on file. He shall keep all monies belonging to said Village in some secure place, separate and distinct from his own monies, and he shall not use, either directly or indirectly, corporation money in his custody, for his own use.
- B. At each regular meeting the Village Treasurer shall render an account and state the balance of money in the Treasury, and turn over all vouchers received by the him, together with said account, to the Village Clerk. At the end of the fiscal year he shall make out and file with the Clerk a full detailed account of all receipts and expenditures of said Village.

**§ 55-22. Clerk may serve.**

When so directed by the President, with the concurrence of the members of the Board, the Village Clerk shall perform the duties and assume the responsibilities prescribed in § 55-21.

ARTICLE VI  
**Animal Control Officer**

[Adopted 4-9-1979 by Ord. No. 79-4-9A (Title 1, Ch. 2, Art. 8, of the 1993 Code)]

**§ 55-23. Creation of position.**

There is hereby created the position of Animal Control Officer who shall perform his duties under the supervision of the Chief of Police, and who shall be appointed by the President, and with the advice and consent of the Village Board, and he shall serve in such capacity for the term of one year and said term shall commence on March 15th and shall terminate on March 15th of the following year.

**§ 55-24. Badge of office.**

While on duty, the Animal Control Officer shall wear a star engraved "Animal Control Officer" as an emblem of his authority.

**§ 55-25. Supervision of the animal shelter and other facilities.**

The Animal Control Officer shall have the care, custody control and supervision of the animal shelter of the Village, if there is such an animal shelter, and of all dogs and cats confined and impounded therein, and shall have the care and custody and control of all trucks and other paraphernalia used by him or his assistants for the impounding of dogs and cats. In the event there is no such shelter, he shall have the duty of delivering such animals to such other place as the Village may provide for this purpose.

**§ 55-26. Impoundment of animals.**

- A. The Animal Control Officer shall Impound or cause to be impounded and shall dispose of according to the provisions of this Code, all animals running at large within the Village and shall keep a record of every animal so impounded, describing the kind of animal, the breed, color and sex, together with the time and place the animal was captured or received and the final disposition made of each animal, together with such other information as may come to his attention.
- B. The Animal Control Officer shall have the power to issue citations to persons in violation of any ordinance of the Village Code of the Village, controlling animals, and it shall be his duty to issue a citation for any offense which he has reasonable grounds to believe has been committed.

**§ 55-27. Miscellaneous.**

The Animal Control Officer shall perform his duties under the supervision of the Chief of Police, and for purposes of conforming to the Village personnel policy shall be classified as a nonsupervisory employee rather than a Village department head or Village officer.

ARTICLE VII  
**Maintenance and Utility Man**  
[Adopted 1-3-1955 by Ord. No. 54-8 (Title 1, Ch. 2, Art. 9, of the 1993 Code)]

**§ 55-28. Appointment.**

The Village President shall annually appoint a General Maintenance and Utility Man (full or part time) by and with the consent of the Board of Trustees. This appointment will be for the Village fiscal year unless his services are terminated. He shall attend Board meetings when requested to do so.

**§ 55-29. General duties.**

The General Maintenance and Utility man shall perform such duties as prescribed for him by this Code as well as other duties inherent to the job, and as set forth in the work agreement prescribed by the Village.

**§ 55-30. Salary fixed by Board.**

The salary of the General Maintenance and Utility man shall be fixed each year by order of the President and Board of Trustees, and shall be paid bi-weekly.

ARTICLE VIII  
**Building Inspector**  
[Adopted 8-12-1985 by Ord. No. 85-8-12C (Title 1, Ch. 2, Art. 10, of the 1993 Code)]

**§ 55-31. Building Inspector ordinance.**

This Ordinance shall be known, cited and referred to as the Office of Building Inspector Ordinance of the Village of Port Byron, Illinois.

**§ 55-32. Powers.**

This Ordinance is enacted pursuant to the powers granted to this Village by Illinois Revised Statutes, 1983, Chapter 24, in order to describe the duties, term and compensation of the Office of Village Building Inspector.

**§ 55-33. Duties.**

The Office of Building Inspector of the Village shall have all duties and responsibilities as provided by Ordinances of the Village and by the statutes of the State of Illinois.

**§ 55-34. Term of office.**

The term of office of the Building Inspector shall be one year to coincide with the election of the Office of Village President.

**§ 55-35. Compensation.**

The Building Inspector shall be paid such compensation as determined by the Board of Trustees, and shall be paid bi-weekly.

**ARTICLE IX****Purchases; Prevailing Wages; Grievances**

**[Derived from Title 1, Ch. 2, Art. 11, of the 1993 Code]**

**§ 55-36. Purchased by employees.**

- A. No employee of the Village shall incur any expense on behalf of the Village, nor make any purchases on behalf of the Village, unless such employee shall have first obtained the approval of the responsible Village official or a purchase order as supplied by the Village Clerk. **[Amended 9-5-1967 by Ord. No. 67-9]**
- B. For the purposes of this article, the responsible Village official shall be the Chairman of the committee having supervision over the employee incurring the expense, or if the Chairman is not available, then any member of the committee having supervision over the employee incurring the expense. If the Chairman of said committee is not available and if no committee member is available, then any member of the Board of Trustees shall have authority to approve the purchase order in accordance with this section.
- C. The purchase order shall designate the purpose for which the expense is to be made and shall list the items to be purchased. **[Amended 9-5-1967 by Ord. No. 67-9]**

**§ 55-37. Public works construction; wages paid laborers. [Amended 7-10-1978 by Ord. No. PR-7-78; 6-5-2006 by Ord. No. 060506A]**

- A. To the extent and as required by "An Act regulating wages of laborers, mechanics and other workmen employed in any public works by the state, county, city or any public body or any political subdivision or by anyone under contract for public works", approved June 26, 1941, as amended,<sup>1</sup> the general prevailing rate of wages in this locality for laborers, mechanics and other workmen engaged in the construction of public works coming under the jurisdiction of this Village is hereby ascertained to be the same as the prevailing rate of wages for construction work in Rock Island County area as determined by the Department of Labor of the State of Illinois as of June 21, 2006, a copy of that determination being attached hereto and incorporated herein by reference. The definition of any terms appearing in this section which are also used in the aforesaid Act shall be the same as in said Act.
- B. Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of this Village to the extent required by the aforesaid Act.
- C. The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of the Village this determination of such prevailing rate of wage.

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1. Editor's Note: See the Prevailing Wage Act, 820 ILCS 130/1 et seq.

- D. The Village Clerk shall mail a copy of this determination to any employer and to any association of employees and to any person or association of employees who have filed, or file their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workmen whose wages will be affected by such rates.
- E. The Village Clerk shall promptly file a certified copy of these provisions with both the Secretary of State and the Department of Labor of the State of Illinois.

**§ 55-38. Grievance procedure for Village employees.**

If an employee has a complaint or grievance that he or she wishes to express concerning Village Policy, orders or regulations, or disciplinary actions, the Village personnel manual shall be used.

ARTICLE X

**Participation in State Retirement Fund**  
**[Adopted 9-19-1994 by Ord. No. 94-19-9A]**

**§ 55-39. Election to participate.**

The Board of Trustees, Rock Island, Illinois, does hereby elect to participate in the Illinois Municipal Retirement Fund.

**§ 55-40. Standard for participation.**

The standard for IMRF participation shall be a position normally requiring performance of duty for 1,000 hours per year.

**§ 55-41. Filing.**

The Clerk be directed to promptly file a certified copy of this ordinance with the Board of Trustees of the Illinois Municipal Retirement Fund.

ARTICLE XI

**Sexual Harassment Policy**  
**[Adopted 3-5-2001 by Ord. No. 010503A]**

**§ 55-42. Prohibition.**

The employees, Officers and Trustees of the Village shall refrain from any and all activity that falls under the definition of sexual harassment as herein defined.

**§ 55-43. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**SEXUAL HARASSMENT** — Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

## ARTICLE XII

### **State Officials and Employees Ethics Act [Adopted 5-10-2004 by Ord. No. 041005]**

#### **§ 55-44. Adoption by reference.**

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

#### **§ 55-45. Prohibited activities.**

- A. The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.
- B. The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village under the Act, is hereby prohibited.
- C. The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.

#### **§ 55-46. Terms defined.**

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

#### **§ 55-47. Violations and penalties.**

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



**§ 55-48. Construal of provisions.**

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

**§ 55-49. Incorporation of amendments.**

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

**§ 55-50. Severability.**

- A. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.
- B. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village."



## **Chapter 60**

### **RECORDS**

<b>§ 60-1. Officials designated to receive records access requests.</b>	<b>Exhibit A, Municipal Information Directory</b>
<b>§ 60-2. Retrieval of records requested under Freedom of Information Act.</b>	<b>Exhibit B, Block Diagram of Functional Subdivisions</b>
<b>§ 60-3. Fees for copies of records.</b>	<b>Exhibit C, Municipal Records History</b>
<b>§ 60-4. Denial of requests; appeals.</b>	<b>Exhibit D, Cataloging and Indexing of Public Records</b>
<b>§ 60-5. Exhibits A, B, C and D attached to chapter.</b>	

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 12-13-2004 by Ord. No. 041312B (Title 1, Ch. 1, Art. 5, of the 1993 Code). Amendments noted where applicable.]**

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#### **§ 60-1. Officials designated to receive records access requests.**

The Village Clerk is hereby designated as the person to whom all initial requests for access to the records of the Village are to be referred. Such requests are to be made at the offices of the Village at Port Byron, Illinois between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. In the event that the Village Clerk is not available during the times described above, the Deputy Village Clerk is designated as the person to whom such initial requests are to be made.

#### **§ 60-2. Retrieval of records requested under Freedom of Information Act.**

Any records which are the subject of a request under the Freedom of Information Act (5 ILCS 140/1 et seq.) shall be retrieved from such place as they are stored, by the Village Clerk or the Deputy Village Clerk, or by an employee of the Village acting under the direction of the Clerk or Deputy Clerk. In no event shall records be retrieved by the party requesting them or by any person who is not employed by the Village.

#### **§ 60-3. Fees for copies of records.**

If copies of records are requested, the fees for such copies, whether certified or not, shall be as determined from time to time by the Village Clerk. The Village Clerk shall maintain a written schedule of current fees in the Clerk's office. The fees so charged shall reflect the actual cost of copying the records, and the cost of certifying copies, if certification is requested.

**§ 60-4. Denial of requests; appeals.**

In the event that a request to inspect Village Records is denied by the Village Clerk or the Deputy Village Clerk, the denial may be appealed to the Village President. Such an appeal must be made within 14 days after the requesting party receives the written notice denying said request; or, in the event that the denial is not by letter, the appeal must be made 14 days after the request is effectively denied. In the absence of the Village President, appeals from denials of requests for access shall be made to the Village Administrator in the times set forth above.

**§ 60-5. Exhibits A, B, C and D attached to chapter.**

The Village Clerk shall prepare: (a) a Village Information Directory; (b) a block diagram of the functional Subdivisions of the Village; (c) a Village Records Directory; and (d) a Records Catalogue, all of which shall be substantially in the same form as the documents attached hereto and made a part hereof as Exhibits "A", "B", "C", and "D".

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RECORDS

60 Attachment 1

**Village of Port Byron**

**Exhibit A**

**Municipal Information Directory**

Village of Freedom - a hypothetical community

The Village of Freedom is a municipality incorporated and organized under the laws of the State of Illinois for the purpose of providing its residents with the following services:

- A. Police protection.
- B. Fire protection.
- C. Sewer and water service.
- D. Garbage collection service.
- E. Municipal airport.
- F. Municipal golf course.
- G. (Etc.).

The Village of Freedom has certain functional subdivisions which are shown on Table 1 attached hereto. The approximate amount of the operating budget of the Village of Freedom is \$3,291,600. The Village's sole office is located at 111 Information Drive in Freedom, and the Village also has a pumping station for its water distribution system located at 311 Information Drive. The Village currently employs approximately 33 full and part-time employees. The members of the boards, commissions and committees of the Village of Freedom are as follows:

Board -

Commission -

Committee -

Member

Title

(You should then list such members of each of the various boards, etc., including such boards as the city council or village board, plan commission, zoning board of appeals, police pension board, board of fire and police commissioners, etc.)

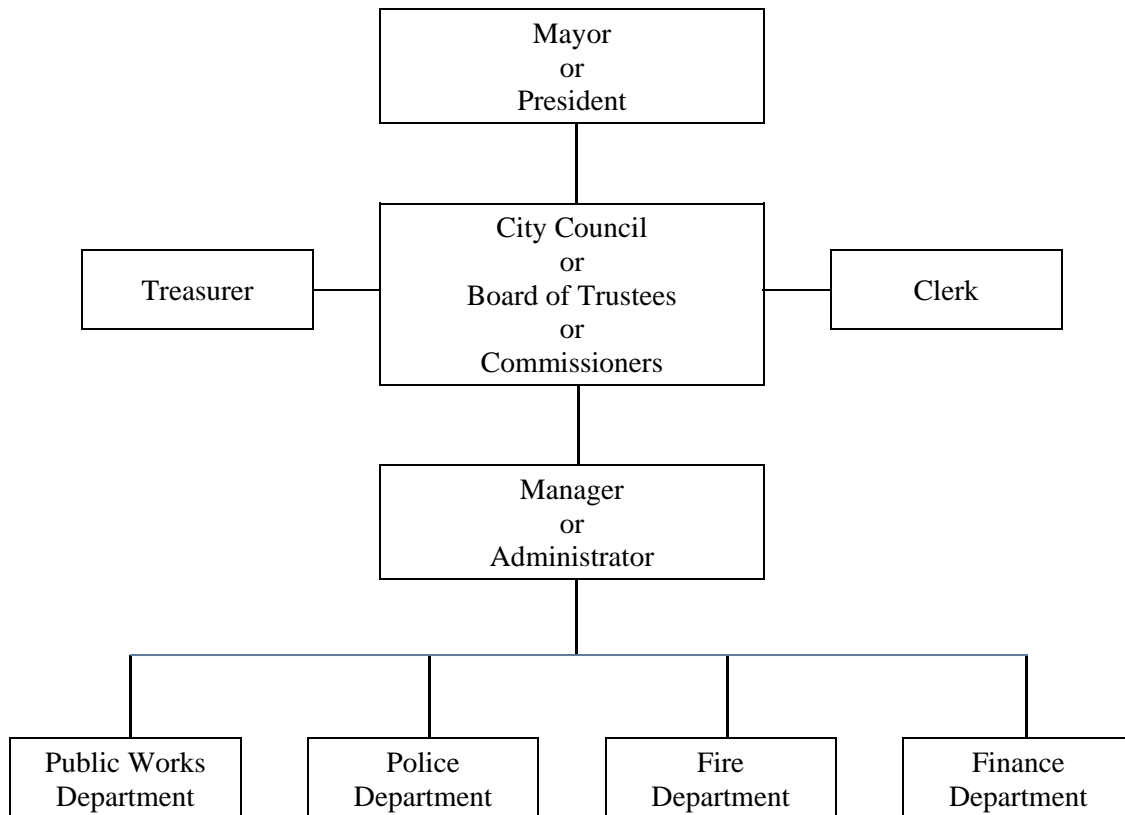


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60 Attachment 2

**Village of Port Byron**

**Exhibit B**  
**Block Diagram of Functional Subdivisions**







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*60 Attachment 3*

**Village of Port Byron**

**Exhibit C  
Municipal Records Directory**

Village of Freedom - a hypothetical community

Any person requesting records of the Village of Freedom may make such a request either in person, orally or in writing at the Village Clerk's office located at III Information Drive. Such request should be made to Mrs. Betsy Ross, Village Clerk at such address and if she is not present in person, you should see Mrs. Jane Thompson, Deputy Clerk. Another method would be by mailing a written request to either Mrs. Ross or Mrs. Thompson specifying in particular the records requested to be disclosed and copied. All written requests should be addressed to the address of the Clerk's office. If you desire that any records be certified, you must indicate that in your request and specify which records must be certified.

The fees for any such records, if the person requesting the records wishes them to be copied, are as follows:

\$0.18 per page (actual cost) if village employee copies records.

\$0.16 per page (actual cost) if individual requesting records makes copies using municipality's equipment.

\$0.08 per page (actual cost) if individual requesting records makes copies using his or her own equipment.

\$0.10 per certificate (actual cost) if the copies are to be certified.



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*60 Attachment 4*

**Village of Port Byron**

**Exhibit D  
Cataloging and Indexing of Public Records**

The Act requires that public bodies must list (catalog) all types or categories of records under their control which are prepared or received after July 1, 1984. There is some question, and perhaps it can only be resolved by litigation, whether the municipality must catalogue exempt records. The Act indicates that the purpose of the catalogued list is to aid individuals to “gain access” to public records under the Act, and since certain records are exempt from public access, the most reasonable interpretation of the Act would be that you do not have to catalogue or list exempt records. However, you may wish to maintain a separate catalogue or listing of exempt records until such time as the Attorney General or the courts clarify the extent of cataloging required.

Please note that the Act requires the list to be by “type” or “category” of records and not listing every individual record. Suggested below are different types of categories that a public body might wish to establish to cover the records that it has under its control and which are subject to inspection under the Act. This list is by no means meant to be exhaustive and is merely for reference or descriptive purposes. Obviously, the number of types or categories will vary from municipality to municipality (e.g., some municipalities have fire departments, some do not, etc).

The “type” of records is meant to be a broad general category and the category is a sub-part of the type. For example, one type of record is a financial record. Under “financial records” may be the following categories: (a) budget; (b) appropriation ordinance; (c) audit; (d) bills; (e) receipts for revenue; (f) vouchers; (g) cancelled checks; (h) water bills; (i) sewer bills; (j) receipts for fines; (k) sales tax receipts; (l) real estate tax receipts; (m) liquor license fees; (n) other license fees; (o) building permit fees; (p) salary schedules; (q) utility bills (e.g., telephone, gas and electric); (r) etc. This gives you examples of categories that could be listed under the general type “financial record”. Other general types could include, for example, the following: (1) building inspection reports; (2) administrative memoranda; (3) building permits; (4) board minutes; (5) board resolutions; (6) board ordinances; (7) correspondence received by municipality; (8) correspondence from municipality; (9) bidding specifications; (10) board policies; (11) administrative rules and regulations; (12) personnel code; (13) village maps; (14) comprehensive plan; (15) zoning ordinance; (16) building ordinance; (17) personnel files; (18) office equipment; (19) insurance; (20) capital equipment; (21) real estate; (22) legal notices; (23) newspaper articles; (24) consulting contracts; (25) contracts for capital equipment; (26) contracts for office supplies; (27) contracts for maintenance and repair; (28) professional consultant contracts; (29) pension fund records; (30) hospitalization records; (31) worker’s compensation records; (32) training records; (33) official bonds; (34) municipal stickers; (35) village vehicles; (36) animal control records; (37) village liens; (38) police department records; (39) fire department records; (40) etc. Again, the above list is not meant to be exhaustive. While you certainly need not catalogue your records to the same degree as you list expenses in your annual appropriation ordinance or your annual budget, such may be used as a convenient starting point for determining what categories and types of records you may wish to list. Of course, you also should rely on your past experience by reviewing the records you currently

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have on hand and dividing them into what will appear to you to be meaningful categories. Remember, there is a great deal of latitude in determining what the categories or types of records will be and consequently what the list would contain, but keep in mind the statutory mandate being that the list must be “reasonably current” and must be “reasonably detailed” in order to assist the individual in obtaining access to public records.

## Chapter 70

### TRUSTEES, BOARD OF

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| <p>§ 70-1. Term of office.</p> <p>§ 70-2. Vacancies.</p> <p>§ 70-3. Judge of own election.</p> <p>§ 70-4. Meetings.</p> <p>§ 70-5. Standing committees.</p> <p>§ 70-6. Quorum absentees.</p> <p>§ 70-7. Expenditures limited.</p> <p>§ 70-8. Minutes and journal.</p> <p>§ 70-9. Order of business.</p> <p>§ 70-10. Duties of the presiding officer.</p> <p>§ 70-11. Duties of members.</p> <p>§ 70-12. Visitors.</p> <p>§ 70-13. Presentation of new business and deferment.</p> <p>§ 70-14. Debate.</p> <p>§ 70-15. Call of members to order.</p> <p>§ 70-16. Question of personal privilege.</p> <p>§ 70-17. Voting.</p> <p>§ 70-18. Special order of business.</p> | <p>§ 70-19. Seconding of motions required; written motions; reading of motions, resolutions, ordinances, minutes and correspondence.</p> <p>§ 70-20. Withdrawal of motions.</p> <p>§ 70-21. Record of motions.</p> <p>§ 70-22. Division of questions.</p> <p>§ 70-23. Taking and entering the votes: explanation of votes.</p> <p>§ 70-24. Announcement and changes of votes.</p> <p>§ 70-25. Reconsideration.</p> <p>§ 70-26. Style of ordinances.</p> <p>§ 70-27. Record of ordinances.</p> <p>§ 70-28. Publication.</p> <p>§ 70-29. Time of taking effect.</p> <p>§ 70-30. Adoption of Roberts "Rules of Order Revised".</p> <p>§ 70-31. Temporary suspension of rules; amendment of rules.</p> |
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**[HISTORY: Derived from Title 1, Ch. 2, Art. 2, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]**

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**§ 70-1. Term of office.**

The Board of Trustees shall consist of the Village President and six Trustees who shall hold their offices for four years, and the Village President shall hold his office for four years, and until their successors are elected and qualified.

**§ 70-2. Vacancies.**

- A. Whenever a vacancy in the office of a trustee occurs during the trustee's term, the vacancy shall be filled for the remainder of the term at the next general municipal election as provided in 65 ILCS 5/3.1-10-50. During the period from the time that the vacancy occurs until a trustee is elected as provided in this section and has qualified, the vacancy may be filled by the appointment of a trustee by the President with the advice and consent of the remaining trustees.

- B. If there is a failure to elect any Village officer, or the person elected falls to qualify, the person filling the office shall continue in office until his successor has been elected and has qualified. (Amended by P.A. 87-494, sub-sec. 1, eff. Sept. 13, 1991, IL code)

**§ 70-3. Judge of own election.**

The Board of Trustees shall be the judge of the election and qualifications of its own members.

**§ 70-4. Meetings.**

- A. Regular meetings. The Board of Trustees shall meet regularly on the first and third Mondays of each month at 6:00 p.m. at the Village Hall in the Village of Port Byron, unless otherwise ordered by the Village Board. If either of such meetings shall fall on a legal holiday date, the Village meeting shall be held the following calendar day. [Amended 3-7-1955 by Ord. No. 55-3; 12-6-1999 by Ord. No. 99-6-12B; 5-7-2001 by Ord. No. 010705; 5-6-2013 by Ord. No. 130605]
- B. Special meetings. The Village President, or any three Trustees, may call special meetings of the Board, which call shall specify the time and place of meeting and shall be filed with the Village Clerk, who shall cause notice of same to be served on the other members of the Board by delivering a copy thereof to each of them, or by leaving the same at his place of residence at least 24 hours before the time of meeting named in said notice. Notice of adjourned meetings shall be given in like manner to each member of the Board not present at the time of adjournment.
- C. Trustees to attend. It shall be the duty of each and every member of the Board to attend each regular and special meeting of the Board duly called, at the hour appointed for convening.

**§ 70-5. Standing committees.**

- A. The Standing Committees of said Board of Trustees shall be as follows:
- (1) Administration.
  - (2) Public safety.
  - (3) Public works.
  - (4) Public finance.
- B. Said Committees shall be appointed annually by the Village President, with the advice and consent of the Board of Trustees.

**§ 70-6. Quorum absentees.**

A majority of the Trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time and compel absentees to attend any regular meeting or special meeting, by a written citation to that effect stating the day and hour of such meeting; such citation shall be signed by the Village President or Trustees issuing the same, and may be served by the Chief of Police or any officer authorized to serve the processes of said Village, by reading the same to such absentees; and upon the repeated refusal to obey such citation, such member of the Board may be expelled and his office declared vacant.

**§ 70-7. Expenditures limited.**

Neither the Board of Trustees, nor any department or officer of the corporation, shall add to the corporation expenses in any one year, anything over and above the amount provided for in the annual appropriation bill of that year, except as herein otherwise specially provided; and no expenditure for any improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill; provided, however, that nothing herein contained shall prevent the Board of Trustees from ordering, by a 2/3 vote, any improvement, the necessity of which is caused by any casualty or accident happening after such appropriation bill shall have been made. The Board may, by a like vote, order the Village President to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as last above mentioned, for a space of time not exceeding the close of the next fiscal year; which sum, and the interest, shall be added to the amount authorized to be raised by the next general tax levy and embraced therein. Should any judgment be obtained against the Village, the Village President, with the sanction of the Board of Trustees, may borrow a sufficient sum to pay the same for a space of time not exceeding the next fiscal year, which sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein.

**§ 70-8. Minutes and journal.**

- A. The proceedings of all meetings of the Board of Trustees and its committees and subcommittees shall be kept in written form. Minutes shall be kept whether a meeting is open or closed. The minutes shall be recorded and maintained in accordance with the Illinois Open Meetings Act (5 ILCS 120/1 et seq.).
- B. The Chairman, or his or her designee, shall take the minutes of all Standing Committee meetings. The Village Clerk shall take minutes of Board meetings.
- C. The journal. The Clerk shall keep the journal of the proceedings of the Board. Within no more than 15 days after each meeting of the Board, the Clerk shall supply to each member a copy for the proceedings (minutes). The journal shall be approved periodically. The Clerk's draft of the journal of proceedings may be amended to correctly reflect the view of the legislative body as to the events which occurred.

**§ 70-9. Order of business.**

The order of business shall be as follows:

- A. Call to order by presiding officer.
- B. Pledge of allegiance to flag.
- C. Roll call.
- D. Establishment of quorum.
- E. Public discussion and/or comments from the floor.
- F. The reading and approval (with corrections and additions, if any) of the journal of the proceedings of the previous meeting or meetings.
- G. Report of the standing committees:
  - (1) Administration.
  - (2) Public safety.
  - (3) Public works.
  - (4) Public finance.
- H. Report of special committees.
- I. Petitions, communications, order, resolution and ordinance by the Trustees.
- J. Old business.
- K. New business.
- L. Consent calendar or agenda.
- M. Adjournment.

**§ 70-10. Duties of the presiding officer.**

- A. 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. The presiding officer may speak to matters being considered by the Board without relinquishing his or her chair.
- B. In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the chamber to be cleared.

**§ 70-11. Duties of members.**

- A. While the presiding officer is putting the question, no member shall walk across or out of the Board chamber without first obtaining permission from presiding officer.



- B. Every member, previous to his or her speaking, making a motion or seconding the same, shall address himself or herself to the presiding officer and shall not proceed with his or her remarks until recognized by the Chair. He shall confine himself to the questions under debate avoiding personalities and refraining from impugning the motives of any member's argument or vote.
- C. When two or more members address the Chair at the same time, the presiding officer shall name the member who is first to speak. The Trustees may by 2/3 vote expel a Trustee for disorderly conduct.

**§ 70-12. Visitors.**

Except during the time allotted for public discussion and comment, no person, other than a member of the Board shall address that body, except with the consent of the presiding officer.

**§ 70-13. Presentation of new business and deferment.**

Upon the request of any two trustees present, any report of a committee of the Board shall be deferred (for final action) to the next regular meeting of the Board after the report is made.

**§ 70-14. Debate.**

- A. No member shall speak more than once on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so. No member shall speak longer than five minutes at any one time, except by consent of the presiding officer; and in closing debate on any question, as above provided, the speaker shall be limited to three minutes, except by special consent of the presiding officer.
- B. While a member is speaking, no member shall hold any private discussion, nor pass between the Speaker and the Chair.

**§ 70-15. Call of members to order.**

A member, when called to order by the Chair, shall discontinue speaking and take his or her seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right of appeal.

**§ 70-16. 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 or her integrity, character or motives are assailed, questioned or impugned.

**§ 70-17. Voting.**

Every member who shall be present when a question is stated from the Chair shall vote, unless excused, or unless he or she is personally interested in the question, in which cases he or she shall not vote.

**§ 70-18. Special order of business.**

Any matter before the Board may be set down as a special order of business at a time certain, if two-thirds of the Trustees present vote in the affirmative, but not otherwise.

**§ 70-19. Seconding of motions required; written motions; reading of motions, resolutions, ordinances, minutes and correspondence.**

No motion shall be put or debated in the Board unless it be seconded, provided, however, that neither the maker nor seconder of a motion shall be required to vote in favor of that motion. 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 member who proposed the motion shall be entitled to the floor. No resolution, ordinance nor minutes need be read prior to consideration but such items may be read in response to a motion passed seeking such reading. Copies of correspondence received by the Clerk or Village Board President shall be distributed before the meeting to all members of the corporate authorities. Correspondence received by municipal officials need not be read in full at Board meetings unless pertinent to a matter before discussion. Correspondence received may be summarized at Board meetings.

**§ 70-20. Withdrawal of motions.**

If the maker of the motion desires to withdraw the motion they may do so. The seconder of the motion may renew the motion as its maker and seek a new seconder. If the seconder of a motion wishes to withdraw his or her second they may do so. The maker of the motion may seek an additional seconder before the motion is ruled out of order for lack of a second. Neither the maker or the seconder of a motion may withdraw the motion, except with the consent of a majority of the Board, once discussion on the motion has ceased.

**§ 70-21. Record of motions.**

In all cases where a resolution or motion is entered in the Journal, the name of the member moving and seconding the same shall be entered.

**§ 70-22. Division of questions.**

If any question under consideration contains several distinct propositions, the Board by a majority vote of the members present may divide such question.

**§ 70-23. Taking and entering the votes: explanation of votes.**

The "yeas" and "nays" upon any question shall be taken and entered in the journal. When the Clerk has commenced to call the roll of the Board for the taking of a vote by "yeas" and "nays", all debate on the question before the Board shall be deemed concluded, and during the taking of the vote a member shall be permitted to briefly explain his vote and shall respond to the calling of his name by the Clerk by answering "yea" or "nay", as the case may be.

**§ 70-24. Announcement and changes of votes.**

The result of all votes by "yeas" and "nays" shall not be announced by the Clerk, but shall be handed by the Clerk to the Village Board President for announcement, and no vote shall be changed after the tally list has passed from the hands of the Clerk.

**§ 70-25. Reconsideration.**

- A. 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, once having been made and decided in the negative, shall not be renewed, nor shall a motion to reconsider be reconsidered. No motion to reconsider the approval or denial of the recommendation of an advisory body required to hold public hearing shall be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for a further hearing and recommendation. When a motion to reconsider such a motion is made at the same meeting as the passage of the original motion it may be tabled to a later date.
- B. A motion to reconsider must be made by a member 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 is required by statute for the passage or adoption of such motion, then in such case a motion to reconsider may be made only by those who voted in the affirmative on such questions to be reconsidered.

**§ 70-26. Style of ordinances.**

The style of all ordinances shall be: "BE IT ORDAINED by President and Board of Trustees of. . .", as is provided by statute.

**§ 70-27. Record of ordinances.**

The Clerk shall keep a record of all ordinances passed in an ordinance book for such purpose.

**§ 70-28. Publication.**

All ordinances imposing any penalty for a violation or making any appropriation shall be published as required by statute, either in a newspaper or in pamphlet form, in which case, the

ordinance in its pamphlet shall be displayed for a reasonable period in a public place in the Village Hall.

**§ 70-29. Time of taking effect.**

No ordinance which must be published to comply with the foregoing section shall go into effect until 10 days after it is so published unless a statement of the urgency of the ordinance is contained in it and it achieves passage by a two-thirds vote of the members of the corporate authorities then holding office. In all other cases, the ordinances shall go into effect upon passage, as provided by statute, even though the operation of the ordinance may not take effect until a later date.

**§ 70-30. Adoption of Roberts "Rules of Order Revised".**

The rules of parliamentary practice comprised in the latest published edition of Roberts "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 the Board or the statutes or laws of the State.

**§ 70-31. Temporary suspension of rules; amendment of rules.**

These rules may be temporarily suspended, repealed, altered or amended by a two-thirds vote of the corporate authorities then holding office.

# **PART II**

## **GENERAL LEGISLATION**



## Chapter 100

### ADULT ENTERTAINMENT

#### ARTICLE I Exotic Dancing

##### § 100-1. Definitions.

##### § 100-2. Prohibited acts.

##### § 100-3. Violations and penalties.

##### § 100-4. Charging violation; prosecution.

##### § 100-5. Ordinances in conflict herewith.

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I Exotic Dancing

**[Adopted 4-14-1997 by Ord. No. 97-14-4B (Title 2, Ch. 2, Art. 18, of the 1993 Code)]**

##### § 100-1. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section.

**BUSINESS** — Includes all businesses, firms, partnerships, companies, corporations, or distributorships whether licensed or unlicensed.

**DANCING** — Rhythmic movement, usually to music. Limited to social dancing as viewed by contemporary community standards on the licensed premises for patrons.

**LIVE ENTERTAINMENT** — The offering or permitting of any amusement feature, including music, vaudeville, singing, acting, dancing, or contests, whether by personal performance or instrumental device.

**NUDITY** — Naked, unclothed, partially unclothed, the baring of a part of the human body, the showing or exposing of the human male or female sex organs, genitals, pubic area, buttocks, anus, or any portion of the human breast at or below the upper edge of the areola thereof of any female person, not covered by an opaque covering, including the nipple or any portion below the nipple with less than a full opaque covering.

**PERSON** — Includes any individual, business owner, officer, employee, salesperson, associate, member, representative, agent, operator or employee of the operator, or other person whether acting as a mere helper of the operator, employee or operator, or acting as a participant or worker in any way, or private citizen.

**UNLAWFUL EXHIBITION, PERFORMANCE, OR ACTS** — To engage in any form of dancing, performance, or any other act designed or intended for the touching, displaying, baring, exposing, uncovering, flashing, or disrobing of any part of the human body of either sex which has been defined as nudity, or which to the average person, applying contemporary community standards, the dominant theme of the dance, performance, or act taken as a whole appeals to the prurient interest in sex, or for the sexual gratification, excitement, or

entertainment of either or both sexes. Includes such performances or acts called, referred to, or commonly known as exotic dancing, lap dancing, go-go dancing, stripping, flashing, baring, disrobing, shedding of clothing, wet t-shirt contests or exhibitions, or any act which displays, is designed, or is intended to display or show any part or parts of the human body defined as nudity in this article.

**§ 100-2. Prohibited acts.**

It shall be unlawful for any business person to commission, allow, authorize, tolerate, facilitate, permit, sanction, or participate in any act herein described or described or defined elsewhere in this article as Nudity or as an Unlawful Exhibition, Performance, or Acts in any business or common place, on public or private lands, Village owned property, parks, or land which is accessible to the public or within view of the public, for personal pleasure, personal gain, financial gain or consideration, or in a private residence for personal gain, financial gain or consideration; provided that it shall not be a violation of this article if a female's breast is displayed while breast feeding an infant.

**§ 100-3. Violations and penalties.**

Any person, violating any of the provisions of this article, upon conviction, shall be fined not less than \$250 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

**§ 100-4. Charging violation; prosecution.**

- A. A Police Officer, upon establishing probable cause, shall charge a business or person with a violation of any provision of this article by delivering to that business or person a notice of violation charging that person with the violation.
- B. The business or person so such charged has five business days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the notice of violation the Police Department shall forward copies of all reports and the notice of violation to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that business or person with the violation and establishing a court date for trial.

**§ 100-5. Ordinances in conflict herewith.**

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed, in so far as they do so conflict except for penalties provided for in Article X, Penalty, of Chapter 104, Alcoholic Beverages, of the Code of the Village of Port Byron, relating to violations of a liquor licensee.



## **Chapter 104**

### **ALCOHOLIC BEVERAGES**

#### **ARTICLE I** **Liquor**

- § 104-1. Definitions.**
- § 104-2. Manner of determination of nature of sales.**
- § 104-3. Persons to whom liquor not to be delivered.**
- § 104-4. Misbranding.**
- § 104-5. Transportation in motor vehicles.**
- § 104-6. Exiting licensed premises with open container.**
- § 104-7. Prohibited acts.**

#### **ARTICLE II** **Liquor Control Commissioner**

- § 104-8. President of board of trustees to be liquor control Commissioner: enforcement responsibilities.**
- § 104-9. Appointment of assistants.**
- § 104-10. Compensation.**
- § 104-11. Powers.**
- § 104-12. Authority to examine applicants for liquor licenses and licensees.**

#### **ARTICLE III** **General**

- § 104-13. When required.**
- § 104-14. Classes and number of licenses established.**
- § 104-15. Licenses to be used only for premises for which issued.**
- § 104-16. Posting.**

- § 104-17. Scope of privileges granted by license.**

#### **ARTICLE IV** **Licensing Procedure**

- § 104-18. Prerequisites to obtaining initial license.**
- § 104-19. Application form.**
- § 104-20. Persons ineligible for license.**
- § 104-21. Premises ineligible for license.**
- § 104-22. Location ineligible for license.**
- § 104-23. Restrictions on the issuance of special licenses.**
- § 104-24. Surety bond or cash bond required for license; amount; forfeiture.**
- § 104-25. License fees.**
- § 104-26. Contents of license certificate.**
- § 104-27. Term of license.**
- § 104-28. Records of licenses issued: contents.**
- § 104-29. Renewal of license: generally; procedure.**

#### **ARTICLE V** **Privileges Conferred by Various Classes of Licenses**

- § 104-30. Generally.**
- § 104-31. Compliance with this article required.**
- § 104-32. Compliance with scope of license required.**
- § 104-33. Class A - standard license (tavern).**

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- § 104-34. Class B - package sales license (convenience store).  
§ 104-35. Class C - nightclub.  
§ 104-36. Class D - restaurant license.  
§ 104-37. Class E - club.  
§ 104-38. Class F - special license.

ARTICLE VI  
Revocation and Suspension

- § 104-39. Authority of the liquor control commission: grounds.  
§ 104-40. Liability of licensee generally.  
§ 104-41. Hearing required; notice.  
§ 104-42. Final order of revocation or suspension.  
§ 104-43. Revocation of bond.  
§ 104-44. Appeals.

ARTICLE VII  
Operation

- § 104-45. Persons not to remain on premises after closing hours; exceptions.  
§ 104-46. Nature of licensed premises as a public accommodation.  
§ 104-47. Sales on other than a cash basis.  
§ 104-48. Dancing or live entertainment.  
§ 104-49. Restraint of trade.  
§ 104-50. Use of words, "saloon" or "bar".

- § 104-51. Pandering by licensee.  
§ 104-52. Possession of alcoholic liquor on public right-of-way.

ARTICLE VIII  
Minors

- § 104-53. Defined.  
§ 104-54. Activities exempt from this article.  
§ 104-55. Preparation of alcoholic beverages.  
§ 104-56. Possession.  
§ 104-57. Consumption.  
§ 104-58. Giving liquor to minors.  
§ 104-59. Authority and duty of licensees under this chapter to require proof of age.  
§ 104-60. Fraudulent identification cards.  
§ 104-61. Minors on premises.

ARTICLE IX  
Vicarious Liability

- § 104-62. Licensee's liability for violations of state law.

ARTICLE X  
Penalty

- § 104-63. Violations and penalties.  
§ 104-64. Charging violation, prosecution.

License Form

[HISTORY: Derived from Title 2, Ch. 2, Arts. 4 through 13, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]

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## ARTICLE I

**Liquor****§ 104-1. Definitions.**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them.

**ALCOHOL** — The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

**ALCOHOLIC LIQUOR** — Includes the four varieties of liquor defined in this section, i.e. 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.

**BEER** — A beverage obtained by 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.

**CLUB** — Means a corporation organized under the laws of the State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owing, hiring or leasing a building or space in a building, of such an extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests. The club shall file with the Village Liquor Control Commission, at the time of its application for a license, two copies of a list of names and residences of its member, and similarity file within 10 days of the election of any additional member his name and address. The club's affairs and management shall be conducted by Board of Directors, Executive Committee or similar body chosen by the members at their annual meeting and no member of any officer, agent or employee of the club shall be paid or directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members of its Board of Directors or other governing body out of the general revenue of the club.

**DANCING** — Rhythmic movement, usually to music. Limited to social dancing as viewed by contemporary community standards on the licensed premises for patrons. **[Added 4-14-1997 by Ord. No. 97-14-4A]**

**HOTEL** — 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 25 or more rooms are used for the sleeping accommodations of the guests and having one or more public dining rooms where meals are served to guests, the sleeping accommodations and dining rooms being conducted in the same

building in connection therewith and the building or structure being provided with adequate and sanitary kitchen and dining room equipment and capacity.

**LICENSEE** — Includes all businesses, firms, partnerships, companies, corporations, distributorships, or clubs that have applied for and have been issued a Liquor License by the Village of Port Byron. **[Added 4-14-1997 by Ord. No. 97-14-4A]**

**LIVE ENTERTAINMENT** — The offering or permitting of any amusement feature, including music, vaudeville, singing, acting, dancing, or contests, whether by personal performance or instrumental device. **[Amended 4-14-1997 by Ord. No. 97-14-4A]**

**NUDITY** — Naked, unclothed, partially unclothed, the baring of a part of the human body, the showing or exposing of the human male or female sex organs, genitals, pubic area, buttocks, anus, or any portion of the human breast at or below the upper edge of the areola thereof of any female person, not covered by an opaque covering, including the nipple or any portion below the nipple with less than a full opaque covering. **[Added 4-14-1997 by Ord. No. 97-14-4A]**

**ORIGINAL PACKAGE** — Any bottle, flask, can, cask, barrel, keg, or other receptacle or contained used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.

**PERSON** — Includes any individual employed by a licensee, business owner, manager, officer, employee, salesperson, associate, member, representative, agent, operator or employee of the operator, or other person whether acting as a mere helper of the operator, employee or operator, or acting as a participant or worker in any way, or private citizen, patron, or customer. **[Added 4-14-1997 by Ord. No. 97-14-4A]**

**RESTAURANT** — Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served and without sleeping accommodations, the space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

**RETAIL SALE** — The sale for use or consumption and not for resale in any form.

**SPIRITS** — Any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

**UNLAWFUL EXHIBITION, PERFORMANCE, OR ACTS** — To engage in any form of dancing, performance, or any other act designed or intended for the touching, displaying, baring, exposing, uncovering, flashing, or disrobing of any part of the human body of either sex which has been defined as nudity, or which to the average person, applying contemporary community standards, the dominant theme of the dance, performance, or act taken as a whole appeals to the prurient interest in sex, or for the sexual gratification, excitement, or entertainment of either or both sexes. Includes such performances or acts called, referred to, or commonly known as exotic dancing, lap dancing, go-go dancing, stripping, flashing, baring, disrobing, shedding of clothing, wet t-shirt contests or exhibitions, or any act which

displays, is designed, or is intended to display or show any part or parts of the human body defined as nudity in this article. **[Added 4-14-1997 by Ord. No. 97-14-4A]**

**WINE** — Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the additional of alcoholic or spirits, as defined in this section.

**§ 104-2. Manner of determination of nature of sales.**

For the purpose of this chapter, a business has a principal business of selling food if more than 1/2 of its gross revenue is derived from the sale of food. Any licensee under this chapter shall be barred from claiming such a status unless he shall file a sworn affidavit to such effect at the time he annually renews his license, on forms provided by the Liquor Commissioner.

**§ 104-3. Persons to whom liquor not to be delivered.**

No person licensed pursuant to this chapter, 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 21 or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment.

**§ 104-4. Misbranding.**

No person 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 container of alcoholic liquor. All misbranded packages and containers are contraband.

**§ 104-5. Transportation in motor vehicles.**

No person shall carry, transport, possess or have any alcoholic liquor in or upon or about any motor vehicle, except in the original package with the seal unbroken.

**§ 104-6. Exiting licensed premises with open container.**

It shall be a violation of this ordinance for a licensee, manager, employee, or other representative to allow a patron or customer (anyone) to leave the licensed premises with an open liquor container. This includes cans, bottles, glasses, or "To Go" cups.

**§ 104-7. Prohibited acts. [Added 4-14-1997 by Ord. No. 97-14-4A].**

It shall be unlawful for any licensee or person to commission, allow, authorize, tolerate, facilitate, permit, sanction, or participate in any act herein described or described or defined elsewhere in this article as Nudity or as an Unlawful Exhibition, Performance, or Acts.

ARTICLE II  
**Liquor Control Commissioner****§ 104-8. President of board of trustees to be liquor control Commissioner: enforcement responsibilities.**

The President of the Board of Trustees shall be the Liquor Control Commissioner for the Village and shall be charged with the administration with the Village of the laws of the State as they related to liquor control licenses within the Village, and with the provisions of this chapter and other ordinances of the Village relating to liquor.

**§ 104-9. Appointment of assistants.**

The Liquor Control Commissioner may appoint a qualified person to assist him in the exercise of the powers and performance of the duties imposed on him by law and the provisions of this chapter or other Village Ordinances.

**§ 104-10. Compensation.**

The Board of Trustees may fix the compensation of the Liquor Control Commissioner, and for his assistants and deputies, as may be deemed necessary for the proper performance of the duties vested in him by law.

**§ 104-11. Powers.**

The Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses, other than licenses of manufacturers, importing distributors, distributors, non-beverage users, railroads, airplanes and boats;

- A. To grant and/of suspend for not more than 30 days or revoke for cause all local licenses issued to persons for premises within the Village.
- B. To enter or to authorize any law enforcing officers to enter at any time upon any premises licensed pursuant to this chapter to determine whether any of the provisions of this chapter or State law, 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 the premises of the licensee in connection therewith.
- C. To receive complaints from any citizen within the Village that any of the provisions of the state law or this chapter, or any rules or regulations adopted pursuant have been or are being violated and to act upon such complaints in the manner prescribed in this chapter.
- D. To extend, for cause and after a Liquor Control Commission Hearing, the hours of business as provided in Article V, to a liquor license issued to persons for premises within the Village; provided that any such extension so granted shall expire at the end of the business day for which such extension was granted.

**§ 104-12. Authority to examine applicants for liquor licenses and licensees.**

The Liquor Control Commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a license required by this chapter, or for a renewal of any licensee upon whom notice of revocation or suspension has been served in the manner provided in this chapter, and to examine and 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 when shall be effective in any part of the State. For the purpose of obtaining any of the information desired by the Liquor Control Commissioner under this section, he may authorize his agent to act on his behalf.

ARTICLE III  
**General**

**§ 104-13. When required.**

No person shall sell alcoholic liquor at retail, or make any sale of liquor at retail, within the Village without first having obtained a liquor license as provided by this article.

- A. A "sale of retail" or "to sell at retail" means for use or consumption, and not for resale, in any form.
- B. A "sale" means any transfer, exchange or barter, in any manner or by any means for a consideration, and includes and means all sales made by any person, whether as principal, proprietor, agent, servant or employee, and includes, but is not limited to, all of the following acts when done for consideration:
  - (1) The selling of liquor.
  - (2) The "giving away" of liquor.
  - (3) The dispensing of liquor.
  - (4) The providing of mix, ice, water or glasses for the purposes of mixing drinks containing alcoholic liquor for consumption on the same premises.
  - (5) The pouring of liquor.
  - (6) The providing of "set-ups" containing alcoholic liquor.
  - (7) The maintaining of a private or public club which serves liquor on its premises to its patrons, or members.
  - (8) The maintaining of a restaurant which serves liquor on its premises to its patrons.
  - (9) The possessing in any business or commercial establishment of alcoholic liquor to be served to patrons on the premises.
- C. It is the intent of this section to require a license for the sale of liquor at retail within the Village for any consideration, whether direct or indirect, regardless of the form that the sale takes.

- D. Proof of Dram shop insurance is mandatory if the licensee is selling alcohol for use or consumption on the licensed premises. Up-to-date proof of insurance must be supplied to the Village before a license will be issued. **[Added 4-12-2004 by Ord. No. 041204A]**

**§ 104-14. Classes and number of licenses established.**

- A. There shall be the following classes of liquor licenses available to qualified applicants in the Village of Port Byron, Illinois:

(1) Classes:

- (a) Class A - Standard License (Tavern).
- (b) Class B - Package Sales License (Convenience Store).
- (c) Class C - Nightclub.
- (d) Class D - Restaurant.
- (e) Class E - Club.
- (f) Class F - Special License.

- B. Number of licenses available: **[Amended 6-14-1993 by Ord. No. 93-14-6; 8-11-2003 by Ord. No. 031108D; 7-9-2007 by Ord. No. 070907V6; 9-12-2011 by Ord. No. 111209]**

- (1) Class A — Four.
- (2) Class B — Two.
- (3) Class C — One.
- (4) Class D — Two.
- (5) Class E — None.
- (6) Class F — as needed.

**§ 104-15. Licenses to be used only for premises for which issued.**

- A. No licensee under this article shall use his license to engage in the liquor business at any location other than the one named in the license.
- B. The use or attempted use of a license pursuant to this article at any premises other than the one for which the license was issued shall be cause for revocation of the licenses.

**§ 104-16. Posting.**

- A. Every holder of a license issued pursuant to this article shall at all times keep it posted in a conspicuous location on a wall of the business premises.



- B. No person shall post any license issued under this article in any premises other than the premises named in the license as issued.
- C. It shall be the duty of any peace officer to seize any license issued pursuant to this article which has been posted in any premises other than the premises for which it was issued.

**§ 104-17. Scope of privileges granted by license.**

A license issued pursuant to this article shall be purely a personal privilege, extending for not to exceed one year after its issuance, unless sooner revoked as provided in this article, 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 be subject to being encumbered or hypothetical. The license shall descend by the laws of the State or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of and deceased licensee, and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, but not longer than six months after the death, bankruptcy or insolvency of the licensee; a refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this section.

ARTICLE IV  
**Licensing Procedure**

**§ 104-18. Prerequisites to obtaining initial license.**

The Liquor Control Commissioner shall issue an original license required by Article III, where the applicant is eligible for the license under this article, and has completed all of the following acts:

- A. Fully completed the application prescribed in this article.
- B. Posted the bond required by this article.
- C. Paid the fees required by this article.

**§ 104-19. Application form.**

No license of any class required by Article III shall be issued prior to the time that an application in the form included as an attachment to this chapter is wholly completed and verified by the person desiring the license. A license issued in violation of this section shall be void.

**§ 104-20. Persons ineligible for license.**

No license of any kind shall be issued pursuant to this article to:

- A. A person who is not a resident of the Village of Port Byron. **[Added 3-14-1994 by Ord. No. 94-14-3-2]**
- B. A person who is not of good character and reputation in the community in which he resides.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony under any Federal or State law.
- E. A person who has been convicted of being the keeper 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 and morality.
- G. A person whose license issued under this article has been revoked for cause.
- H. A person who at the time of application or renewal of any license issued pursuant to this article would not be eligible for the license upon a first application.
- I. A copartnership, unless each of the members of the copartnership shall be qualified to obtain a license.
- J. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders, owing in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license under this article for any reason other than citizenship.
- K. A corporation unless it is incorporated in the State, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in the State.
- L. A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee and is a citizen of the United States.
- 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, 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 for the full period for which the license is to be issued.
- O. Any law enforcing public official, any President of Board of Trustees or member of Board of Trustee, or any President of member of a County Board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution.
- 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 by a gambling offense as prescribed by any of subsections a-3 through a-10 of Section 28-1 of the "Criminal code of 1961", as

contained in the Illinois Revised Statutes, approved July 28, 1961, as hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

- R. A person to who a Federal gaming device stamp or 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 stamp or Federal wagering stamp for the current tax period.
- S. A copartnership to which a Federal gaming device stamp or 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 stamp or Federal wagering stamp for the current tax period.
- T. A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20% of the stock of such corporation has been issued a Federal gaming device stamp or a Federal wagering stamp for the current tax.
- U. Any premises for which a Federal gaming Device stamp or a Federal wagering stamp has been issued by the Federal government for the current tax period.

**§ 104-21. Premises ineligible for license.**

Except in the case of hotels, motels and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. This section shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

**§ 104-22. Location ineligible for license.**

No license required by Article III shall be issued for use in any of the following locations:

- A. In any district under an ordinance entitled "TITLE 5: 5-1 through 5-18 inclusive - Zoning Ordinance of the Village of Port Byron", where the sale of liquor is not permitted by that ordinance.
- B. No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school, hospital, home or aged or indigent persons or for veterans, their wives or children or any military or naval station; however, this prohibition shall not apply to hotel 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 ordinance from which this section is derived; nor shall this subsection apply to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church where the church has been established within the 100 feet since the issuance of the original license. No alcoholic liquor, other than beer, shall be sold for consumption on the premises within 1,500 feet from any building used

for regular classroom or laboratory instruction on the main campus of any state university owned or maintained, in whole or in part, by the State.

**§ 104-23. Restrictions on the issuance of special licenses.**

- A. A special license shall be issued only to organized clubs, societies, associations, fraternal organizations, duly constituted churches or benevolent organizations organized not for pecuniary profits.
- B. A special license may be issued pursuant to this article for one day, two consecutive days, three consecutive days, four consecutive days, five consecutive days, or six consecutive days. The license shall specify on its face the duration.
- C. No organization shall be issued more than one special license during any 30 days period.

**§ 104-24. Surety bond or cash bond required for license; amount; forfeiture.**

- A. A person desiring a license or renewal of a license required by Article III shall execute a penal bond in the form and with security satisfactory to the Liquor Commissioner, conditioned upon the faithful observance of this chapter, and the laws of the state and the United States, or post a cash bond as provided in Subsection B of this section. The amount of the bond required by this subsection for the various classes of licenses shall be as follows:

<b>Class of License</b>	<b>Bond</b>
Standard	\$1,000
Package sale license	\$600
Special license	\$250

- B. In lieu of posting a penal bond with satisfactory security as provided by Subsection A of this section, an applicant for a license required by Article III may post \$150 in cash, subject to the following conditions:
  - (1) A cash bond shall be kept by the Village in a separate account, and the Village shall be entitled to all interest earned on the account.
  - (2) In the event that a licensee under this article surrenders his license for a reason other than forfeiture, at a time when no violation of this chapter has been charged against him, the cash bond shall be returned to him.
- C. The Liquor Control Commissioner may direct that the bond posted pursuant to either Subsection A or B of this section be forfeited at any hearing where the evidence shows that the licensee has failed to observe the laws of the Village, the State or the United States.

**§ 104-25. License fees.**

- A. Before any class of license is issued pursuant to this article, the applicant shall pay the license fee prescribed in this section.
- B. A license fee for a license to be issued pursuant to this article shall be payable annually or 1/2 the amount semi-annually. Where the applicant for the license choose to pay annually for his license, the payment must be made in full before the first day of April. Where the licensee chooses to pay for his license in semi-annual installments, his installments shall be paid before the first day of April and the first day of October.
- C. The fees for the various classes of licenses to be issued pursuant to this article shall be as follows: **[Amended 2-14-2005 by Ord. No. 051402D]**

**License Fees**

Class A	Standard	\$600 per year
Class B	Package sales license	\$375 per year
Class C	Nightclub	\$675 per year
Class D	Restaurant	\$600 per year
Class E	Club	\$150 per year
Class F	Special license	\$25 per day
Live entertainment	An additional fee of \$100 annually or \$50 semi-annually	

**§ 104-26. Contents of license certificate.**

The license issued by the Liquor Control Commissioner pursuant to this article shall show the following information:

- A. The name of the licensee.
- B. The class of the license and option, if any.
- C. The address of the licensed premises.
- D. The special privileges of the license.
- E. The signature of the Liquor Control Commissioner and his seal.
- F. The term of the license.

**§ 104-27. Term of license.**

A license issued pursuant to this article shall exist for a term of one year from the first day of April. At the end of the license term, the license shall expire and cease to be a license.

**§ 104-28. Records of licenses issued: contents.**

The Liquor Control Commissioner shall keep a separate file for each license issued pursuant to this division containing the following material:

- A. A duplicate original of the license certificate.
- B. The bond.
- C. The application and attached documents.
- D. The receipt showing payment of fees.

**§ 104-29. Renewal of license: generally; procedure.**

- A. Notice by Village of license renewal. The Liquor Commissioner shall see that all liquor license holders are given notice of license expiration at least 15 days prior to expiration of their current licenses. Said notice shall be in writing, may be a form letter, and may be delivered by mail or in person by any person designated by the Liquor Commissioner to deliver said notice.
- B. Any licensee under this article may renew his license at the expiration; if he then qualifies to receive a license and if the premises for which the renewal license is sought are suitable for the purpose. The renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the Board of Trustees from decreasing the number of licenses to be issued within its jurisdiction.
- C. The holder of a license issued pursuant to this article, who is eligible for an initial license pursuant to this division, desiring to procure renewal of his license shall perform the following acts:
  - (1) Surrender his old license certification.
  - (2) Pay the annual fees required by this article.
  - (3) File the required bond, unless previous bond remains in effect.
  - (4) Amend his application to show any change in any of the matters stated in the first application.
  - (5) Licenses issued pursuant to this article may be renewable annually before the first day of April.
  - (6) Upon granting the renewal of a license issued pursuant to this article, the Liquor Control Commission shall issue a new license.
- D. Penalty for late renewal.
  - (1) If, after being served proper notice of license renewal, the licensee fails to renew said license by submitting proper application and fee before the expiration date, a late fee shall be assessed. Said late fee shall be in the amount of \$50.

- (2) In addition to said late fee, the licensee shall not sell any alcohol, beer, wine, or spirits as defined by this Ordinance until a valid license has been issued by the Liquor Commissioner and is properly posted in the premises license by the Village.
- (3) Should a licensee pay for said license by check, and said check is returned from the bank for insufficient funds, or other reasons showing the licensee did not have the funds to cover payment for the license, the Liquor Commission shall revoke said license until such time as the licensee has paid the appropriate license and late fees. Payment shall be in the form of cash.

## ARTICLE V

### **Privileges Conferred by Various Classes of Licenses**

#### **§ 104-30. Generally.**

The privileges authorized by the issuance of one of the various classes of licenses pursuant to Article III and shall be as prescribed in this article.

#### **§ 104-31. Compliance with this article required.**

No licensee under this article shall engage in any conduct allowable under any license created by Articles III and IV except as specifically allowed by his own license.

#### **§ 104-32. Compliance with scope of license required.**

No licensee under Articles III and IV shall engage in any conduct otherwise proscribed by this chapter, or by law, except as specifically allowed by his license.

#### **§ 104-33. Class A - standard license (tavern).**

- A. A Class A license issued pursuant to Articles III and IV shall entitle the licensee to make the following sales of liquor:
  - (1) Sales for consumption on the premises.
  - (2) Package sales, for consumption off of the premises of the licensee.
- B. A Class A license issued pursuant to this chapter allows the licensee to maintain the following hours of business: **[Amended 3-9-1998 by Ord. No. 98-9-3B; 4-13-1998 by Ord. No. 98-13-4; 2-11-2008 by Ord. No. V081102E]**
  - (1) 6:00 a.m. to 2:00 a.m. Monday through Saturday inclusive.
  - (2) Sunday hours shall be 6:00 a.m. to 12:00 Midnight.
- C. A Class A license issued pursuant to Articles III and IV shall entitle the licensee to provide entertainment only by means of mechanical reproduction or radio reception.

- D. A Class A license issued pursuant to Articles III and IV allows the licensee to select the following option to a standard license for the additional fee required as stated in § 104-25:
- (1) Live entertainment allows social dancing and live entertainment as defined in Article I, § 104-1.
- E. Class A license allows the preparation and service of food. **[Added 8-11-2003 by Ord. No. 031108E]**

**§ 104-34. Class B - package sales license (convenience store).**

- A. A Class B license issued pursuant to this article shall entitle the licensee to make the following sales of liquor:
- (1) Package sales, for consumption off of the premises of the licensee.
- B. A Class B license issued pursuant to Articles III and IV shall entitle the licensee to maintain the following hours of business: **[Amended 3-9-1998 by Ord. No. 98-9-3B; 4-13-1998 by Ord. No. 98-13-4]**
- (1) 6:00 a.m. to 1:00 a.m. Monday through Saturday inclusive.
  - (2) Sunday hours shall be 9:00 a.m. to 12:00 midnight.
- C. No holder of a Class B license shall permit dancing or live entertainment, as defined in Article I, § 104-1, on the premises.

**§ 104-35. Class C - nightclub.**

- A. A Class C license issued pursuant to Articles III and IV shall entitle the licensee to make the following sales of liquor:
- (1) Sales for consumption on the premises.
- B. A Class C license allows for live entertainment, recorded entertainment, radio received entertainment, and dancing, as defined in Article I, § 104-1.
- C. A Class C license allows the preparation and service of food.
- D. A Class C license issued pursuant to this chapter allows the licensee to maintain the following hours of business: **[Amended 3-9-1998 by Ord. No. 98-9-3B; 4-13-1998 by Ord. No. 98-13-4]**
- (1) 1:00 p.m. to 2:00 a.m. Monday through Saturday inclusive.
  - (2) Sunday hours shall be 9:00 a.m. to 12:00 Midnight.



**§ 104-36. Class D - restaurant license.**

- A. A Class D license issued pursuant to Articles III and IV shall entitle the licensee to make the following sales of liquor:
  - (1) Sales for consumption on the premises.
- B. A Class D license issued pursuant to this chapter allows the licensee to maintain the following hours of business: **[Amended 3-9-1998 by Ord. No. 98-9-3B; 4-13-1998 by Ord. No. 98-13-4]**
  - (1) 9:00 a.m. to 2:00 a.m. Monday through Saturday inclusive.
  - (2) Sunday hours shall be 9:00 a.m. to 12:00 Midnight.
- C. A Class D license issued pursuant to Articles III and IV shall entitle the licensee to provide entertainment only by means of mechanical reproduction or radio reception.

**§ 104-37. Class E - club.**

- A. A Class E license issued pursuant to Articles III and IV shall entitle the licensee to make the following sales of liquor:
  - (1) Sales for consumption on the premises.
- B. A Class E license issued pursuant to this chapter allows the licensee to maintain the following hours of business: **[Amended 3-9-1998 by Ord. No. 98-9-3B; 4-13-1998 by Ord. No. 98-13-4]**
  - (1) 9:00 a.m. to 1:00 a.m. Monday through Saturday inclusive.
  - (2) Sunday hours shall be 9:00 a.m. to 12:00 Midnight.
- C. A Class E license issued pursuant to this chapter allows the licensee to provide \_\_\_\_\_.

**§ 104-38. Class F - special license.**

- A. A special license issued pursuant to this article shall entitle the licensee to engage in the license to engage in the following conduct:
  - (1) To sell liquor at any banquet, picnic, bazaar, fair or similar event.
- B. A special license issued pursuant to this article shall authorize the licensee to sell liquor during those hours provided for in a Class A license.

ARTICLE VI  
**Revocation and Suspension****§ 104-39. Authority of the liquor control commission: grounds.**

The Liquor Control Commissioner may revoke or suspend any license issued by him pursuant to Articles III, IV and V if he determines that the licensee has violated any of the provisions of the Liquor Control Act (235 ILCS 5/1-1 et seq.) or any provisions of this chapter or other ordinance or resolution enacted by the Board of Trustees, or any applicable rule or regulation established by the State Liquor Control Commission or the State Liquor Control Commissioner, which is not inconsistent with law.

**§ 104-40. Liability of licensee generally.**

In any proceeding before the Liquor Control Commissioner for suspension or revocation of a license granted pursuant to Articles III, IV and V, the acts of any officer, director, manager, agent or employees of the licensee shall be deemed and be held to be the acts of the licensee, without regard to whether or not the licensee knows of, authorized or consent to the acts.

**§ 104-41. Hearing required; notice.**

No license issued pursuant to Articles III, IV and V shall be so revoked or suspended except after a public hearing by the Liquor Control Commissioner, with a three-day notice in writing to the licensee affording the licensee an opportunity to appear and defend.

**§ 104-42. Final order of revocation or suspension.**

The Liquor Control Commissioner shall, within five days after a hearing held pursuant to this article, if he determines after the hearing that the license issued pursuant to Articles III, IV and V 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 the order within five days upon the licensee.

**§ 104-43. Revocation of bond.**

- A. Whenever the Liquor Control Commissioner revokes a license issued pursuant to Articles III, IV and V, he shall also cause a forfeiture of the bond given by the license for faithful compliance with the law and this chapter.
- B. Whenever the Liquor Control Commissioner determines that a licensee under Articles III, IV and V has violated any provision of the Liquor Control Act (235 ILCS 5/1-1 et seq.) or any provisions of this chapter, the Liquor Control Commissioner may forfeit the licensee's bond, in addition to any other sanction imposed under this chapter.

**§ 104-44. Appeals.**

Appeals from the order of the Liquor Control Commissioner, entered pursuant to this article, shall be as provided by law in Illinois Revenue Statutes, Chapter 110, 264-279.

ARTICLE VII  
**Operation**

**§ 104-45. Persons not to remain on premises after closing hours; exceptions.**

- A. Except as otherwise provided in this section, no person hold a license issued pursuant to this chapter shall remain on the licensed premises after the closing hours applicable to the class of license held by the licensee, except:
  - (1) The licensee.
  - (2) A person on the licensee's payroll.
- B. All lights must be turned out at the premises licensed pursuant to this chapter at or before the closing hour prescribed for the class of license held except:
  - (1) Outside lights.
  - (2) Inside lights for police protection.
- C. All restaurants or other establishments whose principal business is the sale of food, and to which a license has been issued pursuant to this chapter, shall close down its business with regard to the sale of liquor at the closing hours prescribed in its license, but may remain open for the sale of food.

**§ 104-46. Nature of licensed premises as a public accommodation.**

No person licensed under the provisions of this article shall deny or permit his agents and 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.

**§ 104-47. Sales on other than a cash basis.**

No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a passbook, or order on a store, on in exchange for any services rendered; and if any person shall extend credit for such a purpose, the debt attempted to be created shall not be recoverable at law. However, nothing contained in this section shall be construed to prevent any club from permitting checks or statements for alcoholic liquor to be signed by members of bonafide guests of members or guests in accordance with the by-laws of the club. Nothing contained in this section shall be construed to prevent any hotel from permitted checks or statements for liquor to be signed by regular guests residing at the hotel and charged to the accounts of the guests.

**§ 104-48. Dancing or live entertainment.**

No licensee under this chapter or his agents or his employees, shall permit dancing or live entertainment in any licenses premises other than a premises operating under a standard license with an option for live entertainment or a special license issued pursuant to this chapter; provided, however, that a "club" as defined in Article I, § 104-1, of this chapter, shall be permitted to have social dancing on the premises for its members and patrons together with music incidental upon payment of an annual fee of \$100, which fee shall be payable annually or in semi-annual installments of \$50 each, which fee shall be paid at the time the license or a renewal is applied for.

**§ 104-49. Restraint of trade.**

No person licensed pursuant to this chapter shall enter into any contract with any manufacturer, distributor or importing distributor of alcoholic liquors under which the licensee agrees not to sell any alcoholic liquors manufactured or distributed by any other manufacturer, distributor or importing distributor.

**§ 104-50. Use of words, "saloon" or "bar".**

No person licensed pursuant to this chapter shall use the words, "saloon" or "bar" in any sign or advertisement.

**§ 104-51. Pandering by licensee.**

No licensee shall in any advertisement state or imply that obscene conduct or immoral conduct, or obscene entertainment or immoral entertainment can be found or see at the licensed premises.

**§ 104-52. Possession of alcoholic liquor on public right-of-way.**

No person shall transport, carry, possess or have any alcoholic liquor in or upon or about his person on a street, alley or other public right-of-way adjacent to nonresidential areas in the Village, except in the original package with the seal unbroken.

ARTICLE VIII  
**Minors**

**§ 104-53. Defined.**

As used in this article, the term "minor" shall mean a person under the age of 21 years.

**§ 104-54. Activities exempt from this article.**

The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of religious service or ceremony, or the consumption by a minor under the direct

supervision and approval of the parents or parent of such minor in the privacy of a home, is not prohibited by this article.

**§ 104-55. Preparation of alcoholic beverages.**

No minor shall at any time, tend any bar or pour, draw, mix or sell any liquor, package or otherwise, in any premises licensed in the Village.

**§ 104-56. Possession.**

No minor shall have on or about his person, or in his custody or in his possession, or in his control, any liquor whether the seal is, or is not broken; however, a minor may do such acts in his own home, or as a part of a religious ceremony in an organized church.

**§ 104-57. Consumption.**

The consumption of alcoholic liquor by a minor is unlawful.

**§ 104-58. Giving liquor to minors.**

No person shall give, sell, or deliver any liquor to any minor within the Village, including liquor in a container with the seal unbroken; however a minor may be given liquor by his parents, or with their consent in the home of his parents, or a part of an organized religious ceremony in an organized church.

**§ 104-59. Authority and duty of licensees under this chapter to require proof of age.**

If a person licensed pursuant to this chapter or his agent or employee shall believe, or have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of nonage of the prospective recipient, he shall, before making the sale or delivery, demand presentation or some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

**§ 104-60. Fraudulent identification cards.**

No person shall transfer, alter or deface an identification card containing proof of age, issued by a public officer in the performance of his duties; or use the identification card of another; or carry or use a false or forged identification card; or obtain an identification card by means of false information.

**§ 104-61. Minors on premises.**

- A. No licensee holding a license issued pursuant to this chapter shall employ any person under the age of 21 years upon his licensed premises.

- B. No licensee holding a license issued pursuant to this chapter shall permit or suffer any minor to be on the licensed premises except where the minor is present at the licensed premises in the company and presence of a parent, guardian or other responsible adult; is present during the hours of 11:00 a.m. to 8:00 p.m. and is not present in an area of the licensed premises that is used solely for the dispensing or ingesting of alcoholic beverages, i.e.; the bar area, package liquor area, etc.

#### ARTICLE IX

##### **Vicarious Liability**

##### **§ 104-62. Licensee's liability for violations of state law.**

Every act or omission constituting a violation of the Liquor Control Act (235 ILCS 5/1-1 et seq.) or any of the provisions of this chapter, by any officer, director, manager, agent or employee of any licensee under this ordinance, shall be deemed and held to be the act or omission of the licensee, even though such act may be done without the knowledge, authorization or consent of the licensee.

#### ARTICLE X

##### **Penalty**

**[Amended 4-14-1997 by Ord. No. 97-14-4C]**

##### **§ 104-63. Violations and penalties.**

- A. Any licensee or person, violating any of the provisions of this chapter, except Article I, Liquor, § 104-7, Prohibited acts, shall upon conviction, be fined not less than \$100 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. For the purposes of this article, penalties for any licensee or person violating any of the provisions of Article I, Liquor, § 104-7, Prohibited acts, of this chapter shall include the following:
- (1) It shall be cause for revocation or suspension as provided if any licensee, his manager or agent shall commission, allow, authorize, tolerate, facilitate, permit, or sanction any violation of Article I, § 104-7, of this chapter.
  - (2) A Police Officer shall, upon establishing probable cause that Article I, § 104-7, of this chapter has been violated, shall close the licensee's business for the remainder of the business day, ensure that all customers, patron's, and employees leave the licensed premises when properly identified and not placed under arrest, shall gather all evidence necessary for prosecution of any violation of this ordinance, shall issue a citation to the licensee and other person(s) in violation of the provisions of this ordinance, shall complete a police report detailing the incident, listing probable cause, evidence seized, and identifying all subjects involved, and shall provide copies of all reports and citations to the Liquor Commissioner.

- (3) The Liquor Commissioner shall schedule a hearing for the purpose of revocation or suspension of the licensee's liquor license.
- (4) Any licensee or person, violating any of the provisions of Article I, § 104-7, of this chapter, shall, upon conviction, be fined not less than \$250 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

**§ 104-64. Charging violation, prosecution.**

- A. A Police Officer, upon establishing probable cause, shall charge a licensee or person with a violation of any provision of this ordinance by delivering to that licensee or person a notice of violation charging that person with the violation.
- B. The business or person so such charged has five business days to satisfy the violation by making payment of the appropriate fine established by this article to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the notice of violation the Police Department shall forward copies of all reports and the NOTICE OF VIOLATION to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that licensee or person with the violation and establishing a court date for trial.





MANUSCRIPT  
ALCOHOLIC BEVERAGES

*104 Attachment 1*

**Village of Port Byron**

**License Form**

1. Name of applicant(s) \_\_\_\_\_
2. Address of applicant(s) \_\_\_\_\_  
\_\_\_\_\_
3. Date of birth of applicant(s) \_\_\_\_\_
4. Address of premises to be used by applicant(s) \_\_\_\_\_  
\_\_\_\_\_
5. Owner or landlord of premises to be used by applicant(s) \_\_\_\_\_  
\_\_\_\_\_
6. Address of owner or landlord of premises to be used by applicant(s) \_\_\_\_\_  
\_\_\_\_\_
7. Class of license applied for \_\_\_\_\_
8. Date on which business to commence \_\_\_\_\_
9. If you are not the owner or landlord of the premises, do you have the consent of the owner or landlord of the premises to use the premises for the purpose allowed in the license that you have applied for? \_\_\_\_\_
10. Are you leasing the premises? \_\_\_\_\_
11. Are you a citizen of the United States? \_\_\_\_\_
12. Have you ever been convicted of a felony under the laws of the State of Illinois?  
\_\_\_\_\_
13. Have you ever been convicted of a felony under the laws of the United States, or under Federal law? \_\_\_\_\_
14. Have you ever been convicted of keeping a house of ill fame? \_\_\_\_\_
15. Are you presently keeping a house of ill fame? \_\_\_\_\_
16. Have you ever been convicted of pandering or any other crime or misdemeanor opposed to decency or morality? \_\_\_\_\_
17. Have you ever had a liquor license issued to you under the laws of the State of Illinois, or any of its political subdivisions revoked for cause? \_\_\_\_\_
18. Are you a co-partnership? \_\_\_\_\_
19. If so, who are your partners, either overt or silent? \_\_\_\_\_
20. Are you a corporation? \_\_\_\_\_
21. If so, name all of the stockholders of your corporation who own more than 5% of stock of your corporation.  
\_\_\_\_\_  
\_\_\_\_\_
22. Does the applicant plan to actively manage the business? \_\_\_\_\_
23. If not, who will be the manager? \_\_\_\_\_

MANUSCRIPT  
PORT BYRON CODE

24. Full name and address of manager \_\_\_\_\_

25. Date of birth of manager \_\_\_\_\_

26. Qualifications of manager \_\_\_\_\_

(NOTE: Manager must answer questions 11 through 17 personally and under Oath in separate application.)

27. Are any of the following persons in any way connected with the applicant in connection with the business for which this license is sought?

a. President of Board of Trustees Port Byron, Illinois \_\_\_\_\_

b. A member of the Board of Trustees of the Village of Port Byron, Illinois \_\_\_\_\_

c. Any Village Attorney \_\_\_\_\_

STATE OF ILLINOIS                    )  
  ) SS:  
ROCK ISLAND COUNTY            )

**AFFIDAVIT**

We, the undersigned, being first duly sworn upon our oath, state and depose as follows:

1. We understand that the foregoing information is set forth so that we might obtain a liquor license.
2. That under the laws of the State of Illinois, the answers to questions 10 through 27 are material to the question of whether or not we are entitled under law to obtain a liquor license in the State of Illinois.
3. That we understand that making a false affidavit constitutes perjury where a false answer is made knowingly to a material question.
4. That we personally prepared the answers to the above questions.
5. That we have re-read them, and find them to be wholly true, and we wholly understand them.

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ A.D.

\_\_\_\_\_  
President of Board of Trustees or Village Clerk

## **Chapter 108**

### **AMUSEMENT DEVICES**

#### **ARTICLE I** **Automatic Amusement Devices**

- § 108-1. Definition.**
- § 108-2. Issuance of license.**
- § 108-3. License required.**
- § 108-4. Application.**
- § 108-5. License fee.**
- § 108-6. Special regulations.**

#### **ARTICLE II** **Game Machines**

- § 108-7. Definition.**
- § 108-8. Issuance of license.**
- § 108-9. License required.**
- § 108-10. Application.**
- § 108-11. License fee.**
- § 108-12. Plain view; gambling devices.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### **ARTICLE I** **Automatic Amusement Devices** **[Derived from Title 2, Ch. 2, Art. 14, of the 1993 Code]**

##### **§ 108-1. Definition.**

As used in this article, the following terms shall have the meanings indicated:

**AUTOMATIC AMUSEMENT DEVICE** — Any automatic musical instrument and automatic motion picture machine, including phonograph, player piano, music box, juke box or other instrument or device capable of producing or reproducing any vocal or instrumental sounds and motion picture machines and motion picture sound machines which are governed or controlled by the deposit of a coin or token.

##### **§ 108-2. Issuance of license.**

Licenses shall be issued on application to the Clerk for automatic amusement devices located in the Village.

##### **§ 108-3. License required.**

No person shall keep or permit to be kept any automatic amusement device in any public or private place for general operation by or for the amusement of the public, without first having applied for and received a license for each such automatic amusement device.

**§ 108-4. Application.**

Application for licenses hereunder shall give the name of the applicant, the description of the automatic amusement device, including factory, model or other distinguishing number or identification, and the location of the premises where said automatic amusement device or devices are to be kept for use.

**§ 108-5. License fee.**

The annual license fee for such license for each such automatic amusement device kept or installed on the premises shall be \$25 and shall be payable in advance on or before April 1st of each license year. No license issued hereunder shall be transferable. The license issued hereunder shall be affixed in a conspicuous place in or upon the automatic amusement derived for which it is issued.

**§ 108-6. Special regulations. [Amended 9-7-1954 by Ord. No. 54-5]**

No license issued hereunder shall permit the operation of any automatic amusement device at any place or in any manner which will disturb the peace and quiet of persons outside the premises where said automatic device or devices are located. No immoral or indecent selections shall be placed on any such automatic musical instrument or shown on any such automatic motion picture.

**ARTICLE II****Game Machines**

**[Derived from Title 2, Ch. 2, Art. 15, of the 1993 Code]**

**§ 108-7. Definition.**

As used in this article, the following terms shall have the meanings indicated:

**GAME MACHINE — [Amended 9-7-1954 by Ord. No. 54-7]**

- A. As used in this article and for which provision is hereby made for the licensing thereof is hereby defined to be any pin ball or ball table machine or marble machine, shuffle board, or any other similar type of game or machine or table in which any ball, sphere, missile, arm, crane, rod or plunger is struck, released, controlled or manipulated for the purpose of amusement or skill, or any machine operated by electric beam or electrical impulse or any other type of mechanical or electrical machine or game controlled or manipulated for the purpose of amusement or skill and in which a test of skill is involved, and for the playing of which a fee is charged.
- B. Also includes a pool table and a billiard table, whether said pool table or billiard table are coin operated or not, so long as any fee is charged for playing any such game.  
**[Amended 7-3-1967 by Ord. No. 67-3]**

**§ 108-8. Issuance of license.**

Licenses shall be issued on application to the Clerk for certain game machines for the purpose of amusement or skill and for the playing of which a fee is charged.

**§ 108-9. License required.**

No person shall keep or permit to be kept for gain or profit within the corporate limits of the Village a game machine or machines as herein defined without first having applied for and received a license to keep such machine or machines.

**§ 108-10. Application.**

- A. Application for license shall be filed in writing with the Clerk and shall specify:
- (1) The name and address of the applicant, and if a firm, corporation, partnership or association, the principal officers thereof and their addresses.
  - (2) The place where the business of the applicant is carried on.
  - (3) The description and type of game machine and the number of machines intended to be kept for use on the premises.
- B. Said application shall be made to the Clerk who shall issue said licenses. Said licenses shall be nonassignable and nontransferable.

**§ 108-11. License fee.**

The annual fee for such license for each game machine shall be \$25 and shall be payable in advance on or before April 1st of each license year. No license shall be issued for less than one year, and in no case shall any portion of said license fee be repaid to the licensee. The license issued hereunder shall be affixed in a conspicuous place in the place of business where said machines are kept, and shall permit the operator of said business to maintain and keep as many of such machines as are listed in said license.

**§ 108-12. Plain view; gambling devices. [Amended 9-7-1954 by Ord. No. 54-7]**

All such game machines shall be at all times kept and placed in plain view of all persons who may be in or frequent any place of business or other place where such machines are kept or used. Nothing in this article shall be construed to authorize, permit or license any slot machine or any gambling device of any kind or nature, whatsoever, which is prohibited by the provisions of this Code or by the laws of the State of Illinois.



## Chapter 112

### ANIMALS

#### ARTICLE I Animals

- § 112-1. Livestock and domestic fowl.
- § 112-2. Pound and keeper.
- § 112-3. Authority to impound.
- § 112-4. Redemption.
- § 112-5. Keeper to make complaint.
- § 112-6. Manner of suit.
- § 112-7. Suit against unknown owner.
- § 112-8. Sale of animal.
- § 112-9. Redeem from purchaser.
- § 112-10. Disposal of proceeds.
- § 112-11. Penalty.
- § 112-12. Wrongfully impounding.

#### ARTICLE II Dogs and Cats

- § 112-13. License required.
- § 112-14. Running at large.
- § 112-15. Impounding.
- § 112-16. Care of impounded animals.
- § 112-17. Dog or cat bite.
- § 112-18. Penalty.
- § 112-19. Limitation on number of animals.

#### ARTICLE III Dangerous Animals

- § 112-20. Definitions.
- § 112-21. Beekeeping within Village prohibited.
- § 112-22. Dangerous animals generally; declared to be nuisances.
- § 112-23. Dangerous animals unsafe to be impounded may be slain; disposition.
- § 112-24. Emergency abatement of certain nuisances.
- § 112-25. Penalties.

#### ARTICLE IV Quiet Enjoyment of Neighborhood

- § 112-26. Quiet enjoyment of neighborhood.
- § 112-27. Penalty.

#### ARTICLE V Animal Traps

- § 112-28. Prohibited traps.
- § 112-29. Permitted traps.
- § 112-30. Penalty.

[HISTORY: Derived from Title 4, Ch. 1, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]

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**ARTICLE I**  
**Animals****§ 112-1. Livestock and domestic fowl. [Amended 11-13-1978 by Ord. No. 11-13-78]**

Livestock and domestic fowl not to run at large; declared to be a nuisance.

- A. No person shall keep any agricultural animals (as defined by the United State Department of Agriculture) on any acreage of less than five acres within the Village limits. Such animals shall be limited to not more than one such animal per acre.
- B. Any person who shall keep such animals as herein defined shall provide adequate shelter and sanitation for such animals.
- C. The animals and fowl prohibited from being kept in the City or running at large in the City by Subsection A above, are hereby declared to be a nuisance.
- D. Any person(s) in violation of any of the provisions of this section shall be fined not less than \$35 nor more than \$100.

**§ 112-2. Pound and keeper.**

There shall be provided and maintained at some suitable place, a location for the temporary impounding of all animals found running at large within the corporate limits of the Village contrary to the provisions of this or any other Chapter of the Village Code.

**§ 112-3. Authority to impound.**

It shall be the duty of the Police Chief, and all inhabitants of the Village are hereby authorized to drive or take away all such animals found running at large within said limits, to the pound; and the keeper of such pound shall receive and safely keep therein such animal or animals until redeemed or disposed of as hereinafter provided.

**§ 112-4. Redemption.**

No such animal so impounded shall be released until the owner or claimant thereof shall have paid to the keeper of the pound all fees and charges occasioned by and accruing for the impounding, receiving and discharging said animal; and in case suit shall have been commenced, as hereinafter provided, before such animal is released or redeemed, all costs that have been made in said suit and proceedings connected therewith.

**§ 112-5. Keeper to make complaint.**

If any animal so impounded shall not be redeemed within 48 hours thereafter, the keeper or person in charge of such pound shall at once file with some proper officer in the Village, a complaint in writing, stating that such animal has been impounded for running or being at large, contrary to the provisions of this Code, which statement shall contain a description of such animal, the time when impounded, the amount of charges, costs and expenses then



accrued, and the name of the owner or person previously having such animal in possession, if the same is known; and if not, then that the owner or person is unknown, which statement shall be subscribed and sworn to by said keeper or person in charge of said pound.

**§ 112-6. Manner of suit.**

Upon the filing of such statement, if the name of such owner or person be given therein, said proper officer shall immediately issue a summons against the person named in such statement, the same as in other suits for the violation of provisions of this Code, and shall proceed with such suit in the same manner as in the case of other suits; and upon proof that such animals was found at large contrary to any provisions of this Code, shall render a judgment against such owner or person for the amount of all charges, costs and expenses accrued in impounding and keeping such animals, with all costs of suit. And if it shall appear that such owner or person suffered, permitted or allowed said animal to run or go at large contrary to any Code provisions, then such judgment shall include a fine therefor, as provided in this Village Code.

**§ 112-7. Suit against unknown owner.**

- A. When such statement shows that the owner or person having had previous possession of such animals is unknown, the proper officer shall docket the suit in the name of the Village against the unknown owner of such animal describing such animal, and shall at once cause notice of the pendency and time and trial of the suit to be given by the posting of notice thereof in three of the most public places in the Village, which notice shall contain the title of the suit as docketed, and state that such animal has been impounded for being at large contrary to the provisions of this Code; the amount of charges and expenses due for impounding and keeping of such animal, and the time and place of the trial of such suit, and also, that unless the defendant shall show cause to the contrary, judgment will be entered by default for such amount and costs, and such animal sold to satisfy the same.
- B. Said notices shall be delivered to the Marshal of the Village who shall post said copies as aforesaid, at least five days before the day set for trial. And on or before the time set for trial, said Village Marshal shall make return upon said notice, showing the times and places where he posted the same. If, at the time for trial, it shall appear that notice thereof has not been given as required and the defendant does not appear, the suit shall be continued for notice until proper notice is given, and when on the day set for trial, or at any time to which the suit shall have been continued for notice, it shall appear that the notice required has been given, or when the defendant appears, the proper officer shall proceed to hear and determine the case the same as though the defendant had been personally served with summons therein, and render judgment in favor of the Village for said charges, expenses and costs, or in favor of the defendant, according to the evidence in the case. In any case docketed as aforesaid, if any person claiming to own or to be entitled to the possession of such animal, shall appear and desire to defend the suit, the name of such person shall be entered upon the docket as defendant, and the suit shall then proceed as though he had been personally and duly served with summons therein, and in such case, if the court find that such person suffered, permitted or allowed such

animal to run or go at large contrary to any provisions of this Code, in addition to the judgment for charges and expenses, the court shall enter judgment for a fine therefor, as provided in this Code.

**§ 112-8. Sale of animal.**

In case the proper officer shall render a judgment against the owner of such animal, either in case of service, appearance or upon judgment, that such animals be sold to satisfy the same, and all charges and expenses of keeping such animal subsequent to the rendition thereof and the costs of sale and shall immediately issue an execution, under which the Village Marshal shall levy upon such animal and sell same according to law.

**§ 112-9. Redeem from purchaser.**

Animals sold under the provisions of this chapter may be redeemed by the owner thereof from the purchaser at any time within three months from the time of such sale, upon the payment to such purchaser of the amount paid by him, with interest thereon at the rate of 5% per annum and the expense of keeping such animal; and of the right of the owner to redeem, the officer making such sale, shall, at the time of such sale, give notice, and in his return on said execution, shall specify the amount each animal sold for.

**§ 112-10. Disposal of proceeds.**

The Village Clerk shall keep an account of all money so received by him on account of such sales and retain the same distinct from other funds for the period of three years, and if within three years, the owner of such animal shall appear before the Board of Trustees and satisfy it that he was the owner of such animal, so sold, and is entitled to the excess of such sale so deposited, the Board of Trustees shall direct the same to be paid to him, but if no such owner appears within such three years, then such money shall become a part of the General Fund of the Village.

**§ 112-11. Penalty.**

A penalty of \$25 shall be assessed for violation of this chapter.

**§ 112-12. Wrongfully impounding.**

Any person who shall willfully drive or entice any animal from beyond the corporate limits of the Village into the same, or who shall let any animal out of an enclosure in which it may be lawfully confined, or aid and abet the same in order to take up or impound the same; or cause the same to be done, shall be fined as in this Code provided.

ARTICLE II  
**Dogs and Cats**

**§ 112-13. License required.**

It shall be the duty of every person owning, keeping or harboring any dog in the Village to register the same with the Rock Island County Animal Control Office.

**§ 112-14. Running at large.**

- A. It shall be unlawful for any dog or cat to run at large in the Village at any time. Dogs or cats which are on any street, alley or sidewalk or other public place without being held securely on a leash shall be deemed to be running at large.
- B. It shall be unlawful for any dog or cat to run at large on the lawn of any person, but the owner thereof, without the permission of the owner of the aforementioned lawn.
- C. Dogs and cats which are running at large shall be taken up and impounded by the Police Department.

**§ 112-15. Impounding.**

Animals which are impounded in the Village shall be kept in the enclosure established as the Village Pound until redeemed or until otherwise disposed of or at such other place as the Village may provide for this purpose, in keeping with Illinois law.

**§ 112-16. Care of impounded animals.**

Animals which are kept in the Village pound or such places as so used shall be humanely treated and fed; such a pound shall be under the charge of the Chief of Police or Animal Control Officer, who shall be responsible for the care and custody of the same. Unredeemed animals shall be disposed of as provided by State Statute.

**§ 112-17. Dog or cat bite.**

Whenever any dog or cat bites a person, the owner of said dog or cat shall immediately notify the Chief of Police or Animal Control Officer who shall order the dog or cat to be held on the owner's premises or shall have it impounded for a period of 10 days. The dog or cat shall be examined immediately after it has bitten anyone and again at the end of the ten-day period, at owner's expense. If at the end of this ten-day period, a veterinarian is convinced that the dog or cat is free of rabies, he shall order the dog or cat to be released from quarantine or the pound as the case may be.

**§ 112-18. Penalty. [Amended 8-8-1982]**

Any owner of an animal found running at large in violation of § 112-14 of this chapter shall be deemed to be in violation of this Ordinance and shall be subject to service of citation. Said

owner shall pay a fine of \$20 for the first offense, and \$40 for a second offense, to the Police Department. If said owner fails to pay the designated fine, he shall be subject to a warrant for arrest or notice to appear. All those committing a third offense shall be subject to a warrant for arrest and a fine of not less than \$100 and not more than \$500.

**§ 112-19. Limitation on number of animals. [Amended 8-28-1978 by Ord. No. 78-8-28A]**

- A. It shall be unlawful to harbor or keep any more than four dogs or four cats or any combination thereof, without a license issued by the Rock Island County Health Inspector.
- B. Before a permit is issued, the Health Inspector shall determine that all animals to be kept shall have all required inoculations and the name of the veterinarian being furnished by the owner of the said animals. The Health inspector shall further determine that the animals shall be kept clean and healthy in a pen, yard or other place free from feces and odor, and shall be able to inspect said pen or yard periodically at any reasonable time, to insure continued compliance if said permit is issued.

ARTICLE III

**Dangerous Animals**

**§ 112-20. Definitions.**

As used in this Ordinance, the following terms shall have, unless the context indicates otherwise, the meaning ascribed to them:

**ANIMAL** — Any animals, poultry, bird, reptile, or any other dumb creature but shall not include any human being.

**DANGEROUS ANIMALS** — Any animal, as defined above, of any species considered to be ferocious, mischievous, or intractable at common law, including lions, tigers, other jungle, desert or mountain cats, bears, elephants, wolves, foxes, raccoons, monkeys, apes, poisonous or constrictor snakes or lizards, and shall also mean any animal of any other species known to its owner to be dangerous or any animal which and given its owner or possessor reasons to know that it is dangerous.

**§ 112-21. Beekeeping within Village prohibited.**

It shall be unlawful for any person to keep or maintain any bees, beehives, or apiaries within the Village, unless the property occupied by them within the Village shall be a minimum of 10 acres.

**§ 112-22. Dangerous animals generally; declared to be nuisances.**

- A. No person shall permit any dangerous animals to run at large nor shall any person lead such an animal with a chain or rope or other applicants, whether the animals is muzzled or unmuzzled, in any street, avenue, lane or highway or public place or building, or

private house, building or vacant lot, within the Village, except for a public exhibition authorized by the Chief of Police.

- B. In addition to any other remedies, and except as expressly authorized in the Village by the Village Board of Trustees, dangerous animals are hereby declared to be nuisances.

**§ 112-23. Dangerous animals unsafe to be impounded may be slain; disposition.**

If any dangerous, fierce or vicious animals cannot be safely taken up and impounded, the animal may be slain by any police officer of the Village; however, in all cases where any animal so slain has bitten any person or caused an abrasion of the skin of a person, it shall be the duty of the police officer slaying the animal to immediately deliver the carcass and the head of the animal to the Health Officer. Police officers shall not shoot a rabies suspect in the head.

**§ 112-24. Emergency abatement of certain nuisances.**

When a nuisance as defined by this Ordinance exists and the nuisance causes or threatens imminent danger or great peril to persons or property, the nuisance may be immediately abated by the Village, by using the following procedure:

- A. The President of the Board of Trustees of the Village shall find that the nuisance exists, and that the nuisance causes or threatens imminent danger or great peril to persons or property, and that an emergency exists.
- B. A copy of the findings of the President of the Board of Trustees made under Subsection (a) shall be placed on file in the office of the Village Clerk.
- C. The Village Clerk shall immediately issue a notice directed to the owner or occupant of the premises on which the nuisance exists, directing the owner or occupant to immediately abate the nuisance.
- D. The notice issued pursuant to Subsection (c) shall be served upon the owner or occupant of the premises upon which the nuisance exists. The notice may be served by any officer or employee of the Village. In the event that the owner or occupant of the premises is not to be found, the notice may be posted on the premises on which the nuisance exists.
- E. Upon being served with a notice to abate a nuisance as provided in Subsection (d), the owner or occupant of the premises on which the nuisance is located shall immediately abate the nuisance. The failure of the owner or occupant to immediately abate the nuisance upon service or posting of the notice shall be a violation of this Ordinance and shall be punished as provided in § 112-25 of this article.
- F. In the event that the owner or occupant of a premises on which a nuisance is ordered to be abated under this section does not immediately abate the nuisance, the appropriate Village department shall immediately abate the nuisance. The cost of the abatement by the Village shall be assessed against the property on which the nuisance existed, and shall be collected as other special assessments.

**§ 112-25. Penalties. [Amended 3-10-1986 by Ord. No. 86-3-10]**

Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$25 nor more than \$100 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**ARTICLE IV  
Quiet Enjoyment of Neighborhood****§ 112-26. Quiet enjoyment of neighborhood.**

It shall be unlawful for any cat or dog which may in any manner unduly and unreasonably and continuously disturb the quiet enjoyment of any person or neighborhood within the Village. The dog or cat may be taken up and impounded in the manner provided in this chapter. Notwithstanding the above, any dog or cat violating this provision of the chapter shall by its owner or possessor be entitled to at least one citation or written warning prior to impoundment. The citation or warning shall be issued by the Animal Control Officer, or a Police Officer, and either delivered in person or mailed by certified mail to the owner and/or possessor of the animal.

**§ 112-27. Penalty. [Amended 6-12-1995 by Ord. No. 06-12-95]**

Any owner or possessor of an animal found in violation of this article shall be deemed to be in violation of this ordinance and shall be subject to service of citation. Said owner shall pay a fine of \$20 for the first offense, and \$40 for a second offense, to the Police Department. If said owner fails to pay the designated fine, he or she shall be subject to a warrant for arrest or notice to appear. All those committing a third offense shall be subject to a warrant for arrest and a fine of not less than \$100 and not more than \$500.

**ARTICLE V  
Animal Traps  
[Added 2-14-2005 by Ord. No. 051402A]****§ 112-28. Prohibited traps.**

It shall be unlawful for any person to place, rig, set or maintain a leg-hold or body gripping trap within the Village limits. Snare or box-type traps or any other animal traps set within the Village are also prohibited.

**§ 112-29. Permitted traps.**

Boxed traps may be used by licensed humane organizations or individuals that have obtained written approval from the Police Department, and with this permission, may be used for the capture of stray or nuisance domesticated animals or wild animals. The police shall allow traps only after they have made the determination that the use of such traps is necessary for the health and safety of the Village inhabitants.

**§ 112-30. Penalty.**

Violation of this ordinance shall result in removal and destruction of the traps and a fine up to \$100 per violation.





## **Chapter 119**

### **BED-AND-BREAKFAST ESTABLISHMENTS**

**§ 119-1. Adoption by reference.**

**§ 119-2. Violations and penalties.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 1-17-1995 by Ord. No. 95-17-1B (Title 2, Ch. 2, Art. 19, of the 1993 Code). Amendments noted where applicable.]**

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**§ 119-1. Adoption by reference.**

That Chapter 50 ILCS (Illinois Compiled Statutes) Sections 820/1 through 8 is hereby adopted by the Village of Port Byron, Illinois in its entirety and shall be known as the Bed-and-breakfast Ordinance of the Village of Port Byron.

**§ 119-2. Violations and penalties.**

That the penalty for any persons, corporations or other entities being found guilty of a violation of this Ordinance shall be fined \$100 each day for each violation thereof.



## **Chapter 124**

### **BUILDING CONSTRUCTION**

#### **ARTICLE I** **Installation of Satellite Antennas**

- § 124-1. Definition.
- § 124-2. Location.
- § 124-3. Number of satellite antennas.
- § 124-4. Size and height limitations.
- § 124-5. Requirements.

#### **ARTICLE II** **Swimming Pools**

- § 124-6. Compliance required.
- § 124-7. Definitions.
- § 124-8. Location.
- § 124-9. Permit required.
- § 124-10. Drawings, plans and permits.
- § 124-11. Requirements for gates, latches.
- § 124-12. Enclosures.
- § 124-13. Electrical requirements.
- § 124-14. Safety precautions.
- § 124-15. Sanitary requirements.
- § 124-16. Penalties.

#### **ARTICLE III** **Plumbing Code**

- § 124-17. Adoption of illinois state plumbing code.
- § 124-18. Water service hook-ons.

#### **ARTICLE IV** **Electrical Code**

- § 124-19. Adoption of national electrical code.

#### **ARTICLE V** **Gas Regulations**

- § 124-20. Gas installations.

#### **ARTICLE VI** **Numbering of Buildings**

- § 124-21. Numbering required.
- § 124-22. Duty of owner or occupant; specifications.
- § 124-23. Numbers on mailboxes.
- § 124-24. Violations and penalties.

#### **ARTICLE VII** **Building Code**

- § 124-25. Adoption by reference.
- § 124-26. Revisions.
- § 124-27. Repealer.
- § 124-28. Adoption of Illinois Plumbing Code.
- § 124-29. Adoption of National Electric Code.
- § 124-30. Construal of provisions.

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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## ARTICLE I

**Installation of Satellite Antennas****[Adopted 8-12-1985 by Ord. No. 85-8-120 (Title 3, Ch. 1, Art. 2, of the 1993 Code)]****§ 124-1. Definition.**

For the purpose of this Ordinance the terms set forth herein shall have the following meaning:

SATELLITE ANTENNA — An apparatus capable of receiving television or radio signals from orbiting satellites.

**§ 124-2. Location.**

The location of satellite antennas in the Village of Port Byron shall be as follows:

- A. Satellite antennas shall only be located in the rear yard of the lot, or in that area of the lot least visible from the streets.
- B. Satellite antennas shall be set back from the rear property line and side property lines of a lot a minimum distance of four feet.

**§ 124-3. Number of satellite antennas.**

The number of satellite antennas allowed in the Village of Port Byron shall be as follows:

- A. No more than one satellite antenna shall be allowed on any lot that is used as a residence.
- B. More than one antenna shall be allowed for an industrial or commercial use that is properly zoned for that use.

**§ 124-4. Size and height limitations.**

The size and height limitations on satellite antennas in the Village of Port Byron shall be as follows:

- A. A satellite antenna shall not exceed 15 feet in diameter for any residential use. Satellite antennas may exceed 15 feet in diameter for commercial or industrial uses that are properly zoned for that use.
- B. Ground mounted satellite antennas shall not exceed 15 feet in height above the ground.
- C. Roof mounted satellite antennas shall not exceed 10 feet above the roof line.

**§ 124-5. Requirements.**

All satellite antennas/dishes shall meet the following requirements:

- A. Built in conformance with all applicable Village Codes.
- B. Proper permits secured.
- C. Be of a non-combustible and corrosive resistant material.
- D. Comply with the manufacturer's specifications unless they are in conflict with Village Codes, in which case Village Code controls.

ARTICLE II  
**Swimming Pools**

**[Adopted 7-14-1986 by Ord. No. 86-14-7 (Title 3, Ch. 1, Art. 3, of the 1993 Code)]**

**§ 124-6. Compliance required.**

It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the Village except in compliance with all the provisions of this ordinance.

**§ 124-7. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**SWIMMING POOL** — A receptacle for water, or an artificial pool of water having a depth at any point of more than two feet, intended for the purpose of immersion or partial immersion of human beings, and including all appurtenant equipment.

**§ 124-8. Location.**

No portion of a swimming pool outside a building shall be located at a distance less than eight feet from any side or rear property line, or building line. Pumps, filters and pool water disinfection equipment installations shall be located at a distance not less than eight feet from any side property line.

**§ 124-9. Permit required.**

It shall be unlawful to proceed with the construction, installation, enlargement, or alteration of any private residential swimming pool and appurtenances within the Village unless permits therefor shall have first been obtained from the Building Inspector.

**§ 124-10. Drawings, plans and permits.**

All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool and appurtenances shall first be presented to the Building Inspector, for examination and approval as to proper location and construction.

**§ 124-11. Requirements for gates, latches.**

All doors or gates in fences surrounding swimming pools shall be of such a size as to completely fill any opening in the fence, wall or other structure and shall be equipped with self-closing and self-latching devices capable of keeping such gate or door securely closed. The closing or latching devices shall be located not less than five feet above grade or be otherwise inaccessible from the outside to small children. In lieu of self-closing and self-latching devices, the doors and gates may be equipped with locks which shall be kept locked at all times.

**§ 124-12. Enclosures.**

Each swimming pool shall be enclosed by a fence of not less than five feet in height.

**§ 124-13. Electrical requirements.**

- A. All electrical installations provided for, installed and used in conjunction with private residential swimming pools shall be in conformance with the ordinances regulating electrical installations.
- B. No current carrying electrical conductors shall cross private residential swimming pools, either overhead or underground or within 15 feet of such pools.
- C. All metal fences, enclosures or railings near or adjacent to swimming pools which might become electrically alive as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

**§ 124-14. Safety precautions.**

Every swimming pool shall be equipped with one or more throwing ring buoys.

**§ 124-15. Sanitary requirements.**

Sanitation requirements for private pools shall be as established by the Rock Island County Board of Health.

**§ 124-16. Penalties.**

Any person, firm or corporation violating the provisions of this ordinance shall be subject to a fine of not less than \$50 nor more than \$500.

ARTICLE III  
**Plumbing Code**  
[Derived from Title 3, Ch. 2, Art. 1, of the 1993 Code]

**§ 124-17. Adoption of illinois state plumbing code.**

All installation, repair, maintenance, alteration or extension of a plumbing system in any building within the limits of the Village shall be in conformity with the provisions set forth in the current edition of the Illinois State Plumbing Code, and recommended by the State of Illinois, which is hereby adopted and incorporated as a part of this Code as fully as if set out at length herein, three copies of said Plumbing Code shall at all times be on file in the office of the Village Clerk.

**§ 124-18. Water service hook-ons.**

Water service from water main to building to be a minimum of 3/4 inches "K" copper. Interior of house water pipes should be metallic or a minimum of type "M" copper.

ARTICLE IV  
**Electrical Code**  
[Adopted 12-9-1991 by Ord. No. 91-9-12F (Title 3, Ch. 3, Art. 1, of the 1993 Code)]

**§ 124-19. Adoption of national electrical code.**

All electric wiring, installation of electrical fixtures, apparatus, or electrical appliances for furnishing light, heat or power, or other electrical work introduced into or placed in or upon, or in any way connected to, any building or structure within the limits of this City shall be in conformity with the provisions set forth in the current edition of the National Electrical Code, as amended and recommended by the American Insurance Association for electrical wiring and apparatus, which is hereby adopted and incorporated as a part of this Code as fully as if set out at length herein, three copies of said Electrical Code shall at all times be on file in the office of the Village Clerk.

ARTICLE V  
**Gas Regulations**  
[Adopted 3-14-1994 by Ord. No. 93-10-11]

**§ 124-20. Gas installations.**

The latest guide for gas central heating systems, conversion burners, floor furnaces, vented space heaters and unit heaters, sponsored by The American National Fuel Gas Code Ordinance, and each Edition printed each year hereafter, is hereby adopted by the Village as the guide for installation of gas heating systems, conversion burners, floor furnaces, vented space heaters and unit heaters for the Village.

ARTICLE VI  
**Numbering of Buildings**  
[Adopted 11-13-2006 by Ord. No. 061311C]

**§ 124-21. Numbering required.**

All houses, lots, buildings and structures in the Village of Port Byron shall be numbered.

**§ 124-22. Duty of owner or occupant; specifications.**

It shall be the duty of the owner or occupant of every house, building, structure, and mobile home in the Village of Port Byron, Illinois to have placed thereon, in a location visible from the street or avenue, numbered figures identifying the correct number assigned to that residence. The numbered figures must be at least four inches in height and may be made of wood, brushed aluminum, brass or similar material.

**§ 124-23. Numbers on mailboxes.**

Further, residents who use street mailboxes should use numbers created of a reflective nature and maintain the same so to be visible at all times.

**§ 124-24. Violations and penalties.**

Any person failing to number his or her house, lot, building or structure within the Village of Port Byron within 30 days from receiving notice shall be guilty of a petty offense. Fines for petty offences shall not exceed \$500 nor be less than \$25.

ARTICLE VII  
**Building Code**  
[Adopted 4-9-2007 by Ord. No. 070904]

**§ 124-25. Adoption by reference.**

That a certain document, three copies of which are on file in the office of the Village Clerk of Village of Port Byron, being marked and designated as the International Building Code, 2006 edition, including Appendix Chapters Appendixes A through J, (see International Building Code Section 101.2.1, 2006 edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the Village of Port Byron in the State of Illinois for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Village of Port Byron, Illinois are hereby referred to, adopted, and made a part hereof, as if



fully set out in this ordinance, with the addition, insertions, deletions and changes, if any, prescribed in § 124-26 of this article.

**§ 124-26. Revisions.**

The following sections are hereby revised:

- A. Section 101.1. Village of Port Byron, Illinois.
- B. Section 1612.3. Village of Port Byron, Illinois.
- C. Section 1612.3. November 14, 2005.
- D. Section 3410.2. September 14, 1991.

**§ 124-27. Repealer.**

That Ordinance No. 91-14-9 of Village of Port Byron, Illinois, entitled 1974 Code Ordinance 91-14-9 Unified Building Code, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**§ 124-28. Adoption of Illinois Plumbing Code.**

That the International Plumbing Code, is not adopted, that the ILC-06 (Illinois Plumbing Code) (2005) is adopted and remains in effect in its Village of Port Byron, Illinois.

**§ 124-29. Adoption of National Electric Code.**

The ICCEC-06 (International Electrical Code), is not adopted. That the National Electric Code (2005), is adopted and remains in effect in the Village of Port Byron.

**§ 124-30. Construal of provisions.**

That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in § 124-27 of this article; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.



## **Chapter 128**

### **BUILDINGS, DANGEROUS**

**§ 128-1. Dangerous buildings.**

**§ 128-4. Failure to abate.**

**§ 128-2. Abate dangerous buildings.**

**§ 128-5. Owner liable.**

**§ 128-3. Order of abatement.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 5-2-1955 by Ord. No. 55-7 (Title 5, Ch. 2, Art. 2, of the 1993 Code). Amendments noted where applicable.]**

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**§ 128-1. Dangerous buildings.**

Any building, structure or part thereof within the corporate limits of the Village, by reason of faulty construction, lack of repair, age or any other cause which shall be in such condition as to endanger the life or limb of persons passing by or near the same or residing or being in the vicinity thereof or endangering any property contiguous thereto is hereby declared a nuisance and dangerous to public safety.

**§ 128-2. Abate dangerous buildings.**

The owner or owners of said building, structure or part thereof shall abate said nuisance by the razing of said building, structure or part thereof to the ground level, or by rebuilding or repairing said building, structure or part thereof in accordance with building restrictions so as to eliminate all danger to public safety.

**§ 128-3. Order of abatement.**

Upon the Board of Trustees by resolution declaring a nuisance, said Board of Trustees shall issue an order of abatement of said nuisance, which order of abatement shall be served upon the owner or owners of said building residing in the Village, or published in one issue of a newspaper of general circulation of the Village and a copy of said publication posted on said building if said owner or owners do not reside in the Village or are unknown.

**§ 128-4. Failure to abate.**

If said owner or owners shall fail to abate said nuisance within a reasonable time after the service or publication and posting of said order or abatement, but in no event to exceed the time specified in the order of abatement, then the Village shall abate said nuisance by razing said building, structure or part thereof to ground level, and said razing may be done by employment of labor or by contract; the salvage sold and the proceeds applied on the cost of razing and the cost of proceeding to abate.

**§ 128-5. Owner liable.**

In case said proceeds are insufficient to pay the costs of abatement, then the owner or owners shall be liable to the Village for the balance of said costs, to be recovered in a suit of law, and in case said proceeds are more than said costs, the balance shall be paid to said owner or owners or deposited in the Village Treasury for the use of said owner or owners.

## **Chapter 132**

### **BURNING, OPEN**

**§ 132-1. Title.**

**§ 132-4. Fire Chief may prohibit.**

**§ 132-2. Location.**

**§ 132-5. Permit.**

**§ 132-3. Attendance.**

**§ 132-6. Violations and penalties.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 5-14-1990 by Ord. No. 90-14-5 (Title 4, Ch. 2, Art. 5, of the 1993 Code). Amendments noted where applicable.]**

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**§ 132-1. Title.**

This ordinance shall be known as the Open Burning Ordinance of the Village of Port Byron.

**§ 132-2. Location.**

No person shall kindle or maintain any bonfire or landscaped waste or leaf fire or authorize any such fire to be kindled or maintained on any street, sidewalk, or alley or authorize any such fires to be maintained on any private land unless the location is not less than 25 feet from any structure and adequate provision is made to prevent the fire from spreading to within 25 feet of any structure.

**§ 132-3. Attendance.**

Bonfires, landscape waste fires and leaf fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use. Bonfires, landscape waste fires and leaf fires are permitted only between sunrise and sunset and must be extinguished by sunset.

**§ 132-4. Fire Chief may prohibit.**

The Fire Chief may prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous, provided the chief has been notified of said prohibition, at least 12 hours in advance of said prohibition's taking effect all news media who have a request for notification of public meetings under the Open Meetings Act on file with the Village Clerk, or any time he declares an emergency exists he shall so prohibit without such notification.

**§ 132-5. Permit. [Amended 7-24-1995 by Ord. No. 95-24-7]**

A permit to burn leaves and landscape waste is not required. Rubbish fires including tires, roofing materials, building materials, rags, garbage, hay, straw or any material giving off an

obnoxious odor are not permitted. Bonfires and cooking fires (wiener roasts, etc.) are permitted on private property but when on public land approval by the Fire Chief or his designee must be obtained in writing.

**§ 132-6. Violations and penalties.**

Any person, firm, corporation, agent, employee, or contractor of such that violates any provision of this ordinance shall be fined not less than \$50 nor more than \$500 for each offense.

## **Chapter 136**

### **CABLE TELEVISION**

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| § 136-1. Definitions.  | § 136-11. Franchise payment.                         |
| § 136-2. Cable television network franchise.                         | § 136-12. Subscriber rates and service agreements.   |
| § 136-3. Operation of the franchise.                                 | § 136-13. Insurance.                                 |
| § 136-4. Cable television commission.                                | § 136-14. Network description.                       |
| § 136-5. Complaint procedures.                                       | § 136-15. Service area.                              |
| § 136-6. Validation and acceptance of franchise.                     | § 136-16. Time for performance.                      |
| § 136-7. Termination of franchise.                                   | § 136-17. Conditions of street occupancy.            |
| § 136-8. Expiration of franchise.                                    | § 136-18. Service standards.                         |
| § 136-9. Procedure following termination or expiration of franchise. | § 136-19. Performance measurements.                  |
| § 136-10. Reports and records.                                       | § 136-20. Unauthorized connections or modifications. |
|  | § 136-21. Interconnection.                           |
|  | § 136-22. Notice.                                    |

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 12-14-1981 by Ord. No. 81-12-14 (Title 8, Ch. 1, Art. 1, of the 1993 Code). Amendments noted where applicable.]**

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#### **§ 136-1. Definitions.**

The following words and phrases when used shall have the meanings ascribed to them in this section.

**ADDITIONAL SERVICE** — Is service provided by Grantee for which a special charge is made based on program content and provided beyond basic service.

**BASIC SERVICE** — Includes but not be limited to channels WHBF, WQAD, KIIN and other program sources from satellites or local origination.

**CABLE TELEVISION NETWORK** — Any network of cable, optical, electrical or electronic equipment; the use of transmission of television or other intelligences for the use of the inhabitants of the Village.

**COMMISSION** — The Village Cable Television Advisory Commission.

**FCC** — The Federal Communications Commission.

**FRANCHISE** — The rights and privileges granted by the terms of this Ordinance.

**GRANTEE** — Person, firm, corporation or other entity granted a franchise by this ordinance.

PRIVATE PROPERTY — All property owned by a private person including property owned by a public utility not owned by the City.

PROPERTY OF THE GRANTEE — All property owned or used by the Grantee arising from or related to this franchise.

SHALL AND WILL — Each is mandatory, "May" is permissive.

STREET — Includes all streets, roadways, highways, avenues, alleys, courts, curbs, sidewalks, boulevards, easements, rights-of-way, bridges and all extensions and additions maintained under the public authority of the Village.

SUBSCRIBER — Person, firm or corporation receiving service from the grantee.

VILLAGE — Its council, officials, boards, commissions, agents or employees designated within the territorial limits of the Village.

**§ 136-2. Cable television network franchise.**

- A. Authority is granted to the Grantee of the right and privilege to construct, erect, operate, modify and maintain in, upon, along, above, over and under street, utility easements, sidewalks and public grounds for use in the City any towers, antennas, poles, cables, electronic equipment or other appurtenant equipment necessary for the operation of a Cable Television Network in the Village. The Grantee is hereby designated as a public utility for the purpose of being able to use easements which have been designated for use of same by public utilities by the Village.
- B. The term of this franchise shall be for a period of 15 years. The term shall begin on date of acceptance by Grantee.
- C. The franchise shall not be exclusive.
- D. A franchise granted pursuant to this Ordinance shall be amendable.
- E. The franchise is a privilege held for the benefit of the public by the Grantee. The franchise shall not be sold, transferred, leased, assigned or disposed of in whole or in part without the prior written consent of the Village. Such consent shall not be unreasonably withheld.
- F. Pole use agreements are required of the Grantee. Said use agreements shall be entered into by the Grantee and copies submitted to the Village. These use agreements shall be prepared and executed when it is necessary for the Grantee to use poles and/or conduits within the Village limits owned or maintained by the power or telephone utility or some other agency.
- G. The Village shall retain the right to require removal of the cable where existing poles are not sufficient to adequately handle the Village and Grantees' cables.



**§ 136-3. Operation of the franchise.**

- A. Compliance with regulations. The Grantee agrees to comply with all applicable Village ordinances, standards and specifications in effect at the time of passage of this ordinance and any amendments or additions to ordinances, specifications, or standards which may be put in force throughout the length of this franchise.
- B. Compliance with FCC rules and regulations. The Grantee shall at all times comply with any all applicable rules and regulations of the FCC and any and all new laws enacted by the Federal Government or the FCC. Should any rule or regulation take effect subsequent to the grant of this franchise and if such rule or regulation is not binding on existing franchises, the Grantee agrees to abide by changes the Village may desire, consistent with the rules and regulations as may be established by the FCC.
- C. Notwithstanding the grant of the franchise, grantee shall obtain all necessary federal, state and local government permits, licenses, and other required authorizations in connection with the Cable Television Network.
- D. The Grantee shall not require or offer to remove a subscriber's antenna as a condition or provision of service.
- E. The Grantee upon request, at the time of installation, from any subscriber shall install an antenna switching device so as to permit the continued use of the subscriber's antenna at a charge equal to the cost of said switch, said charge not to exceed \$15.
- F. The Grantee shall provide a toll free telephone number on a twenty-four-hour availability basis so that complaints and request for repairs or adjustments may be made at any time.

**§ 136-4. Cable television commission.**

- A. Upon the passage of this ordinance, there shall be established a Cable Television Advisory Commission.
- B. The Commission shall perform the following functions:
  - (1) Advise Board on all matters pertaining to this Ordinance.
  - (2) Monitor Grantee's construction, operation and maintenance.
  - (3) Serve as a mediation and decision-making panel on conflicts between public or private users and the Grantee.
  - (4) Conduct an annual public hearing regarding the operation of the franchise to be held on or about the anniversary date of the passage of this ordinance.
  - (5) Determine a policy of future channels to maximize the usefulness of the service to the community.
  - (6) Report to the Board the results of all Committee and Commission meetings.
- C. The Commission shall consist of five members to be appointed by the Village President to serve for a term of four years. Initial appointments shall be for two individuals for two

years and three for four years to be determined by lot. The President shall serve as a non-voting commission member.

**§ 136-5. Complaint procedures.**

- A. The Grantee shall make every reasonable effort to resolve any complaints to the satisfaction of a complainant.
- B. Should the complainant not be satisfied with the Grantee's action, then the complainant may file a formal complaint with the commission. The commission shall, in writing, inform the Grantee of the complaint and within a specified time the Grantee shall report to the commission on the steps taken to satisfy the complaint. A copy of this report shall be forwarded to the complainant. The complainant if not satisfied, must file a further written complaint within 90 days of this report. If no further complaint is filed within the ninety-day period the complaint shall be deemed abandoned and dismissed. Should the complainant file further complaints, a public commission hearing shall be called by the commission within 30 days after the filing of the latter complaint.
- C. At the public hearing, both parties shall be entitled to due process of law. A majority vote of the Commission as to their determination shall be binding on the parties. The Commission shall notify all parties in writing of their decision within 10 days of the close of the hearing.

**§ 136-6. Validation and acceptance of franchise.**

- A. Effective date. This Ordinance shall be in full force and effect from and after its passage by the Village Board and after publication as required by law and upon acceptance by Grantee as follows:
  - (1) A Statement of Acceptance by Grantee of the franchise, its terms, provisions and requirements shall be submitted in writing to the Board.
  - (2) A Certificate of insurance with coverage and amounts as specified, to the Village by the Grantee.
  - (3) Grantee shall reimburse the Village for all costs relating to the cost of elections including publication fees concerning this Ordinance.
- B. Should the Grantee fail to comply with all of the above provisions within 30 days after passage of this Ordinance, it shall be deemed to have abandoned its application and shall acquire no rights or privileges under this Ordinance.

**§ 136-7. Termination of franchise.**

- A. The Village reserves the right to revoke any franchise and rescind all rights and privileges associated with the franchise under the following circumstances:
  - (1) If the Grantee should default in performance of any of its obligations under the franchise and fails to rectify the default within 30 days of receipt of written notice

by the Village except that the Grantee shall not be responsible for delays caused by strike, acts of God, unavailability of materials, or other matters beyond the control of the Grantee.

- (2) If the Grantee should fail to maintain liability and indemnification coverage as required in the Ordinance.
  - (3) If the Grantee should become insolvent, be declared bankrupt, or the property of the Grantee shall come in the possession of any receiver, assignee or others acting under a court order.
  - (4) If the Grantee should for a period of 30 days violate any order or ruling by the Village unless the Grantee is lawfully contesting the legality of such an order or taking steps to bring itself into compliance.
  - (5) If the Grantee arbitrarily ceases to provide service over the network.
- B. Following the occurrence of any of the events listed above, the Board by written notice to the Grantee of said violation, the alleged violation of which could constitute revocation, shall establish a date of a public hearing concerning said violation. Such hearing to be set within 60 days of written notification to both parties. If during this period the Grantee should cure the violation to the satisfaction of the Village, the Village shall declare such notice null and void. The Village, at such hearing, may establish a reasonable time for the Grantee to comply and if the remedy is not perfected during such additional time, the Village may revoke the franchise without further hearing.

**§ 136-8. Expiration of franchise.**

- A. At least nine months prior to the expiration of the franchise, the Board shall schedule a public meeting or meetings with the Grantee to review the performance of the Grantee. The Board may inquire in particular as to whether the Grantee is supplying a level and variety of service equal to those generally offered in comparable market situations. The Board shall provide its findings and recommendations to the Grantee at least six months prior to the termination of said franchise.
- B. The Board shall, within 90 days after the filing of said written findings, determine whether the franchise shall be reissued and if so established a public proceeding leading to such issuance.

**§ 136-9. Procedure following termination or expiration of franchise.**

- A. In the event the franchise expires and is not renewed or is revoked by the Village, the Grantee may at its option, sell its network to the Village or any duly constituted licensed franchise of the Village at a price mutually agreeable to the parties or it may remove the same. In the event the Grantee elects to remove its network, it shall be done immediately, but in any event within 90 days after cessation of operation.

- B. If the network is removed, the Grantee shall return such public and private property to the owners of same in the same condition as when the property of the Grantee was placed thereon, excepting normal wear and tear.
- C. Should the Grantee fail to complete any work in Subsection B above or any work required by law or ordinance in a timely and satisfactory manner, the Village may cause such work to be completed for which the Grantee shall reimburse the Village.

**§ 136-10. Reports and records.**

- A. The Grantee shall file annually with the Village Clerk within three months of the close of each fiscal year a total facilities report indicating the total number of subscribers; and detailing the total physical miles of plant constructed, rebuilt or in operation during the fiscal year. The report shall include any revision to the network "as built" which maps shall be filed with the Village. Also if requested by the Village, progress reports of construction or rebuilding shall be supplied at such intervals as established by the Village.
- B. The Grantee shall keep complete records of accounts showing dates and payments made and shall furnish an annual accounting by a certified public accountant to the Village. The Cable Television Advisory Commission created hereunder shall have the right, power and authority to inspect the monthly service charge records at the office of the Grantee during business hours of any work day, providing the Grantee is given no less than seven days notice by the Commission.
- C. The Village shall have the right to access during normal business hours, upon giving reasonable notice, of the Grantee's contracts, engineering plans, and service reports relating to the franchised property and operations of the Grantee.
- D. Grantee's fiscal year shall coincide with the date of acceptance by the Grantee.
- E. The Grantee shall file with the Village Clerk a current list of its owners, partners, general and limited, and officers, together with a list of shareholders having 5% or more of the stock, if the grantee is a corporation.

**§ 136-11. Franchise payment.**

- A. The Grantee shall pay to the Village during the term of this franchise, 3% of its annual gross subscriber revenues. "Gross subscriber revenues" shall be defined as all revenues collected by the Grantee concerning the network and system authorized by this Ordinance within Village limits including, but not limited to installation service, basic service and premium service. This amount shall not include sales and other taxes collected from subscribers by the Grantee.
- B. The Grantee shall make all payments due and owing pursuant to this franchise to the Village on a quarterly basis. Said payments are payable to the Village within 30 days following the end of a calendar quarter. Each payment shall be accompanied by a statement under oath from a representative of the Grantee certifying the gross subscriber revenues upon which the payment is based. The franchise fee may be subject to

renegotiation. Any change made in the franchise fee as a result of negotiation shall be reasonable. In the event there is established a renegotiated franchise fee during the term of this franchise, there shall be given full acceptance by the Cable Advisory Commission of said revised fee when and if the Grantee applies to the Commission for a rate increase pursuant to the terms of this paragraph.

- C. Delinquent payments shall bear interest at the rate of 1% per month.
- D. Within 120 days of the end of each fiscal year of the Grantee, the Grantee shall file with the Board an annual report prepared, certified and audited by an independent C.P.A. showing the financial status of the Grantee and the gross subscriber revenues for the report period.

**§ 136-12. Subscriber rates and service agreements.**

- A. Except as otherwise provided in the franchise, the Grantee shall have the right, privilege and authority to change the rates fixed in this section to subscribers for its service. Multi-user rates and charges may be negotiated between the Grantee and subscriber but in no case shall the rate exceed the aggregate of that computed on the basis of single user rates. At turn-on, single user rates may be as follows:

Service	Per Month	Installation
Basic	\$8.75	\$25
Premium Movie Channel	\$9	\$25
Premium Movie Channel (2)	\$9	Free if offered with other movie channel, \$25 if ordered separately.
Extra outlets	\$2	Free if ordered with other service, \$25 if ordered separately.

\* If customer has other outlets currently owned in the house, no extra cost charge is made by Midland Cablevision Systems, Inc.

- B. Disconnection of any or all services shall be at no charge to the subscriber.
- C. Churches, public schools, public libraries, the youth center, fire stations and the municipal building shall receive free monthly basis service. The Grantee shall furnish one hook-up without installation charge to said institutions.
- D. Grantee's rates and charges presently in effect shall be kept on file with the Village Clerk.
- E. Charge to subscriber rates and charge.
  - (1) For the purpose of this section, "Basic Monthly Cable Television Service" is the provision of television broadcast signals and access and origination channels, if any, and does not include advertising services, per channel or per program charges

to subscribers (pay cable) rental of a channel or any other services of the system for which the rates or charges will not require the approval of the Village.

- (2) The Grantee may change the rates for Basic Service in the following manner:
  - (a) Notify the Village in writing 30 days in advance of a projected rate increase.
  - (b) If the Village makes no objection to the rate increase within 30 days of receipt of such application, no action is necessary and the rate shall be in effect as notified.
  - (c) If the Village does not agree with the rate increase, it shall, within 30 days of receipt of the application for a rate increase, schedule a hearing and the Village shall notify the Grantee of said public hearing for the purpose of clarification and understanding of the rate change.
  - (d) If the Village, after public hearing, does not agree with the Grantee on a rate change, no rate change shall be made.
  - (e) If the Village agrees on a rate change or a negotiated new rate change, then the Grantee shall bill for same on the next billing period. This rate change shall be retroactive to the date of the original notification by the Grantee of a rate change.
  - (f) All billings will be made on a monthly basis.

#### **§ 136-13. Insurance.**

- A. The Grantee shall at all times during the term of this franchise carry and require their contractor to carry:
  - (1) Insurance in such forms and such companies to protect the Village and Grantee from and against all claims, injury or damage to persons, property, both real and personal, caused by construction, erection, operation and maintenance of any structure or equipment. The amounts of such insurance shall be not less than \$500,000 as to any one person, \$1,000,000 as to any one occurrence or injury or death to persons and \$100,000 for damages to property. In addition, the Grantee shall provide an umbrella policy in the amount of \$1,000,000.
  - (2) Workmen's Compensation Insurance as provided by the laws of the state and Employers Liability Insurance.
  - (3) Automobile insurance with limits not less than \$100,000/\$300,000 of liability and automobile property damage insurance with a limit of not less than \$100,000 covering all automobile equipment.
  - (4) The Grantee shall have the Village and all of its officers and employees included as co-insured on all insurance policies referred to in this section.

- B. All of said insurance shall provide for a twenty-five-day notice to the Village in the event of any material alteration or cancellation of any coverage in said policies prior to the date of change to be effective.
- C. The Grantee shall at all times defend, indemnify, protect and hold harmless the Village, its employees and officers, from and against any and all liabilities, losses, and damages to property or bodily injury or death to any person including payments made under workmen's compensation laws which may rise or be caused by erection, construction, replacement, removal, maintenance or operation of Grantee's network caused by any act on the part of Grantee, its agents, officers or employees. The Grantee shall hold the Village, its officers and employees, harmless against any damages resulting from legal action which may be brought against the Village, its officers and employees in its connection with the establishment or operation of the Grantee's network and shall defend at its own expense any action brought against the Village, Its officers and employees by reason of erection, construction, replacement, removal, maintenance or operation of the Grantee's network.
- D. The Village shall immediately notify the Grantee of any such claim or action.
- E. The Grantee shall secure and furnish to the Village and maintain at all times during the term of the franchise a performance surety bond in favor of the Grantee of all the provisions of this franchise ordinance.

**§ 136-14. Network description.**

- A. The network required hereunder shall have a minimum initial forward bandwidth capability of 300 MHZ. Provision shall be made for increasing channel capacity when all channels currently available are in use and there exists an economically reasonable justification for adding channel capacity. The network shall have a 35 channel capability when used with a converter. Additional channels shall be made available when they are of interest to the Cable Commission members and viewers.
- B. The Grantee shall install initially a cable television system importing at least five satellite channels and all local channels for basic service. In addition there will be two premium channels available for extra cost as outlined under the schedule of rates.
- C. The network required shall have reverse capability for a bandwidth of 30 MHZ and shall not be required unless and until there exists an economically feasible Justification for meeting the reverse capability demand.

**§ 136-15. Service area.**

- A. The Grantee shall design and construct is network so as to pass and provide tap off facilities to every single-family dwelling unit, multiple-family dwelling unit, agency and business establishment within the boundaries of the Village as shown on the Zoning Map, which map shall be incorporated as part of this ordinance.
- B. The Grantee shall at its expense, extend its network where there is sufficient subscriber dwelling units to yield an average of 20 dwelling units per linear mile to any newly

annexed developed areas of the Village or to any resident dwelling unit within the Village limits and within 200 feet of any existing cable terminal point.

**§ 136-16. Time for performance.**

- A. Within 30 days of the effective date of the franchise granted hereunder the Grantee shall file all applications and notices to permit commencement of construction and thereafter diligently pursue all such applications. The Village may in its discretion provide assistance to insure the scheduled construction of the network.
- B. Upon the granting of the franchise the Grantee shall commence engineering and/or construction of the network.
- C. Within nine months of the effective date of the franchise, the Grantee shall have placed in use sufficient distribution facilities so as to permit the offering of basic service to 100% of the area defined as Village limits except for those areas where right-of-way for service installation cannot readily be obtained.
- D. The Village in its discretion may extend the time for the Grantee if said Grantee is acting in good faith and where performance in such cases is being delayed or interrupted due to circumstances reasonable beyond its control.

**§ 136-17. Conditions of street occupancy.**

- A. In areas where either telephone or electric facilities are installed aerially at the time of construction, the Grantee may install its facility aerially with the understanding that at such time both telephone and electronic facilities are required to be placed underground by the Village, the Grantee shall likewise at its expense place its services underground.
- B. The Grantee shall not disturb or open the surface of any street, sidewalk, driveway or public place without first having obtained a necessary permit as required by the Village.
- C. Any opening or obstruction in the streets or public right-of-way made by the Grantee shall be guarded and protected at all times by the placement of adequate barriers, fences and boarding; and during periods of dusk and darkness shall be designated by warning lights.
- D. In case of any disturbance of pavement, walkway, sidewalk, driveway or other ground surface, the Grantee shall restore at its expense said surface to the same condition as before the work commenced.
- E. The Grantee shall have authority to trim trees upon and overhanging streets, alleys, sidewalk, and public places of the Village to prevent limbs from such trees from contacting cables and equipment of the Grantee.
- F. The Grantee shall not place poles or other fixtures when and where the same will interfere with any gas, electric or telephone fixture, water hydrants or water mains. The Grantee before construction shall meet with street, water, and sewer supervisors and



appropriate utility managers to ascertain the location of existing systems and services to the Village.

- G. The Grantee shall make and keep at all times in the Village Hall a full and complete set of plans showing the exact location of all network equipment installed in public places of the Village.
- H. All transmission lines and distribution structures, lines and equipment erected by the Grantee shall be so located to cause minimum interference with the proper use of streets, alleys and public ways and cause minimum interference with the rights or reasonable convenience of property owners who adjoin said streets, alleys, or public ways.
- I. In the event the Grantee desires to use Village property for the purpose of constructing or locating a structure for the enclosure of its equipment or otherwise use a Village facility, the Grantee shall negotiate with the Village an agreement for the use thereof.

**§ 136-18. Service standards.**

- A. The Grantee shall provide twenty-four-hour service response.
- B. In such case where a network problem has caused loss of service to more than a subscriber, the response shall be immediate or in no event exceed two hours except, in a case of damage by storm or an event in which restoration of other services shall become necessary before Grantee can restore its service.

**§ 136-19. Performance measurements.**

Test procedures used in verification of performance criteria set forth herein shall be in accordance with good engineering practice, as there is more than one technically acceptable method for performance checks. The technique and equipment utilized shall be described in the annual certificate filed with the Village.

**§ 136-20. Unauthorized connections or modifications.**

- A. It shall be unlawful for any person to wrongfully or unlawfully injure the property of the Grantee or to deliberately interfere with the dissemination of cable television and any person so doing shall be deemed guilty of a Petty Offense and punishable under Subsection C of this section or by State statute.
- B. It shall be unlawful for any person for intercept or receive signals of the Grantee without having subscribed for said services and entered into an agreement to pay for said services, and any person so doing shall be deemed guilty of a Petty Offense and punishable under Subsection C of this section by State statute.
- C. Any person violating any of the provisions of Subsections A and B, above, of this section shall upon conviction be subject to a fine of not to exceed \$500.

**§ 136-21. Interconnection.**

Nothing in this Ordinance shall be construed so as to prevent the Grantee from interconnecting its network with other networks in other cities, municipalities, townships, counties or states.

**§ 136-22. Notice.**

All notice required by this Ordinance shall be in writing and be sent certified mail to the last known address of the parties.

## **Chapter 144**

### **DANCE HALLS**

**§ 144-1. License required.**

**§ 144-2. Application.**

**§ 144-3. License fee.**

**§ 144-4. License term.**

**§ 144-5. Hours.**

**§ 144-6. Officer on duty.**

**§ 144-7. Premises.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 1-4-1960 by Ord. No. 60-1 (Title 2, Ch. 2, Art. 3, of the 1993 Code). Amendments noted where applicable.]**

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**§ 144-1. License required.**

It shall be unlawful to operate or conduct a public dance in the Village without having first obtained a license therefor as herein provided.

**§ 144-2. Application.**

Applications for such licenses shall specify the location of the proposed dance or dances and the person or organizations sponsoring the same. No such license shall be issued to a person who is not a person of good moral character, nor to a corporation or organization which is not represented in the Village by a person of good moral character. It shall be the duty of the Village President to make or cause to be made an investigation into the character of each applicant and report the results to the Clerk before causing a license to be issued, which license shall be signed by the Village President.

**§ 144-3. License fee.**

The annual license fee for public dances to be held on one premise shall be \$25, and the fee for a single dance shall be \$5.

**§ 144-4. License term.**

Annual fee shall be payable in advance on or before April 1st of each license year and in no case shall any portion of said license fee be repaid to the licensee. The license issued hereunder shall be affixed in a conspicuous place in the place of business. The license is nontransferable.

**§ 144-5. Hours.**

Monday through Saturday inclusive opening shall be at 9:00 p.m. and closing at 1:00 a.m. Sunday hours opening shall be at 8:00 p.m. and closing at 12:00 midnight.

**§ 144-6. Officer on duty.**

A deputized officer shall be employed by the owner or operator of the dance hall to maintain order. It shall be unlawful to indulge in or permit any improper conduct at any public dance.

**§ 144-7. Premises.**

It shall be unlawful to conduct a public dance or operate a dance in any hall or building which is not equipped with sufficient and adequate exits; and no hall or building which is not provided with at least two exits of three feet or more in width opening outwardly shall be used for such purpose.

## Chapter 149

### DRUGS AND DRUG PARAPHERNALIA

#### ARTICLE I Possession of Cannabis

- § 149-1. Definitions.
- § 149-2. Violations.
- § 149-3. Penalties for violation of article.
- § 149-4. Charging violation, prosecution.

#### ARTICLE II Possession of Drug Paraphernalia

- § 149-5. Definitions.
- § 149-6. Possession of drug paraphernalia; violations and penalties.
- § 149-7. Exempt items; determination.
- § 149-8. Forfeiture and seizure of property.
- § 149-9. Charging violation, prosecution.

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I Possession of Cannabis

**[Adopted 12-9-1996 by Ord. No. 96-9-12A (Title 4, Ch. 2, Art. 6, of the 1993 Code)]**

##### § 149-1. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

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

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

**§ 149-2. Violations.**

- A. It is unlawful for any person knowingly to possess any substance containing cannabis in an amount of 10 grams or less.
- B. It is unlawful for any person knowingly to use, smoke, inhale, ingest, or inject any substance containing cannabis.

**§ 149-3. Penalties for violation of article.**

Any person who violates any provision of this Ordinance is guilty of a petty offense and for the first offense shall be fined \$100, \$200 for the second offense in a twelve-month period, and \$500 for the third or subsequent offense in a twelve-month period.

**§ 149-4. Charging violation, prosecution.**

- A. By notice of violation. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this ordinance by delivering to that person a notice of violation charging that person with the violation.
  - (1) The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the notice of violation the Police Department may:
    - (a) Forward copies of the notice of violation and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial; or
    - (b) Forward copies of the notice of violation and all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with a violation of the Illinois Cannabis Control Act.
- B. Charging under state statutes. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of the Illinois Cannabis Control Act. The Officer shall forward copies of all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with violation of the Act.

**ARTICLE II****Possession of Drug Paraphernalia**

[Adopted 12-9-1996 by Ord. No. 96-9-12B (Title 4, Ch. 2, Art. 6, of the 1993 Code)]

**§ 149-5. Definitions.**

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

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

**DRUG PARAPHERNALIA** — All equipment, products and materials of any kind which are peculiar to and marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the "Cannabis Control Act" (720 ILCS 550/1 et seq.) or the "Illinois Controlled Substances Act" (720 ILCS 570/100 et seq.). It includes but is not limited to:

- A. Kits peculiar to and marketed for use in manufacturing, compounding, concerting, producing, processing or preparing cannabis or a controlled substance;
- B. Isomerization devices peculiar to and marketed for use in increasing the potency or any species of plant which is cannabis or a controlled substance;
- C. Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
- D. Diluents and adulterants peculiar to and marketed for cutting cannabis or a controlled substance by private persons;
- E. Objects peculiar to and marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
  - (1) Water pipes;
  - (2) Carburetion tubes and devices;
  - (3) Smoking and carburetion masks;
  - (4) Miniature cocaine spoons and cocaine vials;
  - (5) Carburetor pipes;
  - (6) Electric pipes;
  - (7) Air-driven pipes;
  - (8) Chillums;

- (9) Bongs;
- (10) Ice pipes or chillers;
- F. Any item whose purpose, as announced or described by the seller, or person in possession of, is for use in violation of this Ordinance.

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

**§ 149-6. Possession of drug paraphernalia; violations and penalties.**

- A. A person who knowingly possess an item of drug paraphernalia with the intent to use it ingesting, inhaling, or otherwise introducing cannabis or a controlled substance for that use, is guilty of a Petty offense for which the court shall impose a minimum fine of \$250 in addition to other costs involved in the prosecution of the offense. **[Amended 11-1-1999 by Ord. No. 99-1-11A]**
- B. In determining intent under Subsection A, the trier of fact may take into consideration the proximity of the cannabis or controlled substance to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.

**§ 149-7. Exempt items; determination.**

- A. This ordinance shall not apply to:
  - (1) Items marketed for use in preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale; or
  - (2) Items marketed for, or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance. Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.
  - (3) Items listed in § 149-5 of this article which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Ordinance.
- B. In determining whether or not a particular item is exempt under this subsection, the trier of fact should consider, in addition to all other logical relevant factors, the following:
  - (1) The general, usual, customary, and historical use to which the item involved has been put;



- (2) Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
- (3) Any written instruction found with or accompanying the delivery of the item concerning the purpose or uses to which the item can or may be put;
- (4) Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
- (5) Any national or local advertising, concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;
- (6) The manner, place and circumstances in which the item was displayed for sale as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
- (7) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (8) The existence and scope of legitimate uses for the object in the community.
- (9) The presence of cannabis or a controlled substance on or in the object.

**§ 149-8. Forfeiture and seizure of property.**

**A. All drug paraphernalia is subject to forfeiture.**

- (1) Property subject to forfeiture under this Ordinance may be seized by any peace officer who has probable cause, or upon process issued by any court having jurisdiction over the property. Judgments in favor of the State in a criminal or forfeiture proceeding based upon this Ordinance against a person's specific property shall serve as process authorizing a police officer to seize such property without further process.
- (2) Seizure by a police officer may be made without process if there is probable cause to believe that the property is in violation of this ordinance or is directly dangerous to health or safety and existing circumstances do now allow reasonable time for the officer to obtain lawful process.
- (3) The presence of items which are deemed violative of this Ordinance or are otherwise subject to its forfeiture provisions in an inventory shall not subject the entire inventory to seizure or forfeiture.

**B. Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the Port Byron Police Department, subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings. When property is seized under this Ordinance, the Chief of Police, or officers assigned that duty by the Chief of Police, may place the property under seal, or remove the property to a place designated by him.**

- C. No disposition may be made of property under seal until:
- (1) The person from whom the property was seized and who was served a NOTICE OF VIOLATION admits guilt to the charge by payment of the minimum fine to the Village Clerk; or
  - (2) The validity of the seizure has been determined in a Circuit Court.
- D. If judgment is entered in the favor of the person from whom the property is seized, all seized property shall be returned immediately.
- E. When property is forfeited under this Ordinance the Chief of Police may retain it for official use, transfer possession to another law enforcement agency for official use, or destroy it.

**§ 149-9. Charging violation, prosecution.**

- A. By notice of violation. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this ordinance by delivering to that person a NOTICE OF VIOLATION charging that person with the violation.
- (1) The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the NOTICE OF VIOLATION the Police Department may:
    - (a) Forward copies of the NOTICE OF VIOLATION and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial; or
    - (b) Forward copies of the NOTICE OF VIOLATION and all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with a violation of the Illinois Drug Paraphernalia Control Act.
- B. Charging under state statutes. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of the Illinois Drug Paraphernalia Control Act. The Officer shall forward copies of all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with violation of the Act.

## Chapter 155

### FEES

#### ARTICLE I Fire Department Response Fee

- § 155-1. Assessment of fees for citizens and non-citizens.
- § 155-2. Assessment of fees for non-tax paying customers.
- § 155-3. Fee scale.
- § 155-4. Legal fees.

#### ARTICLE II Telecommunications Infrastructure Maintenance Fee

- § 155-5. Definitions.

- § 155-6. Registration of telecommunications providers.
- § 155-7. Municipal telecommunications infrastructure maintenance fee.
- § 155-8. Collection, enforcement, and administration of telecommunications infrastructure maintenance fees.
- § 155-9. Compliance with other laws.
- § 155-10. Existing franchises and licenses.
- § 155-11. Violations and penalties.
- § 155-12. Enforcement.

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I Fire Department Response Fee [Adopted 2-12-1996 by Ord. No. 96-12-2]

##### § 155-1. Assessment of fees for citizens and non-citizens.

That a fee shall be assessed for all Fire Department responses made to non-citizens of the Village of Port Byron or the taxable district of the Village of Port Byron. All response fees will be established in accordance with guidelines set down under Illinois Compiled Statutes 70 ILCS 705/11f for charges against non-residents of Fire Protection Districts. No fee assessment will be made to citizens of another taxable district when Port Byron personnel and equipment are summoned under an established mutual aid agreement or to areas that have contracted with the Village of Port Byron for providing fire protection, in particular citizens of the Rapids City Fire Protection District, during the life of any contract with that District.

##### § 155-2. Assessment of fees for non-tax paying customers.

Emergency Fire Department response fees shall be assessed for any responses to assist a non-tax paying customer or residents who do not reside in the Village of Port Byron of the said taxable district. This fee will be assessed regardless of who requested the response. In cases where multiple customers utilize our services, each one will be charged accordingly.

**§ 155-3. Fee scale.**

The fee scale will be established in accordance with the current charges allowed under Illinois Compiled Statutes 70 ILCS 705/11f regarding charges to non-residents of a Fire District, at the time of the emergency response.

**§ 155-4. Legal fees.**

All customers will be subject to legal fees to pursue cost recovery as required.

**ARTICLE II**

**Telecommunications Infrastructure Maintenance Fee**  
**[Adopted 10-13-1997 by Ord. No. 97-13-10]**

**§ 155-5. Definitions.**

As used in this article, the following terms shall have the following meanings:

**GROSS CHARGES** — The amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the Village and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within the Village, charges for the channel mileage between each channel point within the Village, and charges for that portion of the interstate inter-office channel provided within the Village. However, "gross charges" shall not include:

- A. Any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (v) 911 surcharges, or (vi) the tax imposed by Section 4251 of the Internal Revenue Code;
- B. Charges for a sent collect telecommunication received outside the Village;
- C. Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;
- D. Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

- E. Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Village;
- F. Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;
- G. Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);
- H. Charges paid by inserting coins in coin-operated telecommunications devices; or
- I. Charges for telecommunications and all services and equipment provided to the Village.

**PUBLIC RIGHT-OF-WAY** — Any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the Village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. "Public Right-of-Way" shall not include any real or personal Village property that is not specifically described in the previous sentence and shall not include Village buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

**RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE (OR ANY LIKE TERM)** — Means and includes any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

**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.

**SERVICE ADDRESS** — The location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

**TELECOMMUNICATIONS** — 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 services, private line services, specialized mobile radio services, or 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. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "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 him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "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 Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

**TELECOMMUNICATIONS PROVIDER** —

- A. Any telecommunications retailer, and
- B. Any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

**TELECOMMUNICATIONS RETAILER OR RETAILER OR CARRIER** — Means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this section. The Village may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Village, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the Village.

**WIRELESS TELECOMMUNICATIONS** — Includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. § 332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

**§ 155-6. Registration of telecommunications providers.**

- A. Every telecommunications provider as defined by this article shall register with the Village within 30 days after the effective date of this article or becoming a telecommunications provider, whichever is later, on a form to be provided by the Village provided, however, that any telecommunications retailer that has filed a return pursuant to § 155-8C of this article shall be deemed to have registered in accordance with this section.
- B. Every telecommunications provider who has registered with the Village pursuant to Subsection A has an affirmative duty to submit an amended registration form or current return as required by § 155-8C, as the case may be, to the Village within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the Village.

**§ 155-7. Municipal telecommunications infrastructure maintenance fee.**

- A. A Village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 1% of all gross charges charged by the telecommunications retailer to service addresses within the Village for telecommunications originating or received in the Village.
- B. Upon the effective date of the infrastructure maintenance fee authorized in this article, the Village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the Village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this article does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.
- C. The Village telecommunications infrastructure maintenance fee authorized by this section shall be collected, enforced, and administered as set forth in § 155-8 of this article.

**§ 155-8. Collection, enforcement, and administration of telecommunications infrastructure maintenance fees.**

- A. A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the Village infrastructure maintenance fee attributable to that customer's service address.
- B. Unless otherwise approved by the Village [Manager/Administrator] the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the Village not later than the last day of the month subsequent to the month in which a bill is issued to the customer, provided, however, that the telecommunications retailer may retain an amount not to exceed 2% of the Village infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

- C. Remittance of the municipal infrastructure fee to the Village shall be accompanied by a return, in a form to be prescribed by the Village [Manager/Administrator], which shall contain such information as the Village [Manager/Administrator] may reasonably require.
- D. Any infrastructure maintenance fee required to be collected pursuant to this article and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the Village. The charge imposed under Subsection A by the telecommunications retailer pursuant to this article shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.
- E. If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this article, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this article, from the telecommunications retailer who made the erroneous payment; provided, however, the Village [Manager/Administrator] may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless, (1) the credit is used only to offset a claim of underpayment made by the Village within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.
- F. Amounts paid under this article by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:
- (1) "Gross charges" for purposes of the Telecommunications Excise Tax Act;
  - (2) "Gross receipts" for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;
  - (3) "Gross charges" for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;
  - (4) "Gross revenue" for purposes of the tax on annual gross revenue of public utilities prescribed in Section 2-202 of the Public Utilities Act.
- G. The Village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this article to determine whether the telecommunications retailer has properly accounted to the Village for the Village infrastructure maintenance fee. Any underpayment of the amount of the Village infrastructure maintenance fee due to the Village by the telecommunications retailer shall be paid to the Village plus 5% of the total amount of the underpayment determined in an audit, plus any costs incurred by the Village in conducting the audit, in an amount not to exceed 5% of the total amount of the underpayment determined in an audit. Said sum shall be paid to the Village within 21 days after the date of issuance of an invoice for same.



- H. The Village [Manager/Administrator], or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this article consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to § 155-6 of this article of such regulations.

**§ 155-9. Compliance with other laws.**

Nothing in this article shall excuse any person or entity from obligations imposed under any law, including but not limited to:

- A. Generally applicable taxes; and
- B. Standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided; and
- C. Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and
- D. Compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.

**§ 155-10. Existing franchises and licenses.**

Any franchise, license, or similar agreements between telecommunications retailers and the Village entered into before the effective date of this article regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

**§ 155-11. Violations and penalties.**

Any telecommunications provider 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 general penalty provisions of the Village Municipal Code.

**§ 155-12. Enforcement.**

Nothing in this article shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this article.



## **Chapter 160**

### **FIRE INSURANCE COMPANIES**

**§ 160-1. Fees; disposition.**

**§ 160-2. Reports; payment of fees.**

**[HISTORY: Derived from Title 2, Ch. 2, Art. 2, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]**

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**§ 160-1. Fees; disposition.**

Hereafter, all corporations, companies and associations not incorporated under the laws of the State of Illinois, and which are engaged in the Village in effecting fire Insurance, shall pay to the Village Treasurer for the use and benefit of the Fire Department, a sum equal in amount to 2% of the gross receipts received by the agency of any such company, corporation or association in the Village; said moneys, when collected and paid into the Treasury shall be put in a separate fund to be known as the "Fire Department Fund" and to be expended for the maintenance, use and benefit of the Fire Department of the Village.

**§ 160-2. Reports; payment of fees.**

Every person who shall act in the Village as agent or otherwise for and on behalf of any such corporation, company or association shall on or before July 15th of each and every year, render to the Village Clerk a full, true and just account, made on his oath, of all the premiums which during the year ending on July 1st preceding such report, have been received by him or any other person for him in behalf of any such corporation, company or association, and shall specify in said report to the amounts received for fire insurance, such agent shall also pay to the Treasurer, at the time of rendering the aforesaid report, 2% of the gross receipts received by him in the Village.



## **Chapter 164**

### **FIREWORKS**

**§ 164-1. Permits required.**

**§ 164-4. Permit not transferable.**

**§ 164-2. Application.**

**§ 164-5. Fees.**

**§ 164-3. Applicant qualifications.**

**§ 164-6. Violations and penalties.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 6-12-2006 by Ord. No. 060506B (Title 4, Ch. 2, Art. 14, of the 1993 Code). Amendments noted where applicable.]**

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**§ 164-1. Permits required.**

That a pyrotechnic display permit must be obtained from the City Clerk of Port Byron in order to qualify for such displays and all applicants must be adults.

**§ 164-2. Application.**

The application for such display may be obtained from the offices of the Village Clerk of Port Byron.

**§ 164-3. Applicant qualifications.**

The minimum requirements each adult applicant must meet in order to qualify for issuance of a permit are as follows:

- A. Applicant must submit a written application for a permit at least 15 days in advance of the date of the pyrotechnic display.
- B. The pyrotechnic display service must be provided by a licensed pyrotechnic distributor, and the display must be conducted by a licensed pyrotechnic distributor, and the display must be conducted by a licensed lead pyrotechnic operators.
- C. Applicant must show proof of liability insurance in a sum not less than \$1,000,000.00 with an insurance company authorized to do business in Illinois.
- D. The Fire Chief or his designee for the local fire district must inspect the display site and ensure the display can be performed in full compliance with the NFPA standards adopted and amended by the OSFM Rules, Part 235, for the type of Pyrotechnic Display to be performed. Further, the Chief of the fire department providing fire protection must sign the display permit.

**§ 164-4. Permit not transferable.**

The permit once issued is not transferable to another person or entity and the sale, possession, use and distribution of display fireworks for display are lawful only for the purposed given by the permit.

**§ 164-5. Fees.**

The permit fees for department-approved fireworks display/pyrotechnic firing shall be as follows:

<b>Pyrotechnic Firing Fees</b>	
<b>Number of Devices</b>	<b>Fee</b>
1 to 25	\$50
26 to 100	\$150
101 to 200	\$250
201 +	\$350

**§ 164-6. Violations and penalties.**

Violation of this ordinance shall be subject to the general penalty clause of the Village ordinance of the Village of Port Byron.

## **Chapter 170**

### **FLOODPLAIN MANAGEMENT**

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| § 170-1. Purpose.  | § 170-8. Subdivision requirements.             |
| § 170-2. Definitions.  | § 170-9. Public health and other standards.    |
| § 170-3. Base flood elevation.                                     | § 170-10. Variances.                           |
| § 170-4. Building Inspector.                                       | § 170-11. Disclaimer of liability.             |
| § 170-5. Development permit.                                       | § 170-12. Violations and penalties.            |
| § 170-6. Preventing increased flood heights and resulting damages. | § 170-13. Abrogation and greater restrictions. |
| § 170-7. Protecting buildings.                                     |  |

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 10-15-2002 by Ord. No. 02-15-10. Amendments noted where applicable.]**

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#### **§ 170-1. Purpose.**

This ordinance is enacted pursuant to the police powers granted to this Village by the Illinois Municipal Code (65 IL. Compiled Statutes 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2) in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others;
- B. To protect new buildings and major improvements to buildings from flood damage;
- C. To 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; and
- F. To make federally subsidized flood insurance available.
- G. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

#### **§ 170-2. Definitions.**

For the purposes of this ordinance, the following definitions are adopted:

**BASE FLOOD** — The flood having a 1% probability of being equaled or exceeded in any given year. The base flood is also known as the one-hundred-year flood. The base flood elevation at any location is as defined in § 170-3 of this chapter.

**BASE FLOOD ELEVATION (BFE)** — The elevation in relation to mean sea level of the crest of the base flood.

**BUILDING** — A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

**DEVELOPMENT** —

A. Any man-made change to real estate including, but not necessarily limited to:

- (1) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (2) Substantial improvement of an existing building;
- (3) 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 180 days per year;
- (4) Installation of utilities, construction of roads, bridges, culverts or similar projects;
- (5) Construction or erection of levees, dams, walls, or fences;
- (6) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- (7) Storage of materials including the placement of gas and liquid storage tanks; and
- (8) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

B. "Development" does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

**FEMA** — Federal Emergency Management Agency.

**FLOOD** — 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** — That portion of the floodplain outside of the regulatory floodway.

**FLOOD INSURANCE RATE MAP** — A map prepared by the Federal Emergency Management Agency that depicts the floodplain 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.



**FLOODPLAIN or SPECIAL FLOOD HAZARD AREA (SFHA)** — Those lands within the jurisdiction of the Village of Port Byron, the extraterritorial jurisdiction of the Village or that may be annexed into the Village, that are subject to inundation by the base flood. The floodplains of the Village are generally identified as such on the Countywide Flood Insurance Rate Map of Rock Island County prepared by the Federal Emergency Management Agency and dated October 18, 2002.

**FLOODPROOFING** — Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**FLOODPROOFING CERTIFICATE** — 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 flood protection elevation.

**FLOOD PROTECTION ELEVATION OR FPE** — The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

**FLOODWAY** — 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 Rock Island County prepared by Federal Emergency Management Agency and dated October 18, 2002. The floodways for each of the remaining floodplains of the Village of Port Byron, the extraterritorial jurisdiction of the Village or that may be annexed into the Village, shall be according to the best data available from Federal, State, or other sources.

**IDNR/OWR** — Illinois Department of Natural Resources/Office of Water Resources.

**MANUFACTURED HOME** — 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.

**NFIP** — National Flood Insurance Program.

**REPETITIVE LOSS** — Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

**SFHA** — See definition of floodplain.

**SUBSTANTIAL DAMAGE** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 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.

**SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started, "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 alteration affects the external dimensions of

the structure. The term does not, however, include either (1) 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 (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

**TRAVEL TRAILER (OR RECREATIONAL VEHICLE)** — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less in size;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**§ 170-3. Base flood elevation.**

This ordinance'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 any development of the site.

- A. The base flood elevation for the floodplains of the Mississippi River shall be as delineated on the one-hundred-year flood profiles in the Countywide Flood Insurance Study of Rock Island County prepared by the Federal Emergency Management Agency and dated October 18, 2002.
- 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 Rock Island 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 Rock Island 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 to determine base flood elevations.

**§ 170-4. Building Inspector.**

The Building Inspector shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Port Byron meet the requirements of this ordinance. Specifically, the Building Inspector shall:

- A. Process development permits in accordance with § 170-5;
- B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 170-6;

- C. Ensure that the building protection requirements for all buildings subject to § 170-7 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 § 170-8;
- E. Ensure that water supply and waste disposal systems meet the Public Health standards of § 170-9;
- F. If a variance is requested, ensure that the requirements of § 170-10 are met and maintain documentation of any variances granted;
- G. Inspect all development projects and take any and all actions outlined in § 170-12 as necessary to ensure compliance with this ordinance;
- 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 ordinance; and
- 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 ordinance.
- M. Perform site inspections and make substantial damage determinations for structures within the floodplain.
- N. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

**§ 170-5. 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 Building Inspector. The Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- 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; and
  - (4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 170-7 of this chapter.
  - (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 Building Inspector shall compare the elevation of the site to the base flood elevation. 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 requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this ordinance. The Building Inspector 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.

**§ 170-6. Preventing increased flood heights and resulting damages.**

Within the floodway identified on the Flood Boundary and Floodway Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in Subsection 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) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
  - (2) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
  - (3) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
  - (4) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;
  - (5) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
  - (6) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
  - (7) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;

- (8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
  - (9) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and
  - (10) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12; and
  - (11) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
  - (12) Any development determined by IDNR/OWR to be located entirely within a flood fringe area.
- B. Other development activities not listed in Subsection 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); and
  - (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.

**§ 170-7. Protecting buildings.**

- A. In addition to the damage prevention requirements of § 170-6, 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 valued at more than \$1,000 or 70 square feet;
  - (2) Substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this ordinance;
  - (3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this ordinance.
  - (4) Structural alterations made to an existing building that increase the floor area by more than 20%;
  - (5) 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); and
  - (6) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year.
  - (7) Repetitive loss to an existing building as defined in § 170-2.

B. Residential or nonresidential 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 inches before compaction and should extend at least 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 incorporate debris or refuse materials; and
  - (e) The fill 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; or
- (2) The building may be elevated in accordance with the following:
  - (a) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
  - (b) 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;
  - (c) 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 registered professional engineer or by having a minimum of one permanent openings on each wall no more than one foot above grade. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;
  - (d) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;
  - (e) The finished interior grade shall not be less than the finished exterior grade;
  - (f) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;
  - (g) 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; and

- (h) 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.
- C. Manufactured homes or travel trailers to be permanently installed on site shall be:
  - (1) Elevated to or above the flood protection elevation; 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.
- D. Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of Subsection C unless the following conditions are met:
  - (1) The vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and
  - (2) The vehicle must not be attached to external structures such as decks and porches; and
  - (3) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and
  - (4) The vehicles largest horizontal projections must be no larger than 400 square feet; and
  - (5) The vehicle's wheels must remain on axles and inflated; and
  - (6) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and
  - (7) Propane tanks, electrical and sewage connections must be quick-disconnect and above the one-hundred-year flood elevation; and
  - (8) The vehicle must be licensed and titled as a recreational vehicle or park model; and
  - (9) The vehicle must be either (a) (b)
    - (a) Entirely supported by jacks rather than blocks; or
    - (b) Have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.
- E. Nonresidential buildings.
  - (1) Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:
    - (a) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;

- (b) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and
  - (c) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- (2) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.
- F. Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:
  - (1) The garage or shed must be non-habitable; and
  - (2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and
  - (3) The garage or shed must be located outside of the floodway; and
  - (4) The garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot; and
  - (5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and
  - (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and
  - (7) The garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area; and
  - (8) The garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet; and
  - (9) The structure shall be anchored to resist floatation and overturning; and
  - (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
  - (11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.
- G. A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
  - (1) 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; and



- (2) 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 opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade; and
- (3) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade; and
- (4) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four feet at any point; and
- (5) 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; and
- (6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
- (7) Utility systems within the crawlspace must be elevated above the flood protection elevation.

**§ 170-8. Subdivision requirements.**

The Board of Trustees of the Village of Port Byron shall take into account flood 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 §§ 170-6 and 170-7 of this chapter. 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 Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 IL Compiled Statutes 205/2).

**§ 170-9. Public health and other standards.**

- A. Public health standards must be met for all floodplain development. In addition to the requirements of §§ 170-6 and 170-7, the following standards 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 § 170-7 of this chapter.

- (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.
- B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

#### **§ 170-10. Variances.**

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board for a variance. The Zoning Board shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees. The Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- 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 or 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 Zoning Board shall notify an applicant in writing that a variance from the requirements of the building protection standards of § 170-7 that would lessen the degree of protection to a building will:

- (1) Result in increased premium rates for flood insurance up to \$25 per \$100 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. Variances to the building protection requirements of § 170-7 of this chapter requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of § 170-9A(1) through (4).

**§ 170-11. Disclaimer of liability.**

The degree of protection required by this ordinance 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 ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the Village of Port Byron or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

**§ 170-12. Violations and penalties.**

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 ordinance. Upon due investigation by the Building Inspector, the Zoning Board may determine that a violation of the minimum standards of this ordinance exists. The Zoning Board shall notify the owner in writing of such violation.

- A. If such owner fails after 10 days notice to correct the violation:
- (1) The Village of Port Byron shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance;
  - (2) Any person who violates this ordinance shall upon conviction thereof be fined not less than \$50 nor more than \$500 for each offense; and
  - (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- B. The Village of Port Byron shall record a notice of violation on the title to the property.
- C. The Zoning Board 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.

- D. Nothing herein shall prevent the Village of Port Byron from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

**§ 170-13. Abrogation and greater restrictions.**

This ordinance repeals and replaces other ordinances adopted by the Village of Port Byron to fulfill the requirements of the National Flood Insurance Program including: Ordinance #81-4-13 dated April 13, 1981. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

## **Chapter 190**

### **LICENSES AND PERMITS**

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| <p><b>§ 190-1. Applications.</b></p> <p><b>§ 190-2. Persons subject to license.</b></p> <p><b>§ 190-3. Forms and signatures.</b></p> <p><b>§ 190-4. Investigations.</b></p> <p><b>§ 190-5. Fees.</b></p> <p><b>§ 190-6. Termination of licenses.</b></p> <p><b>§ 190-7. Building and premises.</b></p> <p><b>§ 190-8. Change of location.</b></p> <p><b>§ 190-9. Location.</b></p> | <p><b>§ 190-10. Nuisances prohibited.</b></p> <p><b>§ 190-11. Unsafe or unhealthful business.</b></p> <p><b>§ 190-12. Refuse disposal.</b></p> <p><b>§ 190-13. Working conditions.</b></p> <p><b>§ 190-14. Inspections.</b></p> <p><b>§ 190-15. Suspension, revocation of license or permit.</b></p> <p><b>§ 190-16. Appeal.</b></p> <p><b>§ 190-17. License to be posted.</b></p> |
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**[HISTORY: Derived from Title 2, Ch. 1, Art. 1, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]**

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**§ 190-1. Applications.**

Applications for all licenses and permits required shall be made in writing to the Village Clerk in the absence of provision to the contrary. Each application shall contain: 1) name of the applicant; 2) the permit or license desired; 3) the location to be used, if any; 4) the time covered; and 5) the fee to be paid. Each application also shall contain the number of the certificate of registration required under the Retailers' Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the Village officials in the issuing of the license or permit applied for.

**§ 190-2. Persons subject to license.**

Whenever in this article, or in any Village ordinance, a license or permit is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by the individual, or through the agent, employee or partner.

**§ 190-3. Forms and signatures.**

Forms for all licenses and permits, and applications, shall be prepared and kept on file by the Village Clerk. Each license or permit issued shall bear the signature of the Village President and the Village Clerk in the absence of any provisions to the contrary.

**§ 190-4. Investigations.**

- A. Upon receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Village Clerk, within 48 hours of such receipt, shall refer the application to the appropriate official(s) for the making of such investigation or inspection.
- B. The official(s) to whom the application has been referred shall make a report, favorable or otherwise, within 10 days after receiving such application or a copy.
- C. The Village Board shall make or cause to be made an inspection regarding such permits and licenses as related to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. The Building Inspector shall make or cause to be made any inspections which relate to compliance with the Building Code, Zoning Ordinance, and other related regulations. All other investigations, except where otherwise provided, shall be made by the Village Clerk or by some other officer designated by the Village President.
- D. Upon receipt of all related investigative reports, the Village Clerk shall forward such reports, together with the application, to the Village President and Board of Trustees for evaluation and determination.
- E. If it shall appear to the corporate authorities that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the Village Clerk for the inclusion of such additional information as may be specified necessary and appropriate.
- F. If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities shall determine that the matters concerning the application are unsatisfactory, they may disapprove such application, indicating the reasons therefore. Thereupon, the Village Clerk shall be directed to promptly notify the applicant his or her application is disapproved, and that no license or permit will be issued.
- G. If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities shall determine that the application is satisfactory, they shall approve the application. The Village Clerk shall then be directed to promptly notify the applicant that his or her application is approved, and the license or permit may be issued.

**§ 190-5. Fees.**

In the absence or provisions to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application is made to the Village Clerk in the amounts prescribed by the Village, with the exception of liquor licensing. When applicant has not engaged in the business or activity until after the expiration of part of the current license year, the license fee shall be prorated bi-annually and the fee paid for each half year during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate

or refund be made of any license or permit fee, or part, by reasons of death, or departure of the licensee or permittee; nor shall any rebate or refund be made by reasons of nonuse of the license or discontinuance of the operation or conduct of the licensed establishment business, or activity.

**§ 190-6. Termination of licenses.**

- A. All annual licenses shall be operative and the license year for the Village shall commence on the first day of April of each year and shall terminate on the last day of March of the following year, where no provision to the contrary is made.
- B. The Village Clerk shall notify all licensees of the Village of the time of expiration of the license held by the licensee (if an annual) three weeks prior to the date of such expiration. Provided, however, that failure to make such notification, or the failure of the licensee to receive it, shall not excuse the licensee from the obligation to obtain a new license, or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

**§ 190-7. Building and premises.**

No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the Village and the State of Illinois.

**§ 190-8. Change of location.**

The location of any licensed business or occupation, or the location of any permitted act, may be changed provided that 10 days notice is given the Village Clerk in the absence of any provision to the contrary; provided, however, that all applicable ordinances and regulations of the Village shall be complied with.

**§ 190-9. Location.**

No license for the operation of a business or establishment in the Village shall be construed to permit the operation of a licensed business or establishment in more than one location in the Village; a separate license shall be required for each location of a licensed establishment. For the purposes of this article, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be operated and managed by the same person or owner, and shall be an establishment with the same classification.

**§ 190-10. Nuisances prohibited.**

Generally, no business or establishment, whether or not licensed, shall be so conducted or operated as to constitute a nuisance in fact; and no building, vehicle, structure, yard, lot, premises, or part, shall be used, kept, maintained, or operated in connection with any business

or establishment so as to occasion any nuisance, or so as to be dangerous to life or detrimental to health.

**§ 190-11. Unsafe or unhealthful business.**

- A. No building or structure, utilized, constructed, or maintained in connection with any business or occupation, shall evidence an unsanitary, unsafe, or dangerous condition.
- B. No substance, matter, or thing of any kind whatever which shall be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in the Village.

**§ 190-12. Refuse disposal.**

- A. Refuse containers. The standard refuse container required by this article shall be a receptacle of not less than 20 nor more than 32 gallons capacity, of impervious material and sturdy construction, with a tight fitting cover, and equipped with handles properly placed to facilitate handling.
- B. Duty to provide refuse containers.
  - (1) The occupant of every building, structure, or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.
  - (2) All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.
- C. Refuse removal. It shall be the duty of the occupant of every building structure, or premise used or maintained in connection with any business or occupation to cause to be removed at his or her own cost and expense at least once each week all refuse produced therein.
- D. Removal of restaurant garbage. Every person owning or controlling any hotel, restaurant, cafe, or retail food establishment where more than 32 gallons of refuse is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his or her premises and to be disposed of at his or her own expense.

**§ 190-13. Working conditions.**

- A. Health requirements. No owner, leasee, manager, or superintendent of any store, factory, workshop, or other place where persons are employed shall cause or permit such place, or any room or part thereof, to be overcrowded or inadequate or faulty respect to light, ventilation, heat, or cleanliness.
- B. Sanitation. All such places of employment shall be kept in a clean condition, free from the effluvia of a sewer, drain, privy, stable, or other nuisance; also as far as practicable,



such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

C. Heat required.

- (1) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop, to maintain a temperature within such factory or workshop of not less than 68° F. without such undue restriction of ventilation as to interfere with proper sanitary conditions; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted is of such a nature that a higher or lower temperature than 68° F. is necessary or expedient for the work or manufacturing processes of such business.
- (2) It shall be the duty of any person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature of not less than 68° F. without such undue restriction of ventilation as to interfere with proper sanitary conditions between the hours of 8:00 a.m. and 6:00 p.m. from October 1st of each year to June 1st of the succeeding year, Sundays and legal holidays excepted.

D. Inspection. The Village Board and the Building Inspector shall cause to be visited all such places of employment in the Village as often as they shall deem necessary to assure compliance with the provisions of this section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

**§ 190-14. Inspections.**

- A. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the Village, or to detect violations, it shall be the duty of the licensee or the person in charge of the premises to admit, for the purpose of making the inspection, any officer or employee of the Village who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.
- B. Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of the Village requesting the same sufficient samples of such material or commodity for such analysis upon official request.
- C. In addition to any other penalty which may be provided, the Village President may revoke the license of any owner or operator of a licensed business in the Village who refuses to permit any duly authorized officer or employee to make such inspection or to take an adequate sample of the commodity, or who interferes with such officer or employee while in the performance of his other duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has

been refused permission to enter upon the premises in the name of the Village after first having presented a warrant authorizing such entry.

**§ 190-15. Suspension, revocation of license or permit.**

- A. When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Village President shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed 10 days.
- B. Within eight days after he or she has so acted, the Village President shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.
- C. Revocation.
  - (1) Licenses and permits issued under the ordinances of the Village, unless otherwise provided, may be revoked by the Village President after notice and hearing as provided in Subsection D of this section for any of the following causes:
    - (a) Any fraud, misrepresentation, or false statement contained in the application for the license or permit;
    - (b) Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
    - (c) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
    - (d) Failure of the licensee or permittee to pay any fine or penalty owing to the Village;
    - (e) Refusal to permit any inspection or sampling, or any interference with a duly authorized Village officer or employee while in the performance of his or her duties in making such inspections, as provided in § 190-14.
  - (2) Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the Village.
- D. Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his or her last known address at least five days prior to the date set for the hearing.

**§ 190-16. Appeal.**

Any person aggrieved by the decision of the Village President in regard to the denial of an application for a business license, shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk, within 10 days after notice of a denial of any application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Board of Trustees shall set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee. The decision of the Board of Trustees on such appeal shall be final.

**§ 190-17. License to be posted.**

It shall be the duty of every person conducting a licensed business in the Village to keep his or her license posted in a prominent place on the premises used for such business at all times.



## Chapter 197

### MESSAGE ESTABLISHMENTS

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| <p>§ 197-1. Definitions.</p> <p>§ 197-2. Massage establishments to be licensed.</p> <p>§ 197-3. Exceptions to provisions of article.</p> <p>§ 197-4. Application and fee.</p> <p>§ 197-5. Contents of application, massage establishment.</p> <p>§ 197-6. Education and training requirements, massage therapist.</p> <p>§ 197-7. Operating requirements.</p> <p>§ 197-8. Facilities necessary, limitations.</p> <p>§ 197-9. Issuance.</p> <p>§ 197-10. Nontransferrability of license.</p> <p>§ 197-11. Display of license.</p> | <p>§ 197-12. Change of location.</p> <p>§ 197-13. Massage therapists to be registered.</p> <p>§ 197-14. Hours of operation.</p> <p>§ 197-15. Persons not to remain on premises after closing hours; exceptions.</p> <p>§ 197-16. Inspection of establishment.</p> <p>§ 197-17. Revocation; suspension of license.</p> <p>§ 197-18. Grounds for revocation and/or fines.</p> <p>§ 197-19. Massagists practicing when provisions of chapter become effective.</p> <p>§ 197-20. Maintaining nuisance.</p> <p>§ 197-21. Violations and penalties.</p> |
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**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 3-18-1996 by Ord. No. 96-18-3 (Title 2, Ch. 2, Art. 16, of the 1993 Code). Amendments noted where applicable.]**

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#### § 197-1. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

**EMPLOYEES** — Any and all persons other than the masseurs or masseuses, who render any service to the permittee, who receive compensation directly from the permittee, and who have no physical contact with customers and clients.

**HEALTH OFFICER** — The health officer of the Village of Port Byron, the County of Rock Island, or their authorized representative.

**MESSAGE** — Is the practice of a profession, scientifically applied to the patient by the operator's hands.

**MESSAGE THERAPIST** — Any person who practices or administers all or any of the following named subjects, and who has made a study of the underlying principals of anatomy and physiology as generally included in a regular course of study by a recognized and approved school of massage: The art of body massage either by hands or with a mechanical or

vibratory apparatus for the purpose of body massaging, reducing or contouring; the use of oil rubs, heat lamps, salt glows, hot and cold packs, tub, shower or cabinet baths. Variations of the following procedures are employed: Touch, stroking, friction, kneading, vibration, percussion and medical gymnastics. Massage therapists shall not diagnose or treat classified diseases, nor practice spinal or other joint manipulations, nor prescribe medicines or drugs.

**MASSAGE ESTABLISHMENTS** — Shall be construed and deemed to mean any massage establishment or place of business wherein massage as to all or any one or more of the above-named subjects and methods of treatments, as defined in this section, is administered or used.

**PERMITTEE** — The operator of a massage establishment.

**SEXUAL OR GENITAL AREA** — The genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

**§ 197-2. Massage establishments to be licensed.**

- A. It shall be unlawful for any person to operate or conduct any massage establishment without a massage establishment license issued pursuant to the provisions of this article.
- B. It shall be unlawful for a licensed massage establishment to employ any person as a massage establishment operator, or massage therapist who does not meet the qualifications set forth in this article.
- C. It shall be unlawful for any person to engage in the practice, attempt to practice, or hold themselves forth as practicing, massage, whether for a fee or gratuitously, or to conduct massage, who does not meet the qualifications set forth in this article.
- D. It shall be unlawful for a massage therapist to engage in the practice of massage or to conduct massage other than in a license massage establishment unless the massage has been prescribed for the person receiving same by a person exempt from licensing in § 197-3 and the person receiving same is medically incapable of visiting the massage establishment.

**§ 197-3. Exceptions to provisions of article.**

The requirements of this article shall have no application and no effect upon and shall not be construed as applying to hospitals, nursing homes, sanatoria, physicians, surgeons, chiropractors, osteopaths, or any nurse working under the supervision of a physician, surgeon, chiropractor, or osteopath duly licensed to practice said respective professions in this state. Practical nurses or other persons without qualifications as massage therapists, whether employed by physicians, surgeons, chiropractors, or osteopaths or not, may not render massage or massage procedures. Nor shall this article apply to barbers or cosmetologists lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the state.

**§ 197-4. Application and fee.**

- A. Any person desiring to obtain a license to operate a massage establishment shall make application to the Village Clerk, who shall refer all such applications to the Chief of Police, the Fire Chief, Building Inspector, and Rock Island County Health Department. These departments shall within 30 days inspect the premises proposed to be operated as a massage establishment and make written recommendations to the Village Clerk concerning compliance with the codes that they administer.
- B. Within 10 days of receipt of the recommendations of the aforementioned departments, the Village Clerk shall notify the applicant that his/her application is granted, denied or held for further investigation. The period of such additional investigation shall not exceed an additional 30 days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation the Village Clerk shall advise the applicant in writing whether the application is granted or denied.
- C. Whenever an application is denied or held for further investigation, the Village Clerk shall advise the applicant in writing of the reasons for such action.
- D. Each massage establishment license application shall be accompanied by license fee of \$100.
- E. A license issued pursuant to this article shall be renewed annually, and shall exist for a term of one year from the first day of April unless sooner suspended or revoked. At the end of the license term, the license shall expire and cease to be a license unless renewed. All persons who operate a massage establishment must file applications for renewal of permits not more than two months nor less than one month prior to termination of an existing license.
- F. The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the said application or his or her refusal to submit to or cooperate with any inspection required by this article shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the Village Clerk.

**§ 197-5. Contents of application, massage establishment.**

- A. The application for a permit to operate a massage establishment, shall set forth the exact nature of the massage to be administered and the proposed place of business and facilities therefore.
- B. In addition to the foregoing, any applicant for a permit, including any partner or limited partner of a partnership application, and any officer or director of a corporate applicant and any stockholder holding more than 10% of the stock of a corporate applicant shall furnish the following:

- (1) Full name and current address;
- (2) The two previous addresses of the applicant immediately prior to the current address;
- (3) Written proof that the applicant is at least 18 years of age;
- (4) Applicant's height, weight, and color of eyes and hair;
- (5) The business, occupation or employment of the applicant for the three years immediately preceding the date of the application;
- (6) The massage or similar business license history of the applicant, including whether such person in previous operation in this or another area has had a license revoked or suspended, the reason therefore, and any business activity or occupation subsequent to the action of suspension or revocation;
- (7) All criminal or city ordinance violation convictions, forfeiture of bond on all charges, except minor traffic violations.
- (8) The names and credentials of all employees of the establishment (and there shall be a continuous obligation to notify the Village Clerk within 10 days after any employee is terminated or hired);
- (9) A set of plans of the building in which the business will be conducted to comply with the ordinance;
- (10) The address and phone number of the business;
- (11) If the applicant is a corporation, or a partner of a partnership is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation, and any shareholders having more than 10% ownership in the Corporation.

**§ 197-6. Education and training requirements, massage therapist.**

Massage therapists employed by licensed massage establishments shall meet the following requirements, massage therapists must possess a diploma or certificate of graduation from a recognized school or other institution of learning wherein the methods, profession and work of massage therapists are taught. The terms "recognized school" shall mean and include any school or institution of learning which is accredited by a state instrumentality (State Board of Education; State Board of Independent Vocational, Technical, Trade and Business Schools; Department of Public Instruction, etc.) or other unit of educational accreditation (such as: The American Massage Therapy Association (A.M.T.A); The National Association of Trade & Technical Schools (N.A.T.T.S.); The Associated Body Work and Massage Professionals (A.B.M.P.)) and has for its purposes the teaching of the therapy, method, profession of work of massage therapists, which school requires a resident course of study of not less than 500 hours to be given in not less than six calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of such course of study or learning. Schools offering



correspondence courses and not requiring actual class attendance shall not be deemed recognized schools. The applicant, on the request of the Village, must confirm the fact that said applicant actually attended classes and matriculated in a recognized school and/or provide documentation that such school meets the requirements set forth as a "recognized school".

**§ 197-7. Operating requirements.**

- A. Cleanliness. Every portion of a massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition. Adequate equipment for disinfecting and sterilizing any instruments used for massage shall be provided and used after each massage.
- B. Employees, dressing rooms. All employees shall be clean and shall wear suitable clean outer garments whose use is restricted to the massage establishment. A separate dressing room for each sex must be available on the premises with individual lockers available for each employee and for each customer. Said lockers shall be equipped with a key lock or number combination locking device. Doors to such dressing rooms shall open inward and shall be self-closing.
- C. Linens. All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in an approved, sanitary manner. No towels or sheets shall be laundered or dried in any massage establishment unless such establishment is provided with approved laundry facilities for such laundry and drying. Approved receptacles shall be provided for the storage of soiled linens and paper towels. Closed cabinets shall be provided for the storage of clean linen.
- D. Bathrooms, etc. Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.
- E. Residential uses. Residential living will not be allowed within the building licensed as the massage establishment. Any room used for massage shall not be used for residential or sleeping purposes.
- F. Advertising. No massage establishment granted a license under the provisions of this article shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons that any service is available other than those services as described in § 197-1 of this chapter, nor shall any massage establishment indicate in the text of advertising that any service is available other than those services as described in said section.
- G. Locked room. No massage service may be carried on within any cubicle, room, booth or any area within a massage establishment which is fitted with a door capable of being locked.

**§ 197-8. Facilities necessary, limitations.**

No license to conduct a massage establishment shall be issued unless an inspection by the appropriate Village inspectors discloses that the establishment complies with each of the following minimum requirements:

- A. A readable sign shall be posted at the main entrance identifying the establishment as a massage establishment, provided also that all such signs shall otherwise comply with the general sign requirements of the Village of Port Byron.
- B. Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the Village's building code. Plumbing fixtures shall be installed in accordance with the Village's plumbing code.
  - (1) For toilet rooms, toilet room vestibules and rooms containing bathtubs, there shall be a waterproof floor covering, which will be carried up all walls to a height of at least six inches. Floors shall be covered up on bases with at least three-fourths-inch cover. The walls of all toilet rooms and rooms containing bathtubs shall be finished to height of six feet with a smooth, non-absorbent finish surface of Keene cement, tile or similar material.
  - (2) Steam rooms and shower compartments shall have waterproof floors, walls, and ceilings approved by the Building Inspector.
  - (3) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. (Exception: Dry heat rooms with wooden floors need not be provided with pitched floors and floor drains.)
  - (4) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.
- C. Toilet facilities shall be provided in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinal may be substituted for water closets after one water closet has been provided. All toilet rooms shall be equipped with self-closing doors opening in the direction of ingress to the toilet rooms. Toilets shall be designated as to the sex accommodated therein.
- D. Lavatories or washbasins provided with both hot and cold running water shall be installed in either the toilet room or the vestibule. Lavatories or washbasins shall be provided with soap in a dispenser and with sanitary towels.
- E. Minimum lighting and ventilation shall be provided in accordance with the Uniform Building Code, and, additionally, at least one artificial light of not less than 100 watts shall be lit in each enclosed room, cubicle or booth while massage services are being rendered. All portions of massage establishments and baths shall be provided with adequate light and ventilation by means of windows or skylights with an area of not less than one-eighth of the total floor area, or shall be provided with approved artificial light and a mechanical operating ventilation system. When windows or skylights are used for

ventilation, at least on-half of the total required window area shall be operable. To allow for adequate ventilation, cubicles, rooms and areas provided for patrons' use not served directly by a required window, skylight or mechanical system of ventilation shall be constructed so that the height of the partitions does not exceed 75% of the floor-to-ceiling height of the area in which they are located.

- F. All electrical equipment shall be installed in accordance with the requirements of the Village's electrical code.

**§ 197-9. Issuance.**

Upon payment of the application fee, submitting of all information required by application, upon receipt of the recommendations of the departments referred to in § 197-4 of this chapter that the establishment is in compliance with all of the requirements of §§ 197-8 and 197-9 of this chapter, the Village Clerk shall issue a permit to maintain, operate or conduct a massage establishment, unless he or she finds:

- A. It appears that any such applicant has deliberately falsified the application; or
- B. That the operation as proposed by the applicant, if permitted, would not have complied with all applicable laws, including but not limited to, the building, health, planning, housing, zoning and fire codes of the Village; or
- C. That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a massage establishments has been convicted of:
- (1) A felony.
  - (2) An offense involving sexual misconduct with children.
  - (3) Prostitution, soliciting for a prostitute, pandering, keeping a place of prostitution, or pimping.

**§ 197-10. Nontransferrability of license.**

- A. All licenses issued hereunder are nontransferrable, provided, however a change of location of a massage establishment may be permitted pursuant to the provisions hereof.
- B. Upon the death or incapacity of the permittee the massage establishment may continue in business for a reasonable time to allow for an orderly transfer of the permit.

**§ 197-11. Display of license.**

Every person to whom a license shall have been granted shall display said license in a conspicuous place.

**§ 197-12. Change of location.**

A change of location of the massage premises shall be approved by the Village Clerk, provided all general ordinances are complied with and the change of location fee of \$5 is first paid.

**§ 197-13. Massage therapists to be registered.**

- A. It shall be the responsibility of the holder of the license for a massage establishment to insure that each person employed as a massage therapist shall have been registered with the Village Clerk within five days of his or her employment.
- B. It shall be unlawful for any owner, proprietor, manager, or other person in charge of any massage establishment to employ any person who is not at least 18 years of age.
- C. The massage establishment licensee shall yearly, at the time of license renewal, register all massage therapist employed.
- D. The massage establishment licensee shall submit the following information to the Village Clerk for each massage therapist employed:
  - (1) Full name and current address;
  - (2) The two previous addresses of the employee immediately prior to the current address;
  - (3) Written proof that the employee is at least 18 years of age;
  - (4) Employee's height, weight, and color of eyes and hair;
  - (5) The business, occupation or employment of the employee for the three years immediately preceding the date of employment;
  - (6) The massage or similar business license history of the employee, including whether such person in previous operation in this or another area has had a license revoked or suspended, the reason therefore, and any business activity or occupation subsequent to the action of suspension or revocation;
  - (7) All criminal or city ordinance violation convictions, forfeiture of bond on all charges, except minor traffic violations.
  - (8) A copy of the employee's diploma or certificate or graduation.

**§ 197-14. Hours of operation.**

- A. 7:00 a.m. to 11:00 p.m. Monday through Saturday inclusive.
- B. Sunday hours shall be 11:00 a.m. to 10:00 p.m.

**§ 197-15. Persons not to remain on premises after closing hours; exceptions.**

- A. Except as otherwise provided in this section, no person holding a license issued pursuant to this chapter shall remain on the licensed premises after the closing hours, except:
  - (1) The licensee.
  - (2) A person on the licensee's payroll for purposes of cleanup.
- B. No person shall remain on the licensed premises one hour after the closing hours except the owner of the license.

**§ 197-16. Inspection of establishment.**

- A. During the business hours of the massage establishment, inspection of each massage establishment may be made for the purpose of determining that the provisions of this article are met. This includes inspections by the Police Department, Fire Department, Building Inspector, and Rock Island County Public Health Officials. Such inspections shall be made at reasonable times and in a reasonable manner.
- B. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

**§ 197-17. Revocation; suspension of license.**

- A. Any permit issued for a massage establishment may be revoked or suspended by the Village Board, after a hearing for good cause, or temporarily suspended by the Chief of Police until a hearing by the Village Board, in any case where any of the provisions of this article are violated or any employee of the permittee, including a massage therapist is engaged in any conduct at permittee's place of business which violates any of the provisions of this article or any state law which provides for imprisonment, and permittee has actual or constructive knowledge of such violation or the permittee should have actual or constructive knowledge by due diligence, or where any applicant has made a false statement on an application for a permit under this article or in any case where the permittee or licensee refuses to permit any duly authorized police officer or inspector of the Village or the County to inspect the premises of operation therein. Such permit may also be revoked or suspended by the Village Board, after hearing, upon the recommendations of the a health officer of the Village or County that such business is being managed, conducted or maintained without regard for the public health or health of patrons or customers or without due regard for proper sanitation or hygiene.
- B. Any violation of this article by any employee of the permittee, including a massage therapist, shall be cause for suspension of the permit for not more than 30 days in the first instance. Any subsequent violation of this article by any employee of the permittee, including a massage therapist, shall be cause for suspension or revocation of the permit.
- C. No license shall be revoked until after due notice and a hearing shall have been held before the Village Board to determine just cause for such revocation. Notice of such hearing shall be given in writing and served at least 10 days prior to the date of the

hearing thereon. The notice shall state the grounds of the complaint against the holder of such license and shall designate the time and place where such hearing shall be held. Said notice shall be served upon the license holder by delivering the same personally or by leaving such notice at the place of business or residence of the license holder, or the licensed premises, in the custody of a person of suitable age and discretion. In the event the license holder cannot be found, and the service of such notice cannot be otherwise made in the manner herein provided, a copy of such notice shall be mailed, registered and postage fully paid, addressed to the license holder at the licensee's place of business or residence at least 10 days prior to the date of the hearing.

- D. When a license is temporarily suspended by the Chief of Police, a hearing shall be scheduled before the Village Board within 15 days. Notice of such hearing shall be served as required in Subsection C of this section.

**§ 197-18. Grounds for revocation and/or fines.**

The massage establishment may be subject to fine, license revocation, or both a fine and license revocation upon one or more of the following grounds, the massage therapist or other employee may be subject to fine:

- A. That the holder or employee is guilty of fraud in the practice of massage, or fraud or deceit in being qualified for the practice of massage.
- B. That the holder or massage therapist has been convicted in a court of competent jurisdiction of a felony. The conviction of a felony shall be the conviction of any offense which, if committed within this state, would constitute a felony under the laws thereof.
- C. That the holder or massage therapist is engaged in the practice of massage under a false or assumed name, or is impersonating another practitioner of a like or different name.
- D. That the holder or massage therapist is addicted to the habitual use of intoxicating liquors, narcotics or stimulants to such an extent as to incapacitate such person for the performance of the holder's professional duties.
- E. That the holder or massage therapist is guilty of fraudulent, false, misleading or deceptive advertising, or that said holder or massage therapist prescribes medicines or drugs, or practices any other licensed profession without legal authority therefore.
- F. That the holder has been guilty of employing, allowing or permitting any unqualified person to perform massage, or who in conjunction with the massage establishment gives or administers, or practices the giving or administering of baths as defined herein without first having been registered with the Village Clerk, in said holder's establishment.
- G. That liquor is being sold or consumed within the establishment.
- H. That the licensee or massage therapist has been convicted of prostitution, pandering, pimping, or other offenses opposed to decency and morality.
- I. That any person, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper for the owner,

employee, or operator, or acting as a participant or worker in any way, who touches another in the sexual or genital area, either physically, with any piece of equipment, or with any other item or in any other way.

- J. That the license or massage therapist is found to have violated any other section of this article.

**§ 197-19. Massagists practicing when provisions of chapter become effective.**

Any person who is actually engaged in the practice of massage, and who has therein practiced the profession three years or more or served as an apprentice three years at any place within the state, or who has a diploma from an approved school of massage, as herein defined at the time of final passage of, or who is eligible for membership in the American Massage and Therapy Association (also called "A.M.T.A."), shall be allowed to continue practice as a massage therapist, without first having met the other requirements of this article, except as to physical conditions and adequate facilities. Such person shall have one year from the effective date of the ordinance from which this article is derived to so qualify.

**§ 197-20. Maintaining nuisance.**

Any building used as a massage establishment in violation of this article with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, together with all fixtures and other property used in violation of this article are hereby declared to be a public nuisance. The building, fixtures, and other property in violation will be dealt with in accordance with state law governing public nuisances.

**§ 197-21. Violations and penalties.**

Any person, except those persons who are specifically exempted by this article, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere helper of the operator, employee or operator, or acting as a participant or, worker in any way, who violates any provision of this article shall be subject to a fine in a sum not less than \$100 not more than \$500, and shall, upon conviction, be guilty of a misdemeanor, punishable by imprisonment for not more than six months, or by a fine not less than \$100 and not exceeding \$500, or both fine and imprisonment.





## Chapter 201

### MINORS

#### ARTICLE I

##### Curfew

- § 201-1. Hours; ages.
- § 201-2. Parents' responsibility.
- § 201-3. Violations and penalties; arrests.

#### ARTICLE II

##### Parental Responsibility

- § 201-4. Purpose.
- § 201-5. Definitions.

§ 201-6. Inciting violations by minors.

§ 201-7. Improper supervision of minors.

§ 201-8. Vandalism and malicious damage.

§ 201-9. Parental responsibility for violations by minors.

§ 201-10. Parental responsibility for unpaid penalties.

§ 201-11. Violations and penalties.

§ 201-12. Charging violation; prosecution.

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I

##### Curfew

**[Derived from Title 4, Ch. 2, Art. 1, of the 1993 Code]**

##### § 201-1. Hours; ages.

It is hereby declared to be unlawful for any minor person less than 18 years of age to be or remain in or upon any of the streets, alleys or public places in the Village at night after the hour of 11:00 p.m., Monday through Friday, and midnight to 6:00 a.m. Saturday and Sunday, unless the minor is accompanied by a parent, guardian or other person having the legal custody of such minor, or is in the performance of an errand or duty directed by such parent, guardian or other person having the care and custody of such minor, or whose employment make it necessary to be upon said streets, alleys or public places during the nighttime and after said specified hour, or who is in an orderly manner actually on his way to or from the homes of friends, school or church entertainments, or legitimate public amusement places; provided, however, this exception shall not apply when the person under such age shall be playing or unnecessarily loitering upon any such street, alley or public place whether alone or accompanied by a parent, guardian or any other person or persons whomsoever.

##### § 201-2. Parents' responsibility.

It is hereby made unlawful for any parent, guardian or any other person having the legal care or custody of a minor person less than 18 years of age to allow or permit such minor while in their legal custody to go or be upon any of the streets, alleys or other public places in the

Village within the time prohibited in § 201-1 hereof unless there exists a reasonable necessity therefor and unless said minor's being upon the streets, alleys, and public places would be within the exceptions set forth in § 201-1 hereof.

### **§ 201-3. Violations and penalties; arrests.**

Each member of the police force while on duty is hereby authorized to arrest without warrant any person willfully violating the provisions of this chapter, and to retain such persons for a reasonable time in which complaint can be made and a warrant issued and served. Said police officer shall have the right to demand proper identification of age of said minor, and if said minor is unable to produce proper identification of his age, he shall be compelled to obey the instructions of the police officer.

## **ARTICLE II**

### **Parental Responsibility**

**[Adopted 7-13-1998 by Ord. No. 98-13-7B (Title 4, Ch. 2, Art. 11, of the 1993 Code)]**

### **§ 201-4. Purpose.**

The President and Board of Trustees of the Village of Port Byron have found and determined that ensuring responsible supervision of the conduct of minors is in the best interest of the Village and its residents to promote and protect the health, welfare, and safety of the residents of the Village, particularly those residents under 18 years of age;

### **§ 201-5. Definitions.**

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

**KNOWINGLY** — Means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inquiry or inspection.

**LEGAL GUARDIAN** — A person appointed guardian, or given custody, of a minor by a Circuit Court of this State but does not include a person appointed guardian or given custody of a minor under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 et seq.).

**MINOR** — A person under the age of 18 years.

**PARENT** — A natural or adoptive parent or a court designated guardian.

**UNEMANCIPATED MINOR** — A minor still under the care and custody of at least one of his or her parents or a legal guardian.

**WILLFUL** — Proceeding from a conscious and voluntary intentional motion of the will.

### **§ 201-6. Inciting violations by minors.**

It shall be unlawful for any person, including a parent or legal guardian, to knowingly or willfully cause, aid, or encourage any minor to violate or attempt to violate any federal or

state law or Village ordinance or to knowingly or willfully act in such a manner as to directly tend to cause a minor to violate or attempt to violate any federal or state law or Village ordinance.

**§ 201-7. Improper supervision of minors.**

It shall be unlawful for any parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian to fail to make all reasonable, necessary, and effective efforts to prevent such minor from violating any of the provisions of any Federal or State statute or ordinance of this Village. If, after written notice, either by means of a NOTICE OF VIOLATION or by letter, is given by a member of the Port Byron Police Department to any such parent or legal guardian of any such violation by such minor, such parent or legal guardian shall be guilty of a violation of this section unless such parent or legal guardian shall have notified the Port Byron Police Department in writing of his or her inability to prevent such continued or repeated violation and shall request the Port Byron Police Department or the proper public authority to take the necessary legal proceedings toward having such minor declared and dealt with as a delinquent minor.

**§ 201-8. Vandalism and malicious damage.**

- A. Parental responsibility for failure to supervise. It shall be unlawful for any parent or legal guardian of an unemancipated minor residing with such parent or legal guardian to knowingly permit such minor to willfully or maliciously damage or destroy any property or to injure any person or animal.
- B. Parental responsibility for damages. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall be liable to the full extent permitted by law, for actual damages for:
  - (1) Such minor's acts of institutional vandalism occurring within this Village; and
  - (2) The willful or malicious acts of such minor which occurred within the Village and which cause injury to a person, animal, or property.
- C. Presumption of knowledge. For purposes of this section, 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 knowingly permitted such minor to have committed a violation of this section if:
  - (1) Such minor shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful or malicious acts causing damage or injury to a person, animal, or property, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal, or property; and
  - (2) The parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a

certificate of personal service returned, from the Port Byron Police Department following such adjudication or nonjudicial sanction; and

- (3) Within one year following receipt of the notice set forth in Subsection C(2) above, such minor is either adjudicated to have violated within the corporate limits of the Village any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal, or property or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of a violation within the corporate limits of the Village of any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal, or property.

**§ 201-9. Parental responsibility for violations by minors.**

It shall be unlawful for any parent or legal guardian of a minor to knowingly suffer, permit, or allow such minor to violate any provision of the ordinance of this Village, any State statute, or federal law.

**§ 201-10. Parental responsibility for unpaid penalties.**

- A. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall be liable for all fines imposed by the issuance of a NOTICE OF VIOLATION by an officer of the Port Byron Police Department to an unemancipated minor who resides with such parent or legal guardian for a violation of any provision of an ordinance of this Village.
- B. The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian shall be liable for any fine, condition or restriction or reparation imposed by a court upon such minor for a violation of any provision of an ordinance of this Village, but only if:
  - (1) Such minor has not paid the fine or made restitution or reparation within the time ordered by the court; and
  - (2) Said parent or legal guardian had been served with summons or notice to appear in the original cause as provided by law.

**§ 201-11. Violations and penalties.**

- A. Any person found guilty of a violation of this ordinance shall be fined not less than \$100 nor more than \$500 for each offense.
- B. The parent or legal guardian of any person under the age of 18 years who in any way violates any provision of this ordinance shall be responsible for the payment of any fine which the person under the age of 18 years is subject to.

**§ 201-12. Charging violation; prosecution.**

By notice of violation. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this ordinance by delivering to that person a NOTICE OF VIOLATION charging that person with the violation. The person so charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days' after receipt of the NOTICE OF VIOLATION the Police Department may forward copies of the NOTICE OF VIOLATION and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial.



## Chapter 208

### NUISANCES

**§ 208-1. Nuisances; general.**

**§ 208-2. Filth in streets.**

**§ 208-3. Dead animals.**

**§ 208-4. Unhealthy premises.**

**§ 208-5. Obstructions in streets.**

**§ 208-6. Obstructing streets.**

**§ 208-7. Nuisances on private property.**

**§ 208-8. Violations and penalties.**

**[HISTORY: Derived from Title 5, Ch. 2, Art. 1, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]**

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**§ 208-1. Nuisances; general.**

Within the territorial jurisdiction of the Village it is hereby declared a nuisance for any person to cause any of those acts or omissions that are declared to be nuisances by the laws of the State of Illinois, and such as are known as nuisances to the common law of the land not hereinafter specially enumerated.

**§ 208-2. Filth in streets.**

It shall be unlawful for any person to throw or deposit or cause to be thrown or deposited, any unclean water, manure, slop or other offensive matter, or ashes, or rubbish in any street, alley or public place in the Village.

**§ 208-3. Dead animals.**

It shall be unlawful for any person owning or in the possession of any dumb animals, which may die within the Village, to leave the same unburied therein for more than 12 hours after its death, unless sooner notified by the proper authorities to remove and bury the same, or for anyone to bring and leave the carcass of any such animals within the limits of the Village, provided this shall not apply to any such animals fit and intended to be used for food.

**§ 208-4. Unhealthy premises.**

It shall be unlawful for any person to keep, use or suffer any cellar, vault, private drain, pool, privy, sewer, grounds or any premises belonging to or occupied by any person, to become nauseous, foul, offensive, injurious or detrimental to the health of any individual.

**§ 208-5. Obstructions in streets.**

It shall be unlawful for any person to erect, construct or cause to be erected or constructed in any street or public alley in the Village, any step, cellar door or cellar way less than three feet from the side lot line of the street into the sidewalk or street, or less than three feet from the line of any alley, into the same; or to erect any porch, bulk, jut-window or other incumbrance,

or so place or cause to be placed any spout or gutter whereby the passage of any street or alley as aforesaid shall be obstructed.

**§ 208-6. Obstructing streets.**

It shall be unlawful for any person to place or erect, or cause to be placed or erected, in any street, road, sidewalk, alley or other place under control of the Village, any building or other obstruction or to fail to remove the same after notice from the Police Chief so to do.

**§ 208-7. Nuisances on private property. [Amended 8-28-1978 by Ord. No. 78-8-28B]**

A. Definition. For the purposes of this section, the term "nuisance" is defined to mean any condition or use or premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the deposition on, or the scattering over the premises of any of the following:

- (1) Lumber, junk, trash or debris;
- (2) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

B. Nuisance prohibited. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in value of the other property in the neighborhood in which such premises are located.

C. Nonoperating vehicles prohibited. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle to remain on such property longer than 10 days; and no person shall leave any such vehicle on any property within the Village for a longer time than 10 days; except that this subsection shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential district, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Village or any other public agency or entity. **[Amended by Ord. No. 91-9-12A]**

- (1) Definitions. As used in this chapter, the following terms shall have the meanings ascribed to them:

ABANDONED VEHICLES — All vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition, or any vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.



ANTIQUE VEHICLE — Any motor vehicle or other vehicle 20 years of age or older.

INOPERABLE MOTOR VEHICLE — Any motor vehicle which cannot presently be operated on a street or highway of the Village either due to physical defects in the motor vehicle or due to legal prohibitions, including but not limited to, want of licenses, defective parts, absence of required parts, etc.

LAWFULLY OCCUPIED — To premises occupied under contract, license or other consent.

MOTOR VEHICLE — An auto, car, motorcycle, truck, truck trailer, auto trailer, boat trailer, camper or any other vehicle for use on the streets or highways, as well as any constituent part.

- (2) Exceptions. The requirements and provisions of this chapter shall not apply to:
  - (a) Vehicles specifically exempt from local licensing pursuant to the laws of the United States or the State of Illinois.
  - (b) Legally licensed antique vehicles.
- (3) Acts prohibited. No person shall engage in any of the following acts:
  - (a) The abandonment of any motor vehicle on any street, highway, alley or other public way within the Village.
  - (b) The abandonment of any motor vehicle on any public property or on any private property within the Village.
  - (c) The parking of any inoperable motor vehicle on any street, highway, alley or other public way within the Village where the same constitutes a hazard or dangerous condition for persons and property lawfully using the same.
  - (d) The parking of any inoperable motor vehicle on any street, highway, alley or other public way within the Village for more than 48 hours.
  - (e) The parking of any inoperable motor vehicle on any private property, except property owned or lawfully occupied, or on public property, without the consent of the owner or lawful occupant for more than eight hours.
  - (f) The parking of any inoperable motor vehicle on private residentially-zoned property and allowing the motor vehicles to remain there for more than 14 days, if the vehicle is open to the view of the public.
- (4) Removal of abandoned and inoperable vehicles. Whenever any act prohibited by this chapter is perpetrated, the Police Department of the Village shall have the right to authorize removal of the vehicle concerned by towing at the time the prohibited act becomes violative of this chapter, as follows:

- (a) The police may remove a motor vehicle abandoned on any street, highway, alley or other public way within the Village Immediately upon a determination of abandonment by the Police.
  - (b) The police may remove a motor vehicle abandoned on any private or public property immediately upon a determination of abandonment by the police.
  - (c) The police may remove an inoperable motor vehicle from any street, highway, alley or other public way within the Village immediately upon a determination by the police that the vehicle is inoperable, and that it constitutes a hazard or a danger to persons and property lawfully using the highway.
  - (d) The police may remove an inoperable motor vehicle from any street, highway, alley or other public way within the Village where the vehicle has been parked for more than 24 hours, and is apparently inoperable.
  - (e) The police may remove an inoperable motor vehicle from any other public or private property, except a motor vehicle on property of the owner of the vehicle, or one lawfully entitled to park there, here the vehicle has been parked for more than seven days without the consent of the owner or person lawfully occupying the premises.
  - (f) The police may remove an inoperable motor vehicle from any private residentially-zoned property, including property owned or lawfully occupied by the owner of the vehicle where the same is open to public view.
- (5) Impoundment. After impounding a motor vehicle pursuant to Subsection C(4), the police shall deal with the motor vehicle as follows. Whenever any citizen of the Village is the victim of an act done in violation of this chapter, he shall have the right to request the police to remove the vehicle by towing. Thereafter, the police shall deal with the vehicle as if they had initiated the removal. The person who abandons the vehicle or parks an inoperative vehicle in violation of this chapter shall have the responsibility for all towing, storage, advertising, disposal and related costs.
- (a) Complaint filed. Within 48 hours of having a vehicle towed pursuant to this chapter, the officer initiating the towing may cause a complaint to be filed charging the registered owner with a violation of this chapter. The registered owner shall be responsible for the violation in all cases except when, and only when, a stolen auto report has been filed prior to the tow occurring with an authorized law enforcement agency.
  - (b) Records. When a motor vehicle or other vehicle is authorized to be towed away pursuant to this chapter, the Village Police Department shall keep and maintain a record of the vehicle towed, listing the color, the year of manufacture, the manufacturer's trade name, the manufacturer's series name, the body style, the vehicle identification number, and the license plate year and number displayed on the vehicle. The record shall also include the date

and hour of the tow, the location towed from, the location towed to, the reason for the towing, and the name of the officer authorizing the tow.

- (c) Reclaim and liability for expenses. Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in this chapter, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid.
- (6) Disposal of unclaimed vehicles.
  - (a) Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of 30 days after notice has been given as provided in this chapter, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded. At least 10 days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.
  - (b) In those instances where the certified notification specified has been returned by the postal authorities to the Police Department due to the addressee having moved or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.
  - (c) When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven years of age or newer cannot be determined by any reasonable means, the vehicle may be sold as provided or disposed of in the manner authorized by this chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.
  - (d) When an impounded vehicle of more than seven years of age is impounded as specified by this chapter, it will be kept in custody for a minimum of 10 days for the purpose of determining ownership, the contacting of the registered owner by the United States mail, public service or in person for a determination of disposition and, an examination of the state police stolen motor vehicle files for theft and wanted information. At the expiration of the ten-day period, without the benefit of disposition information being received

from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

- (e) When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this chapter, a report of the transaction will be maintained by the Police Department for a period of one year from the date of the sale or disposal.
- (f) When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Chief of Police, or other office acting in his behalf, and disposed of as set forth in this chapter, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Village treasury.
- (7) Liability for damages. Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this chapter.
- (8) Penalty for violation. Any person violating any of the provisions of this chapter shall be fined not less than \$25 nor more than \$500 for any such offense. Each day that a violation continues shall constitute a separate offense.
- D. Enforcement. Enforcement of this section may be accompanied by the Village in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this section, suffers special damage to himself different from that suffered by other property owners throughout the Village generally, may bring an action to enjoin or otherwise abate an existing violation.
- E. Penalty. Any person, firm or corporation violating any of the provisions of this section shall be fined not less than \$25 nor more than \$500 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

#### **§ 208-8. Violations and penalties.**

Any person convicted of violating any provisions of this chapter where no other penalty is provided to the contrary, shall be fined in a sum not less than \$25 nor more than \$500.

## Chapter 213

### PARKS

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| § 213-1. Supervision of operation and maintenance. | § 213-7. Groups and/or individuals with permits. |
| § 213-2. Operation; enforcement of use rules.      | § 213-8. Closure of park sections.               |
| § 213-3. Conduct of amusements.                    | § 213-9. Group activity.                         |
| § 213-4. Permits; applications.                    | § 213-10. Picnic areas and use.                  |
| § 213-5. Authority to grant or deny use.           | § 213-11. Applicability.                         |
| § 213-6. Sanitary requirements.                    | § 213-12. Violations and penalties.              |

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 6-26-1979 by Ord. No. 79-6-26 (Title 4, Ch. 3, Art. 1, of the 1993 Code). Amendments noted where applicable.]**

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#### **§ 213-1. Supervision of operation and maintenance.**

All parks shall be operated and maintained under the supervision of Building and Ground Committee.

#### **§ 213-2. Operation; enforcement of use rules.**

The Police Department shall see to the operation of the Village parks and enforce all rules relating to the use of the park.

#### **§ 213-3. Conduct of amusements.**

No amusement for gain or for which a charge is maintained can be conducted in the park without the consent of the Village Board, and such amusement must be conducted in accordance with any Ordinance pertaining thereto.

#### **§ 213-4. Permits; applications.**

Any assembly or group of people desiring to use the park shall obtain a permit from the Village Board upon approval of the Building and Grounds prior to the said park. Application for permit shall be made at least 30 days prior to requested use of the park, and the permit shall reflect all information relative to the persons or organizations wishing to use said park and the proposed activity to be used in the park.

#### **§ 213-5. Authority to grant or deny use.**

The Village Board shall have the sole authority to grant or deny use of the park.

**§ 213-6. Sanitary requirements.**

Each person, firm or corporation using the park and grounds shall clean up all debris and leave the premises in good order and the facilities in a neat and sanitary condition, and shall not:

- A. Disturb the peace, or use any profane, obscene or blasphemous language.
- B. Commit any assault, battery, or engage in fighting.
- C. Endanger the safety of any person by any conduct or act.
- D. Carry, possess, or drink any alcoholic liquor in any park.
- E. Violate any posted rules for the use of the park, made or approved by the Village Board of Trustees.
- F. Drive, park or stop a vehicle on the boat docks.

**§ 213-7. Groups and/or individuals with permits.**

The following rules will apply to all persons for use of the park.

- A. No loafing or loitering from dusk to dawn.
- B. No overnight parking without permission from the Police Department.
- C. No commercial ventures without Permit.
- D. Parking limited to vehicles with boat trailers in ramp area.

**§ 213-8. Closure of park sections.**

Any section or part of the park may be declared closed to the public by the Board of Trustees at any time and for any intervals of time either temporary or at regular or stated intervals.

**§ 213-9. Group activity.**

Whenever any group, association or organization desires to use said park facilities for particular purposes, such as, picnics, parties, a representative of said group, association or organization shall first obtain a permit from the Village Clerk with approval of Board of Trustees shall grant application if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the said group, association or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the city from any liability of any kind or character and to protect the city property from damage.

**§ 213-10. Picnic areas and use.**

- A. No person in a park shall picnic or lunch in place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
- B. No persons in a park shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such areas and facilities for any unreasonable time if the facilities are crowded.

**§ 213-11. Applicability.**

This ordinance shall apply to the docking area within the Village of Port Byron which is located between Linn Street and Rock River Street.

**§ 213-12. Violations and penalties.**

The penalty for violation of any section of this Ordinance shall be a minimum of \$25 and a maximum of \$525.





## Chapter 217

### PEACE AND GOOD ORDER

#### ARTICLE I Obscenity

- § 217-1. Definitions.
- § 217-2. Acts constituting obscenity enumerated.
- § 217-3. Violations and penalties.

- § 217-5. Elements of the offense.
- § 217-6. Violations and penalties.
- § 217-7. Charging violation, prosecution.

#### ARTICLE III Criminal Trespass

#### ARTICLE II Disorderly Conduct

- § 217-4. Definitions.
- § 217-8. Prohibited acts.
- § 217-9. Violations and penalties.
- § 217-10. Notices of violation; prosecution.

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I Obscenity

**[Adopted 6-8-1987 by Ord. No. 87-6-8 (Title 4, Ch. 2, Art. 2, of the 1993 Code)]**

##### **§ 217-1. Definitions.**

As used in this article, material is "obscene" when:

- A. It depicts or describes any of the following types of sexual conduct:
  - (1) Ultimate sexual acts, normal or perverted, actual or simulated;
  - (2) Masturbation;
  - (3) Excretory functions; or
  - (4) Lewd exhibition of the genitals; and,
- B. To the average person, applying contemporary community standards the dominant theme of the material taken as a whole appeals to the prurient interest in sex; and,
- C. The material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

**§ 217-2. Acts constituting obscenity enumerated.**

A person commits obscenity when, with knowledge of the nature of contents thereof, or recklessly failing to exercise reasonable inspection which would disclose the nature of contents thereof:

- A. He sells within the Village, any obscene book, magazine, pamphlet, paper, photograph, drawing, motion picture film, phonograph record, film strip, slide or video cassette film.
- B. He offers or attempts to sell within the Village, any obscene book, magazine, pamphlet, paper, photograph, drawing, motion picture film, phonograph record, film strip, slide or video cassette film.
- C. He distributes or gives away within the Village, any obscene book, magazine, pamphlet, paper, photograph, drawing, motion picture film, phonograph record, film strip, slide, video cassette film.
- D. He offers to or attempts to give away within the Village, any obscene book, magazine, pamphlet, paper, photograph, drawing, motion picture film, phonograph, record, film strip, slide, or video cassette film.
- E. He prints or publishes within the Village, any obscene book, magazine, pamphlet, paper, photograph, drawing, motion picture film, film strip, slide or video cassette film.
- F. He exhibits or shows within the Village, any obscene photograph, drawing, motion picture, film strip, slide or video cassette film.
- G. He produces, directs, or plays a part within the Village, in any obscene play.
- H. He advertises for sale within the Village, any obscene book, magazine, pamphlet, paper, photograph, motion picture film, phonograph record, film strip, slide or video cassette film.
- I. He advertises for viewing within the Village, any obscene motion picture, play, film strip, slide or video cassette film.
- J. He publicly performs an obscene act or otherwise publicly presents an obscene exhibition of his body within the Village.
- K. He buys or procures in the Village, for resale in the Village, any obscene book, magazine, pamphlet, paper, photograph, motion picture film, film strip, slide, phonograph record or video cassette film.
- L. He buys, leases or produces in the Village, for showing in the Village for gain, any obscene motion picture, film strip, slide or video cassette film.

**§ 217-3. Violations and penalties.**

Any person who violates any provisions of this article shall be guilty of a misdemeanor which shall be punishable by imprisonment in a place other than a penitentiary for a term not to exceed six months or be fined an amount not to exceed \$500 or both.

ARTICLE II  
**Disorderly Conduct**

[Adopted 12-9-1996 by Ord. No. 96-9-12C (Title 4, Ch. 2, Art. 8, of the 1993 Code)]

**§ 217-4. Definitions.**

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

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

**§ 217-5. Elements of the offense.**

A. A person commits disorderly conduct when such person knowingly:

- (1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
- (2) Does or makes any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of the peace or imminent threat of violence; or
- (3) Makes, continues or causes to be made or continued any excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endanger the comfort, repose, health, peace or safety of others; or
- (4) Fails to obey a lawful order of dispersal by a person known by him to be a peace officer under circumstances where two or more persons are committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm or serious inconvenience, annoyance or alarm; or
- (5) Assembles with two or more persons and uses threat of force or violence to disturb the public peace; or
- (6) Appears in any public place manifestly under the influence of alcohol, narcotics or other drugs, not therapeutically administered, to the degree that such person may endanger such person or other persons or property, or annoy persons in such persons vicinity; or
- (7) 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 opening in it; or
- (8) As a driver of a motor vehicle, whether moving or parked, operates or permits to be operated any sound amplification system or radio which can be heard outside the vehicle from 75 or more feet when the vehicle is being operated upon a highway, road, street, parking lot, or on property not owned by the driver, unless such system is being operated to request assistance or warn of a hazardous situation.

- B. This section does not apply to authorized emergency vehicles or vehicles lawfully engaged in advertising.

**§ 217-6. Violations and penalties.**

Any person who violates any provision of this Ordinances is guilty of a petty offense and for the first offense shall be fined \$100, \$200 for the second offense in a twelve-month period, and \$500 for the third or subsequent offense in a twelve-month period.

**§ 217-7. Charging violation, prosecution.**

- A. By notice of violation. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this ordinance by delivering to that person a NOTICE OF VIOLATION charging that person with the violation.
- (1) The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the NOTICE OF VIOLATION the Police Department may:
- (a) Forward copies of the NOTICE OF VIOLATION and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial; or
- (b) Forward copies of the NOTICE OF VIOLATION and all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with a violation of Disorderly Conduct under State statute.
- B. Charging under state statutes. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of the Illinois Disorderly Conduct statute. The Officer shall forward copies of all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with violation of the statute.

**ARTICLE III**

**Criminal Trespass**

**[Adopted 9-14-1998 by Ord. No. 98-9-14A (Title 4, Ch. 2, Art. 13, of the 1993 Code)]**

**§ 217-8. Prohibited acts.**

- A. Whoever enters upon the land or any part thereof of another, after receiving, immediately prior to such entry, notice from the owner or occupant that such entry is forbidden, or remains upon the land of another after receiving notice from the owner or occupant to depart, is guilty of Criminal Trespass, and shall be punished as described in § 217-9 of this article.

B. A person has received notice from the owner or occupant within the meaning of Subsection A if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

- (1) Said written notice or posted signs may designate specific hours when trespassing is not allowed.

**§ 217-9. Violations and penalties.**

Any person who violates any provision of this Ordinance is guilty of a petty offense and for the first offense shall be fined \$50, \$100 for the second offense in a twelve-month period, and \$500 for the third or subsequent offense in a twelve-month period.

**§ 217-10. Notices of violation; prosecution.**

By Notice of Violation: A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this ordinance by delivering to that person a NOTICE OF VIOLATION charging that person with the violation.

- A. The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the NOTICE OF VIOLATION the Police Department may:
- (1) Forward copies of the NOTICE OF VIOLATION and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial; or
  - (2) Forward copies of the NOTICE OF VIOLATION and all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with a violation of the Illinois Compiled Statutes.



## **Chapter 222**

### **PROPERTY MAINTENANCE**

#### **ARTICLE I** **Nuisance Vegetation**

**§ 222-1. Weeds a nuisance.**

**§ 222-2. Height.**

**§ 222-3. Removal; notice.**

**§ 222-4. Abatement.**

**§ 222-5. Lien.**

**§ 222-6. Foreclosure of lien.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### **ARTICLE I** **Nuisance Vegetation**

**[Adopted 9-5-1967 by Ord. No. 67-20 (Title 4, Ch. 2, Art. 4, of the 1993 Code)]**

**§ 222-1. Weeds a nuisance.**

Any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

**§ 222-2. Height.**

It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants to grow to a height exceeding 12 inches anywhere in the Village; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

**§ 222-3. Removal; notice.**

It shall be the duty of the Chief of Police to serve or cause to be served a notice upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this article and to demand the abatement of the nuisance within 10 days.

**§ 222-4. Abatement.**

If the person so served does not abate the nuisance within 10 days the Village Marshal may proceed to abate such nuisance, keeping on account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

**§ 222-5. Lien.**

- A. Charges for such weed removal shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the Clerk may file with the Recorder of Deeds of Rock Island County a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and the date the weeds were cut, and a notice that the Village claims a lien for this amount.
- B. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Provided, however, that failure of the Clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in the following Section.

**§ 222-6. Foreclosure of lien.**

- A. Property subject to a lien for unpaid weed cutting charges shall be sold for nonpayment 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.
- B. The Village Attorney is hereby authorized and directed to institute such proceedings, in the name of the Village, in any court having jurisdiction over such matter, against any property for which such bill has remained unpaid 60 days after it has been rendered.



## **Chapter 229**

### **RAILROADS**

**§ 229-1. Speed of trains.**

**§ 229-3. To ring bell.**

**§ 229-2. Obstructing highway.**

**§ 229-4. Construct, maintain crossings.**

**[HISTORY: Derived from Title 6, Ch. 2, Art. 1, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]**

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**§ 229-1. Speed of trains.**

No railroad corporation, by itself or its agents, shall run any passenger train, nor shall any other train, locomotive engine or car run of a greater rate of speed than 35 miles per hour within the limits of the Village.

**§ 229-2. Obstructing highway.**

No railroad corporation shall obstruct any public highway in the Village by stopping any train upon or by leaving any car or locomotive engine standing on its track, where the same intersects or crosses said public highway, except for the purpose of receiving or discharging passengers, or to receive the necessary fuel and water, and in no case to exceed 10 minutes for each train, car or locomotive engine. Every engineer or conductor violating the provision of this section shall, for each offense forfeit not less than \$10, nor more than \$100, to be recovered in an action of debt in the name of the Village, for the use of any person who may sue for the same; and the corporation on whose road the offense is committed shall be liable for a like sum.

**§ 229-3. To ring bell.**

The bell upon locomotives shall be kept constantly ringing while said locomotives are running anywhere within the limits of the Village.

**§ 229-4. Construct, maintain crossings.**

Each and every railroad company whose track or road now runs or hereafter may run or pass through the boundaries or limits of the Village, shall construct and keep in good repair suitable and convenient crossings where the right-of-way intersects any highway, street, alley or culvert of the Village. Every railroad company which shall refuse or neglect to so construct or maintain such crossings, after due notice by the Village President so to do, within 30 days after such notice, shall be fined as in this Code provided.



## **Chapter 235**

### **SANITARY CODE**

**§ 235-1. Scope; permits.**

**§ 235-2. Enforcement.**

**§ 235-3. Disposal of wastes.**

**§ 235-4. Water supply.**

**§ 235-5. Food handling, eating places.**

**§ 235-6. Overcrowding, light, ventilation.**

**§ 235-7. Minimum standards.**

**[HISTORY: Derived from Title 5, Ch. 1, Art. 1, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]**

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**§ 235-1. Scope; permits.**

A. It is hereby required that within the Village written permission shall be obtained from the Clerk before:

- (1) Plumbing, water supply or sewerage facilities may be installed, constructed, enlarged or altered for any use.
- (2) A permanent or temporary house, housekeeping unit, living unit or apartment may be established.
- (3) A tourist camp or court, rooming house, dormitory, barracks or hotel may continue to be operated or a new one established and operated.
- (4) A place handling, storing, selling, preparing or serving food, drinks or other refreshments may continue to be operated or a new one established and operated.
- (5) Any other place where the public is served, assembles, uses water or creates sewage or garbage wastes, may continue to be operated or a new one established and operated.

B. Such written permission shall be obtained before starting any work and before operation. Application shall be made in writing in proper form, including such drawings and information as may be deemed necessary to pass upon existing and proposed conditions and work and to otherwise administer this order. Permission to operate shall be subject to proper construction, final inspection and operation according to the application and the requirements of this order. All fees shall be payable to the Village. Permit fees will be as set by the Village Board.

**§ 235-2. Enforcement.**

This order shall be enforced by either a Health Officer appointed by the Board of Trustees or by the State Department of Public Health or by the Health Department of Rock Island County or all three agencies acting together. In case of violation of any of the requirements of this chapter, or of the "minimum standards" hereby adopted by reference, any permits issued shall

be subject to revocation by the Village President and violators shall be liable to a fine as in this Code provided.

**§ 235-3. Disposal of wastes.**

In connection with any use, plumbing and facilities and methods of collection and disposal of domestic sewage, garbage, refuse and other wastes shall be adequate and shall conform to minimum standards of location, design, construction and operation approved by the State Department of Public Health so as to minimize as far as possible the pollution of any stream, ground water or source of water supply and to not otherwise create a nuisance, breed vermin or insects or spread disease.

**§ 235-4. Water supply.**

In connection with any use where water is available, accessible or furnished to the public for drinking, culinary, laundry, or bath purposes, such water shall come from an approved source and be clear, potable, safe and dispensed in a sanitary manner, according to the standards of the State Department of Public Health.

**§ 235-5. Food handling, eating places.**

The handling, storing, selling, preparing or serving of food, drinks or other refreshments to the public in any place, from any vehicle or otherwise, shall conform to minimum standards established or recommended by the State Department of Agriculture and the State Department of Public Health and the Rock Island County Health Department. Any milk or milk products as defined in the State Milk Pasteurization Law sold or dispensed in any restaurant or other public eating place, store or station shall be pasteurized and packaged in a plant approved by the State Department of Public Health.

**§ 235-6. Overcrowding, light, ventilation.**

Habitable rooms in connection with any use shall be designed to provide at least 400 cubic feet of air space for each adult occupant and 200 cubic feet of each child occupant shall be so construed as to provide adequate ventilation at all times. Area of outside windows for each habitable room shall be at least 10% of the floor area of the room. During the insect season, outside windows and doors of all toilet, bath and habitable rooms shall be screened with wire having at least 16 meshes to the inch. At least 20 lineal feet of open space shall be provided outside of required windows.

**§ 235-7. Minimum standards. [Amended 2-25-1942]**

By the references above made in this chapter to "minimum standards", all of the provisions of said "minimum standards" so referred to are hereby recited to have been considered and duly adopted by reference as if here set out in haec verba, and the same are now on file in the office of the Village Clerk to be by him kept available for public inspection, and the violation of any of the provisions and requirements of such "minimum standards" shall be deemed and

is hereby declared to be a violation of this chapter to all intents and purposes as if the provisions and requirements so violated were incorporated and set out at length in this chapter.



## **Chapter 240**

### **SEWERS AND SEWAGE DISPOSAL**

#### **ARTICLE I** **Sewer Use**

- § 240-1. Use of public sewers required.**
- § 240-2. Private sewage disposal.**
- § 240-3. Building sewers and connections.**
- § 240-4. Use of public sewers.**
- § 240-5. Protection of sewage works from damage.**
- § 240-6. Powers and authority of inspectors.**
- § 240-7. Violations and penalties.**

#### **ARTICLE II** **Wastewater Service Charges**

- § 240-8. Basis for wastewater service charges.**
- § 240-9. Rates and charges.**

- § 240-10. Computation of wastewater service charge.**
- § 240-11. Bills.**
- § 240-12. Lien notice of delinquency.**
- § 240-13. Foreclosure of lien.**
- § 240-14. Revenues.**
- § 240-15. Accounts.**
- § 240-16. Violations and penalties.**
- § 240-17. Access to records.**
- § 240-18. Effective date of rates.**
- § 240-19. Appeals.**

#### **ARTICLE III** **Definitions**

- § 240-20. Terms defined.**

**Applications for Sewer Permits**  
**Attachment**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 7-13-2009 by Ord. No. V091307A (Title 5, Ch. 5, of the 1993 Code). Amendments noted where applicable.]**

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#### **ARTICLE I** **Sewer Use**

##### **§ 240-1. Use of public sewers required.**

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Port Byron any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Village of Port Byron, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.

**§ 240-2. Private sewage disposal.**

- A. Where a public sanitary (or combined) sewer is not available under the provisions of § 240-1D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Rock Island County Health Department (RICHD). The application for such a permit shall be made on a form furnished by the Rock Island County Health Department, (reference Appendix #2) which the applicant shall supplement by any plans, specifications and other information as deemed but the RICHD. A permit and inspection fee of \$175 shall be paid to the RICHD at the time the application is filed.
- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the RICHD. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the RICHD when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of written notice by the RICHD.
- D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act (225 ILCS 225/1 et seq.) and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 240-1D, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.



- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.
- G. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Environmental Health Director.
- H. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

**§ 240-3. Building sewers and connections.**

- A. No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board.
- B. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.
- C. There shall be two classes of building sewer permits: (a) for residential, wastewater service, and (b) to commercial, institutional/governmental or industrial wastewater service. In either case, the owner or his agent shall make application on a special form furnished by the Village, (reference Appendix #2) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board. A permit and inspection fee of \$300 for a residential or commercial building sewer permit shall be paid to the Village at the time the application is filed. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- D. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- E. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of building the sewer.
- F. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- G. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Board, to meet all requirements of this ordinance.

- H. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois shall apply.
- I. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with Subsection B of this section, and discharged to the building sewer.
- J. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.
- K. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, Water Pollution Control Federation Manual of Practice No. 9, and Standard Specifications for Water and Sewer Main Construction in Illinois. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Board before installation.
- L. The applicant for the building sewer permit shall notify the Board when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Board or his representative.
- M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

**§ 240-4. Use of public sewers.**

- A. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Board. Industrial cooling water or unpolluted process waters may be discharged on approval of the Board, to a storm sewer, combined sewer, or natural outlet.

- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - (2) Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cup, milk containers, etc., either whole or ground by garbage grinders.
- D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Board that such wastes can harm either the sewers sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Board will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).
  - (2) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (65° C.).
  - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Board.
  - (4) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.
  - (5) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite

sewage at the sewage treatment works exceeds the limits established by the Board for such materials.

- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Board as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
  - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.
  - (8) Any wastes or waters having a pH in excess of 9.5.
  - (9) Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Board in compliance with applicable State and Federal regulations.
  - (10) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Board in compliance with applicable State and Federal regulations.
  - (11) Materials which exert or cause:
    - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
    - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
    - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
    - (d) Unusual volume of flow or concentrations of water constituting "slugs" as defined herein.
  - (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.
- E. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection D of this section, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Board may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board may:

- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (3) Require control over the quantities and rates of discharge; and/or
  - (4) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Subsection K of this section. If the Board permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board, and subject to the requirements of all applicable codes, ordinances and laws.
- F. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board, and shall be located as to be readily and easily accessible for cleaning and inspection.
- G. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- H. Each industry shall be required to install a control manhole and, when required by the Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Board. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- I. The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of water and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge. The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary the Village reserves the right to take measurements and samples for analyses by an outside laboratory service.
- J. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of IEPA Division of Laboratories Manual of Laboratory Methods, and shall

be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

- K. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with §§ 240-8, 240-9 and 240-10 hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System.

**§ 240-5. Protection of sewage works from damage.**

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

**§ 240-6. Powers and authority of inspectors.**

- A. The Board and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing proper credentials and identification, shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Board or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Subsection A above, the Board or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in § 240-4I.
- C. The Board and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the

Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**§ 240-7. Violations and penalties.**

- A. Any person found to be violating any provisions of this ordinance except § 240-5 shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.
- B. Any person who shall continue any violation beyond the time limit provided in Subsection A, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this ordinance shall become liable to the Village by reasons of such violation.

**ARTICLE II**

**Wastewater Service Charges**

**§ 240-8. Basis for wastewater service charges.**

- A. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge, a debt service charge, a capital improvement charge and applicable surcharges.
- B. Basic user charge.
  - (1) The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters or sewage meters for wastes having the following normal domestic concentrations:
    - (a) A five day, 20° C. biochemical oxygen demand (BOD) of 220 mg/l.
    - (b) A suspended solids content of 240 mg/l.
  - (2) The basic user charge shall be computed as follows:
    - (a) Estimate the annual wastewater volume, pounds of BOD and pounds of SS to be treated.

- (b) Estimate the projected annual revenue required to operate and maintain the wastewater facilities, including a replacement fund for the year, for all works categories.
  - (c) Proportion the estimated O, M & R costs to each user class by volume, BOD and SS.
  - (d) Proportion the estimated O, M & R costs to wastewater facility categories by volume, BOD and SS.
  - (e) Compute costs per 1,000 gallons for normal domestic strength sewage.
  - (f) Compute surcharge costs per pound for BOD and SS concentrations in excess of normal domestic strengths.
- C. The debt service charge is computed by apportioning the annual debt service (as a charge per 1,000 gallons.) (as a fixed charge per billing period.) (as a fixed charge plus a charge per 1,000 gallons.)
- D. The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued (as a charge per 1,000 gallons.) (as a fixed charge per billing period.) (as a fixed charge plus a charge per 1,000 gallons.)
- E. Surcharge.
  - (1) A surcharge will be levied to all users whose waters exceed the normal domestic concentrations of BOD (220 mg/l) and SS (40 mg/l). The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the 220 mg/l and 240 mg/l concentrations for BOD and SS respectively.
  - (2) The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Board and shall be binding as a basis for surcharges.
- F. The adequacy of the wastewater service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.
- G. The users of the wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater operation, maintenance and replacement.
- H. Measurement of flow. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 1.0 gallons.
  - (1) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or part of which is discharged into the public sewers, the person shall install and maintain, at



his expense, water meters of a type approved by the Board for the purpose of determining the volume of water obtained from these other sources.

- (2) Devices for measuring the volume of waste discharged may be required by the Board if these volumes cannot otherwise be determined from the metered water consumption records.
- (3) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the Board.

#### **§ 240-9. Rates and charges.**

- A. Basic user charge. There shall be and there is hereby established a basic user charge of \$12.32 per 2,000 gallons of metered water consumption to be applied to all users to recover O, M & R costs.
- B. Debt service charge. There shall be and there is hereby established a debt service charge of \$17.89 per (2,000 gallons, Month) to each user of the wastewater facility.
- C. Capital improvement charge. There shall be and there is hereby established a capital improvement charge of \$1.79 per (2,000 gallons, Month) to each user of the wastewater facility.
- D. Rates.
  - (1) A minimum charge of \$32 per (Month) shall be applied to all users whose water consumption does not exceed 2,000 gallons per (Month). This minimum charge consists of \$12.32 for O, M & R costs, \$17.89 for debt service costs and \$1.79 for capital improvement costs.
  - (2) Usage in excess of 2,000 gallons per (Month) will be charged at a rate of \$3.50 per 1,000 gallons. This rate consists of \$1.35 for O, M & R costs, \$1.96 for debt service costs and \$0.19 for capital improvement costs.
- E. Surcharge rates. The rates of surcharges for BOD and SS shall be as negotiated by the Village prior to accepting non-domestic waste.

#### **§ 240-10. Computation of wastewater service charge.**

The wastewater service charge shall be computed by the following formula:

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

Where:

- CW = Amount of wastewater service charge (\$) per billing period.  
 CC = Capital Improvement Charge (§ 240-9C).

- CD = Debt Service Charge (§ 240-9B).
- CM = Minimum Charge for Operation, Maintenance and Replacement (§ 240-9D).
- Vu = Wastewater Volume for the billing period
- X = Allowable consumption in gallons for the minimum charge (§ 240-9D).
- CU = Basic User Charge for Operation, Maintenance and Replacement (§ 240-9A).
- CS = Surcharges, if applicable (§ 240-9E).

**§ 240-11. Bills. [Amended 4-2-2012 by Ord. No. V120204B]**

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

- A. Bills for service shall be sent out by the Village of Port Byron Sewer Clerk on the 10th day of each month.
- B. Delinquent bills. All bills are due and payable by the 5th day of the following month. A penalty of 10% shall be added to all bills not paid by the 5th day of the following month. If the charges for such services are not paid within 15 days of the shut off notice mailing, such services shall be discontinued.
- C. Billing schedule. Example of billing procedure:

10th day of month 1	Monthly bills will be sent out
5th day of month 2	Bills are payable in full
10th day of month 2	New monthly bill is sent out with penalty of 10% added to any portion not paid by the 5th of the month.
5th day of month 3	Notification that lien will be initiated if no payment made
20th day of month 3	Property lien initiated

**§ 240-12. Lien notice of delinquency. [Amended 4-2-2012 by Ord. No. V120204B]**

Whenever a bill for service has been rendered and remains unpaid for 60 days, the Village of Port Byron attorney shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village of Port Byron claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

- A. If the user whose bill is unpaid is not the owner of the premises and the Village of Port Byron sewer Clerk has notice of this, notice shall be mailed to the owner of the premises

whenever a bill for services remains unpaid for the period of 60 days for the monthly billing.

- B. The failure of the Village of Port Byron sewer Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

**§ 240-13. Foreclosure of lien. [Amended 4-2-2012 by Ord. No. V120204B]**

Property subject to lien for unpaid charges may be sold for nonpayment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village of Port Byron. The Village of Port Byron attorney is hereby authorized and directed to institute such proceedings in the name of the Village of Port Byron in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 60 days in the case of monthly billing after it has been rendered.

**§ 240-14. Revenues.**

All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village treasurer not more than 10 days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees. The Village treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village". Said treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January 1942.

**§ 240-15. Accounts.**

A. \_\_\_\_\_

- (1) The Village treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.
- (2) In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

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

**§ 240-16. Violations and penalties.**

Any person, firm or corporation violating any provisions of this article shall be fined not less than \$500 nor more than \$1,000 for each offense.

**§ 240-17. Access to records.**

The IEPA or its authorized representative shall have access to any books, documents, papers and records of Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions hereof to insure compliance with the terms of the (Special and General Conditions to any State Grant). (Federal Regulations and conditions of the Federal Grant). (Loan Agreement and Rules of any State Loan).

**§ 240-18. Effective date of rates.**

The rates and service charges established for user charges in §§ 240-8 through 240-10 shall be effective as of the next fiscal year beginning October 1, 2009 and on bills to be rendered for the next succeeding month being November for monthly users.

**§ 240-19. Appeals.**

The method for computation of rates and service charges established for user charges in §§ 240-8 through 240-10 shall be made available to a user within 10 days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied By Board by within 30 days after notification of a formal written appeal outlining the discrepancies.

**ARTICLE III**  
**Definitions****§ 240-20. Terms defined.**

As used in this chapter, the following terms shall have the meanings indicated. "Shall" is mandatory; "may" is permissible.

**A. General.**

**NPDES PERMIT** — Any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

**PERSON** — Any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

**WASTEWATER FACILITIES** — The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

**B. Federal government.**

**ADMINISTRATOR** — The Administrator of the U.S. Environmental Protection Agency.

**FEDERAL ACT** — The Federal Clean Water Act (33 U.S.C. 466 et seq) as amended, (Pub. L. 95-217).

**FEDERAL GRANT** — The U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

**C. State government.**

**DIRECTOR** — The Director of the Illinois Environmental Protection Agency.

**STATE ACT** — The Illinois Anti-Pollution Bond Act of 1970 (30 ILCS 405/1 et seq.).

**STATE GRANT** — The State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of the State of Illinois.

**D. Local government.**

**APPROVING AUTHORITY** — The Board of the Village of Port Byron.

**ORDINANCE** — This ordinance.

**VILLAGE** — The Village of Port Byron.

## E. Wastewater and its characteristics.

**BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standards laboratory procedure in five days at 20° C, expressed in milligrams per liter.

**EFFLUENT CRITERIA** — Are defined in any applicable "NPDES Permit".

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

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of food.

**INDUSTRIAL WASTE** — Any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

**MAJOR CONTRIBUTING INDUSTRY** — An industrial user of the publicly owned treatment works that: (a) Has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than 10% of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or (d) is found by the permit issuant authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

**MILLIGRAMS PER LITER** — A unit of the concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

**pH** — The logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures, outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

**POPULATION EQUIVALENT** — A term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

**ppm** — Parts per million by weight.

**PROPERLY SHREDDED GARBAGE** — The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

SEWAGE — Used interchangeably with "wastewater".

SLUG — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation.

SUSPENDED SOLIDS (SS) — Solids that either float, on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the IEPA Division of Laboratories Manual of Laboratory Methods.

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

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

WATER QUALITY STANDARDS — Are defined in the Water Pollution Regulations of Illinois.

F. Sewer types and appurtenances.

BUILDING DRAIN — That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER — A sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

EASEMENT — An acquired legal right for the specific use of land owned by others.

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

SANITARY SEWER — A sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and ground waters or polluted industrial wastes are not intentionally admitted.

SEWER — A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

**SEWERAGE** — The system of sewers and appurtenances for the collection, transportation and pumping of sewage.

**STORM SEWER** — A sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

**STORMWATER RUNOFF** — That portion of the precipitation that is drained into the sewers.

G. Treatment.

**PRETREATMENT** — The treatment of wastewaters from sources before introduction into the wastewater treatment works.

**WASTEWATER TREATMENT WORKS** — An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

H. Watercourse and connections.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**WATERCOURSE** — A channel in which a flow of water occurs, either continuously or intermittently.

I. User types.

**COMMERCIAL USER** — Includes transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

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

**INSTITUTIONAL/GOVERNMENTAL USER** — Includes schools, churches, penal institutions, and users associated with Federal, State, and local governments.

**INDUSTRIAL USERS** — Includes establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

**RESIDENTIAL USER** — All dwelling units such as houses, mobile homes, apartments, and permanent multifamily dwellings.

**USER CLASS** — The type of user "residential, institutional/governmental, commercial", or "industrial" as defined herein.

J. Types of charges.

**BASIC USER CHARGE** — The basic assessment levied on all users of the public sewer system.



**CAPITAL IMPROVEMENT CHARGE** — A charge levied on users to improve, extend or reconstruct the sewage treatment works.

**DEBT SERVICE CHARGE** — The amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

**LOCAL CAPITAL COST CHARGE** — Charges for costs other than the Operation, Maintenance and Replacement costs, i.e. debt service and capital improvement costs.

**REPLACEMENT** — Expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

**SURCHARGE** — The assessment in addition to the basic user charge and debt service charge, which is levied on those persons whose wastes are greater in strength than the concentration values established in § 240-18.

**USEFUL LIFE** — The estimated period during which the collection system and/or treatment works will be operated.

**USER CHARGE** — A charge levied on users of treatment works for the cost of operation, maintenance and replacement.

**SEWERAGE FUND** — The principal accounting designation for all revenues received in the operation of the sewerage system.

**WASTEWATER SERVICE CHARGE** — The charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in §§ 240-11 through 240-17 and shall consist of the total or the Basic User Charge, the Local Capital Cost and a Surcharge, if applicable.



MANUSCRIPT  
SEWERS AND SEWAGE DISPOSAL

*240 Attachment 1*

**Village of Port Byron**

**Appendix #2  
Applications for Sewer Permits**

- a) Residential or Commercial Building Sewer
- b) Private Sewage Disposal
- c) Industrial Sewer

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**Residential Building Sewer Application**

To the \_\_\_\_\_ of \_\_\_\_\_.  
(City, Village, etc.)

A. THE UNDERSIGNED, being the \_\_\_\_\_ property located  
(Owner, Owner's Agent)  
at \_\_\_\_\_ DOES HEREBY REQUEST a  
Number \_\_\_\_\_ Street \_\_\_\_\_  
permit to install and connect a building to serve the \_\_\_\_\_ at said location.  
(Residence)

1. The following indicated fixtures will be connected to the proposed building sewer:

Number	Fixtures	Number	Fixtures
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bath Tubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify other fixtures \_\_\_\_\_

2. The maximum number of persons who will use the above fixtures is \_\_\_\_\_.
3. The name and address of the person or firm who will perform the proposed work is \_\_\_\_\_.
4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To accept and abide by all provisions of the Code of \_\_\_\_\_  
(City, Village, etc.)  
the \_\_\_\_\_ of \_\_\_\_\_  
(City, Village, etc.)  
and of all of the pertinent ordinances or regulations that may be adopted in the future.
2. To maintain the building sewer at no expense to the \_\_\_\_\_  
(City, Village, etc.)

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3. To notify the \_\_\_\_\_ when the building sewer is ready  
(Approving Authority)  
for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Address of Applicant)

(Certification by \_\_\_\_\_ Treasurer)  
(City, Village, etc.)

\$ \_\_\_\_\_ connection fee paid.

\$ \_\_\_\_\_ inspection fee paid.

Application approved and permit issued:

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Approving Authority)

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**Private Sewage Disposal Application**

To the \_\_\_\_\_ of \_\_\_\_\_.  
(City, Village, etc.)

A. THE UNDERSIGNED, being the \_\_\_\_\_  
(Owner, Owner's Agent)

of the property located at \_\_\_\_\_  
Number Street

DOES HEREBY REQUEST a permit to install sanitary sewage disposal facilities to serve  
the \_\_\_\_\_ at said location.  
(Residence, Commercial Building, etc.)

1. The proposed facilities include: \_\_\_\_\_  
\_\_\_\_\_ to be constructed in complete accordance with the plans and specifications attached hereunto as Exhibit "A".
2. The area of the property is \_\_\_\_\_ square feet (or \_\_\_\_\_ square meters).
3. The name and address of the person to be served by the proposed facilities is:  
\_\_\_\_\_.
4. The maximum number of persons to be served by the proposed facilities is:  
\_\_\_\_\_.
5. The locations and nature of all sources of private or public water supply within the 100 feet (30.5 meters) of any boundary of said property are shown on the plat attached hereunto as Exhibit "B".

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the \_\_\_\_\_.  
(Approving Authority)
2. To accept and abide by all provisions of the \_\_\_\_\_  
(City, Village, etc.)  
Code, of the \_\_\_\_\_ of, \_\_\_\_\_,  
(City, Village, etc.)  
and of all other pertinent ordinances or regulations that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all

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requirements of the \_\_\_\_\_  
(City, Village, etc.)  
and at no expense to the \_\_\_\_\_ .  
(City, Village, etc.)

4. To notify the \_\_\_\_\_ at least 24 hours prior to  
(Approving Authority)  
commencement of the work proposed, and again at least 24 hours prior to the covering  
of any underground portions of the installation.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Applicant)  
\_\_\_\_\_  
(Address of Applicant)

\$ \_\_\_\_\_ inspection fee paid.

\_\_\_\_\_  
(Certification by \_\_\_\_\_ Treasurer)  
(City, Village, etc.)

Application approved and permit issued:

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Approving Authority)

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PORT BYRON CODE

**Commercial, Institutional/Governmental, and  
Industrial Sewer Connection Application**

To the \_\_\_\_\_ of \_\_\_\_\_:  
(City, Village, etc.)

A. THE UNDERSIGNED being the \_\_\_\_\_ of the  
(Owner, Lessee, Tenant, etc.)  
property located at \_\_\_\_\_  
DOES HEREBY REQUEST a permit to \_\_\_\_\_ an industrial sewer  
(Install, Use)  
connection serving the \_\_\_\_\_ which company is  
(Name of Company)  
engaged in \_\_\_\_\_ at said location.

1. A plat of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B".
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit "C".
4. The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_  
\_\_\_\_\_.

B. In consideration of the granting of this permit THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be adopted in the future.
2. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the \_\_\_\_\_.

\_\_\_\_\_  
(City, Village, etc.)

3. To cooperate at all times with the \_\_\_\_\_, and his  
(Approving Authority)



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representative in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.

4. To notify the \_\_\_\_\_ immediately in event of any  
(Approving Authority)  
accident, negligence, or other occurrence that occasions discharge to the public sewers  
of any wastes or process waters not covered by this permit.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Address of Applicant)

\_\_\_\_\_  
(Certification by \_\_\_\_\_ Treasurer)  
(City, Village, etc.)

\$ \_\_\_\_\_ connection fee paid.

\$ \_\_\_\_\_ inspection fee paid.

Application approved and permit issued:

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Approving Authority)



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SEWERS AND SEWAGE DISPOSAL

240 Attachment 2

**Village of Port Byron**

**Attachment**

The purpose of a User Charge System is to generate revenues from each user class commensurate with the operation, maintenance, and replacement (O, M & R) cost incurred by the City to provide such users with wastewater treatment services. A User Charge System is comprised of two elements: the legislative enactments (ordinances) and the engineering/accounting data necessary to demonstrate the proportionality of the User Charge System using a cost-rate-revenue relationship.

Information pertaining to the UCS should, as a minimum, include the following:

**ENGINEERING/ACCOUNTING**

1. Number of users by class:

Residential	_____
Commercial	_____
Industrial	_____
Institutional/Governmental	_____

2. Billable flow and loading by user class:

	Annual Billable Flow	BOD SS (pounds/day)	(pounds/day)
Residential	_____	_____	_____
Commercial	_____	_____	_____
Industrial	_____	_____	_____
Institutional/Governmental	_____	_____	_____
Total	_____	_____	_____

3. Total annual flow (including I & I): \_\_\_\_\_

4. Loading concentrations by user class:

	BOD (mg/l)	SS (mg/l)	Other (mg/l)
Residential	_____	_____	_____
Commercial	_____	_____	_____
Industrial	_____	_____	_____
Institutional/Governmental	_____	_____	_____

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5. Itemized operation, maintenance and replacement budget for the grantee's treatment works, or estimates for the first year O, M & R budget. This budget should include costs for treatment, conveyance, collection and billing but should not include local capitol costs. Capitol costs Should be shown separately. (See Attachment.)
6. O, M & R costs (exclusive of costs for debt service) should be proportioned by volume and strength. Specifically, show units costs per unit of volume and strength (i.e. cost per 1,000 gallons, cost per lb. of BOD, cost per lb. of suspended solids).
7. O, M & R costs by class (exclusive of costs for debt service):

Residential	_____
Commercial	_____
Industrial	_____
Institutional/Governmental	_____
Total O, M & R Costs	_____

8. Please show the following rates and exhibit the calculations used in their formulation:

Basic User Charge (per unit volume)	_____
Minimum User Charge (if applicable)	_____
Debt Service Charge	_____
Surcharge Rates for BOD (per lb)	_____
Surcharge Rates for SS (per lb)	_____

9. Based on the proposed rates, estimate the revenues to be generated annually from each user class. This should be exclusive of revenue generated for debt service.

Residential	_____
Commercial	_____
Industrial	_____
Institutional/Governmental	_____
Total O, M & R Costs	_____

## Chapter 245

### SKATEBOARDS, ROLLER SKATES AND BICYCLES

#### ARTICLE I Skateboards

- § 245-1. Definitions.
- § 245-2. Status and rights.
- § 245-3. Prohibited acts.
- § 245-4. Violations and penalties.
- § 245-5. Charging violation, prosecution.

#### ARTICLE II Roller Skates

- § 245-6. Definitions.
- § 245-7. Status and rights.

- § 245-8. Prohibited acts.
- § 245-9. Violations and penalties.
- § 245-10. Charging violation, prosecution.

#### ARTICLE III Bicycles

- § 245-11. Definitions.
- § 245-12. Status and rights.
- § 245-13. Prohibited acts.
- § 245-14. Violations and penalties.
- § 245-15. Charging violation, prosecution.

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I Skateboards

**[Adopted 7-13-1998 by Ord. No. 98-13-7A (Title 4, Ch. 2, Art. 9, of the 1993 Code)]**

##### **§ 245-1. Definitions.**

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

**SKATEBOARD** — A single platform mounted on wheels which may be propelled solely by human power, or by means of a mounted or attached electric motor or gasoline powered engine.

**SKATEBOARDING** — The use of a skateboard by any person as a means of transporting or propelling said person from one point to another.

##### **§ 245-2. Status and rights.**

- A. Skateboard operations, skateboard operators shall have all the rights and shall be subject to all of the duties applicable to non-skateboard pedestrians as set forth in the Illinois Vehicle Code, paragraphs 625 ILCS 5/11-1001 to 5/11-1011, as amended from time to time.

- B. Right-of-way, the operator of a skateboard has the status of a pedestrian, but shall yield the right-of-way to all vehicular and to all other pedestrian (non-skateboard) traffic.

**§ 245-3. Prohibited acts.**

- A. Skateboarding is prohibited on any sidewalk located within this Village.
- B. Skateboarding is prohibited on any street located within this Village.
- C. Skateboarding is prohibited on any bike path or in any Village owned or maintained park within this Village.
- D. Skateboarding, shall be prohibited in or upon private property and in or upon public or private parking lots within this Village unless the skateboard operator shall have first secured the property owners' or property owners' agents' written permission to do so.
- E. Operator Only, no more than one person shall operate or ride on a skateboard at one time.

**§ 245-4. Violations and penalties.**

Any person who violates any provision of this Ordinance is guilty of a petty offense and for the first offense shall be fined \$50, \$100 for the second offense in a twelve-month period, and \$500 for the third or subsequent offense in a twelve-month period.

**§ 245-5. Charging violation, prosecution.**

- A. By Notice of Violation. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this ordinance by delivering to that person a notice of violation charging that person with the violation.
- B. The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the NOTICE OF VIOLATION the Police Department may:
- (1) Forward copies of the NOTICE OF VIOLATION and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial.

## ARTICLE II

**Roller Skates**

**[Adopted 8-10-1998 by Ord. No. 98-10-8A (Title 4, Ch. 2, Art. 10, of the 1993 Code)]**

**§ 245-6. Definitions.**

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

**ROLLER SKATES** — Any shoe or boot type device on which wheels have been mounted or attached and which may be propelled solely by human power, or by means of a mounted or attached electric motor or gasoline powered engine, and shall include rollerblades, in-line type skates, and/or roller skates.

**ROLLER SKATING** — The use of roller skates by any person as a means of transporting or propelling said person from one point to another.

**§ 245-7. Status and rights.**

- A. Roller skate operations, roller skate operators shall have all the rights and shall be subject to all of the duties applicable to non-roller skating pedestrians as set forth in the Illinois Vehicle Code, paragraphs 625 ILCS 5/11-1001 to 5/11-1011, as amended from time to time.
- B. Right-of-way, the operator of roller skates has the status of a pedestrian, but shall yield the right-of-way to all vehicular and to all other pedestrian (non-roller skating) traffic.

**§ 245-8. Prohibited acts.**

- A. Roller skating is prohibited on the sidewalk area within the downtown business district of this Village, which is defined as Main Street between Lynn Street and Walnut Street.
- B. Roller skating is prohibited on the street area within the downtown business district of this Village, which is defined as Main Street between Lynn Street and Walnut Street.
- C. Roller skating is prohibited on Illinois Route 84 or its right-of-way except, after first stopping to assess traffic conditions, the roller skate operator may then cross the highway at a 90° angle to get to the opposite side of the street.
- D. Roller skating is prohibited in any Village owned or maintained park within this Village, exclusive of the Great River Trail Bike Path.
- E. Roller skating shall be prohibited in or upon private property and in or upon public or private parking lots within this Village unless the roller skate operator is there as a customer conducting legitimate business or shall have first secured the property owners' or property owners' agents' written permission to do so.
- F. Operator Only, no more than one person shall operate or ride on a roller skate at one time.

**§ 245-9. Violations and penalties.**

Any person who violates any provision of this Ordinance is guilty of a petty offense and for the first offense shall be fined \$50, \$100 for the second offense in a twelve-month period, and \$500 for the third or subsequent offense in a twelve-month period.

**§ 245-10. Charging violation, prosecution.**

- A. By Notice of Violation. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this ordinance by delivering to that person a NOTICE OF VIOLATION charging that person with the violation.
- B. The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the NOTICE OF VIOLATION the Police Department may:
  - (1) Forward copies of the NOTICE OF VIOLATION and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial.

**ARTICLE III****Bicycles**

**[Adopted 8-10-1998 by Ord. No. 98-10-8B (Title 4, Ch. 2, Art. 12, of the 1993 Code)]**

**§ 245-11. Definitions.**

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

**BICYCLE** — Every device propelled by human power which any person may ride, having tandem wheels except scooters and similar devices.

**BICYCLING** — The use of a bicycle by a person as a means of transporting or propelling said person from one point to another.

**KNOWINGLY** — Having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inquiry or inspection.

**LEGAL GUARDIAN** — A person appointed guardian, or given custody, of a minor by a Circuit Court of this State.

**MINOR** — A person under the age of 18 years.

**PARENT** — A natural or adoptive parent or a court designated guardian.



**§ 245-12. Status and rights.**

Bicycle Operations, bicycle operators shall have all the rights and shall be subject to all of the duties applicable to bicycle operators as set forth in the Illinois Vehicle Code, paragraphs 625 ILCS 5/11-1502 to 5/11-1515 inclusive, as amended from time to time.

**§ 245-13. Prohibited acts.**

- A. Illinois Vehicle Code, it shall be a violation of this ordinance for a bicycle operator to violate any provision established in the Illinois Vehicle Code governing the operator and/or operation of a bicycle, to include paragraphs 625 ILCS 5/11-1502 to 5/11-1515 inclusive.
- B. Bicycling is prohibited on the sidewalk area within the downtown business district of this Village, which is defined as Main Street between Lynn Street and Walnut Street.
- C. Bicycling shall be prohibited in or upon private property and in or upon public or private parking lots within this Village unless the Bicycle operator is there as a customer conducting legitimate business or shall have first secured the property owners' or property owners' agents' written permission to do so.
- D. Bicycling shall be limited to streets, sidewalks, and the Great River Trail Bike Path while within the Village. Bicycling in buildings, gazebos, and/or on fixed or mobile items such as vehicles, park equipment, furniture, tables, benches, markers, grass, etc is a violation of this ordinance unless the Bicycle operator shall have first secured the property owners' or property owners' agents' written permission to do so, or is on his or her own property or on the property of his or her parent or legal guardian.
- E. Parental responsibility, it shall be a violation of this ordinance for a parent or legal guardian to knowingly allow a minor to operate a bicycle on public, or private property not owned by the parent or legal guardian in such manner as to violate any provision of an ordinance of this Village or any State Statute.

**§ 245-14. Violations and penalties.**

Any person who violates any provision of this Ordinance is guilty of a petty offense and for the first offense shall be fined \$50, \$100 for the second offense in a twelve-month period, and \$500 for the third or subsequent offense in a twelve-month period.

**§ 245-15. Charging violation, prosecution.**

- A. By Notice of violation. A Police Officer, upon establishing probable cause, may elect to charge a person with a violation of any provision of this ordinance by delivering to that person a NOTICE OF VIOLATION charging that person with the violation.
- B. The person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the NOTICE OF VIOLATION the Police Department may:

- (1) Forward copies of the NOTICE OF VIOLATION and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial; or
- (2) Forward copies of the NOTICE OF VIOLATION and all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that person with a violation of the Illinois Vehicle Code under State statute.

## Chapter 250

### SOLICITORS AND CANVASSERS

**§ 250-1. Registration required.**

**§ 250-4. Exceptions.**

**§ 250-2. Fee.**

**§ 250-5. Revocation.**

**§ 250-3. Certificate.**

**§ 250-6. Violations and penalties.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 11-12-1984 by Ord. No. 84-11-12; amended in its entirety 12-9-2002 by Ord. No. 02-09-12A (Title 2, Ch. 2, Art. 1, of the 1993 Code). Subsequent amendments noted where applicable.]**

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**§ 250-1. Registration required.**

It shall be unlawful for any person to engage in business as a canvasser or solicitor, calling at residences and/or businesses without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions or business of any kind, or seeking for information or donations without first having registered with the office of the Village Clerk. The registrant shall give his or her complete identification, their signature, the name of his or her employer, the address and phone number of his or her employer, the nature of the product or services in which they are interested, the names of the manufacturers of such products, or of the organization which they are representing, and the proposed method of operation in the Village.

**§ 250-2. Fee.**

Each registrant shall pay to the City Clerk a registration fee of \$25 per day or \$100 for the period expiring one year after the date of said registration. Any organization, which is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal charitable, benevolent or nonprofit organization shall be excepted from the payment of the registration fee.

**§ 250-3. Certificate.**

- A. Each applicant who shows evidence of good character and who pays the fee provided for herein or who has been exempted from the payment of said fee, shall be furnished a certificate indicating that he or she has registered and showing the dates covered by such registration, after the Village Clerk has had opportunity to investigate all information furnished to said Clerk by the applicant, said period of investigation not to exceed 14 days.
- B. Each registrant shall notify the Village Clerk before making any solicitations in the Village; and, shall at all times while soliciting or canvassing in the Village, carry upon their person the registration certificate and said certificate shall be exhibited by such registrant whenever they are required to do so by any police officer or by any person solicited.

**§ 250-4. Exceptions.**

The provisions of this Ordinance shall not apply to officers or employees of the Village, County, State or Federal Government, or any subdivision thereof, when on official business.

**§ 250-5. Revocation.**

Any such registration may be revoked by the President of the Board of Trustees or the Chief of Police because of any violation by the registrant of this Ordinance or of any other Ordinance of the Village, or of any State or Federal law, or whenever the registrant shall cease to possess the qualifications and character required in this Ordinance for the original registration.

**§ 250-6. Violations and penalties.**

Violation of this Ordinance shall be a fine of not less than \$25 nor more than \$500.

## **Chapter 255**

### **SOLID WASTE**

#### **ARTICLE I** **Collection and Disposal**

- § 255-1. Definitions.**
- § 255-2. Disposal of garbage.**
- § 255-3. Accumulation of trash.**
- § 255-4. Garbage falling from vehicles.**
- § 255-5. Incinerator; disposal device.**
- § 255-6. Burning.**
- § 255-7. Owner liable.**
- § 255-8. Special rates.**
- § 255-9. Containers.**

- § 255-10. Violations and penalties.**
- § 255-11. Clerk to render bills.**

#### **ARTICLE II** **Collection Rates**

- § 255-12. Collection of fee.**
- § 255-13. Payment terms.**
- § 255-14. Exclusions.**
- § 255-15. Clarification.**
- § 255-16. Late penalty.**
- § 255-17. Non-compliance.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### **ARTICLE I** **Collection and Disposal** **[Derived from Title 5, Ch. 3, Art. 1, of the 1993 Code]**

##### **§ 255-1. Definitions.**

As used in this chapter the words "garbage", "refuse" and "ashes" have the following meanings.

**ASHES** — Residue from fires used for cooking and for heating buildings.

**GARBAGE** — Wastes resulting from the handling, preparation, cooking and consumption of food; wastes from the handling, storage and sale of produce.

**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. Provided, refuse shall not include earth and wastes from building 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.

**§ 255-2. Disposal of garbage.**

It shall be unlawful to place or permit to remain anywhere in the Village any garbage, or other material subject to decay other than leaves or grass, excepting in a tightly covered container.

**§ 255-3. Accumulation of trash.**

It shall be unlawful to cause or permit to accumulate any dust, ashes or trash of such a material that it can be blown away by the wind anywhere in the Village excepting in a covered container.

**§ 255-4. Garbage falling from vehicles.**

It shall be unlawful to deposit or permit to fall from any vehicle any garbage, refuse or ashes or any public street or alley in the Village; provided, that this section shall not be construed to prohibit placing garbage, refuse or ashes in a container complying with the provisions of this chapter preparatory to having such material collected and disposed of in the manner provided herein.

**§ 255-5. Incinerator; disposal device.**

It shall be unlawful to burn any garbage or refuse anywhere in the Village. Such material not so properly disposed of shall be placed in containers for collection by the Village as herein prescribed.

**§ 255-6. Burning. [Added by Ord. No. 90-14-5]**

This ordinance shall be known as the Open Burning Ordinance of the Village of Port Byron.

- A. Location. No person shall kindle or maintain any bonfire or landscaped waste or leaf fire or authorize any such fire to be kindled or maintained on any street, sidewalk, or alley or authorize any such fires to be maintained on any private land unless the location is not less than 25 feet from any structure and adequate provision is made to prevent the fire from spreading to within 25 feet of any structure.
- B. Attendance. Bonfires, landscape waste fires and leaf fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use. Bonfires, landscape waste fires and leaf fires are permitted only between sunrise and sunset and must be extinguished by sunset.
- C. Fire Chief may prohibit. The Fire Chief may prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous, provided the chief has been notified of said prohibition, at least 12 hours in advance of said prohibition's taking effect all news media who have a request for notification of public meetings under the Open Meetings Act on file with the Village Clerk, or any time he declares an emergency exists he shall so prohibit without such notification.

- D. Permit. A permit to burn leaves and landscape waste is not required. Rubbish fires including tire, roofing materials, rags, garbage, hay, straw or any material giving off an obnoxious odor are not permitted. Bonfires and cooking fires (wiener roasts, etc.) are permitted on private property but when on public land approval by the Fire Chief or his designee must be obtained in writing.
- E. Penalties. Any person, firm, corporation, agent, employee, or contractor of such that violates any provision of this ordinance shall be fined not less than \$50 nor more than \$500 for each offense.

**§ 255-7. Owner liable.**

The owner and occupant of any lot, parcel of land or premises having need for garbage and refuse collection service as provided for herein, shall be jointly and severally liable to pay for such garbage and refuse collection service and all such collection services are furnished to the premises only upon the condition that such owner and occupant shall be jointly and severally liable therefor to the Village.

**§ 255-8. Special rates.**

Whenever the collection of garbage from any establishment or place shall exceed the normal amount for such a place so that the fee prescribed for such collection is not fair and reasonable as applied to that particular place, the Village Clerk or other person designated by the Village Board shall recommend to the Village Board the establishment of a special rate for such place.

**§ 255-9. Containers.**

All garbage, refuse and ashes for collection by the Village shall be placed in metal or plastic containers equipped with a cover and equipped with handles so that they may be lifted and carried by one man. No such container shall have a capacity of less than 10 gallons or more than 30 gallons.

**§ 255-10. Violations and penalties.**

- A. Any person violating any provisions of this chapter shall be fined as provided in this Code.
- B. The fact that garbage, refuse or ashes remains on any occupant's premises in the Village in violation of this chapter shall be prima facie evidence that the occupant of such premises is responsible for the violation of the provisions hereof occurring.

**§ 255-11. Clerk to render bills.**

It is hereby made the duty of the Clerk of the Village to render bills for garbage and refuse collection service and all other charges in connection therewith, and to collect all moneys due thereon.

ARTICLE II  
**Collection Rates**  
[Adopted 8-11-2003 by Ord. No. 031108C (Title 5, Ch. 3, Art. 2)]

**§ 255-12. Collection of fee.**

There is hereby levied a fee for pick up of refuse and garbage of \$60 per year for each household within the residential areas of Port Byron, Illinois.

**§ 255-13. Payment terms. [Amended 8-9-2010 by Ord. No. V100908]**

That such fee shall be collected monthly at a rate of \$8.50 and per month payable the first of each month.

**§ 255-14. Exclusions.**

That this fee shall not apply to nor be collected from businesses and commercial establishments within the Village of Port Byron, Illinois; said businesses and commercial establishments having made other arrangements for garbage and refuse pickup.

**§ 255-15. Clarification.**

That such fee shall be in addition to the tax levy assessed for garbage pickup by the Village of Port Byron, Illinois.

**§ 255-16. Late penalty. [Amended 8-9-2010 by Ord. No. V100908]**

In the event the assessed fee herein before provided for is not paid within 60 days from the date of billing, a penalty of \$1 shall be added per month to the assessed until the fee(s) and penalties are paid in full.

**§ 255-17. Non-compliance.**

In the event the herein above assessed fee shall not be paid, the Village of Port Byron, Illinois, shall have a lien against the property of those persons not paying the collection fee and said lien shall be recorded in the Office of the Recorder of Deeds, Rock Island County, Illinois, and shall be collected in like manner as any other debt due the Village of Port Byron, Illinois.



## **Chapter 260**

### **SPECIAL EVENTS**

#### **ARTICLE I** **Permit Requirements**

**§ 260-1. Definitions.**

**§ 260-2. Permit required.**

**§ 260-3. Exemptions.**

**§ 260-4. General requirements.**

**§ 260-5. Inspections.**

**§ 260-6. Violations and penalties.**

#### **ARTICLE II** **Sale of Alcoholic Beverages**

**§ 260-7. Findings and purpose.**

**§ 260-8. Rules, regulations and procedures.**

**§ 260-9. Violations and penalties.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### **ARTICLE I** **Permit Requirements**

**[Adopted 3-5-2001 by Ord. No. 010503B (Title 4, Ch. 3, Art. 2, of the 1993 Code)]**

**§ 260-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**SPECIAL EVENTS** — A gathering of more than 100 persons upon Village streets, parks and/or rights-of-way, for the purpose of music concerts, rallies, sporting events, retail sales, political events, speeches, parade(s), ceremonies, fairs, social gatherings and other similar events.

**§ 260-2. Permit required.**

Special events require the issuance of a permit by the Port Byron Village Board of Trustees.

**§ 260-3. Exemptions.**

- A. Family gatherings, such as family reunions.
- B. Sanctioned school events, both public and private schools.
- C. Sanctioned church events.
- D. Exemptions to be approved by the Village Board of Trustees.

**§ 260-4. General requirements.**

- A. All PERMIT applications for special events held on Village property, must be completed and received by the Port Byron Village Clerk 30 days prior to the event. Obtain the application form from the Village Clerk.
- B. All vendors of goods, food, liquor and services and sponsors of a special event held on property owned by the Village of Port Byron, will be required to comply with all relevant Rock Island County Health Code(s)/Ordinance(s). Each vendor and/or sponsor shall be required to carry a certificate of insurance in accordance with the Village of Port Byron's insurance carrier requirements, and to submit a copy of such certificate to the Village Clerk at least 10 working days prior to the scheduled event. The Certificate of Insurance shall list the Village of Port Byron as, Additional Insured.
- C. The Port Byron Police Chief will be notified by the Village Clerk and be given information on all special events. Security will be coordinated by and at the discretion of the Police Chief. A security fee will be negotiated with the sponsor by the Police Chief based upon manpower and equipment needs as determined by the Police Chief, to ensure the safety and well-being of the residents of the Village of Port Byron, as well as any persons attending the event. The issuance of a Special Events permit shall be conditioned upon the required security being provided.
- D. Temporary rest room facilities will be obtained by the special event organizer at one rest room per 100 persons estimated to attend, or six per 1,000, including one for handicapped use, with one washing station per five rest rooms. The facilities must be removed within 48 hours after said event or will be subject to a \$10 per unit per day fine. The Rock Island County Health Inspector must approve all temporary rest room facilities. Any event lasting less than three hours, shall be exempt from the temporary rest room facilities requirement.
- E. Liquor vendors will be required to carry Dram Shop insurance and obtain a Village of Port Byron and Illinois State liquor license for each day of the event and provide the Village Clerk proof of both prior to the start of the event.
- F. Gambling/gaming will not be permitted in violation of Village ordinance and State law.
- G. Special events will not exceed three days without permission from the Village Board of Trustees.
- H. Upon any Village-owned property, the event sponsors shall clean up no later than the day following the special event and all waste is to be removed in an orderly and sanitary manner. A fine may be levied for any waste not removed from the site by the following day. All clean up must be performed no later than two days following the special event on private property.
- I. Special event approval is at the discretion of the Village Board of Trustees.
- J. Ultimate authority to terminate event activities at any time during such events is with the POLICE CHIEF, or designee, in compliance with written Police Operations Policy for Special Events.

- K. The Police Operations Policy for Special Events lists additional rules/regulations for special events. It is the responsibility of the Event Organizer(s)/Sponsor(s) to have knowledge of and comply with such rules and regulations.

**§ 260-5. Inspections.**

- A. The Rock Island County Health Inspector will be notified of any special event where food and/or beverages are to be served to ensure strict compliance with health rules and regulations. Notification to the Rock Island County Health Inspector is the responsibility of the event organizer.
- B. The Village of Port Byron Building Inspector will be notified of any special event for the purpose of inspecting any and all temporary electrical work, carpentry of temporary structures, or any other work performed solely for the event. The Village of Port Byron may charge a reasonable fee for this service based upon the cost of providing the inspection service.
- C. Inspection of the grounds will be conducted by the Fire Chief or designee for any fire code violations or safety concerns. If any violations are found, they are to be corrected before the start of the event to the satisfaction of the Fire Chief.
- D. The event organizer will allow a representative of the Village of Port Byron to inspect the event grounds, whether on public or private grounds, at various times during the event to assure compliance with this Ordinance and related Codes. The Village representative(s) will not be charged a fee for entry to the event/grounds.
- E. Inspection of the grounds will be conducted after the event by the Police Chief, or designee, and/or a Village Board Trustee; the findings of such inspection(s) shall be reported to the Village Board of Trustees.

**§ 260-6. Violations and penalties.**

- A. Violation of any inspections or general requirements of this Ordinance shall give the Village of Port Byron just cause to deny the event to continue, or to deny the organizer any future events within the Village of Port Byron.
- B. Violations of this Ordinance shall also be punishable under the general penalty provisions of this Code.
- C. Penalties. The possible penalty for violation(s) of any section(s) of this Ordinance shall be a minimum fine of \$100 and a maximum of \$500 per violation.

## ARTICLE II

**Sale of Alcoholic Beverages****[Adopted 7-15-2002 by Ord. No. 02-08-07 (Title 2, Ch. 2, Art. 20, of the 1993 Code)]****§ 260-7. Findings and purpose.**

The President and Board of Trustees of the Village of Port Byron believe that the public safety and welfare of the residents and those persons who enter the territorial jurisdiction of the Village would be served by the adoption of rules, regulations and procedures for the selling of alcoholic liquor at special events in the Village.

**§ 260-8. Rules, regulations and procedures.**

- A. Any person possessing and/or consuming any alcoholic liquor(s) must be 21 years of age or older and must provide valid identification as proof of such age.
- B. Any Liquor License Holder dispensing any alcoholic liquor(s) is required by this Ordinance to check any customer purchasing any alcoholic liquor(s) for proper identification prior to the sale of such liquor(s).
- C. Any Liquor License Holder dispensing any alcoholic liquor(s) is required to place a wrist band on any customer receiving any alcoholic liquor(s).
- D. Any person possessing and/or consuming any alcoholic liquor(s) is required to wear and display a wrist band issued by a Liquor Vendor.
- E. Any person possessing and/or consuming any alcoholic liquor(s) is subject to age verification by any police officer so empowered/employed by the Village of Port Byron.

**§ 260-9. Violations and penalties.**

When the conduct or operation of any business, occupation, activity or establishment, whether licensed or unlicensed, shall constitute a violation of the rules, regulations and procedures of this ordinance as determined by the Mayor or President or authorized individual, then the Mayor or President may enter, or authorize any law enforcement officer to enter, at any time, upon the premises licensed and to summarily order the cessation of business. Also, another penalty for violation of this ordinance shall be a minimum fine of \$100 and a maximum fine of \$500 per violation, per day.

## Chapter 265

### STREETS, SIDEWALKS AND PUBLIC WAYS

#### ARTICLE I General Offenses

- § 265-1. Obstruction, injury to public property.
- § 265-2. Obstruction, change of watercourse.
- § 265-3. Injury to streets, fences.
- § 265-4. Papers, debris on streets, sidewalks.
- § 265-5. Definitions.

#### ARTICLE II Excavations

- § 265-6. Permit required.
- § 265-7. Application.
- § 265-8. Fees to be charged.
- § 265-9. Refilling.
- § 265-10. Manner of backfilling.
- § 265-11. Danger signals.
- § 265-12. Map of pipes.
- § 265-13. Encroachments.

#### ARTICLE III Excavation Permit to Control Erosion

- § 265-14. Erosion/run-off control plan.
- § 265-15. Methods of control.
- § 265-16. Clean-up plan.
- § 265-17. Performance bond.
- § 265-18. Violations and penalties.
- § 265-19. Application of ordinance.

#### ARTICLE IV Culverts and Ditches

- § 265-20. Drainage ditches provided.
- § 265-21. Unlawful construction.
- § 265-22. Free of obstructions.
- § 265-23. Disposal prohibited.
- § 265-24. Violations and penalties.

#### ARTICLE V Storm Drainage Systems

- § 265-25. Connections prohibited.

[HISTORY: Derived from Title 6, Ch. 1, Arts. 1 through 5, of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]

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#### ARTICLE I General Offenses

- § 265-1. Obstruction, injury to public property.

No person shall willfully and maliciously obstruct, injure, deface or interfere with any bridge, culvert, ditch, tile drain, sidewalk or other public property or work of the Village.

- § 265-2. Obstruction, change of watercourse.

- A. No person shall either by himself, agent, servant or employee, within the corporate limits of the Village, obstruct, turn, alter, divert or change the course or flow of water on, along

or over any of the public streets and alleys of the Village, except by the consent and under the direction and supervision of the Municipal authorities of the Village.

- B. Permit to change or obstruct. Any person who shall without first obtaining the consent provided for in Subsection A, by himself, servant or employee, obstruct, turn, after, divert or change, or cause to be obstructed, turned, altered, diverted or changed, the course and flow of water on, along or over any of the public streets or alleys of the Village, by digging therein, or by depositing earth or other materials thereon, or in any manner obstruct or change the course and flow of water on, along or over such streets and alleys as the course and flow of such water may now or hereafter be fixed and directed by the working and improvements of such streets and alleys by the Municipal authorities of the Village, shall on conviction thereof be fined as in this Code provided.

**§ 265-3. Injury to streets, fences.**

No person shall, within the limits of the Village, willfully or carelessly destroy or injure any tree or shrub, railing, lamppost, telephone or telegraph pole or wire, or in any manner cause the same to be done, nor shall hitch or fasten any horse or other animal to, or so near any tree, shrub, railing, lamppost, telephone or telegraph pole, or wire, as to injure or destroy the same by such horse or other animal.

**§ 265-4. Papers, debris on streets, sidewalks.**

No person or persons shall place, deposit or throw loose papers, beverage cans or other debris in any alley or on the streets within the Village, or leave the same in such condition that the same may become scattered or blown upon the streets and alleys of the Village.

**§ 265-5. Definitions. [Added 6-11-2007 by Ord. No. 071106E]**

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

DEBRIS —

- A. ASHES — Residue from fires used for cooking and for heating buildings.
- B. GARBAGE — Waste resulting from handling, preparation, cooking and consumption of food and from handling, storage and sale of produce.
- C. REFUSE — Combustible trash, including but not limited to paper cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, beddings; noncombustible trash, including but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other material waste; street rubbish, including but not limited to street sweepings, dirt, leaves, catch basins, contents of litter receptacles; provided refuse shall not include earth and waste from building operations, nor shall it include solid waste resulting from industrial processes and manufacturing operations such as food processing wastes, boiler house cinders, lumber scraps and shavings.

ARTICLE II  
**Excavations**  
**[Added 6-17-1975]**

**§ 265-6. Permit required.**

No person shall, without an expressed permit in writing previously obtained in each and every instance from the Village Clerk, Building Inspector or Chairman of Water and Sewer make any excavation in any street, alley or public area in the Village, for the purpose of examination, repair, removal or of laying gas, heat or water pipes, sewer or conduits, or water or sewer services or for any other purpose whatsoever.

**§ 265-7. Application.**

Application for such permit shall be made to the Village Clerk or Chairman of Water and Sewer. Application for permit shall comply with the provisions of this Code and shall state therein the purpose of such excavation and designate the place of making and the date and time when such work is proposed to begin and the extent thereof.

**§ 265-8. Fees to be charged.**

The Village shall charge for the issuance of permit for excavations in the streets and alleys, a fee of \$10 payable to the Village Clerk. No tunneling will be permitted under paving without a special permit.

**§ 265-9. Refilling.**

The making of excavations and the refilling thereof shall be made as provided in this chapter, and shall be under the Inspection of the Building Inspector or Chairman of Water and Sewer, or a representative of the Village. The person making such excavation, under proper permit for same, shall notify the Village when same is ready for refill, whereupon, said Commissioner or Village Inspector shall cause the same to be done strictly in accordance with the provisions hereof.

**§ 265-10. Manner of backfilling.**

- A. All trenches and excavations in paved streets and sidewalks shall be backfilled as rapidly as possible and as the conditions will permit, All backfill material shall be deposited in the trench in such a manner as not to damage the pipe. The backfill of the trench shall be carried on simultaneously on both sides of pipe in such a manner as injurious side pressure does not occur. The backfill of trenches shall be moist sand or other suitable approved fill. It shall be placed in four inch layers and compacted to the satisfaction of the Village inspector by mechanical means. Outriggers shall be blocked or padded so as to prevent damage to road, sidewalk and other ground surfaces.

- B. All trenches and excavations must be resurfaced with the same material as originally used on streets and alleys surfaced with a bituminous mix, or eight inches of concrete may be used. The finish grade must meet the existing grade of the street.
- C. All surplus material shall be hauled away to such point as designated by the Village Commissioner.

**§ 265-11. Danger signals.**

Any person making any excavation shall protect the same by barriers, red lights or otherwise while the work is in progress.

**§ 265-12. Map of pipes.**

All persons, whether by virtue of license, franchise, permit or otherwise, who shall construct or maintain a system of underground pipes, conduits or other like systems, shall cause to be made true and accurate maps of the location of the mains of the same, in any street, alley or public place; said maps to show with reasonable certainty the depth from the surface of street, the distance from the lot line and shall furnish all other necessary and desirable information for the purpose of informing the Village officials of the necessary data needed to properly locate said systems for the purpose of protecting the same in any excavations necessary to be made in said streets or otherwise; and when said maps are so made as herein directed, said person making the same or causing the same to be made, shall deposit three true and correct copies thereof in the office of the Clerk, and same to be the property of the Village.

**§ 265-13. Encroachments.**

- A. Encroachment is defined as any building, fence, sign or any other structure or object or any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the roadway right-of-way.
- B. It shall be unlawful for any person to erect or cause to be erected, to retain or cause to be retained, an encroachment as defined in Subsection A, within the limits of the roadway right-of-way.
- C. This section is intended to and shall be in addition to all other ordinances, rules and regulations concerning encroachments and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance unless in direct conflict therewith.
- D. Any person violating this section shall be fined not less than \$20 nor more than \$500 for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists.



## ARTICLE III

**Excavation Permit to Control Erosion****§ 265-14. Erosion/run-off control plan.**

No owner of real estate within the Village limits of Port Byron and no developer, contractor or builder doing business in the Village of Port Byron shall clean, grade, or remove soil from any real estate to include driveways within the Village of Port Byron prior to obtaining an Excavation Permit. No Excavation Permit shall be issued by the Building Inspector until such time as said owner, developer, contractor or builder has provided to the Building Inspector a complete plan for erosion control and clean-up in the event that erosion/run-off may occur. No Excavation Permit may be issued until said plan is approved by said Building Inspector.

**§ 265-15. Methods of control.**

It is not the intent of this Ordinance to stipulate any particular means of control or clean-up, but to allow the owner, developer, contractor or builder to select the best method for the project subject to the approval of the Building Inspector. Permit holders may use the following methods of erosion control but are not necessarily limited to these methods:

- A. Immediate sod replacement over stripped areas.
- B. Covering the stripped areas with materials such as burlap.
- C. The use of settling basins along lower land elevations.
- D. Restricted movement during wet soil conditions of trucks and equipment.

**§ 265-16. Clean-up plan.**

Upon the advice of the Building Inspector that erosion/run-off has occurred, the clean-up plan must be utilized and shall include a method of clean-up and time schedule for the work to be done by such owner, builder, contractor or developed. The Village shall be granted a lien on the property if the situation warrants a clean-up plan to be used.

**§ 265-17. Performance bond.**

Contractors, builders, or developers must obtain a Performance Bond and list the Village as beneficiary of said Bond for all projects in excess of \$1,000 in total costs. This bond shall be equal to 5% of the total dollar value involved in said project and shall be in force at least six months past completion of project and acceptance by the Building Inspector.

**§ 265-18. Violations and penalties.**

Whenever the Building Inspector has determined that a violation has occurred, the Building Inspector shall have the authority to revoke building and excavation permits under which any such work is being done until such time as compliance occurs. If the violation occurs for more than 10 days, the Village, may at its option, clean up the eroded material and enforce payment

through utilization of Performance Bond as previously secured or said individuals will be liable for a fine of not less than \$25 nor more than \$100 per day.

**§ 265-19. Application of ordinance.**

The application of this Ordinance is not limited to cases in which Building or Excavation Permits have been issued for construction work, but it is the intent of this Ordinance that it shall apply to all cases in which the owner of any real estate in the Village of Port Byron permits soil from such real estate to be eroded onto the public way or private properties and such penalties hereinbefore described shall apply in all such cases with a three day notice to owner.

ARTICLE IV  
**Culverts and Ditches**  
[Added 8-12-1985 by Ord. No. 85-8-12B]

**§ 265-20. Drainage ditches provided.**

Whenever a street or roadway in the Village is not furnished with a curb or gutter connected to a storm sewer or to a ditch or waterway for drainage, drainage ditches shall be furnished along the roadway at the expense of the owner of the adjoining property.

**§ 265-21. Unlawful construction.**

No person shall construct or maintain a driveway over a ditch without furnishing a culvert to provide drainage, in accordance with specifications approved by the Village Board.

**§ 265-22. Free of obstructions.**

The owner and occupant of abutting property shall keep such culverts and ditches free of obstructions.

**§ 265-23. Disposal prohibited.**

No person shall dump any leaves, trash, soil or other material into any such ditch or culvert, and no person shall obstruct any such ditch or culvert.

**§ 265-24. Violations and penalties.**

Any person, firm or corporation violating any provisions of this Ordinance shall be fined not less than \$25 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE V

**Storm Drainage Systems**

**[Amended 4-4-1960 by Ord. No. 60-4]**

**§ 265-25. Connections prohibited.**

It shall be unlawful for any person to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste or any fixture or device discharging polluting substances to any stormwater drain in the Village.



## Chapter 270

### TAXATION

#### ARTICLE I Municipal Retailers Occupation Tax

- § 270-1. Tax imposed.
- § 270-2. Reports filed.
- § 270-3. Payment.

#### ARTICLE II Municipal Service Occupation Tax

- § 270-4. Tax imposed.
- § 270-5. Reports filed.
- § 270-6. Payment.

#### ARTICLE III Municipal Utility Tax

- § 270-7. Tax.
- § 270-8. Regulation.
- § 270-9. Collection of tax.
- § 270-10. Tax remittance and return.
- § 270-11. Resales.
- § 270-12. Books and records.
- § 270-13. Definitions.
- § 270-14. Credit for overpayment.
- § 270-15. Statute of limitation.

- § 270-16. Violations and penalties.
- § 270-17. Construal.

#### ARTICLE IV Taxpayers Bill of Rights

- § 270-18. Title.
- § 270-19. Scope.
- § 270-20. Definitions.
- § 270-21. Notices.
- § 270-22. Late payment.
- § 270-23. Payment.
- § 270-24. Certain credits and refunds.
- § 270-25. Audit procedure.
- § 270-26. Appeal.
- § 270-27. Hearing.
- § 270-28. Interest and penalties.
- § 270-29. Abatement.
- § 270-30. Installment contracts.
- § 270-31. Statute of limitations.
- § 270-32. Voluntary disclosure.
- § 270-33. Publication of tax ordinances.
- § 270-34. Internal review of liens filed.
- § 270-35. Application.

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### ARTICLE I Municipal Retailers Occupation Tax [Derived from Title 2, Ch. 3, Art. 1, of the 1993 Code]

##### § 270-1. Tax imposed.

A tax is imposed on all persons engaged in the business of selling tangible personal property at retail in the Village at the rate of 1% of all gross receipts from such sales made in the

course of such business while this article is in effect in accordance with the provisions of 65 ILCS 5/8-11-1, as amended.

**§ 270-2. Reports filed.**

Every person engaged in such business in the Village shall file on or before the last day of each calendar month the report to the State Department of Revenue as required by Section Three of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption," approved June 28, 1933 as amended.

**§ 270-3. Payment.**

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed on account of the receipts from sales of tangible personal property during the preceding month.

ARTICLE II

**Municipal Service Occupation Tax**

**[Derived from Title 2, Ch. 3, Art. 2, of the 1993 Code]**

**§ 270-4. Tax imposed.**

A tax is imposed upon all persons engaged in the Village in the business of making sales of service at the rate of 1% of the cost price of all tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of Section 8-11-5 of the Illinois Municipal Code, Illinois Revised Statutes.

**§ 270-5. Reports filed.**

Every service person required to account for Municipal Service Occupation Tax for the benefit of the Village shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Nine of the "Service Occupation Tax Act" approved July 10, 1961, as amended.

**§ 270-6. Payment.**

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax imposed.

## ARTICLE III

**Municipal Utility Tax**

**[Adopted 8-12-1985 by Ord. No. 85-8-12A; amended in its entirety 6-7-1999 by Ord. No. 99-7-6A (Title 2, Ch. 3, Art. 3, of the 1993 Code)]**

**§ 270-7. Tax.**

A. A Tax is imposed on all persons engaged in the following occupations or privileges:

- (1) Pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2) and any and all other applicable authority, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser:

<b>Number of Kilowatt Hours Used or Consumed in a Month</b>	<b>Rate (per kilowatt hour)</b>
First 2,000	\$0.004458
Next 48,000	\$0.002922
Next 50,000	\$0.002631
Next 400,000	\$0.002558
Next 500,000	\$0.002485
Next 2,000,000	\$0.002339
Next 2,000,000	\$0.002302
Next 5,000,000	\$0.002265
Next 10,000,000	\$0.002229
More than 20,000,000	\$0.002192

- B. The tax is in addition to all taxes, fees and other revenue measures imposed by the City, the State of Illinois or any other political subdivision of the State.
- C. Notwithstanding any other provision of this section, the tax shall not be imposed if and to the extent that imposition or collection of the tax would violate the Constitution or statutes of the United States or the Constitution of the State of Illinois.
- D. The tax shall be imposed with respect to the use or consumption of electricity by residential customers beginning with the first bill issued on or after August 1, 1999; and with respect to the use or consumption of electricity by nonresidential customers beginning with the first bill issued to such customers for delivery services in accordance with section 16-104 of the Public Utilities Act (220 ILCS 5/16-104), or the first bill issued to such customers on or after January 1, 2001, whichever issuance occurs sooner.

**§ 270-8. Regulation.**

- A. No tax is imposed by this section with respect to any transaction in interstate commerce or otherwise to the extent of which such business may not, under the Constitution and statutes of the United States, be made subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity, or engaged in the business of transmitting messages be subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this section for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by statute and this Code.
- B. Such tax shall be in addition to the payment of money, or value of products or services furnished to the Municipality by the taxpayer as compensation from the use of its streets, alleys or other public places, or installation and maintenance therein, thereon, or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.

**§ 270-9. Collection of tax.**

- A. Subject to the provision of this section regarding the delivery of electricity to resellers, the tax imposed under this chapter shall be collected from purchasers by the person maintaining a place of business in this State who delivers electricity to such purchasers. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and is recoverable at the same time and in the same manner as the original charge for delivering the electricity.
- B. Any tax required to be collected by this section, and any tax in fact collected, shall constitute a debt owed to the City by the person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax.
- C. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax they collect to reimburse them for their expense incurred in keeping records, billing customers, preparing the filing returns, remitting the tax and supplying data to the City upon request.

**§ 270-10. Tax remittance and return.**

- A. Every Tax Collector shall, on a monthly basis, file a return on a form prescribed by the City. The return and accompanying remittance shall be due on or before the last day of the month following the month during which the tax is collected of or is required to be collected of or is required to be collected under § 270-9.



- B. If the Person delivering electricity fails to collect the tax from the purchaser or is excused from collecting the tax under § 270-11, then the purchaser shall file a return in a form prescribed by the City and pay the tax directly to the City on or before the last day of the month following the month during which the electricity is used or consumed.

**§ 270-11. Resales.**

- A. Electricity that is delivered to a person in the City shall be considered to be for use and consumption by that person unless the person receiving the electricity has an active resale number issued by the Director of Finance and furnishes that number to the person who delivers the electricity and certifies to that person that the sale is either entirely or partially nontaxable as a sale for resale.
- B. If a person who receives electricity in the Municipality claims to be an authorized reseller of electricity, that person shall apply to the Municipal Clerk for a resale number. The application shall state facts showing why it is not liable for the tax imposed by this section on any purchases of electricity and shall furnish such additional information as the Director of Finance may reasonable require.
- C. Upon approval of the application, the Director of Finance shall assign a resale number to the applicant and shall certify the number to the applicant.
- D. The Director of Finance may cancel the resale number of any person if the person fails to pay any tax payable under this section for electricity used or consumed by the person, or if the number: (1) was obtained through misrepresentation, or (2) is no longer necessary because the person has discontinued making resales.
- E. \_\_\_\_\_
- (1) If a reseller has acquired electricity partly for use or consumption and partly for resale, the reseller shall pay the tax imposed by this section directly to the City pursuant to § 270-9B on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to § 270-7 and remit the tax pursuant to § 270-10A on the amount of electricity delivered by the reseller to a purchaser.
- (2) Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of the section shall be excused from collecting and remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the Municipality the total amount of electricity delivered to the reseller, and such other information that the city may reasonable require.

**§ 270-12. Books and records.**

Every Tax Collector, and every taxpayer required to pay the tax imposed by this Amendment shall keep accurate books and records of its business or activity, including contemporaneous books and records denoting the transactions that gave rise, or may have given rise, to any tax liability under this section. The books and records shall be subject to and available for inspection at all times during business hours of the day.

**§ 270-13. Definitions.**

For the purpose of this section the following definitions shall apply:

**GROSS RECEIPTS** — The consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas, or electricity for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages without any deduction on account of the cost of the service, product or commodity supplied, at the cost of materials used, labor or service cost or any other expenses whatsoever.

**PERSON** — Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, Municipal corporation or political subdivision of the State, or a receiver, trustee conservator or the representative appointed by order of court. Notwithstanding the foregoing, no municipal utility tax shall be assessed upon bills for utility service rendered to the municipality itself.

**PERSON MAINTAINING A PLACE OF BUSINESS IN THIS STATE** — Any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

**PURCHASE AT RETAIL** — Any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility, as defined in Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2, directly in the generation, production, transmission, delivery or sale of electricity.

**PURCHASER** — Any person who uses or consumes, within the corporate limits of the City, electricity acquired in a purchase at retail, other than from an Exempt Purchaser.

**TRANSMITTING MESSAGES** — In addition to the usual and popular meaning of a person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased) or both, to persons in connection with the transmission of messages where such persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons of the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmission of messages.

**§ 270-14. Credit for overpayment.**

If it shall appear that an amount of tax has been paid which was not due under the provisions of this section, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this section from the taxpayer

who make the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor, shall be so credited. If a taxpayer under this section is unable to use a credit authorized by this section solely because the tax imposed by this section has been replaced by the tax imposed under paragraph (A)(5) then the taxpayer may apply such credit against any tax due under paragraph (A)(5).

**§ 270-15. Statute of limitation.**

No action to recover any amount of tax due under the provisions of this section shall be commenced more than three years after the due date of such amount.

**§ 270-16. Violations and penalties.**

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500, and in addition shall be liable in a civil action for the amount of tax due.

**§ 270-17. Construal.**

Nothing in this Ordinance shall be construed as limiting any addition or further remedies that the Municipality may have for enforcement of this Ordinance.

ARTICLE IV

**Taxpayers Bill of Rights**

**[Adopted 12-4-2000 by Ord. No. 000412 (Title 2, Ch. 3, Art. 4, of the 1993 Code)]**

**§ 270-18. Title.**

This ordinance shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Ordinance."

**§ 270-19. Scope.**

The provisions of this ordinance shall apply to the Village's procedures in connection with all of the Village's locally imposed and administered taxes.

**§ 270-20. Definitions.**

Certain words or terms herein shall have the meaning ascribed to them as follows:

ACT — The "Local Government Taxpayers' Bill of Rights Act" (50 ILCS 45/1 et seq.).

CORPORATE AUTHORITIES — The Village's President and Board of Trustees.

HEARING OFFICER — An administrative individual appointed by the Village President with the advice and consent of the Corporate Authorities to conduct hearings and to issue final determinations regarding the collection of all locally imposed and administered taxes.

LOCAL TAX ADMINISTRATOR — The Village's collector 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 ordinance to give full effect to this ordinance. The exercise of such authority by the local tax administrator shall not be inconsistent with this ordinance and the Act.

LOCALLY IMPOSED AND ADMINISTERED TAX OR TAX — Each tax imposed by the Village that is collected or administered by the Village 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 Village other than infrastructure maintenance fees.

NOTICE — Each audit notice, collection notice or other similar notice or communication in connection with each of the Village's locally imposed and administered taxes.

TAX ORDINANCE — Each ordinance adopted by the Village that imposes any locally imposed and administered tax.

TAXPAYER — 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 Village.

VILLAGE — The Village of Port Byron, Illinois.

#### **§ 270-21. Notices.**

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven 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.

#### **§ 270-22. Late payment.**

Any notice, payment, remittance or other filing required to be made to the Village pursuant to any tax ordinance shall be considered late unless it is (a) physically received by the Village 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 Village, with adequate postage prepaid.

**§ 270-23. Payment.**

Any payment or remittance received for a tax period shall be applied in the following order: (1) first to the tax due for the applicable period; (2) second to the interest due for the applicable period; and (3) third to the penalty for the applicable period.

**§ 270-24. Certain credits and refunds.**

- A. The Village 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 or less years after the end of the calendar year in which payment in error was made. The Village 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 Village.
- 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 Village.
  - (2) Within 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 \_\_\_\_\_% per annum, based on a year of 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.

**§ 270-25. Audit procedure.**

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this ordinance.

- 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 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 days nor more than 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 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 Village.
- E. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the Village. 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 30 days of the Village'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.

**§ 270-26. 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 Village 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 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 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-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 90 days after the expiration of the forty-five-day period.

**§ 270-27. Hearing.**

- A. Whenever a taxpayer or a Tax Collector has filed a timely written protest and petition for hearing under § 270-26, above, the local tax administrator shall conduct a hearing regarding any appeal. The taxpayer may request that a hearing officer conduct the hearing rather than the local tax administrator.
- 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 14 days.

- C. At the hearing the local tax administrator/hearing officer 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/hearing officer 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.

**§ 270-28. 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 Village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be \_\_\_\_\_% per annum, based on a year of 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 \_\_\_\_\_% of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of [specify rate percentage not to exceed 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 Village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to \_\_\_\_\_% [specify rate percentage not to exceed 25%] 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.

**§ 270-29. 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.

**§ 270-30. Installment contracts.**

The Village 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 30 days delinquent, the taxpayer shall have 14 working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen-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.



**§ 270-31. Statute of limitations.**

The Village, 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 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 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-year period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than 75% of the tax due, the statute of limitations shall be six 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.

**§ 270-32. 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 1% per month, for all periods prior to the filing of the application but not more than four 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 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 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.

**§ 270-33. 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 Village Clerk's office.

**§ 270-34. Internal review of liens filed.**

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 Village's expense;
- B. Correct the taxpayer's credit record; and
- C. Correct any public disclosure of the improperly imposed lien.

**§ 270-35. Application.**

This ordinance shall be liberally construed and administered to supplement all of the Village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

## **Chapter 275**

### **TOBACCO PRODUCTS**

**§ 275-1. Definitions.**

**§ 275-2. Purpose.**

**§ 275-3. Tobacco vendor prohibitions; requirements; illegal sales.**

**§ 275-4. Furnishing products to minors prohibited.**

**§ 275-5. Possession of products by minors prohibited.**

**§ 275-6. Unannounced inspections.**

**§ 275-7. Violations and penalties.**

**§ 275-8. Charging violation, prosecution.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 12-9-1996 by Ord. No. 96-9-12D (Title 2, Ch. 2, Art. 17, of the 1993 Code). Amendments noted where applicable.]**

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#### **§ 275-1. Definitions.**

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

**BUSINESS** — Includes all businesses, firms, partnerships, companies, corporations, distributors, engaged in the delivery or sale of tobacco products, smoking herb, and/or tobacco accessories.

**PERSON** — Includes any individual, business owner, officer, employee, salesperson, associate, member, representative, agent, operator or employee of the operator, or other person whether acting as a mere helper of the operator, employee or operator, or acting as a participant or worker in any way.

**SMOKELESS TOBACCO** — Any tobacco products that are suitable for dipping or chewing; any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

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

**TOBACCO ACCESSORIES** — Cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items, designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under statute or ordinance, or of substances whose sale, gift, barter, or exchange is made unlawful under this Ordinance, Illinois Compiled Statutes, or Federal law.

**TOBACCO PRODUCT** — Includes any cigar, cigarette, smokeless tobacco, and/or tobacco in any of its forms.

**VENDING MACHINE** — A mechanically or electrically operated machine which provides self-service sales or transfer of tobacco products, smoking herb, and/or tobacco accessories to a customer or any person. A machine from which a product is offered for sale or is sold or delivered to a person, and that product is either given away, bartered, exchanged, or sold, where the person either inserts something of value and product is delivered, or that person or another operates a lever or button and the product is delivered.

**§ 275-2. Purpose.**

- A. In that: The sale and possession of marijuana, hashish, cocaine, opium and their derivatives, is not only prohibited by Illinois Law, but the use of these substances has been deemed injurious to the health of the user; and It has further been determined by the Surgeon General of the United States that the use of tobacco is hazardous to human health; and The ready availability of tobacco products, smoking herbs, and tobacco accessories to minors could lead to the use of tobacco and illegal drugs. Therefore it is in the best interest of the citizens of the Village of Port Byron to seek to prohibit the spread of illegal drugs, tobacco products, smoking herbs, or smoking materials and accessories to minors.
- B. This ordinance provides protection for the public health and safety of minors, and attempts to curb the usage of illegal drugs and tobacco products among our youth by:
  - (1) Prohibiting the sale of tobacco products, smoking herbs, and tobacco accessories to minors; and
  - (2) Prohibiting the possession and use of tobacco products, smoking herbs, and tobacco accessories by minors; and
  - (3) Establishing penalties for violations of said ordinance.

**§ 275-3. Tobacco vendor prohibitions; requirements; illegal sales.**

- A. Prohibited sales and delivery. It shall be unlawful for any business or person to sell, offer for sale, give away, furnish or deliver any tobacco product, smoking herb, or tobacco accessory to any person under the age of 18 years of age.
- B. Required underage signage. Signs informing the public of age restrictions provided for shall be posted by every business at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall state: THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW. Sign size shall be at least eight inches by 11 inches. Signs shall have a white background with red letters at least one inch high. Signs provided by the Illinois Liquor Control Commission shall be deemed sufficient to satisfy the requirements of this ordinance.
- C. Warning to minors. Any business operating a place where smoking herbs and/or tobacco accessories are sold or offered for sale shall post in a conspicuous place upon the premises, and on or upon each vending machine which offers smoking herbs and/or tobacco accessories, a sign upon which there shall be imprinted the following statement:

SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER 18 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW. Sign size shall be at least eight inches by 11 inches. Signs shall have a white background with red letters at least one inch high. Signs provided by the Illinois Liquor Control Commission shall be deemed sufficient to satisfy the requirements of this ordinance.

- D. Minimum-age to sell tobacco products, smoking herbs, tobacco accessories. It shall be unlawful for any business or person to engage, employ or permit any person under 18 years of age to sell any tobacco product, smoking herb, or tobacco accessories.
- E. Proximity to certain institutions. It shall be unlawful for any business or person to sell, offer for sale, give away, furnish or deliver tobacco products, smoking herb, or tobacco accessories within 100 feet of any school, child care facility or other building used for education or recreational programs for persons under the age of 18 years.
- F. Certain free distributions prohibited. It shall be unlawful for any business or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, smoking herb, or tobacco accessories, or any employee or agent of such business or person, in the course of such business's or person's business, to distribute, give away, furnish or deliver tobacco products or tobacco accessories, free of charge to any person on any right-of-way, park, playground or other property owned by the Village, any school district, any park district or any public library.
- G. Vending machines.
  - (1) Location restrictions prohibit any person to locate a tobacco products, smoking herb, or tobacco accessories vending machine in a public place except in a legally licensed tavern. The vending machine must be placed at a distance of a minimum of 25 feet from any entrance to the premises and be directly visible by the owner of the premises, or his or her employee or agent during the operation of such vending machine.
  - (2) Locking devices.
    - (a) It shall be unlawful for any business to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products or tobacco accessories by use of a vending machine, unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the business so as to prevent its operation by persons under the age of 18 years.
    - (b) Any premises where access by persons under the age of 18 years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of businesses located at such premises, shall be exempt from the requirements of Subsection G(2)(a) above.
  - (3) It shall be unlawful to commingle tobacco products with other products in a vending machine.

- H. Free-standing displays. No business or person shall display or offer tobacco products, smoking herb, or tobacco accessories for sale except in a highly visible area, or from within an enclosure, which physically precludes the removal of tobacco products, smoking herb, or tobacco accessories without assistance.
- I. Out-of-package sales. The sale or distribution of tobacco products and smoking herb in any form other than in the originally factory-wrapped package is prohibited.
- J. Promotions.
  - (1) No business or person shall, in or upon any part of streets, parks, public ground, public buildings or other places within the Village of Port Byron, distribute any tobacco products, smoking herb, or tobacco accessories for any promotional or other commercial purpose.
  - (2) The redemption of coupons or promotions involving the sale tobacco products, smoking herb, or tobacco accessories at less than full retail price shall be conducted only at a checkout counter or at a location directly controlled by a business employee.

**§ 275-4. Furnishing products to minors prohibited.**

No person shall sell, give away, barter, exchange or otherwise furnish any tobacco products, smoking herb, or tobacco accessories:

- A. To any individual who is under 18 years of age.
- B. To any individual who the person knows is under 18 years of age.
- C. To any individual (other than an individual who appears without reasonable doubt to be over 18 years of age) who does not present a drivers license (or other generally accepted means of identification) that describes the individual as 18 years of age or older, contains a likeness of the individual, and appears on its face to be valid.
- D. In any form other than the original factory-wrapped package.

**§ 275-5. Possession of products by minors prohibited.**

- A. It shall be unlawful.
  - (1) For any individual under the age of 18 years to possess any tobacco product, smoking herb, or tobacco accessories, provided that the possession by a person under the age of 18 years who is under the direct supervision of the parent or legal guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited;
  - (2) For any individual under the age of 18 years to use any tobacco product, smoking herb, or tobacco accessories, provided that the use by a person under the age of 18 years who is under the direct supervision of the parent or legal guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited;

- (3) For any individual under the age of 18 years to purchase any tobacco product, smoking herb, or tobacco accessories;
  - (4) For any individual under the age of 18 years to accept delivery of any tobacco product, smoking herb, or tobacco accessories.
- B. For the purpose of purchasing tobacco products, smoking herb, or tobacco accessories it shall be unlawful:
  - (1) For any person to give any individual under the age of 18 years of age any identification card not duly issued to such individual;
  - (2) To misrepresent the individual's identity or age;
  - (3) To use any false or altered identification.
  - (4) To be in possession of any false or altered identification.

**§ 275-6. Unannounced inspections.**

- A. The enforcement component used by the Village of Port Byron to reduce sales of tobacco products, smoking herb, and tobacco accessories to persons under the age of 18 years includes unannounced inspections of all tobacco product, smoking herb, and tobacco accessories outlets. The inspections include the attempted purchase of these products by underage juveniles and the observation of the inspection by parents or other adult volunteer "observers".
- B. The time of day an inspection is conducted as well as the location of the outlet contribute to the effectiveness of enforcement activities. Consideration should be given to scheduling inspections during hours when youths are most likely to attempt to purchase tobacco products, smoking herb, or tobacco accessories such as before school, during school lunchtime, immediately after school ends, on times when students are not in school, and on weekends.

**§ 275-7. Violations and penalties.**

- A. Any person who violates any provision of this Ordinance is guilty of a petty offense and for the first offense shall be fined \$100, \$200 for the second offense in a twelve-month period, and \$500 for the third or subsequent offense in a twelve-month period.
- B. The parent or legal guardian of any person under the age of 18 years who in any way violates any provision of this ordinance shall be responsible for the payment of any fine which the person under the age of 18 years is subject to.
- C. Any person under the age of 18 at the time of the violation who violates this Ordinance shall be fined as a minimum \$50 for the first offense, \$75 for the second offense, and \$100 for the third or subsequent offense. **[Added 11-1-1999 by Ord. No. 99-1-11B]**

**§ 275-8. Charging violation, prosecution.**

- A. By notice of violation. A Police Officer, upon establishing probable cause, may elect to charge a business or person with a violation of any provision of this ordinance by delivering to that business or person a NOTICE OF VIOLATION charging that person with the violation.
- (1) The business or person so such charged has five working days to satisfy the violation by making payment of the appropriate fine established by this ordinance to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the NOTICE OF VIOLATION the Police Department may:
- (a) Forward copies of the NOTICE OF VIOLATION and all reports to the Village Attorney who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that person with the violation and establishing a court date for trial; or
- (b) Forward copies of the NOTICE OF VIOLATION and all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that business or person with violation of the Illinois Sale of Tobacco to Minors Act, 720 ILCS, Acts 675 to 685.
- B. Charging under state statutes. A Police Officer, upon establishing probable cause, may elect to charge a business or person with a violation of the Illinois Sale of Tobacco to Minors Act or subsequent appropriate Acts, 720 ILCS, sections 675 to 685/5. The Officer shall forward copies of the NOTICE OF VIOLATION and all reports to the Rock Island County States Attorney's Office and request a complaint be filed charging that business or person with violation of the Act.



## Chapter 285

### VEHICLES, ABANDONED OR WRECKED

§ 285-1. Definitions.

§ 285-2. Exceptions.

§ 285-3. Acts prohibited.

§ 285-4. Removal of abandoned and inoperable vehicles.

§ 285-5. Impoundment.

§ 285-6. Complaint filed.

§ 285-7. Records.

§ 285-8. Reclaim and liability for expenses.

§ 285-9. Disposal of unclaimed vehicles.

§ 285-10. Liability for damages.

§ 285-11. Violations and penalties.

[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 12-9-1991 by Ord. No. 91-9-12-A (Title 4, Ch. 2, Art. 3, of the 1993 Code). Amendments noted where applicable.]

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#### § 285-1. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them:

**ABANDONED VEHICLE** — All vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition, or any vehicle that has not been moved or used for seven consecutive days or more and is apparently deserted.

**ANTIQUE VEHICLE** — Any motor vehicle or other vehicle 20 years of age or older.

**INOPERABLE MOTOR VEHICLE** — Any motor vehicle motor cannot presently be operated on a street or highway of the Village either due to physical defects in the motor vehicle or due to legal prohibitions, including but not limited to, want of licenses, defective parts, absence of required parts, etc.

**LAWFULLY OCCUPIED** — This refers to premises occupied under contract, license or other consent.

**MOTOR VEHICLE** — An auto, car, motorcycle, truck, truck trailer, auto trailer, boat trailer, camper or any other vehicle for use on the streets or highways, as well as any constituent part.

#### § 285-2. Exceptions.

The requirements and provisions of this chapter shall not apply to:

- A. Vehicles specifically exempt from local licensing pursuant to the laws of the United States or the State of Illinois.
- B. Legally licensed antique vehicles.

**§ 285-3. Acts prohibited.**

No person shall engage in any of the following acts:

- A. The abandonment of any motor vehicle on any street, highway, alley or other public way within the Village.
- B. The abandonment of any motor vehicle on any public property or on any private property within the Village.
- C. The parking of any inoperable motor vehicle on any street, highway, alley or other public way within the Village where the same constitutes a hazard or dangerous condition for person and property lawfully using the same.
- D. The parking of any inoperable motor vehicle on any street, highway, alley or other public way within the Village for more than 48 hours.
- E. The parking of any inoperable motor vehicle on any private property, except property owned or lawfully occupied, or on public property, without the consent of the owner or lawful for more than eight hours.
- F. The parking of any inoperable motor vehicle on private residentially-zoned property and allowing the motor vehicle to remain there for more than 14 days, if the vehicle is open to the view of the public.

**§ 285-4. Removal of abandoned and inoperable vehicles.**

Whenever any act prohibited by this chapter is perpetrated, the Police Department of the Village shall have the right to authorize removal of the vehicle concerned by towing at the time the prohibited act becomes violative of this chapter, as follows:

- A. The police may remove a motor vehicle abandoned on any street, highway, alley or other public way within the Village immediately upon a determination of abandonment by the Police.
- B. The police may remove a motor vehicle abandoned on any private or public property immediately upon a determination of abandonment by the police.
- C. The police may remove an inoperable motor vehicle from any street, highway, alley or other public way within the Village immediately upon a determination by the police that the vehicle is inoperable, and that it constitutes a hazard or a danger to persons and property lawfully using the highway.
- D. The police may remove an inoperable motor vehicle from any street, highway, alley or other public way within the Village where the vehicle has been parked for more than 24 hours, and is apparently inoperable.
- E. The police may remove an inoperable motor vehicle from any other public or private property, except a motor vehicle on property of the owner of the vehicle, or one lawfully entitled to park there, where the vehicle has been parked for more than seven days without the consent of the owner or person lawfully occupying the premises.

- F. The police may remove an inoperable motor vehicle from any private residentially-zoned property, including property owner of lawfully occupied by the owner of the vehicle where the same is open to public view.

**§ 285-5. Impoundment.**

After impounding a motor vehicle pursuant to § 285-1, the police shall deal with the motor vehicle as follows:

- A. Whenever any citizen of the Village is the victim of an act done in violation of this chapter, he shall have the right to request the police to remove the vehicle by towing. Thereafter, the police shall deal with the vehicle as if they had initiated the removal.
- B. The person who abandons the vehicle or parks an inoperative vehicle in violation of this chapter shall have the responsibility for all towing, storage, advertising, disposal and related costs.

**§ 285-6. Complaint filed.**

Within 48 hours of having a vehicle towed pursuant to this chapter, the officer initiating the towing may cause a complaint to be filed charging the registered owner with a violation of this chapter. The registered owner shall be responsible for the violation in all cases except when, and only, when, a stolen auto report has been filed prior to the tow occurring with an authorized law enforcement agency.

**§ 285-7. Records.**

When a motor vehicle or other vehicle is authorized to be towed away pursuant to this chapter, the Village Police Department shall keep and maintain a record of the vehicle towed, listing the color, the year of manufacture, the manufacturer's trade name, the manufacturer's series name, the body style, the vehicle identification number, and the license plate year and number displayed on the vehicle. The record shall also include the date and hour of the tow, the location towed from, the location towed to, the reason for the towing, and the name of the officer authorizing the tow.

**§ 285-8. Reclaim and liability for expenses.**

Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in this chapter, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this section until all towing and storage charges have been paid.

**§ 285-9. Disposal of unclaimed vehicles.**

- A. Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven years of age or newer, remains unclaimed by the registered owner or other person legally

entitled to its possession for a period of 30 days after notice has been given as provided in this chapter, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded. At least 10 days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

- B. In those instances where the certified notification specified has been returned by the postal authorities to the Police Department due to the addressee having moved or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.
- C. When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven years of age or newer cannot be determined by any reasonable means, the vehicle may be sold as provided or disposed of in the manner authorized by this chapter without notice to the registered owner or other person legally entitled to the possession of the vehicle.
- D. When an impounded vehicle of more than seven years of age is impounded as specified by this chapter, it will be kept in custody for a minimum of 10 days for the purpose of determining ownership, the contacting of the registered owner by the United States mail, public service or in person for a determination of disposition and, an examination of the state police stolen motor vehicle files for theft and wanted information. At the expiration of the ten-day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.
- E. When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this chapter, a report of the transaction will be maintained by the Police Department for a period of one year from the date of the sale or disposal.
- F. When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Chief of Police, or other office acting in his behalf, and disposed of as set forth in this chapter, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the Village treasury.

#### **§ 285-10. Liability for damages.**

Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor

vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this chapter.

**§ 285-11. Violations and penalties.**

Any person violating any of the provisions of this chapter shall be fined not less than \$25 nor more than \$500 for any such offense. Each day that a violation continues shall constitute a separate offense.



## **Chapter 290**

### **VEHICLES AND TRAFFIC**

#### **ARTICLE I** **Traffic Code Adopted**

##### **§ 290-1. Illinois Vehicle Code.**

#### **ARTICLE II** **Parking Regulations**

##### **§ 290-2. Parking restrictions.**

##### **§ 290-3. Snow parking restrictions.**

##### **§ 290-4. Recreational vehicles; trailers.**

#### **ARTICLE III** **Moving Vehicle Regulations**

##### **§ 290-5. Speed restrictions.**

##### **§ 290-6. Load and weight restrictions.**

##### **§ 290-7. Snowmobile restrictions.**

##### **§ 290-8. Stop, through, one-way streets.**

**[HISTORY: Derived from Title 7 of the 1993 Code of the Village of Port Byron. Amendments noted where applicable.]**

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#### **ARTICLE I** **Traffic Code Adopted**

##### **§ 290-1. Illinois Vehicle Code.**

In order to control and regulate traffic within the City there is hereby adopted the Illinois Vehicle Code, being particularly Chapter 95-1/2, Illinois Revised Statutes, of which not less than three copies have been and now are filed in the office of the Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein.

#### **ARTICLE II** **Parking Regulations**

##### **§ 290-2. Parking restrictions.**

- A. Parking prohibited in certain places. It shall be unlawful to permit any vehicle to stand at any time, except when necessary in an emergency or in compliance with the direction of the Police Chief or other authorized officer, in any of the following places: **[Amended 6-5-1939]**
- (1) In any intersection, or upon any crosswalk, or upon any bridge or the approach thereto.
  - (2) Within 30 feet of a through street, or a State road stop sign or the approaching side; or within 20 feet of any intersection.
  - (3) At any place where the standing of a vehicle will reduce the useable width of the roadway for moving traffic to less than 14 feet.

- (4) At any place where another vehicle has already been parked between such motor vehicle and the nearest curb, "double parking" being hereby absolutely prohibited.
  - (5) At any place where the vehicle would block the use of a driveway.
  - (6) Within 25 feet of the nearest rail of a railroad grade crossing; or within 20 feet on either side of the driveway entrance to the Fire Department station of the Village; or within 10 feet of the entrance to the post office.
  - (7) At any other place where official signs prohibit parking.
  - (8) On any sidewalk.
  - (9) Third Street commencing at its intersection with Agnes Street (also known as the Hillsdale-Port Byron Road) a distance of 375 feet North of said Agnes Street. **[Added 4-24-1995 by Ord. No. 95-24-4]**
  - (10) No parking along South Main Street on the West (river side) side of the street from Quarry Street south to South High Street (a/k/a Route 84). **[Added 4-3-2000 by Ord. No. 00-3-4]**
- B. Vehicle parking. No vehicles shall be parked with the left side of such vehicle at the curb, and it shall be unlawful to stand or park any vehicle in the street other than parallel with the curb and with the two right wheels of the vehicle within 12 inches of the regularly established curbline except upon those streets which have been marked for angle parking, in which case vehicles shall be parked on the curb at the angle indicated by such marks. **[Amended 12-6-1954 by Ord. No. 54-12]**
- C. Penalties; procedure; disposition of funds. **[Amended 6-5-1939]**
- (1) It shall be a misdemeanor for any person, owning or operating any vehicle, to cause or knowingly to permit the parking or standing of such vehicle in violation of any of the foregoing provisions of this chapter; and any such person so convicted of a violation of any provision of this chapter shall be fined as in this Code provided.
  - (2) Excepting in cases where either the complainant insist that the alleged offense was aggravated, or if the defendant is a habitual violator or if the defendant denies guilt or for any reason is unwilling to pay the minimum penalty, the defendant with the consent of the complainant may pay to the Village Clerk the minimum penalty which payment shall be a bar to any further prosecution under this chapter for the specific violation noted upon the receipt of the Village Clerk issued therefor; but in all other cases prosecutions for the recovery of the penalties above prescribed shall be instituted and maintained in the name of the Village in any court of competent jurisdiction.
  - (3) All penalties so imposed for violations of this chapter shall upon collection be turned over to the Village Treasurer and by him held in a separate fund to be used solely in the improvement of the streets and bridges of the Village.



**§ 290-3. Snow parking restrictions. [Added 11-12-1979]**

- A. Upon the declaration of an emergency situation by the Village President or his designated representative or a snowfall of two inches or more, there shall be no parking on all streets in the Village of Port Byron during said declared emergency and snowfall. **[Amended 3-14-1994 by Ord. No. 94-14-3-1]**
- B. Enforcement. The provisions of Subsection A shall supersede all other parking regulations in force and effect on any such street during such emergency situation and shall not require posting of the emergency situation on any street. **[Amended 3-14-1994 by Ord. No. 94-14-3-1]**
- C. Violation vehicle - nuisance. Any vehicle located or parked within the limits of any street in the Village, or parked in violation of any of the provisions of this ordinance is a nuisance and may be towed or removed by or under the direction of the Chief of Police. **[Amended 3-14-1994 by Ord. No. 94-14-3-1]**
- D. Violating vehicle - notice of removal. In the event the Chief of Police or his designated subordinate directs the towing or removal of any vehicle in accordance with this ordinance, he shall make a record thereof and shall within 24 hours thereafter give written notice to the owner at his or her last known address. If the owner is unknown, on the first business day following the day of such towing or removal, he shall publish such notice at least once in a newspaper having general circulation in the Village. Such notice shall include a statement of the time of towing or removal, the place of storage, a description of the vehicle, and the registration number, if any.
- E. Violating vehicle - cost of removal - owner responsibility. The cost of towing or removal of any vehicle in accordance with this section and the storage charges, if any, shall be paid by the owner of such vehicle, but any charges shall not be considered a fine, penalty or forfeiture.
- F. Any person violating any of the provisions of this ordinance shall be fined in a sum of not less than \$10 or more than \$50 and may be in addition to any towing or storage charges as provided in this ordinance.

**§ 290-4. Recreational vehicles; trailers. [Added 10-9-1995 by Ord. No. 95-9-10]**

- A. Parking prohibited in certain places. It shall be unlawful to park or permit any recreational vehicle, any vehicle licensed as a recreational vehicle, any motor home, camper, boat, boat and trailer, or any trailer, all herein referred to as "Vehicle" to stand at any time except when necessary in an emergency or in compliance with the direction of the Police Chief or other authorized officer, in any of the following places:
  - (1) On any Village Street;
  - (2) On any Village right-of-way;
  - (3) On property owned by the Village;
  - (4) On property leased by the Village;

- (5) On property maintained by the Village;
  - (6) On private property not owned by the vehicle owner without the consent of the property owner;
  - (7) On private property when the parked vehicle blocks the view of a motorist at any intersection, driveway, or sidewalk;
  - (8) On any sidewalk;
  - (9) At any place where official signs prohibit parking;
  - (10) On private property where the vehicle provides a potential of fire hazard to adjoining properties, buildings, or structures.
- B. Vehicle violation - nuisance. Any vehicle located or parked in violation of Subsection A of this section is hereby declared a nuisance and may be towed or removed by or under the direction of the Chief of Police.
- C. Violating vehicle - notice of removal. In the event the Chief of Police or his designated subordinate directs the towing or removal of any vehicle in accordance with this ordinance, he or she shall make a record thereof and shall within 36 hours thereafter give written notice to the owner at his or her last known address, or the address registered by the owner and lienholder with the Secretary of State of the State the vehicle is registered in.
- D. Violating vehicle - cost of removal - owner responsibility. The cost of towing or removal of any vehicle in accordance with this section and the storage charges, if any, shall be paid by the owner of such vehicle, but any charges shall not be considered a fine, penalty, or forfeiture.
- E. Non-violations. The following are not violations of this ordinance:
- (1) When the vehicle is legally parked in a designated trailer parking area in the Village or in a Village trailer park in the Village.
  - (2) When the vehicle with an empty boat trailer is legally parked on a Village street while the owner is boating in the river.
  - (3) When legally parked in a business or residential area, for 24 hours or less, when the driver is delivering, picking up, performing a service, conducting business, or visiting a resident of the Village.
- F. Penalties. Any person violating the provisions of this ordinance shall be fined in a sum not less than \$25 or more than \$500 and may be in addition to any towing or storage charges as provided in this ordinance.

ARTICLE III  
**Moving Vehicle Regulations****§ 290-5. Speed restrictions. [Amended 1-3-1955 by Ord. No. 54-10; 1-4-1960 by Ord. No. 60-2; 11-1-1999 by Ord. No. 99-1-11C]**

No person shall drive a vehicle upon any public highway in the Village at a speed greater than is reasonable and having proper regard to the traffic and the use of the way, or so as to endanger the life or limb, or injure the property of any person. Speed restrictions on the various streets of the Village shall be complied with as follows:

- A. Not in the excess of 20 m.p.h. on Main Street.
- B. Not in excess of 10 m.p.h. on Cherry Street Court.
- C. The speed limit signs as posted by the State on High Street shall be the speed limits for said High Street.
- D. All other streets, not in excess of 20 m.p.h. or as posted by order of the Board of Trustees.
- E. The speed limit signs as posted by the County Highway Department on Agnes Street, shall be the speed limits for said Agnes Street.

**§ 290-6. Load and weight restrictions. [Added 5-8-1985 by Ord. No. 89-8-5]**

- A. Maximum weight limit. No vehicle, truck, semi-trailer or combination truck-tractor, or semi-trailer, having a maximum gross weight of over 10 tons shall be permitted on the streets, avenues or alleys of the Village where same is prohibited. Such prohibition shall be designated by a "maximum weight limit" sign.
- B. Penalty. It shall be a petty offense for any person, firm or corporation, owning or operating any vehicle, to cause or permit the operations of such vehicle in violation of the provisions of this Ordinance. Any such person so convicted of a violation of any provisions of this Ordinance shall be punished by a fine of not less than \$25 nor more than \$500.
- C. Exceptions. This Ordinance shall not apply to the following:
  - (1) Fire trucks or emergency vehicles.
  - (2) Vehicles making delivery of goods within Village limits.
  - (3) Garbage and refuse vehicles under contract to the Village.
  - (4) Vehicles loading goods or services for delivery from businesses within the Village limits.

**§ 290-7. Snowmobile restrictions.**

- A. Snowmobiles prohibited.

- (1) Snowmobiles are prohibited on any roadway or sidewalk in this Village.
  - (2) Snowmobiles are prohibited in or on any public or private parking lot in this Village or in or upon any public or private property in this Village unless the snowmobile operator shall have first secured from the property owners, or authorized agent of the property owners, a written consent to do so.
- B. Penalty. Any person or persons violating this Ordinance shall be fined not less than \$50 or more than \$500 for each offense.

**§ 290-8. Stop, through, one-way streets.**

- A. Main street. Main Street is hereby declared to be a "through" street and all persons driving vehicles shall come to a complete stop before proceeding onto Main Street in the Village. **[Amended 4-11-1955 by Ord. No. 54-11]**
- B. Hickory street. From North High to Main Street is designated a "one-way" street, west. **[Amended 5-8-2006]**

## **Chapter 295**

### **VEHICLES, MOTORIZED**

#### **ARTICLE I** **Golf Carts**

##### **§ 295-1. Generally.**

##### **§ 295-2. Requirements.**

##### **§ 295-3. Permits.**

##### **§ 295-4. Violations and penalties.**

##### **§ 295-5. Violations and penalties.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]**

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#### **ARTICLE I** **Golf Carts**

**[Adopted 7-11-2011 by Ord. No. V111107]**

##### **§ 295-1. Generally.**

Golf carts specifically defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

##### **§ 295-2. Requirements.**

All persons wishing to operate golf carts on the Village streets must insure compliance with the following requirements:

##### **A. Cart requirements.**

- (1) Proof of current liability insurance.
- (2) Must be certified with the Village and be inspected by a designated representative.
- (3) Must display a Village decal on the rear of the vehicle.
- (4) Golf carts must be equipped as follows:
  - (a) Horn;
  - (b) Brakes and brake lights;
  - (c) Turn signals;
  - (d) A steering wheel apparatus;
  - (e) Tires;
  - (f) Rearview mirror;

- (g) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709);
  - (h) Headlights that emit a white light visible from a distance of 500 feet to the front which illuminates when in operation;
  - (i) Tail lamps that emit a red light visible from at least 100 feet from the rear which must be illuminated when in operation;
  - (j) Any additional requirements which may be amended to 625 ILCS 5/11-1428 of the Illinois Vehicle Code.
- B. Driver requirements.
- (1) Must have a current, valid Illinois driver's license.
  - (2) Must obey all traffic laws of the State of Illinois;
  - (3) Must be 18 years of age.
- C. Must be operated only on Village streets, except where prohibited.
- D. May not be operated on State highways and County roads except at Designated Crossing Points. Designated Crossing Points shall only include any street intersecting with U.S. Route 84.
- E. Must not be operated in excess of posted speed limit, and regardless, may not exceed 35 miles per hour.
- F. A person operating or who is in actual physical control of a golf cart as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statute (625 ILCS 5/11-500 through 11-502).
- G. Golf carts shall not be operated on sidewalks or in Village parks other than parking areas except when authorized by the Village Board President or Rock Island County Sheriff's Department for special events.
- H. Golf carts may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (U.S. Route 84) of the County Highway Department except to cross at Designated Crossing Points.
- I. Each Golf Cart may transport only as many individuals as is the lesser of the number of seats or as its manufacturer designates. No individuals may ride on any other portion of the golf cart.

### **§ 295-3. Permits.**

- A. No person shall operate a qualified golf cart without first obtaining a permit from the Village Clerk as provided herein.
- B. Permits shall be granted for a period of only one year from the date designated on the permit.

- C. The Rock Island County Sheriff's Department may issue such a permit for any date approved of and designated by the Village Board of Trustees.
- D. The cost of the permit is \$25. Such fee will be waived for any applicants who have a disabled parking designation issued by the State of Illinois.
- E. Insurance coverage is to be verified to be in effect by the Sheriff's Dept. when obtaining and renewing a permit.
- F. Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
  - (1) Name and address of applicant;
  - (2) Name of liability insurance carrier;
  - (3) The serial number, make, model and description of golf cart;
  - (4) Signed Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their golf cart on Village streets;
  - (5) Photocopy of applicable liability insurance coverage and specifically for the vehicle to be operated pursuant to the permit;
  - (6) Such other information as the Village may require;
- G. No permit shall be granted unless the following conditions are met:
  - (1) The vehicle must be inspected by the designated representative to insure that the vehicle is safe to operate on Village streets and is in compliance with this article and with the State Illinois Vehicle Code;
  - (2) A physically handicapped applicant must submit a certificate signed by their physician, certifying that the applicant is able to safely operate a qualified golf cart on Village streets;
  - (3) The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statute regarding minimum liability insurance.
- H. The Village may suspend or revoke any permit granted hereunder upon a finding that the holder thereof has violated any provision of this article or there is evidence that permittee cannot safely operate a qualified golf cart on the designated roadways.
- I. Failure to abide by this Ordinance shall result in a fine of \$50 minimum and \$500 maximum with each infraction of this Ordinance constituting a separate offense bearing a separate fine.
- J. The Village Clerk shall be authorized to issue a permit on only such days as may be approved by the Village Board of Trustees.

**§ 295-4. Violations and penalties.**

- A. Any failure of an individual to abide by this Ordinance or otherwise secure a permit provided herein when operating a golf cart upon the streets of the Village shall subject the violator to a fine of \$50 minimum and \$500 maximum.
- B. The fines under this section shall double for each subsequent offense within one year from the date of the first offense.

**§ 295-5. Violations and penalties.**

Any violation of this Ordinance will result in a fine under the general penalty clause of the Village of Port Byron, Rock Island County, Illinois.



## **Chapter 300**

### **WATER**

#### **ARTICLE I Connections**

- § 300-1. Service connection permits: charges.
- § 300-2. Connections required.
- § 300-3. Application for water service; turn-on fee; deposit.
- § 300-4. Water service installation.
- § 300-5. Repairs to system.
- § 300-6. Crossing-connections.
- § 300-7. Water service pipe.
- § 300-8. Compliance with plumbing regulations.
- § 300-9. Excavations for connections.
- § 300-10. Shut-off boxes.
- § 300-11. Water service to more than one premise.

#### **ARTICLE II Use of Public Water Service**

- § 300-12. Meters required.
- § 300-13. Installation of second meter.
- § 300-14. Resale of water; unauthorized use.
- § 300-15. Requirements and restrictions relating to meters.

#### **ARTICLE III Liability**

- § 300-16. Service failures.
- § 300-17. Service interruption.

#### **ARTICLE IV Protection of Water Works**

- § 300-18. Tampering with system.

#### **ARTICLE V Inspection**

- § 300-19. Right of access: use inspection.

#### **ARTICLE VI Powers and Authority of Inspectors**

- § 300-20. Authorization to enter properties; inspections.

#### **ARTICLE VII Penalties**

- § 300-21. Violations and penalties.

#### **ARTICLE VIII Water Service Charges**

- § 300-22. Basis for water service charges.
- § 300-23. Rates.
- § 300-24. Computation of water service charge.
- § 300-25. Bills.
- § 300-26. Delinquent bills.
- § 300-27. Lien notice of delinquency.
- § 300-28. Foreclosure of lien.
- § 300-29. Revenues.
- § 300-30. Accounts.
- § 300-31. Violations and penalties.
- § 300-32. Access to records.
- § 300-33. Appeals.

**ARTICLE IX  
Definitions****§ 300-34. Terms defined.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron 8-19-2002 by Ord. No. 021908 (Title 5, Ch. 4, of the 1993 Code). Amendments noted where applicable.]**

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**ARTICLE I  
Connections****§ 300-1. Service connection permits: charges. [Amended 3-11-2013 by Ord. No. V131103C]**

- A. No connection with the Village waterworks system shall be made without a permit issued by the Village Building Inspector and a hook-up fee of \$400.
- B. A licensed plumber under the supervision of the Building Inspector or Plumbing Inspector shall make all such connections, and no such connections shall be covered until the work has been inspected to the satisfaction of the Building Inspector and/or Plumbing Inspector.

**§ 300-2. Connections required. [Amended 3-11-2013 by Ord. No. V131103C]**

- A. The owner, occupant, or party or parties in possession of any house, structure, factory, industrial or commercial establishment or any other building or structure of any other character which uses water and is located on property within the corporate limits shall cause such house, structure, factory, industrial or commercial establishment or any other building or structure of any other character to be connected with the waterworks system within five years from the date that water facilities become available to such property. Connections shall be required provided that the property line on which the said structure is located is within 200 feet of the water main.
- B. Subdivisions. The developer of subdivisions, be they residential, commercial, or industrial, located on property within the corporate limits shall be required to install water mains, branches, service piping, hydrants, miscellaneous valves, stop boxes, apparatus, and appurtenances according to the applicable sections of the Illinois Plumbing Code and AWWA specifications as reviewed and approved by the Village of Port Byron.

**§ 300-3. Application for water service; turn-on fee; deposit. [Amended 3-11-2013 by Ord. No. V131103C]**

**A. Application.**

- (1) No water from the Village waterworks system shall be turned on for any service into any premises by any person except Village of Port Byron Public Works employees.
- (2) Application to have water turned on shall be made in writing to the Village of Port Byron and shall contain an agreement by the applicant to abide by and accept all provisions of this chapter as conditions governing the use and service of the waterworks system by the applicant.

**B. Renters shall pay a \$75 deposit fee before service is turned on.**

**§ 300-4. Water service installation.**

All service pipe and laterals from the waterworks system (water mains) to the premises served shall be installed by a licensed plumber at the expense of the owner of the property or the applicant for the service. Such installation shall be under the inspection of the Building Inspector.

**§ 300-5. Repairs to system.**

All repairs for service pipes and laterals from the waterworks system (water mains) to the stop box shall be made by and at the expense of the property owners of the premises served. The Village may in a case of an emergency, repair any service pipes, and if this is done the cost of the owner of the premises served shall repay such repair work to the Village.

**§ 300-6. Crossing-connections.**

- A. If in accordance with the Illinois Plumbing Code or in the judgment of the Village of Port Byron Public Works Supervisor (Water Superintendent) an approved backflow prevention device is necessary for the safety of the public water supply system, the Village of Port Byron Public Works Supervisor (Water Superintendent) will give notice to the water customer to install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code and all applicable local regulations and shall have inspections and tests made of such approved devices as required by the Illinois Plumbing code and local regulations.
- B. No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby private, auxiliary, or emergency water supply other than the regular public water supply of the Village of Port Byron to enter the supply or distribution system of the Municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Village of Port Byron Public Works Supervisor (Water Superintendent) and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY.

- C. It shall be the duty of the Village of Port Byron Public Works Supervisor (Water Superintendent) to cause surveys and investigations to be made of industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record, and shall be repeated at least every two years, or as often as the Village of Port Byron Public Works Supervisor (Water Superintendent) shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least five years.
- D. The approved cross-connection control device inspector shall have the right to enter, at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and the Village of Port Byron Public Works Supervisor (Water Superintendent) or one of his authorized employees shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessees or occupants of any property so served shall furnish to the Village of Port Byron Public Works Supervisor (Water Superintendent) any information, which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Village of Port Byron Public Works Supervisor, be deemed evidence of the presence of improper connections as provided in this section.
- E. The Village of Port Byron Public Works Supervisor (Water Superintendent) is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this section, and until a reconnection fee of \$50 is paid to the Village of Port Byron. Immediate disconnection with verbal notice can be effected when the Village of Port Byron Public Works Supervisor (Water Superintendent) is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. The shut-off/hook-up fee shall be \$50 per incident.
- F. The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device which has been bypassed, must bear the cost of cleanup of the potable water supply system.

#### **§ 300-7. Water service pipe.**

- A. All water services used or laid on Village of Port Byron property shall be of K copper construction.

B. At no time will plastic or galvanized pipe be used regardless of who is laying said pipe.

**§ 300-8. Compliance with plumbing regulations.**

No water shall be turned on for service in any premises in which the plumbing does not comply with the ordinances of the Village of Port Byron provided that the water may be turned on for construction work in unfinished buildings, subject to the provisions of this chapter.

**§ 300-9. Excavations for connections.**

Excavations for installing service pipes and laterals or repairing the same shall be made in compliance with the ordinance provisions relating to making excavations in streets, provided, that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drainpipe or sewer lateral.

**§ 300-10. Shut-off boxes.**

Shut-off boxes or service boxes (furnished by Village of Port Byron) shall be placed on every service pipe and shall be located between the curblin and the sidewalk line where this is practicable. (Non-curb non-sidewalk conditions) Such boxes shall be so located that they are easily accessible and shall be protected from frost.

**§ 300-11. Water service to more than one premise.**

No owner or plumber shall be permitted to connect water pipes into any two distinct premises or tenements unless separate and distinct stop-cocks shall be placed on the outside of each such premises along with the sidewalk opposite the same, nor shall any pipe be allowed to cross lots or buildings to adjoining premises. In multiple-family dwellings such as duplex flats, double houses, and apartment houses, each unit of the multiple-family dwelling is considered as a premises. Duplex flats, double houses and apartment houses shall be considered as one "premise". "Premises" shall be construed to cover all buildings and divisions under one common roof, owned by one party, who will be charged for all services to such premises.

**ARTICLE II  
Use of Public Water Service**

**§ 300-12. Meters required.**

A. All premises using the Village of Port Byron water supply must be equipped with an adequate 100 gallon water meter. In multiple-family dwellings, each premises (unit) shall be equipped with a water meter (billed individually). Each family unit shall be controlled by an arrangement of shut-off valves which permits each group of fixtures and each individual fixture to be shut-off without interference with the water supply to any other

family unit or portion of the building. The location of such valves shall be uniform in each family unit of a multiple-family dwelling.

B. All meters placed in service on any premises using the Village of Port Byron water supply will be provided and owned by the Village of Port Byron Water Department which retains the right to inspect, repair, and replace them upon reasonable notice to the owner of the premises.

C. Deposits.

(1) When a meter owned by the Village of Port Byron is placed in service as a replacement for a privately owned meter, the property owner, or other person receiving such service, shall make a deposit as herein provided, unless the privately owned meter is received in exchange by the Village of Port Byron Water Department.

(2) The following deposits are hereby established, based on the connection diameter:

<b>Inlet/Outlet Diameter (inches)</b>	<b>Deposit Required</b>
1	\$85
1-1/4	\$125
1-1/2	\$150
2	\$175
Over 2	\$200

(3) The money received from these deposits, and all other deposits except those deposits made as payments for future water service received by the Village of Port Byron Water Department, shall be placed in a revolving fund for the purchase and maintenance of water meters.

(4) Refund of the water meter deposit shall be made to the owners of the premises only if said premises are destroyed or no longer needed and the Village of Port Byron owned meter is returned in good condition.

#### **§ 300-13. Installation of second meter.**

All residents and owners of property located within the Village of Port Byron who are connected to the Village of Port Byron water supply system shall have the option of installing a second water meter at their residence and other owned property.

A. Said meter, if installed, shall only be used to measure water usage outside the residence and other owned property, and shall be used to measure the specific water usage on a separate line which shall be installed outside of or external from the residence or other owned property.

- B. Said meter shall be purchased from the Village of Port Byron who shall supply same at a reasonable cost to such residents and owners.
- C. Said meter shall be installed by a plumber duly licensed by the State of Illinois. However, an occupant owner in the Village of Port Byron may install the meter on his property.
- D. Upon completion of the installation of the meter, the Village Water Superintendent shall be notified and shall inspect the same and notify resident or owner if same is property installed. If not, no water shall be supplied by the Village to the external line until the Village Water Superintendent approves said installation.
- E. The remote water meter, if installed as aforementioned, will be subject to current charges in effect without sewer charges from April 1 through October 31 of each year. Notification of nonuse in the fall will be the responsibility of the user.
- F. Users not connected to the Port Byron water system will not be required to buy a meter but may use a dedicated line for nonsewered use. Installation of a second meter or dedicated line may be denied by the Water Superintendent for any reason. Any cross-connection, bypass, or other fraudulent use to avoid sewer charges will result in sewer charges for all usage if metered or estimate for the entire time installation is used. A \$100 hook-up or disconnect fee, as appropriate, will be charged for all second meter installations.

**§ 300-14. Resale of water; unauthorized use.**

No water supplied by the waterworks system of the Village of Port Byron shall be resold by any user. No water user may supply water to other families or allow them to take it, except for the use on the premises and for the purpose specified in such user's approved application, not after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with work upon the premises for alterations, repairs, extensions or attachments without written permit therefore. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.

**§ 300-15. Requirements and restrictions relating to meters.**

- A. Installation. Meters shall be installed in a location that will provide easy access thereto.
- B. Reading meters. The Village of Port Byron Public Works Supervisor or his designated representative shall read or cause to read every water meter used in the Village of Port Byron at such times as are necessary so that bills may be sent out at the proper times.
- C. Required for new construction. Any house or building constructed within the Village of Port Byron or constructed outside of the Village of Port Byron and using Village of Port Byron water must have installed a meter that will service each individual user located upon any new constructed property.

**ARTICLE III  
Liability****§ 300-16. Service failures.**

All waterworks service supplied by the waterworks system shall be upon the express condition that the Village of Port Byron shall not be liable nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, branches, service pipes, apparatus or appurtenances connected with the said system or any part or portion thereof, or for any interruption of the supply by reason of the breakage of machinery, or by reason of stoppage, alterations, extensions or renewals.

**§ 300-17. Service interruption.**

The Village of Port Byron reserves the right to shut off water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the Village of Port Byron in case of fire, and for restricting the use of water in case of deficiency in supply, including the suspension of the use of water for sprinkling lawns or gardens. No claim shall be made against the Village of Port Byron by reason of the breaking of any service pipe or service cock, or damage arising from shutting off of water for repairing, laying or relaying mains, hydrants or other connections, or repairing any part of the water system, or from failure of the water supply, or by increasing the water pressure at any time, or from concentrated or restricted use of water as above.

**ARTICLE IV  
Protection of Water Works****§ 300-18. Tampering with system.**

It shall be unlawful for any person not authorized by the Village of Port Byron Council to tamper with, alter, destroy or injure any part of the Village of Port Byron waterworks or supply system, or any meter.

**ARTICLE V  
Inspection****§ 300-19. Right of access: use inspection.**

The Village of Port Byron and its employees and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY shall have the ready access at all reasonable times to the premises, places or buildings where water service is supplied for the purpose of inspecting, examining and testing the consumption, use and flow of water, and it shall be unlawful for any person to interfere with prevent or obstruct the Village of Port Byron or its duly authorized agent or the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY in its duties hereunder. Every user of the system shall take the same upon the conditions prescribed in this section.



## ARTICLE VI

**Powers and Authority of Inspectors****§ 300-20. Authorization to enter properties; inspections.**

The Village of Port Byron Public Works Supervisor Water Superintendent and other duly authorized employees of the Village of Port Byron and the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Village of Port Byron Public Works Supervisor Water Superintendent or representative shall have no authority to inquire in to any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

## ARTICLE VII

**Penalties****§ 300-21. Violations and penalties.**

- A. Any person found to be violating any provision of this ordinance except Article IV shall be served by the Village of Port Byron with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. The offender shall within the period of time stated in such notice permanently cease all violations.

## ARTICLE VIII

**Water Service Charges****§ 300-22. Basis for water service charges.**

- A. The water service charge for the use of and for service supplied by the water facilities of the Village of Port Byron shall consist of a minimum charge to cover the basic user charge (system Operating, Maintenance & Replacement) plus debt service charge.
- B. The basic user charge is levied on all users to recover the operation, maintenance and replacement (O, M & R) costs and shall be based on water usage as recorded by water meters. The basic user charge shall be computed as follows:
  - (1) Determine the number of customers.
  - (2) Estimate the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories.
  - (3) Compute the costs per user by dividing the amount determined by Subsection B(2) by the number of customers in Subsection B(1).
- C. The debt service charge is computed by apportioning the annual debt service as a charge per user.

- D. The adequacy of the water service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village of Port Byron in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.
- E. Measurement of flow. The volume of flow used for computing basic user charges shall be the metered water consumption read to the lowest even increments of 100 gallons.
- (1) If the person procures any part or all of his water from sources other than the Village of Port Byron Waterworks System, the person shall install and maintain, at his expense, water meters of a type and approved by the Village of Port Byron for determining the volume of water obtained from these other sources.
  - (2) Devices for measuring the volume of water may be required by the Village of Port Byron if these volumes cannot otherwise be determined from the metered water consumption records.
  - (3) Metering devices for determining the volume shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the Village of Port Byron.

#### **§ 300-23. Rates.**

- A. A minimum charge of \$52 bi-monthly shall be applied to all users whose water consumption does not exceed 5,000 gallons bi-monthly. This minimum charge consists of \$26 O, M & R costs and \$26 for debt service costs. Usage in excess of 5,000 gallons bi-monthly will be charged at a rate of \$4 per 1,000 gallons.
- B. All non-metered residential users of the water facilities shall pay a flat rate charge of \$52 bi-monthly. The flat rate charge consists of \$26 for O, M & R costs, and \$26 for debt service costs. The flat rate charge will allow a maximum of 5,000 gallons bi-monthly. In the event use of the water facilities is determined by the Village of Port Byron to be in excess of 5,000 gallons bi-monthly, the Village of Port Byron will require such flat rate user to install metering devices on the water supply to measure the amount of service supplied.

#### **§ 300-24. Computation of water service charge.**

The water service charge shall be computed by the following formula:

$$CW - CD + CM + (Vu-X)*CU$$

Where:

- CW = Amount of water service charge (\$) per billing period  
 CD = Debt Service Charge

- CM = Minimum Charge for Operation, Maintenance, and Replacement (§ 300-22).
- Vu = Water Volume for the Billing Period
- X = Allowable Consumption in gallons for the minimum charge (§ 300-22).
- CU = Basic User Charge for Operation, Maintenance, and Replacement (§ 300-22).

**§ 300-25. Bills. [Amended 8-11-2003 by Ord. No. 031108F; 4-2-2012 by Ord. No. V120204A]**

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

- A. Bills for service shall be sent out by the Village of Port Byron water Clerk on the 10th day of each month.
- B. All bills are due and payable by the 5th day of the following month. A penalty of 10% shall be added to all bills not paid by the 5th day of the following month and such penalty shall be added to the next bill.
- C. Shut off notices will be sent out to occupants of the premises on the 5th day of the 3rd month following. Water services will be terminated on the 20th day of the month following the shut off notice.
- D. Example of billing procedure:

10th day of month 1	Monthly bills will be sent out
5th day of month 2	Bills are payable in full
10th day of month 2	New monthly bill is sent out with penalty of 10% added to any portion not paid by the 5th of the month.
5th day of month 3	Shut off notices are sent
20th day of month 3	Water services are terminated

**§ 300-26. Delinquent bills. [Amended 4-2-2012 by Ord. No. V120204A]**

If the charges for such services are not paid within 15 days of the shut off notice mailing, such services shall be discontinued.

**§ 300-27. Lien notice of delinquency. [Amended 4-2-2012 by Ord. No. V120204A]**

Whenever a bill for service has been rendered and remains unpaid for 90 days, the Village of Port Byron attorney shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village of Port Byron claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

- A. If the user whose bill is unpaid is not the owner of the premises and the Village of Port Byron water Clerk has notice of this, notice shall be mailed to the owner of the premises whenever a bill for services remains unpaid for the period of 45 days for the monthly billing.
- B. The failure of the Village of Port Byron water Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

**§ 300-28. Foreclosure of lien. [Amended 4-2-2012 by Ord. No. V120204A]**

Property subject to lien for unpaid charges may be sold for non-payment of the same and the proceeds of the sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in equity in the name of the Village of Port Byron. The Village of Port Byron attorney is hereby authorized and directed to institute such proceedings in the name of the Village of Port Byron in any court having jurisdiction over such matters against any property for which the bill has remained unpaid 60 days in the case of monthly billing after it has been rendered.

**§ 300-29. Revenues.**

All revenues and moneys derived from the operations of the water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the Village of Port Byron treasurer separate and apart from his private funds and separate and apart from all other funds of the Village of Port Byron treasurer not more than 10 days after receipt of same, or at such more frequent intervals as may be from time to time be directed by the President and Board of Trustees.

**§ 300-30. Accounts.**

- A. The Village of Port Byron treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water system, and at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system.
- B. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

- (1) Flow data showing total gallons received at the water plant for the current fiscal year.
- (2) Billing data to show total number of gallons billed per fiscal year.
- (3) Debt service for the next succeeding fiscal year.
- (4) Number of users connected to the system.
- (5) Number of non-metered users.

### **§ 300-31. Violations and penalties.**

Any person, firm or corporation violating any provisions of this article shall be fined not less than \$100 or more than \$500 for each offense.

### **§ 300-32. Access to records.**

The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village of Port Byron which are applicable to the Village of Port Byron system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the existing (Special and General Conditions to any ILLINOIS EPA Loan Agreements and Rules).

### **§ 300-33. Appeals.**

The method for computation of rates and service charges established for user charges in §§ 300-21 through 300-23 shall be made available to a user within 15 days of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Village of Port Byron Public Works Supervisor within 30 days after notification of a formal written appeal outlining the discrepancies.

## **ARTICLE IX**

### **Definitions**

### **§ 300-34. Terms defined.**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows: "Shall" is mandatory; "may" is permissible.

**ADMINISTRATOR** — The Administrator of the U.S. Environmental Protection Agency.

**APPROVING AUTHORITY** — The Water Superintendent of the Department of public works.

**BASIC USER CHARGE** — The basic assessment levied on all users of the public water system.

**CAPITAL IMPROVEMENT CHARGE** — A charge levied on users to improve, extend or reconstruct the water works.

**CURB COCK** — A shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water supply lines of a building. Also called curb stop.

**DEBT SERVICE CHARGE** — The amount to be paid each billing period for payment of interest principal and coverage of (loan, bond, etc.) outstanding.

**DIRECTOR** — This Director of the Illinois Environmental Protection Agency.

**EASEMENT** — An acquired legal right for the specific use of land owned by others.

**FEDERAL ACT** — The Federal 1996 Safe Drinking Water Acts Amendments.

**LOCAL CAPITAL COST CHARGE** — Charges for costs other than the Operation, Maintenance and Replacement costs, i.e., Debt service and capital improvement costs.

**MILLIGRAMS PER LITER** — A unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.

**ORDINANCE** — This ordinance.

**PERSON** — Any and all persons, natural or artificial including any individual firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

**pH** — The logarithm (base 10) of the reciprocal of the hydrogen ion Concentration expressed by one of the procedures outlined in the IEPA division of Laboratories Manual of Laboratory Methods.

**PPM** — Parts per million by weight.

**REPLACEMENT** — Expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

**SERVICE BOX** — A valve box used with corporation or curb cock.

**STATE ACT** — The Illinois Anti-Pollution Bond Act of 1970.

**STATE LOAN** — The State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond the State of Illinois Act and for making such loans as filed with the Secretary of the State of Illinois.

**USEFUL LIFE** — The estimated period during which the water works will be operated.

**USER CHARGE** — A charge levied on users of water works for the cost of operation maintenance and replacement.

VILLAGE — The Village of Port Byron.

WATER FUND — The principal accounting designation for all revenues received in the operation of the water system.

WATER SERVICE CHARGE — The charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in Article VIII of this chapter and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.





# **APPENDIX**



# **DERIVATION TABLE**



## Chapter DT

### DERIVATION TABLE

#### § DT-1. Derivation Table of 1993 Code to 2014 Code.

**In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1993 Code have been included in the 2014 Code, or the reason for exclusion.**

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#### § DT-1. Derivation Table of 1993 Code to 2014 Code.

- NCM = Not Code material (legislation is not general or permanent in nature).  
 REP = Repealed effective with adoption of Code; see Ch. 1, Art. VI.  
 NI = Not included in Code but saved from repeal.  
 NLP = New legislation is pending.

Chapter/Title From 1993 Code	Location in 2014 Code
Title 1, Administration	
Ch. 1, General Provisions	
Art. 1, Official Code	
§§ 1 to 3, 5, 7, 8	NLP
§§ 4 and 6	Ch. 1, Art. I, §§ 1-1 and 1-2
Art. 2, Savings Clause	NLP
Art. 3, Definitions	Ch. 1, Art. I, § 1-3
Art. 4, Penalty	Ch. 1, Art. II
Art. 5, Records	Ch. 60
Ch. 2, Personnel	
Art. 1, Officers	Ch. 55, Art. I
Art. 2, Board of Trustees	Ch. 70
Art. 3, Village President	Ch. 55, Art. II
Art. 4, Village Clerk	Ch. 55, Art. III
Art. 5, Village Collector	Ch. 55, Art. IV
Art. 6, Village Treasurer	Ch. 55, Art. V
Art. 7, Chief of Police	REP
Art. 8, Animal Control Officer	Ch. 55, Art. VI
Art. 9, Maintenance and Utility Men	Ch. 55, Art. VII
Art. 10, Building Inspector	Ch. 55, Art. VIII
Art. 11, Other Provisions for Village Personnel	Ch. 55, Art. IX

<b>Chapter/Title From 1993 Code</b>	<b>Location in 2014 Code</b>
Ch. 3, Boards and Commissions	
Art. 1, Civil Defense	Ch. 23, Art. I
Art. 2, Cemetery Board and Rules Ordinance	Ch. 12
Ch. 4, Other Governmental Provisions	
Art. 1, Ordinances	Ch. 1, Art. III
Art. 2, Elections	Ch. 19
Art. 3, Corporate Limits	Ch. 1, Art. IV
Art. 4, Investment Policy	Ch. 34
Title 2, Business	
Ch. 1, General Provisions	
Art. 1, Administration	Ch. 190
Ch. 2, Business Regulated	
Art. 1, Solicitors and Canvassers	Ch. 250
Art. 2, Fire Insurance Companies	Ch. 160
Art. 3, Dance Halls	Ch. 144
Art. 4, Liquor	Ch. 104, Art. I
Art. 5, Liquor Control Commissioner	Ch. 104, Art. II
Art. 6, General	Ch. 104, Art. III
Art. 7, Licensing Procedure	Ch. 104, Art. IV
Art. 8, Privileges Conferred by Various Classes of Licenses	Ch. 104, Art. V
Art. 9, Revocation and Suspension	Ch. 104, Art. VI
Art. 10, Operation	Ch. 104, Art. VII
Art. 11, Minors	Ch. 104, Art. VIII
Art. 12, Vicarious Liability	Ch. 104, Art. IX
Art. 13, Penalty	Ch. 104, Art. X
Art. 14, Automatic Amusement Devices	Ch. 108, Art. I
Art. 15, Game Machines	Ch. 108, Art. II
Art. 16, Massage Establishments	Ch. 197
Art. 17, Tobacco Products	Ch. 275
Art. 18, Exotic Dancing	Ch. 100, Art. I
Art. 19, Bed-and-Breakfast Establishments	Ch. 119
Art. 20, Arm Bands Required	Ch. 260, Art. II
Ch. 3, Taxes	
Art. 1, Municipal Retailer's Occupation Tax	Ch. 270, Art. I
Art. 2, Municipal Service Occupation Tax	Ch. 270, Art. II
Art. 3, Municipal Utility Tax	Ch. 270, Art. III
Art. 4, Locally Imposed Admin. Tax Rights	Ch. 270, Art. IV

MANUSCRIPT  
DERIVATION TABLE

§ DT-1

§ DT-1

Chapter/Title From 1993 Code	Location in 2014 Code
Title 3, Building	
Ch. 1, Building Regulations	
Art. 1, Building Code	Repealed by Ord. No. 070904; see now Ch. 124, Art. VII
Art. 2, Installation of Satellite Antennas	Ch. 124, Art. I
Art. 3, Swimming Pools	Ch. 124, Art. II
Ch. 2, Plumbing Regulations	
Art. 1, Plumbing Code	Ch. 124, Art. III
Ch. 3, Electrical Regulations	
Art. 1, Electrical Code	Ch. 124, Art. IV
Ch. 4, Gas Regulations	
Art. 1, Gas Regulations	Repealed by Ord. No. 93-10-11; see now Ch. 124, Art. V
Title 4, Community Protection	
Ch. 1, Animal Protection and Control	
Ch. 2, Public Offenses	
Art. 1, Curfew	Ch. 201, Art. I
Art. 2, Obscenity	Ch. 217, Art. I
Art. 3, Abandoned, Wrecked Vehicles	Ch. 285
Art. 4, Plants and Weeds	Ch. 222, Art. I
Art. 5, Burning	Ch. 132
Art. 6, Cannabis	Ch. 149, Art. I
Art. 7, Drug Paraphernalia	Ch. 149, Art. II
Art. 8, Disorderly Conduct	Ch. 217, Art. II
Art. 9, Skateboards	Ch. 245, Art. I
Art. 10, Roller Skates	Ch. 245, Art. II
Art. 11, Parental Responsibility	Ch. 201, Art. II
Art. 12, Regulating Use of Bicycles	Ch. 245, Art. III
Art. 13, Criminal Trespass	Ch. 217, Art. III
Art. 14, Pyrotechnic Displays	Ch. 164
Art. 5, Number of Housing	Ch. 124, Art. VI
Ch. 3, Parks	
Art. 1, Regulation of Parks	Ch. 213
Art. 2, Special Events	Ch. 260, Art. I
Title 5, Health and Sanitation	
Ch. 1, Public Health	
Art. 1, General Provisions	Ch. 235

<b>Chapter/Title From 1993 Code</b>	<b>Location in 2014 Code</b>
Ch. 2, Public Nuisances	
Art. 1, Nuisances	Ch. 208
Art. 2, Dangerous Buildings	Ch. 128
Ch. 3, Garbage and Refuse	
Art. 1, General Provisions	Ch. 255, Art. I
Art. 2, Collection Rates	Ch. 255, Art II
Ch. 4, Water	Ch. 300
Ch. 5, Sewer	Ch. 240
Title 6, Public Ways and Property	
Ch. 1, Public Ways	
Art. 1, General Offenses	Ch. 265, Art. I
Art. 2, Excavations	Ch. 265, Art. II
Art. 3, Excavation Permit to Control Erosion	Ch. 265, Art. III
Art. 4, Culverts and Ditches	Ch. 265, Art. IV
Art. 5, Storm Drainage Systems	Ch. 265, Art. V
Art. 6, Dedication of Grove Road	NCM
Ch. 2, Railroads	
Art. 1, General Provisions	Ch. 229
Ch. 3, Streets	
Art. 1, Taylor Drive	NCM
Title 7, Traffic	Ch. 290
Title 8, Franchise	
Ch. 1, Cable Television	
Art. 1, General Provisions	Ch. 136
Title 9, TIF Ordinances	NI



# **DISPOSITION LIST**



# INDEX

