BELLFLOWER MUNICIPAL CODE

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Be it Ordained by the President and Board of Trustees of the Village of Bellflower, McLean County, Illinois, as follows:

CHAPTER 1 – GENERAL PROVISIONS

1.01 MUNICIPAL CODE

A. Title. This code of ordinances may be known and cited as the Bellflower Municipal Code.

B. Amendments. Any additions or amendments to this code are incorporated within this code so that a reference to the Bellflower Municipal Code includes such additions and amendments. [See Appendix A "Summary of Amendments" for a list of ordinances which have amended this document.]

C. Numbering of Sections. Each section number of this code shall consist of up to three component parts separated by periods. The number before the first period refers to the chapter number; the number after the first period refers to the position of the section within the chapter. Whenever a new section is inserted between two existing sections, the second number will be followed by a second period and a sequential number.

Examples:

- 12.03 means Chapter 12, Section 3
- 12.03.01 means Chapter 12, Section 3, 1st section added between Section 12.03 and Section 12.04

D. Numbering Additions. The decimal system shall be used for all additions and amendments to this code. When a chapter or section is added, the new chapter or section shall be given a two-digit decimal character.

1.02 DEFINITIONS

Terms used in this code, unless specifically defined in this code, have the meanings prescribed by the Illinois Compiled Statutes for the same term.

The following terms, when used in this code, have specific meanings:

- Village: Village of Bellflower, McLean County, Illinois
- County: McLean County
- State: State of Illinois

- Village Board or Board of Trustees: The Board of Trustees of the Village of Bellflower, McLean County, Illinois, which consists of a president and six trustees.

- Village Clerk or Clerk: The Village Clerk of the Village of Bellflower, and similarly the title of any other officer, board, or commission, shall mean such officer, board or commission of the Village of Bellflower unless otherwise stated.

- Person: Any natural individual, firm, partnership, trust, estate, club, association, or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine and neuter genders.

- Illinois Compiled Statutes (ILCS): The 1993 edition of the Illinois Compiled Statutes, and when later editions are published, the latest publication thereof.

- Illinois Municipal Code (IMC): Chapter 65, Act 5 of the Illinois Compiled Statutes; may be referred to as 65 ILCS 5/1 et seq. or IMC 1 et seq.

- This code: The Bellflower Municipal Code.

1.03 REPEAL OF ORDINANCES

A. All general ordinances or parts thereof heretofore adopted by the village board and not included in this code are repealed, except the following which are hereby continued in full force and effect:

1. Ordinances authorizing contracts or the issue of municipal notes or bonds.

2. Ordinances levying taxes or making special assessments.

3. Ordinances appropriating funds or establishing salaries.

4. Ordinances granting franchises or rights to corporations.

5. Ordinances relating to the establishment, dedication, opening, grade, naming, improvement, altering, widening, or vacating of any streets, alleys, sidewalks, parks, or public grounds.

6. Ordinances respecting the annexation of territory to the village, or the conveyance or acceptance of real property or easements in real property.

7. Ordinances authorizing or relating to public improvements.

8. Zoning ordinances.

9. Any special ordinances not in conflict with the provisions of this code.

B. The provisions of this code, so far as they are the same in substance as those of heretofore existing ordinances, are continuations of such ordinances and not new enactments. Any act done, offense committed, or right accruing or acquired, or liability, penalty, forfeiture or punishment incurred prior hereto shall not be affected, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the repeal had not been effected.

1.04 ORDINANCES REPEALED NOT REENACTED

No ordinance or part of any ordinance heretofore repealed shall be considered re-ordained or reenacted by virtue of this code, unless specifically reenacted. The repeal of any curative or validating ordinance does not impair or affect any cure or validation already effected thereby.

1.05 JURISDICTION

Unless otherwise provided in this code, this code applies to acts performed within the corporate limits of the village. Provisions of this code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the village to regulate such acts outside the corporate limits.

1.06 PENALTIES

A. Standard Penalty. Unless another penalty is specifically provided by this code for violation of any particular provision, section or chapter, any person violating any provision of this code, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall upon conviction be subject to a fine which shall not exceed $750 plus the costs of prosecution. (ref. 65 ILCS 5/1-2-1)

B. Commitment. The person upon whom any fine or penalty is imposed for violation of any provision of this code or any ordinance of the village, upon order of the court before whom the conviction is had, may be committed to the county jail as provided by law, or to any other place provided by ordinance for the incarceration of offenders until the fine, penalty, and costs are fully paid. No imprisonment, however, shall exceed six months for any one offense. (ref. 65 ILCS 5/1-2-1 and 11-3-2)

C. Incarceration, Bailable Offense. Any person incarcerated on a charge of violating a bailable provision of this code or any ordinance, who does not supply bail and against whom a fine is levied upon conviction of such offense, shall be allowed a credit of $2 for each day so incarcerated prior to conviction, but such credit shall not exceed the amount of the fine levied. (ref. 65 ILCS 5/1-2-12)

D. Revocation of License. The revocation of a license or permit shall not be considered a recovery or penalty to bar any penalty being enforced.

E. Each Day of Violation. Each act of violation and each day upon which a violation occurs constitutes a separate offense.

F. Applicability. The penalty provided by this section applies to the amendment of any section of this code or a code adopted herein by reference whether such penalty is or is not reenacted in the amendatory ordinance.

G. Reference to Sections. Reference to a section of this code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.

H. Failure of Officers to Perform Duties. The failure of an officer or employee of the village to perform an official duty imposed by this code shall not subject such officer or employee to the penalty imposed for violation of this code, unless a penalty is specifically provided in the section creating the duty.

1.07 RESPONSIBILITY FOR ACTS

Every person concerned in the commission of an act prohibited by this code, whether he directly commits the act, or prosecutes, counsels, aids, or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

1.08 SEPARABILITY OF PROVISIONS

Each section, paragraph, sentence, clause and provision of this code is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this code nor any part thereof, other than that part affected by such decision.

1.09 EFFECTIVE DATE

This code of ordinances shall take effect ten days after passage and publication in book form under the authority of the Board of Trustees, as provided by law.

CHAPTER 2 – BOARD OF TRUSTEES

2.01 GOVERNMENT OF VILLAGE

The Village of Bellflower shall be governed by a Board of Trustees which shall be elected at large, and which shall consist of a president and six trustees.

2.02 ELECTIONS AND TERMS OF VILLAGE BOARD

A. The term of office of the trustees shall be four years until their successors have been elected and qualified. After the first election, three trustees shall be elected by the electors of the village for a four-year term at the regular village election held on the first Tuesday in April of each odd numbered year, as provided by statute.

B. The term of office of the village president shall be four years. He shall be elected by the electors of the village at the regular village election held on the third Tuesday in April 1973, and each fourth year thereafter at the regular village election.

C. Vacancies in the offices of trustees or village president shall be filled as prescribed by the Illinois Municipal Code (65 ILCS 5/3.1-10-50).

2.03 SALARIES

The village president and the trustees shall receive such salary as shall be fixed by ordinance, subject to the provisions of the Illinois Municipal Code.

2.04 BOARD MEETINGS

A. All meetings, meeting notices and notice posting requirements shall comply with the Illinois Open Meeting Act 5 ILCS 120/2.

B. Regular Meetings. The Board of Trustees shall hold its regular meetings at the Bellflower Community Center on the second Wednesday of each month at 7:00 p.m. Any regular meeting falling upon a legal holiday shall be held on the next following day at the same hour and place.

C. Special Meetings. The president or any three of the trustees may call special meetings of the board by written request or notice being filed with the Village Clerk at least 72 hours prior to the time specified for such meeting.

The Village Clerk shall give each board member at least 48 hours' written notice of the special meeting. The notice shall specify the meeting date, time, and purpose.

D. Adjourned Meetings. Each meeting of the board shall convene at the time appointed for such meeting, as provided by ordinance. The Village Clerk shall thereupon immediately determine the presence of a quorum. If no quorum is present, the board shall not thereby stand adjourned, but the members present shall be competent to adjourn or recess the meeting by a majority vote specifying the new meeting date.

E. Quorum. A quorum for the transaction of business shall consist of a majority of all the corporate authorities (the village president and the village trustees) entitled by law to be elected.

F. Voting.

1. Ordinances. Most ordinances require a majority 'yes' vote by all board members, including the president (at least 4 'yes' votes).

   Certain ordinances require a supermajority 'yes' vote by all board members, including the president. Examples include, but are not limited to, annexation agreements ⅔ vote (5 'yes'), sale of real property ¾ vote (6 'yes'), street vacations ¾ vote, veto override ⅔ vote, and waiving bids ⅔ vote.

2. All Other Actions Excluding Ordinances. A majority 'yes' vote by all trustees present and voting (at least 4 trustees vote 'yes') shall be required to pass any motion or resolution that is not classified as an ordinance. However, the village president may also vote when (1) there is a tie vote by the trustees (three trustees vote 'yes' and three trustees vote 'no') or (2) exactly three trustees vote 'yes' and there is no tie vote.

[Section 2.04 replaced in its entirety by Ordinance 2022-08 12/11/2022]

2.05 COMMITTEES

The president shall appoint the members of the standing and special committees and shall designate each committee chair.

The standing committees shall be as follows:

- Finance
- Streets, Alleys and Sidewalks
- Light and Water
- Law and Order
- Park and Recreation

2.06 ORDER OF BUSINESS

If a quorum is present, a meeting of the Board of Trustees shall proceed in the following order:

A. The reading of the minutes of the last meeting. Amendments and approval of the same; the minutes standing approved unless objected to.

B. Receiving petitions.

C. Receiving written communications.

D. Reports of standing committees.

E. Reports of special committees.

F. Reports of officers.

G. Unfinished business of previous meetings.

H. New business.

I. Ordinances and resolutions.

J. Adjournment.

2.07 BOARD OF TRUSTEES PROCEDURE

The following rules shall govern meetings of the Board of Trustees:

A. Speaking on the Question. No member shall speak more than twice on the same question without unanimous consent of the board, nor more than once until every member wishing to speak shall have spoken. Speeches on all questions shall be limited to ten minutes.

B. Voting. Every member present when a question is taken shall vote unless excused by the board or unless he may be directly interested in the question, in which case he shall not vote. Every motion shall be reduced to writing if the president or any member desires it.

C. Question to be Stated. Every question or motion when seconded shall be stated by the president distinctly before it is open for debate. The president may call any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

D. Votes to be Recorded. If any member requires it, the ayes and nays upon any question shall be taken and entered on the journal.

E. Motion to Lay on Table. A motion to lay on the table simply shall not be debatable; but a motion to lay on the table with any condition shall be subject to amendment and debate.

F. Clerk to Forward Papers. The Clerk shall forward all papers to the appropriate committee and officers as early as the third day after the reference shall have been made.

G. Reconsideration of Motions. When a motion has once been carried in the affirmative or negative, it shall be in order for any member who voted on the side which prevailed to move a reconsideration thereof at the same meeting of the

board, but not at any time thereafter, but no question that has been once decided and reconsidered, and decided a second time, shall again be considered.

H. Written Communications. Written communications received by the village need not be read in full but the Clerk may report the substance thereof only to the board and thereafter the president may refer the communication to the appropriate committee; provided, however, that any such communication shall be read in full and separately acted upon by the board if so requested by the president or any member of the board. Upon completion of the reading or reporting of all communications a motion shall be made and a vote taken relative to the referrals of such communications made by the president.

I. Referral to Committee. When any new matter is introduced at any meeting, it shall be referred by the president without discussion to the appropriate committees, and lay over until the next meeting, unless by the consent of two-thirds of all of the members of the board the same shall be taken up for immediate consideration.

J. Robert's Rules of Order. In all matters not particularly specified in the above rules, the board shall be governed by Robert's Rules of Order for parliamentary and legislative practice.

K. Suspension of Rules. These rules of procedure shall not be suspended unless by concurrence of two-thirds of all the trustees elected.

CHAPTER 3 – VILLAGE ADMINISTRATION

3.01 PRESIDENT

A. Board of Trustees President. The president shall be president of the Board of Trustees as provided by statute. The president may be designated mayor of the village. (65 ILCS 5/3.1-15-10)

B. Supervisory Powers. The president shall be the chief executive officer of the village and shall perform all such duties as may be required of him by statute or ordinance. He shall have general supervision over all the executive officers of the village and over all the employees of the village. He shall have the power and authority to inspect all books and records kept by any village officer or employee at any reasonable time.

C. Designation of Duties. The president shall settle any question as to the respective powers or duties of any appointed officer or employee of the village. He shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform the duty.

D. Bond and Oath. Before entering upon the duties of his office the president shall give a surety bond conditioned upon his faithful performance of his duties in the sum of $3,000. (65 ILCS 5/3.1-10-30) He shall take the oath of office prescribed by statute and shall receive such compensation as may be set from time to time by the board. (65 ILCS 5/3.1-10-25)

E. Appointments. The president shall appoint, by and with the advice and consent of the Board of Trustees, all officers whose appointment is not otherwise provided for by law; and whenever a vacancy occurs in any office, which by law or ordinance he is empowered and required to fill, he shall within 30 days after the happening of such vacancy, communicate to the board the name of his appointee to such office, and pending the concurrence of the board in such appointment, he may designate some suitable person to discharge the functions of such office.

F. Removal of Officers. The president shall have the power to remove any officer appointed by him on any formal charge whenever he is of the opinion that the interests of the village demand such removal. He shall report the reasons for such removal to the board at a meeting to be held not less than five days, nor more than ten days after such removal. If the president shall fail, or refuse to file with the Clerk a statement of the reasons for such removal or if the board, by a two-thirds vote of all its members authorized by law to be elected, by “yeas” and "nays,” to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was removed, but he shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. (ref. 65 ILCS 5/3.1-35-10)

G. Licenses. The president shall grant licenses for the purposes authorized by this code to such persons as he may deem proper, unless the board shall otherwise provide, and he may revoke the same for cause.

H. Signature. The president shall sign all village warrants, commissions, permits and licenses granted by authority of the board, except as otherwise provided, and such other acts and deeds as law or ordinance may require his official signature.

I. Peace Officer. After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the president will be declared to be a conservator of the peace, within the village limits, with such powers to make arrests as are given to the conservators of the peace in 65 ILCS 5/3.1-15-25.

J. President Pro Tempore. During the temporary absence or disability of the president, the board shall elect one of its number to act as President Pro Tempore, who during the absence or disability of the president shall perform the duties of the office. (ref. 65 ILCS 5/3.1-35-35).

3.02 CLERK

A. Appointment. The president, at the first regular meeting in the month of May of each year, shall appoint, by and with the advice and consent of the Board of Trustees, a Clerk for the ensuing fiscal year. (65 ILCS 5/3.1-25-90)

B. Oath, Bond. The Clerk before entering upon the duties of his office, shall take the oath of office prescribed by law, and shall execute a bond to the village in the penal sum of $2,000 or such amount as may be fixed by resolution, with sureties as shall be approved by the Mayor and Board of Trustees, conditioned for the faithful performance of the duties of his office, and the payment of all moneys that may be received by him, according to law and ordinance. The bond shall be filed with the Treasurer.

C. Office. The Clerk shall keep his office in the village hall or at such other place as the Board of Trustees may direct.

D. Minutes, Notices. The Clerk shall attend all meetings of the Board of Trustees and shall keep in a suitable book a full and faithful record of its proceedings. He shall issue and cause to be served upon all trustees its proceedings. He shall issue and cause to be served upon all trustees notices of all regular and special meetings of the board; also notices to the members of the different committees of the board; and to all other persons whose attendance may be required before any such committee when so directed by the chairman thereof.

E. Custody of Seal and Records. The Clerk shall be the keeper and custodian of the corporate seal of the village. He shall carefully preserve in his office all books, records, papers, maps, and effects of every description belonging to the village or pertaining to his office, and not in actual use and possession of other village

officers. Upon the expiration of his official term he shall deliver all such records, books, papers, and effects to his successor in office.

F. Record of Ordinances. The Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the board, within five days after passage and approval by the Mayor, and at the foot of each ordinance so recorded he shall make a memorandum showing dates of passage. (65 ILCS 5/1-2-5)

G. Delivery of Papers to Officers. The Clerk shall, without delay, upon the adjournment of each meeting of the board, deliver to the several committees of the board, and to the officers of the village, all petitions, communications, reports, resolutions, orders, claims and other papers referred to those committees or officers by the board. He shall also, without delay, deliver to the Mayor all ordinances or resolutions in his charge, which are required to be approved or otherwise acted upon by the Mayor.

H. Preparation of Documents. The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him under the laws and ordinances of the village and shall attest the same with the corporate seal; and he shall in like manner attest all deeds for the sale or transfer of real estate owned by the village and all bonds issued by the village.

I. Purchase of Supplies. The Clerk shall, by and with the advice and consent of the board, purchase all necessary office and election supplies.

J. Record of Licenses. The Clerk shall number in numerical order all licenses made out by him, and before delivery thereof, shall register them in like order in a book kept for that purpose, giving number, date, period of time for which issued, to whom issued, for what purpose, fee, and definite location of business of licensee. He shall also on May 1 of each year prepare and mail notices for renewal of licenses and payment of fees to the village to all persons engaged in or carrying on a business or occupation required to be licensed by this code.

K. Moneys Received. The Clerk shall receive all moneys due to the village, except tax, special improvement assessments and motor fuel tax refunds, which are paid direct to the Treasurer. Water bills are to be paid to a person designated to collect same and that person turns collected money over to the village Treasurer.

L. Elections. The village clerk shall certify the offices to be filled and the candidates for those offices to the proper election authority as provided in the general election law (65 ILCS 5/3.1-25-20).

M. Other Duties. In addition to the duties set forth in this section, the Clerk shall perform all other duties pertaining to his office as are and may be imposed upon him by law or resolution of the Board of Trustees. The Clerk shall perform the duties of Treasurer, set forth in Section 3.03, and otherwise provided by law (Ordinance 2020-02; April 5, 2020).

3.03 TREASURER

A. Office Discontinued. The office of Treasurer is discontinued, and the duties of the office are devolved to the village Clerk (Ordinance 2020-02; April 5, 2020)

B. Appointment. If the office of Treasurer is reinstated, then the Mayor, at the first regular meeting in the month of May of each year, shall appoint, by and with the advice and consent of the Board of Trustees, a Treasurer for the ensuing fiscal year. (65 ILCS 5/3.1-30-5)

C. Oath, Bond. The Treasurer, before entering upon the duties of the office, shall take the oath prescribed by law, and shall execute a surety bond to the village, in a penal sum required by statute. (65 ILCS 5/3.1-10-25 and 65 ILCS 5/3.1-10-30)

D. Money, Warrants. The Treasurer shall receive all money belonging to the village corporation and shall pay all warrants signed by the village president and countersigned by the Clerk. He shall keep a separate account of each fund or appropriation, and all the debits and credits belonging thereto. He shall give to every person paying money into the treasury a receipt therefor specifying the date of payment and upon what account paid, and shall file copies of such receipts with the records of the Treasurer's office with the Clerk at the time of making monthly reports of such office.

E. Register of Warrants. The Treasurer shall keep an accurate register of all warrants redeemed and paid, showing the number, date and amount of each, the fund from which paid, and the name of the person to whom and when paid; and shall cancel all warrants as soon as redeemed.

F. Lost Warrants. When any village warrant is lost or destroyed, so that it cannot be presented to the Treasurer for payment by the person entitled thereto, such person shall apply by petition to the Board of Trustees for relief. The board may order the Clerk to issue a duplicate warrant to the person so entitled to payment upon his filing an affidavit of the loss or destruction of the original and giving bond and security to the village to refund the amount of such warrant and pay all costs in case the original or lost warrant should be presented and the village compelled to pay the same.

G. Special Assessments. All money received by the Treasurer as a special tax or assessment shall be held as a special fund, to be applied to the payment of the improvement for which such special tax or special assessment was made, and the money so received shall be used for no other purpose except to reimburse the village for money expended for such improvement. (65 ILCS 5/3.1-35-85)

H. Separation of Funds. The Treasurer shall keep all moneys in his hands belonging to the village always separate and distinct from personal moneys or funds, and he is prohibited from using directly or indirectly the village money or warrants in his custody and keeping for personal use or benefit, or that of any other person. Any violation of this provision shall subject the Treasurer to immediate removal from office by the village board, who may declare the office vacant and appoint a

successor for the unexpired portion of term in manner prescribed for regular appointment. (65 ILCS 5/3.1-35-55)

I. Reports. The Treasurer shall prepare for the Mayor and Board of Trustees, as often as required, a full and detailed report of all receipts and expenditures of the corporation, as shown by the books of his office, up to the time of the report. He shall annually between May 1 and May 10 of each year prepare and file with the Clerk a full and detailed report of all receipts and expenditures of all accounts of the office during the preceding fiscal year. The report shall reflect the state of the treasury at the end of the fiscal year. The Clerk shall keep the report on file in his office for inspection by the public. (65 ILCS 5/3.1-35-60 and 65 ILCS 5/3.1-35-65)

J. Delinquent Officers. The Treasurer shall report to the Mayor and Board of Trustees any officer authorized to· receive money for the use of the village who fails to make a return of the money received by him at the time required by law or ordinance.

K. Accounts. The Treasurer shall keep his books and accounts in such manner as to show with accuracy all moneys received and disbursed by him for the village, stating from whom and on what account received, and to whom and what account paid out, and in such way that the books and accounts may be readily investigated and understood. Such books and accounts and all files and papers of his office shall always be open to examination by the Mayor or Board of Trustees.

3.04 VILLAGE ATTORNEY

A. Appointment. A village attorney shall be appointed by the president by and with the consent of the Board of Trustees.

B. Qualifications. No person shall be appointed village attorney who is not a bona fide resident and voter of the State of Illinois. He need not be a resident of the village but shall be a regularly licensed attorney of this state.

C. General Duties. The village attorney shall, on behalf of the village, when so requested by the president or the Board of Trustees, prosecute or defend in court all cases in which the interests of the village or officers thereof are involved. He shall be furnished and supplied by the Clerk with certified copies of any ordinance, bond, or paper in his keeping necessary to be filed or used in any suit or proceeding.

D. Drafts of Orders. The village attorney shall draft all such ordinances, resolutions, contracts, agreements, and other papers as may be required of him by the president, the Board of Trustees, or any committees thereof. He shall be charged with the preparation of all ordinances pertaining to local improvements, petitions and other legal papers pertaining thereto.

E. Contracts and Deeds. The village attorney shall draw all deeds, leases, contracts or other papers required by the business of the village when requested so to do by the president, the Board of Trustees or the head of any department of the village government.

F. Legal Opinions. The village attorney shall, when requested, furnish written opinions upon subjects transmitted to him by the president or upon a vote of the Board of Trustees.

G. Compensation. The village attorney shall be paid such compensation as is determined by the Board of Trustees. For work other than attendance at regular village board meetings the attorney shall be paid over and above his stated salary such compensation as may be agreed upon between himself and the Board of Trustees.

H. Additional Counsel. The village may employ other counsel from time to time.

3.05 HEALTH OFFICER

A. Created. A Health Officer may be appointed by the president by and with the consent of the Board of Trustees. The Health Officer shall be a licensed physician and shall receive for his general services such compensation as is determined by the Board of Trustees.

B. Duties. The Health Officer, in conjunction with the Board of Health, shall exercise general supervision over the public health of the village and make diligent examination into all matters affecting the same.

3.06 STREET COMMISSIONER

A. Created. A street commissioner shall be appointed by the president by and with the consent of the Board of Trustees.

B. Duties. The street commissioner shall supervise the maintenance, repair and care of all public streets, alleys, sidewalks, parks, waterworks, and sewers in the village, and all equipment and materials pertaining to such work.

3.07 OFFICERS AND EMPLOYEES

A. Appointments. The president with the consent of the Board of Trustees shall make appointments to fill all appointive offices. Employees of all departments shall be selected by the president in the absence of a provision to the contrary.

B. Terms of Office; Vacancies. Every appointive officer of the village shall hold office for a term of one year or until his successor is appointed and qualified unless it is otherwise provided by provision of this code. Employees selected shall serve so long as their services are desired.

C. Assignment of Duties. The president shall have the power to assign to any appointive officer any duty which is not as signed by ordinance to some other specific officer and shall determine disputes or questions relating to the respective powers or duties of officers.

D. Records. All records kept by any officer of the village shall always be open to inspection by the president, or any member of the board, whether such records are required to be kept by statute or provision of this code.

E. Moneys Received. Every officer of the village shall at least once every day turn over all moneys received by him in his official capacity to the Clerk with a statement which shows the source from which the same was received.

F. Oath. Every officer of the village shall, before entering upon his duties, the oath prescribed by law.

G. Bond. Every officer of the village shall, if required by the board, before entering upon the duties of his office, give a bond in such amount as may be determined by the board and with such sureties as it may approve, conditioned upon the faithful performance of the duties of his office or position.

H. Salaries. All officers and employees of the village shall receive such salaries as may be provided from time to time by ordinance. No officer or employee receiving a salary from the village shall be entitled to retain any portion of any fees collected by him in the performance of his duties as municipal officer or employee in the absence of a specific ordinance provision to that effect.

I. Arrests. After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the village president, trustees, marshal, deputy marshal, and policemen are hereby declared to be conservators of the peace with such powers to make arrests as are given to the conservators of the peace in 65 ILCS 5/3.1-15-25.

J. Termination of Office. Every officer of the village, upon the termination of his office, shall deliver to his successor all books and records which may be the property of the village, and if no successor has been appointed within one week after the termination of office, such property shall be delivered either to the Clerk or to the president.

K. Impersonation. It shall be unlawful for any person to impersonate without lawful authority any village officer or employee.

3.08 MARSHAL

The Marshal shall be appointed by the village president by and with the advice and consent of the Board of Trustees.

The Marshal shall execute a bond in the sum of $500 conditioned upon a faithful performance of his duties.

The Marshal shall, under the village president, have charge of police matters of the village. He shall preserve peace, order, and safety in the village, and enforce the ordinances and regulations of the village. He shall carry out such other orders and duties as may be directed by the president or by the Board of Trustees.

The Marshal shall hold office for the term of one year and until his successor is appointed and qualifies.

If created, the Marshal shall be Chief of the Police Department.

3.09 MUNICIPAL AND FISCAL YEAR

The municipal year and the fiscal year of the Village of Bellflower shall commence on May 1 of each year and end on April 30 of the following year.

3.10 VILLAGE SEAL

The seal of the village shall be circular in form, approximately 1-1/2 inches in diameter. The wording shall be as follows:

- Around the outer top circle "Village of Bellflower"
- Around the inner top circle "Board of Trustees"
- In the interior of the circle the word "Seal" and
- Around the outer bottom circle "McLean County • Illinois"

3.11 EMERGENCY SERVICES AND DISASTER AGENCY

A. There is hereby created the Bellflower Emergency Services and Disaster Agency Organization ("Bellflower ESDA") to prevent, minimize, repair, and alleviate injury or damage caused by enemy attack, sabotage or hostile action, and natural or man-made disasters, in accordance with The Illinois Civil Defense Act of 1951.

   The Bellflower ESDA shall consist of the Coordinator and additional members to be selected by the Coordinator.

B. The Coordinator of the Bellflower ESDA shall be appointed by the president and shall serve until removed by same.

   The Coordinator shall have direct responsibility for the organization, administration, training and operation of the Bellflower ESDA Organization, subject to the direction and control of the president, as provided by statute.

   In the event of the absence, resignation, death, or inability of the Coordinator to serve, the president, or any person designated by him shall be and act as Coordinator until a new appointment is made as provided in this section.

C. The Bellflower ESDA 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.

D. All or any members of the Bellflower ESDA may be designated as members of a Mobile Support Team created by the State Coordinator of ESDA as provided by law.

The leader of such Mobile Support Team shall be designated by the Coordinator of the Bellflower ESDA.

Any member of a Mobile Support Team is a municipal employee or officer while serving on call to duty by the Governor or the State Coordinator of ESDA, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the municipality, while so serving, shall receive from the state reasonable compensation as provided by law.

E. The Coordinator of the Bellflower ESDA 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 Coordinator of ESDA.

F. 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 a major disaster resulting from enemy sabotage or other hostile action, it shall be the duty of the Bellflower ESDA to cooperate fully with the State Office of ESDA and with the Governor in the exercise of emergency powers as provided by law.

G. Members of the Bellflower ESDA Organization who are paid employees or officers of the municipality, if called for training by the State Coordinator of ESDA, shall receive for the 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.

H. 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 Bellflower ESDA Organization as prescribed by the State Coordinator of ESDA, 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 Coordinator of ESDA, as provided by law, and any other reimbursement made by the state incident to civil defense activities as provided by law.

I. The Board of Trustees may, on recommendation of the Coordinator of Bellflower ESDA, authorize any purchase or contracts necessary to place the municipality in a position to combat effectively any disaster resulting from the explosion of any 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.

In the event of such a disaster, the Coordinator of Bellflower ESDA 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; provided that, if the Board of Trustees meets at such time, he shall act subject to the directions and restrictions imposed by that body.

J. Every person appointed to serve in any capacity in the Bellflower ESDA shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Coordinator:

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

K. The village president is authorized to designate space in the village hall or elsewhere, as may be provided for by the Board of Trustees for the office of the Bellflower ESDA.

L. The Village Board may make 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 5 cents 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.

3.12 ETHICS

A. Definitions. For purposes of this ordinance, the following terms shall be given these definitions:

1. "Campaign for elective office" means any activity in furtherance of an effort to influence the election, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

2. "Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at

a regular election, as defined in Section 1-3 of the Illinois Election Code (10 ILCS 5/1-3).

3. "Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

4. "Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off, or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

5. "Compensatory time off' means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

6. "Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Illinois Election Code (10 ILCS 5/9-1.4).

7. "Employee" means a person employed by the Village of Bellflower, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed but does not include an independent contractor.

8. "Employer" means the Village of Bellflower.

9. "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employer.

10. "Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

11. "Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for services in his or her official capacity.

12. "Political Activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include

activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties governmental and public service functions.

13. "Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the Illinois State Board of Elections or a county clerk under Section 9-3 of the Illinois Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the Illinois State Board of Elections or a county clerk.

14. "Prohibited political activity" means:

    a) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

    b) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

    c) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

    d) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

    e) Surveying or gathering information from potential or actual voters in an election. to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes for or against any referendum question.

    f) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

    g) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping to get voters to the polls.

    h) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

    i) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

j) Preparing or reviewing responses to candidate questionnaires.

k) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

l) Campaigning for any elective office or for or against any referendum question.

m) Managing or working on a campaign for elective office or for or against any referendum question.

n) Serving as a delegate, alternate, or proxy to a political party convention.

o) Participating in any recount or challenge to the outcome of any election.

15. "Prohibited source" means any person or entity who:

a) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee; or

b) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee; or

c) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

d) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

B. PROHIBITED POLITICAL ACTIVITIES.

1. No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Village of Bellflower in connection with any prohibited political activity.

2. At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such a holidays, vacation or personal time off).

3. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional

compensation or any benefit in consideration for his or her participation in any prohibited political activity.

4. Nothing in this Chapter prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that an officer or employee undertakes on a voluntary basis which are not prohibited by this Ordinance.

5. No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

C. GIFT BAN.

1. Except as permitted by this Chapter, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

2. Exceptions. Section 3.12(C1) is not applicable to the following:

a) Opportunities, benefits, and services that are available on the same conditions as for the public.

b) Anything for which the officer or employee, or his or her spouse or immediate family member, the fair market value.

c) Any (i) contribution that is lawfully made under the Illinois Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.

d) Educational materials and missions.

e) Travel expenses for a meeting to discuss business.

f) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather,

grandmother of the individual's spouse and the individual's fiancé or fiancée.

g) Anything provided by an individual based on a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided based on personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

h) Food or refreshments not exceeding $75 per person in value on a single calendar day, provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

i) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

j) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

k) Bequests, inheritances, and other transfers at death.

l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than $100.

Each of the exceptions listed in this section is mutually exclusive and independent of every other.

3. Disposition of gifts. An officer or employee, his or her spouse, or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from

a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 (as now or hereafter amended, renumbered, or succeeded).

D. PENALTIES.

1. A person who intentionally violates any provision of Section B of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed $2,500.

2. A person who intentionally violates any provision of Section C of this Ordinance is subject to a fine in an amount of not less than $1,001 and not more than $5,000.

3. Any person who intentionally makes a false report alleging a violation of any provision of this ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed $2,500.

4. A violation of Section B of this Ordinance shall be prosecuted as a criminal offense by an attorney for the Village of Bellflower by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

5. A violation of Section C of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the Village of Bellflower, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

6. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section B or Section C of this Ordinance is subject to discipline or discharge.

3.13 INVESTMENT POLICY

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

B. Scope. Except for cash in certain restricted and special funds, the Village of Bellflower shall consolidate cash balances from all funds governed by the village board 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.

C. Prudence.

1. 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.

2. 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.

D. Objective. The primary objectives, in order of priority, shall be:

- Legality (conformance with federal, state, and other legal requirements).
- Safety (preservation of capital and protection of investment principal).
- Liquidity (maintenance of sufficient liquidity to meet operating requirements).
- Yield (attainment of market rates of return).

1. Safety. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective shall be to mitigate credit risk and interest rate risk.

a) Credit Risk. The Village of Bellflower will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

1) Limiting investments to the safest types of securities.

2) Pre-qualifying the financial institutions, brokers/dealers, intermediaries, and advisers with which the Village of Bellflower will do business.

3) Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

b) Interest Rate Risk. The Village of Bellflower shall 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, and

2) Investing operating funds primarily in shorter-tern 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 will be accomplished by structuring the portfolio so that securities mature concurrent with cash ne s to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio shall 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, considering 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 will be limited to relatively low risk securities in anticipation or earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity, with the following exceptions:

a) A security with declining credit may be sold early to minimize loss of principal.

b) A security "swap" would improve the quality, yield, or target duration in the portfolio; or

c) Liquidity needs of the portfolio require that the security be sold.

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

E. Delegation of Authority. Authority to manage the investment program is hereby granted to the Treasurer (hereinafter referred to as "Investment Officer"). Responsibility for the operation of the investment program is hereby delegated to the Investment Officer, who shall act according to established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references 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.

F. 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 to the village board 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 of Bellflower.

G. Authorized Financial Dealers and Institutions.

1. The Investment Officer shall maintain a list of financial institutions authorized to provide investment services. In addition, a list shall also be maintained of approved security brokers/dealers selected by credit worthiness (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-l (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 (NASO) 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 of Bellflower's investment policy.

3. The Investment Officer shall conduct an annual review of the financial condition and registration of qualified financial institutions and brokers/dealers.

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 7.01 may be granted. All terms and relationships must be fully disclosed prior to purchase and shall be reported to the village board on a consistent basis and shall be consistent with state or local law. These types of investment purchases shall be approved by the village board in advance.

H. Authorized and Suitable Investments. Investments shall be made that reflect the cash flow needs of the fund type being invested and, subject to state and local law regarding the investment of public funds, investments may be made in any type of security allowed for in the Illinois statutes, in force from time to time, regarding the investment of public funds.

I. Collateralization. Funds on deposit (checking accounts, certificates of deposit, etc.) in excess of Federal Deposit Insurance Corporation (or any successor federal government agency) limits must be secured by some form of collateral, witnessed by a written agreement, and held at an independent third party institution in the name of the Village of Bellflower.

J. Safekeeping and Custody. All security transactions, entered into by the Village of Bellflower, shall be conducted on a delivery-verses-payment (DVP) basis to ensure that securities are deposited in an eligible financial institution before the release of funds. Securities shall be held by an independent third-party custodian designated by the Investment Officer and evidenced by safekeeping receipts and a written custodial agreement

K. Diversification. The Village of Bellflower shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification shall be 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 to meet ongoing obligations.

L. Maximum Maturities.

1. To the extent possible, the Village of Bellflower shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Village of Bellflower shall not directly invest in securities maturing more than five years from the date of purchase, or according to state and local statutes and ordinances. The Village of Bellflower shall adopt weighted average maturity limitations (which often range from 90 days to 3 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 is made to coincide as nearly as practicable with the expected use of the funds.

The intent to invest in securities with longer maturities shall be disclosed in writing to the village board.

3. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio shall be continuously invested in readily available funds such as checking accounts, money market funds, or overnight repurchase agreements, to ensure that appropriate liquidity is maintained to meet ongoing obligations.

M. Internal Control.

1. The Investment Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the Village of Bellflower 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 (1) the cost of a control should not exceed the benefits likely to be derived and (2) 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.

N. Performance Standards. The village's investment portfolio shall be managed in accordance with the restrictions and limitations specified within this policy. The portfolio should obtain a comparable 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.

O. Reporting. The Investment Officer shall prepare an investment report at least quarterly. The report shall be provided to the village board and shall be available on request. The report shall be in a format suitable for review by the public. An annual

report shall also be provided to the village board. These reports shall include 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 shall be prepared in a manner which will allow the village board to ascertain whether investment activities during the reporting period have conformed to this investment policy. The report shall be provided to the village board and any pool participants. The report shall include the following:

1. A 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. A listing of investments by maturity date.

5. The percentage of the total portfolio which each type of investment represents.

P. 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 to the village board. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed.

Q. Investment Policy Adoption. This investment policy shall be reviewed on an annual basis by the Investment Officer and any modifications made thereto must first be approved by the village board.

R. Policy Considerations.

1. 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.

2. Amendments. This policy shall be reviewed on an annual basis. Any changes must be approved by the Investment Officer and the village board, as well as any other individual(s) charged with maintaining internal audit or financial controls.

3.14 EXPENSE REIMBURSEMENT

A. Purpose.

The Village of Bellflower will reimburse employee and officer travel, meal, and lodging expenses incurred in connection with approved travel, meal, and lodging expenses incurred on behalf of the village. Employees and officers are expected to

exercise the same care in incurring expenses for official business as a prudent person would in spending personal funds.

B. Definitions.

"Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

"Maximum allowable reimbursement" means the maximum amount that may be reimbursed for travel, meal, and lodging expenses, which is set at $2,500.00 per travel event.

"Travel" means any expenditure directly incident to official travel by employees and officers of the village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

C. Authorized Types of Official Business.

Travel, meal, and lodging expenses will be reimbursed for employees and officers of the village only for purposes of official business conducted on behalf of the village. These include but are not limited to off-site or out-of-town meetings related to official business and approved seminars, conferences and other educational events related to the employee's or officer's official duties. If you are unsure whether an expense is reimbursable, please contact the village president.

D. Categories of Expenses.

1. Airfare - Travelers are expected to obtain the lowest available airfare that reasonably meets business travel needs. Travelers are encouraged to book flights at least 30 days in advance to avoid premium airfare pricing. Only coach or economy tickets will be paid or reimbursed. The traveler will pay for the difference between higher priced tickets and coach or economy tickets with his or her personal funds.

2. Personal Automobiles - Mileage reimbursement will be based on mileage from the work location office to the off-site location of the official business, not from the employee's or officer's residence. When attending a training event or other off-site official business directly from an employee's or officer's residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the employee's or officer's normal commute, reimbursement will be paid based on the differential of the commute less the mileage of a normal commute to the workplace. An employee or officer will be reimbursed at the prevailing IRS mileage rate. The traveler will only be reimbursed up to the price of a coach airfare ticket if they drive to a location for which airfare would have been less expensive.

3. Automobile Rentals - Travelers will be reimbursed for the cost of renting an automobile including gasoline expense only as provided in this section.

Travelers using rental cars to conduct official business are required to purchase insurance through the rental agency. Car rental insurance will cover the vehicle during personal use, e.g., using the vehicle after the conference has ended. Compact or mid-size cars are required for two or fewer employees or officers traveling together, and a full-size vehicle may be used for three or more travelers. The traveler must refuel the vehicle before returning it to the rental company.

4. Public Transportation - In the case of local training or official business where an employee or officer chooses to use public transportation, reimbursement for use of public transportation is based on mileage from the agency office to the training site (not from the traveler's residence), regardless of the transportation method chosen. When attending training or business directly from an employee's or officer's residence, no reimbursement will be made if the distance is less than the mileage of a normal commute to the workplace. If the distance is higher than the traveler's normal commute, reimbursement will be paid at the differential of the commute less the mileage of a normal commute to the workplace.

5. Other Transportation - The traveler should utilize hotel shuttle service or other shuttle services, if available. If none are offered, the use of the most economic transportation is encouraged.

6. Hotel/Motel Accommodations - The traveler will be reimbursed for a standard single-room at locations convenient to the business activity. In the event of a change in plans or a cancellation, the traveler must cancel the hotel/motel reservation so as not to incur cancellation charges. Cancellation charges will not be reimbursed by the village unless approved by a vote of the Board of Trustees.

7. Meals - Meal reimbursement is limited to the current U.S. General Services Administration (GSA) regulations in place at the time the expense is occurred. Prior approval by the Board of Trustees and submission of receipts are required for per diem allowances. Meals provided by the conference or seminar should be deducted from the per diem allowance. Partial reimbursement may be made for departure and return days based on time. Meals during in-state travel that is not an overnight stay will be reimbursed for actual cost not to exceed the GSA regulations.

8. Vacation in Conjunction with Business Travel - In cases where vacation time is added to a business trip, any cost variance in airfare, car rental, lodging and/or any other expenses must be clearly identified on the Travel, Meal, and Lodging Expense Report form and paid by the traveler.

9. Accompanied Travel - When a traveler is accompanied by others not on official business, any lodging, transportation, meals, or other expenses above those incurred for the authorized traveler will not be reimbursed by the village.

10. Parking - Parking fees at a hotel/motel, conference center, or other site will be reimbursed only with a receipt.

11. Entertainment Expenses - No employee or officer of the village shall be reimbursed for any entertainment expense, unless ancillary to the purpose of the program, event, or other official business.

E. Approval of Expenses.

1. Expenses for Members of the Village Board of Trustees. All travel, meal, and lodging expenses incurred by any member of the Board of Trustees of the Village must be approved by roll call vote at an open meeting of the Board of Trustees.

2. Expenses for Officials or Employees Other than Members of the Board of Trustees. Travel, meal, and lodging expenses incurred by any official or employee not covered by SECTION 3.14(E)(1) (member of the Board of Trustees) that is in excess of the maximum allowable reimbursement, as defined in Section 3.14(B) of this policy, must be approved by roll call vote at an open meeting of the Board of Trustees.

3. Advanced Expenses. Travel, meal, and lodging expenses advanced as a per diem to any employee or official of the village must be approved by roll call vote at an open meeting of the Board of Trustees prior to payment. Documentation of expenses must be provided in accordance with Sections 3.14(C), (D) and (F) of this policy, and any excess from the per diem must be repaid.

4. Other Expenses. All other expenses that do not fall within paragraphs 3.14(E)(1), (2) or (3) are subject to the village president's approval.

F. Documentation of Expenses.

Before an expense for travel, meals, or lodging may be approved under Section 3.14(E) of this Policy, the following minimum documentation must first be submitted, in writing, to the village president on a Travel, Meal, and Lodging Expense form:

1. An estimate of the cost of travel, meals, or lodging if expenses have not yet been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred.

2. The name of the individual who received or is requesting the travel, meal, or lodging expense.

3. The job title or office of the individual who received or is requesting the travel, meal, or lodging expense.

4. The date or dates and nature of the official business for which the travel, meal, or lodging expense was or will be expended.

All documents and information submitted in connection with this policy are public records subject to disclosure under the Freedom of Information Act.

G. Travel, Meal, and Lodging Expense Report Form.

The village hereby adopts as its official standardized form for the submission of travel, meal, and lodging expenses the Travel, Meal, and Lodging Expense Report form attached hereto and incorporated herein as Chapter 3.14 Attachment.

3.15 SEXUAL HARASSMENT

NOTE: The provisions of this Section 3.15 "Sexual Harassment" will apply only insofar as they do not conflict with any state or federal law. The provisions were developed using the Illinois Department of Human Rights Sexual Harassment Model Policy and were modified to conform to Public Act 100-0554 and Public Act 101-0221.

A. Prohibition on Sexual Harassment.

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the Village of Bellflower, Illinois to prohibit harassment of any person by any municipal official, municipal agent, municipal employee, municipal agency, or municipal office based on sex or gender. All municipal officials, municipal agents, municipal employees, municipal agencies, or municipal offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

B. Definition of Sexual Harassment.

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act (775 ILCS 5/2-101(E)) which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

1. Submission to such conduct is made a term or condition of an individual's employment, either explicitly or implicitly; or

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. 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.

Conduct which may constitute sexual harassment includes, but is not limited to:

1. Verbal Harassment: sexual innuendos, suggestive comments, insults, humor, jokes about sex, anatomy, or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements of a sexual nature about other employees, even outside of their presence.

2. Non-verbal Harassment: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "cat calls," "smacking" or "kissing" noises.

3. Visual Harassment: posters, signs, pin-ups, or slogans of a sexual nature, viewing pornographic material or websites.

4. Physical Harassment: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

5. Textual/Electronic Harassment: "sexting" (electronically sending messages with sexual content, including pictures or video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (email/text/picture/video messages, intranet/internet/online postings, blogs, instant messages, and posts on social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a reasonable person.

C. Procedure for Reporting an Allegation of Sexual Harassment.

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

1. Electronic/Direct Communication. If there is sexual harassment behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

2. Contact with Supervisory Personnel. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the

situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief elected official of the municipality.

The employee experiencing what she/he believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses, and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

3. Resolution Outside Municipality. The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within 300 days.

4. Allegations of Sexual Harassment made against an elected official of the governmental unit by another elected official of a governmental unit. In addition to the methods of reporting included above, an elected official may request an independent review of a complaint of sexual harassment by another elected official. The request shall be made to the human resources director, the city manager or administrator or the chief elected official of the municipality. The official receiving the request shall take immediate action in keeping with the procurement process of the municipality to retain a qualified individual or entity for the independent review of the allegations of sexual harassment in violation of this policy. The outcome of the independent review shall be reported to the corporate authorities.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the location), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated, regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

D. Prohibition on Retaliation for Reporting Sexual Harassment Allegations.

No municipal official, municipal agency, municipal employee, municipal agency, or municipal office shall take any retaliatory action against any municipal employee or official due to a municipal employee's or official’s:

1. Disclosure or threatened disclosure of any violation of this policy; or

2. Providing information related to an investigation or testimony before any public body investigating, hearing, or inquiring into any violation of this policy; or

3. Assistance with or participation in a proceeding to enforce the provisions of this policy.

For purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's or official's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action, and this policy prohibits retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, agency, or other employee that the employee reasonably believes is in violation of a law, rule, or regulation; or

2. Provides information to or testifies before any public body investigating, hearing, or inquiring into any violation of a law, rule, or regulation by any officer, member, agency, or other employee; or

3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act or this policy.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire to retaliate against a person because she/he has opposed that which she/he reasonably and in good faith believes to be sexual harassment in employment, because she/he has made a

charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge within 300 days of the alleged retaliation.

E. Consequences of a Violation of the Prohibition on Sexual Harassment.

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65 may be subject to a fine of up to $5,000 per offense, applicable disciplinary actions or discharge by the municipality, and any applicable fines and penalties established pursuant to local ordinance, state law or federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a state or federal agency.

F. Consequences for Knowingly Making a False Report.

A false report is a report of sexual harassment made by an accuser to accomplish an outcome other than stopping sexual harassment or stopping retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to disciplinary action or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the Illinois State Police, a State's Attorney, the Attorney General or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to $5,000 against any person who intentionally makes a false, frivolous, or bad faith allegation.

3.16 WHISTLEBLOWER REPORTING AND ANTI-RETALIATION POLICY

A. General Policy

It is the policy of the village board (the "village") to act in accordance with Illinois Public Act 101-0652 generally, and specifically Section 4.1 of the Public Officer Prohibited Activities Act ("Act") [50 ILCS 105/4.1].

It is the policy of the village to prohibit any official from retaliating against any employee who: (a) reports an improper governmental action, (b) cooperates in the investigation related to a report of an improper governmental action, or (c) testifies in a proceeding or prosecution of an improper governmental action. An improper governmental action is defined as follows:

- "Improper governmental action" includes any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government, that is undertaken in violation of federal, State, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds.

- "Improper governmental action" does not include a unit of local government personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent the actions amount to retaliation. Retaliation, in this context, means retaliatory action that results from an employee's protected activity of reporting improper governmental action, cooperating in the investigation, proceeding or prosecution of a reported improper governmental action.

Copies of this Policy and Procedure, along with a copy of the Public Officer Prohibited Activities Act [50 ILCS 105/4.1] will be given to every employee upon hiring. Additionally, these same documents will be furnished or made available to all employees on an annual basis.

B. Procedures for Reporting Improper Governmental Action or Retaliation

If an employee believes that he/she has witnessed an improper governmental action, as defined in the Policy above, the employee must submit a written report of the improper governmental action to the Auditing Official, which Auditing Official has been designated in Section E "Designation of Auditing Official" below.

If an employee believes that he/she has been retaliated against for reporting improper governmental action, or cooperating in the investigation, or procedure involving an improper governmental action, the employee must report such alleged retaliation to the Auditing Official within sixty (60) days of the retaliatory action taking place.

The Auditing Official may transfer the complaint to another auditing official, including the States Attorney, if he/she determines that it is appropriate.

If the Auditing Official is also the subject of the complaint, the Complainant may file the complaint with any States Attorney.

C. Investigation of Complaint of Improper Governmental Action or Retaliation

The Auditing Official will keep the identity of the Complainant confidential to the extent allowed by law. The Complainant may waive confidentiality in writing on a form presented to the Auditing Official.

The Auditing Official shall investigate the complaint promptly and thoroughly and conclude whether or not the evidence gathered through such investigation warrants merit of a finding that either an improper governmental action, or retaliation for filing such a complaint or complying with such investigation occurred or did not occur.

The investigation by the Auditing Official may include:

- Interviews of the Complainant and witnesses;
- Interviews of governmental officials who may have knowledge about the complaint or may be the subject of the complaint;
- Inspection of documentation (in written, printed, or electronic format) relevant to the complaint;
- Taking any other appropriate measures to ensure that the complaint has been thoroughly investigated.
- Making a determination whether the complaint has merit or whether the complaint does not have merit.

D. Auditing Official Determination and Remedial Action If Necessary

If the Auditing Official determines that the complaint has no merit, he/she can dismiss the complaint.

If the Auditing Official determines that the complaint has merit, he/she may take remedial action on behalf of the Complainant, including reinstatement, reimbursement for lost wages or expenses, promotion, or other remedial action that the Auditing Official deems appropriate. The Auditing Official may also make his/her investigation findings available to the Complainant's attorney if the Auditing Official finds that restitution is not sufficient.

Any person who engages in prohibited retaliation under Section 10-135 of Public Act 101-0652 [50 ILCS 105/4.1] may also be subject to fines, appropriate employment action, civil or criminal prosecution, or any combination of these actions.

E. Designation of Auditing Official

The village designates the village attorney to serve as the Auditing Official of the village, with the duties and responsibilities set forth in Section 10-135 of Public Act

101-0652 [50 ILCS 105/4.1] and this Policy, and the McLean County State's Attorney to serve as the alternate Auditing Official in the event the village attorney is unable or unavailable to serve. In the event no one is designated, or the designated officials cannot act for any reason, then the McLean County State's Attorney shall act as the Auditing Official pursuant to this policy.

3.17 PAID LEAVE POLICY

Effective January 1, 2024, Illinois statute 820 ILCS 192, the Paid Leave for All Workers Act (the "Act"), requires all employers to provide employees one hour of paid leave for every 40 hours worked. The Act applies to full-time and part-time workers who are paid a fixed salary or an hourly wage but does not include independent contractors.

For purposes of this Ordinance, the term "employee" does not include elected or appointed officials [Federal Labor Standards Act of 1938 section 3(e)(2)(C); Illinois Minimum Wage Law 820 ILCS 105/4a(2)(D)]. Therefore, the Village President, all Village Trustees, the Village Clerk, and the Village Treasurer shall not be considered as employees.

All Village of Bellflower employees work part-time as needed to fulfill the duties of their job. No Village employee has a fixed daily/weekly/monthly/quarterly/annual work schedule. As a result, Village employees cannot schedule time "out" of the office, as no employee has any defined time "in" the office. In lieu of scheduling paid leave, employees shall be paid in compliance with the Act as if they had scheduled and taken paid leave.

For hours worked beginning January 1, 2024, the Village shall establish a paid leave policy and shall calculate paid leave for all employees as follows:

- Paid leave shall be calculated during the monthly payroll process.
- Employee hours worked shall accrue monthly.
- Whenever an employee has worked 40 hours, the employee shall receive payment for one hour of paid leave in lieu of scheduling time off, and the employee's accrued hours worked balance shall be reduced by 40 hours.
- The paid leave hourly rate of pay shall be the rate of pay established for hourly employees in the annual Salary Ordinance.
- Determining Hours Worked.
    - Salaried.employees – Because salaried employees do not have a defined work schedule, hours worked shall accrue based on an assumed number of monthly hours worked as shown in the following table:

SALARIED POSITION	ASSUMED MONTHLY HOURS
Community Center-Scheduler	4
EMA Coordinator	2
Water-Assistant Superintendent	5
Water-Superintendent	60

- Hourly.employees – Hours worked shall accrue based on the total hours worked as shown on the hourly employee's monthly timesheet.

HOURLY POSITION	MONTHLY HOURS
Community Center-Maintenance	Timesheet
Village-Grounds Maintenance	Timesheet
Water-Hydrant Flushing	Timesheet

- At the end of each calendar year, each employee's accrued hours worked balance shall carry over into the next calendar year.
- Paid leave shall not be paid out upon an employee's termination, resignation, retirement, or other separation from employment.

3.18 USE OF PUBLIC FUNDS

The 1970 Constitution of the State of Illinois, Article VIII "Finance," Section 1 "General Provisions" states:

(a) Public funds, property or credit shall be used only for public purposes.
(b) The State, units of local government and school districts shall incur obligations for payment or make payments from public funds only as authorized by law or ordinance.

Although "public purpose" has not been defined by the legislature, the Village of Bellflower desires to identify certain uses of public funds that may raise objections by members of the public as not being for a public purpose. Therefore, to avoid any appearance of improper use of public funds, the village generally will not use public funds for the following purposes unless a determination is made that the public benefit outweighs any private gain: charitable donations, memorial contributions, flowers, gifts, and gift cards.

CHAPTER 3.14 ATTACHMENT

VILLAGE OF BELLFLOWER
TRAVEL, MEAL AND LODGING EXPENSE REIMBURSEMENT FORM

Name of Official or Employee: _____

Title/Position of Official or Employees: _____

Title and Date of the Activity/Event: _____

Description and Purpose of the Expense: _____

_____

_____

_____

Reimbursement Expense (estimated costs for pre-approval, or actual costs to be reimbursed, with receipts, if applicable):

Mileage: $_____

Meals: $_____

Parking: $_____

Hotel/Lodging: $_____

Auto Rental: $_____

Airfare: $_____

Other Transportation (bus, train, taxi, car share, shuttle, etc.): $_____

TOTAL REIMBURSEMENT REQUESTED: **$_____**

Official/Employee Signature: _____ Date: ____/____/20____

Village President Approval Signature: _____Date: ____/____/20____

RECEIPTS MUST BE ATTACHED FOR ANY EXPENSE TO BE REIMBURSED

CHAPTER 4 – MUNICIPAL PURCHASING

4.01 COMPETITIVE BIDS FOR PURCHASES OR CONTRACTS $25,000 AND OVER

Any non-employment labor, lease, purchase of goods or services, sale of property, equipment or supplies, or public improvement which is not to be paid for in whole or in part by a special assessment or special taxation, when the expense or cost thereof will equal or exceed $25,000, shall be constructed or purchased either: (1) by a contract let to the lowest responsive and responsible bidder after advertising for bids, in the manner prescribed herein, except that any such contract may be entered into by the proper officers without advertising for bids if authorized by a vote of two-thirds of all the trustees then holding office, or (2) in the following manner, if authorized by a vote of two-thirds of all the trustees then holding office, to-wit: the proper officers, to be prescribed by ordinance, shall make such purchase or shall superintend and cause such work or construction to be carried out, but all material costs which equal or exceed $25,000 used in any construction work or public improvement shall be purchased by contract let to the lowest responsive and responsible bidder in the manner prescribed herein. Nothing contained herein shall apply to any contract with the federal government or any agency thereof. [ref. 65 ILCS 5/8-9-1 and 2]

4.02 EXCEPTIONS TO COMPETITIVE BID REQUIREMENTS

Contracts which by their nature are not adaptable to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part (e.g., auditing; contracts for utility services such as water, heat, light, and telephone; purchasing of educational matter) shall not be subject to competitive bidding.

4.03 PROCEDURES FOR PURCHASES OR CONTRACTS $25,000 AND OVER

A. Publication. All proposals to purchase goods or award contracts valued at or exceeding $25,000 shall be published once, at least ten days in advance of the date announced for the receiving of bids, in a newspaper of general circulation throughout the Village by the Clerk. Nothing herein shall be construed to prohibit the Clerk from posting additional notices or advertising if requested by the Board of Trustees.

B. Advertisements for Bids. The advertisement for bids shall describe the character of the proposed contract, purchase, or improvement in sufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement itself, or by reference to detailed plans and specifications on file in the office of the Clerk at the time of publication of the announcement. The advertisement shall also state the date, time and place assigned for the opening of bids, and the deadline for receiving such bids in the office of the Village Clerk.

C. Deposit on Bids. If specified in the bid advertisement, a good faith deposit, payable to the Village in the form of cash or a bank cashier / teller / certified check

amounting to not more than 10 percent of the contract or purchase amount, may be required of each bidder on all bids that equal or exceed $25,000.

D. Opening of Sealed Bids. All sealed bids shall be officially opened by the Board of Trustees. All opened bids shall be available for public inspection in the office of the Clerk.

E. Bid Award. The award of any purchase or contract that equals or exceeds $25,000 shall be made by the Board of Trustees to the lowest or highest responsive and responsible bidder, depending on whether the Village is to expend or receive money.

4.04 EMERGENCY PURCHASES OR CONTRACTS

In the event of an emergency affecting the public health, welfare or safety so declared by the Village President, a contract may be let, or a purchase made, to the extent necessary to resolve such emergency without public advertisement, in a sum less than $25,000. The Village President shall file a notice of his authority for such expenditure in writing to the Clerk with a copy to the Board of Trustees and shall provide the date or time when the emergency shall terminate and shall name the person authorized to make such expenditure or contract and the amount or amounts to be expended.

4.05 PURCHASES OR CONTRACTS VALUED AT LESS THAN $25,000

A. Village President. The Village President may purchase goods and award contracts, where the value does not exceed $1,500, to the highest or lowest responsive and responsible bidder, depending on whether the Village is expending or receiving money, without authorization by the Board of Trustees or procurement of bids as set forth in this chapter.

B. Village Credit Card Holders. Holders of a village credit card may purchase goods, where the value does not exceed their approved credit card limit, with prior authorization of the Village President. An approval to purchase does not require authorization by the Board of Trustees or procurement of bids as set forth in this chapter.

C. Authorized Village Personnel. The Village President may authorize specific village personnel to purchase goods from vendors who extend in-store credit to authorized customers. Any purchase where the total value exceeds $500 must be preauthorized by the Village President. These purchases do not require authorization by the Board of Trustees or procurement of bids as set forth in this chapter.

D. All Other Purchases. Except for the situations described in chapter 4.05(A), (B), and (C) above, the Village President shall present a recommendation to the Board of Trustees for approval of all proposed purchases or contracts valued at less than $25,000 together with supporting documentation sufficient for the board to approve the request or take such other action as may be required by law. Board approval of an expenditure, contract, or lease shall empower the Village President to purchase

goods or execute a contract or lease on behalf of the Village. Board approval may impose other terms, conditions, directions, or restrictions.

E. Transaction Value Defined. The sum herein authorized to be expended shall constitute the total payment for such contract or purchase and shall not be expended as an installment or partial payment on a larger amount, nor shall it be expended in any manner to circumvent directly or indirectly the other provisions of this chapter providing for authorization or bidding when a larger sum is to be expended.

4.06 CONTRACTS EXEMPT FROM PURCHASING REGULATIONS

The provisions of this chapter shall not apply to local improvement contracts, special assessments, or to purchases or contracts otherwise specifically provided for in 30 ILCS 500/1-10.

4.07 INVALID PURCHASES OR CONTRACTS

Any purchase or contract executed in violation of this chapter shall be null and void as to the Village, and if public funds have been expended thereupon, the amount thereof may be recovered in the name of the Village.

CHAPTER 5 – STREETS, ALLEYS AND SIDEWALKS

5.01 NAMES OF STREETS

All streets of the village shall be known and designated by the names applied hereto, respectively, on the map of the village kept on file in the office of the Village Clerk and the street names designated on said map shall continue to be the names of streets unless and until changed by ordinance of the Board of Trustees.

5.02 NUMBERING BUILDINGS

Buildings located along the streets of the village shall be numbered in accordance with a chart kept by the Village Clerk showing the proper street number of each lot. The owner of any such building shall place such number on his building to be visible from the street.

5.03 DAMAGE TO STREETS

No person shall damage or deface any street, alley, sidewalk, public way, park or other public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole, or any other appurtenance thereon, except as may be authorized by the village.

5.04 ENCROACHMENTS ON STREET

A. No person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk, or public way except by permit from the Board of Trustees. Application for such permit shall describe the nature of the encroachment in such detail as the board shall require. The board in its discretion may issue or deny the permit and may impose any conditions to such permit it deems appropriate.

B. Awnings made of a pliable substance attached to a building and extending not less than eight feet above the surface of the sidewalk may be erected and maintained without a permit.

C. Any encroachment on any street, alley, sidewalk, or public way shall be maintained so that it does not endanger or obstruct the public.

D. Any encroachment maintained in violation of this section is declared a nuisance and may be abated by the village.

5.05 OBSTRUCTING STREETS

A. No person shall obstruct or endanger the free passage or proper use of the public of any street, sidewalk, alley, or public place, except as may be permitted by this chapter.

B. Goods, wares, and merchandise may be placed on sidewalks for such reasonable time as may be necessary while loading and unloading, provided pedestrian traffic is not obstructed.

5.06 BUILDERS OCCUPYING STREET

A. Permission. Building permits shall be held to imply a license to occupy such portion of the public street and sidewalk abutting upon and adjacent to such buildings for private use in connection with the actual building operations under such permit as is required, subject to the supervision and direction of the street commissioner, including such time limitations as he may set.

B. Materials on Streets. No materials except those required for immediate use in connection with a building or structure, or the alteration or repair thereof under such permit, shall be placed upon the street or sidewalk abutting upon or adjacent to such building. As soon as such building or structure is under roof, all materials shall be placed within the lot line, and the street and sidewalk cleaned and placed in the same condition as before the beginning of building operations under such permit.

C. Area Used; Temporary Walks. No more than one-half the space between the center line of the street and the lot line of the premises upon which such building alterations or repairs are being conducted under such permit, and no more than one-third the width of any public sidewalk, shall be occupied under such permit; provided the full width of the sidewalk may be occupied by the consent of the street commissioner, and the providing of a temporary walk leading around the obstructed portion of the sidewalk connecting with the permanent walk at either end thereof. Such temporary walk shall be constructed to the satisfaction of the street commissioner, and it shall be his duty to cause the same to be made safe and secure for public travel upon the same.

D. Access to Hydrants, Drains. No building material, temporary walk or obstruction shall be placed to render inaccessible access to, or obstruct any fire hydrant, manhole, catch basin, or vault, or render impassable to vehicles any street, alley, or public way.

E. Cleaning Walk. The holder of such permit shall always, during the work thereunder, maintain the portion of the permanent sidewalk reserved or the temporary walk above provided for, in a safe condition and clear of all material, rubbish, dirt or snow.

F. Barriers. He shall erect and maintain a sufficient and suitable fence, railing, or barricade to guard all excavations, embankments, or obstructions along the street, obstructed during the time he shall occupy the same under such permit.

G. Lights. He shall place and maintain proper and sufficient yellow lights or tallow pots on each end of every such obstruction or excavation and at intervals of 50 feet along the same at night. No person shall remove, extinguish, or disturb the lights or pots.

H. Obstructing Gutters. He shall at no time obstruct the gutter or waterway of any street, so as to prevent free passage of water along the street, and if any gutter be shaded or covered so that ice accumulated therein, he shall clear the gutter of such ice so as to allow the water to pass freely at all times.

5.07 MATERIALS IN STREETS

A. Any person not holding a building permit shall not store any materials on any street, sidewalk, or public place without a permit therefor from the village.

B. The fee for such permit shall be $10.

C. The permittee shall conform to the provisions of Section 5.06 relating to builders occupying streets to the extent they are applicable, and to such other conditions as the village may impose when granting the permit.

5.08 EXCAVATIONS AND WORK IN STREETS

A. Permit. No person shall change the grade or level, or injure or tear up any pavement of any street, sidewalk, crosswalk or curb, or any part thereof, dig any hole, trench, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street or public ground in the village without first obtaining a permit from the office of the Village Clerk, as hereinafter provided. Before such permit shall issue, it shall first be approved by the Board of Trustees and, in the event that the permit is obtained for the purpose of making a connection to a sewer or water facility of the village located in any public street, the street commissioner may, if practical, require the applicant to tunnel or auger instead of removing or injuring the pavement.

B. Fee and Bond. No fee for a permit is required under this section. The applicant shall deposit a cash bond as follows:

1. For excavation on any primary streets (all plant-mix mat surfaces) a $1,000 cash bond.

2. For excavation on secondary streets (all gravel, dirt and like surfaces) a $250 cash bond.

3. The bond shall guarantee the applicant faithful and prompt restoration of the excavated area in accordance with the provisions of the ordinances of the Village of Bellflower and the maintenance thereof for a period of two years. All public utilities operating under a franchise with the village shall be exempt from the requirements of this subsection (B).

C. Protection of Village. Any applicant using or excavating any portion of any street pursuant to the issuance of a permit shall save and keep the village free, clear and harmless from any loss or liability on account of any accident or damages or any claim, liability or lawsuit resulting from such excavation or work, and shall enter into a hold harmless agreement with the village to this effect at the time the permit is

issued. The applicant shall fully remove all material, dirt, and rubbish from the space so occupied, and restore such street to its original condition immediately upon the expiration of the period named in the permit.

D. Repairing and Replacing Excavations. The person excavating in any street or public place, shall, if required by the street commissioner, to do so immediately upon completion of the work, and as fast as practicable during the accomplishment thereof, return the earth, ram and pack down the same as fast as practicable to a firm and solid bearing state and in a manner, if possible, that will entirely prevent any settling of such earth. Such work shall be done to the satisfaction of the commissioner and under his direction. The commissioner may adopt proper rules and regulations for such relaying and replacing of such pavements and material. The commissioner may relay all pavement caused by any street opening other than those openings specifically required to be relayed by others or by the village board from time to time.

E. Protected Excavations and Obstructions; Lights at Night. It shall be the duty of any person engaged in digging into or working upon a street or public place, or who places building materials on any street or public place, where such work if left exposed would be dangerous to pedestrians, to erect a fence, barricade or railing at such excavation or work in such manner as to prevent danger to pedestrians. It shall be the duty of such person to place suitable and enough lights upon such railing or fence at sunset in the evening and keep them burning through the night.

F. Liability for Damages. Any person performing any of the work mentioned in this section shall be liable for any damage which may be occasioned to persons or property by reason of carelessness connected with the work.

G. Village Excavations. Whenever a street or other public place is excavated by the village, the village shall erect and maintain the fencing and lights required by this section.

H. Notice to Village. Whenever any public street is obstructed or rendered impassable for vehicles by an excavation therein, or by the occupation thereof by building materials, or by any house in the process of moving, the person so obstructing such street shall immediately notify the Village Clerk of the location of such excavation or other obstruction, and of any change therein from day to day, during the progress of the work causing such obstruction.

5.09 LAYING OF PIPE IN STREETS

A. Permit. No sewer, water pipe, conduit pipe, gas pipe, wire or cable for conveying electric current nor any street or alley pavement, sidewalk, or other like improvement shall be placed, laid or maintained in, under, or upon any street, alley, sidewalk, easement of passage or public place, except improvements constructed under special assessment proceedings, unless a permit authorizing the same has been issued by the village.

B. Location of Gas Pipes. Any gas pipes when placed in any public street or alley shall be laid so that there will be no interference with sewers or water pipes, and before any pipes are laid, permission must be secured from the village and same must be placed in a portion of the street or alley as may be directed by the village.

C. Map to be Filed. Every gas company that lays down gas pipes in any public street or alley shall make and file with the Village Clerk an accurate map showing the exact location of every line of pipe laid by it, which map shall be accessible for public inspection and shall be kept constantly revised to show any changes or additions.

5.10 MOVING STRUCTURES ON STREETS

No person shall move any building or structure on any street without a permit from the Board of Trustees or street commissioner. The Board of Trustees or street commissioner may issue the permit under such conditions as may be prescribed to protect the streets and village and private property and to minimize public inconvenience. The permittee may be required to execute a bond or insurance contract in behalf of the village in such amount as he deems appropriate conditioned that the permittee will comply with the conditions of the permit and indemnify the village against any damage caused to village or private property or any person by removal of the building or structure.

5.11 DEBRIS IN STREETS

A. No person shall litter or deposit any foreign matter on any street, alley, sidewalk, park, or public place, except building materials and merchandise as permitted under this chapter, or as may be permitted by the Board of Trustees.

B. Any person violating this section shall be liable for the cost of removal of the foreign matter in addition to the penalty provided for violation of this code.

5.12 PROTECTION OF WORK IN STREETS

Any person laying, or making an excavation in, or doing any work in any street, sidewalk or other public place shall maintain suitable barricades to prevent injury to any per son or vehicle by reason of the work. Barricades shall be protected by suitable lights at night. Any defect in any pavement shall be barricaded to prevent injury. Any person maintaining any opening or excavation in any such place shall guard such opening or excavation while the same remains open, by proper barricades and lights. No person shall interfere with or disturb any barricades or lights lawfully placed to protect or make new pavement or excavation or opening in any street, alley, or sidewalk.

5.13 BARBED WIRE FENCES

No person shall maintain or construct any fence composed in whole or part of barbed wire, or with any similar materials designed to injure any person, or any wire charged with electrical current, except to protect industrial property, in which case the barbed wire must be at least six feet above the sidewalk and extend inward from the property line.

5.14 ADVERTISING ON STREETS

No person shall paint or post any signs or bills on any trees, poles, or other structures in any street or on the surface of any street or sidewalk.

5.15 SNOW ON SIDEWALKS

The person occupying the ground floor of any building, the user of any lot without a structure thereon, and the owner of any vacant building or other premises shall remove the snow and ice accumulating on the abutting sidewalks within 24 hours after any snowfall has ceased. Any sidewalk containing snow or ice which cannot be removed shall be sanded or otherwise treated to lessen the hazard for pedestrians until the climate permits removal.

5.16 BURNING LEAVES AND RUBBISH

No person shall burn any leaves, paper, rubbish, or other substances upon any street, sidewalk, or alley. [See Chapter 12.11 "Open Burning" for further information and restrictions related to open burning of leaves and rubbish.]

[Section 5.16 replaced in its entirety by Ordinance 2022-07 11/13/2022]

5.17 DRIVEWAYS

A. Permit. No person shall construct a driveway across any sidewalk without first having obtained a permit therefor from the village clerk who shall submit the application to the village board for approval.

B. Fee. There is no fee to submit a driveway construction permit.

C. Specifications. Construction of driveways across sidewalks shall comply with specifications which have been adopted by the village board and which are on file in the office of the village clerk.

D. Repair. The person maintaining a driveway shall keep it in good repair at the place where it crosses the sidewalk and free from any obstruction or other openings.

5.18 TREES

A. Planting Permit. No person shall plant any tree or shrub in any street, parkway, or other public place without first having secured a permit therefor from the village clerk who shall submit the application to the village board for approval.

B. Removal Permit. No person shall remove or cut down any tree or shrub in any street, parkway, or other public place without having first secured a permit therefor from the village clerk who shall submit the application to the village board for approval.

C. Injury. No person shall injure any tree or shrub planted in any street, parkway, or public place.

D. Advertisements or Notices. No person shall attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or public place.

E. Dangerous Trees. Any tree or shrub which overhangs any sidewalk, street or other public place in the village in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises on which such trees or shrub grows so that the obstruction shall cease. Any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which the tree grows or stands.

F. Wires. No person shall attach any wire or rope to any tree without the permission of the Board of Trustees. Any person granted the right to maintain poles and wires in the streets, alleys or other public places in the village shall in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the street commissioner, to insure that injury shall not be done to the poles, wires, shrubs and trees by contact with wires.

5.19 RAILROAD CROSSINGS

A. No railroad company or employee thereof shall cause any railroad cars or locomotive to obstruct any street crossing for more than 15 minutes at any time.

B. Every railroad company shall conform its railroad track to the grade of any street in the village that the track crosses, and shall install and maintain sewers, culverts, and gutters on its right of way so as to adequately drain off surface waters, all in conformity with 65 ILCS 5/11-57-1.

5.20 CONSTRUCTION OF FACILITIES ON THE RIGHTS-OF-WAY

A. Definitions.

As used in this Division and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code § 530.30 unless the context clearly requires otherwise.

"Applicant" - A person applying for a permit under this Division.

"Code" - The Municipal Code of the Village of Bellflower.

"Construction" or "Construct" - The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Disrupt the Right-of-Way" - For the purposes of this Division, any work that obstructs the right-of-way or causes a material adverse effect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Engineer" - The Village President (Mayor) or his or her designee.

"Facility" - All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Division. For purposes of this Division, the term "facility" shall not include any facility owned or operated by the Village.

"Parkway" - Any portion of the right-of-way not improved by street or sidewalk.

"Permittee" - That entity to which a permit has been issued pursuant to Section 5.20.B of this Division.

"Restoration" - The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-Way" or "Rights-of-Way"- Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-way" or "Rights-of-way" shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

"Utility" - The individual or entity owning or operating any facility as defined in this Division.

"Village" - The Village of Bellflower.

B. Permit Required; Applications and Fees.

1. Permit Required. No person shall construct (as defined in this Division) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this Division), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with

the Village Engineer and obtaining a permit from the Village therefor, except as otherwise provided in this Division. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

2. Permit Application. All applications for permits pursuant to this Division shall be filed on a form provided by the Village and shall be filed in such a number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

3. Minimum General Application Requirements. The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

   a) The utility's name, physical address, mailing address, telephone and fax numbers.

   b) The applicant's name, physical and mailing address, if different than the utility, its telephone and fax numbers, e-mail address, and its interest in the work.

   c) The names, addresses, telephone and fax numbers, and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.

   d) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such a description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.

   e) Evidence that the utility has placed on file with the Village:

      1) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and

      2) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the Village finds that additional information or assurances are needed.

3) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations.

4) Evidence of insurance as required in Section 5.20.E of this Division.

5) Evidence of posting of the security fund as required in Section 5.20.G of this Division.

4. Applicant's Duty to Update Information. Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty (30) days after the change necessitating the amendment.

5. Application Fees. Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Division shall be accompanied by a fee payable to "Village of Bellflower" in the amount of $100. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

C. Action on Permit Applications.

1. Village Review of Permit Applications. Completed permit applications, containing all required documentation, shall be examined by the Village Engineer within a reasonable time after filing. If the application does not conform to the requirements of applicable ordinances, codes, laws, rules, and regulations, the Village Engineer shall reject such application in writing, stating the reasons therefor. If the Village Engineer is satisfied that the proposed work conforms to the requirements of this Division and applicable ordinances, codes, laws, rules, and regulations, the Village Engineer shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Village Engineer, that the construction proposed under the application shall be in full compliance with the requirements of this Division.

D. Effect of Permit.

1. Authority Granted; No Property Right or Other Interest Created. A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Division on Village rights-of-way and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

2. Duration. No permit issued under this Chapter shall be valid for a period longer than six (6) months unless construction is begun within that period and is thereafter diligently pursued to completion.

E. Insurance.

1. Required Coverages and Limits. Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs a) and b) below:

   a) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred to as "X," "C," and "U" coverages) and products-completed operations coverage with limits not less than:

      1) Five million dollars ($5,000,000) for bodily injury or death to each person;

      2) Five million dollars ($5,000,000) for property damage resulting from any one accident; and

      3) Five million dollars ($5,000,000) for all other types of liability;

   b) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of one million dollars ($1,000,000) for personal injury and property damage for each accident;

   c) Worker's compensation with statutory limits; and

   d) Employer's liability insurance with limits of not less than one million dollars ($1,000,000) per employee and per accident.

   If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

2. Excess or Umbrella Policies. The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

3. Copies Required. The utility shall provide copies of any of the policies required by this Section to the Village within ten (10) days following receipt of a written request therefor from the Village.

4. Maintenance and Renewal of Required Coverages. The insurance policies required by this Section shall contain the following endorsement:

> "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until thirty (30) days after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village President of such intent to cancel or not to renew."

Within ten (10) days after receipt by the Village of said notice, and in no event later than ten (10) days prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this Section.

5. Self-Insurance. A utility may self-insure all or a portion of the insurance coverage and limit requirements required by Subsection 1 of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under Subsection 1, or the requirements of Subsections 2, 3 and 4 of this Section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under Subsection 1 of this Section, such as evidence that the utility is a "private self-insurer" under the Workers Compensation Act.

6. Effect of Insurance and Self-Insurance on Utility's Liability. The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

7. Insurance Companies. All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rated "A-" or better and of a class size "X" or higher by A.M. Best Company.

F. Indemnification.

By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Division or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries,

claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Division by the Village, its officials, officers, employees, agents or representatives.

G. Security.

1. Purpose. The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve as security for:

   a) The faithful performance by the permittee of all the requirements of this Division;

   b) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this Division; and

   c) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or non-performance by permittee in violation of this Division including, without limitation, any damage to public property or restoration work the permittee is required by this Division to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Division or any other applicable law.

2. Form. The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this Subsection shall, at a minimum:

   a) Provide that it will not be canceled without prior notice to the Village and the permittee;

   b) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and

   c) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.

3. Amount. The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Village Engineer, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee

fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Village Engineer may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this Subsection 3 for any single phase.

4. Withdrawals. The Village, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the Village for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

   a) Fails to make any payment required to be made by the permittee hereunder;

   b) Fails to pay any liens relating to the facilities that are due and unpaid;

   c) Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or

   d) Fails to comply with any provision of this Division that the Village determines can be remedied by an expenditure of an amount in the Security Fund.

5) Replenishment. Within fourteen (14) days after receipt of written notice from the Village that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in Subsection 3 of this Section.

6) Interest. The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in Subsection 3 of this Section.

7) Closing and Return of Security Fund. Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this Division or other applicable law. In the event of any revocation of the permit, the Security Fund, and any and all accrued interest therein, shall become the property of the Village to the extent necessary to cover any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

8) Rights Not Limited. The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Division or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

H. Permit Suspension and Revocation.

1. Village Right to Revoke Permit. The Village may revoke or suspend a permit issued pursuant to this Division for one or more of the following reasons:

a) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;

b) Non-compliance with this Division;

c) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or

d) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

2. Notice of Revocation or Suspension. The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Division stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 5.20.H.3.

3. Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension. Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

a) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;

b) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within five (5) working days after receipt of the written notice of revocation; or

c) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten (10) days after receipt of the written notice of revocation.

The Village may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.

4. Stop Work Order. In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection 1 of this Section.

5. Failure or Refusal of the Permittee to Comply. If the permittee fails to comply with the provisions of Subsection 3 of this Section, the Village or its designee may, at the option of the Village: (1) correct the deficiencies; (2) upon not less than twenty (20) days' notice to the permittee, remove the subject facilities or equipment; or (3) after not less than thirty (30) days' notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

I. General Construction Standards.

1. Standards and Principles. All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

a) Standard Specifications for Road and Bridge Construction;

b) Supplemental Specifications and Recurring Special Provisions;

c) Highway Design Manual;

d) Highway Standards Manual;

e) Standard Specifications for Traffic Control Items;

f) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);

g) Flagger's Handbook; and

h) Work Site Protection Manual for Daylight Maintenance Operations.

J. Location of Facilities.

1. General Requirements. In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this Subsection.

a) No Interference with Village Facilities. No utility facilities shall be placed in any location if the Village Engineer determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.

b) Minimum Interference and Impact. The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

c) No Interference with Travel. No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

d) No Limitations on Visibility. No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

e) Size of Utility Facilities. The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

f) Minimum Cover of Underground Facilities. Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

TYPE OF FACILITY	MINIMUM COVER
Electric Lines	30 inches (0.8 m)
Communication, Cable or Video Service Lines	18 to 24 Inches (0.6 m, as determined by Village)
Gas or Petroleum Products	30 Inches (0.8 m)
Water Line	Sufficient cover to provide freeze protection
Sanitary Sewer, Storm Sewer, or Drainage Line	Sufficient cover to provide freeze protection

K. Clean-up and Restoration.

The utility shall remove all excess material and restore all turf and terrain and other property within ten (10) days after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be done using materials and methods approved by the Village Engineer. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Village Engineer for good cause shown.

L. Penalties.

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Division shall be subject to a fine in accordance with the penalty provisions of this Code. There may be times when the Village will incur delays or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Division. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit-related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

M. Enforcement.

Nothing in this Division shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Division.

N. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Division is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

CHAPTER 6 – WATER SERVICE

The Village of Bellflower operates a public water system supplying drinking water to residents and businesses located within the corporate limits of the village.

Two exceptions to the location requirement exist for residences located outside and immediately adjoining the corporate limits of the village:

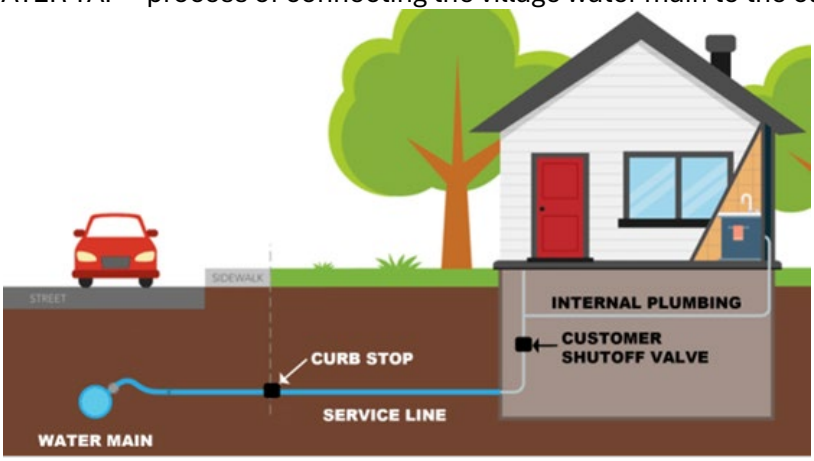
1) 503 N State St (PIN 32-21-401-005), and
2) 510 W Center St (PIN 32-28-101-001).

Water customer charges for water usage and fees are the sole source of water system income. The village tax levy does not include any water system expenses.

6.01 DEFINITIONS

Whenever used in this chapter, the following words or terms shall have the meanings ascribed to them in this section.

- CURB STOP – village-owned water service shutoff valve, usually located in the piping near the curb (between the water main and the customer premises), used to start or stop the flow of water from the main water line.
- CUSTOMER – the person(s) contracting for water service from the village to the premises owned or rented by the water user.
- CUSTOMER SHUTOFF VALVE – an easily accessible valve which allows a customer to turn off water to the premises in case of an emergency.
- OWNER – the person(s) whose name(s) appears on the property title to the premises served by the village water system.
- SERVICE LINE – customer-owned water piping that runs between the curb stop and customer premises.
- USER – see "Customer".
- VILLAGE – the Village of Bellflower, McLean County, Illinois.
- WATER MAIN – village-owned primary water distribution pipe that supplies water to smaller pipes on the way to homes and businesses.
- WATER TAP – process of connecting the village water main to the curb stop.



6.02 APPLICATION FOR SERVICE

Any person desiring water service from the village water system to any premises within the corporate limits of the village shall make written application to the water billing clerk on a form furnished by the water billing clerk and signed by the property owner and resident, if different from property owner.

Any applicant who is delinquent on any water charges due to the village, including water usage and fees, regardless of which premises the delinquency occurred, shall not receive approval for water service without payment in full of such delinquent amounts.

A. Where a water connection already exists to the premises, the water billing clerk will notify the water superintendent or his designee to turn on water service to the premises.

B. Where a water connection does not exist to the premises:

1. If a water main exists at the front of the premises, a water tap will be required. See "Water Taps" in section 6.03 of this chapter.
2. If a water main does not exist at the front of the premises, the applicant must request a water main extension. See "Extension of Water Mains" in section 6.06 of this chapter.

6.03 WATER TAPS

An application to install water service, at a location where a water main exists without a connection to a customer's premises, requires a water tap. A water tap establishes a connection between the water main and the curb stop shutoff valve. The customer service line is the pipe between the curb stop and the customer building.

Only village-approved contractors may work on the village water main(s) under the supervision and review of the water superintendent or his designee. As a result, the village will pay the water tap costs of the village-approved contractor and materials, and the applicant shall reimburse the village for all those costs.

A. Application Submittal: An application for service requiring a water tap must be submitted at least 1 month before the tap is needed. The 1-month lead time allows the village water department to schedule a village-approved contractor to perform the tap. The water superintendent or his designee will try to coordinate the work schedule so the applicant's contractor can connect the service line from the curb stop to the applicant's building at the same time.

B. Application Details: The application shall state the property owner's name and contact information, the resident's name and contact information (if different from the property owner), the physical address of the property, and the McLean County property identification number (PIN) assigned to the parcel.

C. Costs To Owner:

1. The applicant is responsible for all costs related to connections and taps, including contractor labor and materials.
2. Before ordering the tap, the applicant will be responsible for paying a $2,500.00 water tap deposit. The water tap deposit will be applied against the total water tap cost paid by the village. The applicant will either receive a refund for any excess water tap deposit or will be billed for any balance due.

D. Supervision and Inspection: The water superintendent or his designee shall supervise and inspect all connections and taps. Inspections shall occur before covering any connections and taps. No additional fee will be assessed to the applicant for work supervision and inspection.

E. Location: Location of taps, other connections to village water mains, "curb stops," "stopcocks," "corporation cocks," "service cocks," “shutoff boxes” and all other equipment shall be located as designated by the water superintendent or his designee.

F. Specifications: A village-approved contractor shall make connections with village water mains using materials and fixtures designated by, and in the sizes or other specifications, as required by the village water superintendent or his designee. No soldered or sweat fittings nor lead pipes shall be permitted underground.

6.04 WATER METERS.

The village does not use water meters unless the village board approves an exception. Water usage bills at a flat rate regardless of water usage.

6.05 SERVICE PIPES AND EQUIPMENT.

A. Location of Service Pipes: Along streets where water mains are laid, service pipes will not be allowed to run across lots, that is, from one lot to another, but must be taken from its main in front of the premises or front point in the street adjacent to the same.

B. Pipe Specifications: Water service pipes from the curb stop to the building or other facility for which the water service connection is made shall be constructed according to the specifications designated by the water superintendent or his designee.

C. Repair of Pipes: Repairs to all water main connections, which use iron or enameled iron service pipe, shall include replacing the iron or enameled iron service pipe from the water main to the curb stop with pipe in compliance with subsection B of this section.

D. Customer Shutoff Valve: All water service lines to buildings or other facilities shall include an easily accessible customer shutoff valve which allows a water

customer to turn off water to the premises in case of an emergency. The customer shutoff valve is typically located at a point where the water service line enters the building. The water customer is responsible for any installation and maintenance costs of the customer shutoff valve.

E. Protection of Pipes and Equipment: Water customers must keep their service pipes and all fixtures connected thereto in good repair and protected from frost at their own expense, and must prevent all unnecessary waste, or upon notice to the customer, water service turn-off will occur. For the purposes of this subsection, service pipes shall mean that portion of the service pipes used by the water customer which lies outside of the curb stop.

6.06 EXTENSION OF WATER MAINS

An application to install water service at a location where a water main does not exist will require a water main extension which expands the infrastructure of the water system. Water main extension requests require review and approval by the water superintendent, the village board, and the Illinois Environmental Protection Agency (IEPA).

No water main extension will be approved if, in the opinion of the water superintendent and the village board, the system does not have the necessary capacity to serve the proposed extension.

If a water main extension is approved, the applicant shall be responsible for all water main extension costs.

Only village-approved contractors may work on village water system main distribution pipes. The water superintendent or his designee will inspect and review the progress of all approved projects.

A. Application Submittal: An application for water service requiring a water main extension must be submitted at least 1 year before service is desired. Project review, planning, design, approval, and construction necessitate a long lead time. Parties involved include the water superintendent, village board, village engineer, village attorney, and contractors. The village will execute a contract to extend the water main once the village and IEPA approve the plan.

B. Application Details: The application shall state the property owner's name and contact information, the physical address of the property, the McLean County property identification number (PIN) assigned to the parcel, why the extension is needed, and the expected benefits to be derived from the extension.

C. Costs: All costs associated with a water main extension are the responsibility of the property developer or property owner. A project plan documenting all estimated costs for planning, designing, reviewing, and installing the extension, plus estimated costs to install any required water taps off the extension, must be submitted to by the applicant and approved by the village engineer and the village board. The applicant shall pay all such project costs according to a payment schedule defined in the project plan.

D. Supervision and Inspection: The water superintendent or his designee shall supervise and inspect all work. All work shall remain exposed until inspected by the water superintendent or his designee.

E. Location: Location of pipes, connections, and all related boxes and other equipment shall be designated by the village engineer.

F. Specifications: All project specifications shall comply with the village engineer's plan.

G. The village shall retain ownership of the water main extension.

6.07 WATER RATES

CHARGE	AMOUNT	NOTES
Water Usage – Flat Rate Single Unit	$40.00 $50.00	Through 4/30/2023 Effective 5/1/2023
Water Usage – Flat Rate Multi-Unit	$40.00 x number of units $50.00 x number of units	Through 4/30/2023 Effective 5/1/2023
Swimming Pool Fee	$30.00	Annually on June 1 for customers with swimming pools
Late Fee	$25.00	Effective 5/16/2023, for accounts not paid in full by the monthly date due
Water Turn-Off Fee	$25.00	
Water Turn-On Fee	$25.00	For delinquent accounts, service restoration will only occur after paying all delinquent charges / fees
Returned Check/Money Order	$25.00 plus all fees charged by our bank	

Annual Rate Review.
Effective January 1, 2024, water rates shall be subject to an annual March review of the year-to-year change in the rate of inflation based on the "Consumer Price Index All Urban Consumers (CPI-U)" as well as Water Fund income and expenses over the past twelve months. Any adjustment approved by the village board will be effective with the May 1 bill following the review.

6.08 SERVICE AND EQUIPMENT COSTS; DELINQUENCIES

A. Billing and Payment Details; Late Fees; Shut Off of Water.

1. Owner to be Billed: Water bills shall be sent to the property owner of record for

each water account, whether the property is owner-occupied, rented, or leased. The property owner shall be responsible for ensuring timely payment and shall be liable for all late and/or delinquent penalties referenced in this chapter.

2. Bill Delivery: Hardcopy water bills shall be sent U.S. mail. Customers who provide an email address will receive an email bill notification and can request to no longer receive hardcopy U.S. mail bills.
3. Billing Cycle: Monthly water bills shall be issued on the first day of each month for water usage during that month.
4. Due Date: The amount due shall be payable no later than the 15th day of the month billed.
5. Late Payment: A payment received by U.S. mail on the next business day after the 15th day of the month billed shall be considered an on-time payment. Any other payment received after the 15th day of the month billed shall be considered as a late payment and shall be assessed a $25.00 late penalty and shall receive a late notice.
6. Delinquent Accounts: Unless the village president has approved a payment arrangement, bills issued with a previous balance not paid by the 15th day of the month billed shall be delinquent and water service disconnection may occur without further notice.
7. Disconnect/Reconnect Fees: When water service disconnection occurs, water service reconnection will only occur after payment in full of all delinquent amounts, including penalties and fees, plus a $25.00 disconnection fee and a $25.00 reconnection fee.
8. Receipt of Bill or Notice: Failure to receive a water bill or late notice shall not be an excuse for nonpayment of the total amount due.
9. Extension of Credit: Village officials and employees may not extend credit to any water customer.
10. Accepted Forms of Payment:
    a. Check / Money Order payable to “Bellflower Water” – include a notation of the water account number or service address to which the payment applies.
    b. Credit / Debit Card – subject to a convenience fee assessed by the card processor.
    c. Cash – include a notation of the water account number or service address to which the payment applies. NOTE: the customer accepts all risks related to loss of cash payments.
11. Payment Delivery:
    a. U.S. Mail – mail payments to “Bellflower Water, PO Box 122, Bellflower, IL 61724-0122”.
    b. Payment Drop Box – deposit payments in the water payment box located at the corner of West Center and School streets.
    c. Online or by Phone – the card processor will supply your payment details to the village.
12. Payment Posting:
    a. The posting date for all payments shall be the date <u>received</u> by the village, not the U.S. mail postmark date or the date written on a check or money order.
    b. The posting day for a U.S. mail payment received on the next business day after the 15th day of the month billed shall be the 15th.

c. Payment acceptance and processing does not consider any customer notations submitted on or with the form of payment.
d. Payments shall apply to account balances in the following order: penalties, previous balance, service charges, and water usage.

B. Delinquent Payments; Lien Provisions:

1. Costs are a Lien: In the event charges for water service become delinquent and unpaid in accordance with the provisions of this chapter, any delinquent charge for water service to any premises served by the village water system shall constitute a lien upon the premises to which such water services were supplied.
2. Notice of Lien: In order to establish a lien upon the premises, as aforesaid, the village clerk shall send to the owner of record, as referenced by the owner's property identification number (PIN), of the real estate served by the village water system: a) a copy of each late notice sent by the water billing clerk to the person(s) delinquent in paying the charges or rates, or other notice sufficient to inform the owner of record, as referenced by the owner's PIN, that the charges or rates have become delinquent; and b) a notice that unpaid charges or rates may create a lien on the real estate served by the village water system.
3. Statement of Lien Claim: After sending the required notices, as previously mentioned, the village clerk is hereby authorized and directed to cause sworn statements showing such delinquencies to be filed in the McLean County Recorder's Office, thereby establishing as a matter of record as to such real estate the delinquency of the payment for water services. The village attorney may also sign and file said statement at the direction of the village clerk. Such statement shall contain the legal description of the premises served, the amount of the delinquent bill, and a notice that the village claims a lien for this amount, as well as for all charges for water service after the period covered by the bill. The filing of such statement shall be deemed notice for the payment of such charges and for water service and overdue payment penalties. The village clerk shall send a copy of the notice of the lien to the owner of record of the real estate, as referenced by the owner's PIN.
4. Release of Lien: Upon payment of the costs and expenses by the owner or persons interested in such property, and upon payment of the recording fee paid by the village to the McLean County Recorder's Office to record the notice of lien, the lien shall be released by the village, in writing, which release shall be forwarded to the owner or occupant against whose name the lien was filed, and who shall be responsible for bearing the recording fee to record the release of the lien.

C. Equipment Costs: Any equipment relating to the water service provided by the village water system shall be billed to the customer. Failure to pay any charges shall result in the actions described in section 6.08(B)(1) of this chapter.

D. Foreclosure of Lien: The lien for water usage and other charges for water service, unpaid for, established by law against the premises and real estate upon or for which water furnished by the village is used or supplied, shall be enforced and foreclosed as provided for under the Illinois laws for foreclosure of such liens.

6.09 DISCONTINUANCE OF SERVICE; RECONNECTIONS

A. Authority of Village to Discontinue Service: The village reserves the right to discontinue service for any one or more of the following reasons or conditions:

1. Unauthorized use of or tampering with any curb stop or other property of the village water department.
2. Nonpayment for service rendered to the customer.
3. The existence of any piping cross connection with any other source of supplier apparatus may endanger the quality of the village's water supply.
4. Refusal of reasonable access to the premises for the purpose of inspecting, diagnosing, or repairing a problem reported by the customer.
5. Failure to repair any defect or leak in a customer service pipe within five days after discovery and notification to the customer.

B. Request for Discontinuance by Customer; Reconnections:

Any person desiring to discontinue the use of village water shall give notice thereof to the water billing clerk and specify if the request is temporary or permanent.

1. Temporary Disconnection
   a. The water billing clerk shall notify the water superintendent or his designee to turn off the water.
   b. The water billing clerk shall credit the customer for water usage prorated from the turn-off date to the end of the month.
   c. Upon customer request, such water supply may again be turned on after the customer pays any water account balance plus $25.00 for the cost of turning the supply off and an additional $25.00 for turning the water supply back on. Then the water billing clerk shall notify the water superintendent or his designee to turn on the water.
2. Permanent Disconnection
   a. The water billing clerk shall notify the water superintendent or his designee to turn off the water.
   b. The water billing clerk shall prepare a final bill for water usage, prorated from the disconnection date to the end of the month, which also includes any delinquent amounts. The customer either will receive a bill for any remaining balance or will receive a refund for any overpayment.

6.10 UNAUTHORIZED USE OF WATER; COSTS AND CONSEQUENCES

In any instance where unauthorized use of or tampering with a curb stop or other property of the water department is discovered, the customer shall pay the village for any expense necessitated to correct or repair any damage resulting from such unauthorized use of or tampering with any curb stop or other property of the village water department. Restoration or reconnection of the water service shall occur only after payment of all fees and delinquent water charges.

6.11 AUTHORITY TO SHUT OFF WATER

In case of fire, or in making emergency repairs, or constructing new works, the village reserves the right to shut off the water supply at once without notice and keep it shut off so long as it may be necessary.

6.12 CROSS CONNECTION CONTROL

A. All plumbing installed within the village water system shall comply with the Illinois Plumbing Code, 77 IL Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgement of the water superintendent or his designee, an approved backflow prevention device is necessary for the safety of the public water supply system, the water superintendent or his designee 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 test made of such approve devices upon installation and as required by the Illinois Plumbing Code and local regulations.

B. No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the village water system enter the supply or distribution system of said municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the water superintendent or his designee, the village board, and the Illinois Environmental Protection Agency.

C. It shall be the duty of the water superintendent or his designee to conduct surveys and investigations 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 a matter of public record and shall occur at least every two years, or as often as the water superintendent or his designee shall deem necessary. Records of such surveys shall be available for review for a period of at least five years.

D. The village water superintendent or his designee shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the village water system for the purpose of verifying the presence or absence of cross-connections, and that he shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the village water 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 water superintendent or his designee 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 water superintendent or his designee, be assumed to be evidence of the presence of improper connections as provided in this ordinance.

E. The water superintendent or his designee is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this ordinance is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service restoration to such property shall not occur until such conditions are eliminated or corrected in compliance with the provisions of this ordinance, and until a $25.00 disconnection fee plus a $25.00 reconnection fee is paid to the village. Immediate disconnection with verbal notice can occur when the water superintendent or his designee receives assurance that imminent danger of harmful contamination of the public water supply system exists. Such action shall require follow-up written notification of the cause of disconnection. Immediate disconnection without notice to any party can be performed to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the water superintendent or his designee or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the village, the water superintendent or his designee, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether said termination was with or without notice.

F. The customer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained, or repaired device, or a bypassed device, must bear the cost of clean-up of the potable water supply system.

6.13 PROHIBITED ACTS AND CONDITIONS

A. Unauthorized Water Service Turn-On/Turn-Off: No person shall, without authority granted by the water superintendent or his designee, turn on or turn off the water supply to any premises from which such supply was previously shut off for any cause.

B. Supplying Water to Others: No water customer shall supply other persons or families with village water or suffer them to take water from his service pipes, except for temporary use or for drinking upon the premises where furnished.

C. Swimming Pools: Water customers who fill a personal swimming pool located on their property shall be charged an annual fee. No other person or agency, including the Bellflower Fire Protection District, without authority granted by the village president on behalf of the village board, shall use village water to fill a swimming pool.

D. Wasting Water: Hydrants, taps, hoses, water closets, urinals, baths, and all other fixtures consuming village water must not run when not in use, under penalty of having the water shut off with notice.

E. Use of Hydrants: All fire hydrants or "fire plugs" are public hydrants. No person other than a village employee, village official, member of the Bellflower Fire Protection District (when conducting official business, such as training exercises, cleaning of equipment, or responding to a fire or other emergency), or member of any other area fire department or other appropriate emergency response official (when responding in an emergency), shall open any village fire hydrant or attempt to draw any water from same.

F. Damaging Water Facilities: No person shall, without authority granted by the water superintendent or his designee, mark, deface, injure, tamper with, or destroy any of the village water system equipment, including but not limited to, fire hydrants, curb stop, pipes, or valves, or shall work or operate them, or attempt to do so.

6.14 EMERGENCY SITUATIONS

A. Water Conservation. Whenever, in the judgment of the village president, drought or other public exigency may require it, he shall have the right and authority, by public proclamation posted in at least three conspicuous places in the village where same may be easily seen and read, to limit in respect of time and quantity the use of village water, and during such time, may wholly suspend and prohibit the use of village water for public or private fountains, sprinkling, or any purpose except for immediate domestic use until such exigency has passed. The notice shall also be posted on any village website.

B. Boil Orders. A boil order may be issued by the village president whenever the water superintendent or his designee advises that water system maintenance or repairs may have caused contamination to the water distribution system.

1. Notifications shall be posted throughout the community, on the Bellflower Village Group on Facebook (not owned or maintained by the village), and on any village website.
2. The McLean County Health Department shall immediately be notified of the boil order and notified again after the boil order has been lifted.
3. The boil order will be in effect until the Illinois EPA conducts tests on appropriate water samples and lifts the order.

6.15 ENTRY POWERS

The water superintendent or his designee shall, at all reasonable hours in the daytime, have the right to enter upon any premises for the purpose of maintenance to village water system pipes, fixtures or equipment, or for examining the purity, use, or flow of water.

6.16 RECORDS KEPT

It shall be the duty of the water billing clerk, in addition to other required duties, to maintain a list of all water accounts, to include customer information, service address, and details regarding all charges and fees billed and payments received.

6.17 POWERS OF VILLAGE OFFICERS LIMITED

All powers herein granted to or conferred upon the various village employees and officials shall at all times be subject to the approval of the village board, and nothing herein contained shall be construed as divesting the village board of any right or privilege which it may have or enjoy by virtue of any Illinois law or the ordinances of the village, but the powers are herein granted for purposes of convenience, both to the customers of village water and the village.

6.18 LIABILITY FOR SERVICE; PENALTY

A. The village furnishes water service to any premises served by the village water system only upon the condition that the owner of the premises, occupant of the premises, and user of the water service shall all be jointly and severally liable for payment to the village.

B. The rules, regulations and water usage mentioned herein are part of the contract of every person supplied with water through the village water system. Every person, by taking water therefrom, acknowledges his assent to be bound thereby, and for a violation of any of the provisions of this chapter, the water service may be disconnected from the premises where furnished to the person so offending. The penalty provided in this subsection shall be in addition to any other penalty as described under “Penalties” in section 1.06 of this code.

[Chapter 6 replaced in its entirety by Ordinance 2022-09 12/26/2022]

CHAPTER 8 – GARBAGE AND REFUSE COLLECTION

8.01 RESERVED

8.02 RESERVED

8.03 RESERVED

8.04 NUISANCE AND ABATEMENT

It is in the best interests of the residents of the village for property owners to maintain their property free of garbage and refuse.

Illinois statutes provide that the corporate authorities of a municipality may provide for the removal of garbage, debris, and graffiti from private property when the owner of such property, after reasonable notice, refuses or neglects to remove such garbage, debris and graffiti, and that a municipality may collect from such owner the reasonable cost thereof except in the case of graffiti (65 ILCS 5/11-20-13).

A. Nuisance Created and Abatement. In accordance with the provisions of Chapter 12 "Nuisances" of this Municipal Code, no person shall permit rubbish, trash, garbage or other debris to remain on their property when, by so doing, the same shall become a nuisance, or a threat to the health, safety and welfare of the residents of the village, or a hazard to the enjoyment of other residents of the village of their property or their life.

When a person shall permit rubbish, trash, garbage or other debris to remain or accumulate on their property, and in so doing, create a nuisance, or a threat to the health, safety and welfare of the residents of the village, the village, by the street commissioner, or through the village board, may cause the removal of such rubbish, trash, garbage or other debris from private property, and shall promptly bill the owner or owners of the private property for the expense in cleaning up the property, including the removal of the rubbish, trash, garbage or other debris from the private property.

B. Abatement Costs become Lien on Property. The village, by determination of the village street commissioner, or by determination of the village board, may refuse to continue refuse collection and disposal service to any customer when the payment for the bill for such services is two months delinquent.

Further, as provided under the laws of the State of Illinois, the village may remove garbage or debris from the premises of any owner, occupant, or refuse collection customer within the village, even when the aforesaid is delinquent, and the village may collect from such owner of the real estate, from which the garbage and debris were removed, the reasonable cost thereof.

In the event charges for refuse collection and disposal service become delinquent and are not paid in accordance with the provisions of this chapter, any delinquent

charge for refuse collection and disposal services to any premises served by the village refuse collection and disposal service (whether the same is operated by the village or by an independent contractor) shall constitute a lien upon the premises to which such refuse collection and disposal services were supplied.

Further, in abating a nuisance by the removal of garbage, debris, and/or graffiti from private property when the owner of such property, after reasonable notice, refuses or neglects to remove such garbage, debris, and/or graffiti, the village, by determination and order of the village street commissioner, or by determination and order of the village board, may provide for the removal of such garbage, debris, and/or graffiti from private property and collect from the owner of such private property the reasonable cost thereof, except in the case of graffiti.

This cost (for refuse collection and disposal service, or for the removal of garbage and/or debris, or both the charges for refuse collection and disposal service and removal of garbage and/or debris) shall constitute a lien upon the premises to which such refuse collection and disposal services, or removal of garbage and/or debris, were supplied.

This cost shall be a lien upon the real estate affected if, within 60 days after such expense is incurred, the village shall cause notice of lien to be filed in the Office of the Recorder of Deeds of McLean County, Illinois.

In order to establish a lien upon the premises, as aforesaid, the Village Clerk shall send to the owner or owners of record, as referenced by the taxpayer's property identification number, of the real estate served by the village refuse collection system, or of the private property from which garbage and/or debris was removed by order of the village: (i) a copy of each delinquency notice sent to the person or persons delinquent in paying the charges or rates, or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's property identification number, that the charges or rates have become delinquent, or that an amount is due for the removal of garbage and/or debris from the private property, and (ii) a notice that unpaid charges or rates, or unpaid amounts for removal of garbage and/or debris, may create a lien on the real estate served by the village refuse collection system.

After sending the required notices, as aforesaid, the Village Clerk is hereby authorized and directed to cause sworn statements showing such delinquencies to be filed in the Office of the Recorder of Deeds of McLean County, Illinois, from time to time, establishing as a matter of record as to such real estate the delinquency of the payment for refuse collection and disposal services, and/or the delinquency of the payment for removal of garbage and/or debris. Said statement may also be signed and filed by the village attorney at the direction of the Village Clerk. Such statement shall contain the legal description of the premises served, the amount of the unpaid bill, or the amount of money representing the cost and expense incurred or payable for the service, or for the cost of removal of garbage and debris, the date or dates when such cost and expense was or were incurred by the municipality, and a notice that the Village of Bellflower claims a lien for this amount, as well as for all

charges for refuse collection and disposal service, and/or for the cost of removal of garbage and debris, subsequent to the period covered by the bill. The filing of such statement shall be deemed notice for the payment of such charges for refuse collection and disposal service, and/or for the cost of removal of garbage and debris, and penalties for late payment The Village Clerk shall cause a copy of the notice of the lien to be sent to the owner or owners of record of the real estate as referenced by the taxpayer's property identification number.

Upon payment of the costs and expenses by the owner(s) or person(s) interested in such property, and upon payment of the recording fee paid to the Recorder of Deeds to record the notice of lien, the lien shall be released by the village, in writing, which release shall be forwarded to the owner or occupant against whose name the lien was filed, and who shall be responsible for bearing the recording fee to record the release of the lien, and who shall be responsible for recording said release promptly upon its receipt.

CHAPTER 12 – NUISANCES

12.01 PUBLIC NUISANCES PROHIBITED

The power to regulate nuisances is granted to the village by 65 ILCS 5/11-60-2.

No person shall erect, contrive, cause, continue, maintain, or permit to exist any public nuisance within the village or within the police jurisdiction of the village.

12.02 PUBLIC NUISANCES DEFINED

A. General. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public; or

2. In any way render the public insecure in life or in the use of property; or

3. Greatly offend the public morals or decency; or

4. Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.

B. Public Nuisances Affecting Health. The following acts, omissions, places, conditions, and things are hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of subsection (a) of this section:

1. All decayed, harmfully adulterated, or unwholesome food or drink sold or offered for sale to the public.

2. Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.

3. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, abandoned vehicles or machinery, scrap metal or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed or which create a fire hazard.

4. All stagnant water in which mosquitoes, flies or other insects can multiply.

5. Garbage cans which are not fly-tight.

6. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the village limits in such quantities as to endanger the health of persons of ordinary sensibilities, or any act in violation of the Illinois Environmental Protection Act. (415 ILCS 5/1 et seq.)

7. The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, creamery or industrial wastes or other substances; or any act in violation of the Environmental Protection Act.

8. Any use of property, substances or things within the village emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the village;

9. All abandoned wells not securely covered or secured from public use.

10. Any barn, stable or shed used for keeping animals.

11. Any obstruction in or across any watercourse, drainage ditch or ravine.

12. The deposit of garbage, rubbish, or any offensive substance on any street, sidewalk, or public place, or on any private property, except as may be permitted by ordinance.

13. Any noxious weeds on private property, as defined in the Illinois Noxious Weed Law (505 ILCS 100/1 et seq.).

C. Public Nuisances Offending Morals and Decency. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of subsection (A) of this section:

1. All disorderly houses, bawdy houses, house of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse, or gambling, except the state authorized lottery.

2. All gambling devices and slot machines.

3. All places where intoxicating liquor or fermented malt beverages are sold.

4. Any place or premises within the village where ordinances or state laws relating to public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated.

D. Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (A) of this section:

1. All buildings erected, repaired, or altered in violation of the provisions of the ordinances of the village relating to materials and manner of construction of buildings and structures.

2. All unauthorized signs, signals, markings, or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.

3. All trees, hedges, billboards, or other obstructions which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

4. All limbs of trees which project over a public sidewalk less than 8 feet above the surface thereof or less than 10 feet above the surface of a public street.

5. All use or display of fireworks except as provided by the laws of the State of Illinois and ordinances of the village.

6. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use.

7. All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.

8. All loud and discordant noises or vibrations of any kind.

9. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the village or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.

10. All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley, or sidewalk.

11. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside by pushing only with the strength of a small child.

12. Any unauthorized or unlawful use of property abutting on a public street, alley, or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

13. Any advertisements or signs affixed to any building, wall, fence, sidewalk, street or other private or public property without permission of the owner thereof.

14. Any sign, marquee or awning which is in an unsafe condition, or which overhangs any roadway, or which overhangs any sidewalk less than 8 feet above the sidewalk surface.

15. The discharge or emission of any contaminant into the environment so as to cause or tend to cause air or water pollution contrary to the provisions of the Illinois Environmental Protection Act (415 ILCS 5/1 et seq.) or the performance of any action in violation of said act.

16. Any nuisance so defined by the Illinois Compiled Statutes.

E. Accumulations of Junk. No person owning, leasing, occupying or having charge of any premises within the village limits shall cause or allow the accumulation or storage on or about said premises within the village, of trash, junk, any partially dismantled motor vehicle, wrecked motor vehicle, any unlicensed or unregistered motor vehicle which under the laws of the State of Illinois would be required to be licensed or registered in order to be operated on public highways ,within the State of Illinois, discarded appliances, used machinery, non-functional equipment, refuse, discarded furniture, rubble, or other similar items, materials, or substances, whether on public or private property, for a period in excess of 15 days unless the same shall be stored within a fully enclosed, suitable building provided for that purpose, or unless the premises are properly licensed as a junkyard or other proper repository for the items stored or accumulated on the subject premises.

12.02.01 DUTY TO MAINTAIN PRIVATE PROPERTY

No person owning, leasing, occupying or having charge of any premises in the village shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner that shall cause substantial diminution in the value of the other property in the neighborhood in which such premises are located.

12.02.02 UNSHELTERED STORAGE OF PERSONAL PROPERTY

A. Unsheltered storage of old, unused, stripped, junked, and other vehicles, including trailers, snowmobiles, and watercraft of all sort, not in good and safe operating condition, and of any other vehicles, used machinery, implements, and/or equipment, non-functional equipment and personal property of any kind which is no longer safely usable for the "said personalty" for a period of 15 days or more (except in licensed junk yards) within the corporate limits of the Village of Bellflower is hereby declared to be a nuisance and dangerous to the public health, safety and welfare. Any vehicle, including trailers, snowmobiles, and watercraft of all sort, not in good and safe operating condition, and any other vehicle, machinery, implements, and/or equipment, non-functional equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, removed from any public thoroughfare, public property, or private property, and returned to any public thoroughfare, or public property within the Village of Bellflower, or to the same private premises within one year from the date of its removal shall be deemed not to have been removed from the premises within the aforesaid 15-day period and thus shall be deemed prima facie a violation of the prohibition against the same remaining on a described premise for more than 15 days.

B. Unsheltered parking of any truck trailer, flatbed trailer, semi-trailer, or any other kind of wheeled vehicle, wagon, flat-bed wagon, and any other type of vehicle customarily used to haul commodities, goods, or personal property, and customarily pulled by a motor driven vehicle, for a period of 15 days or more (except in licensed junk yards) on any public way, public property, or private property, within the corporate limits of the Village of Bellflower, unless the same is used as temporary storage for a construction project on the premises, in which event unsheltered parking of the aforesaid vehicle on private property shall be allowed for not more than 120 days total in one calendar year, is hereby declared to be a nuisance and dangerous to the public health, safety and welfare. Any such vehicle removed from any public thoroughfare, public property, or private property, and returned to the same premises within 1 year from the date of its removal shall be deemed not to have been removed from the premises within the aforesaid 15-day (or 120-day temporary construction period) period and thus shall be deemed prima facie a violation of the prohibition against the same remaining on a described premises for more than 15 days. This ordinance provision shall not be construed to permit the parking of any vehicle on public property for up to 15 days if such parking is in violation of any other state statute or provision of this code requiring removal of such vehicle in a shorter time period. Major recreational equipment, and utility trailers of not more than twenty feet in length from the furthest point of the rear of the trailer to the furthest point forward on the hitch of the trailer, are exempted from the requirements of this section 12.02.02(B). "Major recreational equipment" is hereby defined to mean travel trailers (a vehicular, portable, structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational or vacation uses, or one permanently identified as a "Travel Trailer" by the manufacturer of the trailer); pick-up coach (a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation or vacation use); motor home (a portable, temporary dwelling to be used for travel, recreation or vacation, constructed as an integral part of a self-propelled vehicle); camping trailer (a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use); boats, boat trailers, snowmobiles and snowmobile trailers. "Utility trailer" is defined for purposes of this section 12.02.02(B) to be any trailer having not more than two axles, and weighing with a load not more than 2,000 pounds and being not longer than twenty feet from the rear most portion of the trailer to the front most tip of the hitch of said trailer. No more than one travel trailer, one boat and boat trailer combination, one snowmobile trailer and one utility trailer may be located on a residential premises [house and lot(s)] at any given time and any such trailers must be licensed if required to be licensed under the motor vehicle code of the State of Illinois.

C. "Unsheltered storage" and "unsheltered parking" are defined to be, for the purposes of this section 12.02.02, storage or parking other than in a completely enclosed building.

D. Abatement of Nuisances. The owner, owners, tenants, lessees, and/or occupants of any lot or premises within the corporate limits of village upon which storage of those items of personal property listed in sections 12.02.02(A) and (B) preceding is made, and also the owner, owners, and/or lessees of said personalty involved in

such storage (all of whom are hereinafter referred to collectively as "owners"), shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of village, or otherwise to remove said personalty to a location outside of the limits of village.

E. Abatement by the Village. Whenever said owners fail to abate said nuisance the village shall remove the said personalty to a location of its selection, the expenses therefore shall be billed to said owners, jointly and severally, said expenses to be recoverable in a suit at law. The removal shall be made in accordance with notice provisions and opportunity for hearing as set forth hereinafter in section 12.08.01. When said personalty has been removed and placed in storage by village; as provided for herein, said personalty shall be sold by village after the lapse of such time as is provided regarding the provisions hereinafter set forth for notice and hearing. If the proceeds of such sale are insufficient to pay the costs of abatement, said owner(s) shall be liable to village for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are more than such costs, the balance of such proceeds shall be paid to said owner(s), or deposited in the village Treasury for his, her, its, or their use.

F. Penalty. Any person violating the provisions of this section 12.02.02, or any rule or regulation adopted or issued in pursuance thereof, shall, upon conviction, be subject to a fine not less than $100.00 dollars nor more than $500.00, and the costs of prosecution.

12.03 ABATEMENT OF PUBLIC NUISANCES

A. Inspection of Premises. Whenever complaint is made to the village president that a public nuisance exists, or has existed, within the village, he shall promptly notify the Marshal, or some other village official whom the president shall designate, who shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings to the president. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Village Clerk.

B. Summary Abatement.

1. Notice to Owner. If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the village president may direct the Marshal, or a deputy sheriff, to serve a notice on the owner, or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of the notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the village will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.

2. Abatement by Village. If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the street commissioner, or some other village official whom the president shall designate, shall cause the abatement or removal of such public nuisance.

C. Abatement by Court Action. If the inspecting officer shall determine that a public nuisance exists on private premises, but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, welfare, peace, morals or decency, he or she shall file a written report of his or her findings with the village president, who shall cause an action to abate such nuisance to be commenced in the name of the village, unless the nuisance involves an inoperable motor vehicle, parts of vehicles, unlicensed or unregistered motor vehicles, abandoned motor vehicles, discarded appliances, used machinery, junk, discarded furniture, refuse or other similar items and substances, in which event the nuisance may be abated by court action or in accordance with the provisions set forth in section 12.02.02, section 12.08, or section 12.08.01, as may be applicable.

12.04 COST OF ABATEMENT

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the village shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

12.05 DUTCH ELM DISEASE

A. Inspection. The officers, agents, and employees of the village may enter upon private property whereon there is located any elm tree having the appearance of or suspected of being diseased with the Dutch Elm disease, for the purpose of inspecting the suspected tree and removing therefrom samples or portions thereof to be tested to establish whether the tree is in fact diseased.

B. Nuisance. If it is determined by the village that the tree from which samples have been taken is in fact diseased or infected with the Dutch Elm disease, the tree shall be deemed a nuisance.

C. Destruction of Affected Trees. The owner, occupant, or agent of the parcel of land on which the diseased elm tree exists, shall remove and destroy the elm tree within ten days after notification to such owner, occupant, or agent, by the village that the elm tree situated on said parcel of land is in fact diseased and infected.

D. Abatement by Village. In case the owner, occupant or agent of the parcel of land on which a diseased elm tree is located cannot be found, or if found and notified as aforesaid, neglects or refuses to abate the nuisance, the village may abate the same by the removal and destruction of the diseased elm tree, and the owner, occupant and agent or any of them, shall be charged with those expenses which

may be incurred by the village in the removal of the diseased elm tree, which expense shall be collected by the village by suit, or otherwise. In addition, the owner, occupant, or agent shall be subject to the fine or penalty provided in this section.

E. Lien for Removal Costs. The cost of removal and destruction of a diseased elm tree is a lien upon the real estate affected, superior to all other liens and encumbrances, except tax liens, provided that notice has been given as hereinafter described, and further provided that within 60 days after such cost and expense is incurred the village, or person performing the service by authority of the village, in his own name, files notice of lien in the office of the Recorder of Deeds of McLean County. The notice shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the village. Upon payment of the cost and expense by the owner of or persons interested in such property, after notice of lien has been filed, the lien shall be released by the village, or person in whose name the lien has been filed, and the release may be filed of record as in the case of filing notice of lien. The cost of such tree removal shall not be a lien upon the real estate affected unless a notice shall be personally served or sent by registered mail to the person to whom was sent the tax bill for the general taxes for the last preceding year on the property, such notice to be delivered or sent not less than 30 days prior to the removal of the tree or trees located thereon. The notice shall contain the substance of this section and identify the property, by common description, and the tree or trees affected.

F. Penalty. Any person who shall violate any of the provisions of this section or who shall neglect or refuse to remove and destroy a diseased elm tree growing on any parcel of land of which such person is owner, agent, occupant, or person in possession, when ordered so to do, or who shall interfere with the removal and destruction of such diseased elm tree, shall be subject to the penalty provided for violation of this code.

12.06 WEEDS

A. Definition. “Weeds” as used in this section shall include the following: burdock, ragweed (giant), ragweed (common), thistle, cocklebur, jimson, blue vervain, common milk weed, wild carrot, poison ivy, mild mustard, rough pigweed, lambs quarter, wild lettuce, curled dock, smart weeds (all varieties), poison hemlock and wild hemp, and all other weeds of a like kind.

B. Owner Required to Cut Weeds. Every owner of real estate within the village shall cut weeds on his property at all such times as may be necessary so that such weeds shall not exceed 8 inches in height. If the owner neglects or refuses to so cut the weeds, the village Marshal shall cause the weeds to be cut on behalf of the village.

C. Cost of Weed Cutting to be Recorded; Notice of Lien. If the village Marshal causes the weeds to be cut, a notice of lien of the cost and expenses thereof incurred by

the village shall be recorded in the following manner provided in the Illinois Municipal Code, sec. 11-20-7, as amended from time to time. The village or the person performing the service by authority of the village, in its or his own name, may file notice of lien in the office of the Recorder of Deeds of McLean County. The notice of lien shall consist of a sworn statement setting out: (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when the cost and expense was incurred by the village, and shall be filed within 60 days after the cost and expense is incurred. Notice of such lien shall be mailed to the owner of the real estate, provided that failure to file the notice or to mail the notice, or failure of the owner to receive the notice, shall not affect the right to foreclose the lien as provided in subsection (e) below.

D. Payment of Cost of Weed Cutting; Release of Lien. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

E. Foreclosure of Lien. Real estate subject to a lien for unpaid cutting costs and expenses may be sold for nonpayment of the same (subject to the statutory rights of bona fide purchasers or prior lienors) and the proceeds of such sale shall be applied to pay such costs and expenses, after deducting court costs and legal fees, as in the case of the foreclosure of statutory liens. The village attorney is directed to institute such foreclosure proceedings, which shall be in equity and in the name of the village, in any court of proper jurisdiction, against any real estate for which the cutting costs and expenses have remained unpaid for 60 days after being incurred.

12.07 GARBAGE AND REFUSE

A. The owner, occupant or lessee of any premises in the village shall remove from his premises or otherwise dispose of all garbage, ashes, rubbish and refuse, and shall keep the premises free and clear of any accumulation of any such refuse.

B. Pending disposal of garbage from any premises, the garbage shall be deposited in watertight containers with close fitting covers. Pending disposal from any premises, cans, bottles, metal ware and similar inorganic household rubbish shall be deposited in rigid containers. All garbage and refuse shall be so stored as not to invite insects or rodents or be unsightly or a nuisance.

C. No person shall deposit any garbage, rubbish, or refuse on any street or public place, or on any public or private property not his own except at any dump site which may be authorized by the Board of Trustees.

D. No person shall bury any garbage within the village.

12.08 ABANDONED AND INOPERABLE MOTOR VEHICLES

A. Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter.

1. Person. Any person, firm, partnership, association, corporation, company, or organization of any king.

2. Motor Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to exemption from registration excepting however, bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks.

3. Inoperable Motor Vehicle. Any motor vehicle from which, for a period of 30 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable (30-day limit) of being driven under its own motor power in order to perform ordinary service or repair operations, nor to any motor vehicle that is kept within a building when not in use, to historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

4. Abandoned Vehicle. Any vehicle 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.

5. Prohibited Acts.

   a) Inoperable Vehicles Declared Nuisance. Inoperable motor vehicles as defined herein, whether on public or private property, are hereby declared to be a nuisance.

   b) Abandonment of Vehicles. No person shall abandon any motor vehicle within the village and no person shall leave any motor vehicle at any place within the village for such time and under such circumstances as to cause each such vehicle reasonably to appear to have been abandoned.

   c) Leaving of Wrecked, Nonoperating Vehicles on Street. No person shall leave any partially dismantled, non-operating, wrecked or junked vehicle on any street or highway in the village.

B. Notice of Required Disposal. All persons are required to dispose of any inoperable motor vehicles under their control upon written notice received from the corporate authorities or from the chief of police or any member of the police department commanding such disposition of said inoperable motor vehicle.

C. Impounding. The Chief of Police or any member of the Police Department designated by him is hereby authorized to remove or have removed any motor vehicle left at any place within the village which reasonably appears to be in violation of this chapter or which reasonably appears to be lost, stolen or unclaimed, or which is an inoperable vehicle, as defined herein. Such vehicle shall

be impounded until lawfully claimed or disposed of in accordance with 625 ILCS 5/4-200 et seq.

D. Penalty. Any person violating any of the provisions of this chapter shall be fined not less than $50 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.

12.08.01 TOWING OF VEHICLES, REMOVAL OF TRASH, JUNK, VEHICLE PARTS, USED MACHINERY AND REFUSE, AND ESTABLISHING PROCEDURES RELATING THERETO

A. Definitions. For the purposes of this section 12.08.01, the following terms shall have the meaning stated in this subsection (A). Any term not defined herein shall have the meaning ascribed to it in other ordinances of the village, and if not defined in any village ordinance, it shall have the meaning ascribed in the Illinois Motor Vehicle Code, 625 ILCS 5/1-100, et seq. (as amended).

1. Owner: A person who holds legal title to a vehicle, or the right of possession of a vehicle, or who holds legal title to any other item or items of personal property, or the right of possession of said item(s) of personal property, or who holds legal title to any real estate, or who has the right to possess any real estate on which one or more items of personal property are located.

2. Vehicle: Any device in, upon or by which any person or property is or may be transported or drawn upon a street, highway or any public way, except devices moved by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles.

3. Hazardous Vehicles:

a) A vehicle that has been involved in an accident and is disabled or cannot be immediately moved by the owner or operator of the vehicle; or

b) A vehicle that presents an immediate danger to the health, safety, or welfare of the members of the public; or

c) A vehicle abandoned or disabled on a public street, way or alley that is impeding the orderly flow of traffic or poses a potential danger to pedestrians and other operators of vehicles; or

d) A vehicle that must be moved to allow for proper municipal snow removal from a public street, way, or alley.

4. Unlawful Vehicle:

a) A vehicle. that has been reported stolen or is the subject of a search and seizure by any village police official; or

b) A vehicle parked in violation of State of Illinois statutes or ordinances of the village which prohibit parking at the location in question or for the

period of time for which the vehicle has been parked, and where either the statute or village ordinance(s) authorize the vehicle to be towed and the signs posted at the general location note that fact.

5. Abandoned Vehicle:

   a) A vehicle parked or otherwise located on a public way and

      1) in such a state of disrepair that it is incapable of being driven, or

      2) that has been unmoved for a period of at least 24 hours, and from its condition, the period during which it has not been moved or some other circumstance, appears to have been, and will be presumed to have been, abandoned by its owner; or

   b) Vehicles parked in a public parking lot or on private property without the consent of the lot owner, proprietor, or agent of the property, which person has requested that the vehicle be towed; or

   c) A vehicle defined as an unlicensed or unregistered vehicle; or

   d) A vehicle defined as abandoned, or capable of being towed, by any other ordinance of the village, and which does not fall into the categories of "hazardous" or "unlawful" vehicles, and therefore is not subject to immediate tow.

6. Hazardous Junk, Trash or Refuse

   a) Any junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, that presents an immediate danger to the health, safety, or welfare of the members of the public; or

   b) Any junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, that has been placed upon a public street, way or alley and is impeding the orderly flow of traffic or poses a potential danger to pedestrians and other operators of vehicles; or

   c) Any junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, that must be moved to allow for proper municipal snow removal from a public street, way, or alley.

7. Unlawful Junk, Trash or Refuse. Any junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, deposited or placed on public or private property in violation of the ordinances of the village and where either state statute or village ordinances authorize such junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances to be removed.

8. Accumulation of Junk.

   a) Any junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, placed on public or private property without the consent of the owner, proprietor or agent of the property, and which accumulation of junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, the owner, proprietor, or agent of the premises has requested be removed; or

   b) Parts, used machinery, non- functional equipment, trash, refuse, or similar items or substances, as defined by any other ordinance of the village and which does not fall into the categories of "hazardous" or "unlawful" junk, trash or refuse, and therefore is not subject to immediate removal.

B. Authorization for Towing or Removal. The towing of vehicles or removal of junk, vehicle parts, used machinery, non- functional equipment, trash, refuse, or similar items or substances, by the village, or by its approved towing service operators, or other entity providing junk and trash removal services, on behalf of the village, shall be authorized only by the village trustees or police official and only under the circumstances herein provided. Towed vehicles shall be impounded at facilities designated by the village until lawfully claimed or disposed of pursuant to state law, 625 ILCS 5/1-100, et seq. Junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, shall be impounded at facilities designated by the village until lawfully claimed or disposed of pursuant to applicable state law or city ordinances.

   1. Towing or Removal without Notice; Immediate Tows or Removal. Hazardous or unlawful vehicles and hazardous and unlawful junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, may be towed or removed without prior notice; except that, when an unlawful vehicle is one that has only been reported as stolen and is not towable for some other specific reason, the owner should be, when practicable, notified by telephone or other means and given the opportunity to claim or move the vehicle, if he, she, or it so wishes, to avoid incurring the expenses of a tow. Provided, however, that the vehicle may be towed when the owner permitted the tow to be made when the vehicle was reported stolen or at any time thereafter, in the form provided in subsection (K) hereafter. Within 24 hours after towing a vehicle or removing hazardous and unlawful junk, trash, or refuse, pursuant to this ordinance, a notice shall be sent to or personally delivered to the owner of the vehicle, or to the owner (if the owner can be determined) of the hazardous and unlawful junk, trash or refuse, affording the opportunity for a hearing as provided in subsections (E) and (F) or (N) and (O) of this Section 12.08.01.

   2. Towing or Removal with Prior Notice; Abandoned Vehicles, Accumulations of Junk. Abandoned vehicles may be towed after the mailing or delivery of prior

notice and the affording of an opportunity for hearing as provided in subsections (C) and (D) of this Section 12.08.01. Accumulations of junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, may be removed after the mailing or delivery of prior notice and the affording of an opportunity for hearing as provided in subsections (L) and (M) of this Section 12.08.01.

C. Pre-Tow Notice for Abandoned Vehicles.

1. Notice pursuant to this subsection shall be personally delivered to the owner or shall be forwarded by certified or registered mail, return receipt requested, to the address of the owner of the vehicle as indicated in the most current registration list of the Secretary of State. The notice shall be in the form provided in subsection (G1) of this Section 12.08.01. If an out-of-state vehicle is proposed to be towed, inquiry by computer, telephone or letter shall be made of the Secretary of State of the particular jurisdiction for the furnishing of the most current registered name and address of the owner of the vehicle, and notice shall be mailed as provided herein to the address furnished, though in no case will the village be required to delay towing more than seven days after the date of the mailing or personal delivery of the notice if no request for a hearing has been received within that seven-day period.

2. A Notice of Intent to Tow sticker with the earliest date upon which the tow may take place and the address and telephone number of a village police official or of one of the village trustees shall be placed on the vehicle.

D. Pre-Tow Hearing Procedures.

1. Opportunity for Hearing. The owner or person entitled to possession of a vehicle to be towed as an abandoned vehicle shall have seven days after the date of mailing or personal delivery of the Notice to request, in writing, a pre-tow hearing. After this seven-day period the vehicle may be towed if the owner has not filed a written hearing request within the seven-day period, and any hearing rights under the provisions of this ordinance shall be deemed waived.

2. Scheduling of Pre-Tow Hearing. The pre-tow hearing shall be scheduled for a date within 14 days of the mailing or personal delivery of the pre-tow notice. The village shall not be required to delay towing longer than such 14-day period.

3. Request for Pre-Tow Hearing. Requests for a pre-tow hearing are to be made in person to the individual or address indicated on the notice. Requests for hearings· by persons who reside more than 50 miles from the village may be made by mail. Forms for such requests shall be made available by the village clerk or police official. At the time of making the request, the owner shall be provided a hearing date and time by mail or in person, as the circumstances require.

4. Appointment of Hearing Officer. The village shall choose an officer or employee of the village to serve as a hearing officer. In no case shall that hearing officer be

an individual who was involved in the initial decision to tow the vehicle. The hearing officer shall have the authority to require the presence of the enforcement official who initiated the proposed tow or any other village personnel.

5. Nature of Hearing. The hearing shall be informal in nature, and the rules of evidence shall not apply. The hearing will not be determinative of, or adjudicate, any citation relative to any vehicle. After receiving all relevant evidence, the hearing officer shall make a written decision (pre-tow hearing decision) based upon a preponderance of the evidence as to whether towing of the vehicle is authorized by the laws of the State of Illinois or the ordinances of the village, with a specific statutory or ordinance section cited in the decision. The owner shall be provided a copy of the pre-tow hearing decision.

6. Decision to Tow and Rates to be Charged. If the preponderance of the evidence supports towing and compliance with the provisions of this ordinance, the hearing officer shall direct that the vehicle be towed, with any towing and storage costs to then be imposed upon the owner thereof. The fees to be charged for towing and storage services shall be no more than maximum rates set by the village trustees pursuant to the provisions of subsection (E5) of this Section 12.08.01. The owner of said vehicle having had a pre-tow hearing may avoid the towing by immediately removing the vehicle from the improper location to a proper, lawful, location and correcting any unlawful condition of the vehicle.

7. Decision Not to Tow. If the preponderance of the evidence fails to support towing of the vehicle, the hearing officer shall direct that the vehicle shall not be towed. The village shall furnish a copy of such decision to the owner, who may place it inside the vehicle in a location plainly visible from the outside, such as the dashboard or rear window. No vehicle about which such a decision has been rendered shall be towed by the village unless the circumstances under which the decision was rendered have changed. If at some subsequent time the village should wish to tow the vehicle from the same location, it shall follow the same procedures required for the towing of any other similarly situated vehicle.

8. Reports and Documents.to.be Retained; Contesting Decisions. Originals or copies of all notices, pre-tow hearing decisions, towing reports, and any associated police reports or documents shall be retained by the Village Clerk was requested or held. The village or the owner may contest the decision of the hearing officer in any manner provided by law.

E. Post-Tow Notice for Hazardous and Unlawful Vehicles.

1. Mailing or Delivery of Notice. Notice pursuant to this section shall be forwarded by certified or registered mail, return receipt requested, to the address of the owner of the vehicle as indicated in the most current registration list of the Secretary of State, unless the notice is personally delivered to the owner, in which case the date and time of the delivery and the name of the officer or

official making the delivery shall be noted in the village records or reports. The notice shall be in the forms provided in subsubsection (G1) and subsection (G2) of this Section 12.08.01 and shall be mailed or delivered within 24 hours of the tow, as provided in subsection (B1). In the event the village has towed an out-of-state hazardous or unlawful vehicle, inquiry by computer, telephone or letter shall be made of the Secretary of State of the particular jurisdiction for the furnishing of the most current registered name and address of the owner of the vehicle, ·and notice shall be mailed as provided herein to the address furnished.

2. Posting of Signs Showing Hearing Rights. All approved towing service operators shall prominently post at least one sign, with dimensions of at least 12 inches by 18 inches, indicating the opportunity and procedures for a hearing to contest the validity of a towed vehicle. The sign, the form for which is set out in subsection (G1), shall be placed in one or more locations readily visible to the public transacting business at any towing facility. If a towing service operator performs services for more than one municipality, the information for contacting the various appropriate municipal offices and officials can be listed in one such sign, the format for which shall be substantially similar to the form set out in subsection (G1).

3. Requests for Post-Tow Hearing. Requests for hearing may be made in person at the office or to the official indicated on the notice within 15 days of the mailing or personal delivery of the notification of tow, or release of the vehicle, whichever occurs first; otherwise, the right to a hearing shall be deemed waived. Requests for hearing by persons who reside more than 50 miles from the village may be made in person or by. mail received by the village within the 15-day period.

4. Release of Motor Vehicles. Before the owner or person entitled to possession of any impounded vehicle shall be permitted to remove same, the owner or other person entitled to possession shall furnish evidence of his or her identity, ownership of the vehicle, or his or her right to possession, sign a receipt for the vehicle, and pay the amount currently owed for towing and storage fees to the towing service operator. The village trustees are authorized to promulgate regulations as to the documents or other proof necessary to establish these facts.

5. Establishment of Maximum Towing and Storage Rates. The owner shall pay fees to the towing service operator for towing and storage on village ordered tows at rates that do not exceed maximum amounts to be administratively established by the village trustees and which may be revised from time to time. The basic rates for such fees shall be shown in the form and sign concerning vehicle release requirements set forth in subsection (G1). However, nothing in this ordinance is intended to prevent a competitive towing service operator from charging less than the established maximum rates for village-ordered or any other tows. In arriving at the maximum rates for various services, the village trustees shall consider such matters as the prevailing market rates in the area for the different types of vehicles, the types of storage and area requirements

for categories· such as large trucks and commercial vehicles, and the relative difficulties and amount of work required to perform various types of towing operations. For particularly difficult or unusual towing jobs, such as large or serious accidents, the village trustees are authorized to allow towing operators to charge rates above those established for normal situations, which special charges must be based upon the cost of services provided, taking into account such matters as the man-hours and equipment time required for the job. A towing service operator must fully itemize in writing the details of such billing at special rates for a particularly difficult or unusual tow and supply a copy of the itemized bill to the owner and to the village. Any such special rates charged must be customary in the towing industry in the area for the nature and extent of the services provided. Every towing service operator and the village shall have available a copy of the complete current rate schedule and any special rate policy established by the village trustees, for vehicle owners to view upon request.

F. Post-Tow Hearing Procedures.

1. Opportunity for Hearing. The owner of a vehicle towed as an immediate tow, by or pursuant to the authority of the village as set forth herein, shall be provided the opportunity for a post-tow hearing to determine the validity of such tow and any towing or storage charges. The hearing will not be determinative of, or adjudicate, any citation issued relative to any towed vehicle.

2. Nature of the Hearing and Hearing Officer. The nature of the hearing and the appointment of the hearing officer shall be the same as set forth above in subsections (D4) and (D5).

3. Scheduling of Post-Tow Hearings. Hearings shall take place as follows:

a) In those instances where the vehicle has been released upon the deposit of the full payment currently owed for towing and storage charges, and the owner has properly requested a hearing, the hearing shall take place within 15 days after the release of such vehicle, unless the owner requests a later date convenient to all parties.

b) In those instances where the vehicle remains impounded, the hearing shall take place, at the option of the owner:

1) on the next day after the owner's demand for such hearing, excluding Saturdays, Sundays and holidays; if such demand is made after 3:00 P.M., or if the unavailability of a necessary witness or evidence creates a particular difficulty in conducting the hearing on the next calendar day, then a hearing shall be held on the second day following the request, excluding Saturdays, Sundays and holidays; or

2) if acceptable to the owner, within 15 days of said request on a date convenient to all parties.

4. Conduct of Post-Tow Hearing. The hearing officer shall review all evidence presented by the vehicle owner and the village, and shall make a finding based upon the preponderance of the evidence presented, as to the lawful authority for the towing and storage of the vehicle; The village must establish such authority by a preponderance of the evidence.

5. Post-Tow Hearing Decision. For each hearing, the hearing officer shall complete a post-tow hearing decision and attach such decision to the village's original vehicle towing report and supply a copy of the decision to the owner by personal delivery if the owner is present, otherwise by mail. The decision and findings shall. be substantially as stated in the form for the post-tow hearing decision, set forth in subsection (I) of this section.

6. Reports and Documents to be Retained; Contesting Decisions. All originals or copies of the notices, post-tow hearing decisions, towing reports, and any associated police reports or documents, shall be retained. by the village for a period of at least five years after each hearing, or after each tow if no hearing was requested or held. The village or the owner may contest the decision or the hearing in any manner provided by law.

7. Towing Services Subject to Ordinance. Notwithstanding any other ordinance or statutory provisions to the contrary, any towing service operator authorized to perform tows on behalf of the village must perform its services subject to the provisions of this ordinance. However, the towing company shall have the right to recover the reasonable value of its services from the village for village-ordered tows which are not paid by the vehicle owner. Provided, however, that if a tow or the charge for a tow is found by a court to be illegal and the towing service operator is required to return the charge for the tow to the owner of the vehicle, the village shall not be liable to reimburse the operator for the towing charges.

G. Form for Post-Tow Notice and Signs.

1. The following forms shall be utilized in the administration of subsections (E) and (F) of this Section 12.08.01 for posting in towing establishments and mailing or delivering to owners:

VILLAGE OF BELLFLOWER

NOTICE

VEHICLE RELEASE REQUIREMENTS AND HEARING RIGHTS

Before the owner or person entitled to possession of any impounded vehicle shall be permitted to remove the same from custody of the Village of Bellflower or towing service operator, he or she shall furnish evidence of his or her identity and ownership of the vehicle, and right of possession thereto, shall sign a receipt for the vehicle, and shall pay a fee not exceeding $_____ for a passenger vehicle of not more than 7 passengers, and $_____ for a truck or commercial vehicle, to cover the cost of towing or removal to a vehicle pound or authorized garage, and, in addition thereto, the cost of storage not exceeding $_____ per day for a passenger vehicle of not more than 7 passengers, and $_____ per day for a truck or commercial vehicle. However, higher fees may necessarily be charged in particularly difficult or unusual towing or storage circumstances, for which rate information is available upon request from the Clerk of the Village of Bellflower or towing business location. If the owner or person entitled to possession wishes to contest the validity of the tow, he or she may obtain a hearing under the conditions of either paragraphs 1 or 2 stated below:

TO OBTAIN HEARING.

1. If the vehicle has been released, he or she may, within 15 days of the release of the vehicle or the mailing or personal delivery to him or her of the notification of the tow, whichever occurs first, request a hearing by contacting in person the office of:

   Village Clerk
   Village of Bellflower
   PO Box 244
   Bellflower, IL 61724-0244
   (309) 722-_____

   Anyone residing more than 50 miles away from the Village of Bellflower may make a request for hearing by mail. The right to any hearing will be deemed waived unless a written request for hearing is received by the above office within the applicable 15-day period.

2. If the vehicle is still impounded, he or she may contact the above office and obtain a hearing within the next day after the request, excluding Saturdays, Sundays, and holidays, unless the request is made after 3:00 p.m., or unless there are particular difficulties in having the hearing on the next day, in which case the hearing will take place on the second day thereafter, excluding weekends and holidays.

NATURE OF HEARING. The hearing shall be conducted according to municipal ordinance provisions and shall determine the validity of the impounding of the vehicle and the imposition or refund of any towing or storage charges, but the hearing will not determine or adjudicate any citations issued. If the hearing officer sustains the validity of the tow and storage, the owner or person entitled to possession will be required to pay all unpaid towing and storage fees before obtaining the release of the vehicle.

2. The following form shall be utilized in the administration of subsections (E) and (F) of this Section 12.08.01 for the mailing or delivery of the post-tow notice to owners, including the form set forth in subsection (G1) above:

VILLAGE OF BELLFLOWER
PO BOX 244
BELLFLOWER, IL 61724-0244

DATE: ____/____/20___

To: _____
_____
_____
_____

Post-Tow Incident # _____
Delivered by:
Certified Mail # _____
Dated ____/____/20___
OR
Personal Delivery
By _____
Date ____/____/20

POST-TOW NOTICE

You are listed as the registered owner or person entitled to possession of the following described vehicle:

_____ _____ _____
MAKE MODEL YEAR

_____ _____
LICENSE PLATE NUMBER LICENSE PLATE STATE

_____
OTHER IDENTIFYING FEATURES

which is impounded at: _____
NAME AND ADDRESS OF TOWING SERVICE OPERATOR, OR VILLAGE AUTO POUND

_____

The vehicle was towed from _____
LOCATION

on ____/____/20___ by the authority of the Village of Bellflower, as an unlawful or hazardous vehicle, to wit:

_____
FACTS FORMING BASIS OF TOW

_____

_____

as defined in Ordinance or Statutory Section _____. The towing was authorized by Ordinance or Statutory Section _____ which provides that:

_____

_____

You have the rights and payment obligations as set forth in the enclosed Notice of Vehicle Release Requirements and Hearing Rights.

H. Form for Pre-Tow Notice. The following form shall be utilized in the administration of subsections (C) and (D) of this Section 12.08.01 for the mailing or delivery of pre-tow notices to owners:

VILLAGE OF BELLFLOWER
PO BOX 244
BELLFLOWER, IL 61724-0244

DATE: ____/____/20___

To: _____
_____
_____
_____

Pre-Tow Incident # _____
Delivered by:
Certified Mail # _____
Dated ____/____/20___
OR
Personal Delivery
By _____
Date ____/____/20___

PRE-TOW NOTICE

You are listed as the registered owner or person entitled to possession of the following described vehicle:

_____ _____ _____
MAKE MODEL YEAR

_____ _____
LICENSE PLATE NUMBER LICENSE PLATE STATE

_____
OTHER IDENTIFYING FEATURES

which is located at: _____
LOCATION

_____

in an apparently abandoned or unusable condition, to wit: _____
FACTS FORMING BASIS OF PROPOSED TOW

_____

as defined in Ordinance or Statutory Section _____.

The Village of Bellflower will tow the vehicle or cause it to be towed after seven days from the above date of mailing or personal delivery of this notice unless you move the vehicle to a lawful location or request a hearing as set forth below. Any such hearing will only concern the proposed towing and will not be determinative of or adjudicate any parking ticket or other citation concerning the vehicle. If the vehicle is towed, you will be required to pay all towing and storage charges before the vehicle is released. The towing is authorized by Ordinance or Statutory Section _____ which provides that: _____

If you wish to request a hearing on the legality of the present location and condition of your vehicle, you must contact the office listed below and file in person a request for such hearing within seven days of the above date of mailing or personal delivery, unless you live more than 50 miles from the Village of Bellflower, in which case you may mail a request for hearing that must be received by the office listed below within seven days from the mailing or personal delivery of this Notice: **Village Clerk •Village of Bellflower •PO Box 244 •Bellflower, IL 61724-0244 • (309) 722-**_____. NOTE: The right to any hearing will be deemed waived unless a written request for hearing is received by the above office within the applicable seven-day period.

I. Form for Post-Tow Hearing Decision. The following form shall be utilized by the hearing officer for post-tow hearing decisions as required in subsection (F) of this Section 12.08.01:

Post-Tow Incident #_____

POST-TOW HEARING DECISION

Following a hearing held after the giving of proper notice and the towing of the vehicle as identified in a post-tow notice bearing the same incident # as the report number stated above concerning the vehicle owned by or under the control of _____ (owner), the following findings are ordered and hereby entered, as checked in the appropriate box and entered on the appropriate lines:

Amount Previously Paid by Owner for Towing and Storage $_____

❒ 1. Tow Authorized; Owner Responsible for All Charges. The towing and storage of the vehicle was authorized by the following law of the State of Illinois: _____ or Village of Bellflower Ordinance No. _____, and the owner is liable for the full amount of towing and storage fees incurred to date, in the amount of: $_____

❒ 2. Towing Not Authorized. There was no authorization in law for the towing and storage, or the Village of Bellflower officer or employee causing the vehicle to be towed did not comply with the requirements of the applicable statute or ordinance, as follows: _____

_____

The owner will not be charged for towing and any amount previously paid will be refunded by the Village as shown here: $_____

❒ 3. Tow Authorized; Storage Partially Reimbursable. The towing of the vehicle was authorized by State Law: _____, or Village of Bellflower Ordinance No. _____, but the owner was caused to incur additional improper storage charges because of improperly late notification of towing or other reasons for which the Village of Bellflower or towing company are responsible, as follows:

_____

Storage Amount to be Excused or Reimbursed to Owner $_____

Towing and Storage Balance for which Owner is Responsible $_____

❒ 4. Owner Failed to Appear; No Continuance Requested. This finding constitutes a default against the owner on the matters stated in the post-tow notice. The owner is responsible for all towing and storage charges incurred to date, in the amount of: $_____

After making the appropriate computations with the amounts stated above in the right-hand column for any Amount Previously Paid by owner, and adding or subtracting the appropriate amounts listed under paragraphs 1, 2, 3, or 4, the final amount either owed by the owner to date or to be refunded to the owner IS HEREBY ORDERED AS FOLLOWS:

Amount Currently Owed by Owner $_____

OR

Amount to be Refunded to Owner $_____

IMPORTANT FURTHER INFORMATION

If the vehicle is presently still impounded, an order for the release of the vehicle is attached to this decision. The owner must take possession of the vehicle within 24 hours of the entry of this decision, or he or she may be responsible for further storage charges.

ENTERED ____/____/20___ SIGNATURE _____

HEARING OFFICER

J. Form for Pre-Tow Hearing Decision. The following form shall be utilized by the hearing officer for pre-tow hearing decisions as required in subsection (D) of this Section 12.08.01:

Pre-Tow Incident #_____

PRE-TOW HEARING DECISION

Following a hearing held after the giving of proper notice and previous to towing of the vehicle as identified in a pre-tow notice bearing the same incident # as the report number stated above concerning the vehicle owned by or under the control of _____ (owner), the following findings are ordered and hereby entered, as checked in the appropriate box and entered on the appropriate lines:

❒ 1. Tow Authorized; Owner Responsible for All Charges. The towing and storage of the vehicle herein identified is authorized by the following law of the State of Illinois: _____, or Village of Bellflower Ordinance No. _____, and the owner shall be liable for the full amount of towing and storage fees incurred upon the towing and storage of the aforesaid vehicle, in the amount as prescribed under this Section 12.08.01: $_____

❒ 2. Towing Not Authorized. There is no authorization in law for the towing and storage, or the Village of Bellflower officer or employee causing the vehicle to be towed did not comply with the requirements of the applicable statute or ordinance, as follows: _____

_____

The owner will not be charged for towing and any amount previously paid will be refunded by the village as shown here: $_____

❒ 3. Owner Failed to Appear; No Continuance Requested. This finding constitutes a default against the owner on the matters stated in the pre-tow notice. The owner shall be responsible for all towing and storage charges incurred upon the towing and storage of the aforesaid vehicle, in the amount as prescribed under this Section 12.08.01 in the amount of: $_____

After adding or subtracting the appropriate amounts listed under paragraphs 1, 2, or 3, the final amount either owed by the owner to date or to be refunded to the owner IS HEREBY ORDERED AS FOLLOWS:

Amount Currently Owed by Owner $_____

OR

Amount to be Refunded to Owner $_____

ENTERED ____/____/20___ SIGNATURE _____

HEARING OFFICER

K. Form for Owner's Permission to Tow Stolen Vehicle. The following form shall be used by village officers or personnel when obtaining permission from vehicle owners to tow stolen vehicles that are recovered:

PERMISSION TO TOW STOLEN VEHICLE FORM

I, _____(name of owner), am the owner of a motor vehicle which I have reported to the Village of Bellflower as having been stolen. The vehicle is described as follows:

_____	_____	_____
MAKE	MODEL	YEAR

_____	_____
LICENSE PLATE NUMBER	LICENSE PLATE STATE

I understand that the Village of Bellflower may transmit notice of this vehicle theft to police agencies which may attempt to recover the vehicle. I understand that if the vehicle is recovered, I have the option of requesting that the vehicle be towed to a vehicle pound location or left at the place where the vehicle has been found While not requiring the law enforcement agency which finds the vehicle to do so, I do hereby grant my permission to have the vehicle towed. I understand that if the vehicle is towed, I will be required to pay reasonable towing and storage charges.

DATE: ____/____/20___ _____

SIGNATURE – OWNER OF VEHICLE

[12.08.01K]

L. Notice Prior to Removal of Junk, Vehicle Parts, Used Machinery, Non-functional Equipment, Trash, Refuse, or Similar Items or Substances.

1. Notice pursuant to this subsection shall be personally delivered to the owner or shall be forwarded by certified or registered mail, return receipt requested, to the address of the owner of the premises on which the junk, vehicle parts, used machinery, non- functional equipment, refuse, trash, and other similar items and substances are located. Notice shall be in the form provided in subsection (Q) of this Section 12.08.01.

2. A notice of intent to remove sticker with the earliest date upon which the removal may take place and the address and telephone number of the appropriate village official or other personnel shall be placed in a conspicuous place on the premises on or near the junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, to be removed.

M. Pre-Removal Hearing Procedures.

1. Opportunity for Hearing. The owner or person entitled to possession of the premises on which junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, to be removed is located shall have seven days after the date of mailing or personal delivery of the Notice to request, in writing, a pre-removal hearing. After this seven-day period, the junk, vehicle parts, used machinery, non- functional equipment, trash, refuse, or similar items or substances, may be removed, if the owner has not filed a written. hearing request within the seven-day period, and any hearing rights under the provisions of this ordinance shall be deemed waived.

2. Scheduling of Pre-Removal Hearing. The pre-removal hearing shall be scheduled for a date within 14 days of the mailing or personal delivery of the pre-removal notice. The village shall not be required to delay removal longer than such 14-day period.

3. Request for Pre-Removal Hearing. Requests for a pre-removal hearing are to be made in person to the individual address indicated on the notice. Request for hearing by persons who reside more than 50 miles from the village may be made by mail. Forms for such request shall be made available by the village clerk or police official. At the time of making the request, the owner will be provided a hearing date and time by mail or in person, as the circumstances require.

4. Appointment of Hearing Officer. The village shall choose an officer or employee of the village to serve as a hearing officer. In no case shall that hearing officer be an individual who was involved in the initial decision to remove the junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances. The hearing officer shall have the authority to require the presence of the enforcement official who initiated the proposed removal or any other village personnel.

5. Nature of Hearing. The hearing shall be informal in nature, and the rules of evidence shall not apply. The hearing will not be determinative of, or adjudicate, any citation relative to the presence of any junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances upon any described premises. After receiving all relevant evidence, the hearing officer shall make a written decision (pre- removal hearing decision), based upon a preponderance of the evidence as to whether removal of the junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances is authorized by the laws of the State of Illinois or the ordinances of the village, with a specific statutory or ordinance section cited in the decision. The owner shall be provided a copy of the pre-removal hearing decision.

6. Decision.to Remove and Rates to be Charged. If the preponderance of the evidence supports removal and compliance with the provisions of this ordinance, the hearing officer shall direct that the junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, be removed with any removal and storage cost to then be imposed upon the owner thereof. The fees to be charged for removal and storage services shall be no more than the maximum rates set by the village trustees pursuant to the provisions of subsection (N5) of this Section 12.08.01. The owner of said junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, having had a pre-removal hearing, may avoid the removal by immediately removing the junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, from the improper location to a proper, lawful location and correcting any unlawful condition of the premises in regard to the presence thereon of junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, such as to constitute a nuisance or other violation of the ordinances of the village.

7. Decision Not to Remove. If the preponderance of the evidence fails to support removal of the junk, vehicle parts, used· machinery, non-functional equipment, trash, refuse, or similar items or substances, the hearing officer shall direct, that the junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, shall not be removed, the village shall furnish a copy of such decision to the owner, who may place it on or about the premises in a location plainly visible from the street, such as a window, wall of a building, or other easily visible place. No junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, about which such a decision has been rendered shall be removed by the village unless the circumstances under which the decision was rendered have changed. If at some subsequent time the village should wish to remove the junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, from the same location, it shall follow the same procedures required for the removal of any other similarly situated items.

8. Reports and Documents to be Retained; Contesting Decisions. Originals or copies of all notices, pre-removal hearing decisions, removal reports, and any

associated police reports or documents shall be retained by the Village Clerk for a period of at least five years after each hearing, or after each removal if no hearing was requested or held. The village or the owner may contest the decision of the hearing officer in any manner provided by law.

N. Post-Removal Notice for Hazardous and Unlawful Junk, Vehicle Parts, Used Machinery, Trash, Refuse, or Similar Items or Substances.

1. Mailing or Delivery of Notice. Notice pursuant to this section shall be forwarded by certified or registered mail, return receipt requested, to the address of the owner of the premises on which the junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances are located. Notice shall be in the form provided in subsection (P1) of this Section 12.08.01, and shall be mailed or delivered within 24 hours of the removal; as provided in subsection (B1).

2. Posting of Signs Showing Hearing Rights. All approved junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, removal service operators shall prominently post at least one sign, with dimensions of at least 12 inches by 18 inches, indicating the opportunity and procedures for a hearing to contest the validity of a removed item or items. The sign, the form for which is set out in subsection (P1) shall be placed in one or more locations readily visible to the public transacting business at any removal service facility. If a removal service operator performs services for more than one municipality, the information for contacting the various appropriate municipal offices and officials can be listed in one such sign, the format for which will be substantially similar to the form set out in subsection (P1).

3. Requests for Post-Removal Hearing. Requests for a hearing may be made in person at the office or to the official indicated on the notice within 15 days of the mailing or personal delivery of the notification of removal, or release of the items removed, whichever occurs first; otherwise, the right to a hearing shall be deemed waived. Request for hearing by persons who reside more than 50 miles from the village may be made in person or by mail received by the village within the 15-day period.

4. Release of Removed Items. Before the owner or person entitled to possession of any impounded personal property removed from the premises of the owner or person entitled to possession of said items shall be permitted to remove the same, the owner or other person entitled to possession shall furnish evidence of his or her identity, ownership of the items removed, or his or her right to possession of the same, sign a receipt for the items removed, and pay the amount currently owed for removal and storage fees to the removal service operator. The village trustees are authorized to promulgate regulations as to the documents or other proof necessary to establish these facts.

5. Establishment of Maximum Removal and Storage Rates. The owner shall pay fees to the removal service operator for removal and storage on village-ordered removals at rates that do not exceed maximum amounts to be administratively established by the village trustees and which may be revised from time to time. The basic rates for such fees shall be shown in the form and sign concerning release requirements set forth in subsection (P1). However, nothing in this ordinance is intended to prevent a competitive removal service operator from charging less than the established maximum rates for village-ordered or any other removals. In arriving at the maximum rates for various services the village trustees shall consider such matters as the prevailing market rates in the area for the different types of items to be removed, the types of storage and area requirements for categories such as junk vehicles, operable vehicles, metal storage, wood storage, and the like, and the relative difficulties and amount of work required to perform various types of removal operations. For particularly difficult or unusual removal jobs, the village trustees are authorized to allow removal service operators to charge rates above those established for normal situations, which special charges must be based upon the cost of services provided, taking into account such matters as the man-hours and equipment time required for the job. A removal service operator must fully itemize in writing the details of such billing at special rates for a particularly difficult or unusual removal and supply a copy of the itemized bill to the owner and to the village. Any such special rates charged must be customary. in the removal service industry in the area for the nature and extent of the services provided. Every removal service operator and the village shall have available a copy of the complete current rates schedule and any special rate policy established by the village trustees for owners of personal property removed to review upon request.

O. Post-Removal Hearing Procedure.

1. Opportunity for Hearing. The owner of personal property removed as hazardous or unlawful junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or similar items or substances, by or pursuant to the authority of the village as set forth herein, shall be provided the opportunity for a post-removal hearing to determine the validity of such removal and any removal or storage charges. The hearing will not be determinative of, or adjudicate, any citation issued relative to the personal property removed.

2. Nature of the Hearing and Hearing Officer. The nature of the hearing and the appointment of the hearing officer shall be the same as set forth above in subsections (M4) and (M5).

3. Scheduling of Post-Removal Hearings. Hearings shall take place as follows:

a) In those instances where the personal property has been released upon the deposit of the full payment currently owed for removal and storage charges and the owner has properly requested a hearing, the hearing

shall take place within 15 days after the release of such personal property, unless the owner requests a later date convenient to all parties.

b) In those instances where the personal property remains impounded the hearing shall take place, at the option of the owner:

1) on the next day after the owner's demand for such hearing, excluding Saturdays, Sundays and holidays; if such demand is made after 3:00 p.m., or if the unavailability of a necessary witness or evidence creates a particular difficulty in conducting the hearing on the next calendar day, then a hearing shall be held on the second day following the request, excluding Saturdays, Sundays and holidays; or

2) if acceptable to the owner, within 15 days of said request on a date convenient to all parties.

4. Conduct of Post-Removal Hearing. The hearing officer shall review all evidence presented by the personal property owner and the village and shall make a finding based upon the preponderance of the evidence presented, as to the lawful authority for the removal and storage of the personal property. The village must establish such authority by a preponderance of the evidence.

5. Post-Removal Hearing Decision. For each hearing, the hearing officer shall complete a post-removal hearing decision and attach such decision to the village's original removal report and supply a copy of the decision to the owner by personal delivery if the owner is present, otherwise by mail. The decision and findings shall be substantially as stated in the form for the post-removal hearing decision, set forth in sub-section R of this section.

6. Reports and Documents to be Retained; Contesting Decisions. All originals or copies of the notices, post-removal hearing decisions, removal reports, and any associated police reports or documents, shall be retained by the village for a period of at least five years after each hearing, or after each removal if no hearing was requested or held. The village or the owner of the personal property may contest the decision or the hearing in any manner provided by law.

7. Removal Services Subject to Ordinance. Notwithstanding any other ordinance or statutory provisions to the contrary, any removal service operator authorized to perform removals of personal property on behalf of the village must perform its services subject to the provisions of this ordinance. However, the removal company shall have the right to recover the reasonable value of its services from the village for police-ordered removals which are not paid by the personal property owner. Provided, however, that if a removal or the charge for a removal of personal property is found by a court to be illegal and the removal service operator is required to return the charge for the removal to the owner of the personal property, the village shall not be liable to reimburse the operator for the removal charges.

P. Form for Post-Removal Notice and Signs.

1. The following form shall be utilized in the administration of subsections (N) and (O) of this Section 12.08.01 for posting in personal property removal establishments and mailing or delivery to owners:

VILLAGE OF BELLFLOWER

NOTICE

PERSONAL PROPERTY RELEASE REQUIREMENTS AND HEARING RIGHTS

Before the owner or person entitled to possession of any impounded personal property shall be permitted to remove the same from custody of the Village of Bellflower or removal service operator, he or she shall furnish evidence of his or her identity and ownership of the personal property, and right of possession thereto, shall sign a receipt for the personal property, and shall pay a fee not exceeding the amount set forth in a table of fees propounded by the Village of Bellflower to cover the cost of removal of the personal property to a pound or other authorized storage facility. If the owner or person entitled to possession of the personal property wishes to contest the validity of the removal, he or she may obtain a hearing under the conditions of either paragraphs 1 or 2 stated below:

TO OBTAIN HEARING.

1. If the personal property has been released, he or she may, within 15 days of the release of the personal property or the mailing or personal delivery to him or her of the notification of the removal, whichever occurs first, request a hearing by contacting in person the office of:

   Village Clerk
   Village of Bellflower
   PO Box 244
   Bellflower, IL 61724-0244
   (309) 722-_____

   Anyone residing more than 50 miles away from the Village of Bellflower may make a request for hearing by mail. The right to any hearing will be deemed waived unless a written request for hearing is received by the above office within the applicable 15-day period.

2. If the personal property is still impounded, he or she may contact the above office and obtain a hearing within the next day after the request, excluding Saturdays, Sundays, and holidays, unless the request is made after 3:00 p.m., or unless there are particular difficulties in having the hearing on the next day, in which case the hearing will take place on the second day thereafter, excluding weekends and holidays.

NATURE OF HEARING. The hearing shall be conducted according to municipal ordinance provisions and shall determine the validity of the impounding of the personal property and the imposition or refund of any removal or storage charges, but the hearing will not determine or adjudicate any citations issued. If the hearing officer sustains the validity of the removal and storage, the owner or person entitled to possession of the personal property will be required to pay all unpaid removal and storage fees before obtaining the release of the personal property.

2. The following form shall be utilized in the administration of subsections (N) and (O) of this Section 12.08.01 for posting in personal property removal establishments and mailing or delivery to owners:

VILLAGE OF BELLFLOWER
PO BOX 244
BELLFLOWER, IL 61724-0244

DATE: ____/____/20___

To: _____
_____
_____
_____

Post-Removal Incident # _____
Delivered by:
Certified Mail # _____
Dated ____/____/20___
OR
Personal Delivery
By _____
Date ____/____/20

POST-REMOVAL NOTICE

You are indicated as the owner or person entitled to possession of the following described personal property:

_____

_____

_____

which is impounded at: _____
NAME AND ADDRESS OF REMOVAL SERVICE OPERATOR, OR VILLAGE AUTO POUND

_____

The personal property was removed from _____
LOCATION

on ____/____/20___ by the authority of the Village of Bellflower, as an unlawful or hazardous junk, vehicle parts, used machinery, non-functional equipment, trash, refuse, or other similar items or substances, to wit:

_____
FACTS FORMING BASIS OF REMOVAL

_____

as defined in Ordinance or Statutory Section _____. The removal was authorized by Ordinance or Statutory Section _____ which provides that:

_____

_____

You have the rights and payment obligations as set forth in the enclosed Notice of Personal Property Release Requirements and Hearing Rights.

Q. Form for Pre-Removal Notice. The following form shall be utilized in the administration of subsections (L) and (M) of this section for the mailing or delivery of pre-removal notices to owners:

VILLAGE OF BELLFLOWER
PO BOX 244
BELLFLOWER, IL 61724-0244

DATE: ____/____/20___

To: _____
_____
_____
_____

Pre-Removal Incident # _____
Delivered by:
Certified Mail # _____
Dated ____/____/20___
OR
Personal Delivery
By _____
Date ____/____/20___

PRE-REMOVAL NOTICE

You are indicated as the owner or person entitled to possession of the following described personal property:

_____

_____

which is located at: _____
LOCATION

_____

in an apparently abandoned or unusable condition, or which otherwise constitutes a nuisance, to wit: _____
FACTS FORMING BASIS OF PROPOSED TOW

_____

as defined in Ordinance or Statutory Section _____.

The Village of Bellflower will remove the personal property described herein or cause it to be removed after seven days from the above date of mailing or personal delivery of this notice unless you move the personal property to a lawful location or place the same within a fully enclosed building, or request a hearing as set forth below. Any such hearing will only concern the proposed removal and will not be determinative of or adjudicate any citation concerning the personal property. If the personal property is removed, you will be required to pay all removal and storage charges before the personal property is released. The removal is authorized by Ordinance or Statutory Section _____ which provides that: _____

_____.

If you wish to request a hearing on the legality of the present location and condition of the personal property, you must contact the office listed below and file in person a request for such hearing within seven days of the above date of mailing or personal delivery, unless you live more than 50 miles from the Village of Bellflower, in which case you may mail a request for hearing that must be received by the office listed below within seven days from the mailing or personal delivery of this Notice: **Village Clerk •Village of Bellflower •PO Box 244 •Bellflower, IL 61724-0244 • (309) 722-**_____. NOTE: The right to any hearing will be deemed waived unless a written request for hearing is received by the above office within the applicable seven-day period.

R. Form for Post-Removal Hearing Decision. The following form shall be utilized by the hearing officer for post-removal hearing decisions as required in subsection (O) of this Section 12.08.01:

Post-Removal Incident #_____

POST-REMOVAL HEARING DECISION

Following a hearing held after the giving of proper notice and the removal of personal property as identified in a post-removal notice bearing the same incident # as the report number stated above concerning the personal property owned by or under the control of _____ _____ (owner), the following findings are ordered and hereby entered, as checked in the appropriate box and entered on the appropriate lines:

Amount Previously Paid by Owner for Removal and Storage $_____

❒ 1. Removal Authorized; Owner Responsible for All Charges. The removal and storage of the personal property was authorized by the following law of the State of Illinois: _____ or Village of Bellflower Ordinance No. _____, and the owner is liable for the full amount of removal and storage fees incurred to date, in the amount of: $_____

❒ 2. Removal Not Authorized. There was no authorization in law for the removal and storage, or the Village of Bellflower officer or employee causing the personal property to be removed did not comply with the requirements of the applicable statute or ordinance, as follows:_____

_____

The owner will not be charged for removal and any amount previously paid will be refunded by the village as shown here: $_____

❒ 3. Removal Authorized; Storage Partially Reimbursable. The removal of personal property was authorized by State Law: _____, or Village of Bellflower Ordinance No. _____, but the owner was caused to incur additional improper storage charges because of improperly late notification of removal or other reasons for which the Village of Bellflower or the removal service company are responsible, as follows:

_____

_____

Storage Amount to be Excused or Reimbursed to Owner $_____

Removal and Storage Balance for which Owner is Responsible $_____

❒ 4. Owner Failed to Appear; No Continuance Requested. This finding constitutes a default against the owner on the matters stated in the post-removal notice. The owner is responsible for all removal and storage charges incurred to date, in the amount of: $_____

After making the appropriate computations with the amounts stated above in the right-hand column for any Amount Previously Paid by owner, and adding or subtracting the appropriate amounts listed under paragraphs 1, 2, 3, or 4, the final amount either owed by the owner to date or to be refunded to the owner IS HEREBY ORDERED AS FOLLOWS:

Amount Currently Owed by Owner $_____

OR

Amount to be Refunded to Owner $_____

IMPORTANT FURTHER INFORMATION

If the personal property is presently still impounded, an order for the release of the personal property is attached to this decision. The owner must take possession of the personal property within 24 hours of the entry of this decision, or he/she may be responsible for further storage charges.

ENTERED ____/____/20___ SIGNATURE _____

HEARING OFFICER

S. Form for Pre-Removal Hearing Decision. The following form shall be utilized by the hearing officer for pre-removal hearing decisions as required in subsection (M) of this section:

Pre-Removal Incident #_____

PRE-REMOVAL HEARING DECISION

Following a hearing held after the giving of proper notice and previous to removal of the personal property as identified in a pre-removal notice bearing the same incident # as the report number stated above concerning the personal property owned by or under the control of _____ _____ (owner), the following findings are ordered and hereby entered, as checked in the appropriate box and entered on the appropriate lines:

❒ 1. Removal Authorized; Owner Responsible for All Charges. The removal and storage of the personal property herein identified is authorized by the following law of the State of Illinois: _____, or Village of Bellflower Ordinance No. _____, and the owner shall be liable for the full amount of removal and storage fees incurred upon the removal and storage of the aforesaid personal property, in the amount as prescribed under this Section 12.08.01:

$_____

❒ 2. Removal Not Authorized. There is no authorization in law for the removal and storage, or the Village of Bellflower officer or employee causing the personal property to be removed did not comply with the requirements of the applicable statute or ordinance, as follows:_____

_____

The owner will not be charged for removal and any amount previously paid will be refunded by the village as shown here: $_____

❒ 3. Owner Failed to Appear; No Continuance Requested. This finding constitutes a default against the owner on the matters stated in the pre-removal notice. The owner shall be responsible for all removal and storage charges incurred upon the removal and storage of the aforesaid personal property, in the amount as prescribed under this ordinance in the amount of:$_____

After adding or subtracting the appropriate amounts listed under paragraphs 1, 2, or 3, the final amount either owed by the owner to date or to be refunded to the owner IS HEREBY ORDERED AS FOLLOWS:

Amount Currently Owed by Owner $_____

OR

Amount to be Refunded to Owner $_____

ENTERED ____/____/20___ SIGNATURE _____

HEARING OFFICER

12.08.02 NUISANCE VEHICLES

It shall be a nuisance for any person owning, leasing, occupying, or having charge of any premises in any business, commercial or industrial district within the village to allow an inoperable, partially dismantled, wrecked, junked, discarded, abandoned, or unlicensed motor vehicle to remain on the premises, unless such vehicle is in an enclosed building, or unless said premises has as its principal use the maintenance or repair of vehicles (which use may include on premises storage as a temporary accessory use, but not a principal use), in which latter situation (premises for which the principal use is the maintenance or repair of vehicles) it shall be a nuisance for any previously described motor vehicle to remain on such premises, unless in an enclosed building or an enclosed storage area, longer than 60 days. In the event the principal use of the premises in question is for the maintenance or repair of vehicles, the person owning, leasing, occupying or having charge of any premises may, in connection with, or in lieu of, providing an enclosed building, provide a walled storage area surrounded by walls eight feet in height, said walls to be a solid wall or uniformly-painted solid fence. Storage required to be enclosed in a building or behind a wall or solid fence shall not be of greater height than the enclosing building or fence.

12.09 SEWAGE DISPOSAL

All sewage wastes shall be disposed of in a sanitary manner so as not to endanger the health of any person or be a nuisance. The disposal of sewage wastes into a septic tank and seepage bed which is properly constructed and adequate to handle the sewage wastes shall satisfy the requirements of this section.

Any violation of this section shall be deemed a nuisance and may be abated as such in the manner prescribed by law or by this code.

12.10 DANGEROUS BUILDINGS

A. Definition. The term “dangerous buildings” as used in this section means: (1) any building, shed, fence or other man-made structure which is dangerous to the public health because of its conditions, and which may cause or aid in the spread of disease or injury to the health of occupants of it or neighboring structures; (2) any building, shed, fence or other man-made structure which because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard; (3) any building, shed, fence or other man-made structure which by reason of faulty construction, age or lack of proper repair or any other cause is liable to cause injury or damage by collapsing or by collapse or fall of any part of such structure; (4) any building, shed, fence or other man-made structure which, because of its condition or because of lack of doors or windows is available to or frequented by malefactors or disorderly persons who are not lawful occupants of such structure.

B. Nuisance. Any such dangerous building in the village is declared to be a nuisance.

C. Use. It shall be unlawful to maintain or permit the existence of any dangerous building in the village and it shall be unlawful for the owner, occupant, or person in

custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition.

D. Abatement. Whenever a village officer shall believe any building or structure in the village is a dangerous building, he shall file a written statement to this effect with the Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition and that such dangerous condition must be removed or remedied by repairs or altering the building or by demolishing it, and that the condition must be remedied at once.

12.11 OPEN BURNING

A. No person shall cause or allow open burning of any combustible material or refuse, conduct any salvage operation by open burning, or cause or allow the open burning of any combustible material or refuse in any chamber not specifically designed for the purpose and approved by the Illinois Environmental Protection Agency pursuant to regulations adopted by the Illinois Air Pollution Control Board, except that it shall be lawful for any person to burn landscape waste upon the premises where it is produced, when such burning shall take place between sunup and sundown, and when such burning is conducted in a manner and under such conditions as will create the least visibility hazards on adjacent roadways, walkways and railroad tracks, and will create the least amount of pollutants reasonably possible at such time. Further, it shall also be lawful for any person to set fire to, ignite, or burn any combustible material in any outdoor fireplace, grill, or barbecue pit if:

1. Such fire is used solely for the purpose of cooking; and
2. Such fire is kept under competent and continuous supervision; and
3. All inflammable and combustible material is removed a distance of at least 30 feet from the fireplace, grill, or barbecue pit so as not to constitute a fire hazard; and
4. All such burning is a distance of at least 30 feet from other residences and properties to not be a nuisance, constitute a fire hazard, or impair the breathing of free air to adjacent persons or property owners; and
5. All fires or coals in said fireplace, grill or barbecue pit are thoroughly extinguished after the use thereof has been completed.

B. Definitions.

1. Open Burning. The combustion of any matter in the open or in an open dump.
2. Landscape Waste. All accumulations of grass or shrubbery cuttings, leaves, tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees.
3. Brush. Trimmings from shrubs, trees, or other woody plants not less than two feet nor more than six feet in length, and not more than two inches in diameter.

C. Burning of Landscape Waste. The burning of landscape waste in the open air, under proper regulations, shall be permitted so long as the same is not in conflict with the provisions of the acts of the state and its subsidiary agencies relative to the burning of landscape wastes in open air.

D. This section shall embrace, but not conflict with, the provisions of the Illinois Environmental Protection Act, Title II – Air Pollution (415 ILCS 5/9(c)).

[Section 12.11 replaced in its entirety by Ordinance 2022-07 11/13/2022]

12.12 MOBILE HOMES

A. As used in this section a mobile home shall mean any vehicle or similar portable structure constructed to permit it being used as a conveyance on a public street or to permit the occupancy thereof as a dwelling by one or more persons.

B. It shall be unlawful for any person to remove the wheels or other transporting device from any mobile home or otherwise to affix a mobile home permanently to the ground so as to permit ready removal of such mobile home unless a permit to do so is obtained as provided in this section.

C. It shall be unlawful for any person to occupy for sleeping or residence purpose any mobile home or similar construction which has been rendered immobile by the removal of wheels or by placing the same on a foundation or on the ground without prior approval of the officers of the village and until the same complies with all ordinances and laws applicable thereto relating to construction, wiring, plumbing, sewer facilities and any other regulations for family occupancy.

D. Mobile homes may, in the discretion of the Board of Trustees, be placed upon private residential lots upon the following conditions:

1. The owner of the mobile home which is to be placed on a private lot must get separate consents from all the property owners, not the occupants, of all property within and up to 300 feet in any direction from every owner of the lot in question.

2. That the consent of the owners must be on a 90 percent basis of all the property owners within the area of 300 feet from each corner of the lot and all such permissions and consents must be obtained within a 30-day period.

3. Upon obtaining all of said consents, an application shall be made to the Board of Trustees for special permit allowing the parking of a mobile home upon the lot in question, at which time the Board shall have a right to review the consents and make a determination as to whether a special permit for parking a mobile home shall be allowed.

4. These special permits shall be issued by the Board of Trustees upon a 100% passage by every member of the Board. A permit shall be issued only to the owner of the mobile home. The permit is not transferable. In the event of the

transfer of the mobile home or the lot by sale or inheritance, the permit is revoked, and the mobile home must be removed within 6 months of the time that the transfer takes place.

E. Whether the mobile home is occupied by the owner or whether it is rented and occupied by a tenant, the regulations of this section shall apply. The owner of the mobile home and the property upon which the same stands shall be responsible for the water charges, including the hook-up and the payment for the use of the water, and unpaid water charges shall be and continue to be a lien against the property.

CHAPTER 13 – DOGS AND OTHER ANIMALS

13.01 DEFINITIONS

Terms used in this chapter have the following meanings:

Dog: Any canine of 6 months of age or older.
At large: Off the premises of the owner without a leash.

13.02 LICENSE

No person shall own, keep, maintain, or harbor any dog within the village without a license therefor.

13.03 LICENSE APPLICATION

Application for a dog license shall be made upon such printed forms as shall be provided and shall include the following information: The owner of the dog proposed to be licensed; the residence of such owner; and the age, sex, breed and description of the dog proposed to be licensed. Each application for a dog license shall be accompanied by a certificate of rabies vaccination signed by a veterinarian that the dog proposed to be licensed has been properly vaccinated against rabies within the preceding 12-month period.

13.04 FEES

The annual dog license fee is $2 for each male dog and $5 for each female dog for the year beginning June 1 and ending May 31 of the following year. No license shall be issued for a sum less than the full annual fee.

13.05 PLACEMENT OF TAG

A person owning, keeping, maintaining, or harboring any dog within the village shall keep the license tag issued for such dog rigidly attached to a collar or harness placed and kept about the neck of such dog. The collar or harness shall be made of leather, metal, or other substantial material. It shall be unlawful for any person, other than the owner, to remove a license tag from any dog.

13.06 LOST TAGS

The owner of any licensed dog who has lost the license tag may apply for a duplicate license on such printed forms as shall be provided. The fee for issuance of a duplicate license is $1.

13.07 DOGS AT LARGE

Any dog found running or being at large in any of the streets, public ways or upon the private premises of any person other than the owner or keeper of such dog is a public

nuisance. No person shall cause or permit any dog owned or kept by him to be so at large within the village.

13.08 IMPOUNDING DOGS

It shall be the duty of the village Dog Catcher to take up and impound in such place as is designated for that purpose by the village any dog found at large.

13.09 REDEMPTION OF IMPOUNDED DOGS

A. Unlicensed Dogs. Any unlicensed dog which is impounded shall be securely chained or confined, separate from all other impounded dogs, for a period of five days. If a dog so impounded remains unclaimed, it shall be disposed of at the discretion of the Dog Catcher. If any person desires to own, keep, maintain, or harbor such an impounded dog, such dog may be redeemed only upon the fifth day by payment of all impounding costs and satisfaction of all licensing requirements.

B. Licensed Dogs. Any licensed dog which is impounded shall be securely chained or confined, separate from all other impounded dogs. The Dog Catcher shall, within 24 hours of such impounding, attempt by telephone or registered mail to notify the owner of record of such licensed dog. If a licensed dog remains unclaimed after impounding for four days, the dog shall be eligible for redemption by interested persons other than the owner of record in accordance with all applicable requirements of this chapter. All unredeemed and unwanted dogs, regardless of licensing status, shall be disposed of at the discretion of the Dog Catcher on the fifth day of impounding.

C. Licensed Dogs Without Identification. The Dog Catcher shall not be required to notify an owner of the impounding of a licensed dog if such dog lacks the proper means of identification when impounded. A reasonable effort to identify the owner shall be made from whatever source is available. Redemption and disposal of such dog shall be as set forth in subsection (B) above.

13.10 IMPOUNDING FEE

The impounding fee shall be $3 plus all animal hospital boarding fees incurred by the village for each animal so impounded.

13.11 FIERCE DOGS

No confined dog shall be declared dangerous, fierce, or vicious except upon determination by a licensed veterinarian. If a confined dog is so declared to be dangerous, fierce or vicious, the owner or keeper of such dog shall immediately provide extraordinary precautions such as muzzles, chains, cages and warning signs, as may be required by the Dog Catcher.

Any dog at large which by its actions is deemed by the village Marshal to be dangerous, fierce or vicious and cannot safely be taken up and impounded, may be slain by the Dog Catcher.

13.12 INJURY BY DOGS

Any dog which bites a person or so injures any person as to cause an abrasion of the skin is hereby declared to be a nuisance, provided however, that the injured person must substantiate the injury with a professional medical report. The owner or keeper of any dog, when notified that such dog has so injured any person, shall not sell or give away such dog or permit such dog to be taken beyond the limits of the village without authorization from the village Marshal. It shall be the duty of such owner or keeper, upon receiving notice of the character aforesaid, to place such dog in a licensed animal hospital within 24 hours of such notification. Such dog shall be so confined for a period of ten days. The owner or keeper shall notify the village Marshal of the name and location of such animal hospital. If any dog which has injured a person is not voluntarily impounded by the owner or keeper, such dog shall be taken up and impounded by the village Marshal for a period of ten days.

13.13 RABIES

Any dog suffering from rabies is hereby declared to be a nuisance. It shall be the duty of the owner or keeper to immediately impound or destroy such dog upon order of the village Marshal. Any dog suffering from rabies, which cannot safely be taken up and impounded, shall be slain by the village Marshal.

13.14 DISPOSAL OF DOGS FOR HUMANITARIAN PURPOSES

Whenever any reputable institution of medical or scientific research or learning shall apply in writing to the village for permission to use impounded and unclaimed dogs in a humane manner for the good of mankind and the increase of knowledge relating to the cause, prevention, control and the cure of disease, the village may surrender such dogs as are available to such institution for such purpose.

13.15 DOGS ON LEASH

All dogs, while on any street, public way or private premises other than the premises of the owner, agent or keeper, shall be led by a chain or leash not exceeding 6 feet in length in such a manner as to prevent such dog from biting or otherwise injuring any person or animal. Nothing in this chapter shall be interpreted to require the leashing of any dog while on the private premises of the owner, agent of the owner or keeper except as provided in Section 13.11.

13.16 DOGS IN PUBLIC PLACES

No dog shall be permitted, even though on leash or carried, to enter any of the following places or areas:

A. Any restaurant, food establishment, office, store, market, or confectionary shop during the time such establishment is open for public business.

B. A public park, public recreation area, school ground or church ground.

C. A public building or public grounds.

D. This section shall not apply to dogs leading blind persons.

13.17 LIVESTOCK AND POULTRY

It shall be unlawful for any person to keep or raise any cattle, hogs, sheep, horses, chickens, ducks, geese, or other livestock or poultry within the corporate limits of the village.

13.18 CRUELTY TO ANIMALS

No person shall cruelly treat any animal in the village, in any way, and no person shall inhumanly beat, underfeed, overload, or abandon any animal. (ref. 65 ILCS 5/11-5-6)

13.19 DANGEROUS ANIMALS

No person shall permit any dangerous animal or any vicious animal to run at large within the village. Exhibitions or parades of animals which are ferae naturae (of a wild nature) in the eyes of the law, may be conducted only pursuant to a permit from the Board of Trustees.

13.20 NOISY ANIMALS

No person shall harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night.

CHAPTER 21 – ZONING

21.01 TITLE

This Ordinance shall be known as and cited as the Zoning Ordinance of the Village of Bellflower, Illinois.

21.02 INTENT AND PURPOSE

This Ordinance, providing minimum requirements, is adopted for the promotion and protection of the public health, safety, comfort, property, and general welfare. The Village Board of Trustees shall have the authority:

A. To regulate and limit the height and bulk of buildings hereafter to be erected.

B. To establish building set-back lines on or along any street, traffic way, drive, parkway or storm or floodwater runoff channel or basin.

C. To regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of open spaces.

D. To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.

E. To divide the entire village into districts of such number, shape, area, and of such different classes as may be deemed best suited to carry out the purposes of this ordinance.

F. To establish reasonable standards to which buildings or structures therein shall conform.

G. To prohibit uses, buildings or structures incompatible with the character of such districts.

H. To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed under this Ordinance.

I. To classify, to regulate and to restrict the use of property based on family relationships.

J. To isolate or control the location of unavoidable nuisance-producing uses.

K. To define the powers and duties of the administrative bodies as provided herein.

L. To prescribe penalties for the violation of the provisions of this Ordinance or any amendments thereto.

21.03 GENERAL PROVISIONS

A. Control over Use. Except as provided herein, no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, except in conformity with the regulations herein specified for the class of District in which it is located.

B. Continuing Existing Uses. Any building, structure, or use lawfully existing at the time of enactment of this Ordinance may be continued, except certain non-conforming uses as provided in Section 21.05 hereafter.

C. Control over Bulk. All new buildings shall conform to the bulk regulations established herein for the District in which each building is located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted or relocated in such manner as to conflict or further conflict with the bulk regulations of this Ordinance for the District in which such building shall be located.

D. Building on Lot. In every Residential District, every dwelling hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one principal structure on one lot.

E. Street Frontage and Access. No lot shall contain any structure used as a dwelling unless it abuts and has primary means of access to at least 25 feet of public street frontage.

F. Accessory Buildings, Structures, and Uses.

1. Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be established prior to the establishment of the principal use.

2. No accessory building, structure, or use other than a private garage shall be erected in any yard other than a rear yard, nor shall it occupy more than 30 percent of a rear yard. An accessory building, structure or use in a rear yard shall not be less than six feet from any side property line nor less than five feet from a rear property line, except that on a corner lot, a reversed corner lot or a through lot, such accessory building, structure or use shall be set back from the property line adjoining a street the distance required tor a front yard, unless otherwise required herein for a specific permitted or additional use.

3. No accessory building, structure or use shall encroach upon that side yard of a corner lot which is adjacent to the street, upon that side yard of a reversed corner lot which is adjacent to a street, upon that part of a rear yard of a through lot which is within 35 feet of the street lint abutting the rear lot line, or upon a front yard, except as permitted herein for specific uses.

4. An accessory building, structure, or use may be erected as an integral part of the principal building, or, if at least six feet therefrom, may be connected

thereto by a breezeway or similar structure, provided all yard requirements of this Ordinance for a principal structure are complied with, unless such accessory building is in a rear yard, in which case subsection 21.03(H) shall be applicable.

G. Yards, General.

1. All yards and other open spaces allocated to a building (or group of buildings comprising one principal use) shall be located on the same lot as such building. The maintenance of yards and other open spaces and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, if the building is in existence. Furthermore, no legally required yards, other open spaces or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

2. No improved lot shall hereafter be divided into two or more lots and no portion of any improved lot shall sold unless all improved lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the Zoning District in which the property is located.

3. No yards now or hereafter provided for a building existing on the effective date of this Ordinance shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

H. Permitted Obstructions in Required Yards.

1. In Any Yard. Marquees and awnings adjoining the principal building; overhanging roof eaves; chimneys, if they do not exceed 10% of the required depth of the yard; ornamental light standards, flag poles, arbors, trellises, trees, shrubs, coin-operated telephones, permitted signs and outdoor fuel-dispensing equipment.

2. On Corner Lots. Obstructions not higher than 30 inches above the curb level, if located within 30 feet of the curb corner, formed by the intersection of two streets.

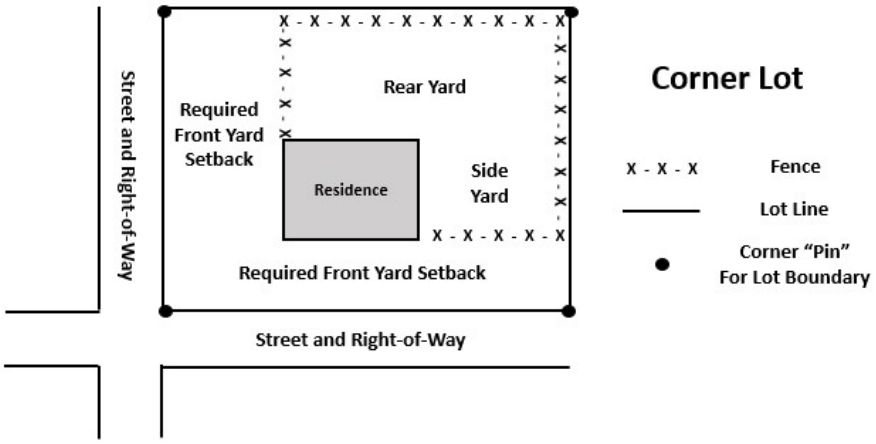
3. In Side-Yards. Open accessory off-street parking spaces, except in a side yard abutting a street.

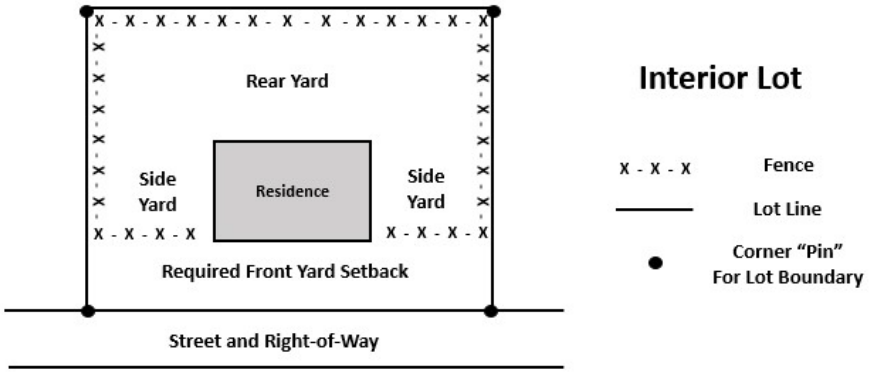
4. In Rear Yards. Balconies, breezeways, and open porches; open off- street parking spaces; enclosed, attached or detached off -street parking spaces; accessory sheds, tool rooms or any similar structures customarily accessory to the principal use.

5. Fences. Fences may be located in those portions of rear and side yards as shown on Chapter 21 Exhibit 21.03(H5). Before a fence shall be considered a

conforming structure in the zoning district in which it is constructed (for all construction taking place after February 7, 1998) building and occupancy permits shall be required to be obtained and the appropriate fee paid for each.

Exhibit 21.03(H5)





I. Additional Permitted Uses.

1. To provide for the location of certain uses with unique characteristics herein specified which are deemed appropriate within a given District or Districts, but which might have an unusual impact or adverse effect upon surrounding properties, the Zoning District, or the entire community, a classification of Additional Permitted Use is hereby established.

2. The location, design, and conditions of operation of said uses require special administrative review. Additional Permitted Uses may be developed in the Districts specified if special permits are granted after findings are made by the Zoning Board of Appeals that the special standards have been met.

3. Where a use exists on the effective date of this Ordinance and it is classified as an additional use in the District in which it is located by this Ordinance, it shalt be a lawful Additional Permitted Use.

J. Zoning of Annexed Territory. Any additions to the village shall be automatically classified A-Agriculture until otherwise classified by Amendment to this Ordinance.

K. Application of Overlapping Regulations. This Ordinance is not intended to abrogate any easement, covenant or other private agreement provided that where the regulations of this Ordinance are more restrictive or impose higher requirements than such easements, covenants or other private agreements, the requirements of this Ordinance shall govern.

L. Tents. No tents shall be erected, used, or maintained for living quarters except as temporary shelter in approved recreation areas.

M. Exemptions.

1. The following essential public utility uses are exempted by this Ordinance and permitted in any district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment for telephone or other communications and electric power, gas, water and sewer lines.

2. Steeples of churches and other houses of worship are further exempt from the provisions of this Ordinance herein.

N. Separability. If any of the provisions of this Ordinance, or amendments thereto, or the application thereof to any lot, building or other structure or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective, or to the lot, building or other structure or tract of land immediately involved in the controversy. Such judgment shall not affect the

application of the provisions of this ordinance to any other property, building or structure not specifically included in said judgment.

O. Effective Date. This Ordinance shall be in full force and effect immediately after its passage and approval by the Village Board of Trustees and publication in pamphlet form according to law.

21.03.01 BUILDING PERMITS

A. Permits for Buildings. No persons shall erect any new building nor add to or alter any building already erected, within the fire limits of the City without first having obtained a permit therefor, in the manner hereinafter prescribed; provided, that no permit shall be required for making ordinary repairs, either external or internal, which do not increase the size of such building or alter its condition as a fire risk.

B. Applications. Any person desiring to erect such new building or addition, or to alter or change such existing buildings shall file with the Clerk an application in writing, addressed to the Trustees of the Village of Bellflower, stating the dimensions of such proposed building or addition; or, if alteration, the nature and extent thereof, the lot, block and locality where such building is, or is to be located, the general plan of construction, the materials to be used therein and the purpose for which such building is to be used. If the trustees shall find upon examination that the proposed building, addition or alteration conforms to the ordinances in force at the time, he shall endorse his approval upon such application, and the Clerk shall thereupon issue a permit to said applicant under the Corporate Seal.

C. General Regulations.

1. Any new building or addition must be at least three feet from the owner's lot line, including eaves.

2. The same grade shall be maintained as of surrounding lots, including landscaping.

3. All new buildings and additions must maintain the same setback from streets as surrounding buildings.

21.04 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

A. Rules for the Construction of Language. The following rules shall apply to the text of this Ordinance:

1. The "particular" shall control the "general."

2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

3. The word "shall" is always mandatory, whereas the word "may" is permissive.

4. Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

5. A “building” or “structure” includes all parts thereof.

6. The phrase “used for” includes “arranged for,” “designed for,” “maintained for,” and/or “occupied for.”

7. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

8. The conjunction “and” indicates that all the connected items, conditions, provisions, or events shall apply. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination. "Either ... or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

9. All measured distances shall be to the nearest integral toot; if a fraction is one-half foot more, the integral foot next above shall be taken; if a fraction is one-half foot less, the integral toot next lower shall be taken.

10. The masculine gender includes the feminine and neuter.

B. Definitions. The following words, phrases, and terms, wherever they occur in this ordinance, shall be interpreted as herein defined:

1. Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

2. Administrative Officer. An official or officials appointed by the president with the approval of the Village Board of Trustees to administer and enforce the Zoning ordinance of the village.

3. Agricultural Uses. Land, including necessary buildings and structures, which shall be used for agriculture including, but not limited to, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry, as well as the necessary accessory uses, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

4. Alley. A public way which affords only secondary means of access to abutting properties.

5. Automotive Service Stations. Any building or portion thereof on premises to which the motoring public is invited for automotive refueling from underground storage tanks through fixed equipment and for replenishment of automotive supplies and where any of the following services to the motoring public is permissive: replacement, adjustment or repair of lights, tires, batteries,

accessories and minor parts; and when rendered wholly within a building, brake adjustment, engine tuning, drainage and replacement of crank and gear case lubricants, chassis lubrication, washing and cleaning (but not automotive laundry); all rendered wholly within lot lines.

6. Automotive Wrecking Yard. Any area of land where one or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

7. Basement. That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor is less than the vertical distance from grade to ceiling.

8. Block. A tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, corporation boundary lines, or other lines of demarcation.

9. Buildable Area. The portion of a lot remaining after the yard requirements (front, rear, and side) have fulfilled.

10. Building. Any structure which is built for the support, shelter, or enclosure of persons, animals, or movable property of any kind, which is permanently affixed to the land. Mobile homes and other items assessed as personal property shall not be construed as a building or structure.

11. Building Area. The area bounded by the exterior dimensions of the outer walls at the ground level.

12. Building Completely Enclosed. A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior or party walls, openings to the exterior being only by windows and normal entrance or exit doors.

13. Building, Temporary. Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

14. Bulk. The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and including the following:

    a) Size and height of buildings.

    b) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.

    c) Gross floor area of buildings in relation to lot area (floor area ratio).

d) All open spaces allocated to buildings.

e) Amount of lot area provided per dwelling unit.

15. Club or Lodge, Private. A building or portion thereof, or premises, owned and/or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit nor to render a service which is customarily carried on as a business.

16. Curb Level. The level of the established curb in front of a building or structure measured at the center of such front where no curb level has been established, it shall be deemed to be the established level of the center line of the street surface in front of a building or structure measured at the center line of such front.

17. District Zoning. Any portion of the village for which the zoning regulations govern the use of buildings and premises, the height of buildings, the size of yards. The intensity of uses is uniform within each District.

18. Drive-in Establishment. A business or institution where a principal use is the offering or sale of goods or services to be carried out to, or to be served to, customers waiting in parked motor vehicles, or a prepared food or beverage carry-out service. Such establishment may also have facilities for offering or selling goods or services to customers for use or consumption 'Within the building or buildings on the premises.

19. Dwelling. A building or portion thereof which is designed for or used for residential purposes.

20. Dwelling, Single-Family. A detached residential dwelling unit, other than a mobile home, designed for and occupied by only one family.

21. Dwelling, Two-Family (Duplex). A residential building containing two dwelling units.

22. Dwelling, Multiple-Family (Apartment). A building or portion thereof containing three or more dwelling units. The number of families in residence shall not exceed the number of dwelling units provided.

23. Dwelling Unit. A room or group of rooms constituting all or part of a dwelling which is or are arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers not so related, and which includes complete kitchen and bathing facilities permanently installed.

24. Family. One or more persons related by blood, marriage, or legal adoption, occupying a dwelling, and living as a single housekeeping unit, and doing their own cooking on the premises.

25. Floor Area, Gross. For the purpose of determining requirements for off-street parking and off-street loading, the floor area shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

26. Frontage. All the property on one side of a street between two intersecting streets, highways, or some other physically evident line of demarcation, measured along the front property lines.

27. Garage, Private. An accessory building or portion thereof, designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.

28. Garage, Public. A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, selling, or storing motor-driven vehicles, with or without compensation.

29. Height, Building. “Building height” is the total number of stories in a building, and the vertical distance measured from curb level to the highest point of the roof adjacent to the street wall for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges for any gable, hip, gambrel or pent roof.

30. Home Occupation. Any occupation or activity incidental to residential use, when carried on in the principal structure by one member of the immediate family residing on the premises, in connection with which there is no sign other than a non-illuminated name plate not more than one square foot in area or no display used that will indicate from the exterior that the building is being used for any other purpose than that of a dwelling; there is no commodity sold on the premises; no person is employed other than a member of the immediate family residing on the premises; and no heavy mechanical or electrical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

    Home occupation shall include the use of the subject premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment but not for the general practice of his or her profession. A home occupation may be interpreted to include barber shops and beauty parlors, but shall not include commercial stables, kennels, or automobile, truck or tractor servicing or repair.

31. Hotel. A building containing lodging rooms which may have a general kitchen and dining room, a common entrance lobby, halls and stairway(s) where each lodging room does not have a doorway opening directly to the outdoors, except for emergencies, and where more than 50 percent of the lodging rooms are for

rent to transient guests, with or without meals, for a continuous period of less than 30 days.

32. Junk or Salvage Yard. An open area or fenced-in enclosure, where used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

33. Kennel. Any lot or premises on which are kept four or more dogs, more than six months of age.

34. Laundromat. An establishment providing home-type washing, drying, or ironing machines for hire to be used by customers on the premises.

35. Loading Space. An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

36. Lot. A parcel of land, whether legally described or subdivided as one or more lots or parts of lots, located within a single block and which is occupied or intended for occupancy by one principal building or use, together with any accessory buildings and such open spaces and off-street parking and/or loading spaces as are required by this ordinance; and having its principal frontage upon a street.

37. Lot Area. The computed area contained within the lot lines.

38. Lot Corner. A lot situated at the junction of two or more streets. For determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered as having front yards.

39. Lot Depth. The mean horizontal distance between the front lot lint and the rear lot line of a lot measured within the lot boundaries.

40. Lot, Interior. Any lot other than a "corner lot" or a "through lot.

41. Lot Line. A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

42. Lot Line, Front. That boundary of a lot which is along an existing or dedicated street. The owner of a corner lot may select either street lot line as the front lot line.

43. Lot Line, Rear. That boundary of a lot which is most distant from and is, or is approximately, parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line.

44. Lot Line, Side. Any boundary of a lot which is not a front or rear lot line.

45. Lot, Through [Double Frontage Lot). A lot having a pair of lot lines along two public streets which are parallel, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

46. Lot Width. The mean horizontal distance between the side lot lines of a lot measured within the lot boundaries.

47. Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Deeds of McLean County; or a parcel of land, the deed of which was recorded in the Office of the Recorder of Deeds of McLean County prior to the adoption of this Ordinance.

48. Manufactured Home. A dwelling unit capable of being transported in components to its permanent construction site, placed on a permanent foundation on a lot of its own, and having axles and other temporary parts of a frame or other structure utilized in the transportation of the component to the permanent construction site, said frame or other temporary structure being capable of removal, and being removed, prior to setting the component on a permanent foundation. Said components, as well as the dwelling unit when the components are joined to form the same, must have the approval of the Department of Housing and Urban Development as complying with the Federal Manufactured Home Construction & Safety Standards. Said structure and the components forming it must also meet any building code of the Village of Bellflower.

49. Mobile Home. A moveable or portable structure containing toilet and bath or toilet and shower facilities and designed to permit year-round occupancy as a dwelling place. It shall be constructed so that it may be towed on its own chassis and connected to utilities without placement on a permanent foundation. It shall be capable of having plumbing and electrical connections for attachment to outside systems, and designed to be transported after fabrication, on its own wheels or on flat-bed trailers, and to be ready for occupancy at the building site except for minor and incidental unpacking, assembly, and connection operations. It may consist of one or more units that can be folded, collapsed, or telescoped when towed and expanded later for additional cubic capacity. Two or more units may be separately towable but designed to be joined into one integral unit. The units shall be capable of being again easily separated into components for repeated towing.

50. Mobile Home Park. A parcel or sub-parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

51. Mobile Home Stand. That part of a mobile home lot which has been reserved for the placement of one mobile home with accessory structures or additions.

52. Mobile Home Lot. A parcel or sub-parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

53. Motor Court or Motel. A series of attached, semi-attached or detached sleeping or living units, each with its own bathroom and designed for the accommodations of automobile transient guests.

54. Motor Freight Terminal. A building or premises in which freight is received or dispatched by motor vehicle.

55. Name Plate. A sign indicating the name and address of a building, or the name of an occupant thereof, and/or the practice of a permitted occupation therein.

56. Non-Conforming Building or Structure. A building or structure which does not comply with all the regulations of this Ordinance or any amendment hereto governing bulk for the district in which such building or structure is located.

57. Non-Conforming Use. A lawfully established use of land, buildings, or structures which does not comply with all the regulations of this Ordinance or any amendment hereto governing use for the district in which such building or structure is located.

58. Noxious Matter. Material which can cause injury or malaise to live organisms by chemical reaction or can cause detrimental effects to the health or the psychological, social, or economic well-being of human beings.

59. Nursing Home. An establishment for the aged, chronically ill, or incurable persons in which three or more persons not of the same immediate family are received, kept, or provided with food or shelter and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick, injured, or mentally ill.

60. Off-Street Parking Space. An off-street parking space shall consist of space adequate for parking an automobile with room for opening doors on both sides, together with a properly related driveway of an all-weather surface for ingress and egress with access to a public street or alley. Said space may be a garage, carport, or open space with all-weather surface of not less than 200 square feet.

61. Off-Street Loading Space. An on-the-property space for temporary parking of a commercial motor vehicle while loading and/or unloading merchandise or materials, which has direct access to a street or alley. Such space shall be no less than 10 feet wide and 25 feet long and shall have not less than 14 feet of vertical clearance. exclusive of access aisles and maneuvering space.

62. Open Sales Lot. Any land used or occupied for the purpose of buying and selling merchandise, passenger cars, trucks, any forms of trailers, motor scooters, motorcycles, boats, and monuments, or for the storing of same prior to sale.

63. Park. Any publicly owned park, playground, or parkway within the jurisdiction of the village or any other park or playground not operated for profit.

64. Parking Space. An all-weather surfaced area of not less than 200 square feet, either within a structure or unenclosed, exclusive of driveways or access drives, for the parking of one motor vehicle. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, or regulated so no parking or maneuvering incidental to parking shall be on any public street, walk. or alley, and so any automobile may be parked and unparked without moving another.

65. Residential Unit. A room or group of rooms constituting all or part of a dwelling, arranged, designed, used or intended for use exclusively as living quarters for one family and not more than an aggregate of two roomers not so related, and which includes complete kitchen and bathing facilities permanently installed.

66. Rooming House. A building or portion thereof other than a hotel, occupied by a family, or not more than three persons, who are not members of a family, who pay compensation for lodging and meals.

67. Sanitary Landfill. A method of disposing of refuse by spreading and covering such refuse with earth.

68. Screening. A structure or densely planted vegetation serving as a screen designed to conceal from view the area behind it.

69. Setback. The minimum horizontal distance permitted between the front, side, or rear line of a building, disregarding steps and un-roofed porches, and the nearest property line, street, or alley right-of-way line.

70. Sign. A name, identification, description, display or illustration affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public notices nor shall it include a sign located completely within an enclosed building unless the context shall be exposed to view from a street. Each display surface of a sign shall be a sign.

71. Sign, Area of. The total exterior surface computed in square feet on a sign having but one exposed exterior surface. On signs having two or more exposed exterior surfaces. the gross area shall be the total of its component surfaces.

72. Story. That portion of a building included between the surface of any floor and the surface of the floor next above, or if there is not a floor above, the space between the floor and the ceiling next above.

73. Street (Avenue, Place, Road, Terrace, Parkway, Boulevard, Court or Lane). A public right-of-way which affords a primary means of access to abutting property.

74. Structural Alterations. Any change in the structural members of a building, such as walls, columns, beams, or girders.

75. Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things. structures include buildings, walls, fences, billboards, and poster panels. but, in no case, mobile homes.

76. Substantial Alteration, Major Repair, Extensions. Reconstruction activities increasing the floor area, seating capacity, number of dwelling units or some other factor affecting the off-street parking or loading requirements established hereinafter when the cost thereof, including all material and labor, is found to be in an amount equal to or in excess of 25% of the last tax valuation (prior to any extensions, major repairs or substantial alterations) of any pertinent buildings or structures by the McLean County Assessor's Office, as equalized by the Department of Revenue, State of Illinois.

77. Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

78. Use. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

79. Variation. A relaxation of the terms of this Ordinance as outlined in Section 21.17(E).

80. Village Board of Trustees. The Village Board of Trustees of the Village of Bellflower, Illinois.

81. Warehouse. A building or structure, at least partially enclosed, where wares or goods, or other similar items, are stored, whether for resale or not.

82. Yard. An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the Zoning District in which such lot is located.

83. Yard, Front. A yard extending along the full width of the front lot line between side lot lines. Corner lots and through lots (double frontage lot) shall maintain a front yard along all street frontages.

84. Yard, Rear. The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot.

85. Yard, Side. A yard extending along a side lot line between the front and rear yards, except a lot line along a street, in which event said lot line is deemed a "front lot line," and there shall be no side yard along said lot line, instead said yard shall be considered a “front yard.” In the case of a comer lot, the side yard shall be that yard not required to be a front yard, and not being the rear yard as “rear yard” is herein defined.

    (Note: For a graphic presentation of the locations of lots and yards, see Chapter 21, Appendix A.)

86. Zoning Map, Official. The zoning map of the village shall be prepared by the engineer and amended from time to time as map amendments are made to this ordinance. The Official Zoning Map of the village shall include all that area designated by ordinance as a part of each of the official zoning districts by the classification of that district. Metes and bounds descriptions, where no other designation is used, shall be clearly designated. The official map shall be maintained by the village Engineer, and updated at least annually, as required from time to time by state law. Copies of the official map shall be prepared by the village Engineer and distributed to the clerk, village attorney, and other officials of the village including the President and Trustees who may from time to time require copies of the official map.

    (Note: For a graphic presentation of the locations of zoning districts, see Chapter 21, Appendix B.)

21.05 NON-CONFORMITIES

A. Statement of Purpose. It is the purpose of this Section to provide for the regulations of non-conforming uses, buildings, and structures. It is not the purpose of this Section to deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted at the time of the adoption of this Ordinance, but to provide for the gradual elimination of uses, buildings and structures which are incompatible with the character of the Districts in which they are located, in accordance with the authority granted by 65 ILCS 5/11-13-1, et seq.

B. Authority to Continue Non-Conforming Buildings. Structures and Uses. Any non-conforming building, structure or use which exists lawfully at the time of the adoption of this Ordinance and which remains non-conforming, and any such building, structure or use which shall become non-conforming, upon the adoption of this Ordinance or of any subsequent amendment hereto may be continued in accordance with the regulations which follow.

C. Exempted Buildings, Structures and Uses. A non-conforming building, structure or use lawfully established on the effective date of this Ordinance shall not be subject to the provisions of this Section solely by reason of being non-conforming with respect to the standards prescribed in this Ordinance for:

    1. Yards (front, side, or rear)

2. Lot Area per Dwelling

3. Lot Width

4. Off-Street Parking and Loading Spaces.

D. Non-Conforming Uses of Land. Where, on the effective date of adoption of this Ordinance, a lawful use of land exists that is no longer permissible under the regulations and standards of this Ordinance as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No such non-conforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Ordinance.

2. No such non-conforming use of land shall be moved in whole or in part to any other portion of the lot or tract of land occupied on the effective date of adoption or amendment of this Ordinance.

3. If any such non-conforming use of land ceases for any reason for a period of more than 180 consecutive days, any subsequent use of such land shall conform to the resolutions and standards set by this Ordinance for the district in which such land is located.

E. Non-Conforming Structures. Where, on the effective date of adoption or amendment of this Ordinance, a lawful structure exists that could not be built under the regulations and standards of this Ordinance as adopted or amended, by reasons or restrictions on lot area, lot coverage, height, yards, spacing between buildings, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its non-conformity.

2. Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

3. Should any such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located after it is moved.

F. Non-Conforming Uses of Structures. Where, on the effective date of adoption, or amendment, of this Ordinance, a lawful use of a structure, or of a premises, exists that is no longer permissible under the regulations and standards of this Ordinance as adopted, or amended, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or altered except in changing the use of such structure to a use permitted in the district in which it is located.

2. Any non-conforming use may be extended throughout any part of the building or structure which was manifestly arranged or designed for such use at the effective date of adoption, or amendment, of this ordinance, but no such use shall be extended to occupy land outside of such structure.

3. Except as provided in Paragraph 3 above, if no structural alterations are made, a non-conforming use of a structure, or of any premises, may be changed to another non-conforming use provided the Zoning Board of Appeals, by general rule or by making findings in the specific case, finds the proposed use is an existing non-conforming use. In permitting such change the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

4. Any structure, or any premises, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations and standards of the district in which such structures or premises are located, and the non-conforming use shall not be resumed.

5. When a non-conforming use of a building or structure, or of a premises, is discontinued or abandoned for 12 consecutive months, the structure, or the premises, shall not thereafter be used except in conformance with the regulations and standards of the district in which it is located.

6. Where non-conforming use status applies to a premises, removal or destruction of the structure shall eliminate the non-conforming use status of the land, except as it may qualify as a non-conforming lot of record.

21.06 MOBILE HOME PARKS

No permit for the establishment of a Mobile Home Park shall be issued unless the following requirements are met (ref. 65 ILCS 5/11-5-8), in addition to those established in 210 ILCS 115/1, et seq.

A. Size. The following minimum requirements of size shall apply:

1. There shall be at least three acres in a Mobile Home Park, inclusive of lots, setbacks, and internal roadways.

2. Each individual mobile home lot shall contain no less than 4,000 square feet.

3. Each individual mobile home lot shall be at least 40 feet in width.

B. Yards and Setbacks. The following minimum setback regulations shall apply:

1. No buildings, structure, or mobile home shall be located closer than 40 feet to any property line of the Mobile Home Park, nor closer than 50 feet to any county, township, city, state or federal highway, road, or street right-of-way.

2. Mobile homes shall be set back at least 15 feet from the pavement of streets or roadways within the park.

3. No mobile home, appurtenance thereto, or accessory building shall be placed within 16 feet of any other mobile home, addition, appurtenance, or accessory building, nor within 50 feet of any accessory or service building or structure.

C. Mobile Home Stands. Mobile homes shall be placed on mobile home stands. The mobile home stand shall be constructed of material adequate to support ten tons on the weight-bearing surface. The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead-man" eyelets imbedded in concrete foundations, screw augers, arrowhead anchors, or other devices in a manner that each shall be able to sustain a minimum vertical tension force of 4,800 pounds.

D. Parking. There shall be at least two off-street parking spaces on each lot.

E. Improvements within Mobile Home Park. The following regulations shall apply:

1. Water Facilities. Public water facilities shall be available to every mobile home lot.

2. Street Location. The design and internal traffic circulation pattern shall not preempt the continuation of any existing streets insofar as they may be deemed necessary for the public requirements.

3. Street Construction. Street construction shall be of a durable, dustless, all-weather surface and so graded as to dispose of all surface water accumulation.

F. Street Signs and Mobile Home Lot Numbers. Street signs shall be installed by the owner so as to identify every street in the park and each mobile home lot shall be designated by a consecutive number constructed of weather resistant material and located in such a manner as to permit lot identification from the street.

G. Recreational Area. All mobile home parks designed to accommodate 25 or more mobile homes shall have one or more recreation areas. Such areas shall be a minimum of 5 percent of the gross land area of the mobile home park and no such recreation area shall be less than 5,000 square feet. Playgrounds, swimming pools, and community buildings, and other such facilities are considered recreational.

H. Service Building. Every mobile home park shall have a park management office. The service building may include: (1) pickup and mail delivery as approved by the U.S. Post Office; (2) park laundry facilities; (3) custodial office; (4) emergency station; (5) indoor recreation areas; (6) civil defense shelter, and (7) public toilet facilities.

I. Miscellaneous Requirements. Every mobile home park shall be constructed and operated in accordance with any mobile home park law regulations as established by the State of Illinois.

21.07 OFF STREET PARKING REQUIREMENTS

A. Number of Off-Street Parking Spaces Required. The number of off-street parking spaces required shall be as set forth in the following:

1. Uses Permitted in Residence Districts:

USE	NUMBER OF SPACES REQUIRED
Dwellings	2 per dwelling unit
Boarding, Lodging or Rooming Houses	1 for each living or sleeping unit
Library and Museums	1 for every 500 square feet of gross floor area
Churches and Synagogues	1 for every 5 seats
Community Buildings and Funeral Homes	1 for every 50 square feet of gross floor area
Children's Homes, Convalescent Homes for the Aged, Nursing Homes, Rest Homes	1 for every six beds and 1 for every three employees on maximum shift
Fraternal Organizations, Lodges, Private Clubs	1 for every 50 square feet of floor area used for assembly, dancing, or dining
Schools, Nursery	1 for each employee
Schools, Elementary or Junior	1 for every 30 classroom seats or 1 for each 2 faculty and staff members, whichever is greater
Schools, High or Senior High	1 for every 10 students
Public Park and Recreational Facilities	1 for every 15,000 square feet of lot area
Mobile Homes	2 on each lot

2. Uses Permitted in the C-2 General Commercial District:

USE	NUMBER OF SPACES REQUIRED
All uses	1 for every 500 square feet of floor area

3. Uses Permitted in Industrial Districts:

USE	NUMBER OF SPACES REQUIRED
Grain Elevators	1 for each 2 employees on maximum shift
Warehouse or Wholesale Distribution	1 for every 2,000 square feet of floor area or 1 for every 3 employees, whichever is greater
Manufacturing Plants, Processing Plants, Other Industrial Operations	1 for every 1,000 square feet of floor area

B. Parking in Required Yards. When off-street parking is provided on a lot upon which a building is situated, then the following regulations shall apply:

1. Front Yard. Off -street parking spaces shall occupy no part of the required front yard, exclusive of driveways or other means of access.

2. Side Yard. Parking in a side yard is permitted, except on the street side of a corner lot.

3. Rear Yard. Parking spaces may be situated in any rear yard.

4. Open Lot. Parking spaces may be provided on a lot without a building upon the lot provided that such parking is behind the established building line in the front yard or yards in the case of corner lots. If there is no established building line, parking may be provided behind the setback line of a front yard, of that Zoning District.

21.08 ZONING DISTRICTS

A. Establishment of Districts. To carry out the purposes and provisions of this Ordinance, the village is hereby divided into the following districts:

1. Residential District
R-Residence District

2. Mobile Home District
M-Mobile Home District

3. Park District
P-Park District

4. Commercial Districts
C-1 Central Commercial District
C-2 General Commercial District

5. Industrial District
   I-Industrial District

6. Agricultural District
   A-Agriculture

B. Zoning District Map. The location and boundaries of the Districts established by this Ordinance are set forth on the "Zoning District Map," which is displayed at Chapter 21 Appendix B.

C. Boundaries of Districts. Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning District Map, the following rules shall apply:

1. District boundary lines are either the center lines of railroads, highways, streets, alleys, or easements; and lot lines and tract lines, or such lines extended, unless otherwise indicated.

2. When a District boundary line divides a platted lot, or un-platted or un-subdivided property into distinct parts, the District boundary lines shown on the map shall be determined by the scale appearing on the map.

3. Where a District boundary line divides a lot in single ownership, upon the effective date, the regulations for either portion of the lot may, in the owner's discretion, extend to the entire lot, but not more than 25 feet beyond the boundary line of the District.

4. Questions regarding the location of District boundaries which cannot otherwise be determined, shall, upon the request of the property owner, be determined by the Zoning Board of Appeals.

21.09 R-RESIDENCE DISTRICT

A. General Character. This residential district is designed to provide a suitable open character for dwellings and certain compatible non-residential uses which are intended to serve the residents of the District.

B. Permitted Uses. The following uses are permitted in the R-Residence District:

1. Accessory Buildings, Structures & Uses

2. Agricultural Uses

3. Cemeteries

4. Churches and synagogues

5. Fire Stations

6. Home Occupations

7. Parks, Playgrounds, and other non-commercial Public Open Space

8. Dwelling, Single-Family

9. Schools; Public, Private or Parochial

10. Libraries and Museums

11. Community Centers

12. Funeral Homes

C. Additional Permitted Uses. The following uses may be permitted, after a public hearing by the Zoning Board of Appeals and approval by the Village Board:

1. Dwellings, Two-Family,

2. Dwellings, Multi-Family,

3. Temporary Buildings, both incidental and necessary for construction, for a period of not more than six months,

4. Telephone Relay Towers and electrical regulating substations.

D. Special Permitted Uses. The following are special uses which shall be permitted and allowed as to any given location within the zoning district upon approval of a special use permit issued in accordance with Chapter 21.17(H) of this ordinance.

1. Group Home. A Group Home shall be subject to the following standards:

a) Spacing: a group home to be located within the R-Residence District shall not be located on a lot that is within 600 feet of another lot in which a group home is located.

b) Exterior Appearance: there shall be no alteration of the exterior of the group home that shall change the character thereof as a single-family residence. There shall be no alteration of the property on which the group home is located that will change the character thereof as property within a single-family dwelling district.

c) Neighborhood Character: a group home shall be constructed to be compatible with the architectural character of the neighborhood in which it is located.

2. Single-Family Underground Dwelling. Single-family dwellings constructed below ground shall conform with the following standards:

a) Shall have a minimum of 800 square feet of floor area.

b) Shall have sufficient earth cover over the underground portion to support vegetation.

c) At least 20% of the total length of the perimeter wall surrounding the living area shall be entirely exposed above ground level, with doors leading from at least two separate rooms through such exposed wall.

d) In addition to all other information required to be provided under this ordinance in connection with applying for a special use permit, the following information shall also be submitted:

1) building plans sealed by a registered architect for the underground single- family dwelling.

2) sewage disposal plans approved by the McLean County Health Department.

3) final grading plan.

4) soil information and water table information for the site.

3. Transitional Living Center. A transitional living center shall be subject to the following standards:

a) No more than 10 persons, including staff, shall reside in the center at one time.

b) Separation: no transitional living center shall be located within 1,500 feet of any other transitional living center or substance abuse treatment facility, nor shall a transitional living center be located within 300 feet of any religious assembly or school.

4. Horses. Horses may be allowed to be kept on premises located within the R-Residence District so long as such premises have a minimum size of not less than _____ square feet, have an accessory building suitable for keeping a horse or horses; the premises have or will include a fenced grassed/pasture area of not less than _____ square feet adjoining or enclosing the aforesaid accessory building and no part of the premises to be devoted to the aforesaid special use shall be located within _____ feet of the lot line of any adjoining property located within the R-Residence District.

E. Height Regulations. No principal structure shall exceed three stories or 35 feet in height. No accessory structure shall exceed one story or 15 feet in height.

F. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed:

1. Lot Area 9,375 square feet

2. Lot Width 75 feet

3. Yards Front-25 feet;
Rear-40 feet;
Side-10 feet each from lot line to drip edge

G. Sign Regulations. Only non-illuminated name plates or signs shall be permitted subject to the following:

	RESIDENTIAL USE	NON-RESIDENTIAL USE
MAXIMUM NUMBER	One (two on a corner lot or one double-faced sign)	One (two on a corner lot or one double-faced sign)
MAXIMUM AREA	Two square feet	16 square feet
CONTENT	Name; Address	Name; Address; Phone Number and other salient information concerning the permitted activity
PROJECTION	To property line	To property line
MAXIMUM	10 feet above curb line	10 feet above curb line

21.10 MOBILE HOME DISTRICT

A. Mobile Home District General Character. The purpose of the Mobile Home District is to provide adequate space for mobile home parks in an environment that is compatible with adjoining development.

B. Permitted Uses. The following uses are permitted in the Mobile Home District:

1. Mobile Home Parks,

2. Parks and Recreation Areas.

C. Additional Permitted Uses. Other uses of a nature to serve the residents of the Mobile Home Park in which they are located may be permitted upon review by the Zoning Board of Appeals.

D. Size. The following minimum requirements of size shall apply:

1. There shall be at least three acres in a Mobile Home Park, inclusive of lots, setbacks, and internal roadways.

2. The individual mobile home lot size shall contain no less than 4,000 square feet.

3. The individual mobile home lot shall be at least 40 feet in width.

E. Yards and Setbacks. The following minimum setback regulations shall apply:

1. No building, structure, or mobile home shall be located closer than 40 feet to any property line of the Mobile Home park, nor closer than 50 feet to any county, township, city, state or federal highway, road, or street right-of-way.

2. Mobile Homes shall be set back at least 15 feet from the pavement of streets or roadways within the park.

3. No mobile home, appurtenance thereto, or accessory building shall be placed within 16 feet of any other mobile home, addition, appurtenance, or accessory building, nor within 50 feet of any accessory or service building or structure.

F. Mobile Home Stands. Mobile homes shall be placed on mobile home stands. The mobile home stand shall be constructed of a minimum thickness of four inches of concrete with an adequate base and shall have a minimum area to be co-extensive with the floor area of the mobile home it is to accommodate. The mobile home stand shall be provided with anchors and tie-downs for anchoring to the frame, such as cast-in-place concrete "deadmen" eyelets imbedded in concrete foundations, screw augers, or arrowhead anchors.

G. Parking. There shall be at least two off-street parking spaces available to each individual mobile home lot and located within 100 feet of such lot.

H. Improvements within Mobile Home Parks. The following regulations shall apply:

1. Water Facilities – Public water facilities shall be available to each mobile home lot.

2. Street Location – The design and internal traffic circulation pattern shall not preempt the continuation of any existing streets insofar as they may be deemed necessary for the public requirements.

3. Street Construction – Street construction shall be of a durable, dustless, all-weather surface and so graded as to dispose of all surface water accumulation.

I. Street Signs and Mobile Home Lot Numbers. Street signs conforming to the specifications of the village shall be installed by the owner so as to identify every street in the park and each mobile home lot shall be designated by a consecutive number constructed of weather resistant material and located in such a manner as to permit lot identification from the street.

J. Recreation Area. All mobile home parks designed to accommodate 25 or more mobile homes shall have one or more recreation areas. Such areas shall be a minimum of 5% of the gross land area of the mobile home park and no such recreation area shall be less than 5,000 square feet. Playgrounds, swimming pools, and community buildings and other such facilities are considered recreational.

K. Service Building. Every mobile home park shall have a park management office. The service building may include:

1. Post Office,
2. Park Laundry Facilities,
3. Custodial Office,
4. Emergency Station,
5. Indoor Recreation Area,
6. Civil Defense Shelter,
7. Public Toilet Facilities.

L. Miscellaneous Requirements. Every mobile home park shall be constructed and operated in accordance with any mobile home park law regulations as established by the State of Illinois.

21.11 P-PARK DISTRICT

A. General Character. The purpose of the Park District is to provide area for recreational, civic, and educational purposes.

B. Permitted Uses. The following uses are permitted in the Park Districts:

1. Playgrounds,
2. Sports Fields,
3. Schools,
4. Civic Buildings,
5. Buildings owned by a municipal government which are held primarily for purposes in keeping with the general character of this district, but which, due to the subdivision of the interior of such buildings, are capable of also containing, as a secondary use, various commercial enterprises, each such enterprise being limited to a designated area or room within the government building. Commercial uses shall be permitted in such buildings and in the designated areas or rooms so long as such commercial uses do not infringe upon or inhibit the use of the building in keeping with the general character of the district and the other permitted uses allowed in the district. Commercial uses permitted shall be of an unobtrusive nature and shall be confined to the designated area or room within the government building. Examples of the types of commercial uses deemed capable of being allowed in a building of this type are as follows: clubs and lodges, gift shops and antique shops, police stations, barber and beauty shops, libraries, offices- business and professional, small assembly operations, and printing and copying establishments. Such commercial uses in such areas shall be permitted so long as there is no noticeable noise or other

type of environmental pollution reasonably measurable beyond the room or designated area provided for the commercial enterprise.

C. Additional Permitted Uses. The following may be included after a review by the Zoning Board of Appeals:

1. Museums,

2. Libraries.

21.12 C-1 CENTRAL COMMERCIAL DISTRICT

A. General Character. This commercial district is for personal and business services and wholesale and retail trade. This district is to provide area where there can be a concentration of general commercial activities.

B. Permitted Uses. The following uses are permitted in the C-1 Central Commercial District:

1. Banks

2. Bakery

3. Barber and Beauty Shops

4. Churches and Synagogues

5. Clothing Stores

6. Clubs and Lodges

7. Drugstores

8. Dry Goods Stores

9. Dwellings

10. Fire or Police Stations

11. Frozen Food Lockers

12. Gift Shops and Antique Shops

13. Government Offices

14. Grocery Stores

15. Hotels

16. Laundromats

17. Libraries

18. Offices-business and professional

19. Restaurants, except Drive-in Type

20. Schools

21. Shoe Repair Shops

22. Theater, except Drive-in Type

23. TV Repair and Sales Shops

24. Variety Stores

25. Other uses of the same general character as those listed above.

C. Additional Permitted Uses. The following uses may be permitted, after a public hearing by the Zoning Board of Appeals and approval by the Village Board of Trustees:

1. Government Service Buildings and Facilities,

2. Telephone relay tower and electrical regulating substations,

3. Other commercial uses of a similar nature which are compatible with those of this Section.

D. Height Regulations. No building or structure shall exceed four stories or 45 feet in height except as herein provided.

E. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed:

1. Lot Area — No minimum

2. Lot Width — No Minimum

3. Yards — Front-no minimum
Rear-10 feet;
Side-No minimum except where adjoining a Residence District, then same as the R-Residence District.

F. Sign Regulations. Business signs and advertising devices are permitted subject to the following conditions:

1. General Application.

a) No sign shall be permitted within 20 feet of any Residential District boundary line.

b) No free-standing business or advertising sign shall be erected or relocated within 15 feet of any street or highway, within 3 feet of any driveway or parking area, or within 25 feet of the intersection of two or more streets.

c) Signs on awnings shall be exempted from the limitations imposed by this Ordinance on the projection of signs from the face of the wall on any building or structure, provided that any sign located on awning shall be affixed flat to the surface thereof, and shall indicate only the name and/or address of the establishment. No such sign shall extend vertically or horizontally beyond the limits of said awning.

2. Illumination. Signs may have constant or flashing illumination, provided that any such signs that are in the direct line of vision of any traffic control signal shall not have contrasting or flashing intermittent illumination of red, green, or amber color. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any building, nor into a Residential District or into any street.

3. Area. The gross surface area in square feet of all signs on a lot shall not exceed three times the lineal feet of frontage on such lot. Each side of the 1ot that abuts upon a street may be included as separate frontage.

4. Projection. No sign shall project more than four feet from the face of the wall of any building or structure, nor project higher than the building height.

21.13 C-2 GENERAL COMMERCIAL DISTRICT

A. General Character. This commercial district is for personal and business services and wholesale and retail trade. The nature of the District is one of relatively high traffic generation, and the uses are not necessarily compatible with residential development. This district is to provide area for neighborhood and highway-oriented commercial activities.

B. Permitted Uses. The following uses are permitted in the C-2 General Commercial District:

1. All those uses permitted in the C-1 Central Commercial District (except Dwellings)

2. Accessory Buildings, Structures and Uses

3. Automatic Car Washes

4. Automotive Service Stations

5. Building Material Sales

6. Drive-in Establishments

7. Farm Implement Sales

8. Fuel and Ice Sales-retail only

9. Funeral Homes

10. Garages and Auto Servicing

11. Hardware

12. Kennels

13. Motor Vehicle Sales

14. Recreational Activities-commercial types

15. Veterinary Offices

C. Additional Permitted Uses. The following uses may be permitted after a public hearing by the Zoning Board of Appeals and approved by the Village Board of Trustees:

1. Theaters and Drive-in Theaters,

2. Travel Trailer Parks,

3. Telephone Relay Towers and Electrical Regulating Substations,

4. Other commercial uses of a similar nature which are compatible with those of this section.

D. Height Regulations. No building or structure shall exceed three stories or 35 feet in height.

E. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed:

1. Lot Area — No minimum

2. Lot Width — No Minimum

3. Yards — Front-no minimum
Rear-10 feet;
Side-No minimum except where adjoining a Residential District.

F. Sign Regulations. Same as those enumerated in the C-1 Central Commercial District.

21.14 I-INDUSTRIAL DISTRICT

A. General Character. The Regulations of the Industrial District are intended to provide for the establishment of a full range of industrial activities and to govern their operations in a manner that will not have a deleterious effect on residential and business areas. It is essential that the needs of industry, both today and for the foreseeable future, be adequately provided for and a proper balance maintained with other uses.

B. Permitted Uses. The following uses are permitted in the I-Industrial District:

1. All permitted and additional uses in the C-2 General Commercial District
2. Bulk. storage and distribution plants
3. Cartage and express facilities
4. Concrete products manufacturing
5. Contractor's office, shops, or yard
6. Feed milling and processing
7. Fertilizer and feed sales and storage
8. Food products manufacturing
9. Grain storage elevators
10. Kennels
11. Machine Shops
12. Metal products manufacturing
13. Printing establishments
14. Public utility and service uses, including telephone relay towers and electrical regulating substations.
15. Warehousing operations
16. Wood products manufacturing
17. Other uses of the same general character as those listed above.

C. Additional Permitted Uses. Upon review by the Zoning Board of Appeals, in accordance with the provisions contained herein, other manufacturing uses free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line may be permitted.

D. Height Regulations. No building shall exceed four stories or 45 feet in height. Grain storage elevators are exempted from the height restrictions herein.

E. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed:

1. Lot Area — No minimum

2. Lot Width — No Minimum

3. Yards — Front-60 feet from center of right-of-way or 30 feet from the front lot line, whichever is greater;
Rear-10 feet;
Side-10 feet.

F. Sign Regulations. Same as those enumerated in C-2 Central Commercial District.

G. Regulations Along Residence District Boundary Lines. Within 200 feet of a Residence District boundary line all operations for establishments engaged in production, processing, assembly, disassembly, cleaning, servicing, testing, repairing, or storing of materials, goods, or products, except accessory off-street parking for vehicles in operable condition, shall be within completely enclosed buildings. Outdoor storage is permitted in rear yards only and then only if completely screened by a solid wall or plantings at least eight feet in height. Open storage shall not be of greater height than that of the enclosing fence or plantings.

21.15 A-AGRICULTURE DISTRICT

A. General Character. This district is composed of land being used for agricultural activities, and other such open land uses and located near the periphery of the jurisdictional boundary, which is not expected to develop into intensive urban uses within the near future. It is the intent of this district to allow open type uses, to conserve the desirable characteristics of the land, to prevent conflicts between agricultural and non-agricultural land uses, and to facilitate orderly urban development.

B. Permitted Uses. The following uses are permitted in the A-Agriculture District:

1. Agricultural uses,

2. Single-Family Residences accessory to Agricultural Operations.

C. Additional Permitted Uses. The following uses may be permitted upon review by the Zoning Board of Appeals in accordance with the provisions contained herein:

1. Commercial recreational uses,

2. Churches,

3. Other uses of the same general character as those listed above.

D. Height Regulations. No structure shall exceed three stories or 35 feet in height.

E. Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed:

1.	Lot Area	No minimum
2.	Lot Width	No Minimum
3.	Yards	Front-25 feet; Rear-40 feet; Side-10 feet each.

F. Sign Regulations. Non-flashing, illuminated signs shall be permitted subject to the following:

1. Agricultural Uses. One sign per farm dwelling, not more than 12 square feet in area, indicating name of occupant and specialized agricultural activities. Such signs as required for crop identification during the growing season are also permitted.

2. Non-Agricultural Uses. One sign allowed per establishment, not exceeding 16 square feet in area.

3. Projection. No sign shall project into a public right-of-way.

4. Height. No sign shall be more than 15 feet in height.

21.16 PERFORMANCE STANDARDS

No land or building in any District shall be used or occupied in any manner to create any dangerous, injurious, noxious, or otherwise objectionable element or condition. To insure this, the following performance standards shall be observed:

A. Fire Hazards. Any activity involving the use of flammable or explosive materials shall be privately protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material, and as required by state and/or federal regulations.

B. Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

C. Noise. No noise shall be emitted beyond any property boundary that unreasonably interferes with the enjoyment of life or with any lawful business or practice, as determined by the Illinois Environmental Protection Agency.

D. Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

E. Air Pollution and Odors. No malodorous gas or matter and no discharge or emission of any contaminant into the air shall be permitted which causes or tends to cause air pollution in violation of Federal and State Clean Air Standards.

F. Glare. No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

G. Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

H. Water Pollution. No discharge or emission of any pollutant into the waters of the state which causes or tends to cause a violation of any federal or state water quality standards is permitted.

I. Compliance. All uses existing on the effective date of this Ordinance shall conform to these performance standards within one year. If a hardship is demonstrated, the Zoning Board of Appeals may grant an extension of up to six additional months.

21.17 ADMINISTRATION AND ENFORCEMENT

A. Organization. It shall be the duty of the Zoning Board of Appeals and of the Administrative Officer to administer and enforce the provisions of this Ordinance.

B. Zoning Board of Appeals.

1. Creation. A Zoning Board of Appeals is hereby created for the Village of Bellflower, Illinois. The Zoning Board of Appeals shall consist of seven members who shall serve for a term of five years, provided that the members first appointed after the enactment of this Ordinance shall serve terms as follows: one shall serve a term of one year; one for a term of two years; one for a term of three years; one for a term of four years; one for a term of five years; one for a term of six years; and one for a term of seven years; the successor to each member so appointed shall serve a term of five years. One of the members so appointed shall be named board chair at the time of his or her appointment. The terms of each member shall commence on the date of their appointment. All the members of the Zoning Board of Appeals shall serve without compensation and shall be subject to removal by the President and Village Board of Trustees for good cause after public hearing. Members of the Zoning Board of Appeals shall have the powers and duties assigned to the Zoning Board of Appeals by Statute and ordinance.

2. Procedure. In accordance with 65 ILCS 5/11-13-1, et seq., the following rules apply:

   a) All appointments to the Zoning Board of Appeals shall be made by the president subject to approval of the Village Board of Trustees. One of the members so appointed shall be named board chair at the time of his or her appointment. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event the office of Chairman is vacated for any reason, the president of the Village Board of Trustees shall immediately appoint, with the consent of the Village Board of Trustees, either one of the remaining members of the Zoning Board of Appeals, or any member who is appointed to fill such vacancy on the Zoning Board of Appeals as the new Chairman.

   b) All meetings of the Zoning Board of Appeals shall be held at the call of the board chair, and at such other time as the Zoning Board of Appeals may determine. All testimony by witnesses at any hearing provided for in this Ordinance shall be given under oath. The board chair, or in his or her absence the acting board chair, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote indicating that fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Village Clerk and shall be made a matter of public record.

3. Jurisdiction. The Zoning Board of Appeals is hereby vested with the powers as granted by the Statutes of the State of Illinois and this Ordinance as follows:

   a) To hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Officer pertaining to conformance with the requirements of this Ordinance.

   b) To hear and decide variations from the terms provided in this Ordinance in the manner and subject to the standards set forth in this section.

   c) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

   d) To post or publish notices of public hearings, and to hold such hearings as required by the applicable Statutes of the State of Illinois, pertaining to proposed amendments to the regulations imposed and the Districts created by this Ordinance, and to proposed, permitted additional uses as established in this Ordinance.

e) To make a written report and recommendations to the Village Board of Trustees on any such proposed amendments or proposed, permitted additional uses.

f) To initiate, direct, and review, from time to time, studies of the provisions of this Ordinance, and to make reports of its recommendations to the Village Board of Trustees not less frequently than once a year.

g) To establish rules of procedure for the Board, supplementary to the provisions of this Ordinance.

C. Administrative Officer. The president, with the approval of the Village Board of Trustees, may appoint or designate an Administrative Officer or other official who shall have the authority to:

1. Issue all building permits and certificates of occupancy and make and maintain records thereof.

2. Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this Ordinance.

3. Maintain permanent and current records regarding this Ordinance, including, but not limited to, all maps, amendments, additional permitted uses, variations, appeals, and applications therefore.

4. Receive, file, and forward to the Zoning Board of Appeals all applications for appeals, variations, and other matters on which the Zoning Board of Appeals is required to decide under this Ordinance.

5. Provide such clerical and technical assistance as may be required by the Zoning Board of Appeals in the exercise of its duties.

D. Appeals.

1. Authority. The Zoning Board of Appeals shall hear and decide appeals from an administrative order, requirement, decision, or determination made by the Administrative Office or other authorized official of the village relating to the regulations of this Ordinance.

2. Initiation. Any appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by any office, department, board, bureau, or commission aggrieved by an administrative order, requirement, decision, or determination under this Ordinance by the Administrative Officer or other authorized official of the Village of Bellflower.

3. Procedure. An appeal shall be filed with the Village Clerk. The Village Clerk shall forward such appeal to the Zoning Board of Appeals for processing in accordance with applicable statutes of the State of Illinois. No appeal shall be

heard later than 30 days after filing of the appeal with the Village Clerk. Upon filing the appeal, the applicant shall pay a filing fee of $35.00.

4. Decisions. All decisions, after hearing before the Zoning Board of Appeals on appeals from an administrative order, requirement, decision, or determination relating to this Ordinance, of the Administrative Officer or other authorized official of the village, shall, in all instances, be final administrative determinations and shall be subject to judicial review only in accordance with applicable Statutes of the State of Illinois.

E. Variations.

1. Authority. Following public hearing and receipt of findings and recommendations of the Zoning Board of Appeals, the Village Board of Trustees, by Ordinance, may grant variations in the regulations of this Ordinance. Such variations shall be in harmony with the general purpose and intent of this Ordinance and shall be granted in accordance with standards and procedures set forth herein. In the exercise of such authority, the Village Board of Trustees shall delegate to the Zoning Board of Appeals the power to decide, after public hearing, such variations as are specified in this subsection, regarding variations, specifically being set forth in subsection (E4)-Decisions. Variances of this Ordinance shall be in harmony with the general purpose and intent of this Ordinance and shall be granted only in those specific instances where the Zoning Board of Appeals shall have made a finding of fact based upon the standards hereinafter prescribed. A variance may not be requested or granted where the effect of such request or grant would be to amend the zoning district boundaries or to create a conditional permitted use other than is allowed in accordance with the provisions of subsection (E4) hereafter.

2. Initiation. An application for a variation may be made by any person, firm, or corporation, or by any office, department, board, bureau, or commission, requesting or intending to request application for a zoning certificate.

3. Procedure. An application for a variation shall be filed with the Village Clerk. The Village Clerk shall forward such application to the Zoning Board of Appeals for processing in accordance with applicable statutes of the state of Illinois. No variation shall be made by the Zoning Board of Appeals except after a public hearing before the Zoning Board of Appeals, for which hearing there shall be notice given to the public by publication within the County as to the time and place and purpose of the hearing, published at least once, or by notices posted in at least four central locations within the village not more than 30 nor less than 15 days before the hearing. Upon filing the application for variation, the applicant shall pay a filing fee of $50.00 and shall subsequently pay any publication fee for the required notice upon the same being made known to the Village Clerk, such publication fee to be paid in all instances prior to the hearing before the Zoning Board of Appeals.

4. Decisions. Those variations as set forth in this section (E4a) may be decided by the Zoning Board of Appeals of the Village of Bellflower without further approval of the Village Board of Trustees of the Village of Bellflower. All other variations from the regulations of this Ordinance shall be decided by the Village Board of Trustees of the Village of Bellflower after appropriate hearing and making of written findings and written recommendations by the Zoning Board of Appeals as provided in this Ordinance.

   a) Variations to be Decided by Zoning Board of Appeals. The following variations from regulations of this Ordinance shall be decided by the Zoning Board of Appeals in accordance with the procedures and standards for variations as set forth in this subsection.

      1) to permit the extension of a District or the boundary line of a District that divides a lot in single ownership as shown of record prior to date of initial passage of this Ordinance.

      2) to permit a front yard, side yard, or rear yard less than that required by this Ordinance, but such variation shall not exceed 25 percent of the depth of the front yard, or the depth of the rear yard, or of the width of a side yard, as required by this Ordinance.

      3) to permit a building to exceed the height limit by not more than 10 percent of the maximum height allowed by this Ordinance.

      4) to permit the use of a lot less in area by not more than 10 percent of the lot area required for such use by this Ordinance.

      5) to permit the use of a lot less in width by not more than 15 percent of the lot width required for such use by this Ordinance.

      6) to permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same days of the week.

      7) to reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater.

      8) to increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served.

   b) Final Decisions Rendered by the Zoning Board of Appeals Regarding Variations. The concurring vote of a majority of all members of the Zoning Board of Appeals shall be necessary to recommend to the Village Board of Trustees and, when applicable, to decide a variation. The Village Board

of Trustees, by ordinance and without further public hearing may adopt a proposed variation, other than a variation upon which the Zoning Board of Appeals is required to decide, or that may be referred to the Zoning Board of Appeals for further consideration, and any such proposed variation which fails to receive a favorable recommendation of the Zoning Board of Appeals shall not be adopted except by favorable vote of three-fourths of all the corporate authorities then holding office in the Village of Bellflower, Illinois. All decisions made by the Zoning Board of Appeals or by the Village Board of Trustees shall be final, subject only to judicial review in accordance with applicable statutes of the State of Illinois. No order of the Village Board of Trustees, or, when applicable, the Zoning Board of Appeals, granting a variation shall be valid for a period longer than one year from the date of such order unless the building or any other required permit is obtained within such period and the erection or alteration of a building structure or land improvement has been substantially completed or the use has commenced within such period.

5. Standards. The Zoning Board of Appeals shall not vary the provisions of this Ordinance as authorized in this section unless it shall have made findings based upon the evidence presented to it in the following specific cases:

   a) That the physical surroundings, shape, or topographical conditions of the specific property involved would bring a hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.

   b) That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.

   c) That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

   d) That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

   e) That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; or

   f) That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhoods.

   The Zoning Board of Appeals shall require such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards set forth in this Section to reduce or minimize the injurious effect of such variation upon other

property in the neighborhood, and to implement the general purpose and intent of this ordinance.

F. Amendments.

1. Authority. The regulations imposed and the Districts created under the authority of this Ordinance may be amended from time to time by Ordinance in accordance with applicable Statutes of the State of Illinois. An amendment shall be granted or denied by the Village Board of Trustees only after a public hearing before the Zoning Board or Appeals and a report of its findings and recommendations has been submitted to the Village Board of Trustees.

2. Initiation. Map or text amendments, or both, may be proposed by the Village Board of Trustees, by the Zoning Board of Appeals, or upon payment of a $100.00 filing fee for a map amendment or a $75.00 fee for a text amendment by a resident or property owner in the Village of Bellflower. A resident of or a property owner in the Village of Bellflower shall also pay any publication fee charged by the newspaper in which notice is published of the hearing on the amendment, promptly upon demand by the Village Clerk, and subsequent to the time that the publication fee charge is made known to the Village Clerk, but prior to the hearing before the Zoning Board of Appeals. The Village Clerk shall cause proper notice, giving notice of the date, time and subject matter of the hearing, to be published in a paper within the county and circulated within the village, or by notices posted in at least four central locations within the village, not more than 30 nor less than 15 days before the hearing. Property owners that will be affected by this proposed change will be contacted in person or by mail. Upon filing the application for amendment, the applicant shall pay the filing fee, and shall subsequently pay any publication fee as aforesaid.

3. Procedure. An application for an amendment shall be filed with the Village Clerk. Such application shall be forwarded to the Zoning Board of Appeals by the Village Clerk with a request to hold a public hearing in accordance with applicable Statutes of the State of Illinois, of which there shall be a notice of time and place of the hearing published or posted at least once, not more than 30 days nor less than 15 days before the hearing, in a newspaper within the county, circulated within the village, or by notices posted in at least four central locations within the village. Supplemental or additional notices may be published or distributed as the Zoning Board of Appeals may, by rule, prescribe from time to time. After such public hearing, the Zoning Board of Appeals shall submit a report of its findings and recommendations to the Village Board of Trustees.

4. Decisions. The Village Board of Trustees, after receiving the report of the Zoning Board of Appeals, and without further public hearing may grant or deny any proposed amendment in accordance with applicable Statutes of the State of Illinois, or may refer it back to the Zoning Board of Appeals for further consideration.

5. Findings of Fact and Recommendation of the Zoning Board of Appeals. Within 30 days after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make its findings and recommendation based upon the evidence presented to it in each specific case with respect to the following matters:

    a) Existing uses of property within the general area of the property in question.

    b) The zoning classification of the property within the general area of the property in question.

    c) The suitability of the property in question to the uses permitted under the existing zoning classification.

    d) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

    e) The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment until after it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

G. Additional Permitted Uses.

1. Authority. Additional permitted uses shall be authorized or denied by the Village Board of Trustees in accordance with the regulations and conditions set forth in this Ordinance for additional permitted uses. No application for an additional permitted use shall be acted upon by the Village Board of Trustees until after:

    a) A written report is prepared and forwarded to the Village Board of Trustees by the Zoning Board of Appeals in the manner prescribed herein for amendments to this Ordinance; and

    b) A public hearing has been held by the Zoning Board of Appeals, in accordance with applicable Statutes of the State of Illinois, of which there shall be a notice of time and place of the hearing published at least once not more than 30 nor less than 15 days before the hearing in one or more newspapers published in the village; or if none, then in a newspaper of general circulation within the village. Supplemental or additional notices may be published or distributed as the Zoning Board of Appeals may, by rule, prescribe from time to time. After such public hearing, the Zoning Board of Appeals shall submit a report of its findings and recommendations to the Village Board of Trustees.

2. Initiation. An application for an additional permitted use may be made by any officer, department, board, bureau, or commission of the Village of Bellflower requesting or intending to request an additional permitted use, or by any

person, firm, or corporation, upon payment of a $100.00 filing fee by a resident of or a property owner in the Village of Bellflower. A resident of or a property owner in the Village of Bellflower shall also pay the publication fee charged by the newspaper in which notice is published of the hearing on the application for an additional permitted use, promptly upon demand by the Village Clerk and subsequent to the time that the publication fee charge is made known to the Village Clerk, but prior to the hearing before the Zoning Board of Appeals. The Village Clerk shall cause proper notice to be published in a paper published within the village, in the event that there is a newspaper published in the village; otherwise in a newspaper of general circulation within the village, giving notice of the time and place of the hearing and the subject matter of the hearing, said notice to be published not more than 30 nor less than 15 days prior to the hearing. Upon filing the application for an additional permitted use, the applicant shall pay the filing fee, and shall subsequently pay the publication fee as aforesaid.

3. Procedure. An application for an additional permitted use, in such form and accompanied by such information as shall be established from time to time by the Zoning Board of Appeals, shall be filed with the Village Clerk and thereafter processed in the manner prescribed heretofore for applications for amendments.

4. Decisions. The Village Board of Trustees, upon report of the Zoning Board of Appeals and without further hearing, may authorize or deny an application for an additional permitted use in accordance with the Statutes of the State of Illinois applicable to amendments, or may refer it back to the Zoning Board of Appeals for further consideration.

5. Standards. No additional permitted use shall be authorized by the Village Board of Trustees unless the additional permitted use:

   a) Is deemed necessary for the public convenience at that location.

   b) Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected; and

   c) Would not cause substantial injury to the value of other property in the neighborhood in which it is located.

6. Violations and Penalties. Any person, firm, or corporation, who with intent violates, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not less than $50.00 nor more than $200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

H. Special Use Permits.

1. General Considerations and Authority.

a) Purpose. Because of their unique and potentially harmful characteristics, certain uses are not provided as permitted uses or additional permitted uses in some zoning districts. However, some uses not provided as permitted or additional permitted uses in some districts may, under certain conditions and/or circumstances, be considered not to be harmful or deleterious in a designated part of a zoning district. In such case, such use may be appropriate in a district or districts only upon consideration in each case of the impact of such use upon neighboring land and of the public need for such a use at the location. Such uses, hereby designated as Special Uses, fall into two categories:

1) Uses either governmentally owned and operated or operated by regulated public utilities or traditionally affected by a public interest; and

2) Uses entirely private in character but of such a nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

b) Delegation of Power. The Village Board of Trustees is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in the ordinance; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with these regulations; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interests of these regulations and the health, safety, and welfare of the community. The Village Board of Trustees shall not act on a special use permit application until after a public hearing has been held by the Zoning Board of Appeals. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of this ordinance, or where the standards under this Section 21.17(H) are not found to exist.

c) Conditions and Guarantees. Prior to the granting of any special use permit, the Zoning Board of Appeals may recommend, and the Village Board of Trustees may stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Zoning Board of Appeals may recommend or the Village Board of Trustees may require such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.

2. Procedure.

a) Initiation. An application for a general special use permit may be made by any officer, department, board, bureau, or commission, of the Village of Bellflower requesting or intending to request, a general special use permit, or by any person, firm, or corporation, upon payment of a $100.00 filing fee by a resident of or a property owner in the Village of Bellflower. A resident of or a property owner in the Village of Bellflower shall also pay the publication fee charged by the newspaper in which notice is published of the hearing on the application for a general special use permit, promptly upon demand by the Village Clerk, but prior to the hearing before the Zoning Board of Appeals. The Village· Clerk shall cause proper notice to be published in a newspaper published within the village, in the event that there is a newspaper published in the village; otherwise in a newspaper of general circulation within the village, giving notice of the time, place and location of the hearing and the subject matter of the hearing, said notice to be published not more than 30 nor less than 15 days prior to the hearing. Upon filing the application for a general special use permit, the applicant shall pay the filing fee, and shall subsequently pay the publication fee as aforesaid.

b) Procedure. An application for a general special use permit, in such form and accompanied by such information as shall be established from time to time by the Zoning Board of Appeals, shall be filed with the Village Clerk and processed in the manner prescribed heretofore for applications for amendments. Further, a Site Plan shall be required to be submitted containing information as follows shall be submitted with the application. All applicants for a general special use permit shall submit, with their application, three copies of the site plan for the property which shall include the following:

1) A site plan showing:

(i) Approximate size and locations of all structures.

(ii) Access from streets.

(iii) Parking arrangements and numbers of spaces.

(iv) Interior drives and service areas.

(v) All proposed signs.

2) Location map showing development and zoning of adjacent property within 100 feet of the boundaries (in all directions) of the subject property.

3) The full legal description of the boundaries of the subject property intended to be covered by the special use permit.

4) A description of the general character of all structures.

c) Hearing. Upon receipt of the formal application and all accompanying documents, the Village Clerk shall set the matter for a public hearing before the Zoning Board of Appeals and shall cause notice to be published as required by this ordinance and by state law.

d) The Zoning Board of Appeals shall submit a written report m recommendation to the Village Board of Trustees within 30 days after the close of the public hearing. The concurring vote of at least five members of the Zoning Board of Appeals shall be necessary to recommend approval to the Village Board of Trustees of a general special use permit application. In making a recommendation to the Village Board of Trustees, the Zoning Board of Appeals shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms with the general standards set forth in this Section 21.17(H). In no case shall a general special use permit be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.

e) Decisions. The Village Board of Trustees, upon report of the Zoning Board of Appeals and without further hearing, may, by majority vote, grant or deny an application for a special use permit in accordance with the laws of the State of Illinois applicable to such matters, or may refer the matter back to the Zoning Board of Appeals for further consideration.

3. Standards for Issuance of Special Use Permits. Generally, before any special use permit shall be granted, the Zoning Board of Appeals shall make written findings certifying that adequate provision has been made for the following:

a) The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.

b) The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.

c) The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.

d) Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.

e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

f) The establishment, maintenance and operation of the special use will be in conformance with the preamble to the regulations of the district in which the special use is proposed to be located.

g) The proposed special use, in all other respects, conforms to the applicable regulations of the district in which it is located.

4. Additional Considerations for Special Uses. In granting a special use permit, the Village Board of Trustees may impose conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special use(s) upon other property in the neighborhood, and to carry out the general purpose and intent of this ordinance.

5. Time Limitations.

a) Sunset. A special use permit shall expire, upon public hearing, unless a construction permit is taken within 12 months (of the date the Village Board of Trustees grants the special use permit) to effectuate such specially permitted use, or if no construction permit is required, evidence of use is not filed with the Village Clerk within 12 months (of the date the Village Board of Trustees grants the special use permit).

b) Abandonment. Once a specially permitted use ceases or is abandoned for a period of more than 180 days, the special use permit shall expire upon public hearing being held concerning such abandonment, said hearing to be held before the Zoning Board of Appeals.

c) The Village Board of Trustees may revoke a special use permit, after conducting a public hearing concerning the facts involving the request for revocation of the special use permit:

1) For a violation of the codes and ordinances of the Village of Bellflower and the laws of the State of Illinois concerning zoning matters, including, but not limited to, the zoning ordinance of said village.

2) For a violation of the zoning district regulations.

3) For non-compliance with any of the conditions, limitations or requirements contained in the special use permit or this ordinance.

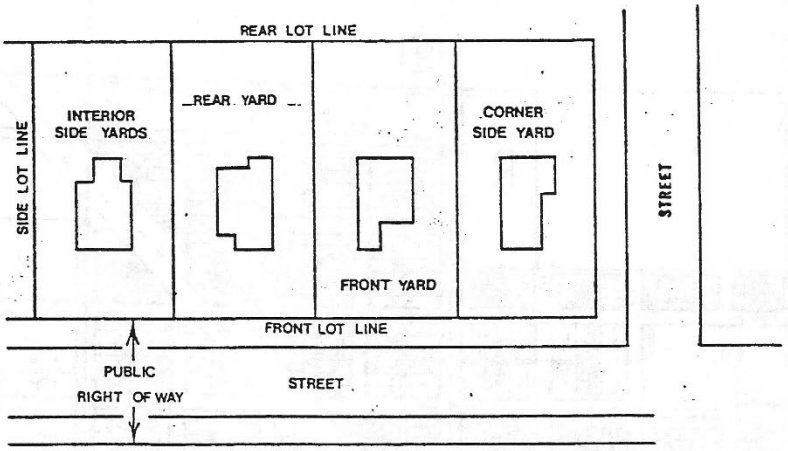
6. Effect of Denial of a Special Use Permit. No application for a special use permit which has been denied wholly or in part by the Village Board of Trustees shall be re-submitted for a period of one year from the date of the action stating the denial, except on the grounds of new evidence establishing proof of change of conditions found to be valid by the Zoning Board of Appeals.

7. Violations and Penalties. Any person, firm, or corporation, who with intent violates, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not less than $50.00 nor more than $200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

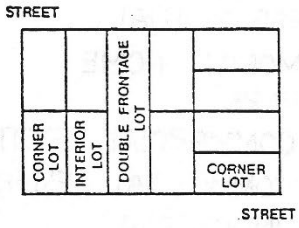
CHAPTER 21 – APPENDIX A

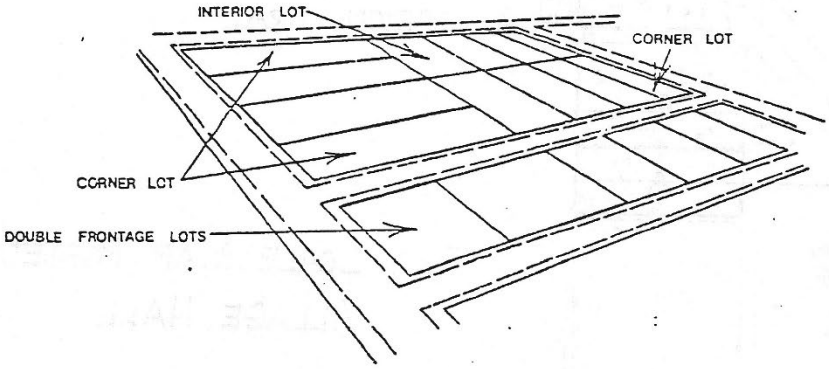
APPENDIX A

REQUIRED YARDS ILLUSTRATED

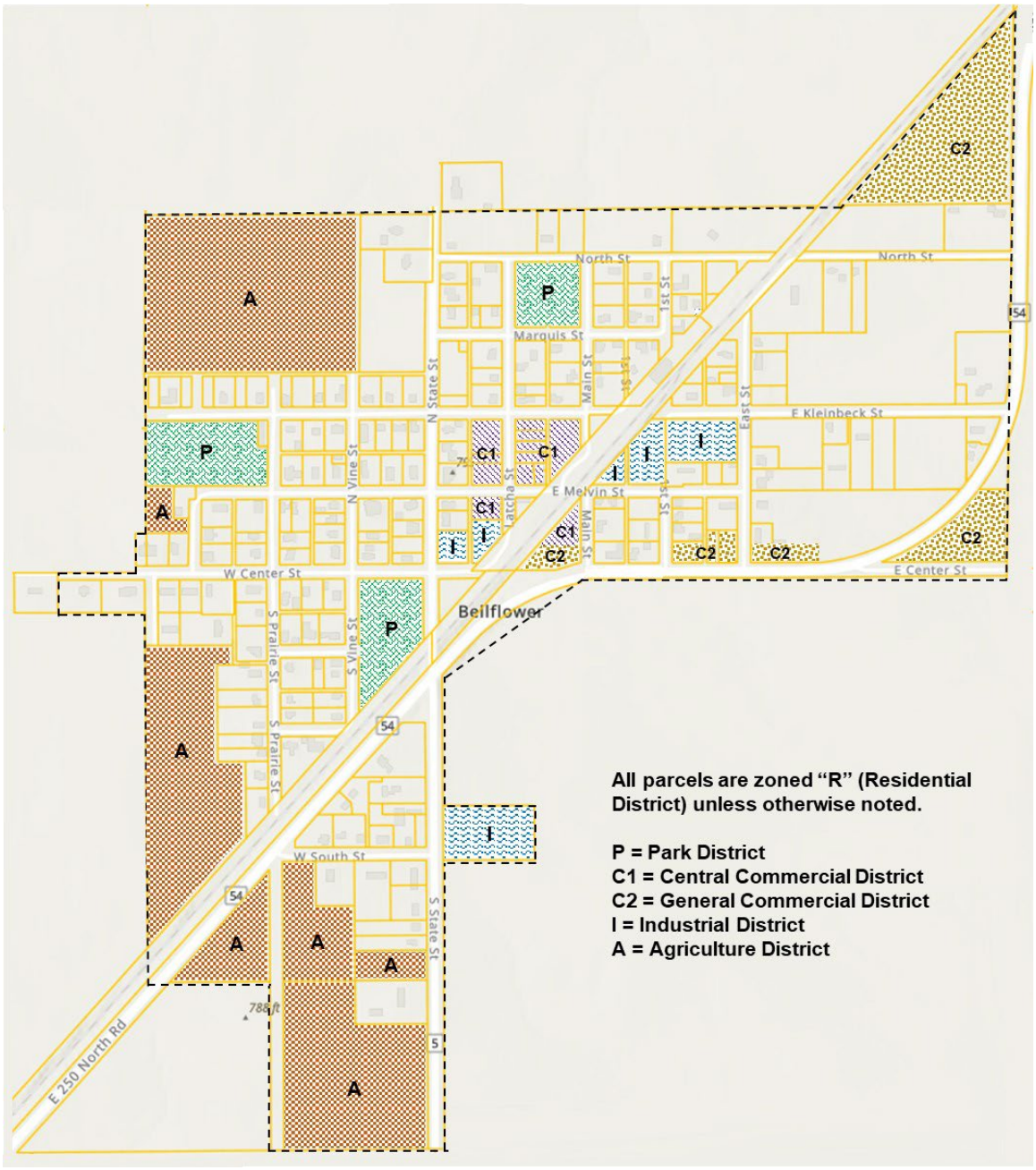


EXAMPLE OF LOT TYPES





CHAPTER 21 – APPENDIX B



CHAPTER 24 – SUBDIVISION REGULATIONS

24.01 PURPOSE AND JURISDICTION

Because each new subdivision accepted by the village becomes a permanent unit in the physical structure of the village, all subdivisions hereafter planned and constructed within the village limits or within 1½ miles of the village limits, shall, in all respects, be in full compliance with the regulations hereinafter contained in this ordinance. These regulations are designed to provide for the orderly and harmonious development of the village, for the coordination of streets within new subdivisions with other existing or planned streets, and to secure a uniform system of utilities and services, and otherwise to promote the health, safety and general welfare of the public.

24.02 RULES AND DEFINITIONS

A. Rules.

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and the plural the singular.
2. The present tense includes the past and future tenses and the future the present.
3. The word "shall" is mandatory, while the word "may" is permissive.
4. The masculine gender includes the feminine and neuter; and
5. Whenever a word or term defined hereinafter appears in the text of this ordinance, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parenthesis directly after a word herein defined shall be construed in the same sense as that word.

B. Definitions.

The following words and terms, wherever they occur in this ordinance, shall be construed as herein defined.

1. Alley is a right of way which affords secondary means of access to properties abutting upon a street.
2. Block is a tract of land bounded by streets or by a combination of one or more streets and parks, cemeteries, shore. lines of streams or other waterways, corporate limit lines, railroad rights of way, or other lines of demarcation.
3. Board of Health is the Board of Health of the McLean County Health Department.

4. Building Setback Line is a line within a lot or other parcel of land so designated on the preliminary plan, which denotes the area between such line and the adjacent street right of way line where an enclosed building and other obstructions are prohibited.

5. Collector or Village Street is a street within a subdivision which has a wider roadway width than a minor street, and which is the prime entrance or circulation street. Its primary function is to distribute and collect traffic to and from the minor streets.

6. Commission Staff is the professional planning staff of the McLean County Regional Planning Commission.

7. County Clerk is the Clerk of McLean County, Illinois.

8. Cul-De-Sac is a minor street with only one outlet.

9. Double Frontage Lot is a lot which has a pair of opposite lot lines along two substantially parallel streets.

10. Easement is a quantity of land set aside over or under which a liberty, privilege, or advantage in land without profit, is dedicated and is distinct from ownership of the land, is granted either to the public, a particular person, or a combination of both.

11. Final Plat is a map or plan of a subdivision and any accompanying material as described in Section (E).

12. Frontage Road is a minor street which is substantially parallel to and either contiguous or immediately adjacent to the right of way line of a thoroughfare.

13. Half Street is a street of less than the total required width along one or more property lines of a subdivision.

14. Land Improvement is any sanitary sewerage system, storm sewer system, water supply and distribution systems, roadway, parkway, sidewalk, pedestrian way, off-street parking area, or other improvement which the village may require under this ordinance.

15. Lot is a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

16. Lot, Butt is a lot at the end of a block and located between two corner lots.

17. Major Street is a street or highway with a high degree of continuity and serving as an arterial trafficway through the village or connecting the village to other major traffic generators.

18. Minor Street is a street of limited continuity. Its primary purpose is to serve abutting properties.

19. "No-Access" Strip is a land area at least 12 feet wide along a street within which no vehicular driveways shall be permitted.

20. Owner or a subdivider shall include any firm association, partnership, private corporation, public or quasi-public corporation, or a combination of any of them, or other legal entity having sufficient proprietary interest in the land sought to be subdivided or divided to commence and maintain proceedings under the provisions of this ordinance..

21. Pedestrian Way is a right of way across or within a block designated for pedestrian use.

22. Preliminary Plan is a tentative map or plan of a proposed subdivision as described in Section (D).

23. Roadway is a portion of the street designated for vehicular use.

24. Side-Strip is the unpaved strip of land within a street right of way and is parallel to the roadway which is not improved with curb and gutter.

25. Sidewalk is that portion of street or pedestrian way designated for pedestrian use only.

26. Street is a right of way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a thoroughfare, street, avenue, highway, road, boulevard, lane, or however otherwise designated.

27. Street Width is the shortest distance between the right of way lines of a given street.

28. Subdivider is any owner commencing proceedings under this ordinance.

29. Subdivision of Land is: (1) the division of land into two or more lots, parcels, or tracts any of which is five acres or less in area; (2) the dedication of streets, ways or other areas for the use of the public.

    Any sale of a division of land, as defined in the preceding paragraph, shall constitute a subdivision of land and require, prior to any sale and before the delivery of a deed, the submission of a plat as required by law, provided, however, that the sale or exchange of parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land, and provided, further, that a contract of sale requiring conformity with this ordinance may be entered into.

30. Subdivision Design Standards are the basic land-planning principles established as guides for the preparation of preliminary plans.

24.03 PROCEDURE

Before subdividing any tract or parcel of land within the village limits or within 1½ miles of the village limits, a subdivider shall prepare and submit a preliminary plan and a final plat to be acted upon by the village authorities in accordance with the laws of the State of Illinois and the provisions of this ordinance. (Prior to preparation of preliminary plan drawings, it is recommended that the subdivider consult with village officials to determine compliance with this and other applicable laws.)

A. Preliminary Plan.

1. The owner or subdivider shall file an application for approval of the preliminary plan with the Village Clerk. Ten copies of the preliminary plan and the required filing fee (see Section 24.11) shall accompany the application.

2. The Village Clerk shall refer seven copies of the preliminary plan to the Village Board and on behalf of the Board shall have a notice of public hearing on such preliminary plan application published, at least 15 days prior to the date of public hearing thereon, in a newspaper circulating within the village.

3. The Village Clerk shall distribute a copy of the public hearing notice and one print of the plan to:

   a) The Board of Health.

   b) The School District; and

   c) Retain one print for filing purposes.

4. The Village Clerk shall notify the owner or subdivider as to the time and place of the Village Board meeting when the preliminary plan is to be acted upon, at which time the owner or subdivider and the above agencies and other interested parties shall be afforded an opportunity of being heard.

5. The Village Board shall approve or disapprove the application for preliminary plan approval within 90 days from the date of filing the application or the filing by the applicant of the last item of required supporting data, whichever date is later, unless such time is extended by mutual consent.

6. If the Village Board approves the plan it shall so indicate on the plan, and if it disapproves such plan, it shall furnish the applicant a written statement setting forth the reason for disapproval and specifying with particularity the aspects in which the proposed plan fails to conform to this ordinance.

7. Upon approval of the preliminary plan by the Village Board the following Notice of Approval shall be stamped upon four prints thereof, and required signatures affixed:

NOTICE OF APPROVAL OF PRELIMINARY PLAN

"Notice is hereby given that the preliminary plan of the subdivision shown hereon has received approval by the Village Board, and upon compliance by the subdivider with requirements of qualification governing the approval of preliminary plans and with other revisions and stipulations that may be required, the Village Board will receive the final plat for consideration when submitted by the subdivider in such form and within such time as required by this ordinance."

ATTEST: Village Board of Trustees, Village of Bellflower
McLean County, Illinois

By _____ _____
Village Clerk President

Date _____/_____/20___ Date _____/_____/20___

8. The eight prints of such approved preliminary plan shall be distributed by the Village Clerk as follows:

   a) One print shall be sent to the County Clerk.

   b) One print shall be sent to the Board of Health.

   c) One print shall be returned to the subdivider.

   d) One print shall be retained by the Village Clerk.

9. Upon application to and approval of the Village Board a subdivision plan containing three lots or less and a total area of not more than one and one-quarter acres and where a new street or street improvement is not involved, shall be exempted from complying with regulations herein governing preliminary plans.

A. Final Plat.

1. Within one year after approval of the preliminary plan by the Village Board, the subdivider shall file with the Village Clerk an application for approval of the final plat covering all or a part of the approved preliminary plan. Such application shall include the original drawings drawn with ink on linen or the equivalent thereof, one transparency print, five contact prints of the final plat, and four copies of all supporting maps, drawings, and all other required documents. The final plat shall retain the design characteristics of the approved preliminary plan. The Village Board cannot change the requirements for a particular subdivision if the final plat is presented within one year of the date of

acceptance of the preliminary plan and if the preliminary plan is approved by the Village Board, except that the Village Board may require such changes or revisions as are deemed necessary in the interest and needs of the village.

2. In case application for approval of a final plat is made for only a part of the approved preliminary plan the Village Board may extend the time for filing applications for approval of final plats covering the remaining area included in the approved preliminary plan until a later date or dates beyond the fore going one-year period.

3. Within 60 calendar days from the date of filing the last required document or other paper or within 60 calendar days from the date the application for approval of the final plat was filed with the Village Clerk, whichever date is later, the Village Board shall by ordinance approve or disapprove such plat. Upon the adoption of the ordinance approving a final plat, the Village Clerk shall certify such approval and affix the corporate seal of the village on the final plat.

4. Upon approval by the Village Board, the Village Clerk shall secure one transparency print and three contact prints of the approved final plat, and three copies of the approved supporting documents. The cost of such prints and copies of documents shall be paid by the subdivider.

   a) One contact print and supporting document shall be retained by the Village Clerk.

   b) One contact print shall be sent to the Superintendent of the School District in which the proposed subdivision is to be located.

   c) One contact print shall be sent to the Board of Health.

5. The final plat in exact form as approved by the Village Board shall be filed for record by the Village Clerk in the office of the Recorder of Deeds of McLean County within ten days of acceptance thereof by the Village Board. The County Clerk shall secure three print copies of the recorded plat. The subdivider shall pay recording fees and the cost of the print copies.

24.04 PRELIMINARY PLAN CONTENTS

The preliminary plan shall be drawn on tracing paper or tracing cloth having a minimum size of 24 inches by 18 inches, in a manner that clear and legible prints can be made.

A. Identification and Description.

1. Name of the subdivision not duplicating name of any plat heretofore recorded in the County.

2. Location by section, town, and range, or by other legal description.

3. An accompanying boundary line survey map with accurate distances and angles prepared and certified by a registered surveyor and an accompanying topographic map indicating source of survey shall accompany the preliminary plan.

4. Names and addresses of the owner and subdivider having control of tract and designer of the plan.

5. Graphic (engineering) scale shall not exceed 100 feet to one inch.

6. North-point (designated as true north).

7. Date of preparation.

B. Existing Conditions.

1. Boundary lines of proposed subdivision in accordance with 24.04(A3), above.

2. Total acreage.

3. Location, widths, and names of all existing or previously platted streets or other rights of way showing type of improvement (if any), railroad and utility rights of ways, parks and other public open spaces, permanent buildings and structures, easements, section lines, and corporation lines within the tract and to a distance of 100 feet beyond.

4. Location and size of existing sewer pipes, water mains, culverts, or other underground facilities within the tract and to a distance of 100 feet beyond the tract; also locations of catch-basins, manholes, valves, and hydrants, and indicating such data as surface and invert elevations.

5. Topographic data in accordance with 24.04(A3) of this Section which includes existing contours at vertical intervals of not more than two feet, except in unusual topographical conditions such vertical intervals may be increased as determined by the Village Board. Topographic data shall refer to United States Geological Survey Datum. The location of water courses, marshes, and other significant features shall also be shown.

6. Locations of, or reference to location of, existing monuments or survey markers used in preparation of survey and grade elevation of each monument and marker.

C. Subdivision Design Features.

1. Layout of streets showing right of way widths and street names, not duplicating the name of any street heretofore used in the village unless such streets are extensions of or in line with already named streets, in which event those names shall be used. Streets to be extended beyond the boundaries of the subdivision shall be carried to such boundary.

2. Location and width of pedestrian ways and utility easements.

3. Layout of lots, total number of lots, and the dimensions of all lots within the subdivision.

4. Minimum front and side street building setback lines, indicating dimensions.

5. Proposed location, size, gradients and invert elevations of sanitary and storm sewers, and proposed location and flow of open drainage ways, if any, and proposed method of sewage and waste disposal.

6. Widths, and approximate finished grade elevations and gradients of street pavements.

7. Proposed locations and size of water mains, and location of valves and hydrants.

8. If applicable, data indicating that the soil within the subdivision is suitable for the absorption of septic tank effluent without the contamination of any water supply or creating undesirable sanitary conditions. This data shall be obtained by making one percolation test on each one acre of land to be subdivided in a manner prescribed by the Board of Health.

9. If deemed necessary by the Village Board, proposed detailed grading plans of all or a portion of a subdivision may be required to illustrate solutions to topographic or drainage problems. No land will be approved for subdivision which is subject to periodic flooding or which contains inadequate drainage facilities, unless the subdivider agrees to make improvements which will, in the opinion of the Village Board, make such land safe for residential occupancy and provide adequate drainage.

24.05 PLANS AND SPECIFICATIONS FOR LAND IMPROVEMENTS

After the approval of the preliminary plan and prior to filing an application for approval of a final plat, the subdivider shall submit to the Village Board construction plans and specifications, prepared by a registered professional engineer, for required land improvements, and, if required by the Committee, detailed grading plans of lots and blocks. Such construction plans and specifications shall be approved by the village Engineer, and such approval certified on the final plat. The aforementioned documents shall be approved or disapproved within 30 days.

24.06 FINAL PLAT CONTENTS

A. General.

All information required on the preliminary plan, except that required in Section 24.04(B2) to 24.04(B6) inclusive, and 24.04(C3), 24.04(C5) to 24.04(C9) inclusive, shall be shown accurately and drawn at a scale of not more than 100 feet to the inch with black waterproof drawing ink on mylar on one or more sheets each having

a maximum dimension of 24 inches by 36 inches, in a manner that clear and legible transparent or contact prints and photostatic copies can be made.

B. Additional Delineation.

1. Accurate angular and lineal dimensions for all lines, angles, and curvatures, with functions used to describe all boundaries including boundary line survey of tract; streets; easements; areas to be reserved for public use; and other important features. Error of closure of boundary line surveys shall not exceed one in five thousand or one foot for each 5,000 feet of perimeter survey. Angular error shall not exceed plus or minus 20 seconds. Lot lines to show dimensions in feet and hundredths, and when an angle occurs in any lot line between lot corners, the measurement of the angle shall be shown in degrees, minutes, and seconds. The final plat shall show accurately the location of all permanent lot markers as actually installed.

2. An identification system for all lots using consecutive numbers.

3. True angles and distances to the nearest established street lines and not less than three monuments, either United States Geological Survey monuments or other approved monuments shall be accurately described on the plat by location, size, and elevation.

4. County, municipal, township, or section lines accurately referenced to the lines and the subdivision by distances and angles, if same are on the boundary or within 100 feet of said subdivision.

5. Accurate location of all monuments which shall be placed at all block corners, angle points, and at intermediate points shall be installed in such a manner that they may be located by a registered surveyor. All United States Geological Survey, State, County, or other official benchmarks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.

6. Accurate outlines of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision.

7. Protective covenants or filed as an accompanying document.

C. Certificates.

The application for approval of the final plat shall not be deemed completed until the certificates contained in Appendix A, other than the County Clerk Certificate, has been duly executed.

24.07 AGREEMENTS

A. Any owner or subdivider filing an application for approval of a final plat shall submit an agreement which shall state that the improvement required by Section 24.05

hereof shall be completed by the owner or subdivider in accordance with plans and specifications approved by the village Engineer and other State and/or local officials having jurisdiction.

B. Any owner or subdivider filing an application for approval of a final plat shall submit to the Village Clerk a surety bond to insure the construction of improvements listed in Section 24.05 hereof shall be completed in a satisfactory manner and within a period specified by the Village Board, such period not to exceed two years, and guaranteeing the improvements against faulty materials and workmanship for a period of one year following acceptance by the Village Board in writing. No bond shall be accepted unless it be enforceable by and payable to the village in a sum at least equal to the cost of constructing the improvements as estimated by the village, and in form with surety and conditions approved by the village attorney.

Or, the owner or subdivider shall provide an escrow account to be held by a local bank or loan association conditioned upon satisfactory construction of the improvements, the amount of the escrow account shall be equal to the estimated cost of improvements, as estimated by the village Engineer, plus ten percent (10%) additional. All withdrawals from the escrow account shall be made subject to the release of the village by the village Engineer, and the same may be paid as work progresses and is completed, subject also to the said Engineer's approval. Upon the completion of the improvements and acceptance by Village Board, the additional ten percent (10%) of the escrow account shall remain on deposit until the expiration of the one-year guarantee herein provided, and upon approval and final release by the aforementioned officials. The form of all escrow accounts or other agreements shall be subject to the approval of the village attorney.

C. All inspection fees required by Section 24.12 shall be paid to the village and one set of plans and specifications showing all improvements as installed shall be filed with the village Engineer within two years following the approval of the final plat by the Village Board, and prior to the acceptance of the improvements and release of guarantee.

D. The surety bond shall be acknowledged before a notary public by the principal and surety and shall be in substantially the form indicated in Appendix B [***NO SUBDIVISION APPENDIX B].

24.08 SUBDIVISION DESIGN STANDARDS

A. Street Plan.

The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets; to reasonable circulation of traffic within the subdivision and adjoining lands; to topographical conditions; to runoff of storm later; to public convenience and safety; and in their appropriate relationship to the proposed uses of the area to be served.

B. Streets.

1. All right of way widths shall conform to the following minimum dimensions:

   a) Major 80 feet

   b) Collector 70 feet

   c) Minor 60 feet

   d) Other – Right of way widths and other design standards of other thoroughfares shall be in accordance with those designated by Federal, State, or County authorities having jurisdiction, whichever has the greater width and design standard requirements.

2. Where there is a deflection in horizontal center lines within a given block at any given point in excess of ten degrees, a curve shall be inserted with a radius of not less than 300 feet for collector streets and 100 feet for minor streets.

3. Different connecting street gradients shall relate to vertical curves. Minimum length in feet of these curves shall provide a stopping sight distance of not less than 300 feet, measured from an eye level four feet high, with a clear view of an obstacle two feet in height.

4. Minor streets shall be so aligned that their use by through traffic will be discouraged.

5. Street jogs with center-line offsets of less than 150 feet are not permitted.

6. It must be evidenced that all street intersections and confluences encourage safe and efficient traffic flow and, in general, be at or near right angles avoiding acute angles. An intersection of more than two streets at a given point shall be avoided unless specific conditions of design indicate otherwise.

7. Alleys are not permitted unless deemed necessary by the Village Board.

8. A cul-de-sac street in single-family residence districts shall be not more than 500 feet in length, measured along the center line from the street of origin to the end of the right of way, or may be longer provided not more than 15 lots abut upon its right of way. In multiple-family residence developments, such street shall not exceed 300 feet in length. Each cul-de-sac shall have a terminus of nearly circular or rectilinear shape with a minimum diameter of 140 feet, except a temporary cul-de-sac street may have a terminus of the "Y" or "T" type or other variation of the circular shape as approved by the Village Board.

9. Half streets shall be prohibited.

10. Provisions shall be made for vehicular and pedestrian access to property abutting a major street either by: (a) frontage roads; or (b) double frontage lots backing to the thoroughfare. Where the double frontage "backup treatment" is used, a "no-access" strip shall be provided. These standards are established for

the purpose of providing protection to properties and to separate through and local traffic.

11. Gradients of streets shall at least 0.4 percent and not exceed 5 percent on collector streets and 10 percent on minor streets.

12. Where streets are dedicated (whether used or not) but are not presently improved to the standards of this ordinance, and border on or are wholly within the proposed subdivision land, same shall be improved to the standards of this ordinance.

    If such streets are within the confines of the subdivision, the cost of the improvement shall be borne by the subdivider. If such streets border or abut the proposed subdivision, same shall be improved either by the subdivider or by special assessment inaugurated by the subdivider. If the street is to be improved by special assessment, petition for same shall be filed with the Village Board at the time of filing the preliminary plan.

    If for any reason a special assessment is not approved and the subdivider has not made the necessary improvements to the street to conform to the standards of this ordinance, then in lieu of such improvements and such special assessment the subdivider shall pay to the village the amount of money as established by separate resolution of the Village Board for voluntary street improvements on a contribution basis.

C. Alleys and Pedestrian Ways.

All right-of-way widths shall conform to the following minimum dimensions:

1. Alleys, when permitted, shall be at least 20 feet wide.

2. Pedestrian ways when required by the Village Board shall be at least six feet wide.

D. Easements.

1. Easements shall be provided for overhead or underground utility services, and for sanitary sewers, storm-water drainage, and water mains. They shall be at least five feet wide and be established at the rear of each lot and along such other lot lines as to provide continuity of easement alignment, of at least ten-foot width, from block to block. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors.

2. Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a drainage easement, conforming substantially with the lines of such water course. It shall include an additional area of width adjoining both edges of the established area that has been affected by damaging flood waters.

E. Block Standards.

1. In residential subdivisions, the maximum length of blocks containing any lots less than 150 feet in width shall be 1,200 lineal feet, and the maximum length of blocks containing all lots 150 feet and over in width shall be 2,000 lineal feet. No blocks shall be less than 240 lineal feet in length unless approved by the Committee. Pedestrian ways leading to schools, parks, or other common destinations may be required by the Village Board.

2. Where a subdivision borders upon or is traversed by a railroad right of way, major street or thoroughfare, the Village Board may require a street on one or both sides of such right of way or street located approximately parallel to and at a distance removed suitable for the appropriate use of the intervening land, i.e. park purposes, double-frontage residential lots with no-access strips along their rear lines, and off-street parking, business, or other uses as permitted by the zoning ordinance.

F. Lot Standards.

1. In general, lots should be as nearly rectangular in shape as practicable.

2. The minimum lot requirements shall be:

   a) The depth of lots where public or community water supply and public sanitary sewerage systems are to be used, shall be not less than 110 feet for interior lots., except for lots fronting on cul-de-sac turnarounds and for corner lots, when butt lots are provided, the minimum depth of such lots may be 100 feet.

   b) The depth and width of lots where individual sewerage systems and private wells are permitted shall be not less than 150 feet.

   c) The width of lots where a public water and sewer system is available shall be not less than 60 feet wide.

3. All lots shall have frontage on a street.

4. Side lines of lots shall be at right angles or radial to the street line, or substantially so.

5. Double frontage lots are not permitted, except where lots back upon a major street or upon a body of water in separate or undivided ownership.

6. Lots abutting upon a water course, drainage way, channel, or stream, shall have an additional depth or width as required by the Village Board to provide acceptable building sites.

7. In the subdividing of any land, due regard shall be shown for all-natural features such as tree growth, water courses, historic sites, or similar conditions.

24.09 PUBLIC USE AREAS

When an area of land for public use, in addition to streets, alleys, pedestrian ways, and utility easements, is required by the Village Board to be located in whole or in part in a subdivision, the subdivider shall designate on the Preliminary Plan and Final Plat that such land is reserved for public use. If such land is not acquired or arrangements made for acquisition by the village, a school board, or other governmental body within one year after the date of recordation of the final plat, such land may thereafter be used by the subdivider for any lawful use.

24.10 REQUIRED LAND IMPROVEMENTS

Before a final plat of a subdivision may be approved by the Village Board, the owner or subdivider shall submit to the village Engineer completed plans and specifications, prepared by a registered engineer, covering the improvements and utilities described in the subdivider's plat. The village Engineer shall certify in writing to the Village Board that such improvements and utilities meet the minimum requirements of the village, State and other authorities having jurisdiction, and comply with the following:

A. Sewers.

1. Public or community sanitary sewerage system, including sewer stub terminals at the edge of pavement for each lot, shall be installed to serve all lots in a subdivision. Such installation shall be in accordance with the Illinois State Sanitary Water Board and McLean County standards and specifications.

2. Individual sewage-disposal systems may be installed to serve lots containing 22,500 square feet or more in area, provided a public sewer system is not available and further provided that the installation conforms with standards approved by the Board of Health and other applicable governmental authorities.

3. Underground or surface storm water drainage systems shall be installed to service the entire subdivision. Inlets, catch basins, or open drainage ways shall be connected to an adequate outfall. The storm-water drainage system shall be separate and independent of the sanitary sewerage system and be installed in accordance with McLean County standards and specifications. Surface storm water drainage systems shall consist· of one ditch on each side of the pavement. These ditches shall be a minimum of 18 inches deep with minimum side slopes to be provided at a ratio of 3 to 1. Culverts of the types and sizes as required by the village Engineer shall be installed by the subdivider at locations where roadways cross over open drainage ways. Galvanized steel, or equivalent, culverts 22 feet long with a diameter of 15 inches (minimum) shall be installed along open drainage ways in street or thoroughfare rights of way at locations where existing or future private driveways to each lot cross over such open drainage ways.

B. Water Supply.

1. Public or community water supply and distribution system, including water stub terminals extended to each lot shall be installed to serve all lots in a subdivision. Such installation shall be in accordance with the Illinois Public Water Supply Law and McLean County standards and specifications. The required water supply and distribution system shall also include the installation of fire hydrants within the street rights of way, at locations and of the type and manner of installation in accordance with McLean County specifications.

2. Individual wells may be installed when a public system is not available on a lot containing not less than 22,500 square feet of lot area. Such installation shall conform with standards approved by the State Department of Public Health, the Board of Health, and other applicable governmental authorities.

C. Street Grading.

1. All stumps, trees that cannot be saved, boulders, and similar items in street rights of way shall be removed.

2. All streets shall be graded to their full width including side slopes and the sub-grade of the areas to be paved.

D. Street Improvements.

1. All streets shall be improved with roadway pavements to an overall width in accordance with the following minimum dimensions:

Pavement Width
(between outer edges of roadway pavement)

	Type of Street	Pavement Width
1)	Major	24 feet
2)	Collector	24 feet
3)	Minor	22 feet
4)	Roadway pavements in cul-de-sac street turnarounds shall have a minimum diameter, measured from edge of pavement, of 120 feet. Roadway pavements in "Y" or "T" type or other type of turning area shall be as required by the Village Board.	

2. Roadway pavements shall be installed in accordance with McLean County standards and specifications. Except for higher standard roadway pavement specifications that may be required for streets in manufacturing and business subdivisions or for thoroughfares adjoining or through any subdivision, the minimum roadway pavement specifications shall be as follows:

a) Compacted sub-base in accordance with specifications set forth by the Bellflower Township Highway Commissioner.

b) Gravel or crushed stone type B base course having a compacted thickness of not less than eight inches shall be constructed not less than two feet wider than the pavement surface.

c) Bituminous wearing surface of two-inch minimum thickness or equal shall be installed in accordance with "BS Blacktop" specifications of the State Highway Department of the State of Illinois. In residential subdivisions where no lot is less than 22,500 square feet in area, the surface of the pavement may be A3 type or better with construction to be in accordance with "Standard Specifications for Road and Bridge Construction" dated August 1, 1968, and all subsequent revisions thereto.

3. All streets shall be paralleled by a side-strip (shoulder) on each side. The side-strip shall be five feet wide and shall be constructed of compacted earth.

4. Street signs shall be installed by the subdivider in accordance with the specifications of the village to identify every street within the subdivision.

5. At corners formed at the intersection o! roadway pavements, there shall be a radius of not less than 20 feet.

D. Alleys.

Roadway pavements in alleys shall be installed in accordance with village standards and specifications. Such pavements shall be not less than 20 feet wide in residential subdivisions and not less than 22 feet wide in business and manufacturing subdivisions.

E. Sidewalks and Pedestrian Ways.

Sidewalks at least three feet in width shall be installed on one side of all streets.

F. Public Utilities.

1. All utility lines for telephone and electric service carried on overhead poles shall be placed in easements along rear lot lines, and when necessary, side lot lines.

2. Gas service lines and telephone and electric service lines when located underground, shall be placed in easements or dedicated streets in a manner which will not conflict with other underground services.

3. All drainage and underground utility installations which traverse privately-owned property shall be in easements.

24.11 FEE FOR FILING PRELIMINARY PLAN

A fee of $1.00 per lot with a minimum fee of $10.00 shall be paid by the subdivider to the Village Clerk at the time of filing the preliminary plan.

24.12 FEE FOR REVIEW OF CONSTRUCTION PLANS AND SPECIFICATIONS

The cost incurred by the village for the review of plans and specifications for land improvements shall be paid by the subdivider. Such costs shall be paid to the Village Clerk at the time of application for approval of a final plat.

All required land improvements to be installed under the provisions of this ordinance shall be inspected during construction by the village Engineer or other employee duly appointed by the Village Board. The cost of such inspection shall be paid by the subdivider to the Village Clerk prior to acceptance of land improvements by the Village Board.

24.13 OTHER APPLICABLE ORDINANCES

No permit shall be issued by any governing official for the establishment of any building, structure or use thereof, or improvement of land or the use thereof when no buildings or structures are involved, until there is compliance with all requirements of this ordinance.

24.14 OCCUPANCY PERMIT

No building or structure shall be occupied within a subdivision approved for platting or re-platting until required utility facilities have been installed and made ready to service the building, structure, or land improvement; and that roadways providing access to the lot or lots containing such improvements have been constructed or are in the course of construction and are suitable for vehicular traffic.

24.15 VARIATIONS

The Village Board may grant variations from these requirements in specific cases which, in its opinion, do not affect the intent of this ordinance.

24.16 ENFORCEMENT

No plat of any subdivision shall be entitled to record in the Recorder's Office or have any validity until it shall have been approved in a manner prescribed in this ordinance.

24.17 RECORD OF PLATS

All such plats of subdivisions, after the same have been submitted and approved as provided in this ordinance, shall be filed and kept by the County Clerk among the records of McLean County.

24.18 VALIDITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

24.19 VIOLATION PENALTY

Any person, firm or corporation which is charged with a duty under this ordinance and who fails, neglects or refuses to abide by the same or to perform such duty, or who knowingly or unknowingly violates any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25.00 or more than $200.00. Each day that the violation of this ordinance continues shall constitute a separate and distinct offense and shall be punishable as such.

24.20 EFFECT

All resolutions or parts in conflict with the provisions of this ordinance are hereby repealed.

CHAPTER 31 – LICENSES AND PERMITS

31.01 LICENSES OR PERMITS REQUIRED

No person shall engage in any trade, profession, business or privilege in the village for which a license or permit is required by any provision of this code without first obtaining such license or permit from the village in the manner provided in this chapter, unless otherwise specifically provided.

31.02 APPLICATION

Unless otherwise provided, application for a license or permit shall be made in writing to the Clerk, upon forms provided by the village and applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license or permit.

31.03 PAYMENT OF FEE

The fees required for any license or permit shall be paid at the office of the Clerk before the granting of the license or permit. No fee paid shall be refunded unless the license or permit is denied. Where over half the license year has expired the license fee for the remainder of the license year shall be one-half of the annual license fee.

31.04 BOND AND INSURANCE

All required bonds shall be executed by two sureties, or a surety company, and be subject to the approval of the village attorney. Where policies of insurance are required, such policies shall be approved as to substance and form by the village attorney. Satisfactory evidence of coverage by bond or insurance shall be filed with the village before the license or permit is issued.

31.05 APPROVAL OR DENIAL OF LICENSES

A. Where the approval of any village officer or state officer is required prior to the issuance of any license or permit, such approval must be presented to the village before any license or permit is issued. Village Board approval is required for the issuance of any license or permit.

B. No license or permit shall be approved by any village officer or issued by the village if it appears that the conduct of the activity for which a license or permit is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity.

31.06 CERTIFICATES

Licenses or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the village by the village president, and be impressed with the village seal. The Clerk shall keep a record of all licenses and permits issued.

31.07 LICENSE AND PERMIT TERM

A. Unless otherwise provided, the term of the license year shall end on May1 of each year.

B. Where the issuance of licenses for a period of less than one year is permitted, the effective date of such license shall commence with the date of issuance.

C. Permits shall be issued for the term set forth in the permit.

31.08 EXHIBITION OF CERTIFICATE

Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted, except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

31.09 TRANSFER

Unless otherwise provided, no license or permit shall be transferable or assignable.

31.10 RENEWAL

Unless otherwise provided, license or permit renewals shall be issued in the same manner and be subject to the same conditions as original licenses or permits.

31.11 REVOCATION

Any license or permit may be suspended or revoked by the village president or Board of Trustees for any of the following causes:

A. Fraud, misrepresentation, or incorrect statement contained in the application or made in carrying on the licensed or permitted activity.

B. Conviction of any crime or misdemeanor.

C. Conducting such activity in such manner as to constitute a breach of the peace, or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the village, upon recommendation of the appropriate village official.

D. Expiration or cancellation of any required bond or insurance.

E. Actions unauthorized or beyond the scope of the license or permit granted.

F. Violation of any regulation or provision of this code applicable to the activity for which the license or permit has been granted, or any regulation or law of the state so applicable.

G. Failure to continuously comply with all conditions required as precedent to the approval of the license or permit.

31.12 HEARING

Any person aggrieved by the action of any village official in denying or revoking a license or permit shall have the right to a hearing before the Board of Trustees on any such action, provided a written request therefor is filed with the Clerk within ten days after receipt of the notice of such suspension or revocation or reinstatement of any such license or permit. The action taken by the Board after a hearing shall be final.

31.13 INSPECTIONS

Village officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection at any reasonable time.

31.14 RESERVED

31.15 RESERVED

31.16 RESERVED

31.17 RESERVED

31.18 RESERVED

31.19 RESERVED

31.20 JUNK STORES AND JUNK YARDS

A. Consent of Property Owners. After March 7, 1998, it shall be unlawful to locate, build, construct, keep, conduct, operate or maintain a junk store or junk yard, either at wholesale or retail, within 300 feet of any church, public school, library or hospital in the Village of Bellflower, nor shall any junk yard be located, established, conducted or maintained on any site where one-half of the buildings within a radius of 300 feet of the proposed site are used for retail store purposes or used exclusively for residence purposes without the written consent of a majority of the property owners, according to the frontage, within a radius of 300 feet of the proposed site of said building or yard.

B. License. No person shall conduct or maintain any junk shop or junk yard in the village without having first obtained a license so to do. The license fee for each junk store or junk yard shall be $50.00 per annum; provided, however, license may be granted for a less time at the rate of $1.00 per day for any of the above purposes.

C. Application for License. All applications for license shall be in writing and contain the name of the person desiring the license, the place where the application proposes to maintain such junk store or junk yard, the kind of business the applicant proposes to establish, conduct or maintain, and shall be accompanied by the written consent of the necessary property owners and the license fee. Upon granting the license, the village president shall certify the same to the Village Clerk.

D. Bond. The applicant shall, before any license shall be issued, give bond to the village in the sum of $5,000.00 conditioned that he, she, they or it will not violate any of the provisions of this section or of the statutes of the State of Illinois with reference to junk stores or junk yards.

E. Purchases from Minors. No person licensed to conduct or maintain a junk store or junk yard within the village shall purchase or receive any machinery or junk of any description from a minor without the written consent of the minor's parent or guardian.

F. Any junk store or junk yard established in the village shall keep all materials, junk, discarded or abandoned items, and the like, within an enclosed building or buildings, or, in addition to or in lieu of an enclosed building, shall keep the aforedescribed items within a fenced-in area which fenced-in area shall entirely enclose the location at which the junk store or junk yard is established. Any required fence shall be a solid, non-transparent fence 8 feet in height, which shall be kept neatly painted or stained, in a uniform color, and in good repair at all times, and which shall be constructed of plank board or corrugated iron, so as to exclude the premises from public view. Storage required to be enclosed in a building or behind a solid fence shall not be of greater height than the enclosing building, or fence. A period of 120 days from the passage of this ordinance is allowed the operators of any such store or yard to construct the fence or fences required by this ordinance. The required fence(s) shall not be used for bill postings or other advertising purposes, except that a sign may be placed thereon in compliance with the sign regulations for the zoning district in which such premises are located. No open fire for the burning of rubbish, trash, motor vehicles, or any part thereof, or other waste material shall be permitted at any such location. Any such establishment shall, as far as practicable, be kept clear and clean of all rubbish or waste material. All tanks and engines from motor vehicles shall be kept thoroughly drained of gasoline and other petroleum products. The location at which the junk store or junk yard is established shall have not more than two entrances/exits, with each entrance/exits being allowed to serve as both an entrance and an exit, each of which entrance/exit shall not exceed 15 feet in width and which entrance/exit shall be located along the perimeter of the premises. Such entrance/exit shall have a solid, non-transparent gate or gates which shall be closed during hours other than hours of business.

G. Any person maintaining or operating a junk store or junk yard shall keep at his, her, or its place of business a book in which a record shall be kept of the day and time of day of each purchase, or receipt of personal property (including those items received for no consideration), the name, residence, and description of the persons

selling or giving, and actually delivering, the personal property, including motor vehicles, motor vehicle parts, or motor vehicle accessories, the amount of the purchase price, a description of the items, and if the item purchased or received is a motor vehicle, the make, state license number, motor number, body number, style, seating capacity of the vehicle purchased, make and identifying number of the radiator, speedometer, and other items purchased, together with any other information concerning said property, as may be necessary to prove ownership or identity of the personal property purchased or received, including vehicles or automobile parts or accessories as may be purchased or obtained for free.

CHAPTER 33 – MUNICIPAL TAXES

33.01 MUNICIPAL RETAILERS' OCCUPATION TAX

A. Tax Imposed. A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in the village at a rate of one percent of the gross receipts from sales made in the course of such business in accordance with the provisions of Section 8-11-1.3 of the Illinois Municipal Code.

B. Report. Every such person engaged in such business in the village shall file, on or before the twentieth day of each calendar month (or quarter, if authorized by the Department of Revenue), a report covering the preceding month (or quarter) to the State Department of Revenue as described in 86 IL Adm. Code 130.501 and 130.502.

C. Payment of Tax. At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

33.02 MUNICIPAL SERVICE OCCUPATION TAX

A. Tax Imposed. A tax is hereby imposed upon all persons engaged in the village in the business of making sales of service at the rate of one percent of the cost price of all tangible personal property transferred by such serviceman either in the form of 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 8-11-1.4 of the Illinois Municipal Code.

B. Report. Every supplier or provider required to account for the Municipal Service Occupation Tax for the benefit of the village shall file, on or before the twentieth day of each calendar month, a report covering the preceding month to the State Department of Revenue as described in 86 IL Adm. Code 140.

C. Payment of Tax. At the time the report required above is filed, there shall be paid to the State Department of Revenue the amount of the tax hereby imposed.

33.03 RESERVED

33.04 RESERVED

33.05 RESERVED

33.06 RESERVED

33.07 RESERVED

33.08 RESERVED

33.09 RESERVED

33.10 LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITIES

A. Scope. The provisions of this ordinance shall apply to the village's procedures in connection with all the village's locally imposed and administered taxes.

B. Definitions. Certain words or terms herein shall have the meaning ascribed to them as follows:

1. "Act" means the "Local Government Taxpayers' Bill of Right Act."

2. "Corporate Authorities" means the village board.

3. "Locally imposed and administered tax" or "tax" means each tax imposed by the village that is collected or administered by the village other than as 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.

4. "Local tax administrator," the village's Village Clerk, 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.

5. "Village" means the Village of Bellflower, Illinois.

6. "Notice" means each audit notice, collection notice or other similar notice or communication in connection with each of the village's locally imposed and administered taxes.

7. "Tax Ordinance" means each ordinance adopted by the village that imposes any locally imposed and administered tax.

8. "Taxpayer" means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the village.

C. 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:

1. First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or

2. Personal service or delivery.

D. 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.

E. 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.

F. Certain Credits and Refunds.

1. The village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment if 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 of if the taxpayer paid the taxes under duress.

2. The statute of limitations on a claim for credit or refund shall be four 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.

3. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

a) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:

1) The name of the locally imposed and administered tax subject to the claim.

2) The tax period for the locally imposed and administered tax subject to the claim.

3) The date of the tax payment subject to the claim and the canceled check or receipt for the payment.

4) The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

5) 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.

b) Within ten days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:

1) grant the claim; or

2) 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.

c) 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 four percent 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.

G. Audit Procedure. Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this ordinance.

1. Each notice of audit shall contain the following information:

a) The tax.

b) The period of the audit; and

c) A brief description of the books and records to be made available for the auditor.

2. 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.

3. 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 agree 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.

4. 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.

5. It is the duty and responsibility of every taxpayer to make available his, her or its books and records for inspection by the village. If the taxpayer 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.

6. 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.

7. 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.

H. Appeal.

1. 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:

   a) The reason for the assessment.

   b) The amount of the tax liability proposed.

   c) The procedure for appealing the assessment; and

   d) The obligations of the village during the audit, appeal, refund, and collection process.

2. 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 the receipt of the written notice of the tax determination and assessment.

3. 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.

4. If a written protest and petition for hearing is not filed within the 45-day period, the tax determination, audit, or assessment shall become a final bill due and owing without further notice.

5. 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 45-day period.

I. Hearing.

1. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under subsection 33.10(H), above, the local tax administrator shall conduct a hearing regarding any appeal.

2. No continuances shall be granted except in cases where a continuance is 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.

3. At the hearing, the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit, or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

4. At the conclusion of the hearing, the local tax administrator shall make a written determination based on the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

J. 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.

1. Interest. The village hereby provides for interest to be assessed on an overdue payment, underpayment, or nonpayment of the tax, to be four percent per annum, based on a year of 365 days and the number of days elapsed.

2. Late Filing and Payment Penalties. If a tax return is not filed within the time and manner provided by the controlling tax ordinance but is filed prior to the village issuing a notice of tax delinquency or notice of tax liability, a late filing penalty of four percent of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of four percent 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 and a failure to pay penalty shall be assessed each equal to 10% 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.

K. Abatement. The local tax administrator shall have the authority to waive or abate any late filing penalty, overdue 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.

L. Installment Contracts. The village may enter 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 into which the village so enters 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 14-day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

M. 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.

1. No determination of tax due and owing may be issued more than four years 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.

2. 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 after the end of the calendar year in which the return for the applicable period was due or the end of the calendar year in which the return for the applicable period was filed, whichever occurs later.

3. No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer.

N. Voluntary Disclosure. For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent 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, whichever occurs later. 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 later.

O. Publication of Tax Ordinances. Any locally administered tax ordinance shall be published via normal or standard publishing requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.

P. 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:

1. Timely remove the lien at the village's expense.

2. Correct the taxpayer's credit record; and

3. Correct any public disclosure of the improperly imposed lien.

CHAPTER 41 – TRAFFIC

41.01 STATE TRAFFIC LAWS ADOPTED

A. The Illinois Vehicle Code is hereby adopted and made a part of this chapter by reference and shall be applicable in the village (625 ILCS 5/20-204).

B. With respect to streets and highways within the village's jurisdiction, the Illinois Vehicle Code (625 ILCS 5/11-208) grants regulatory powers to the village.

C. Any person who violates any provision of the Illinois Vehicle Code within the village shall be subject to the penalty provided for violation of this code. (ref. 625 ILCS 5/16-101 et seq.)

41.02 SPEED LIMITS

When signs are erected giving notice thereof, no person shall drive a vehicle in excess of the following indicated speed limits on any of the following streets, which speed limits have been determined upon the basis of an engineering or traffic survey:

(None)

41.03 RECKLESS, NEGLIGENT OR CARELESS DRIVING

It shall be unlawful to operate any vehicle in the village in a careless, reckless, negligent, or wanton manner, or carelessly to endanger life or property.

41.04 U-TURNS

No person operating a vehicle upon any street in the village designated as a through street shall make a U-turn any place on such street, either at intersections or between intersections.

41.05 THROUGH STREETS AND STOP INTERSECTIONS

The streets and intersections described in Chapter 41 Schedule A are hereby designated through streets and stop intersections and four-way stop intersections as described in such schedule. Where stop signs are erected in accordance with such schedule at the entrances to the through streets and stop intersections, the operator of a vehicle approaching a stop sign shall stop as required by law.

41.06 YIELD INTERSECTIONS

The intersections described in Chapter 41 Schedule B are hereby designated as yield intersections as described in such schedule. Where yield signs are erected in accordance with such schedule at the entrances to the yield intersections, the operator of a vehicle approaching a yield sign shall reduce speed and yield the right of way as required by law.

41.07 LIGHTS ON PARKED VEHICLES

Whenever a vehicle is parked or stopped on a street during the times between one-half hour after sunset and one-half hour before sunrise, or at any other time when there is not sufficient light to render as clearly discernible any vehicle on the street from a distance of 200 feet, there shall be displayed upon such vehicle one or more lamps projecting a white light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, and projecting a red light visible under like conditions from a distance of 500 feet to the rear, except that such parking light or lights need not be displayed upon any vehicle stopped or parked in accordance with other provisions of this chapter upon any street designated by the Marshal where there is sufficient light to reveal any person within a distance of 200 feet upon such street.

41.08 PARKING VEHICLES FOR SALE

It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale or to park any vehicle upon any business street from which vehicle merchandise is peddled, or to park any vehicle upon any street without state license plates upon it, issued for such vehicle, to the owner of the vehicle, in accordance with the Illinois Compiled Statutes 625 ILCS 5/11-205(c)(1).

41.08.01 RESERVED

41.08.02 RESERVED

41.08.03 RESERVED

41.08.04 RESERVED

41.08.05 PARKING OF TRUCKS ON VILLAGE STREETS OR ALLEYS
[NO RECORD THAT ANY 2001 ORDINANCE WAS PASSED]

Parking of truck tractors or truck tractors/trailer combinations, or trailers drawn by truck tractors, on any village street or alley, or on any part of any village street or alley, is hereby prohibited between the hours of 6:00 p.m. and 6:00 a.m. of the next morning.

“Truck tractor” is hereby defined to be every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than the part of the weight of the vehicle and load so drawn (as defined in accordance with 625 ILCS 5/1-212).

“Semitrailer” is hereby defined to be every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle (as defined in accordance with 625 ILCS 5/1-187).

41.09 LOADING ZONES

The village may determine the location of loading zones and shall erect or maintain or cause to be erected or maintained appropriate signs indicating the same. It shall be unlawful to stop, stand or park a vehicle for a period longer than necessary for the unloading and delivery or pick-up of materials in any place marked as a loading zone.

41.10 PARKING PROHIBITED

When signs are erected in each block giving notice thereof, no person shall park a vehicle at such places and during the times designated in Chapter 41 Schedule C.

41.11 LIMITED PARKING / PARKING AT CURB

No vehicle shall be parked with the left side of such vehicle next to the curb, except on one-way streets, and it shall be unlawful to stand or park any vehicle on any street other than parallel with the curb and with the two right wheels of the vehicle within 12 inches of the regularly established curb line, except that upon those streets that have been marked for angle parking (as set forth in Schedule D, attached to and made a part hereof), vehicles shall be parked at the angle to the curb indicated by such marks. When signs are erected and/or painted marks have been placed upon the street roadway indicating direction and location of public parking spaces, in a block giving notice thereof, no person shall park a vehicle for longer than the time designated within the district or upon any of the streets described in Chapter 41 Schedule D, nor shall any person park in a direction other than indicated by the signs and/or paint marks on the street surface, and as described in Chapter 41 Schedule D, attached hereto and made a part hereof

41.12 TOWING AWAY VEHICLES

The village Marshal is hereby authorized to have removed and towed away any car or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or in any public place where signs have been legally posted either limiting or prohibiting parking; or any vehicle which has been parked in any public street, public parking lot, or other public place for a period of 24 consecutive hours. Cars towed away shall be stored and shall be released to the owner or operator thereof after payment of the expense incurred in removing and storing such vehicles.

41.13 ALL NIGHT PARKING

When signs are erected at the entrances of highways into the village giving notice thereof, no person shall park a vehicle for longer than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m. on any day, except physicians on calls.

41.14 PARKING ON PRIVATE PROPERTY

It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

41.15 PARKING IN ALLEYS

No person shall park a vehicle within an alley except for the purpose of loading and unloading merchandise and then in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

41.16 RESPONSIBILITY OF OWNER

The fact that a vehicle is registered in a person's name shall be prima facie proof that such person was responsible for any violation of any parking regulation of this chapter involving such vehicle.

41.17 BICYCLES AND MOTORCYCLES

No person shall operate or ride on a bicycle or motorcycle on any street unless all persons thereon are riding on a seat, permanently attached to the vehicle.

41.18 CLINGING TO MOVING VEHICLES

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway. No person shall ride on the running board, fender, or outside step of any vehicle.

41.19 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk and except upon streets set aside as play streets when and as authorized by ordinance.

41.19.01 SNOWMOBILES

A. Definitions. For the purposes of this Ordinance, the words and phrases used herein shall have the meanings respectively ascribed to them under the Illinois Snowmobile Registration and Safety Act, 625 ILCS 40/1-1 et seq., as thereafter amended.

B. Operation of Unnumbered Snowmobiles. Except as hereinafter provided, no person shall, after the effective date of this Ordinance, operate any snowmobile within the village unless such snowmobile has been registered and numbered in accordance with the provisions of the Illinois Snowmobile Registration and Safety Act.

C. Snowmobile Route. It shall be unlawful to operate a snowmobile within the Corporate limits of the Village of Bellflower, except upon property owned by or upon which the owner has given express permission to the operator of such snowmobile, or upon the portions of the highways designated in a map of the Village of Bellflower entitled "Snowmobile Route," [**NO MAP LOCATED**] which delineates certain highways as permissible for snowmobile traffic within said village limits, or upon any highways which afford the most direct or safest course to the snowmobile route to or from the point of entry or exit of the snowmobile to or from the village limits of the Village of Bellflower.

D. Snowmobile Equipment.

1. Headlamp. All snowmobiles in operation shall display at least one lighted headlamp, white in color, visible from at least 500 feet ahead during hours of darkness of normal atmospheric conditions. Headlamp should be lighted whenever snowmobile is running.

2. Taillights. All snowmobiles while in operation shall display at least one red taillight which should show visible at 500 feet to the rear during hours of darkness under normal atmospheric conditions.

3. Brakes. All snowmobiles shall have an operating brake system.

4. Mufflers. All snowmobiles shall be equipped with a sound muffling device installed by the manufacturer and under no circumstances shall this muffler be removed by the owner or operator.

E. Control Provisions.

1. No snowmobile may be driven upon any roadway or route of this community at a speed which is greater than reasonable and proper regarding traffic conditions or which endangers the safety of any person or property. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle.

2. Unless other speed restriction may be established by the posting of speed limit signs under the authority of the Board of Trustees, the maximum speed limits is as follows:

   a) 15 m.p.h. on any village street

   b) 15 m.p.h. in any village alley

3. Reckless Driving. Any person who drives any snowmobile with a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

4. Racing. No person shall engage in any race on any street or alley within the corporate limits. Race means the act of two or more individuals competing

either by acceleration or from passing or overtaking another individual in competing for time or position.

5. Snowmobiles shall be operated on all designated roadways as close as possible to the right-hand side of the roadway.

6. The operator shall not follow another vehicle more closely than is prudent regarding the speed of such vehicles and the traffic upon and condition of the roadway.

7. Signals of intention to turn right or left when required must be given during the last 100 feet of travel when the snowmobile is traveling on any highway within the village.

8. Right-of-Way. Any snowmobile approaching an intersection shall yield right-of-way to a vehicle approaching on the opposite street which is entering the intersection. The snowmobile operator shall always yield and may proceed at such time as a safe interval occurs.

9. Snowmobiles shall obey all Stop signs. The snowmobile should stop at the point nearest the intersecting street as to afford the operator a clear view of approaching traffic.

10. Accidents. Any operator involved in any accident with another snowmobile or other motor vehicle or pedestrian shall make accident reports in accordance with the provisions of the Illinois Snowmobile Registration and Safety Act, 625 ILCS 40/6-1 Accident Reports.

11. No person under the influence of intoxicating liquor or narcotic drugs may be in actual physical control of any snowmobile within this municipality.

12. No person shall consume any alcoholic liquor while operating a snowmobile and any liquor transported shall be in its original package with the seal unbroken.

13. No person shall operate a snowmobile on any highway of the state, except to cross said state highway at a ninety-degree angle yielding to all traffic and crossing only when safe to do so.

14. Curfew for snowmobiles shall be 11:00 p.m. Monday through Thursday and 12:00 a.m. Friday, Saturday, and Sunday.

15. No person shall operate a snowmobile within the village on any street or alley unless they are in possession of a valid driver's license issued by the State of Illinois. Youthful operators between the ages of 14·and 16 (or until they obtain a valid driver’s license) who have been certified by the Department of Conservation may operate a snowmobile only if accompanied by a person with a valid driver’s license and 21 years of age.

F. Enforcement and Inspection.

1. It is the duty of police officers to arrest any person detected in violation of any provisions of this ordinance.

2. Duly authorized police officers may stop and inspect any snow mobile at any time for the purpose of determining if the provisions of this ordinance are being complied with. Every snowmobile upon being hailed by an officer of law enforcement must stop immediately.

3. It is unlawful for any person to resist or obstruct any peace officer in discharging his duties under this Ordinance.

G. Application and Jurisdiction.

1. No portion of this Ordinance shall preclude the State of Illinois or its officers or agents from enforcing the Illinois Snowmobile Registration and Safety Act under 625 ILCS 40/2-1 et seq.

2. This ordinance shall apply as written except under emergency situations as deemed by the Village Board at which time portions or all the Ordinance may be waived by said Village Board.

H. Penalty.

1. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance shall be punished by a fine not to exceed $100.00. Each such person is guilty of a separate offense for each day during any portion of which any violation of any provision of this Ordinance is committed, continued, or permitted by any such person and he is punishable accordingly.

2. In addition to or in conjunction with the above penalty, the registration and identification number of any snowmobile which is operated in violation of the provisions of this Ordinance shall be revoked and terminated upon the second such violation within the space of one year, said revocation being for a period of one calendar year commencing on the date of such second violation.

41.20 PARKING SPACES FOR DISABLED PERSONS AND RELATED PARKING PROVISIONS

A. The Village of Bellflower may from time to time designate certain on-street and certain off-street parking spaces in municipal parking lots as being reserved for use only by handicapped persons by posting each such parking space with an official sign which so reserves such parking space pursuant to the laws, rules and regulations which apply thereto. When these parking spaces are so signed, it shall be illegal for any person to park a vehicle in the parking space reserved in this manner for disabled persons unless such vehicle has license plate(s) or decal or card indicating use in compliance with this ordinance and state law. When not with a disabled person, it shall be illegal for any person at any time to park any such

licensed vehicle in a space designated as being reserved for disabled persons or to use a disabled person's decal or card to park any vehicle at any time in such a reserved space.

B. Parking spaces on private parking lots may be reserved by the owner of the parking lot for use only by handicapped persons. Such spaces shall be marked for reserved use by disabled persons by posting each such parking space with an official sign which so reserves each parking space pursuant to the laws, rules, and regulations, both State of Illinois and Village of Bellflower, which apply thereto. When these parking spaces are so signed, then it shall be illegal for any person to park a vehicle in a parking space reserved in the manner for handicapped persons unless such vehicle has license plate(s) indicating that the vehicle is registered to a handicapped person or a disabled veteran or unless a legal decal or card is being properly used indicating that the vehicle is then being used by a handicapped person who is qualified to have such license plate(s) or decal or card. It shall be illegal for any person to park any such licensed vehicle in a space on a private parking lot which is designated as being reserved for disabled persons or to use a disabled person's decal or car to park in such a reserved space when not with the disabled person.

C. Definitions:

1. "Disabled Person(s)" shall mean every natural person who is unable to walk 200 feet or more unassisted by another person or without the aid of a walker, crutches, braces, prosthetic device or wheelchair, or without great difficulty or discomfort due to the following impairments: neurologic, orthopedic, respiratory, cardiac, arthritic disorder, blindness, or the loss of function or absence of a limb or limbs.

2. "Registration of Plates or Decals, Cards or Devices" issued to a disabled person or to a disabled veteran means:

   a) Registration plates or decals issued by the Secretary of State of Illinois pursuant to 625 ILCS 5/3-616, 625 ILCS 5/3-609, or 625 ILCS 5/11-1301.2, or as may be amended from time to time after the effective date of this ordinance.

   b) Registration plates, special decals or other devices issued by another jurisdiction designating the vehicle is operated by or for a disabled person.

3. "Official sign" means any sign erected on public or private property which complied with regulations promulgated by the Village of Bellflower for erection and maintenance of signs and with the requirements of 625 ILCS 5/11-301, or as may hereafter be amended, revised or re-codified for designating the reservation of parking spaces for handicapped persons or disabled veterans.

D. The parking privileges granted by this section are strictly limited to the person to whom the special license plate(s), special decal or card were issued and qualified

drivers of motor vehicles who are acting under the express direction of the handicapped person to whom the special license plate(s), special decal or card were issued and while the handicapped person is present.

E. A motor vehicle bearing license plate(s) issued to a handicapped person or to a disabled veteran or a special decal or card issued to a handicapped person, or to a disabled veteran, or a special decal or card issued to a handicapped person or a motor vehicle registered in another jurisdiction upon which is displayed such license plate(s), a special decal or card issued by the other jurisdiction designating that the vehicle may be operated by or for a handicapped person, shall be exempt when the handicapped person is present from any statute or ordinance imposing time limitations on parking. All drivers and owners of such vehicles shall be subject to the laws that prohibit parking in zones in front of or near fire hydrants, driveways, public building entrances and exits, bus stops, loading areas and all other locations where parking is prohibited whether only by law(s) which prohibit parking in specified types of locations at all times, during certain hours or times, or for limited types of vehicles, or also by sign(s) which prohibit such parking. Each such vehicle is also prohibited from parking when the motor vehicle constitutes a traffic hazard, and it shall be illegal for any person to fail to promptly move such vehicle at the instruction or request of a law enforcement officer to a legal location at the choice of the driver or to a location designated by the officer.

F. Public parking spaces for disabled persons shall be designated from time to time by village ordinance. Effective the date of this ordinance, public parking spaces for handicapped persons shall be designated as hereinafter set forth on Chapter 41 Schedule A-1 and amended from time to time to designate the then current handicapped parking space designations within the village.

G. Any person or local authority owning or operating any public or private off-street parking facility in the village may, after notifying the Village of Bellflower, remove or cause to be removed by towing to the nearest garage or other place of safety any vehicle parked within a space reserved for use by handicapped persons which does not display handicapped registration plates or a special decal or card as required by this Section. The erection of an official sign on private property specifically reserving any parking place for use by a disabled person or disabled veteran shall be deemed authorization for the village to enforce such parking prohibition. The village Street Superintendent shall cause to be maintained an official inventory of private parking places complying with this Section.

H. No person shall directly or indirectly permit any vehicle owned by such person to be used in any manner to violate any of the provisions of this Section 41.20.

I. Any person found guilty of violating any provision of this Section 41.20 shall be fined not less than $100.00 or more than $500.00 for each violation. Such penalty shall be in addition to any costs or charges connected with the removal, towing, and/or storage of any motor vehicle authorized under this Section. A separate offense shall be deemed committed for each one-half hour any person permits a motor vehicle to remain parked in violation of sections 41.20(A) and (B).

41.21 ENGINE BRAKING NOISE

A. Prohibited Activity. No person shall operate or cause to be used or operated within the Village of Bellflower an engine braking system that emits excessive noise on any commercial vehicle within the corporate limits of the Village of Bellflower. For the purposes of this ordinance, an engine braking system shall be deemed to be any device which uses the force of the engine in any commercial vehicle to slow or alter the speed of the vehicle by the application of force to the drive train thereof, including but not limited to engine brakes, exhaust brakes, or other similar systems. A commercial vehicle shall be deemed to be emitting excessive noise if the vehicle is operating an engine braking system, and if the vehicle is not equipped with an adequate sound muffling system on the exhaust thereof.

B. Use Permitted in Emergency Situations. It is a defense to this Section that the driver used an engine braking system that emits excessive noise in an emergency to avoid a collision with a person or another vehicle on the roadway.

C. Excessive Noise Signs. In accordance with the Illinois Vehicle Code (625 ILCS 5/12-602.1), the Village of Bellflower shall cause signs to be erected and maintained that prohibit the driver of a commercial vehicle, as defined in the Illinois Vehicle Code (625 ILCS 5/1-111.8), from operating or actuating any engine braking system that emits excessive noise. The sign shall state “EXCESSIVE ENGINE BRAKING NOISE PROHIBITED.”

D. Sign Locations. The McLean County Highway Department shall erect, at village expense, roadway signs at the following village boundaries: southbound on North State Street; northbound on South State Street; eastbound on Illinois Highway 54; and westbound on Illinois Highway 54.

E. Penalty. A violation of this Section is punishable by a fine of up to $750 per offense.

41.22 RESERVED

41.23 RESERVED

41.24 RESERVED

41.25 RESERVED

41.26 RESERVED

41.27 RESERVED

41.28 RESERVED

41.29 RESERVED

41.30 TRUCK ROUTES

A. It shall be unlawful to operate a commercial vehicle upon any street or other way or alley in the Village of Bellflower where commercial vehicle operation is prohibited by ordinance and where such signs of prohibition are posted, except that a commercial vehicle may be driven on such street, way or alley for not more than the minimum distance necessary for the purpose of making deliveries, picking up loads, performing contractual services for hire, or pickup of personal property.

B. Every person found driving a commercial vehicle on the streets, ways and alleys described in Section 41.30(A) shall be presumed to be driving said commercial vehicle in violation of said subsection (A). Proof that a person was driving the commercial vehicle on said streets, ways or alleys shall constitute a prima facie case; however, as a defense to such presumption a person shall have the burden to show that at the time the person was found driving the commercial vehicle (presumably in violation of subsection (A)) said person was driving the commercial vehicle to or from a location on said streets, ways or alleys for one of the purposes not prohibited in subsection (A) of this Section 41.30. Any person not able to establish that the commercial vehicle they were driving was properly on said street, way or alley shall be issued a traffic citation therefor. As a defense to such citation a person receiving the citation shall have the burden to show that at the time the citation was issued the person was driving the commercial vehicle to or from a location on said street, way or alley for one of the purposes allowed under subsection (A) of this Section 41.30.

C. Commercial vehicles may be operated upon those streets and alleys listed in Chapter 41 Schedule E, and such designated streets and alleys are further shown on the map shown on Chapter 41 Schedule E, said thru truck routes being highlighted in yellow on the aforesaid map, and updated from time to time whenever the list of streets, ways and alleys is amended on Schedule E.

D. No person shall drive any motor vehicle with a gross weight in excess of 80,000 pound on or over any street, way or alley in the Village of Bellflower unless they shall have a special permit issued by the State of Illinois, State of Illinois Department of Transportation or other agency having proper jurisdiction over such matters, or by the president of the Village Board of Trustees of the Village of Bellflower.

E. Commercial vehicle routes on which thru commercial vehicle traffic shall be permitted are those as set forth in Chapter 41 Schedule E. Commercial vehicle traffic on all other streets, ways and alleys in the Village of Bellflower shall be deemed prohibited upon adoption of this ordinance. The president of the Village Board of Trustees of the Village of Bellflower is hereby directed, in conjunction with the Village Clerk to the extent necessary, to take all steps as may be necessary and appropriate to cause signs to be procured and posted, said signs notifying the public of the prohibition of such thru traffic on all streets, ways and alleys except those as set forth in Chapter 41 Schedule E.

F. Definitions. The following definitions shall apply wherever those terms are set forth in this Section 41.30:

1. Alley: those public or private thoroughfares less than 20 feet in width and used primarily as the service access to abutting properties.

2. Commercial Vehicle: every motor vehicle weighing 10,000 pounds or more gross weight, designed, used or maintained primarily for the transportation of property, including every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load thereon either independently or as any part of the weight of any vehicle or load so drawn, and including every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than part of the weight of the vehicle and load so drawn.

3. Street, Highway or Way: the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

G. Every person convicted of a violation of Section 41.30(A) shall be punished by a fine of not less than $50.00 and not more than $500.00.

SCHEDULE A – THROUGH STREETS AND STOP INTERSECTIONS

In accordance with Section 41.05, through streets and stop intersections within the Village of Bellflower are designated as follows: TBD

SCHEDULE A-1 – PARKING SPACES FOR DISABLED PERSONS

In accordance with Section 41.20, the following parking spaces are designated as disabled parking only within the Village of Bellflower:

1. The first space on State Street, east of the Community Center kitchen door, said space being generally located at the southwest comer of the intersection of State Street and Center Street, Village of Bellflower, McLean County, Illinois.)

2. The second space on State Street, east of the Community Center kitchen door, said space being generally located at the second space west of the southwest comer of the intersection of State Street and Center Street, Village of Bellflower, McLean County, Illinois.)

3. The first space on Vine Street, west of the Community Center, being generally located at the southeast comer of the intersection of Center Street and Vine Street, Village of Bellflower, McLean County, Illinois.)

4. The first space on Melvin Street, north of the Lion's Den building, being generally located at the southwest comer of the intersection of Latcha Street and Melvin Street, Village of Bellflower, McLean County, Illinois.)

5. A parking space beginning 80 feet North of the intersection of the East right-of-way line of North Vine Street and the North right-of-way line of East Center Street and continuing to a point 100 feet North being a point on the aforesaid East right-of-way line of North Vine Street, said point being 100 feet North of the intersection of the East right-of-way line of North Vine Street, and the North right-of-way line of East Center Street, all in the Village of Bellflower, McLean County, Illinois.

SCHEDULE B – YIELD INTERSECTIONS

In accordance with Section 41.06, yield intersections within the Village of Bellflower are designated as follows: TBD

SCHEDULE C – PARKING PROHIBITED

In accordance with Section 41.10, the following places are designated as "**NO PARKING ZONES**" at all times within the Village of Bellflower:

1. The East side of Latcha Street, from the fire hydrant located on the Northeast part of the intersection of the east boundary of Latcha Street and the north boundary of Melvin Street north 150 feet to the point of beginning, thence further north an additional 50 feet to a point 200 feet north of the aforesaid fire hydrant, the location within said 50 foot strip being commonly known as 205 N. Latcha Street, Bellflower, Illinois.

   Any vehicles parked within this area that were occupied by fire department or Bellflower ESDA personnel responding to an emergency call shall be exempt from the "No Parking" limitation while the occupants are attending the emergency and for a reasonable period of time after the emergency has ended, so long as such personnel are involved in either the emergency response or equipment cleanup activities after the emergency has ended

SCHEDULE D – LIMITED PARKING / PARKING AT CURB

In accordance with Section 41.11, the following areas are designated as “angle parking areas” only within the Village of Bellflower:

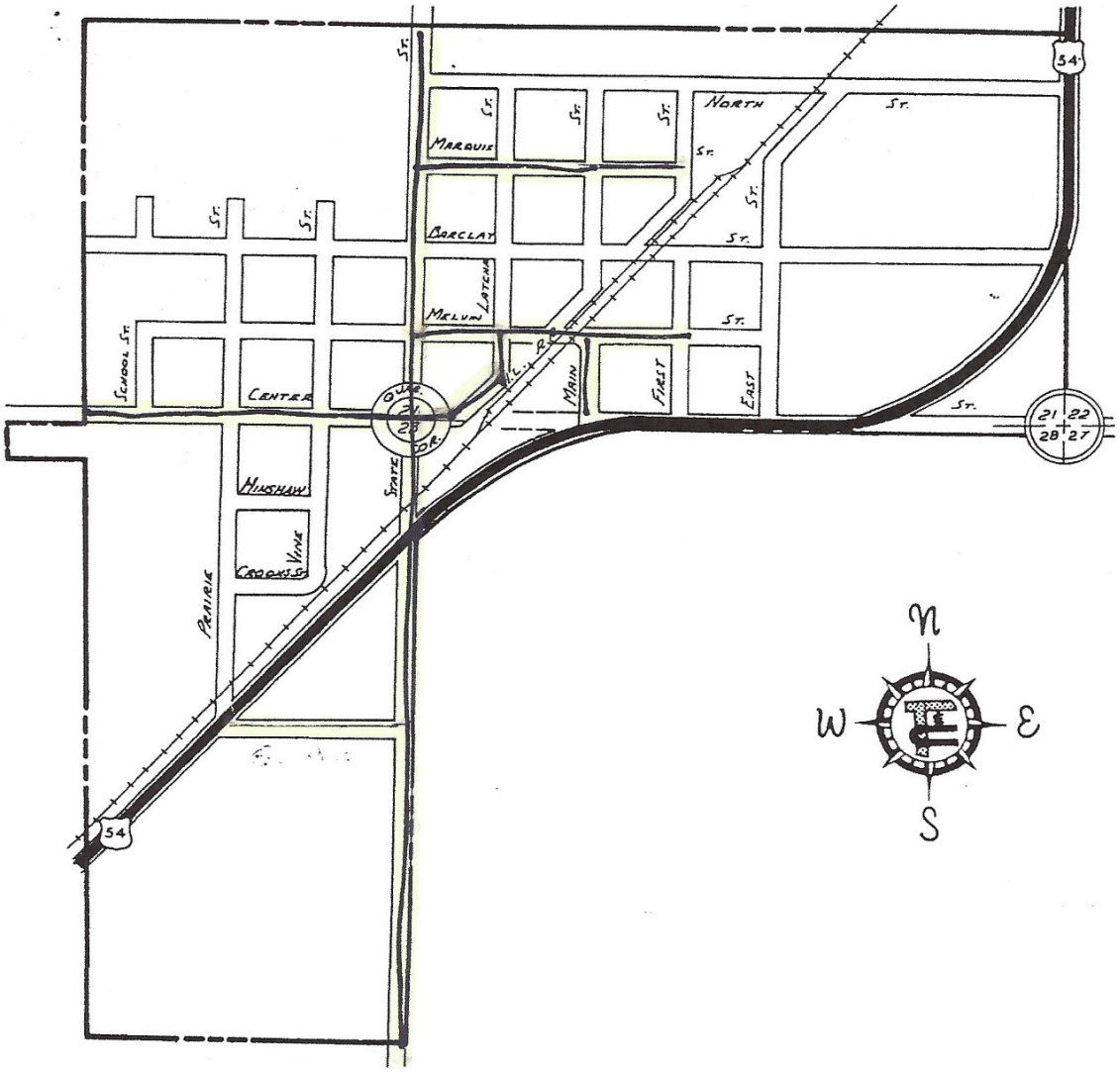
1. Parking at a 45 degree angle with vehicles to be heading front end southerly or toward the southeast, along the south side of Melvin Street, between the east right-of-way line of Latcha Street and the west right-of-way line of Main Street, beginning at a point 75 feet east of the intersection of the eastern most part of the street pavement (or the beginning of the curb and raised sidewalk) along the east side of Latcha Street and the south most edge of the pavement of Melvin Street (the north edge of the curb or raised sidewalk along the south side of Melvin Street), continuing east 75 feet from the southeast comer or intersection of the eastern most edge of the pavement on Latcha Street and the southernmost edge of the pavement on Melvin Street, all in the Village of Bellflower, McLean County, Illinois.

2. Parking at a 45 degree angle with vehicles to be heading front end westerly or toward the southwest, along the west side of Latcha Street, beginning at a point 225 feet north of the north right-of-way line of Melvin Street and continuing to a point 150 feet south of the south right-of-way line of Melvin Street, all in the Village of Bellflower, McLean County, Illinois.

SCHEDULE E – THRU TRUCK ROUTES

In accordance with Section 41.30, the following streets and ways are designated thru truck routes within the Village of Bellflower:

1. State Street from the town limits on the south to the town limits on the north.
2. Center Street from the west edge of the town east to Latcha Street, including the southwesterly extension of Latcha Street paralleling the railroad, where it connects with Center Street.
3. Main Street from Route 54 (East Center Street) north to the northerly right-of-way line of Melvin Street.
4. ~~Marquis Street from the west right-of-way line of State Street east to the east right-of-way line of First Street~~. [REMOVED 9/13/2023 MINUTES]
5. Latcha Street from Center Street north to the northerly right-of-way line of Melvin Street.
6. Melvin Street from State Street to First Street.
7. South Street from Route 54 to State Street.



CHAPTER 42 – OFFENSES AGAINST PUBLIC PEACE, SAFETY AND MORALS

42.01 DISORDERLY CONDUCT

No person shall engage in disorderly conduct in the village. Any of the following acts constitute disorderly conduct:

A. Making, aiding, or assisting in making any improper noise, riot, disturbance, breach of the peace or diversion tending to a breach of the peace.

B. Assaulting, striking or deliberately injuring another person.

C. Engaging in or aiding or abetting any fight, quarrel, or other disturbance.

D. Disturbing any religious service, funeral, public or private meeting, place of amusement, or assembly of persons.

E. Collecting in crowds for unlawful purposes, or for any purpose to the annoyance or disturbance of other persons.

F. Loitering continuously in public places or being idle or dissolute and going about begging.

G. Being intoxicated in public places, or in any place to the annoyance and disturbance of other persons.

H. Resisting or obstructing the performance of one known to be a police officer or any authorized act within the police officer's official capacity or impersonating a police officer.

I. Assisting any person in custody of police to escape or furnishing any weapon, drugs, liquor to any such person.

J. Assembling with two or more other persons for the purpose of using force or violence to disturb the public peace.

K. Failing to obey a lawful order of dispersal by a person known to be a peace officer, where three 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.

L. Lodging in or being in outhouses, sheds, barns, stables, or unoccupied buildings, or being a vagrant.

M. Engaging in any fraudulent scheme, device, or trick to obtain money or other valuable thing, or the practice of fortune telling, palmistry, card reading, astrology, clairvoyancy or other scheme to obtain money or other value.

N. Giving any false alarm of fire, danger or disturbance to any person, or false information to any peace officer or firefighter or any village officer.

O. Making a telephone call with intent to annoy another, whether conversation ensues.

P. Engaging in obscene or indecent activities or entertainment, or any lewd or lascivious behavior, or appearing in public in a state of nudity.

Q. Maintaining or being in houses of ill fame or gaming houses or engaging in or soliciting unlawful sexual actions.

R. Using any obscene, profane, threatening, or inciting language in any public place.

S. Throwing stones or missiles in public places or at any person or property, or using brandishing or threatening to use any missile, or dangerous weapon or object.

T. Damaging or defacing trees, bushes, gardens, fences, windows, signs, buildings, monuments, or vehicles or engaging in any acts of vandalism.

U. Abusing, beating, or cruelly injuring any animal, or attempting to kill or wound any bird other than a sparrow, crow, or blackbird.

42.02 FIREARMS

No person shall discharge any firearms or do any hunting in the village. This shall not apply to peace officers in line of duty, or any person acting in self-defense.

42.03 WEAPONS

A. A person who is not a village officer, shall not carry about his person any concealed pistol, switchblade, knife, razor, slingshot, metal knuckles or any other weapon or thing of deadly character.

B. No person shall sell, give, or transfer any such weapon to any minor person.

42.04 FIREWORKS

No person shall sell, offer for sale, use or explode any fireworks in the village, except the Board of Trustees may grant a permit for a public display of fireworks under such conditions as it may impose under the provisions of 425 ILCS 35/2 (Possession, Sale and Use of Fireworks).

42.05 FIRES

No person shall start or maintain any fire in any street, sidewalk, park or public place, or any place within 30 feet of any building or structure.

42.06 BARBED WIRE FENCES

No person shall maintain any fence containing barbed wire along or near any public sidewalk.

42.07 NOISE

No person shall disturb peace and quiet of any other person by creating excessive noise on his or any property. Excessive noise shall include, but not by way of limitation, any of the following:

A. Loud playing of phonographs, radios, television sets, or music machines, or musical instruments.

B. Barking or howling dogs or cats.

C. Vehicles without mufflers, or the unnecessary use of horns on vehicles.

42.08 DAMAGING PROPERTY

No person shall damage, destroy, or deface any public or private property without permission of the owner.

42.09 LITTERING

No person shall litter any public or private property with paper or other debris or foreign matter. Any stored or transported materials susceptible to blowing or scattering shall be adequately covered or protected to prevent littering.

42.10 POLLUTION

No person shall pollute the air or any water course by excessive discharge of waste products or foreign matter.

42.11 DISORDERLY HOUSES

No person shall, within the village or within three miles of the outer limits of the village, keep, maintain, frequent, or be an inmate of or connected therewith, or contribute to the support of any disorderly house or house of ill fame or assignation, or any place used for the practice of fornication or adultery; or knowingly suffer or permit any house or other premises owned or occupied by him or under his control to be used for any such purposes.

42.12 OBSCENE MATERIAL

No person shall exhibit, sell, or offer to sell any obscene or immoral publication, print, pictures, or illustrations.

42.13 CURFEW FOR MINORS

A. No person less than 18 years of age shall be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible companion at least 21 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of the State of Illinois authorize a person less than 18 years of age to perform:

1. Between 12:01 a.m. Saturday and 6:00 a.m. Saturday.

2. Between 12: 01 a.m. Sunday and 6:00 a.m. Sunday, and

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

B. A parent, legal guardian or other person shall not knowingly permit a person in his custody or control to violate this section.

42.14 PARK RULES

A. Park Locations.

1. Don Harden Field (area bounded on the North by West Kleinbeck Street, on the East by North Prairie Street, on the South by West Melvin Street, and on the West by the western edge of the baseball diamond)

2. Community Center Playground (area bounded on the North by the Community Center building, on the East by South State Street, on the South by the railroad tracks, and on the West by South Vine Street)

3. Denzel Boyd “Shorty” Lykins Park (area bounded on the North by the Depot building, on the East by North Latcha Street, on the South by the Library building, and on the West by the water tower pump house)

B. Hours of Operation. All parks shall be open daily to the public, every day of the year, from sunrise to sunset. Parks may remain open past sunset only when village authorized events are taking place during that time. Otherwise, it shall be unlawful for any person other than village personnel conducting village business therein to occupy or to be present in a park during any hours in which the park is not open to the public.

C. Requirements Concerning Use of Grounds and Facilities.

1. There is no charge to use any park property.

2. Reservations are not required to use any park property.

3. Don Harden Field

a) Reservations to use the Don Harden Field pavilion or ballfield will be accepted on a first-come, first-serve basis by emailing the Village Clerk at vob.clerk@outlook.com at least one week prior to the date requested. A written reservation confirmation from the Village Clerk will be returned to the requestor.

b) On any date that the pavilion or ballfield is not reserved, it shall be available to the public on a first-come, first-serve basis.

c) Reservation of the pavilion or ballfield shall make only the pavilion or ballfield private for the date/time reserved, and all other park property shall remain open to the public.

d) A schedule of confirmed reservations will be posted on the sign board attached to the concession stand.

e) Whether or not reserved, Don Harden Field shall be used only during the park's hours of operation.

4. The Village of Bellflower Board of Trustees reserves the right to deny any reservation or event on such conditions as it shall deem appropriate.

D. Animals. Pets are not allowed in any park unless always kept on a leash. Any pet waste must be removed by the person responsible for the pet's presence in the park.

E. Fires. No fires are allowed in any park.

F. Debris. No refuse or trash shall be left anywhere on the grounds of any park, but shall be placed in proper receptacles, with any excess refuse or trash being placed next to such receptacles or carried away from the park by the person responsible for its presence. All decorations, tacks, staples, and related items placed by any person shall be removed after such use.

G. Prohibited Acts. The following acts are prohibited on any park property:

1. Climbing on any pavilion or other building.

2. Disorderly conduct or any infringement of the rights of others.

3. Possession of any firearm.

4. Possession of any glass bottle.

5. Removing or damaging any park property or equipment.

6. Skateboarding.

7. Operation of any vehicle of any kind on the grass or sidewalks in any park, except for Don Harden Field where parking is allowed on both sides of the driveway during events.

H. Alcohol. No alcohol shall be possessed or consumed by any person on any park property.

I. Penalty. Any person who violates, disobeys, neglects or refuses to comply with the provisions of this Section 42.14 “Park Rules” shall be subject to fine in accordance with the general penalty provisions contained in Chapter 1, Section 1.06 “Penalties” of the Bellflower Municipal Code of 1975 (as amended).

CHAPTER 43 – FRANCHISE AGREEMENTS AND RELATED MATTERS

43.01 DEFINITIONS

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

A. "Gross Charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within 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 the event 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 village, charges for the channel mileage between each channel point within village, and charges for that portion of the interstate inter-office channel provided within village. However, "gross charges" shall not include:

1. 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 Sections 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.

2. Charges for a sent collect telecommunication received outside village.

3. 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 includes the usage of computers under a time-sharing agreement.

4. Charges for customer equipment, including such equipment leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.

5. 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 specified by village.

6. 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.

7. 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 uncollectable, 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).

8. Charges paid by inserting coins in coin-operated telecommunications devices; or

9. Charges for telecommunications and all services and equipment provided to village.

B. “Public Right-of-Way” means any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein 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.

C. "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.

D. "Sale of telecommunications at retail" means 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.

E. "Service address" means 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.

F. "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 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.

G. "Telecommunications provider" means (1) any telecommunications retailer; and (2) 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.

H. ''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. 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 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 village.

I. "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.

43.02 REGISTRATION OF TELECOMMUNICATIONS PROVIDERS

A. Every telecommunications provider as defined by this Chapter shall register with village within 30 days after the effective date of this ordinance or becoming a telecommunications provider, whichever is later, on a form to be provided by village, provided, however, that any telecommunications retailer that has filed a return pursuant to subsection (4C) of this Chapter shall be deemed to have registered in accordance with this Section.

B. Every telecommunications provider who has registered with village pursuant to subsection (2A) has an affirmative duty to submit an amended registration form or current return as required by subsection (4C), as the case may be, to 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 village.

43.03 MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

A. A village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 1.0% of all gross charges charged by the telecommunications retailer to service addresses within village for telecommunications originating or received in village.

B. Upon the effective date of the infrastructure maintenance fee authorized in this Chapter, the village's infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Chapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise.

C. Village telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in Section 43.04 of this Chapter.

43.04 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 village's infrastructure maintenance fee attributable to that customer's service address.

B. Unless otherwise approved by village, the infrastructure maintenance fee shall be remitted by the telecommunications retailer to 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 village shall be accompanied by a return, in a form to be prescribed by village, which shall contain such information as the village may reasonably require.

D. Any infrastructure maintenance fee required to be collected pursuant to this Chapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to village. The charge imposed under subsection (4A) by the telecommunications retailer pursuant to this Chapter 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 Chapter, 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 Chapter, from the telecommunications retailer who made the erroneous payment; provided, however, village may request, and the 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 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 Chapter 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 or 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 ta, 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. Village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Chapter to determine whether the telecommunications retailer has properly accounted to village for the village infrastructure maintenance fee. Any underpayment of the amount of the village infrastructure maintenance fee due to village by the telecommunications retailer shall be paid to village plus five percent of the total amount of the underpayment determined in an audit, plus any costs incurred by village in conducting the audit, in an amount not to exceed five percent of the total amount of the underpayment

determined in an audit. Said sum shall be paid to village within 21 days after the date of issuance of an invoice for same.

H. Village may promulgate such further or additional regulations concerning the administration and enforcement of this Chapter, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to Section 43.02 of this Chapter of such regulations.

43.05 COMPLIANCE WITH OTHER LAWS

Nothing in this Chapter 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.

43.06 EXISTING FRANCHISES AND LICENSES

Any franchise, license, or similar agreements between telecommunications retailers and village entered into before the effective date of this Chapter 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.

43.07 PENALTIES

Any telecommunications provider who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Chapter shall be subject to a fine in accordance with the general penalty provisions of village's Municipal Code.

43.08 ENFORCEMENT

Nothing in this Chapter shall be construed as limiting any additional or further remedies that village may have for enforcement of this Chapter.

43.09 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such

portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity or the remaining portions hereof.

43.10 CONFLICT

This Chapter supersedes all chapters, or parts of chapters, adopted prior hereto which are in conflict herewith, to the extent of such conflict.

43.11 CABLE AND VIDEO SERVICES

A. Service Provider Fee. Pursuant to the Illinois Cable and Video Competition Act, there is hereby imposed on any cable service or video service provider within the Village of Bellflower a service provider fee of five percent of the gross revenues of such cable service or video service provider for services delivered within the Village of Bellflower, all as defined under the Illinois Cable and Video Competition Act. The service provider fee payment shall be due quarterly and payable within 45 days after the close of the preceding calendar quarter. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation. If mailed, the fee shall be considered paid on the date that it is postmarked.

B. Audit. The village has the authority to audit the books and records of any cable service and video service provider operating within the village in accordance with requirements and procedures established under the Local Government Taxpayers Bill of Rights Act.'

C. Insurance. Any cable service and video service provider operating within the corporate limits of the village shall provide the Village Clerk with evidence of insurance or self-insurance within 30 days of request by the Village Clerk evidencing general comprehensive public liability insurance naming the Village of Bellflower as an additional insured with a minimum liability limit of one million dollars for personal injury or death of one person and three million dollars for personal injury or death of any two or more persons in any one occurrence and five hundred thousand dollars for damage to property resulting from any one occurrence. Additionally, cable service and video service providers shall maintain and show evidence of insurance or self-insurance for workers' compensation insurance as required by Illinois law and also comprehensive automobile liability insurance or self-insurance to the extent of not less than one million dollars per occurrence against liability for bodily injury, including death and to the extent of not less than three hundred thousand dollars per occurrence against liability for damage to property naming the Village of Bellflower an additional insured as allowed by law.

D. Applicable Law. Cable service and video service providers operating within the village shall fully comply with all of the requirements of the Illinois Cable and Video Competition Act and with the Illinois Cable and Video Customer Protection Act and with all other applicable laws of the state of Illinois and ordinances of the village.

E. Customer Privacy.

1. Customer Service and Privacy Protection Law.

   (a) Adoption. The regulations of 220 ILCS 5/22-501 are hereby adopted by reference and made applicable to the cable or video providers offering services within the village's boundaries.

   (b) Amendments. Any mandatory amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Ordinance shall be incorporated into this Ordinance by reference and shall be applicable to cable or video providers offering services within the municipality's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Ordinance by reference without formal action by the corporate authorities of the village.

2. Enforcement.

   The village does hereby pursuant to law declare its intent to enforce all customer service and privacy protection standards of the Cable and Video Protection Law.

3. Penalties.

   The village, pursuant to 220 ILCS 5/22-501(r)(l), does hereby declare that for any material breach of the standards and requirements of the Cable and Video Customer Protection Law, as incorporated by reference in this ordinance, a cable or video provider shall be subject to monetary penalties which shall not exceed $750.00 for each day of the material breach, and shall not exceed $25,000.00 for each occurrence of a material breach per customer. Such penalties shall be in addition to the penalties provided in the Law and shall not represent the village's exclusive remedy for any material breach. All monetary penalties shall apply on a competitively neutral basis.

   (a) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the Law.

   (b) The village shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least 30 days from the receipt of the notice to remedy the specified material breach.

   (c) A material breach, for the purpose of assuming penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in (b) above.

   (d) The village president and Village Board hereby delegate authority to levy penalties to the village president.

(e) Any decision of the village president to levy penalties may be appealed to the Village Board, which shall conduct a hearing on the alleged material breach and penalties levied therefore within 21 days following receipt of the cable or video providers request for an appeal.

4. Customer Credits.

The village hereby adopts and incorporates by reference the schedule of customer credits for violations of the Law provided for in the provisions of 220 ILCS 5/22-501(s). Those credits shall be applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for proactively providing the credits and the customer is under no obligation to request the credit.

APPENDIX A – SUMMARY OF AMENDMENTS

The following table summarizes changes to the Bellflower Municipal Code:

CHAPTER	ACTION	SUMMARY	ORDINANCE	DATE PASSED
		Accepted Municipal Code		04/14/1975
		Ratified and re-approved Municipal Code	1992-10-06	10/06/1992
2.02(a)	Modify	Trustee election date	1983-08-02	08/02/1983
2.02(b)	Modify	Village President election date	1983-08-02	08/02/1983
2.04(a)	Modify	Board meeting day and time	1998-02	02/07/1998
2.04(a)	Modify	Board meeting time	1999-07	12/04/1999
2.04(a)	Modify	Board meeting location	2001-01	02/03/2001
2.04(a)	Modify	Board meeting day and time	2004-01	02/01/2004
2.04	Replace	Section “Board Meetings”	2022-08	12/11/2022
2.05	Modify	Board committees	1983-08-02	08/02/1983
3.02(A)	Modify	Resolution to change Clerk from elected position to appointed position	2018-01R	11/16/2018
3.02(K)	Modify	Water bill collector	1983-09-06	09/06/1983
3.02(L)	Modify	Clerk shall perform the duties of Treasurer	2020-02	04/05/2020
3.03(A) and 3.03(B)	Modify	Office of Treasurer discontinued; duties devolved to Village Clerk	2020-02	04/05/2020
3.03(B)	Modify	Treasurer residency	2008-01	03/02/2008
3.04(B)	Modify	Attorney residency	2008-01	03/02/2008
3.10	Modify	Village Seal wording changed	2021-08	11/14/2021
3.11	Modify	Replace “Civil Defense” with “Emergency Services and Disaster Agency”	?	?
3.12	Add	Enact state gift ban act	1999-06	09/04/1999
3.12	Replace	Replace state gift ban act with new state ethics act	2004-04	10/03/2004
3.13	Add	Section “Investment Policy”	1999-01	12/04/1999
3.14	Add	Section “Expense Reimbursement”	2016-07	12/11/2016
3.15	Add	Section “Sexual Harassment”	2018-01-14	01/14/2018
3.15	Replace	Replace “Sexual Harassment” section	2020-06	08/09/2020
3.16	Add	Section “Whistleblower and Anti-Retaliation Policy”	2021-06	09/12/2021
3.17	Add	Section “Paid Leave”	2023-04	12/13/2023
3.17	Modify	Paid leave assumed hours	2024-06	8/14/2024
3.18	Add	Section “Use of Public Funds”	2024-04	6/12/2024
4	Replace	Chapter “Municipal Purchasing	2024-01	3/13/2024
5.16	Replace	Section “Burning Leaves and Rubbish”	2022-07	11/13/2022

CHAPTER	ACTION	SUMMARY	ORDINANCE	DATE PASSED
5.20	Add	Section "Construction of Facilities on the Rights-of-Way"	2024-02	3/13/2024
6	Replace	Chapter "Water Service"	2022-09	12/26/2022
8	Add	Chapter "Garbage and Refuse"	2002-01	01/05/2002
12.02(E)	Add	Section "Accumulations of Junk"	1998-09	04/04/1998
12.02.01	Add	Section "Duty to Maintain Private Property"	1998-09	04/04/1998
12.02.02	Add	Section "Unsheltered Storage of Personal Property"	1998-09	04/04/1998
12.03(C)	Replace	Section "Abatement by Court Action"	1998-09	04/04/1998
12.08	Replace	Section "Abandoned Motor Vehicles" with "Abandoned and Inoperable Motor Vehicles"	1983-07-12	07/12/1983
12.08.01	Add	Section "Towing of Vehicles, Removal of Trash, Junk, Vehicle Parts, Used Machinery and Refuse, and Establishing Procedures Relating Thereto'	1998-09	04/04/1998
12.08.02	Add	Section "Nuisance Vehicles"	1998-09	04/04/1998
12.11	Replace	Section "Open Burning"	2022-07	11/13/2022
12.12.D(4)	Modify	Text	1978-02-06	02/06/1978
21.03(H5)	Add	Section "Permitted Obstructions ... Fences" with Exhibit	1998-03	02/07/1998
21.03.01	Add	Section "Building Permits"	1985-12-09	12/09/1985
21.09	Modify Add	Renumber existing sections 21.09(D), 21.09(E) and 21.09(F) as 21.09(E), 21.09(F) and 21.09(G) then Section 21.09(D) "Special Use Permits"	2004-05	10/03/2004
21.17(E3)	Modify	Modify text	2000-05	11/01/2000
21.17(F2) and (F3)	Modify	Modify text	2000-05	11/01/2000
21.17(G2)	Modify	Modify text in first sentence	2004-05	10/03/2004
21.17(H)	Add	Section "Special Use Permits"	2004-05	10/03/2004
21.17	Modify	Appendix B "Zoning Map"	2000-05	11/01/2000
21.17	Modify	Appendix B "Zoning Map"	2001-02	02/03/2001
24	Add	Section "Subdivision Regulations"	1977-05-10	05/10/1977

CHAPTER	ACTION	SUMMARY	ORDINANCE	DATE PASSED
31.14 through 31.20	Add	Sections 31.14 through 31.20 "Reserved" and Section 31.20 "Junk Stores and Junk Yards"	1998-09	04/04/1998
33	Modify	Chapter title changed from "Municipal Occupation Taxes" to "Municipal Taxes"	2001-03	03/03/2001
33.01(B)	Modify	Report timeframe	1987-12-07	12/07/1987
33.03 through 33.10	Add	Sections 33.03 through 33.09 "Reserved" and Section 33.10 "Locally Imposed and Administered Tax Rights and Responsibilities"	2001-03	03/03/2001
41.08.01 through 41.08.05	Add	Sections 41.08.01 through 41.08.04 "Reserved" and Section 41.08.05 "Parking of Trucks on Village Streets or Alleys"	2001-___	___/___/2001 [NO RECORD ORDINANCE 41.08.05 WAS EVER PASSED]
41.10 Schedule C	Replace	Chapter 41 Schedule C	2002-02	02/02/2002
41.11 and Schedule D	Replace	Section 41.11 and Chapter 41 Schedule D	2002-02	02/02/2002
41.19.01	Add	Section "Snowmobiles"	1979-01	02/05/1979
41.20	Add	Section "Handicapped Parking"	1998-05	04/04/1998
41.20	Add	Designated handicapped parking spaces	1999-02	02/06/1999
41.20	Replace	Section 41.20	2000-04	08/16/2000
41.21	Replace	Section "Reserved" replaced with "Engine Braking Noise"	2021-07	11/14/2021
41.22 through 41.30	Add	Sections 41.22 through 41.29 "Reserved" and Section 41.30 "Truck Routes"	2001-07	10/19/2001
42.14	Add	Section 42.14 "Park Rules"	2020-05	07/12/2020
43	Add	Chapter "Franchise Agreements and Related Matters"	1998-01	01/03/1998
43.03(A)	Modify	Text in section 43.03(A) "	1998-04	02/07/1998
43.11	Add	Section 43.11 "Cable and Video Services"	2016-05	12/11/2016
43.11(E)	Add	Section 43.11(E) "Customer Privacy"	2016-06	12/11/2016

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