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1.01 MARENGO MUNICIPAL CODE

A. TITLE: This Code of ordinances may be known and cited as the Marengo Municipal Code. Any references to "this Code" or "Code" herein shall also mean the Marengo Municipal Code.

B. AMENDMENTS: Any additions or amendments to this Code are incorporated in this Code so that a reference to the Marengo Municipal Code includes such additions and amendments.

C. NUMBERING OF SECTIONS: Each section number of this Code shall consist of two component parts separated by a period, the figure before the period referring to the chapter number and the figure after the period referring to the section within the chapter.

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 decimal character.

1.02 DEFINITIONS

A. Terms used in this Code, unless specifically defined in this Code, have the meanings prescribed by the Illinois Compiled Statutes for the same terms.

B. Unless found elsewhere in this Code, terms used herein are defined in Appendix A.

1.03 REPEAL OF ORDINANCE

A. All general ordinances or parts previously adopted by the Mayor and City Council, inconsistent with those included in this Code are repealed and the following are specifically continued in full force and effect: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 budgeting and appropriating funds or establishing salaries.

4. Ordinances granting franchises or rights to corporations;

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

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

7. Ordinances authorizing or relating to particular public improvement;

8. Ordinances relating to zoning and subdivisions;

9. Any other 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 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 previously repealed shall not be considered re-ordained or re-enacted 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 City. 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 City to regulate such particular 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 of not less than $25 nor more than $750 and prosecution fees if allowable.

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 City, upon order of the court before whom the conviction is had, may be committed to the County or State jail, as provided by law, or to any other place provided by statute.

C. EACH DAY OF VIOLATION: Each act of violation and each day upon which a violation occurs constitutes a separate offense.

D. 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 or not such penalty is reenacted in the amendatory ordinance.

E. 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.

F. FAILURE OF OFFICERS TO PERFORM DUTIES: The failure of any officer or employee of the City to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided in the section creating the duty.

G. COLLECTION: In the event any fee, including, but not limited to those relating to retained personnel, fines, penalties, repair, abatement, restitution and reimbursement, found in any section of the Code that is due the City and is not paid, the cost of collecting said fee shall be added to the fee. Collection costs shall include, but not be limited to, prosecution and attorney fees.

1.07 CITATIONS OR HANG-ON TICKETS *Amended, 09-7-2, 06-8-1, 02-2-2, 01-10-6*

A. PAYMENTS: Any of the following described offenses may be settled and compromised in the following manner: Settlement payment when made within seven days of the time a notice is delivered to the offender, as listed in Column A, and settlement payment when made within 14 days of the time a notice is delivered to the offender, as listed in Column B. Provided, however, this settlement and compromise procedure shall not be allowed where the offender has violated the same ordinance two previous times within 12 consecutive months.

OFFENSE	**Column A in $**	**Column B in $**
Alcoholic beverages, Section 40.06	100	200

OFFENSE	Column A in $	Column B in $
Building violations, other than listed in Chapter 24	100	300
Consumption on premises, drinking on public streets, Section 3.22B	50	100
Curfew, Section 40.03	100	200
Curfew, Section 43.16	25	25
Damaging property, Section 40.03	100	200
Damaging property, Section 43.09	25	50
Disorderly conduct, Section 40.01	100	200
Disorderly conduct, Section 43.01	25	50
Dogs and other animals, Chapter 14	50	100
Drug paraphernalia, Section 40.08	100	200
Failure to have a building permit, Chapter 24	150	300
Failure to obtain a business license, Section 32.01	25	50
Failure to have a vehicle license, Chapter 42	75	150
Failure to display a vehicle license, Chapter 42	75	150
False alarm, Section 12.10	25	50
Garage sale, Section 31.01	25	50
Garbage, Chapter 13	25	50
House numbering, per day, Section 6.21	25	50
Liquor, sale to persons under 21 years of age, Section 33.25	200	300
Littering, Section 43.10	25	50
Noise, Section 43.08	75	150
Nuisance and burning, Section 12.09	25	50
Parental responsibility, Section 40.04	50	100
Parental responsibility, Section 43.17	25	50
Parking, Chapter 15, except for Sections 15.06-A, 15.06-E, 15.06-F	25	50
Parking, Sections 15.06-A, 15.06-E and 15.06-F	10	25
Parks and Playgrounds, Chapter 8	25	50
Persons responsible for unlawful activities on their premises, Section 40.09	100	200
Raffle, Section 31.02	25	50
Setting off fireworks, Section 43.06	25	50
Sign Code, Chapter 16	25	50
Streets, deposit of dirt and mud, Section 24.17-C	50	100
Street gang activity, Section 40.05	100	200
Trespassing, Section 43.11	25	50
Traffic, Chapter 15, except moving and parking violations	25	50
Water, emergency limitations, Section 24.17	50	100
Weapons, Section 43.05	25	50
Unauthorized use of parking space for persons with disabilities, Sec-	100	200

OFFENSE	Column A in $	Column B in $
tion 15.08		
Weed, grass nuisance, Section 12.07	25	50
Weapons, Section 40.07	100	200

B. SETTLEMENTS: Settlement payments shall be made to the City Police Department who shall provide the alleged offender with a receipt in the amount of such payment.

C. DISPOSITION OF PAYMENTS: The amounts paid to the City Police Department in settlement of the foregoing claims shall be promptly deposited by the City Police Department with the City Treasurer and shall be credited by the Treasurer to the General Fund.

D. PROSECUTION: The City shall refrain from prosecuting any alleged offender of the foregoing offenses after receipt of such settlement payment.

1.08 RESPONSIBILITY FOR ACTS

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

1.09 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.

1.10 EFFECTIVE DATE

This Code of ordinances shall take effect immediately upon its passage. Publication shall be in book form under the authority of the Mayor and City Council, as provided by law.

1.11 COPIES ON FILE

Copies of this Code shall be kept available at City Hall for public inspection or purchase during City Hall business hours. The cost of said Code shall be determined from time to time by the City Council.

CHAPTER 2
CITY COUNCIL

2.01 Government of City, Wards
2.02 Election, Terms and Powers
2.03 Regular and Committee of the Whole Meetings
2.04 Special Meetings
2.05 Presiding Officer
2.06 Quorum
2.07 Order of Business; Sergeant at Arms
2.08 Open Meetings Act
2.09 City Council Committees
2.10 Special Committee Assignments
2.11 Salaries of Officials
2.12 Rules of Order and Procedure
2.13 At Cost Participation in Employee Benefit Plans by Elected Officials

2.01 GOVERNMENT OF CITY, WARDS *Amended 14-9-1*

A. CITY COUNCIL: The City shall be governed by a City Council which shall consist of a Mayor and eight aldermen. The Mayor shall be elected at large and two aldermen shall be elected from each ward.

B. ELECTION WARDS ESTABLISHED: The City is divided into four wards, bounded as followed:

Ward 1 Boundaries
Beginning at the west city limit at the Union Pacific Railroad Tracks, heading east to North Sponable Street as it dead ends at the railroad tracks, then south along Sponable to West Washington Street, then east on Washington to South Ford Street, then south on Ford to West Grant Highway (USH 20), then east to State Street (STH 23), then south on State Street (STH 23) to the city limit;

-and-

all property within the city limits south of Pleasant Grove Road /Coral Road, regardless of which side of State Street (STH 23) the property is located.

Ward 2 Boundaries
Beginning at the south city limit on State Street (STH 23) north of Coral Road, heading north along the highway (STH 23) and city limits east of the highway (STH 23) to Grant Highway (USH 20), then east on Grant Highway (USH 20) to the east city limit.

Ward 3 Boundaries
Beginning at the east city limit at Grant Highway (USH 20), heading west to East Street, then north on East Street to Greenlee Street, then east to Grace Street, then north on Grace to Van

Buren Street, then further north (at jog of Grace Street west and north at Van Buren) along the rear property lines (and ditch line) of those properties facing Grace Street on the east to Telegraph Street (STH 176), then east on Telegraph (STH 176) to Kishwaukee Street, then north on Kishwaukee Street to Fifth Avenue, then west on Fifth to East Street, then north on East to Eighth Avenue, then further north along the east property line of 508 Eighth Avenue to the rear property line of the those properties facing Eighth Avenue on the north, then west along those property lines facing Eighth Avenue on the north to the east property line of the Sewage Treatment Plant owned by the City of Marengo, then north along the east property line of the City of Marengo Sewage Treatment Plant to the city limit.

Ward 4 Boundaries

Beginning at the west city limit at the Union Pacific Railroad Tracks, heading east to North Sponable Street as it dead ends at the railroad tracks, then south along Sponable to West Washington Street, then east on Washington to South Ford Street, then south on Ford to West Grant Highway (USH 20), then east to East Street, then north on East Street to Greenlee Street, then east to Grace Street, then north on Grace to Van Buren Street, then further north (at jog of Grace Street west and north at Van Buren) along the rear property lines (and ditch line) of those properties facing Grace Street from the east to Telegraph Street (STH 176), then west on Telegraph (STH 176) to Kishwaukee Street, then north on Kishwaukee Street to Fifth Avenue, then west on Fifth to East Street, then north on East to Eighth Avenue, then further north along the east property line of 508 Eighth Avenue to the rear property line of the those properties facing Eighth Avenue on the north, then west along those property lines facing Eighth Avenue on the north to the east property line of the Sewage Treatment Plant owned by the City of Marengo, then north along the east property line of the City of Marengo Sewage Treatment Plant to the city limit.

2.02 ELECTION, TERMS AND POWERS *Amended, 07-4-1, 01-5-1*

A. The members of the City Council shall be elected and serve for a four-year term, and until their successors are elected and qualified, as provided by law. The term of office for each elected member shall begin at the first regular or special meeting following receipt of the official election results.

B. The powers of the City Council shall be purely legislative (the preparation and enactment of laws and administrative rules) except as may otherwise be provided by any other ordinance herein, act or by any article of the Illinois Municipal Code. The City Council shall approve for payment all expenses and liabilities of the City.

2.03 REGULAR MEETINGS

All regular meetings of the City Council shall be held on the second and fourth Monday of every month in the City Hall, 132 East Prairie Street, Marengo, Illinois, at 7:30 p.m.

2.04 SPECIAL MEETINGS

Special meetings of the City Council may be called by the Mayor or any three members of the

City Council, provided that written notice of such meetings shall be given to each member of the City Council no less than 48 hours prior thereto, the following accomplished.

1. Written notice is given to all members of the public body by delivering to their residence a notice of the meeting which shall include the date, time, place, and subject matter of the special meeting. Minutes of the special meeting shall indicate how notice was provided to the members.

2. Notice of the meeting shall be posted at the location of the meeting at the City Hall and at the police station. Said posted notice shall indicate the date, time, place and subject matter of the special meeting.

3. Notification of the special meeting shall be given to all news media requesting notification as provided by law.

2.05 PRESIDING OFFICER

The Mayor shall be the presiding officer of the regular and special meetings of the City Council, and of other meetings when the City Council convenes as a Committee of the Whole. In the absence of the Mayor, the Clerk shall open the meeting and the temporary chairman shall be selected pursuant to Section 3.01-D herein.

2.06 QUORUM

A majority of the elected members of the City Council shall constitute a quorum thereof, but no ordinance shall be passed except upon the affirmative vote of a majority of the elected members of the City Council or according to the Open Meetings Act.

2.07 ORDER OF BUSINESS; SERGEANT AT ARMS

A. ORDER OF BUSINESS: The order of business at all meetings of the City Council shall be determined by the Mayor.

B. SERGEANT AT ARMS: The Chief of Police shall attend every meeting of the City Council and shall act as Sergeant at Arms. In the absence of the Chief of Police, the City Council shall appoint a responsible person to act as Sergeant at Arms. The Sergeant at Arms is authorized to prevent any unlawful disturbance or demonstration at such meetings, and shall provide for the good order of the meeting room prior to every meeting of the City Council.

2.08 OPEN MEETINGS ACT

All City meetings shall comply with the Illinois Open Meetings Act (5 ILCS 120/1, *et seq*.)

2.09 CITY COUNCIL COMMITTEES *Amended, 07-6-4*

There is hereby established the General Administration Committee, the Community

Development Committee and the Transportation Committee of the City Council. Annually, the Mayor shall appoint four aldermen to each committee and the chairman of each committee. Matters referred to the General Administration Committee shall include community events, finance, grants, insurance, legislation, personnel, personnel policies and procedures, police and public safety and such matters as may be assigned to the committee from time to time by the Mayor. Matters referred to the Community Development Committee shall include building, public properties, public works, subdivision, zoning and such matters as may be assigned to the committee from time to time by the Mayor. Matters referred to the Transportation Committee shall include long-term multi-modal transportation planning, parking matters, road network related items that affect City Transportation, pedestrian safety, traffic studies and other matters that may be assigned to the committee from time to time by the Mayor.

All meetings shall be held pursuant to the Open Meetings Act. The Chairman shall be responsible for the minutes of the meeting.

2.10 SPECIAL COMMITTEE ASSIGNMENTS

The Mayor may appoint a special committee to conduct investigations, make detailed studies of pending proposals or projects and deliver specific findings to the City Council for final action.

The findings of any special committee shall be reduced to a written report. On presentation to and acceptance of the committees report to the City Council the special committee shall be disbanded.

Any special committee must conform to the requirements of the Open Meetings Act (5 ILCS 120/1 *et seq.*) by posting a public notice of all committee meetings where two or more elected officials are in attendance. Minutes must be taken at all special committee meetings.

2.11 SALARIES OF OFFICIALS *Amended, 08-9-5, 05-10-1, 00-11-2*

A. ALDERMEN: The City shall pay each Alderman a salary of $3,600 per fiscal year, to be paid in monthly installments. As additional compensation, Aldermen shall be given the option to participate, at their own cost, in various insurance and benefit plans offered to City employees.

B. MAYOR: The City shall pay the Mayor $10,000 per fiscal year, to be paid in monthly installments. As additional compensation, the Mayor shall be given the option to participate, at his or her own cost, in various insurance and benefit plans offered to City employees.

C. CLERK: The City shall pay the Clerk $3,000 per fiscal year, to be paid in monthly installments. As additional compensation, the Clerk shall be given the option to participate, at his or her own cost, in various insurance and benefit plans offered to City employees.

D. LIQUOR COMMISSIONER: The City shall pay the Liquor Commissioner

$2,000 per fiscal year, to be paid in monthly installments.

E. TREASURER: The City shall pay the Treasurer $2,000 per fiscal year, to be paid in monthly installments.

2.12 RULES OF ORDER AND PROCEDURE

The following rules of order and procedure shall govern the deliberations and meeting of the City Council and the committees thereof.

1. DUTIES:

   A. PRESIDING OFFICER, DUTIES OF THE PRESIDING OFFICER: The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members and shall decide all questions of order subject to appeal. The presiding officer may speak to matters being considered by the City Council without relinquishing the chair.

      In case of any disturbances or disorderly conduct, the presiding officer shall have the power to require the City Council room to be cleared.

   B. MEMBERS, DUTIES OF MEMBERS: While the presiding officer is putting the question, no member shall walk across or out of the City Council chambers.

      Every member, previous to their speaking or making a motion, shall address themselves to the presiding officer and shall not proceed with their remarks until recognized and named by the chair. They shall confine themselves to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

      When two or more members address the chair at the same time, the presiding officer shall name the member who is first to speak.

2. VISITORS: Except during the time allotted for public discussion and comment, no person other than a member of the City Council shall address that body, except with the consent of two of the members present. The City Council by a majority vote may limit the time available for public comment.

3. PRESENTATION OF NEW BUSINESS AND DEFERMENT: Upon the request of any two City Council members present, any report of a committee of the City Council shall be deferred (for final action thereon) to the next regular meeting of the City Council after the report is made.

4. DEBATE: No member shall speak more that once on the same question, except by unanimous consent, and then not until every other member desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under

consideration or the chairman of the committee whose report is under consideration, as the case may be, shall have the right to open and close debate. No member shall speak longer than five minutes at any one time, except by consent of the City Council. In closing debate on any questions, as above provided, the speaker shall be limited to five minutes, except by special consent of the City Council.

5. CALL TO ORDER: A member, when called to order by the chair, shall thereupon discontinue speaking and take their seat, and the order of ruling by the chair shall be binding and conclusive, subject only to the right of appeal.

6. VOTING: Every member who shall be present when a question is stated from the chair shall vote thereon or abstain at the time that their name is first called. A failure to vote shall be counted as an abstention and will count in the manner established by law. Any member required to abstain on a matter due to conflict of interest shall so declare.

7. ORDINANCES:

   A. Style of Ordinances: The style of all ordinances shall be "BE IT ORDAINED by the Mayor and City Council of the City of Marengo, McHenry County, Illinois," as provided by statute.

   B. "Yea" and "Nay" Vote: The yeas and nays shall be taken on the passage of all ordinances and on all propositions to create any liability against the City, or for the expenditure or appropriation of its money, and in all other cases at the request of any member of the City Council. Such vote shall be entered on the journal of the proceedings, as is provided by statute.

   C. Record of Ordinances: The Clerk shall record, in an ordinance book used for such purpose, all ordinances passed by the corporate authorities.

   D. Publication: All ordinances imposing any fine, penalty, imprisonment or forfeiture or making any appropriation, shall be published as required by statute, either in a newspaper or in pamphlet form, in which case the ordinance in its pamphlet form shall be displayed for not less than 10 days in a public place in the City Hall.

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

8. ADOPTION OF *ROBERT'S RULES OF ORDER*: The rules of parliamentary practice contained in the latest published edition of *Robert's Rules of Order* shall govern the City

Council in all cases to which they are applicable and in which they are not inconsistent with the special rules of this City Council or the statutes or laws of the state.

9. TEMPORARY SUSPENSION OF RULES; AMENDMENT OF RULES: These rules may be temporarily suspended, repealed, altered or amended by a two-thirds vote of the corporate authorities then holding office.

10. CENSURE OF MEMBERS; EXPULSION OF MEMBERS: Any member of the corporate authorities acting or appearing in a lewd, disorderly or disgraceful manner, or who uses opprobrious, obscene or insulting language to or about any member of the corporate authorities, or who does not obey the order of the chair, shall be, on motion, censured by a majority vote of the corporate authorities and, in addition, may be fined not to exceed $100 for each such occurrence. With the concurrence of two-thirds of the corporate authorities elected, the corporate authorities may expel a member, but not a second time for the same offense.

2.13 AT-COST PARTICIPATION IN EMPLOYEE BENEFIT PLANS BY ELECTED OFFICIALS *08-9-5*

A. POLICY: It is the policy of the City that the City's elected officials are valuable public servants and should be entitled to participate, at their own expense and without expenditure of City funds, in the insurance and benefits plans offered to City employees.

B. EXERCISE OF OPTION: Any elected official taking office after the April 2009 municipal elections may, within 30 days of taking office, elect to participate in any insurance of benefit plan offered generally to City employees. The exercise of this option must be made by notifying the Administrator in writing. After 30 days of taking office, the elected official may only opt in or opt out of the benefit plans as practicable in the discretion of the Administrator.

C. CALCULATION OF COST: Within seven days of an elected official taking office, the Administrator shall notify the elected official of (1) his or her right to participate in employee benefit plans at cost, and (2) the available plans and the annual premium for each. If no annual premium is available, the proper periodic premium shall be indicated.

D. PERMITTED PLANS: Elected officials shall be entitled to participate in the following plans, if available to City employees, and these plans only, at their own expense and at the marginal cost thereof as if the participating elected official was an additional employee:

1. Vision insurance;
2. Dental insurance; and
3. Life insurance.

E. PAYMENT FOR PARTICIPATION: Any elected official who elects to participate in a plan under this Section shall tender the full annual premium to the Administrator. If there is no premium, the total periodic premiums for one year shall be tendered.

F. NO PAYMENT BY CITY: Under no circumstances shall the City pay for any premium, deductible or other cost under insurance or benefit plans for an elected official. The elected official must pay for all marginal payments related to his or her participation in the plan.

G. EXCEPTION – DEDUCTION: Notwithstanding Sections 2.13-D and E, an elected official who elects to participate in an employee insurance or benefit plan may pay for the plan by authorizing the City to deduct from his or her monthly compensation an amount sufficient to pay the cost of the official's participation in the insurance and benefit plans so elected. To the extent the elected official's compensation is less than the premium, the elected official shall be responsible for any balance.

H. OPTION AS COMPENSATION: The option to participate in the above-specified benefit and insurance plans at cost is compensation to elected officials. The exercise, or lack of exercise, or a change in the exercise of the option to participate in the said plans, shall be deemed not to be a change in compensation. Rather, the option itself is a non-monetary emolument. It shall be deemed paid for the duration of the term on the day of taking office.

CHAPTER 3
CITY ADMINISTRATION

3.01 Mayor
3.02 Clerk
3.03 Treasurer
3.04 Attorney
3.05 City Administrator
3.06 Planning and Zoning Commission
3.07 Reserved
3.08 Economic Development Commission
3.09 Bonds of Officers
3.10 Officers and Employees of the City
3.11 City Records
3.12 Illinois Municipal Retirement Fund
3.13 Corporate Seal
3.14 Fiscal Year
3.15 City Datum, Bench Mark
3.16 Indemnification
3.17 Code of Ethics

3.01 MAYOR *Amended, 09-8-4*

A. ELECTION AND TERM: The Mayor shall be elected for a four-year term and shall serve until his successor is elected and qualified, as provided by law.

B. DUTIES: The Mayor shall be the Mayor of the City Council and shall preside at properly called meetings of the City Council. S/he shall devote to the duties of the office whatever time the faithful discharge thereof may require. The Mayor at all times may examine and inspect the books, records and papers of any agent, employee or officer of the City. The Mayor shall perform all the duties which are prescribed by law, including City ordinances, and shall take care that the laws and ordinances are faithfully executed.

The Mayor, from time to time, may and annually give the City Council information relative to the affairs of the City, and may recommend for its consideration such measures as s/he believes expedient.

C. APPOINTMENT OF OFFICERS: The Mayor shall have the power and authority to appoint, by and with the advice and consent of the City Council, all officers of the City whose election or appointment is not otherwise provided for. Any vacancies occurring in an appointive office shall be filled in like manner.

D. MAYOR PRO TEM: During any temporary absence or disability of the Mayor, the City Council shall select one of their own as Mayor Pro Tem, who shall possess the powers and authority of the Mayor as provided by law and by ordinance.

E. EMERGENCIES: In the event of an accident, disaster or other circumstance creating a public emergency, the Mayor may award contracts, make purchases and incur other obligations of the City for the purpose of meeting said emergency, up to $500. In the event such expenditure is for any claim against the City, a signed waiver shall be required from the party making the claim at the time of payment. As soon as practical, the Mayor shall file with the City Council a written statement of such emergency, the necessity for such action and an itemized account of all expenditures or obligations incurred.

F. ACTING MAYOR: In the event of a vacancy in the office of Mayor, the City Council may appoint one of their own as the acting Mayor to serve until the vacancy is filled as provided by law.

G. EMERGENCY INTERIM EXECUTIVE: Pursuant to the Emergency Interim Executive Succession Act (5 ILCS 275/1 *et seq.*), the following officers are designated as the emergency interim successors to the office of Mayor in the following order:

1. The Alderman with the highest number of years in office.

2. The Alderman with the second highest number of years in office.

3. The Alderman with the third highest number of years in office.

The powers and duties of the emergency interim successor shall be pursuant to the Emergency Interim Executive Succession Act.

H. BOND: Before entering upon the duties of office, the Mayor shall execute a bond in such amount and with such sureties as may be required by law and by ordinance, conditioned upon the faithful performance of the duties of the office. The City shall pay the premium on such bond.

The Mayor shall act for and on behalf of the City on formal occasions and receptions. In the Mayor's absence or inability to attend any such function, the City Council may select any other City officer to so act.

3.02 CLERK

A. ELECTION AND TERM: The City Clerk ("Clerk") shall be elected (or appointed if a vacancy occurs in the Office of City Clerk) and shall serve a four-year term, and until a successor is elected and qualified as provided by law.

B. GENERAL DUTIES, OATH, BOND: The Clerk shall have all powers and perform all duties provided by the laws of the State of Illinois and the ordinances of the City. The Clerk shall, before entering upon the duties of the office, take and subscribe the usual oath thereof and execute a bond in such amount and with such sureties as may be required by law or by ordinance, conditioned upon the faithful performance of the Clerk's duties. The cost of the bond shall be borne by the City.

C. DUTIES: The Clerk shall, in addition to the duties imposed by law, perform the following duties:

1. To attend all meetings of the corporate authorities and keep a full and accurate record of their proceedings.

2. To record all ordinances passed by the City Council, in a suitable book or books kept for that purpose. At the foot of the record for each ordinance there shall be a note of the date of the passage, approval and publication thereof, which record memorandum or certified copy thereof shall be evidence of the passage and publication of such legal ordinance for all purposes. The original of all ordinances passed by the City Council shall be filed with the Clerk.

3. To deliver to the Mayor all ordinances or resolutions to be approved or otherwise acted upon by the Mayor.

4. To maintain custody of and retain possession of the corporate seal of the City and to affix the same to all papers and documents when required.

5. To have custody of and safely keep and preserve in the Clerk's office all papers, books, records, maps, documents and effects of every description belonging to the City and not in actual use and possession of other City officers. To deliver upon demand any of the aforesaid articles, when not needed for immediate use to any officer of the City having a right to them. Upon his removal or resignation or the expiration of the term of office, to deliver all of such effects to the successor in the office of the Clerk.

6. To sign and keep a record of all licenses and permits issued by and on behalf of the City and the applications therefor that are not the responsibility of any other officer or official.

7. To file and keep in the Clerk's office the original of all ordinances passed or a pamphlet thereof when the same are published in pamphlet form. When any ordinance is published in a newspaper, to secure from the publisher thereof and attach to such ordinance a certificate of such publication.

8. To prepare all commissions, licenses, permits and other official documents required to be issued under the laws and ordinances of the City and to affix

the corporate seal thereto. In like manner to attest all deeds for the sale of real estate conveyed by the City, unless otherwise provided by special ordinance.

9. Shall attest the signature of the Mayor to any and all proceedings of the City Council.

D. ABSENCE: In case the Clerk is absent from any regular or special meeting the Deputy Clerk, if any, shall act as Clerk Pro Tem. In the absence of both the Clerk and Deputy Clerk, the Mayor may appoint one of the Aldermen as Clerk Pro Tem; such appointment shall not prohibit such Alderman from acting in the capacity of Trustee also.

E. FAILURE TO PERFORM DUTIES: It shall be unlawful for the Clerk to knowingly and wilfully destroy any of the records of the City or knowingly or wilfully omit or fail to perform any of the duties of office. For the violation of any of the provisions of this Section 3.02, upon conviction, a fine may be imposed of not less than $25 nor more than $750 for each offense.

F. SALARY: The annual salary of the Clerk shall be that sum found in Section 2.17-C of this Code.

G. DEPUTY CLERK: Subject to the advice and consent of the Mayor and City Council, the Clerk may appoint one Deputy Clerk, who need not be a resident of the City. Because the Clerk's position is part-time, said appointment should be a full-time employee of the City. When performing the duties of Deputy Clerk, compensation shall be at the hourly rate paid to the City employee. The Deputy Clerk shall report to the Administrator.

3.03 TREASURER *Amended, 08-9-1*

A. CREATION OF OFFICE AND APPOINTMENT: There is hereby created the office of City Treasurer ("Treasurer"), an executive office of the City. The Treasurer shall be appointed by the Mayor, by and with the advice and consent of the City Council, and shall serve at the pleasure of the Mayor and City Council. The Treasurer shall report to the Mayor and City Administrator.

B. DUTIES: The Treasurer shall perform the following duties:

1. Shall receive all money paid in to the City, either directly or from other City officers, and shall make out all checks of the City and pay out City funds only on vouchers, orders or checks properly signed by the Mayor and any one of either the Administrator, Treasurer or Clerk; verifying that the signatures are authentic or hand-stamped by the individual whose name is represented. Signatory priority shall be as stated herein. In the event there is a vacancy in the office of Administrator, the City Administrator's assistant is authorized to sign checks.

2. Shall deposit the City funds in such legal depositories as may be designated by the City Council by resolution or ordinance, and shall keep the City funds separate and distinct from his own funds and any others with the City funds, and he shall not make private or personal use of the City funds. Depositories designated by the City Council are: First National Bank of Marengo, Marengo; First National Bank of Chicago, Marengo; Harris Bank Marengo, Marengo; Prairie State Bank, Marengo; and The Illinois Funds, Springfield

3. Shall keep and maintain accurate books and records of account showing all moneys received by him the purpose for which such money was paid out, and shall keep a record showing at all times the financial condition of the City, and shall make monthly reports to the City Council showing the funds received and disbursed during the month, and shall make an annual report to the Council between the first and 10th day of May of each fund, showing the total amount of all receipts and expenditures of the City, and showing all of his transactions as Treasurer during the preceding year.

4. Shall keep a register of all warrants, bonds or orders filed with the Treasurer or paid by the Treasurer, and of all vouchers, as provided by law or by ordinance.

5. From time to time the Treasurer may invest City funds not immediately necessary to meet City obligations in such depositories or in such securities as the Treasurer may deem in the best interest of the City, provided however, that at the next regular meeting of the Mayor and City Council, the Treasurer shall request ratification of the action in making any investment.

6. In addition, the Treasurer shall perform such other duties as may be required by law or by ordinance.

C. BOND: Before entering upon the duties of office, the Treasurer shall execute a bond in such amount and with such sureties as may be required by law and by ordinance, conditioned upon the City against any loss due to any neglect of duty or wrongful act on the part of the Treasurer. The City shall pay the premium of such bond.

3.04 ATTORNEY

A. CREATION OF OFFICE AND APPOINTMENT: There is hereby created the office of City Attorney, an executive office of the City. The City Attorney shall be appointed by the Mayor, by and with the advice and consent of the City Council. The City Attorney need not be a resident nor a qualified elector of the City.

B. DUTIES: The City Attorney shall be the legal advisor of the City, and shall render advice upon all legal questions affecting the City whenever requested to do so by the Mayor,

Administrator, Chief of Police or upon authorization of the City Council. Upon the request of the Mayor or the City Council, the City Attorney shall reduce legal advice opinions to writing.

The City Attorney shall prosecute or defend any and all suits or actions at law or in equity to which the City may be a part, or in which the City may be interested, or which may be brought against or by any officer of the City on behalf of the City or in the capacity of such person as an officer of the City.

The City Attorney shall act to enforce in full all judgments, decrees or orders rendered or entered in favor of the City, and to carry out to completion all special assessment and condemnation proceedings as directed by the Mayor and City Council.

C. BOND: The City Attorney shall not be required to furnish bond before entering upon the duties of the office.

3.05 CITY ADMINISTRATOR

A. APPOINTMENT: The City Council is hereby authorized to employ a City Administrator ("Administrator"). Such Administrator shall be retained and removed by the Mayor and Aldermen voting jointly. The Administrator need not be a resident or a qualified elector of the City. The City may contract for the services of the Administrator.

B. COMPENSATION: Compensation of the Administrator shall be as determined by the City Council.

C. DUTIES: The Administrator shall perform all duties assigned to him by the Mayor and City Council. Except for the Chief of Police, all City employees shall report to the Administrator.

D. BOND: Before entering upon the duties of his position, the Administrator shall execute a bond in the amount of $100,000 and with such sureties as may be required by law and by ordinance, conditioned upon the faithful performance of the Administrator's duties and to indemnify the City against any loss due to any neglect of duty or wrongful act on the part of the Administrator. The bond of the premium for said bond shall be borne by the City.

3.06 PLANNING AND ZONING COMMISSION *01-4-4*

A. CREATION: A Planning and Zoning Commission is hereby created for the City to carry out the duties of a plan commission and zoning board of appeals. When used in this Section 3.06, "Commission" shall be construed to mean the Planning and Zoning Commission and "Commissioners" shall be construed to mean the members of the Commission.

B. MEMBERSHIP: The Commission shall consist of a chairman and six members to be appointed by the Mayor with the advice and consent of the City Council. The Mayor shall be an ex-

officio member of the Commission. The Chairman shall be appointed annually by the Mayor with the advice and consent of the City Council. Annually, the Commissioners shall elect one of its own to serve as vice-chairman.

C. TERM OF OFFICE: The first appointees shall serve for the following terms, or until their respective successors, in similar manner, have been appointed and qualified: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years. Successors to each member so appointed shall serve five-year terms except that vacancies shall be filled for the unexpired term of the membership vacated. The term of each Commissioner shall expire April 30 of the year of the expiration of its respective term of office. Thereafter, the appointments shall be made at the first meeting of the fiscal year of the City Council.

D. VACANCY: Any vacancy on the Commission shall be filled in the same manner as the original appointment.

E. REMOVAL: The Mayor, with the approval of the City Council, may remove any member of the Commission for cause after a public hearing.

F. COMPENSATION: The Chairman and members of the Commission shall receive, as compensation, $50 and $30, respectively, for each attended commission meeting.

G. PLAN COMMISSION, ZONING BOARD OF APPEALS REFERENCE: Any ordinance, code, regulation, etc., of the City or state statute that references the Plan Commission and/or Zoning Board of Appeals shall mean the Planning and Zoning Commission.

H. DUTIES OF THE PLANNING AND ZONING COMMISSION: The duties of the Planning and Zoning Commission are as follows:

1. To prepare and recommend to the City Council a comprehensive plan of public improvements looking to the present and future development of the City. After its adoption by the City Council this plan shall be known as the Official Plan of the City of Marengo. Thereafter, from time to time, the Commission may recommend changes in the Official Plan. This plan may include reasonable requirements with reference to the streets, alleys and public grounds in unsubdivided land situated within the corporate limits or in contiguous territory not more than 1½ miles beyond the corporate limits and not included in any municipality. These requirements shall be effective whenever this unsubdivided land is subdivided after the adoption of the Official Plan.

   Following the adoption of the Official Plan no map or plat of any subdivision presented for record affecting land within the corporate limits of the City or in contiguous territory outside of and not more than 1½ miles from those limits and not included in any other municipality, shall be entitled to record

or shall be valid unless the subdivision thereon shall provide for streets, alleys and public grounds in conformity with the Official Plan.

2. To prepare and recommend to the City Council from time to time plans for specific improvements pursuant to the Official Plan.

3. To give aid to the City officials charged with the direction of projects for improvements embraced within the Official Plan and to further the making of these projects, and generally promote the Official Plan.

4. To exercise such other powers, germane to the powers granted by this Code as may be conferred by the City and are granted a City under the Illinois Municipal Code (65 ILCS), including, but not limited to Sections 5/11-12-1 to 5/11-12-12.

5. To hear appeals from any order, requirement, decision or determination of the Building Commissioner, relating to the Marengo Zoning Ordinance by any person, firm or corporation aggrieved thereby, or by any officer, department, Council or commission of the City. The appeal shall be taken within 45 days of the action complained of by filing a notice of appeal, in duplicate, specifying the grounds thereof, in the office of the City Clerk who shall transmit forthwith one copy to the Building Commissioner and one copy to the Chairman of the Commission. The Building Commissioner shall forthwith transmit to the Chairman of the Commission all the papers constituting the record upon which the action appealed from was taken.

   An appeal stays all proceedings in furtherance of the action appealed from unless the Building Commissioner certifies to the Commission that, by reason of facts stated in the certification, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed except by a restraining order issued by the Commission or a court of record after notice to the Building Commissioner and on due cause shown.

   The Commission shall select a reasonable time and place for the hearing of the appeal, give due notice thereof to all interested parties and shall render a written decision on the appeal without unreasonable delay. Any person may appear at the hearing and present testimony in person or by a duly authorized agent or attorney. The Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Building Commissioner.

6. To recommend to the City Council after holding a public hearing on application for variations from the strict enforcement of any provisions of

this the Marengo Zoning Ordinance, in accordance with the rules and standards set forth therein.

7. To recommend to the City Council, after holding a public hearing, on applications for special uses listed in each of the several zoning districts.

8. To recommend to the City Council, after holding a public hearing, on applications for planned developments referred to it by the City Council and to hear and decide other matters referred to it or upon which it is required to pass under the provisions of the Marengo Zoning Ordinance.

9. To recommend to the City Council, after holding a public hearing, on petitions for amendment of the provisions of the Marengo Zoning Ordinance and the boundary lines of zoning districts established therein.

10. To transmit to the City Council, with every recommendation, findings of fact and to refer to any exhibits containing plans and specifications relating to its recommendation, which plans and specifications shall remain a part of the permanent records of the Commission. The findings of facts shall specify the reason or reasons for its recommendation. The terms of the relief recommended shall be specifically set forth in a conclusion or statement separate from the findings of fact of the Commission.

11. To file immediately in the office of the City Clerk every rule, order, requirement, decision or determination of the Commission after any meeting or hearing, which shall be a public record.

12. Nothing contained herein shall be construed to authorize the Commission to change any of the provisions of the Marengo Zoning Ordinance or district boundary lines established hereby. The concurring vote of four members shall be necessary to reverse any order, requirement, decision or determination of the Building Commissioner or to decide in favor of the applicant any matter upon which the Commission is authorized to act.

13. Additional duties of the Commission are also outlined in the Marengo Zoning Ordinance, this Code and the Illinois Municipal Code.

I. SPECIAL ZONING COMMISSION: The Commission shall serve as a special zoning commission whenever a text amendment is proposed to the Marengo Zoning Ordinance.

J. MEETINGS: All meetings of the Commission shall be held at the call of the Chairman and at such other times as the Commission and/or City Council may determine. The presence of four members shall be necessary for a quorum. All meetings shall be open to the public. The Chairman, or Acting Chairman, may administer oaths and compel the attendance of witnesses.

The Commission shall keep minutes of its proceedings, keep record of its examinations and other official actions, prepare findings of fact and record the individual votes upon every question. Expenses incurred by the Commission in the performance of official duties are to be itemized and shall be reimbursed by the City.

3.07 RESERVED

3.08 ECONOMIC DEVELOPMENT COMMISSION *05-6-2; Amended, 08-5-1*

A. ESTABLISHMENT: It is hereby established a citizens commission which shall be known as the Marengo Economic Development Commission ("Commission") for the purpose of structuring sound economic development programs through conducting such research and inventory of resources for the preparation of industrial fact profiles to be used in presentations to industrial and commercial prospects considering expansion or location in the Marengo area. The Commission shall make its findings and recommendations to the City Council in the manner provided herein.

B. MEMBERSHIP The membership of the Commission shall be composed of 11 Commissioners; residency in the City shall not be required by four members. The Commissioners shall be appointed by the Mayor with the advice and consent of the City Council. One of the nine Commissioners shall be appointed chairperson by the Mayor with the advice and consent of the City Council.

The term office for each Commissioner shall be three years beginning on May 1.

Upon expiration of a member's term, successors shall be appointed for three-year terms by the Mayor, with the advice and consent of the City Council. In addition to the 11 members herein provided, the Mayor shall serve as an ex officio, non-voting member.

C. POWERS AND DUTIES: The Commission shall have the following powers and duties:

1. To investigate and become informed about existing businesses, commercial enterprises and industries in the City and to promote rehabilitation and expansion wherever and whenever possible.

2. To investigate and become informed about the economic climate in the City and, after findings of fact, make recommendations to the City Council.

3. To provide information to the management of various industries and commercial enterprises which may be interested in locating their plants, facilities or businesses within the City and to promote the City for such purpose, in the event that, in the opinion of the Commission, such industries are of such a kind and nature that would enhance the City economically and would contribute to its natural expansion and growth.

4. To evaluate economic forces for optimum contributions to creation of jobs and provision of service for the citizens of the City; for improvement of the tax base; for minimal impact on the natural environment and the community's ability to provide basic services.

5. To recommend to the City Council the provision or procurement of professional services to carry out the activities of the Commission.

D. FUNDING: The Commission shall be authorized to expend no municipal funds other than those appropriated and approved by the City Council.

E. VOLUNTEERS: The Commission is authorized to enlist the volunteer services of such other members of the community who will assist in achieving the goals of sound economic growth, recognizing broad community involvement will assure broad community support.

F. REPORTING AND RECORDING KEEPING: The Commission shall comply in all respects with the Open Meetings Act (5 ILCS 120/1 *et seq.*) and shall keep comprehensive minutes of all meetings which describe clearly and completely each and every subject discussed at said meeting and any action taken by the Commission. Copies of said minutes shall be provided to the City Council together with any support data, documents and attachments. The Commission shall meet no less than six times per calendar year. The Commission may also hold additional special meetings, as necessary, as part of its business visitation program. City staff shall supply the Commission with program status reports during those months when the Commission is not scheduled to meet. The Commission shall make periodic reports on its progress and shall make recommendations to the City Council regularly, but in no case, not less than once every six months.

G. COMPENSATION: Commissioners shall be paid a per diem in such amount as is established from time to time by the City Council; but in no case shall the Commissioners be paid for more than one meeting per month.

H. VACANCIES: If a vacancy occurs on the Commission, said vacancy shall be filled by the appointment of a Commissioner by the Mayor with the advice and consent of the City Council. However, no such appointment shall be made until the expiration of 30 days after the occurrence of the vacancy.

3.09 BONDS OF OFFICERS

A. Every officer and employee of the City, as may be required so to do by law or by ordinance, before entering upon the duties of the office or position of employment, shall give a bond in such amount and with such sureties as may be required by law or by the City Council, which shall be subject to the approval of the City Council, and which shall be conditioned upon the faithful performance of the duties of the office or position of employment. Unless otherwise provided for by law or by ordinance, such bonds shall have as surety a company or corporation licensed to act as

surety in the State of Illinois and to do business in the State of Illinois. The premiums of such bonds shall be paid out of the general funds of the City.

B. The penalty of bonds of certain elected and appointed officers and employees of the City shall not be less than:

Mayor	$ 10,000
Treasurer	$ 100,000

3.10 OFFICERS AND EMPLOYEES OF THE CITY *Amended, 02-2-1, 01-8-2, 01-3-2*

A. EFFECT OF SECTION: The provisions of this Section 3.10 shall apply alike to all officers and employees of the City, regardless of the time of the creation of the office or position of employment, and regardless of the time of the appointment of the officer or employment of the employee.

B. APPOINTMENTS: The Mayor, by and with the consent of the City Council, shall make appointments to fill all appointive offices. The respective department heads shall select all employees and fill all positions of employment of the City, with the advice and consent of the City Council, with the exception of Police Department personnel, which fall under the jurisdiction of the Marengo Police Commission.

C. TERMS OF OFFICE, VACANCIES: Every appointed officer of the City shall hold office for a period of one year from the date of appointment and until a success is appointed and qualified. However, the term of office shall expire no later than the end of the last municipal year in the Mayor's term unless otherwise provided by statute.

D. ASSIGNMENT OF DUTIES: The City Council shall have the power and authority to assign to any appointed officer any duty which is not assigned by ordinance or by law to some other specific officer, and the City Council shall mediate and determine all disputes or questions relating to the respective powers and duties of such officers.

E. RECORDS: All records kept or maintained by any officer or employee of the City shall be open to inspection by the Mayor or any member of the City Council at all reasonable times, whether or not such records are required to be kept by statute or ordinance.

F. MONIES RECEIVED: Every officer of the City shall daily turn over all monies received in their official capacity to the Treasurer, with a statement showing the source from which the same was received, and shall take the Treasurer's receipt therefore.

G. OATH: Before entering upon the duties of their respective offices, all City officers, whether elected or appointed, shall take and subscribe the oath or affirmation as set forth in the Illinois Municipal Code.

H. SALARIES AND WAGES: All officers and employees of the City shall receive such salaries or wages as may be provided from time to time by ordinance. No officer or employee receiving a salary from the City shall be entitled to retain any portion of any fees collected or received in the performance of any duties as a City officer or employee, in the absence of specific authorization to the contrary as may be provided by law or by ordinance.

I. CONSERVATORS OF THE PEACE: The Mayor, Aldermen, Chief of Police and policemen shall be conservators of the peace, and shall have such powers of arrest, commitment and detention as may be prescribed by law or by ordinance.

J. TERMINATION OF OFFICE OR EMPLOYMENT: Every officer and employee of the City, upon the termination of an office or employment, shall deliver to his successor all books and records which may be the property of the City. If no successor has been elected, chosen or appointed within seven days after the termination of such office or position of employment, such property shall be delivered to the Clerk or to the Treasurer, and a receipt taken therefor.

3.11 CITY RECORDS

A. DEFINITIONS: Except as provided in Appendix A, terms used in this Section 3.11 mean as follows:

Act: Freedom of Information Act, 5 ILCS 140.1 *et seq.*

City Record: An original, not a copy, of all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of the City. A City Record includes, but is expressly not limited to:

1. Administrative manuals, procedural rules and instructions to staff unless exempted by the Act;

2. Final opinions and orders made in the adjudication of cases, except employee grievance or disciplinary cases;

3. Substantive rules;

4. Statements and interpretations of policy which has been adopted by the City Council;

5. Final planning policies, recommendations and decisions;

6. Factual reports, inspections reports and studies prepared by or for the City;

7. All information in any account, voucher or contract dealing with the receipt or expenditure of City funds;

8. The names, salaries, titles and dates of employment or election of all employees and officers of the City;

9. Materials containing opinions concerning the rights of the City or of any other person;

10. The name of every official and the final records of voting in all proceedings of the City;

11. Applications for any contract, permit, grant or agreement except as exempted from disclosure by the Act;

12. Each report, document, study or publication prepared by independent consultants or other independent contractors for the City;

13. All other information required by law to be made available for public inspection or copying; and

14. Information relating to any grant or contract made by or between the City and another public body or private organization.

B. RECORD DEPOSITORIES: City Records shall be kept in the City's official place of business, the City Hall or City maintenance building, as appropriate, or such other depositories as designated by the City Council, and be available for public inspection or copying, pursuant to the Act, during City Hall business hours.

C. POSSESSION OF CITY RECORDS: Within five days after notification by the Administrator or Clerk, to be made by certified mail, return receipt requested, any person shall deliver to the Clerk all property, books and effects in his possession, belonging to the City, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby and subject to a fine of not less than $500 for each violation; each day that the violation continues shall be considered a separate offense. The Clerk shall deliver those records deemed necessary to the successor in office to carry out his duties.

D. LOCAL RECORDS ACT: The disposition of any City Record shall be in accordance with the Local Records Act, 50 ILCS 205/1 *et seq.*

3.12 ILLINOIS MUNICIPAL RETIREMENT FUND

All persons who are employed by the City and who occupy an office or are employed in a position normally requiring performance of duty for less than 1,000 hours per year for the City are excluded from participation and eligibility for IMRF benefits. This provision shall not affect persons

employed prior to January 1, 1982 in a position normally requiring performance of duty for 600 hours or more per year by the City.

3.13 CORPORATE SEAL

The corporate seal of the City shall be as follows: A circular disc with the words "City of Marengo, Illinois" inscribed on the outer circle and, on the inner circle, the words "Incorporated August 14th, 1893" inscribed.

3.14 FISCAL YEAR

The fiscal year of the City shall begin on May 1st of each year and ending on April 30th of the following year.

3.15 CITY DATUM, BENCH MARK

The City datum is hereby established as a rectangular bench mark, cut in the face of the stone, 50 feet below the top of the stone door sill of the brick building located on the southeast corner of State Street and Washington Street.

3.16 INDEMNIFICATION

A. In the event a lawsuit is filed against any former or current elected City officer for acts relating to the City or City business affairs while in office, the City shall retain and pay counsel of its choice to defend the City shall also indemnify the officers for any acts for which he or she is found liable within the scope of his or her office, duty or employment with the City. The protection afforded to officers in this Section 3.16 shall apply where defense and indemnity is not adequately provided for, without any conflict of interest, by the City's liability insurance carrier.

B. The City shall defend and indemnify all former and current City employees for acts within the scope of their duties and employment not otherwise covered by the liability insurance carrier of the City.

3.17 CODE OF ETHICS *04-5-3*

A. DECLARATION OF POLICY: The proper operation of democratic government requires that Officers and Employees be independent, impartial and responsible to the people; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a Code of Ethics for all City Officers and Employees is adopted. The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for all City Officers and Employees by setting forth those acts or actions that are incompatible with the best interest of the City and by directing disclosure by such Officers and Employees of private financial or other interests in matters affecting City life.

B. CODE OF ETHICS: The requirements set forth herein shall constitute a Code of Ethics establishing reasonable standards and guidelines for the ethical conduct of Officers and Employees of the City.

C. DEFINITIONS: In addition to the definitions found in Appendix A of this Code, the terms, whether capitalized or not, used in this Section 3.17 shall mean as follows:

Campaign for elective office means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a Political Organization, or the selection, nomination, or election of presidential or vice-presidential electors, but does not include activities: (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.

Candidate means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

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).

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 Section 3.17, 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.

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.

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

Employee means a person employed by the City, 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.

Employer means the City of Marengo.

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 Employee.

Intra-Governmental Gift means any gift given to an Officer or Employee of the City from another Officer or Employee of the City.

Inter-Governmental Gift means any gift given to an Officer or Employee of the City from a member or employee of the legislative branch of the government of the State, a judge or employee of the judicial branch of the government of the State, an officer or employee of the executive branch of the government of the State, an officer or employee of a unit of local government, home rule unit or school district, or an officer or employee of any other governmental entity.

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.

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

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.

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

Prohibited Political Activity means:

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

2. Soliciting contributions, including but not limited to the purchase of, selling, distributing or receiving payment for tickets for any political fund-raiser, political meeting or other political event.

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

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

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

6. Assisting at the polls on election day on behalf of any Political Organization or candidate for elective office or for or against any referendum question.

7. Soliciting votes on behalf of a candidate for elective office or a Political Organization or for or against any referendum question or helping in an effort to get voters to the polls.

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

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

10. Preparing or reviewing responses to candidate questionnaires.

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

12. Campaigning for any elective office or for or against any referendum question.

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

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

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

Prohibited Source means any person or entity who:

1. is seeking official action (i) by an Officer or (ii) by an Employee or by the Officer or another Employee directing that Employee;

2. 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;

3. conducts activities regulated (i) by the Officer or (ii) by an Employee, or by the Officer or another Employee directing that Employee; or

4. has interests that may be substantially affected by the performance or non-performance of the official duties of the Officer or Employee.

Relative means those people related to the Officer or Employee as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather or grandmother of the Officer's or Employee's spouse and the Officer's or Employee's fiancé or fiancee.

D. 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 City 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 as 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 Section 3.17-D prohibits activities that are permissible for an Officer or Employee to engage in as part of his or her official duties, or activities that are undertaken by an Officer or Employee on a voluntary basis which are not prohibited by this Section 3.17.

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.

E. GIFT BAN:

1. Except as permitted by this Section 3.17, 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 3.17.

2. EXCEPTIONS: Section 3.17-E1 is not applicable to the following:

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

   b. Anything for which the Officer or Employee, or his or her spouse or immediate family member, pays the fair market value.

   c. Any (i) contribution that is lawfully made under the Election Code; or (ii) activities associated with a fund-raising 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.

   g. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (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 3.17-E, "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.

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 3.17-E 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 Section 3.17f 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.

F. ETHICS ADMINISTRATOR:

1. The Administrator shall designate an appropriate City Employee to serve as the Ethics Administrator for the City.

2. The Ethics Administrator shall provide information to the Officers and Employees of the City concerning the existence and content of this Section 3.17. This may be done by incorporating the contents of this Code of Ethics

into the City of Marengo Employee Guidelines and Policy Manual and by providing this Manual to all Officers and Employees of the City.

3. The Ethics Administrator shall refer any inquiries regarding the application or interpretation of this Section 3.17 to the Administrator.

G. ETHICS COMMISSION:

1. There is hereby created a commission to be known as the Ethics Commission of the City of Marengo ("Commission" for purposes of this Section 3.17). The Commission shall be comprised of three members appointed by the Administrator with the advice and consent of the City Council. No person shall be appointed as a member of the Commission who is related, either by blood or marriage up to the degree of first cousin, to any elected Officer of the City.

2. At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve two-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to two-year terms. Commissioners may be re-appointed to serve subsequent terms.

3. At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any two commissioners. A quorum shall consist of two commissioners, and official action by the Commission shall require the affirmative vote of two members.

4. The Administrator, with the advice and consent of the City Council, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

5. The Commission shall have the following powers and duties:

   a. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

   b. Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with this Section

3.17 and refer violations of Sections 3.17-D and 3.17-E to the City Attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this Section 3.17 and not upon its own prerogative.

c. To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Section 3.17.

d. To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all Officers and Employees of the City to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

e. To prepare and publish such manuals and guides as the Commission deems appropriate to facilitate compliance with the terms of this Section 3.17.

f. The powers and duties of the Commission are limited to matters clearly within the purview of this Section 3.17.

6. COMPLAINTS:

a. Complaints alleging a violation of this Section 3.17 shall be filed with the Ethics Commission.

b. Within three business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the Commission. The notices to the respondent and the complainant shall also advise them of the date, time and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

c. Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Section 3.17, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed

to the public to the extent authorized by the Open Meetings Act. Within seven business days after receiving the complaint, the Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

d. If the complaint is deemed sufficient to allege a violation of Section 3.17-E and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the City Attorney to prosecute such actions and request that the complaint be adjudicated judicially and the Commission's notice to the parties shall indicate this fact.

e. If the complaint is deemed sufficient to allege a violation of Section 3.17-D, then the Commission shall notify in writing the City Attorney to prosecute such actions and shall transmit to the City Attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation. The Commission's notice to the parties shall indicate these facts.

f. If the Commission elects to hear a case brought under Section 3.17-E, on the scheduled date and upon at least 48 hours public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

g. Within 30 days after the date the hearing or any recessed hearing of a case brought under Section 3.17-E is concluded, the Commission shall either: (i) dismiss the complaint; or (ii) issue a recommendation for discipline to the alleged violator and to the Administrator or other Officer having authority to discipline the Officer or Employee, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

h. If the hearing on a case brought under Section 3.17-E was closed to the public, the respondent may file a written demand for a public

hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the Administrator or other Officer having authority to discipline the Officer or Employee or impose a fine upon the violator, or both.

i. If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a Candidate, the Commission shall render its decision as required under Section 3.17-G6g within seven days after the complaint is filed, and during the seven days preceding that election, the Commission shall render such decision before the date of that election, if possible.

j. A complaint alleging the violation of this Section 3.17 must be filed within one year after the alleged violation.

k. In the event a member of the Commission is the subject of an alleged violation of this Section 3.17, such commissioner shall immediately recuse himself or herself from the investigation of such alleged violation, and shall take no part in the final action of the Commission regarding such alleged violation. A substitute commissioner shall be appointed pursuant to the terms of Section 3.17-G1 above for purposes relating to this matter only.

H. PENALTIES:

1. A person who intentionally violates any provision of Section 3.17-D 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 3.17-E is subject to a fine in an amount on not less than $1,001 and not more than $5,000.

3. The Commission may levy an administrative fine of up to $5,000 against any person who violates this Code of Ethics or who intentionally makes a false, frivolous, or bad faith allegation.

4. In addition to any administrative fines imposed pursuant to Section 3.17-H3 above, any person who intentionally makes a false report alleging a violation of any provision of Section 3.17 to the Ethics Commission, 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.

5. A violation of Section 3.17-D shall be prosecuted as a criminal offense by the City Attorney 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.

6. A violation of Section 3.17-E may be prosecuted as a quasi-criminal offense by an attorney for the City, or the Ethics Commission, through the designated administrative procedure.

7. In addition to any other penalty that may be applicable, whether criminal or civil, an Officer or Employee who intentionally violates any provision of this Section 3.17 is subject to discipline or discharge.

I. DISTRIBUTION OF CODE OF ETHICS: The Ethics Administrator shall cause a copy of this Code of Ethics to be distributed to every Officer and Employee of the City within ninety days after enactment of this Code of Ethics. Thereafter, this Code of Ethics shall be incorporated in the City of Marengo Employee Guidelines and Policy Manual.

CHAPTER 4
POLICE DEPARTMENT

4.01	Department Established
4.02	Chief of Police
4.03	Deputy Chief
4.04	Additional and Special Police
4.05	Oath
4.06	Police Powers and Duties
4.07	Duties of Officers
4.08	Order of Command
4.09	Police Department Rules and Regulations
4.10	Police Commission
4.11	Police Pension Fund and Police Pension Board
4.12	Police Officer Training Reimbursement and Pre-Employment Agreement
Exhibit A	Police Officer Training Reimbursement and Pre-Employment Agreement

4.01 DEPARTMENT ESTABLISHED

There is hereby established an executive department of the municipal government of the City, which shall be known as the Police Department (for purposes of this Chapter 4, "Department"), and shall consist of a Chief of Police ("Chief"), Deputy Chief and of such number of lieutenants, sergeants, patrolmen and other employees as may be provided from time to time by the City Council.

4.02 CHIEF OF POLICE

The Mayor, by and with the consent of the City Council, hereby retains the right to appoint a Chief. The appointment shall be made annually to coincide with the fiscal year.

The Chief shall superintend the work of the Department, and the police and other employees of the Department shall be under his command. The Chief may exercise such powers, and shall perform such other duties as may be provided for by ordinance or resolution, or other action of the City Council. Whenever any statute, ordinance or resolution refers to the City Constable, City Marshal or similar title, it shall be construed to mean the Chief. The Chief shall be the keeper of the City jail and have custody of all persons incarcerated therein. The Chief shall be custodian of all lost, abandoned or recovered stolen property in the City; shall keep such records and make such reports concerning the Department activities as may be required by statute or ordinance; shall be responsible for the Department's performance of all its functions and all Department members, who shall serve subject to the orders of the Chief.

4.03 DEPUTY CHIEF

The position of Deputy Chief is hereby established for the Department. The Deputy Chief, who shall be appointed by the Chief with the approval of the Mayor, shall be an exempt rank immediately below that of the Chief and shall be appointed to the position pursuant to 65 ILCS

5/10-2.1-4. The appointment shall be from the rank of sworn, full-time officers of the City. The Deputy Chief shall serve at the discretion of the Chief and, if removed from the position, shall revert to the rank held immediately prior to appointment to the Deputy Chief position.

4.04 ADDITIONAL AND SPECIAL POLICE *Amended, Ord. 01-11-1*

A. APPOINTMENT: In addition to the part-time police officers and employees of the Department, the Mayor and the Chief may each appoint and employ such special police and other temporary employees as either may find necessary or desirable, at such reasonable compensation as may be approved by the City Council. The Mayor or the Chief may, at the request of any property owner, or any person engaged in business of the City and in need of special police protection, appoint such persons as special police protection as either may find necessary or desirable.

B. COMPENSATION: The City shall not be required to pay any person so employed for such special police protection but such person shall be paid for his services by the person for whom such special police protection is afforded.

C. LIABILITY: Each person so appointed, together with the person requesting such special police protection, shall execute and file with the City Clerk an agreement in writing agreeing to save the City harmless of and from any and all liability for anything which such special police may do or fail to do while serving in such capacity, and agreeing to fully indemnify the City for any such liability in case any is imposed upon it, as well as all cost and expenses connected therewith, including all legal expenses connected with defending any and all lawsuits which may be instituted against the City for the enforcement of any such alleged liability. In addition, the City Council may require such other security as it may deem desirable as a condition to any such appointment or as a condition to the continuance of any such appointment.

D. REVOCATION: The appointment of anyone as a special policeman pursuant to this Section 4.04 may, at any time, be revoked by the Chief or Mayor and City Council.

4.05 OATH

The Chief, each policeman and each employee belonging to the Department, before entering upon his duties as a member of the Department, shall take and subscribe the following oath or affirmation:

> "I do solemly swear (of affirm) that I will support the Constitution of the United States the Constitution of the State of Illinois, and the ordinances of the City of Marengo, and that I will faithfully discharge the duties of _____ of the City, according to the best of my ability."

This oath or affirmation, so subscribed, shall be filed in the office of the City Clerk.

4.06 POLICE POWERS AND DUTIES

Every employee of the Department shall have all the powers provided for under the provisions of law and by ordinance of the City. It shall be the duty of the Department to use every responsible means for maintenance of law and order in the City, for the enforcement of the ordinances of the City and for the performance of such other duties and functions usually performed by police departments.

4.07 DUTIES OF OFFICERS

A. LIEUTENANT: The lieutenant shall be immediately subordinate to the Deputy Chief. The lieutenant is charged with all juvenile matters with the City and management and administration of the records of the Department and with executing the proper performance of all other police duties for the subordinate members of the Department. In the absence of the Deputy Chief, it shall be the duty of the lieutenant to discharge the obligations and assume the responsibilities of the Deputy Chief. The lieutenant shall also be in command during all hours of duty during which the Deputy Chief is not specifically on duty.

B. SERGEANT: The sergeant shall be subordinate to the lieutenant. Any sergeant is charged with executing the proper performance of patrol and other police duties for subordinate members of the Department assigned to duty during the sergeant's shift. In the absence of the Deputy Chief or lieutenant, it shall be the duty of the senior sergeant to discharge all of the obligations and assume all of the responsibilities of the Deputy Chief or lieutenant. The sergeant shall also be in command on all patrols and during all hours of duty during which the Deputy Chief or lieutenant are not specifically on duty.

4.08 ORDER OF COMMAND

During the temporary absence of the commanding officers, the command devolves upon the subordinate present next in seniority to such commending officers. The command seniority is determined first by rank and second by continuous service in the rank. The relative rank in position and order of command shall be as follows:

1. Chief
2. Deputy Chief
3. Lieutenant
4. Sergeant
5. Patrol

4.09 POLICE DEPARTMENT RULES AND REGULATIONS

The Department shall be regulated by the standard operating procedures, rules and regulations and special orders issued by the Chief.

4.10 POLICE COMMISSION *Amended, Ord. 01-11-1*

Pursuant to 65 ILCS 5/10-2.1-1 *et seq.*, said provisions are hereby adopted and all applicable

provisions therein (or as amended by the State legislature in the future) are incorporated herein by reference as if fully set forth herein. Except for the Chief, the Police Commission shall appoint all full-time police officers when authorized by the City Council.

4.11 POLICE PENSION FUND AND POLICE PENSION BOARD

Pursuant to Article III of the Illinois Pension Code (40 ILCS 5/3-101 et seq.) the provisions of Article III are hereby adopted and all applicable provisions therein (or as amended by the State Legislature in the future) are herein by reference as if fully set forth herein. Of those persons appointed to the Police Pension Board by the Mayor, with the advice and consent of the City Council, one shall be a resident of the City.

4.12 POLICE OFFICER TRAINING REIMBURSEMENT AND PRE-EMPLOYMENT AGREEMENT *Amended, 07-2-4*

A. It shall be the contractual obligation and duty of every police officer (the "Officer") to reimburse the City for the costs incurred by the City for the administration of written and physical agility examinations; interviews; background investigations; medical, psychiatric, drug-screening and other employment-related examinations; uniforms and equipment issued by the City; Basic Law Enforcement Academy training; and salary paid during field training sessions and when attending Basic Law Enforcement Academy training. If resignation is prior to 24 months from the date of hire, reimbursement shall be 100 percent. If resignation occurs prior to 36 month, but more than 24 months, from the date of hire, reimbursement shall be 50 percent.

B. Before an Officer begins employment with the City, the Officer shall enter into a pre-employment agreement with the City. Such agreement shall be in substantial form as Exhibit A of this Chapter.

EXHIBIT A

Please print your name in all of the appropriate blanks, sign the agreement, have someone else witness your signature and submit the agreement WITH your Application for Employment.

MARENGO POLICE DEPARTMENT
PRE-EMPLOYMENT AGREEMENT

This Agreement is entered into on ___/___/___, between _____ and the City of Marengo, Illinois (hereinafter referred to as the CITY).

WTTNESSETH

WHEREAS, _____ has expressed an interest in becoming a police officer in the Marengo Police Department; and

WHEREAS, _____ understands that, should he/she be hired as a police officer in the Marengo Police Department, the CITY will incur various expenses, including but not limited to costs of administering tests and conducting interviews; costs of performing background investigations; costs of medical, psychiatric, drug screening, polygraph tests and other employment-related examinations; costs of providing uniforms and equipment; costs for training sessions and travel conducted by the City of Marengo and the Marengo Police Department personnel and staff at a basic law enforcement training facility; and, salary paid to police officers during their training; and

WHEREAS, the CITY is willing to assume the various costs associated with the examination, interviewing, and investigation of prospective police officers and the provision of uniforms and equipment, training, and salary, etc. during training for newly-hired police officers, provided the CITY receives a commitment from an applicant that he or she will remain in the Marengo Police Department for a minimum period of 36 months; and

WHEREAS, the CITY seeks to have well-trained police officers on the Marengo Police Department; and

WHEREAS, _____understands and acknowledges that, should he/she be hired as a police officer for the Marengo Police Department, he/she will be expected to remain in the employment of the CITY for a minimum of 36 months or else reimburse the CITY for the expenses incurred by the CITY in testing, interviewing, equipping, and training him/her.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein below, the parties do freely and voluntarily enter into this Agreement.

SECTION 1. The recitals stated above are incorporated herein as part of this Agreement.

SECTION 2. The City agrees:

(a) To consider _____ for employment as a police officer for the Marengo Police Department; however, _____ acknowledges that execution of this Agreement in no way constitutes a guarantee of employment with the Marengo Police Department.

(b) To administer various examinations in order to determine whether _____ _____ is an appropriate candidate for employment as a police officer for the Marengo Police Department;

(c) To provide initial uniforms and equipment;

(d) To provide such training and instruction as the CITY, in its sole discretion, deems appropriate; and

(e) To pay _____ his/her full wages during any period in which _____ is being trained.

SECTION 3. _____ agrees that should he/she be hired as a police officer for the Marengo Police Department, he/she will remain in the employment of the CITY as a police officer for a minimum of thirty-six (36) months from the date of hire. If he/she does not remain in the employment of the CITY as a police officer for a minimum of thirty-six (36) months from the date of hire, he/she will reimburse the CITY for any and all costs incurred as enumerated in Section 4 below at the following rate:

(a) 100 percent, if resignation is prior to 24 months having elapsed from date of hire;

(b) 50 percent, if resignation occurs prior to the time 36 months, but more than 24 months have elapsed.

SECTION 4. Schedule of costs to be incurred by CITY:

(a) Administration of written and physical agility examination;

(b) Interviews;

(c) Background investigation;

(d) Medical, psychiatric, drug-screening and other employment-related examinations;

(e) Uniforms and equipment issued by the City;

(f) Basic Law Enforcement Academy Training facility; and

(g) Salary paid during field training sessions and Basic Law Enforcement Academy training.

SECTION 5. This Agreement shall terminate after the completion of 36 months from the date of hire.

SECTION 6. _____ understands that employment with the Marengo Police Department is contingent upon his/her completion of a probationary period of 12 months after completing of Basic Law Enforcement Academy training or after 12 months if previously certified and not requiring Basic Law Enforcement Academy training and continued performance to the satisfaction of the Marengo Police Department. Nothing contained herein shall be construed as a promise or agreement by either the Marengo Police Department or the CITY to retain _____ as a police officer for the Marengo Police Department for 36 months or any portion thereof..

SECTION 7. The CITY and the Marengo Police Department does not, by this Agreement, waive any of the rights, privileges, or prerogatives they possess to discipline, suspend or discharge any employee pursuant to Rules of the Board of Fire and Police Commissioners, the Rules and Regulations of the Marengo Police Department, and the labor Agreement between the CITY and the Fraternal Order of Police Lodge No. 129, now in effect or as may be altered or modified in the future.

SECTION 8. _____agrees that, should it become necessary for the CITY to file suit in order to collect the costs as enumerated in Section 4 he/she will pay all costs of said suit, including reasonable attorney's fees and all interest allowed at the legal rate on the amount which is owed.

SECTION 9. _____ agrees that any outstanding debt incurred by the CITY enumerated in Section 4 will be deducted from the final payroll disbursement providing _____ is in agreement, or alternatively agrees that the CITY retains the right to commence legal proceedings against him/her to recoup any outstanding balance.

SECTION 10. _____ acknowledges that he/she has examined this Agreement, that he/she has read and understands this Agreement, and he/she has the right to consult an attorney prior to entering this Agreement.

SECTION 11. Any notice that may be required by this Agreement shall be sent to the parties at the addresses below:

City: Chief of Police
c/o Marengo Police Department
142 East Prairie Street
Marengo, Illinois 60152

Applicant: _____
Address: _____
_____

SECTION 12. The invalidity of any portion of this Agreement will not and shall not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed in full force and effect as if they had been executed by both parties subsequent to the expungement of the invalid provision.

SECTION 13. No modification of this Agreement shall be binding unless evidenced in writing and signed by both parties.

SECTION 14. The CITY and _____ agree that any proceeding pursuant to or in connection with this AGREEMENT or amendment thereto shall be brought in the 22nd Judicial Circuit, McHenry County, Illinois and the CITY and _____ hereby consent to jurisdiction and venue in that court. This AGREEMENT has been executed and delivered at and shall be deemed to have been made in the City of Marengo, McHenry County, Illinois and shall be governed and construed in accordance with the laws of the State of Illinois.

SECTION 15. The CITY agrees that it will not seek any of the costs enumerated in Section 4 should the CITY terminate or discharge _____ from the Marengo Police Department.

Executed this _____ day of _____, 20_____.

Applicant's Signature: _____ Date: ___/___/___
Chief of Police: _____ Date: ___/___/___
City Administrator: _____ Date: ___/___/___

Witnessed: _____ Attest: _____
City Clerk

CHAPTER 5
EMERGENCY MANAGEMENT AGENCY

5.01 Establishment
5.02 Coordinator
5.03 Mobile Support Team
5.04 Mutual Aid
5.05 Emergency Action
5.06 Compensation
5.07 Purchases and Expenditures
5.08 Oath
5.09 Office
5.10 Budget; Levy of Taxes

5.01 ESTABLISHMENT

There is hereby created the Marengo Emergency Management Agency ("EMA") to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or from natural or man-made disaster, in accordance with the State Emergency Management Agency 20 ILCS 3305/1 *et. seq.* as amended. The Emergency Management Agency shall consist of the Coordinator and such additional members as may be selected by the Coordinator.

5.02 COORDINATOR

The Coordinator of Emergency Management Agency shall be appointed by the Mayor with the advice and consent of the City Council and shall serve until removed by same.

The Coordinator shall have direct responsibility for the organization, administration, training and operation of the Emergency Management Agency, subject to the direction and control of the Mayor and City Council as provided by statute.

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

5.03 MOBILE SUPPORT TEAM

The Emergency Management Agency shall perform such Emergency Management Agency functions within the City as shall be prescribed in and by the state Emergency Management Agency plan and program prepared by the Governor, and such orders, rules and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided in the State Emergency Management Agency 20 ILCS 3305/1 *et. seq.* as amended.

All or any members of the Emergency Management Agency organization may be designated as members of a Mobile Support Team created by the director of the state Emergency Management Agency as provided by law.

The leader of such Mobile Support Team shall be designated by the Coordinator of the City Emergency Management Agency organization.

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

5.04 MUTUAL AID

The Coordinator may negotiate mutual aid agreements with other municipalities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the Mayor and City Council and by the state director of Emergency Management Agency.

5.05 EMERGENCY ACTION

A. STATE OR NATIONAL: If the Governor proclaims that a disaster 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, or from man-made or natural disaster, it shall be the duty of the Emergency Management Agency to cooperate fully with the state Emergency Management Service Agency and with the Governor in the exercise of emergency powers as provided by law.

B. CITY: A local disaster emergency may be declared only by the Mayor. It shall not be continued or renewed for a period in excess of seven days except by or with the consent of the City Council. Any order or proclamation shall be given prompt and general publicity and shall be filed promptly with the Clerk.

C. EFFECT: The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and applicable local or interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance thereunder.

5.06 COMPENSATION

A. PAY RATE: Members of the Emergency Management Agency who are paid employees or officers of the City, if called for training by the state director or Emergency Management Agency, 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 City employees or officers shall receive for such training time such compensation as may be established by the City Mayor.

B. REIMBURSEMENT: The Treasurer may receive and allocate to the appropriate fund, any reimbursement by the state to the City for expenses incident to training members of the Emergency Management Agency as prescribed by the Emergency Management Agency State Director, compensation for services and expenses of members of a Mobile Support Team while serving outside the City in response to a call by the Governor or Emergency Management Agency State Director, as provided by law, and other reimbursement made by the State incident to the Emergency Management Agency activities as provided by law.

5.07 PURCHASES AND EXPENDITURES

The Mayor and City Council may, on recommendation of the Coordinator, authorize any purchase or contract necessary to place the City in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property and provide emergency assistance to victims in the case of such disaster or from man-made or natural disaster.

In the event of enemy caused or other disaster, the Coordinator is authorized, on behalf of the City, to procure such services, supplies, equipment or material as may be necessary for such purposes, in view of the emergency without regard to the statutory procedure or formalities normally prescribed by law pertaining to City contracts of obligations, as authorized in the State Emergency Management Agency 20 ILCS 3305/1 *et. seq.* as amended, provided that if the Mayor meets at such time he shall act subject to the directions and restrictions imposed by that body.

5.08 OATH

Every person appointed to serve in any capacity in the Emergency Management Agency organization 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 territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservations or purpose of evasion; and that I will 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 Marengo Emergency Management Agency organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

5.09 OFFICE

The Mayor and City Council are authorized to designate space in a City building, or elsewhere, as may be provided for by the Mayor, for the Emergency Management Agency as its office.

5.10 BUDGET; LEVY OF TAXES

The Mayor and City Council may budget the Emergency Management Agency for purposes in the manner provided by law, and may levy in addition for the Emergency Management Agency purposes only, a tax not to exceed five cents per $100 of the assessed value of all taxable property in addition to all other taxes, as provided by the State Emergency Management Agency 20 ILCS 3305/1 *et. seq.* as amended however, that amount collectable under such levy shall in no event exceed $0.25 per capita.

CHAPTER 6
STREETS, SIDEWALKS AND PUBLIC WAYS

6.01 Names of Streets
6.02 Damage to Streets
6.03 Encroachments on Streets
6.04 Obstructing Streets
6.05 Material in Public Ways
6.06 Advertising on Streets
6.07 Debris in Streets
6.08 Excavations in Streets and Rights-of-Way
6.09 Protection of Work in Streets
6.10 Openings in Streets
6.11 Street Maintenance
6.12 Curbs and Gutters
6.13 Sidewalks
6.14 Snow on Sidewalks
6.15 Damage to Public Property
6.16 Moving Structures
6.17 Burning Leaves or Rubbish
6.18 Driveways
6.19 Easements, Rights-of-Ways, Ditches/Swales
6.20 Sump Pump Discharge
6.21 Numbering Buildings
6.22 Gas Pipes
6.23 Mailbox Installation
6.24 Trees (Located on Both Private and Public Property)
6.25 Utilities in Right-of-Way *06-6-4*

6.01 NAMES OF STREETS

All streets of the City shall be known and designated by the names applied hereto, respectively, on the map of the City kept on file in the office of the City Clerk. The street names designated on such map shall continue to be the names of the streets unless and until changed by ordinance of the City Council.

6.02 DAMAGE TO STREETS

No person shall damage or deface any street, alley, sidewalk, public way, park or other City or public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon.

6.03 ENCROACHMENTS ON STREETS *Amended, 06-6-4*

A. PERMIT: No person shall erect or maintain any structure or thing on, over or under any street, alley, sidewalk or public right-of-way except by permit from the City Council. Application for such permit shall describe the nature of the encroachment detail, as the City Council shall require. The Council, in its discretion, may issue or deny the permit and may impose any conditions to such permit as it deems appropriate. To the extent the provisions of this Section 6.03 may conflict with the provisions of Section 6.25 herein, the more restrictive provisions shall prevail.

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

D. VIOLATIONS: Any encroachment maintained in violation of this Section 6.03 is declared a nuisance and may be abated by the City.

6.04 OBSTRUCTING STREETS

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

B. EXCEPTIONS: 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 totally obstructed.

6.05 MATERIAL IN PUBLIC WAYS

No person shall place any materials on or over any street, sidewalk or public place without a permit from the City Council.

6.06 ADVERTISING ON STREETS

No person shall paint or post any signs or bills on any streets, poles or other structures in any street or on the surface of any street or sidewalk without permission from the City Council.

6.07 DEBRIS IN STREETS

A. LITTERING: No person shall litter or deposit any foreign matter on any street, alley, sidewalk, right-of-way, park or public place, except building materials and merchandise as permitted under this Code, or as may be permitted by the Chief of Police.

B. PENALTY: Any person violating this Section 6.07 shall be liable for the cost of

removal of the foreign matter in addition to the penalty provided for violation of this Section 6.07.

6.08 EXCAVATIONS IN STREETS and RIGHTS-OF-WAY

A. PERMIT: In addition to any other governmental permit, no person shall excavate in or tunnel under any street or sidewalk in the City without first securing a permit and notifying JULIE at least 24 hours in advance of such work from the Building Department and Coordinator of Public Works.

B. DEPOSIT: A deposit shall be made pursuant to Section 24.12 of the Building Code for any excavation in streets or right-of-way.

C. RESTORATION: Restoration shall be pursuant to Section 24.12 of the Building Code including right-of-way restoration to the original or acceptable condition according to Section 6.15 herein.

D. STANDING BOND: Any public utility or other person may deposit a bond with the City to assure the proper repair of City streets whenever work is done in the City.

6.09 PROTECTION OF WORK IN STREETS

Any person constructing, repairing, or making any excavation in or tunneling under, or placing any material on or over any street, sidewalk, right-of-way or other public place shall maintain suitable barricades and other protective devices as necessary to prevent injury to any person(s) exposed to the construction process. Suitable lights shall be maintained during the night time to warn the public. No person, unless authorized by the City, shall interfere with or disturb any such warning devices.

A JULIE dig number shall be obtained and a permit shall be secured from the Building Department and the Coordinator of Public Works at least 24 hours in advance of placing any barricades in any street.

6.10 OPENINGS IN STREETS

A. PERMIT: No street, alley, tree bank, public ground or place shall be disturbed or opened, nor shall any material or thing be placed or kept therein without first making application to the Coordinator of Public Works for the privilege of making said opening and to have a written permit issued by the Coordinator of Public Works for said opening.

B. APPLICATION: Persons desiring such openings shall make application to the Coordinator of Public Works on a form furnished by the City. No permit will be issued until the permittee:

1. Completes an application for opening on a form furnished by the City and states fully all purposes for which the opening is required.

2. Contacts all individuals or corporations operating gas, electric, telephone or other public utility in the area, as well as the City itself to receive from them the information as to the existence and location of any underground facilities, so that the proper precautions can be taken to avoid serious damage to the underground structures. Before opening is started the applicant shall furnish the Coordinator of Public Works with written statements from persons named above to the effect that they have been informed of the proposed project.

3. Files a work scheduled approved by the Coordinator of Public Works indicating starting date and date of completion and number of hours each day that work will be undertaken.

4. Agrees to make an opening in such a manner as to not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of egress to or from properties affected.

   If an opening requires the closing of a street permit approval is required from the City Council and the permittee shall provide for and pay all costs of detouring traffic.

5. Secures an Illinois Department of Transportation permit if required.

6. Secures appropriate City permits if opening is for the purpose of making connection to the water or sanitary sewer system.

7. Pays a permit fee, which shall be determined from time to time by the City Council.

8. Agrees to pay all costs of City engineering or inspection services if deemed necessary by the Coordinator of Public Works. Permittee may be required to place on deposit with the Clerk an estimated cost of engineering and/or inspection services. The permittee, however, shall only pay the actual costs of such services.

9. File with the Clerk a good and sufficient bond payable to the City with surety approved by the City, conditioned that such person shall faithfully observe the ordinances of the City and shall make and repair such openings and space, and shall save and keep harmless the City from all costs arising in any manner or way from the granting of such permit. The amount of the bond shall be determined by the Coordinator of Public Works but in no case shall it be less than $1,000.

10. Agrees to adequately protect all excavations with barricades, lights, or other

means of protection required by the Coordinator of Public Works. He shall also place on file the name, address and home telephone number of the person responsible for the work.

11. Agrees that materials used and methods of construction shall be in conformance with specifications established by the City Engineer or Coordinator of Public Works. All work shall be under the supervision of the Coordinator of Public Works.

12. Agrees to secure and protect the City from any liability or damage whatsoever for injury, including death, to any person or property and files with the Clerk liability insurance certificates in an amount to be established from time to time by the City Council, but in no case less than $1,000.000.

C. DEFAULT: In any case where a permittee shall be in default or shall fail to comply with the requirements of this Section 6.10, or shall fail to complete the work on the date agreed upon, the Coordinator of Public Works shall order the work completed by the City and shall so notify the permittee and surety in writing. The City shall recover the cost from the permittee or his surety.

6.11 STREET MAINTENANCE

A. DUTY IMPOSED: It shall be the responsibility of every subdivider or developer to keep and maintain the streets and ways in and around the subdivision clean and free from all dirt, mud, construction material and other debris during the period of construction.

B. STREETS: The duty imposed by Section 6.11-A herein shall apply to all streets within the subdivision, all streets designated as construction traffic routes and all perimeter streets or streets adjacent to the subdivision.

C. REQUIRED CLEANING: Every subdivider or developer shall scrape each street described in Section 6.11-B herein every day during the period of construction, and shall sweep or cause the streets to be swept once every week. In addition to the foregoing, every subdivider shall be required to scrape, sweep or remove debris from the streets as from time to time directed by the Coordinator of Public Works, the Administrator or the City Engineer.

D. SNOW AND ICE REMOVAL: In the event one or more Certificates of Occupancy have been issued for any structures located on an unaccepted street, the subdivider or developer shall be responsible for snow and ice removal. If required by the City, a subdivider or developer shall enter into a contract with the City for snow and ice removal. The cost of such service shall be approved from time to time by the City Council using the IDOT approved cost schedule..

E. PENALTIES: Any subdivider violating any provision of Section 6.11 shall be subject to one or more of the following penalties, said penalties being cumulative and in addition to any

other penalties which may be imposed:

1. A fine of not less than $25 nor more than $500 for each offense, and a separate offense shall be deemed committed on each day during or on which a separate violation occurs or continues.

2. The City may undertake the necessary cleaning as required herein and then assess the costs and expenses, including reasonable attorneys' fees, incurred by the City for such cleaning against the subdivider and may take action against the performance or construction bond for payment thereof.

3. "Stop Work Orders" for the subdivision may be issued by the City until the subdivider complies with the requirements herein. No work shall be done in the subdivision while the stop work order is in effect.

4. The City may withhold the issuance of Certificates of Occupancy for all residences within the subdivision until the subdivider complies with requirements herein.

F. NOTICE: Prior to the imposition of the penalties set forth in Sections 6.11-E-3 and 4 herein, the City shall cause a written notice to be sent to the subdivider or developer setting forth the specific violations(s) of this Code. The subdivider or developer shall have five days after the date of the notice within which time to comply with the terms of the Code. In the event the subdivider or developer does not comply with the terms herein within said five day period, the City may proceed to impose the penalties provided for in Section 6.11-E-3 and 4 herein. No notice shall be required prior to the imposition of the penalties set forth in Sections 6.11-E-1 and 2 herein.

6.12 CURBS AND GUTTERS

A. UNIFORM CONSTRUCTION: All curbs and gutters hereinafter built in the City shall be of uniform construction and built under the supervision of the City Engineer and Coordinator of Streets and Maintenance. No curb or gutter shall be constructed unless the same complies with the provisions herein stated, and all property owners complying with the provision shall pay the entire costs of constructing the curb and gutter adjacent to or abutting his property.

B. CONSTRUCTION REQUIRED: Curbs and gutters shall be constructed on all streets in the City at such times as the property owners wish, except when constructed by the City under special assessment proceedings made in connection with street improvements or when, in the discretion of the City Council, such construction is deemed necessary.

C. LOCATION: The height and location of the curb shall be determined by the City Engineer.

6.13 SIDEWALKS

A. SPECIFICATIONS: All sidewalks that may hereafter be built within the City shall be in accordance with the plans and specifications of the City Engineer.

B. PERMIT: No person shall build any sidewalk along any public street without a permit from the Building Department.

C. GRADE: The grade at which all sidewalks shall be laid shall be fixed and determined by the City Engineer and no person shall lay or construct any sidewalk within the City except at such grade.

D. NOTICE: Whenever the City Council finds it necessary and proper to construct or rebuild any sidewalks along or upon any street or public alley in the City it shall require the City Engineer or Coordinator of Public Works to examine the matter and report back to the Administrator. When such report has been made, the affected property owner(s) shall be notified in writing that a walk shall be built. Said notice shall state, in detail, the specifications governing the construction of the walk.

E. COUNCIL ACTION: If such owner or owners of the property, so notified to build such walk, refuse to build the same for a space of 15 days, after receiving the notice, the City Council shall pass an ordinance providing for the construction of such walk or walks, in accordance with the provisions of the Illinois Compiled Statutes relating thereto.

F. COST: The owner or owners of any lot, piece or parcel of ground in the City, along and in front of which the City Council orders a sidewalk to be built, either by special ordinance or otherwise, shall pay the entire cost of the building of such sidewalk, and the City shall not be responsible for any portion of the cost of any sidewalk within the City, except for such sidewalks as are laid along or in front of property owned by the City.

G. COMPLIANCE: When any walk is built, constructed or rebuilt in accordance with this Section 6.13 it shall be the duty of the Building Commissioner to see that the conditions and specifications pertaining to the construction of the walks are complied with, and the City shall have the right to accept or reject any sidewalks that do not comply with the specifications, as fixed by the City Engineer for the construction of sidewalks.

6.14 SNOW ON SIDEWALKS

The person occupying the ground floor of any building, the owner/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. If snow or ice cannot be removed the surface shall be sanded or otherwise treated to lessen the hazard for pedestrians until the climate permits removal.

6.15 DAMAGE TO PUBLIC PROPERTY

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.

6.16 MOVING STRUCTURES

No person shall move any building or structure on any street without a permit from the Building Department. The Building Department may impose such conditions deemed appropriate to protect the City and the public. Upon granting such permit, the applicant for such permit shall deposit $1,000 in cash with the City as security for the protection of the streets and other City property exposed during the moving process. The deposit shall be returned, less a $50 administration fee and any cost to repair public facilities damaged by the moving process. At no time shall a deposit be returned without written approval from the Coordinator of Public Works.

6.17 BURNING LEAVES AND RUBBISH

No person shall burn any leaves, paper, rubbish or other substances upon any street, sidewalk or alley.

6.18 DRIVEWAYS

A. PERMIT: No person shall construct a driveway entering any street without a permit from the Building Department. Said driveway shall be constructed according to the requirements of the Zoning Ordinance, however all driveways in areas not served by curb and gutter must be constructed of asphalt or concrete, as defined in Section 24.11 of this Code, from the lot line to the edge of the paved roadway.

B. CULVERTS: Culverts may be required in areas not served by curb, gutter and storm sewers prior to the point of entry of the driveway to the public road, as defined in Section 24.11 of this Code. The length, width, depth and location of the culvert shall be subject to the approval of the City Engineer or Coordinator of Public Works.

In the event driveways are to be altered where there have been no previous culverts or previous culverts are inadequate, new culverts shall be installed pursuant to Section 24.12 of this Code.

If, in the judgment of the City Engineer, culverts are needed to remove any obstructions in drainage ditches or swales, the City shall install a culvert of the size and length determined by the City Engineer. The cost of the culvert and repaving that portion of any driveway that may be affected shall be borne by the owner of the property.

The City shall bear the cost of installation and regraveling of that portion of any driveway that may be affected by the installation of any culvert.

Maintenance to ensure proper water flows of all culverts, ditches and swales shall be the responsibility of the abutting property owner or tenant.

6.19 EASEMENTS, RIGHTS-OF-WAY, DITCHES/SWALES

That portion of each property in the City from the front property stakes to the roadway has already been dedicated to the City to be used for utilities, surface drainage and future roadway.

1. Buildings, structures or any parts of appurtenances thereto shall not be constructed or placed in any easement so as to restrict drainage channels.

2. The placement of any fill material in the right-of-way between the property line of the property owner and the public road shall require a permit issued by the Building Department.

3. No permit to alter, build or fill any part of the dedicated roadway shall be issued by the Building Department until written approval is received from the City Engineer or Coordinator of Public Works that the proposed alteration, building or fill will in no way effect surface water run-off capacities or patterns of surrounding properties.

4. The cost of the engineering review shall be born by the person(s) desiring the modification and shall be paid prior to the review being made.

5. All ditches and swales shall have the appropriate vegetation in the form of grass to eliminate erosion and sedimentation that could be caused by water traversing the ditch or swale, unless some other form of erosion and sedimentation control is recommended by the City Engineer for the project.

6.20 SUMP PUMP DISCHARGE

No person shall construct, alter, maintain or in any way provide for the discharge of a sump pump, either directly or indirectly, to any public street, sidewalk or right-of-way.

6.21 NUMBERING BUILDINGS *Amended, 09-4-4*

A. NUMBERING BUILDINGS: All buildings abutting streets of the City shall be numbered in accordance with the City Map prepared by the City Engineer, which map shall be kept on file in the office of the Clerk.

B. RESPONSIBILITY: It shall be the duty of the owners and occupants of every building in the City to have placed thereon or on the property, in a place visible from the street showing the number of the building. The address shall be in Arabic numerals or alphabet letters (script not permitted) at least four inches high, contrasting with the background and having a minimum stroke width of 0.5 inch.

6.22 GAS PIPES

No person owning or maintaining any gas pipes or mains beneath the surface of any street in the City shall permit any leak to occur in such pipes or mains within a radius of 40 feet of any tree growing in any street or public place in the City. In the event that a leak exists or occurs in any such pipe or main, it shall be the duty of the person owning or using such defective pipe or main to repair the same immediately and stop such leak in a manner so as to prevent a recurrence of the same trouble, after receiving notice in writing from the Coordinator of Public Works, calling the attention of such person to the fact that such leak exists. If such person fails within five days after the receipt of such notice to stop such leak in a manner so as to prevent a recurrence thereof, such person shall be subject to the penalty provided for violation of this Code.

6.23 MAILBOX INSTALLATION

Mailboxes installed along City streets shall be in accordance with U.S. Postal Service regulations. Mailbox posts shall not be reinforced or fortified so as to prevent or hamper its destruction upon impact. The placement of such mailboxes shall not interfere with street maintenance projects, such as snow plowing and street cleaning. For purposes of this Section 6.23, mailboxes of masonry construction shall be considered reinforced or fortified.

6.24 TREES (LOCATED ON BOTH PUBLIC AND PRIVATE PROPERTY)

A. APPLICABILITY; INTENT:

1. APPLICABILITY: Notwithstanding any other provision of this Code, the provisions of this Section 6.24 shall apply to all trees on City-owned property or in City rights-of-way, and shall apply to such other tree-related matters as is stated herein. The City shall have the right and the authority to impose the regulations of this Chapter on all applicants, developers and other persons who place or maintain trees on City-owned property or in City rights-of-way, including, without limitation, the authority to review and approve tree species, locations and spacing under all circumstances. In the event of a conflict between the provisions of this Section 6.24 and the provisions of Chapter 22 of this Code or any other City code or ordinance, the provision deemed by the City Administrator to be most protective of promoting the proliferation and maintenance and care of trees shall apply and control.

2. INTENT: It is the intent of this Section 6.24 to promote increases in the quality of trees and tree care in the City and to promote increases in tree populations in the City whenever practicable.

B. DEFINITIONS: For the purposes of this Section 6.24, terms used herein are defined in Appendix A of this Code.

C. TREE SPECIES: The City shall maintain a list of acceptable tree species, to be used when planting in City-owned rights-of-way and on any other City-owned property. This list will consist of species currently deemed satisfactory by the City Forester. This list of trees, and no others unless approved by the City Forester, are hereby approved for planting as street trees within City-owned rights-of-way and on other City-owned property. Copies of this list shall be made available at City Hall.

D. TREE SPACING: The spacing of street trees shall be no less than 40 feet between plantings. Street trees shall be planted as close to the minimum spacing standard as possible. The Coordinator of Public Works may reduce the minimum spacing standards set forth herein for special planting areas designed or approved by a landscape architect.

E. DISTANCES FROM CURBS AND SIDEWALKS: Trees shall be planted a minimum of two feet from all curbs, curb lines and sidewalks. Parkways, as measured from the back of the curb to the closest edge of the sidewalk, smaller than four feet, shall not be suitable for parkway trees unless approved by the City Forester. Trees planted on parkways where a sidewalk exists shall be centered between the back of the curb and the closest edge of the sidewalk.

F. DISTANCES FROM CORNERS AND FIRE HYDRANTS: No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet to any fire hydrant, unless the location is previously approved by the Coordinator of Public Works.

G. DISTANCES FROM UTILITIES: No street tree other than those listed as acceptable tree species in the Public Works administration file, shall be planted under or within 10 lateral feet of any overhead utility wire. Nor shall any tree other than a small tree be planted over or within five lateral feet of any underground water line, sewer line, transmission line or other underground utility.

H. CITY AUTHORITY TO CARE FOR TREES: The City and its authorized agents shall have the right, but not the obligation, to plant, prune, maintain and remove trees, plants and shrubs on City property and within any City right-of-way or utility easement, as may be necessary to ensure public safety, preserve and enhance the quality of vegetation, and beautify the City. The City also, for the same purposes, may prune or remove all portions of any tree or shrubs that overhang any City property, City right-of-way or utility easement.

The City may cause to be removed as soon as practical any tree on City property or within City right-of-way that is diseased or dying, or that poses an irreconcilable threat to a utility or that otherwise threatens the public health, safety or general welfare.

Guidelines set forth by the National Arborist Association will be used for tree trimming and maintenance activities performed by the City or its agents.

I. TOPPING PROHIBITED: No person shall cause or allow the topping of any tree on

City property or within any City right-of-way provided, however, that the City may permit the topping of a tree under exceptional circumstances, such as when the tree has been severely damaged by a storm or other cause, or when topping is otherwise the only practicable action.

J. SITE CLEARANCE PRUNING: The owner of any tree on private property that overhangs any street or right-of-way within the City shall prune the branches of such tree, if necessary, so that such tree shall not obstruct the safe passage of vehicles, the light from any street lamp, the view of any street sign or the view of any street intersection. The owner also shall prune such tree so that there is a minimum of 10 feet of clear space between the surface of the street or a minimum clear space of eight feet between the surface of the sidewalk and the lowest hanging branch on such tree. The failure to so prune is hereby declared to be a public nuisance. If the owner fails or refuses to accomplish such pruning within 14 days after written notice to do so from the Coordinator of Public Works, or his designee, the City shall have the right, but not the obligation, to cause such pruning to be accomplished by City staff, or by contractors hired by the City for such purposes.

If the owner fails to pay to the City all of the costs incurred by the City for such clearance pruning within 30 days after receipt of a written invoice, then the City shall have the right, to the extent provided by law, to place a lien on the property on which such tree was located and to perfect such lien as provided by law.

K. SAFETY PRUNING: The owner of any tree overhanging any street or right-of-way within the City shall prune all dead, diseased, decaying, broken or dangerous branches from such tree and shall prune from such tree all branches that constitute a menace to the safety of the public or to the health of any other tree. The failure to so prune is hereby declared to be a public nuisance. If the owner fails or refuses to accomplish such pruning within 14 days after written notice to do so from the Coordinator of Public Works, or his designee, the City shall have the right, but not the obligation, to cause such pruning to be accomplished by City staff or by contractors hired by the City for such purposes.

If the owner fails to pay to the City all of the costs incurred by the City for such safety pruning within 30 days after receipt of a written invoice, then the City shall have the right, to the extent provided by law, to place a lien on the property on which such tree was located and to perfect such lien as provided by law.

L. REMOVAL OF TREES AND STUMPS: The owner of any tree or stump in the City that constitutes a hazard to life or property or that harbors harmful insects or disease constituting a threat to other trees shall remove such tree within 60 days after written notice to do so from the Coordinator of Public Works, or his designee. The failure to remove such tree or stump is hereby declared to be a public nuisance. If the owner fails or refuses to accomplish such removal within the required time period, the City shall have the right, but not the obligation, at the owner's expense, to cause such tree or stump to be removed by City staff or by contractors hired by the City for such purposes.

If the owner fails to pay to the City all of the costs incurred by the City for such removal within 30 days after receipt of a written invoice, then the City shall have the right, to the extent provided by law, to place a lien on the property on which such tree was located and to perfect such lien as provided by law. No person, except those authorized or employed by the City, shall remove, destroy, break, cut, deface, trim or in any way injure or interfere with any tree growing in any street or right-of-way without the written permission of the City Forester.

M. TAMPERING: No person shall attach or place any rope, wire, sign, poster, handbill or other thing on any tree growing in any street, right-of-way, or any guard or protection of the same. No person shall remove, injure or misuse any guard or device placed or intended to protect any tree growing in any street or right-of-way.

N. PROTECTION OF TREES: Unless otherwise specifically authorized in this Code, it shall be unlawful for any person without a written Tree and Stump Removal Permit from the City to remove, injure, destroy or undertake any procedure the result of which is to cause the death or substantial destruction of any tree, within the City limits, having a diameter of 10 inches DBH or larger. Tree and Stump Removal Permits authorizing the removal of such trees may be issued by the City Forester for, but not limited to, the following reasons:

1. The tree is dead or dying;

2. The tree is diseased;

3. The tree is damaged or injured to the extent that it is likely to die or become diseased, or that it constitutes a hazard to persons or property;

4. Removal of the tree is consistent with good forestry practice; and/or

5. Removal of the tree will enhance the health of remaining trees within the immediate vicinity.

The City Forester may issue a Tree and Stump Removal Permit where it is found that removal of the tree and/or stump will avoid or alleviate an economic hardship or hardship of another nature on the lot or residence located on the lot.

Upon receipt of a Tree and Stump Removal Permit, the permittee shall replace the tree so removed in each of the following instances:

1. In the event the removal of a tree or trees will avoid or alleviate an economic hardship or hardship of another nature on the lot or the residence located on such lot.

2. In the event a tree is damaged or injured by other than natural causes to the extent that it is likely to die or become diseased, or it constitutes a hazard to

persons or property.

The permittee is encouraged to replace the tree in the event the tree is diseased, dead or dying from natural causes, or in the event the tree is damaged or injured by natural causes where it is likely to die or become diseased.

The permittee may not be required to replace the tree in the event the City Forester determines that removal of the tree is consistent with good forestry practice, or in the event the removal of such tree will enhance the health of remaining trees within the immediate vicinity.

The permittee shall make all replacements with a new tree or trees of not less than 2½ inches DBH, the cumulative DBH of which shall equal or exceed the diameter of the tree or trees so removed, provided however, that the DBH of replacement trees may be less than the diameter of the tree or trees so removed in the event the City Forester determines that full replacement would result in the unreasonable crowding of trees upon the lot. Such replacement shall be made within 12 months of the date of the removal of any trees for which such replacement is required, and such trees shall be installed at the time of year most beneficial for transplanting the particular species.

Tree and Stump Removal Permits may be denied by the City Forester for, but not limited to, the following reasons:

1. Tree does not meet any of the criteria outlined in this section;

2. Tree is rare to the area and/or is a desirable specimen;

3. Tree is to be used for milling;

4. Tree is to be used for firewood;

The owner of a tree for which a Tree and Stump Removal Permit has been denied may appeal the decision of the City Council. A written request for review must be submitted to the City Council in care of the Coordinator of Public Works. All findings and decisions of the City Council shall be final. Disregard for the decision of the City Forester or the City Council shall be considered a violation of this Section 6.24.

O. TREE PRESERVATION DURING CONSTRUCTION: In connection with projects involving the construction of new homes, additions or detached accessory buildings requiring building permits, a Tree Preservation Plan shall be filed with the building permit application in order to assure that all buildings and other structures shall be located upon a lot or parcel of land in such a way as to minimize tree damage and/or removal, consistent with the various setback requirements of the City Zoning Ordinance. The Tree Preservation Plan shall specify the following:

1. Tree preservation area and building activity area upon the lot or parcel of land for which a building permit application has been filed. (Note: The tree

preservation area shall be protected physically from the building activity area by a barrier to prevent penetration of construction vehicles, materials, spoils and equipment into or upon the tree preservation area); and

2. The general contractor, who shall be responsible for the construction, erection and maintenance of temporary fencing or other physical barrier around tree preservation areas so that all trees in tree preservation areas shall be preserved.

A Tree and Stump Removal Permit will be issued only in the event the City finds that all reasonable efforts have been undertaken in the architectural layout and design of the proposed development to preserve existing trees. No building permit will be issued unless the Tree Preservation Plan has been filed with the building permit application and approved by the City Forester.

During construction all reasonable steps necessary to prevent the destruction or damaging of trees (other than those specified to be removed) shall be taken, including, but not limited to the following:

1. No construction activity, movement and/or placement of equipment or material or spoils storage shall be permitted outside the building activity area or within the tree preservation area. No excess soil, additional fill, liquids or construction debris shall be placed within the root zone of any tree that is required to be preserved;

2. Crushed limestone, hydrocarbons and other materials detrimental to trees shall not be dumped within the root zone of any tree, nor at any higher location where drainage toward the tree could conceivably affect the health of the tree;

3. Appropriate protective fencing shall be temporarily installed for protection of remaining trees;

4. All required protective fencing or other physical barrier must be in place and approved by the City Forester prior to beginning construction. The fencing must remain in place during the entire construction period to prevent the impingement of construction vehicles, materials, spoils and equipment into or upon the tree preservation area. All fencing must be secured to metal posts driven into the ground spaced no further than 10 feet apart;

5. No attachments, fences or wires, other than those approved for bracing, guying or wrapping, shall be attached to trees during the construction period;

6. Other measures such as construction pruning and root pruning of trees

directly impacted by construction must also be indicated on the plan or on an accompanying sheet and approved by the City Forester; and

7. Unless otherwise authorized by the Tree and Stump Removal Permit, no soil is to be removed from within the root zone of any tree that is to remain.

It shall be unlawful for any person, firm or corporation to fail to abide by the terms of any Tree Preservation Plan pursuant to which a building permit or Tree and Stump Removal Permit has been issued.

If, in the opinion of the City Forester, the necessary precautions as specified in the Tree Preservation Plan were not undertaken before construction commenced, or are not maintained at any time during construction, a stop work order shall be issued by the Building Commissioner until such time as the permittee complies with the precautions herein.

Tree preservation during road construction shall be strictly enforced. Specific requirements of tree preservation during road construction are available from the City Forester.

P. APPLICATION FOR TREE AND STUMP REMOVAL PERMITS: In the event a Tree and Stump Removal Permit is applied for in connection with work for which no building permit is required, there shall be no charge for such permit. The application for a Tree and Stump Removal Permit shall contain:

1. Name of applicant;

2. Commonly known address of the lot or property where said tree or trees are proposed to be removed is located (PIN of parcel if tree is in an undeveloped area of the City);

3. A written statement indicating the reason for removing the tree or trees;

4. A general description of other trees on the lot, including size and species; and

5. Name and address of contractor or other person who will have the responsibility for tree removal and landscaping.

In the event a Tree and Stump Removal Permit is applied for in connection with construction requiring a building permit, the application shall be accompanied by:

1. The Tree and Stump Removal Permit fee, to be determined from time to time by the City Council;

2. A tree survey of the lot, which shall be drawn on a scale of not less than one inch equals 30 feet, and shall show trees having a DBH of 10 inches and

larger, including a listing of species. In the event construction activity is to take place in the root zone of such trees, protected trees on adjoining lots should be shown;

3. A Tree Preservation Plan in conformance with the requirements of Section 6.24-Q herein; and

4. A report from a certified arborist if required by the City Forester.

Q. EMERGENCIES: In order to avoid danger or hazard to persons or property, during emergency conditions requiring the immediate cutting or removal of a tree or trees protected hereunder, a Tree and Stump Removal Permit will be issued by the City Forester without formal application.

In the event of such an emergency, if neither the City Forester, Coordinator of Public Works or Street Superintendent is available to issue such a Tree and Stump Removal Permit, it shall be lawful to proceed with the cutting of the tree or trees to the extent necessary to avoid immediate danger or hazard. In such event, the person causing the cutting shall report the action taken to the City Forester within 48 hours thereof.

R. INTERFERENCE WITH CITY TREE WORK: No person shall prevent, delay or in any other way interfere with work undertaken by the City and its authorized representatives to plant, cultivate, mulch, prune, spray or remove any stump, street tree, park tree or other tree as authorized by this Section 6.24.

S. PENALTY: Any person, firm or corporation who violates any provision of this Section 6.24 shall be subject to a fine of not less than $25 nor more than $1,000 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation continues to occur. Further, a separate offense shall be deemed committed for each tree injured, removed, destroyed or for any undertaking of any procedure, the result of which is to cause the death or substantial destruction of any tree, within the City limits, having a diameter of 10 inches DBH or larger.

6.25 UTILITIES IN RIGHT-OF-WAY *06-6-4*

A. DEFINITIONS: For purposes of this Section 6.25:

1. "City initiated improvements" or "City operations"" shall include but not be limited to, anything required by the City in annexation, final plat requirements or other agreements with third parties including those intended to benefit other property within the City, City road construction, expansion or relocation projects, public works projects or other City operations, maintenance and planning projects.

2. "Public right-of-way" shall include but not be limited to, any street, alley, parkway, other land or waterway, dedicated or commonly used for utility or cable purposes, including utility or cable easements.

3. "Utility" shall include, in addition to all other commonly and legally accepted definitions of the term, cable providers and facilities, and video service providers.

B. PERMITS:

1. PERMIT REQUIRED: No person shall erect or maintain any poles or wires on or over any street, alley or other public way or public right-of-way without a permit from the Public Works Coordinator. A permit shall also be required for the installation, maintenance or replacement of any underground facilities, including, but not limited to wires, pipes, cables, conduits and ducts, within any street, alley or other public way.

2. EFFECT OF PERMIT: A permit from the City authorizes the permit holder to undertake only certain activities in accordance with this Section 6.25, and does not create a property right or grant authority to the permit holder to impinge upon the right of others who may have an interest in the public right-of-way.

3. FEE: The permit fee shall be determined by the City Council from time to time.

C. GAS PIPES: Any person or company maintaining any gas pipe in the City shall keep such pipe free from leaks so that no injury shall be done thereby to any person or property.

D. REMOVAL, RELOCATION OR MODIFICATIONS OF UTILITY FACILITIES: Within 60 days following written notice from the City, any person or company shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any utility or cable facilities within the public right-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration is reasonably necessary for the construction, repair, maintenance or installation of any City initiated improvements or City operations on, over, under or within, such public right-of-way. To the extent this provision conflicts with the terms of an existing franchise agreement or with state law, the terms of the franchise agreement or state law shall govern. However nothing in this provision shall be interpreted as a fee to any utility or cable company for the use of the City's rights-of-way.

E. REMOVAL OF UNAUTHORIZED FACILITIES: Within 30 days following written notice from the City, any utility that owns, controls or maintains any unauthorized facility or related appurtenances within the public right-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from such public right-of-way. A facility is unauthorized and subject

to removal in the following circumstances:

1. Upon expiration or termination of the permit holder's license or franchise, unless otherwise permitted by applicable law;

2. If the facility was constructed or installed without the prior grant of a license or franchise, if required;

3. If the facility was constructed or installed without prior issuance of a required permit in violation of this Section 6.25; or

4. If the facility was constructed or installed at a location not permitted by the permit holder's license or franchise.

F. EMERGENCY REMOVAL OR RELOCATION OF FACILITIES: The City retains the right and privilege to cut or move any facilities located within the City public right-of-way as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

G. ABANDONMENT OF FACILITIES: Upon abandonment of a facility within the City public right-of-way, the utility shall notify the City within 90 days. Following receipt of such notice the City may direct the utility to remove all or any portion of the facility if the Public Works Coordinator determines that such removal will be in the best interest of the public health, safety and welfare. In the event the City does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the City, the abandoning utility shall be deemed to consent to the use, alteration or removal of all or any portion of the facility by another utility or person.

H. CLEANUP AND RESTORATION: Upon completion of all construction or maintenance of facilities, the utility shall, at its own expense, remove all excess material and restore all turf and terrain in a timely manner and to the satisfaction of the City. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Public Works Coordinator. 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.

I. ANNUAL REGISTRATION REQUIRED: Every utility that occupies a City public right-of-way shall register on January 1 of each year with the Public Works Coordinator, providing the utility's name, address and regular business telephone and facsimile numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and the name, address and regular business telephone and facsimile number of one or more contact

persons who shall receive any notices resulting from this Section 6.25. Each utility also shall provide evidence of insurance coverage reasonably consistent with industry standards.

J. Nothing in this Section 6.25 shall exempt any utility working in the right-of-way from any other provisions of this Chapter 6. To the extent other provisions of this Code may conflict with the provisions of this Section 6.25, the more restrictive provisions shall prevail.

K. PENALTIES: Any person who violates, disobeys, omits, neglects or refuses to comply with any provision of this Section 6.25 shall be subject to a fine in accordance with Section 1.06 herein. There may be times when the City will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Section 6.25. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the City's cost of damages and its cost of installing, maintaining, modifying, relocation or removing the facility that is the subject of the permit and improvements. No other administrative agency or commission may review or overrule a permit related cost apportionment of the City. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

CHAPTER 7
CITY HALL FACILITIES, COMMUNITY EVENT SIGN

7.01 City Hall Uses
7.02 City Hall Use Procedures
7.03 Community Event Sign

7.01 CITY HALL USES

A. ACCEPTED USES: Access to City Hall meeting room areas ("facility") on matters other than official City business or City-sponsored events shall be restricted to the following classes of organizations, corporations or agencies:

1. Governmental or quasi-governmental units or districts which are wholly or partly coterminous within the City; or

2. Bona fide charitable or not-for-profit organizations, entities or corporations which have a substantial involvement or provide a substantial benefit to the citizens of the City.

   An organization shall be deemed to have substantial involvement or provide a substantial benefit in the City if either a majority of its members are residents or, in the case of regional organizations, if the City falls within the region.

B. PROHIBITED USES: Prohibited uses of the facility are as follows:

1. No religious services shall be permitted. However, the offering of a prayer or invocation prior to a meeting shall not be considered a religious service.

2. No commercial enterprises, solicitation or sales of merchandise whatsoever shall be transacted.

C. CANCELLATION: The City reserves the right to deny permission, or cancel permission once permission is granted, for any reason and shall not be responsible for any loss, cost, or damage or injury of any sort, direct or indirect.

7.02 CITY HALL USE PROCEDURES

A, PROCEDURES: All requests for use of the facility shall be made in writing to the Administrator not less than 15 days prior to the date for of use. Such request shall identify one or more local residents for purposes of receiving any communication relative to the request and also to act as the responsible party for compliance with all rules and regulations pertaining to facility use. The Administrator may also request supporting documentation to confirm that the group is a permitted user.

B. CLEANUP: Any facility user shall be responsible for the condition of the facility and all property within it, and shall leave the facility and all property in its original condition. In the event the City has to cleanup, repair or replace the facility and/or any property the organization, through the designated responsible person, shall be responsible for the City incurred costs plus an administration fee equal to 50 percent of the cost.

C. HOURS: Use of the facility is restricted to the hours of 6 a.m. to 11 p.m. Any user group may post a notice, subject to the approval of the Administrator, in the front door area of City Hall not more than 36 hours prior to the use of the facility. Said notice shall be removed immediately after the use.

D. RULES AND REGULATIONS: The Administrator shall make available to users any other rules and regulations deemed necessary for the use of the facility.

E. INDEMNIFICATION: Each organization using the facility shall indemnify and hold the City harmless from any loss, damage or claim of loss or damage or injury of any sort arising or alleged to have arisen from the use of the building. Proof of such insurance shall be provided to the Administrator prior to use of the facility.

7.03 COMMUNITY EVENT SIGN

The following guidelines, rules and regulations shall apply to the use of the Community Event Sign (for purposes of this Section 7.03, "Sign") located at North State Street:

1. Access to the Sign for announcements other than official City business or City-sponsored events shall be restricted to the following classes of organizations, corporations or agencies:

    a. Governmental or quasi-governmental units or districts which are wholly or partly coterminous with the City; or

    b. Bonafide charitable or not-for-profit organizations, entities or corporations that have a substantial involvement or provide a substantial benefit to the citizens in the Marengo community. An organization shall be deemed to have a substantial benefit in the community if either a majority of its members are City residents or, in the case or a regional organization, the City falls within the region.

2. No religious services may be announced or advertised on the Sign.

3. No commercial enterprises, solicitation or sales of merchandise whatsoever may be announced or advertised on the Sign.

4. All requests for use of the Sign shall be made in writing to the City not less than 15 nor more than 180 days prior to the date for which the announcement is sought. Each such request shall identify one or more City resident for purposes of receiving any communication relative to the request and also to act as a responsible party for compliance with all rules and regulations pertaining to sign use. The City may also request supporting documentation to confirm the group meets the qualifications of this Section 7.03.

5. No message shall remain on the Sign for less than seven days nor more than 14 days. For purposes of this Section 7.03, the time period for a message shall begin at 9 a.m. each Tuesday and conclude at 9 a.m. the following Tuesday.

6. The fee for the use of the Sign shall be determined from time to time by the City Council.

7. Requests for canceling a scheduled message must be tendered to the City, in writing, not less than 15 days prior to the scheduled appearance in order to receive a refund of the fee.

8. Reservations for the Sign shall be on a first come first served space available basis using the City's receipt of the request as the date/time of receipt.

9. All messages placed on the Sign will be with the standard fonts provided. The City reserves the right to edit the text of requested messages as it deems necessary. One complete line of blank text shall remain between messages.

10. Within 24 hours after an announcement is placed on the sign the City shall be notified of any errors in the posted announcement.

11. Each entity using the Sign agrees to indemnify and hold the City harmless from any damage or claim of loss or damage or injury of any sort arising or alleged to have arisen from its use of the sign.

12. The City shall not be responsible for any loss, cost or damage or injury of any sort, direct or indirect, associated with the message.

13. The City reserves the right to withdraw permission for a scheduled message at any time.

CHAPTER 8
PARKS AND PLAYGROUNDS

8.01 Definitions
8.02 Protection of Park Property
8.03 Vehicles, Operation
8.04 Motorized Vehicles
8.05 Speed Limit
8.06 Parking
8.07 Firearms and Weapons
8.08 Alcoholic Beverages
8.09 Advertising and Signs
8.10 Use of Park Area
8.11 Fires
8.12 Group Activity
8.13 Swimming
8.14 Operating policy
8.15 Penalties

8.01 DEFINITIONS

In addition to the definitions found in Appendix A of this Code, the term "park" as used herein shall mean all recreational areas owned and/or operated by the City.

8.02 PROTECTION OF PARK PROPERTY

A. DAMAGE TO PROPERTY: No person shall mark, deface, injure, destroy, damage, tamper with, or remove any park property, facilities or equipment, whatsoever, either real or personal.

B. SANITATION: No person shall throw, pour or in any other manner, discharge any substance or chemicals, whether liquid or solid, upon the water, grounds or property of the park which may be injurious to persons or park property.

C. REFUSE: No person shall bring in, have brought in, or put into any park, any rubbish, refuse, garbage or other such material. Any refuse and rubbish generated from use of any park shall be deposited in receptacles provided in the park.

Where no such receptacles are provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

D. TREES AND VEGETATION: No person shall damage, destroy, remove or climb upon, any tree or other vegetation located in any park or recreation area.

E. ANIMALS: No person shall bring any animal into any beach, baseball or soccer field or marked perimeters of tot lots areas, whether on a leash or being ridden, except blind or other physically challenged persons being led or assisted by a guide dog. Animals on leashes will be allowed in all other City-owned parks as long as the owner has appropriate waste collection equipment and subsequently picks up any droppings eliminated by their animal.

F. GOLF: No person shall hit any golf balls in any baseball or soccer field at any time.

8.03 VEHICLES, OPERATION

No person shall operate any motor vehicle other than on roadways within City-controlled park lands except that the Superintendent of Public Works or the Chief of Police may grant special permission to individuals to operate vehicles on areas other than roadways.

8.04 MOTORIZED VEHICLES

No person shall operate a snowmobile or off-road vehicle within any parks controlled by the City except that the Superintendent of Public Works or the Chief of Police may grant special permission for a snowmobile to be operated on City-controlled park land.

8.05 SPEED LIMIT

No person shall exceed a speed of 10 miles per hour unless it is otherwise posted on any roadway or traffic way within any City controlled park.

8.06 PARKING

No person shall park a motor vehicle in any prohibited area which is posted with signs, or park any vehicle in any area for the purpose of repair, except those immediate repairs necessary to remove the vehicle from the area.

8.07 FIREARMS, WEAPONS AND FIREWORKS

A. FIREARMS, WEAPONS: No person, other than authorized police officers, shall display or use on City-controlled park lands, except as authorized by the Chief of Police, any gun, including a shotgun, rifle, pistol, revolver, air or BB-gun, or other weapon, including a slingshot, bow and arrow, switchblade knife with spring-loaded blade, throwing knife, tomahawk or throwing axe, or any martial arts devices.

B. FIREWORKS: No person, except authorized personnel, shall bring, carry or use, in any way, any fireworks or other explosive substance of any kind in any City-controlled park.

8.08 ALCOHOLIC BEVERAGES

No person shall consume or possess any alcoholic beverages on park lands, with the following exceptions:

1. The City Council may grant a daily exception permit to any organization authorizing the dispensing of beer and/or wine at any group picnic or similar function authorized in any park.

2. Such function must be open to the public and be held during hours that would not inhibit the use of the park by the general public.

3. Before the permit is issued, the permittee must file a certificate of insurance naming the City as an additional named insured.

4. Unless specifically provided otherwise, all requirements of the Chapter 33, Liquor Control and Liquor Licensing, of this Code shall apply to permits granted under this Section 8.08.

8.09 ADVERTISING AND SIGNS

A. ADVERTISING: No person shall announce, advertise or call to the public's attention in any way, any article or service for sale or hire.

B. SIGNS: No person shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever on any park land or highway or road adjacent to any such park land, except as approved by the City Council.

8.10 USE OF PARK AREA

A. REGULATED: No person in a park shall picnic, lunch or camp in a place other than that designated for such purpose. Attendants shall have the authority to regulate activities in park areas whenever necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all visitors.

B. NON-EXCLUSIVE USE: No person shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other person, nor shall any person use such area and facilities for an unreasonable length of time if the facilities are crowded, unless a Park Use Permit is granted by the City Council.

8.11 FIRES

No person shall build a fire in any place other than a fireplace or grill affixed to the property by the City, or any portable grill constructed of a suitable fireproof substance, or in any other area designated by the City. No persons shall leave a picnic area before their fire is completely extinguished.

8.12 GROUP ACTIVITY

Any group, association or organization desiring to use the park facilities for a particular purpose must first obtain a permit from the Administrator. A permit will be issued if it appears that the group, association or organization will not interfere with the general use of the park by the individual members of the public and if the group, association or organization meets all other conditions contained in the application. The Administrator may require an indemnity bond to protect the City from any liability of any kind or character and to protect the City property from damage.

8.13 SWIMMING

No person shall swim or wade in any stream, creek, lake or pond, located in any park, unless such area is expressly reserved for such activity and clearly posted as such.

8.14 OPERATING POLICY

A. HOURS: City parks shall be open daily to the public during the hours from dawn to dusk. It shall be unlawful for any person other than City personnel conducting City business therein to occupy or be present in the park during any hours in which the park is not open to the public, except as approved by the City Council upon application for a Park Use Permit provided for in Section 8.09 herein.

B. CLOSING PARKS: Any section or part of a park may be closed to the public by the Mayor at any time and for any interval of time, either temporarily or at regular or stated intervals.

8.15 PENALTIES

A. Any person who violates Sections 8.02 through 8.06 herein shall be fined not less than $100 for each offense.

B. Any person who violates any other section of this Chapter 8 shall be fined not less than $25 nor more than $500 for each offense.

C. The violation of this Chapter 8 is hereby declared to be a public nuisance to be abated in the manner provided by law.

CHAPTER 10
CEMETERY and CEMETERY BOARD OF MANAGERS

10.01 City Cemetery Established
10.02 Cemetery Board of Managers Created
10.03 Powers and Duties of the Cemetery Board of Managers
10.04 Cemetery Superintendent

10.01 CITY CEMETERY ESTABLISHED

The cemetery bounded by the north line of Prairie Street, Jackson Street and Grace Street is established as the Marengo City Cemetery. The care and supervision of the Marengo City Cemetery, including all physical and financial matters, shall be under the supervision of the Cemetery Board of Managers.

10.02 CEMETERY BOARD OF MANAGERS CREATED

The Cemetery Board of Managers is hereby created, consisting of three members, appointed by the Mayor with the advise and consent of the City Council. The Mayor shall designate the Cemetery Board of Managers chairman. Members of the Cemetery Board of Managers shall appoint a secretary and a treasurer. Each member shall serve a term of two years without compensation. Any member may be removed by the Mayor for failing to perform their duties or the misappropriation or wrongful use of funds or property.

10.03 POWERS AND DUTIES OF THE CEMETERY BOARD OF MANAGERS

A. MEETINGS: The Cemetery Board of Managers shall meet at such times as it may determine. Such meetings shall be pursuant to the Open Meetings Act.

B. CEMETERIES: The Cemetery Board of Managers shall have charge and control of the Marengo City Cemetery and over any cemetery not under the control of any corporation, corporation sole or society located within the City.

C. RECEIPTS: Receipts from the operation of the cemetery shall be deposited by the Cemetery Board of Managers treasurer into a Cemetery Board Fund. Said funds shall be used for the operation of the cemetery.

D. OPERATION OF CEMETERY: The Cemetery Board of Managers shall establish rules for the conduct of the cemetery, the cost of lots and services, and may employ such persons necessary for the operation of the cemetery. Unless authorized by the City Council, the Cemetery Board of Managers shall not expend any other City funds on the operation of the cemetery.

10.04 CEMETERY SUPERINTENDENT

The Cemetery Board of Managers may appoint a Cemetery Superintendent who shall perform duties assigned by the Cemetery Board of Managers. The compensation of the Cemetery Superintendent shall be determined from time to time by the Cemetery Board of Managers.

CHAPTER 12
NUISANCES

12.01 Definitions
12.02 Public Nuisances Prohibited
12.03 Public Nuisances Defined
12.04 Abatement of Public Nuisances
12.05 Cost of Abatement
12.06 Abandoned and Derelict Motor Vehicles
12.07 Boats, Trailers and Recreational Vehicles
12.08 Noxious Plants, Weeds, Bushes, Trees and Grass
12.09 Open Burning
12.10 False Alarms
12.11 Fire District Rapid Entry Key System
12.12 No Smoking

12.01 DEFINITIONS *Ord. 08-2-2*

In addition to those terms defined in Appendix A of this Code, the following terms, whether capitalized or not, are defined as follows for the purposes of this Chapter:

Authorized Private Receptacle: A City-authorized container for the collection and storage of rubbish, waste, refuse, litter, garbage or other matter.

Litter: Any discarded, used or consumed substance or waste. Litter may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging, construction material, motor vehicle parts, furniture, oil, carcass of any dead animal, any nauseous or offense matter of any kind, any object likely to injure a person or create a traffic hazard, potentially infectious medical waste as identified by characteristics or listing as hazardous under Section 3001 of the Resource and Recovery Act of 1976 or pursuant to the Illinois Pollution Control Board, or anything else of an unsightly or unsanitary nature which has been discarded, abandoned or otherwise improperly disposed of, including any material which, if thrown or deposited improperly, may tend to create a danger to the public health, safety and welfare.

Park: A park reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City, and devoted to active or passive recreation.

Public place: Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Refuse: All putrescible and non-putrescible solid waste (except body waste) including garbage, rubbish, ashes, street cleanings, dead animals, abandoned vehicles and solid market and industrial wastes.

Rubbish: Non-putrescible solid waste consisting of both combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, metal cans, yard clippings, leaves, tree stumps, dirt, wood, glass, bedding, crockery and similar materials.

Trash: Discarded, unwanted or worthless materials or objects.

12.02 PUBLIC NUISANCES PROHIBITED

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

12.03 PUBLIC NUISANCES DEFINED *Amended, 12-5-3, 08-2-2*

A. GENERALLY: 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;

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

3. Greatly offend the public morals or decency;

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.

5. Litter in public and private places.

B. PUBLIC NUISANCES AFFECTING HEALTH: The following acts, omissions, places and things hereby specifically declared to be public health nuisances, but shall not be construed to exclude other health nuisances coming within the definition of Section 12.03-A herein.

1. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale 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, discarded appliances or any material in which flies, mosquitoes, disease carrying insects, rats or other vermin may breed; or which may constitute 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 City limits in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;

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;

8. Any use of property, substances or things within the City 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 City;

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 water course, drainage ditch or ravine;

12. Any open burning contrary to City ordinance;

13. 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;

14. Any noxious weed on private property as defined by 505 ILCS 100/1 *et seq.*; and

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 Section 12.03-A herein:

1. All disorderly houses, bawdy houses, houses of ill fame, and buildings or structures kept or resorted to for the purpose of prostitution or promiscuous sexual intercourse;

2. All gambling devices if any kind except as authorized by Section 33.38 of this Code;

3. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, breed, bottled, manufactured or rectified without a permit or license as provided for by this Code; and

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

5. Any person throwing, tossing, discarding or depositing litter in or upon any street, sidewalk or other public place within the City except in public trash receptacles, authorized private receptacles for collection or in an official City disposal facility.

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 Section 12.03-A herein:

1. All building erected, repaired or altered in violation of the provisions of the ordinances of the City relating to materials and manner of construction of building 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 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 eight 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 City;

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 obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City 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;

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

10. All abandoned appliances;

11. 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;

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

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

14. Any condition or practice constituting a fire hazard;

15. Any nuisance so defined by the Illinois Compiled Statutes;

16. All unsheltered storage of old, unused, stripped, junked, and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, within the corporate limits of this City;

17. All unsheltered storage of unlicensed automobiles for a period of 10 days or more within the corporate limits of the City; and

18. All signs advertising garage sales, yard sales or other similar sales other than those located on the property on which the sale is being conducted.

12.04 ABATEMENT OF PUBLIC NUISANCES

A. INSPECTION OF PREMISES: Whenever complaint is made to the Mayor that a public nuisance exists, or has existed, within the City, the Mayor shall promptly notify the Chief of Police, or some other City official whom the Mayor shall designate, who shall forthwith inspect or cause to be inspected the premises and shall make a written report of his findings to the Mayor. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Administrator.

B. SUMMARY ABATEMENT:

1. Notice to Owner: If the inspecting officer determines 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 Mayor may direct the Chief of Police, Code Enforcement Officer 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 persons causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours.

2. Abatement by City: If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Chief of Police, the Coordinator of Public Works or some other City official whom the Mayor shall designate, may cause the abatement or removal of such public nuisance, or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours.

C. ABATEMENT BY COURT ACTION: If the inspecting officer determines that a public nuisance exists on private premises but the nature of such nuisance is not an immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Mayor, who shall cause an action to abate such nuisance to be commenced in the name of the City.

12.05 COST OF ABATEMENT

In addition to the penalty imposed by this Code for the erection, contrivance, creation, continuance or maintenance of the public nuisance, the cost of abating a public nuisance by the City 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.

12.06 ABANDONED AND DERELICT MOTOR VEHICLES *Amended, 04-11-2*

A. LEGISLATIVE FINDINGS AND DETERMINATIONS: The City Council, in keeping with the policy of the Illinois General Assembly as found in Section 5/4-301 of the Illinois Vehicle Code (Chapter 625 of the Illinois Compiled Statutes), finds and determines that:

Abandoned and derelict vehicles constitute a safety hazard and a public nuisance; are detrimental to the health, safety and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards and presenting physical dangers to children and others; produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the State of Illinois and all if its subdivisions; represent a resource out of place and an energy loss to the Illinois economy and require

state and local governmental attention, in conjunction with any federal governmental attention, in order to assure the expeditious removal and recycling of these abandoned and derelict vehicles.

B. ABANDONMENT OF VEHICLES OR RETENTION OF DERELICT VEHICLES PROHIBITED: The abandonment of a motor vehicle or any part thereof or the retention of a derelict vehicle anywhere in the City, in view of the general public, is unlawful except on the property of the owner in a completely enclosed permanent building or structure. Removal of the abandoned or derelict vehicle, or any part thereof, may be authorized by order of the Chief of Police after expiration of seven days from the date of violation.

C. ABANDONMENT OF MOTOR VEHICLE; PRESUMPTION: The person to whom last was issued the certificate of title to the vehicle by the Secretary of State is presumed to be the person to have abandoned that vehicle but such presumption may be rebutted.

D. RETENTION OF DERELICT VEHICLE ON PRIVATE PROPERTY; PRESUMPTION: The person who owns the property on which the derelict vehicle is retained or who occupies the property on which the derelict vehicle is retained, or both, is presumed to be the person responsible for disposing of the vehicle in a safe and timely manner.

E. NOTICE TO POLICE: When an abandoned, derelict, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession of custody of a person in this state, not the owner of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the City.

Upon receipt of such notification, the Chief of Police shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle.

The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner, or any other person legally entitled to possession thereof, or until it is disposed of as provided by this Section 12.06.

F. REMOVAL OF VEHICLES:

1. When a motor vehicle or other vehicle is abandoned on a public right-of-way in the City 10 hours or more, its removal by a towing service may be authorized by order of the Chief of Police.

2. When an abandoned, derelict, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway, a towing service may be authorized by order of the Chief of Police.

3. When a vehicle is removed from either public or private property, as authorized by order of the Chief of Police, the owner of the vehicle will be responsible for all towing costs.

G. RECORDS OF VEHICLE REMOVED: When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of the manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

H. SEARCH FOR OWNER: When the Police Department does not know the identity of the registered owner or other legally entitled person, they will cause the motor vehicle records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The Police Department shall cause the stolen vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be used by the Police Department in sending a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information.

I. NOTICE TO STATE POLICE: When the registered owner or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this state or from the registration files of a foreign state, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner.

J. RECLAIMING VEHICLES: Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle.

No vehicle shall be released to the owner or other person under this Section 12.06 until all towing and storage charges and fines have been paid.

K. SALE OF VEHICLE: Whenever an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle, seven years of age or newer, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of 30 days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder.

Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded.

At least 10 days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this state, the sending of a second certified notice will not be required.

L. OLDER VEHICLES: When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost or unclaimed vehicle of seven years of age, or newer cannot be determined by any means provided for in this section, the vehicle may be sold as provided herein or disposed of in the manner authorized by this Section 12.06 without notice to the registered owner or other person legally entitled to the possession of the vehicle.

When an abandoned vehicle of more than seven years of age is impounded as specified by this section, it will be kept in custody for a minimum of 10 days for the purpose of determining ownership, the contacting of the registered owner by the U.S. Mail, public service or in person for a determination of disposition, and an examination of the Illinois State Police stolen motor vehicle files for theft and wanted information.

At the expiration of the 10-day period, without the benefit of disposition information being received from the registered owner, the Chief of Police will authorize the disposal of the vehicle as junk only.

A motor vehicle or other vehicle classified as an antique vehicle is excluded from this Section 12.06.

M. RECORDS: When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or other wise disposed of as provided in this section, a record of the transaction shall be maintained by the Police Department for a period of one year from the date of the sale or disposal.

N. DISPOSITION OF SALE PROCEEDS: When a vehicle located within the corporate limits of the City is authorized to be towed away by the Chief of Police and disposed of as set forth in this Section 12.06, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the City treasury.

O. LIABILITY OF OFFICERS: Any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damages or his legal representatives, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Section 12.06.

12.07 BOATS, TRAILERS AND RECREATIONAL VEHICLES

Outdoor storage of recreational vehicles is permitted only to the extent that such vehicles are stored in a safe and orderly manner in a compact and contiguous area not to exceed 180 square feet located behind the front yard building setback line. For purposes of this Section 12.07, a boat upon a trailer shall be considered a single vehicle.

12.08 NOXIOUS PLANTS, WEEDS, BUSHES, TREES AND GRASS *Amended, 08-7-1*

A. NUISANCE DECLARED: Any weeds such as or known as jimson, burdock, ragweed, thistle, cockleburr, or other weeds of like kind, and plants or bushes of the species of tall, common or European Barberry, otherwise known as Barberis Vulgaris, or its horticultural varieties, found growing in any place or location within the corporate limits of the City, are declared to be a nuisance. It shall be unlawful for any person to cause or permit any such weeds or plants to grow or remain in any place or location within the corporate limits of the City to a height in excess of eight inches. It is also hereby declared to be a nuisance and shall be unlawful for any person to cause or permit grass, except ornamental grass, to grow or remain in any place or location within the corporate limits of the City to a height in excess of eight inches, or refuse or neglect to trim trees or bushes, or remove nuisance bushes or trees in the City.

B. REMOVAL OF NOXIOUS PLANTS, WEEDS, GRASS, BUSHES AND TREES: It shall be the duty of every owner or occupant of every lot or tract of land within the corporate limits of the City to (1) cut, destroy or remove, or cause to be cut, destroyed or removed, every such weed or plant or (2) cut any grass as hereinabove described or (3) trim trees or bushes, or (4) remove nuisance bushes or trees, upon every such lot or tract of land in such manner and on or before such time as such weeds, plants or grass reach or exceed the height of eight inches or such trees or bushes become a nuisance. Upon the failure of any such owner or occupant so to do, it shall be the duty of the Building Department to serve or cause to be served a notice, demanding the abatement of such growth as a nuisance, within a period of five days from the date of such service. Failure of any owner or occupant to comply with the provisions and demands of such notice shall constitute a violation of the provisions of this Section 12.08.

C. NOTICE: Any owner or occupant served with a 5-day notice shall be deemed to have refused or neglected to cut, trim or remove such weeds, trees, bushes, plants or grass pursuant to this Section 12.08. The written notice shall be in force for a period of 12 months from the date the notice was issued. Failure of any owner or occupant to comply with the provisions and demands of a notice served within the previous 12 months shall constitute a violation of the provisions of this Section 12.08 and it shall be a new violation every day the nuisance is allowed to continue. For purposes of this Section, an owner or occupant shall be deemed served when notice has been sent by certified mail and posted on the subject property. An owner may also be deemed served when notice has been sent via facsimile or electronic mail.

The cost of cutting, trimming or removing of weeds, grass, plants, trees or bushes shall not be a lien on the real estate affected unless a notice is personally served on, or sent by certified mail

to, the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall be sent after the cutting, trimming or removal of the weeds, grass, plants, trees or bushes on the property.

D. ABATEMENT: If, upon the expiration of the 5-day period provided in the notice, for a period of 12 months from the date of service, any owner or occupant of any premises in the City upon which any such weeds, plants, trees, bushes or grass are caused or permitted to grow in violation of the provisions of this Section 12.08, it shall be the duty of the Building Department, or any department in the City directed to do so, to proceed to eliminate the nuisance by cutting, destroying or otherwise removing the weeds, plants, trees, bushes or grass and to keep an account of the expense thereof, and such expense shall be charged to the owner, or the owner and occupant jointly, of the premises, and it shall be the duty of the owner or the owner and occupant jointly to pay such expense.

E. LIEN: The City shall have a continuing lien upon the premises and real estate upon which any noxious weeds or plants or nuisance trees, bushes or grass shall be caused or permitted to grow in violation of the provisions of this Section 12.08, for or on account of which it is necessary for any expense to be suffered or incurred by the City for the cutting, destroying or otherwise removing of any weeds, plants, trees, bushes or grass. Every lien shall, upon compliance with the conditions hereinafter set forth, become and be prior and superior to the rights and interest of creditors, encumbrances, purchasers and other parties in interest in such premises and real estate.

Such lien may be preserved and enforced in the following manner: The Clerk shall, within 60 days after the accrual of such expense or cost or charge, file or cause to be filed with the Recorder of Deeds a claim for lien, verified by the affidavit of an officer of the City having knowledge of the facts, which shall consist of a brief statement of the facts of the claim, the amount of money representing the cost and expense incurred or payable for the service, the date or dates when such cost and expense were incurred by the City and a sufficiently correct description of the lot, lots or tract or tracts of land or real estate to properly identify such land or real estate. No such lien shall be defeated in the proper amount thereof because of error or overcharging on the part of the City, nor shall any such lien be defeated upon proof that the expense or cost or charge resulted from or was incurred by reason or fault of any tenant or occupant or other person in possession other than the owner.

F. FORECLOSURE OF LIEN: If payment is not made as provided in this Section 12.08 of any amount due by virtue of its provisions when the same shall become due, the City may file or cause to be filed a petition or bill in the appropriate court for a foreclosure of mortgages. Such suit shall be commenced within two years after the accrual of such expense or cost or charge. Any decree rendered in court may be enforced and collected as other decrees or judgments in such court.

The remedy provided in this Section 12.08 shall not be construed to abridge or in any manner interfere with the right and power of the City to enforce the collection thereof by an action at law or as otherwise provided in this Section 12.08, but the remedy herein provided shall be taken and held as an additional means to enforce payment of such delinquent expense or cost or charge.

12.09 OPEN BURNING *Amended, 13-6-4, 10-6-4*

A. PROHIBITION: Except as provided in Section 12.09-B3, the open burning of any materials or substances is hereby prohibited within the City limits, other than the preparation of food on a temporary or permanent fireplace grill or barbecue pit and as otherwise provided herein.

B. EXCEPTIONS:

1. Duly organized units of government shall be exempt from this prohibition when conducting a controlled burn and when authorized by the City Council. Any unit of government conducting an authorized controlled burn within the City shall notify the Police Department of the time and location of the controlled burn. The Chief of Police may impose such conditions and limitations upon said controlled burns as the Chief deems appropriate.

2. Residents may apply for a Recreational Bonfire Permit at the Police Department. Subject to permit approval from the Chief of Police, Recreational Bonfire Permits may only be issued if the following conditions are met:

   (a) The recreational bonfire is attended by a responsible person over the age of 21 years, who shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.

   (b) The recreational bonfire location is not less than 30 feet from any structure and adequate provisions are made to prevent fire from spreading to within 30 feet of any structure.

   (c) The recreational bonfire shall only be permitted between the hours of 5 p.m. and midnight on the date listed on the Recreational Bonfire Permit. Materials burned shall only be logs.

   (d) The Chief of Police shall forward a copy of the Recreational Bonfire Permit to the fire district/department having jurisdiction over the bonfire location prior to the time of the bonfire.

   (e) There shall be no charge for a Recreational Bonfire Permit.

   (f) Recreational bonfires shall be limited to one bonfire permit per residence per month from April through October.

3. Open burning is permitted in the AT Agricultural Transition District within the City pursuant to the McHenry County Department of Health Landscape Regulations, Article III - Section 1.29 regarding open burning restrictions, as amended.

C. PENALTIES: Any person who violates Section 12.09 shall be fined not less than $100 for the first offense. The fine for a second offense shall be not less than $300 and the fine for a third and any other subsequent offenses shall be not less than $500. The violation of this Section 12.09 is hereby declared to be a public nuisance, to be abated in the manner provided by law.

12.10 FALSE ALARMS

A. AUTOMATIC DIALER ALARMS: Automatic dialer alarms that dial directly into the Police Department are not allowed to be used within the corporate limits of the City, with the exception of those used by the City and those authorized by the Chief of Police based upon special facts involving medical and/or life threatening circumstances.

B. AUDIBLE ALARMS: Any alarm that emits an audible alarm is required to have a cut-off timer that will shut the alarm off automatically after 30 minutes.

C. FALSE ALARMS: Any person owning or leasing an alarm system that transmits an alarm activation, either indirectly or directly to the Police Department, shall be deemed to have transmitted a false alarm and be in violation of this Ordinance if that person's alarm system transmits more than four false alarms within any 12-month period. For purposes of determining guilt under this Section 12.10, a person's knowledge and intent are not elements of this offense.

12.11 FIRE DISTRICT RAPID ENTRY KEY SYSTEM

A. FIRE DISTRICT RAPID ENTRY KEY SYSTEM: A Fire District Rapid Entry Key System (hereinafter referred to as "KNOX") shall be installed on all buildings equipped with a monitored fire alarm system. Installation, location and mode of KNOX box shall be approved by the fire district prior to installation.

B. EXCEPTIONS: The following situations will be exempt from the KNOX box installation requirement in Section 12.11:

1. Detached single family dwellings;

2. Alarmed buildings that are occupied 24 hours a day throughout the year;

3. Buildings with on-premises guard service with key access to all building areas.

12.12 NO SMOKING *08-1-3*

A. In addition to those terms defined in Appendix A of this Code, for the purposes of this Section, the following terms have the meanings ascribed to them in this Section unless different meanings are plainly indicated by the context:

Bar: An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10 percent of its gross revenue from the sale of

food consumed on the premises. Bar includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities and cabarets.

Employee: A person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

Employer: A person, business, partnership, association or corporation, including a municipal corporation, trust or non-profit entity that employs the services of one or more individual persons.

Enclosed area: All space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

Enclosed or partially enclosed sports arena: Any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational or other events.

Gaming equipment or supplies: Gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

Gaming facility: An establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

Healthcare facility: An office or institution providing care or treatment of diseases, whether physical, mental, or emotional or other medical, physiological or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories and offices of surgeons, chiropractors, physical therapists, physicians, dentists and all specialists within these professions. Healthcare facility includes all waiting rooms, hallways, private rooms, semiprivate rooms and wards within healthcare facilities.

Place of employment: Any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including but not limited to entrances and exits to places of employment, including a minimum distance of 15 feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms; cafeterias and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care or other similar social service care on the premises, is not a place of employment.

Private club: A not-for-profit association that (i) has been in active and continuous existence for at least three years prior to the effective date of the Act, whether incorporated or not, (ii) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (iii) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic

purpose, but not for pecuniary gain, and (iv) only sells alcoholic beverages incidental to its operation. For purposes of this definition, private club means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

Private residence: the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home or assisted living facility shall not be considered a private residence.

Proprietor: Any individual or his designated agent who, by virtue of his office, position, authority or duties, has legal or administrative responsibility for the use or operation of property.

Public place: Any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distances of 15 feet from entrances, exits, windows that open and ventilation intakes that serve an enclosed area where smoking is prohibited. A public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A public place includes but is not limited to enclosed indoor areas used by the public or serving as a place of work including, but not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, and all government owned vehicles and facilities, including buildings and vehicles owned, leased or operated by the State or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75 percent of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast or other similar public accommodation that are rented to guests, but excludes private residences.

Restaurant: An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands and private and public school cafeterias, that gives or offers for sale food to the public, guests or employees, and/or a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. Restaurant includes a bar area within the restaurant.

Retail tobacco store: A retail establishment that derives more than 80 percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. Retail tobacco store does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license.

Smoke or smoking: The carrying, smoking, burning, inhaling or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs or any other lighted smoking equipment.

B. SMOKING IN PUBLIC PLACES PROHIBITED: No person shall smoke in a public place or any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State, City or other political subdivision of the State. Smoking is prohibited in indoor public places and places of employment unless exempted by Section 12.12-E.

C. SMOKING PROHIBITED IN STUDENT DORMITORIES: Notwithstanding any other provision of this Section, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.

D. POSTING OF SIGNS; REMOVAL OF ASHTRAYS; DESIGNATION OF OTHER NON-SMOKING AREAS:

1. "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this Section by the owner, operator, manager, or other person in control of that place.

2. Each public place and place of employment where smoking is prohibited by this Section shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

3. All ashtrays shall be removed from any area where smoking is prohibited by this Section by the owner, operator, manager, or other person having control of the area.

4. Notwithstanding any other provision of this Section, any employer, owner, occupant lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in this Section.

E. EXEMPTIONS: Notwithstanding any other provisions of this Section, smoking is allowed in the following areas:

1. Private residences or dwelling places, except when used as a child care, adult day care, or other healthcare facility or any other home-based business open to the public.

2. Retail tobacco stores in operation prior to January 1, 2008. The retail tobacco store shall annually file with the Illinois Department of Public Health by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants or herbs and cigars, cigarettes, pipes or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of January 1, 2008, may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

3. Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

4. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than 25 percent of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

F. ENFORCEMENT: The Illinois Department of Public Health, State-certified local public health departments and local law enforcement agencies shall enforce the provisions of this Section and may assess fines pursuant to Section 12.12-G. Any person may register a complaint with the Illinois Department of Public Health, a State-certified local public health department or a local law enforcement agency for a violation of this Section.

G. VIOLATIONS:

1. A person, corporation, partnership, association or other entity, who violates this Section, shall be fined no less than $100 and not more than $250 plus the City's cost of prosecution, including reasonable attorney fees. Each day that a violation continues shall be considered a separate offense.

2. A person who owns, operates, or otherwise controls a public place or place of employment that violates this Section shall be fined (i) not less than $250 for the first violation, (ii) not less than $500 for the second violation within one

CHAPTER 13
SCAVENGERS, RECYCLABLES AND REFUSE

13.01 Definitions
13.02 License Required
13.03 Application for License
13.04 License Fee; Term
13.05 Collection of Recyclables
13.06 Conditions of License
13.07 License Revocation
13.08 Duties of Customers

13.01 DEFINITIONS

In addition to the definitions found in Appendix A of this Code, the following term used in this Chapter 13 is defined as follows:

Scavenger: Any person, firm, partnership, association, joint stock company, joint venture, public or private corporation conducting any of the enumerated activities of collection and disposal of waste materials for set fees or payments.

13.02 LICENSE REQUIRED

It shall be unlawful for any person to engage in the business of scavenger or the collection or disposal of residential, commercial or industrial garbage, refuse or waste without having first obtained a Scavenger License from the City.

13.03 APPLICATION FOR LICENSE

A. APPLICATION: Application for a Scavenger License shall be made to the City and referred to the City Council. A Scavenger License shall be issued upon order of the City Council.

B. APPLICATION REQUIREMENTS: The following information shall be submitted with the application:

1. Applicant's residential and business name and address and the names and addresses of its owners and officers;

2. The location of the disposal facilities to be used by the licensee. This location shall be a site approved by the IEPA, or its successor.

3. The location where scavenger vehicles will be parked when not in use.

4. Certificates of insurance to be issued by a company approved by the City and which is authorized to issue insurance in the State, showing that the applicant has public liability insurance of not less than $1,000,000 covering the business activities within the City. The licensee shall also have insurance coverage on motor vehicles and property damage in an amount acceptable to the City. The certificate shall show the date of expiration, which shall not expire during the term of the Scavenger License. Upon cancellation or expiration without renewal of the insurance, a City issued Scavenger License shall be void.

13.04 LICENSE TERM, FEE *Amended, Ord. 01-2-6*

The annual license fee for residential and commercial scavenging shall be $350. The license period shall be from May 1 to the following April 30.

13.05 COLLECTION OF RECYCLABLES

A. PICKUP REQUIREMENTS: It shall be a prerequisite to obtaining a Scavenger License that the applicant agrees to pick up and deliver to an appropriate recycling facility the following recyclable materials: aluminum, corrugated cardboard, glass bottles and containers, newsprint and plastic milk containers. In addition, the licensed scavenger shall pick up and deliver to an appropriate facility branches, tree cuttings, leaves and lawn rakings.

B. NONPROFIT ORGANIZATIONS: Upon approval by the City Council, any not-for-profit organization or tax exempt charitable institution may pick up one or more of the categories of recyclable materials. However, City Council approval will be conditioned upon the activity's impact on the business of licensed scavengers within the City; the City Council may impose restrictions it deems reasonable, including times and dates, of said approval.

13.06 CONDITIONS OF LICENSE

A. VEHICLES:

1. Spilling Loads: It shall be unlawful for any person owning or controlling any vehicle for the purpose of carrying, carting, hauling or transporting garbage, refuse, waste or recyclables to cause any of the substances to dump, fall, scatter, spill or leak on any public way or other place. The scavenger shall use exclusively enclosed leakproof packer-type disposal truck bodies for the collection of all residential, commercial and industrial garbage. For the collection or all other refuse and rubbish, the scavenger shall have equipment to be used when necessary, tarpaulins or substantial tight covers designed to prevent the scattering of the refuse and rubbish from the container or truck.

2. Cleanliness of Vehicles: All scavenger vehicles shall be cleaned and disinfected when not in use so that the vehicles do not become offensive or in violation of federal, state or local laws.

B. PARKING; TEMPORARY STORAGE OF WASTE: Except in an emergency, it shall be unlawful to park a scavenger truck containing any garbage, refuse or other waste overnight, or for an unnecessary length of time during daylight hours within the City limits. In the event the contents of a storage container becomes frozen and unmovable it shall be permissible to store said container in an enclosed building up to 48 hours. The scavenger must notify the Superintendent of Streets and Chief of Police immediately of any emergency.

C. RESIDENTIAL PICKUP HOURS: Except in an emergency, residential pickup shall be limited to the hours between 6 a.m. and 3:30 p.m. Monday through Saturday.

13.07 LICENSE REVOCATION

In the event a licensed scavenger firm violates any provisions of this Chapter 13 or any federal, state or local laws, the City shall have the right, in addition to enforcing criminal penalties against the firm,

to revoke the Scavenger License. In such case no consideration for a refund in part or whole of the license fee shall be given.

13.08 DUTIES OF CUSTOMERS

A. LOCATION FOR PICK-UP: All refuse, compostable yard waste and recyclable material shall be placed immediately behind the curbside. When a conflict arises concerning a specific location the City shall have the exclusive right to determine the final pickup point for the property in question.

B. PREPARING MATERIALS: It is the responsibility of the customer to properly bag, bundle and tag all refuse, recyclables and compostable yard waste.

C. RECEPTACLES REQUIRED: It shall be the duty of every owner, or his agent, or the occupant of any house, dwelling or other building in the City wherein people reside or lodge, or where animal or vegetable food is prepared or served, and at all times, to maintain in good order and repair a separate receptacle to be used for the purpose of depositing garbage and other similar refuse. Such receptacle shall be watertight, made or constructed of metal or plastic and shall be equipped with a close fitting cover.

D. DEPOSIT ON STREETS AND PROPERTY: It shall be unlawful for any person to deposit garbage or other similar refuse in any street, alley or public way. It shall be unlawful for any person to deposit garbage or other similar refuse upon any private property, unless such garbage or other similar refuse shall be placed in a receptacle as hereinabove described, and it shall be unlawful to place such receptacle upon any street, alley or public way.

E. LITTERING: It shall be unlawful for any person to deposit, place or locate garbage or other similar refuse in any manner so that the same could be blown about or scattered by wind or accessible to animals.

F. BURNING: It shall be unlawful for any person to burn or cause to be burned any garbage or similar refuse within the corporate limits of the City.

G. STORAGE OF RECEPTACLES: The storage of receptacles shall be in such a manner so as to be no closer to the streets or public ways than the building setback lines as required under the Zoning Code.

CHAPTER 14
DOGS AND OTHER ANIMALS

14.01 Definitions
14.02 Cruelty to Animals
14.03 Dangerous Animals
14.04 Noisy Animals
14.05 Animals Prohibited
14.06 Diseased Animals
14.07 Dog Licenses
14.08 Dogs and Cats Running at Large
14.09 Dog Bites
14.10 Dog Litter
14.11 Limit

14.01 DEFINITIONS

In addition to the definitions found in Appendix A of this Code, the following words and phrases shall have the meanings, and are hereby defined, as follows:

Animal: Every living creature, domestic or wild, not including man.

Dangerous Animal: Any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf, coyote or life-threatening snake or reptile.

Domestic Animal: Any animal, except birds or fish, the ownership of which is not prohibited under the definition of "prohibited animal" set forth herein.

Owner: Any person who has:

1. A right of property in an animal;

2. Keeps an animal;

3. Has an animal in his care of custody; or

4. Who knowingly permits an animal to remain on or about any premises occupied by him.

Run at Large: To be free of restraints off the premises of the owner.

Prohibited Animal: Pigs, swine, sheep, chickens or other fowl, cattle, horses, goats or similar animals, or any naturally wild animal, except birds or fish, whether or not bred for domestic purposes. Such animals shall, however, be permitted in zoological parks, performing animal exhibitions, educational institutions or veterinary hospitals.

Vicious Animal: Any animal which bites, or in any other manner, attacks or attempts to attack, except that any animal that bites, attacks or attempts to attack any person unlawfully entering upon its owner's premises, or which is provoked to attack, shall not be deemed a vicious animal.

14.02 CRUELTY TO ANIMALS

No person shall cruelly treat any animal. Any person who inhumanely beats, under feeds, overloads or abandons any animal is guilty of a violation of this Section 14.02.

14.03 DANGEROUS ANIMALS

All persons owning or in possession of any dangerous or vicious animal shall restrain said animal from running at large within the City. Exhibitions or parades of dangerous or otherwise prohibited animals as defined in Section 14.01 herein may be conducted upon securing a permit from the Chief of Police.

14.04 NOISY ANIMALS

No person shall harbor or keep any animal which disturbs the peace by loud noises.

14.05 ANIMALS PROHIBITED *Amended, 09-7-2*

A. FARM ANIMALS: No person shall stable, keep or maintain any prohibited animals as defined in Section 14.01 herein in the City, nor shall any person ride, walk or lead such prohibited animals in the City, except by special permission granted by the City Council; provided that horses may be led through the City on a public roadway when safe to do so without disrupting traffic. And except also that the City may issue a permit for the use of any horse-drawn carriage for a particular event or ceremony.

B. EXOTIC ANIMAL: Except as provided herein, no person shall own, keep or harbor within the City any animal deemed to be dangerous including snakes, reptiles or lizards that are poisonous; any rodent weighing more than one pound, with the exception of guinea pigs; or any other exotic animals as defined in Section 2.09 of Article XVII of the McHenry County Animal Control ordinance. This prohibition shall not apply to property properly zoned for facilities such as zoos, animal shelters, animal hospitals, kennels, ponds, pet stores and scientific or research laboratories.

14.06 DISEASED ANIMALS

A. All persons owning or in possession of any animal afflicted with a contagious or infectious disease shall restrain said animal from running at large within the City where the public health may be affected. No diseased animal shall be shipped or removed from the premises of the owner except under the supervision of an animal control officer or the state veterinarian. No diseased animal shall be brought into the City.

B. The animal control officer shall secure the disposition of any diseased animal and the treatment of affected premises so as to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.

14.07 DOG LICENSES

No person shall permit a dog to be or remain in the City without being registered and licensed by the McHenry County Health Department. The registrations and licensing rules of the county shall prevail. In no case shall a dog that has not been inoculated against rabies be allowed to be or remain in the City.

14.08 DOGS AND CATS RUNNING AT LARGE *Amended, 09-7-2*

A. RUNNING AT LARGE: It shall be unlawful to permit any dog or cat to run at large in the City at any time. Dogs and cats which are on any street, alley or sidewalk or other public place without being held securely on a leash or restrained shall be deemed to be running at large.

B. NUISANCE: Any dog found in the Village either without a license or running at large is hereby declared to be a nuisance and shall be impounded as provided in this Chapter.

C. DUTIES OF THE POLICE DEPARTMENT: The Police Department shall impound any dog running at large in violation of the provisions of this Chapter. The Police Department shall have charge of all dogs impounded; shall secure shelter for all such dogs and see that they are humanely treated and fed. The Police Department shall relinquish the animal to the Animal Control Division of McHenry County pursuant to any agreement between the City and the county regarding animal control.

D. REDEMPTION: The owner of any dog impounded may redeem it by paying all the costs, charges and penalties that have accrued by the City or the county.

E. DANGEROUS AND VICIOUS DOGS: Any dog that has been involved in an incident which may result in a dangerous and vicious dog determination shall be relinquished to the Animal Control Division of McHenry County for such a determination under the terms of Section 5, Dangerous and Vicious Animals, of Article XVII, of the McHenry County Animal Control ordinance. Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped of police owned dogs are exempt from this Section provided such dogs are in compliance with Section 14.07 of this Code.

14.09 ANIMALS BITES

Whenever a dog or other animal bites a person, the owner of the animal shall immediately notify the Chief of Police who shall order the animal held on the owner's premises or shall have it impounded for a period of two weeks.

The animal shall be examined immediately after it has bitten any person and the animal's owner is known, the Chief shall deliver written notice to the owner who shall give up the animal to the Police Department for confinement or the owner shall confine the animal himself with the written consent of the Police Department.

14.10 DOG LITTER

It shall be unlawful for any person owning, keeping or otherwise having possession or control of a dog to walk said dog in or upon any public way or other public place in the City without having on his person sufficient equipment to remove from the public way or other public place any dog litter which may be deposited by said dog.

It shall be unlawful for any person owning, keeping or otherwise having possession or control of a dog to allow said dog to deposit any litter upon any public way or other public place in the City or upon any private property not owned by that person unless that person has the permission of the owner of the property or immediately removed said dog litter from the property.

14.11 LIMIT

A. SINGLE FAMILY DWELLING: It shall be unlawful for any person to keep on any lot or premises or portion thereof more than four dogs, cats or domestic animals as defined in Section 14.01 herein over four months of age or more than two such animals boarded for compensation or sale. If more than one person resides on any lot or premises or portion thereof, then the person who owns, leases, possesses or controls said premises shall be presumed, for purposes of this Chapter 14, to be the keeper of all animals kept thereon, regardless of the legal ownership thereof. However, in no event shall a non-resident owner of property be held liable hereunder, where there is a person on the premises.

B. MULTIPLE FAMILY DWELLING: No more than one dog or two other domestic animals shall be permitted in a multiple family dwelling unit.

C. EXCEPTIONS: This Section 14.11 shall not apply to pet shops, zoological parks, performing animal exhibitions, educational institutions, veterinary hospitals or duly organized animal shelters.

CHAPTER 15
TRAFFIC

15.01 Traffic Regulations
15.02 Parallel and Diagonal Parking
15.03 Reserved, Ord. 01-10-04
15.04 Parking Limitations/Prohibitions
15.05 School Parking Areas
15.06 Restricted Parking Areas
15.07 Parking After an Ice Storm or Snowfall
15.08 Parking Places Reserved for Persons With Disabilities
15.09 Restricted Access
15.10 Reclaimed Vehicles, Expenses
15.11 Careless Driving
15.12 One-Way Streets, Alleys
15.13 Snowmobile Routes, Local Regulations
15.14 Truck Routes
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15.17 Jake Brake Use Prohibited
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15.19 Stop Intersections
15.20 Vehicles for Sale
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15.22 Alleys
15.23 Taxicab Stands; Bus Stands
15.24 Time Limit Parking
15.25 No License
15.26 Abandoned Vehicle
15.27 Street Cleaning
15.28 Off-Street Storage of Vehicles
15.29 Outdoor Storage of Recreational Vehicles
15.30 Enforcement Procedure

15.01 TRAFFIC REGULATIONS *Amended, 01-7-1*

A. ADOPTION AND INCORPORATION BY REFERENCE OF SPECIFIC CHAPTERS OF THE ILLINOIS VEHICLE CODE: That pursuant to 625 ILCS 5/20-204 of the Illinois Vehicle Code, the City of Marengo hereby adopts and incorporates by reference all paragraphs and sections of the Illinois Vehicle Code and subsequent amendments (625 ILCS 5/1-100 *et seq*.) in whole, as Chapter 15 of its Municipal Code (Marengo Municipal Code, Chapter 15 §§1-100 *et seq*.). The section numbers used in the Illinois Vehicle Code shall be identical to those section numbers in the Marengo Municipal Code except that the Marengo Municipal Code sections shall be preceded by the number “15” in accordance with a directive from the Circuit Clerk of McHenry County.

B. PENALTY: All penalty provisions contained or referred to or incorporated in Section 15.01 are also adopted and incorporated, including but not limited to those contained in the Unified Code of Corrections (730 ILCS 5/1-1-1 *et seq*.), as Chapter 15.907-01 of the Marengo Municipal Code, (Marengo Municipal Code, Chapter 15 pars. 1-100 *et seq*., 11-100 *et seq*., 12-100 et seq., 15-100 *et seq*., 16-101 *et seq.* and 20.101 *et seq*.), with the exception of the fine penalties listed for persons found guilty of violating Chapter 15, pars. 11-501(a)(1), 11-501(a)(2), 11-501(a)(3), 11-501(a)(4) and 6-303(a). Any person found guilty of violating Chapter 15, pars. 11-501(a)(1), 11-501(a)(2), 11-501(a)(3) and 11-501(a)(4) shall be fined not less than $1,250 nor more than $2,500 for each offense. Any person found guilty of violating Chapter 15, paragraph 6-303(a) shall be fined not less than $300 nor more than $2,500 for each offense. All other penalties listed for violations of these offenses shall be applicable.

C. APPLICABILITY: The penalty provided by this Section 15.01-C applies to the amendment of any section of this Chapter 15 adopted herein by reference whether or not such penalty is re-enacted in the amendatory ordinance.

D. REFERENCE TO SECTIONS: Reference to a section of this Chapter 15 shall be understood to also refer to and include the penalty section relating thereto, unless otherwise expressly provided.

15.02 PARALLEL AND DIAGONAL PARKING

A. PARALLEL PARKING ONLY: Parallel parking shall only be permitted along Grant Highway between West Street and Locust Street. Parallel parking shall be permitted along either curb line between Ann Street and State Street, and along the south curb line between Page Street and a point approximately 200 feet west of Page Street.

B. DIAGONAL PARKING ONLY: Diagonal parking shall only be permitted on the east side of Illinois Route 23 from north of Washington Street to 150 feet north of Prairie Street.

15.03 Reserved, Ord. 01-10-04

15.04 PARKING LIMITATIONS/PROHIBITIONS *Amended, 13-7-1, 08-1-2, 04-11-1, 03-1-2, 01-10-04, 01-8-1*

A. SIGN RESTRICTIONS: No person shall park a vehicle at a prohibited location or for a period of time longer than indicated upon signs posted pursuant to this Section 15.04.

B. STREET PARKING RESTRICTIONS: Parking on any City street within the Central Business District, as depicted on the current Marengo Zoning Map, between the hours of 2 a.m. and 6 a.m. is prohibited. Parking on any street outside of the Central Business District between the hours of midnight and 6 a.m. is prohibited.

1. EXCEPTION: Two parallel parking spaces shall hereby be established at the northwest corner of West Prairie Street and Ford Street. The zone shall

commence at the northerly right-of-way of West Prairie Street on the east side of North Ford Street directly in front of 117 and 117½ Ford Street.

C. MUNICIPAL PARKING LOT RESTRICTIONS: Parking in City owned municipal parking lots is allowed, 24 hours a day (with a permit required between the hours of 7:00 p.m. and 6:00 a.m.) as follows:

1. In the one westernmost row of parking spaces in Municipal Parking Lot #1 (located immediately west of the Marengo Public Library).

2. In the entire easternmost row of parking spaces in Municipal Parking Lot #3, 115 E. Washington Street.

3. In the northern most row of Parking Lot #2 (located north of the Marengo Police Department and Village Hall).

Permit parking is limited to vehicle owners living in apartments with no parking, as evidenced by their lease agreement. A limit of two permits, per apartment, may be obtained, at no cost, from the City Hall. The following regulations shall also apply to Municipal Parking Lot #2: (1) Vehicles exceeding 10,000 pounds shall not be parked for more than two hours and only for the purpose of delivery, loading or unloading. No tractor-trailer shall be separated from the tractor and parked with the small parking wheels lowered. These restrictions shall not apply to any emergency vehicle including; and (2) Speed shall be restricted to 15 miles per hour.

D. Without a special permit, it shall be unlawful for any person to congregate or gather with others or to remain in areas designated as municipal parking lots for purposes other than those reasonably related to access to and from vehicles lawfully parked in said municipal parking lots.

E. As provided herein, no parking shall be allowed on private property without the consent of the owner or in the following locations:

Street/Subdivision	**Side(s)**	**From**
Ann Street, South	West	Area in front of the accessibility ramp leading to the sidewalk in front of the First Presbyterian Church
Briden Drive	All	
East Street	East, West	Except between Jackson Street and E. Van Buren Street where posted for Zion Lutheran Church
Ford Street	West	Commencing at the northerly ROW of West Prairie Street on the west side of Ford Street
Ford Street (south)	West	Grant Highway to W. Washington Street

Street/Subdivision	Side(s)	From
Franks Road	East, West	From the (102 block of Franks Road) (North) to the cul-de-sac and from the cul-de-sac to the 102 block of Franks Road (South) (1,448.3 feet, 0.3 miles)***
Grant Highway (East)	North, South	Within the City except where parking spaces are provided
Grant Highway (West)	North, South	From State Street to the City limits
Indian Trail Subdivision*	All	
Jackson Street	North	In front of the Zion Lutheran Church doors, 27 feet in length, the midpoint being immediately east of the center of the church doors fronting on Jackson Street
Johnson Street	West	400 block only
Lindow Lane	North, South	From Franks Road to the curve (200 block) (East) and from the curve (200 block) (West) to Franks Road (749.6 feet)***
Maple Street	East	Between Grant Highway and Francis Street
O'Connell Drive	All	
Page Street	All	East Prairie Street, East Grant Highway
Park Drive	East	Entire length
Prairie Street, West	North	Ann Street to West Street
Prairie Street, East	All	Taylor Street, Page Street
Prairie Street, East	North	Taylor Street to the point where curb and gutter end
Prairie Street, West	southwest corner	Commencing at the southerly ROW of West Prairie Street on the west side of South State Street and extending 33 feet south, being 12 feet in width as measured from the curb.
Prairie Street, west	northwest corner	Commencing at the northerly ROW of West Prairie Street on the west side of North State Street and extending 33 feet north, being 12 feet in width as measured from the curb.
Prospect Street		entire length

Street/Subdivision	Side(s)	From
State Street, North	East, West	railroad tracks to northern City limits
State Street, South	East, West	Grant Highway to southern City limits
Telegraph Street	North, South	From State Street east to the City limits
Washington Street, West	South	Ann Street to West Street
Washington Street, East	All	Taylor Street, Page Street
Washington Street, East	North	Taylor Street to Prospect Street
Washington Street, East		6 parking spaces at intersection of Taylor Street**
Washington Street, East		Area in front of the accessibility ramp to the sidewalk in front of the Marengo United Methodist Church
*Except in designated parking spaces.		
**One day per week, as designated by the corporate authorities, except for members of the Marengo Senior Citizens Council, or those individuals who are 60 or more years of age.		
***School days between 8 a.m. and 3 p.m. Excepted from this parking restriction are construction personnel vehicles and construction equipment. This parking restriction to be reviewed on an annual basis.		

15.05 SCHOOL PARKING AREAS *Amended. Ord. 02-2-2*

Parking and traffic in parking areas of any and all schools for which there is a contract between the school district and City for the regulation of parking and traffic shall be subject to the regulations set forth in this Section 15.05. For the purposes of this Section 15.05, the term "parking areas" shall mean the area or areas of land near or contiguous to said schools and used as a means of access to and egress from the said schools and for the parking of motor vehicles.

No person shall park any vehicle or cause any vehicle to stop or stand in any designated safety zone or fire lane, nor shall any person park any vehicle in any designated loading zone except as provided herein.

No person shall park any vehicle or cause any vehicle to stop or stand in any restricted parking area unless authorized by the School District Board of Education. Parking in said restricted areas shall be limited to vehicles registered with the school authorities, faculty or administration vehicles and non-student vehicles on official school business.

No person shall park or abandon any vehicle in a school parking area during a snowstorm, flood, fire or other public emergency so as to constitute an obstruction to traffic.

The School District Board of Education shall erect and maintain, in the school parking areas, signs posting speed limits and designating safety zones, loading zones, fire lanes and restricted parking areas. It shall be unlawful for any person to exceed said posted speed limits or to violate the restrictions or prohibitions designated by said signs.

Any person who violates the provisions of this Section 15.05 may be punished by a fine not less than $25 nor more than $50. In addition to said fine, any vehicle parked or abandoned in violation of this Section 15.05 may be removed and stored by the City authorities, and the owner or operator of any vehicle parked or abandoned in violation of this Section 15.05 shall be liable for the payment of reasonable charges for the removal and storage of said vehicle.

15.06 RESTRICTED PARKING AREAS *Amended. 14-3-2, 02-2-2*

A. ANN STREET: Except on Saturdays, Sundays and holidays, parking is prohibited between the hours of 6 a.m. and 6 p.m. in the following restricted parking zone: 44 feet in length on the west side of Ann Street in the vicinity of the 180-foot sidewalk servicing the First Presbyterian Church so as to allow three parking places in the area north of the no-parking zone and south of the sidewalk on West Washington Street and to allow six parking places south of the no-parking zone and north of Grant Highway, all on the west side of Ann Street.

B. DIAL-A-RIDE: Parking in the alleyway east of City Hall shall be limited to the Dial-A-Ride vehicle.

C. POLICE VEHICLES: Directly behind the Police Department.

D. TRUCK PARKING: Except for Class D vehicles equipped with only front and rear single-wheel single axles, any vehicle displaying an Illinois Class D, F, H. J, K, N, P, R, S, T, V, X or Z license registration plate, or an equivalent if registered in another state or country, shall be prohibited from parking in any residential zoning area except for the purposes of loading or unloading the vehicle.

E. 30-MINUTE PARKING: 30-minute parking shall only be permitted in the three parking spaces on the north side of Washington Street, from the leading dock easement access road east of the parking lot entrance at 131 E. Prairie Street, being approximately 68 feet.

F. TWO-HOUR PARKING: Unless otherwise posted, two-hour parking shall be permitted in the Central Business District, as defined in Appendix A herein.

G. One parking space on the south side of East Prairie Street immediately west of the alley in front of 113 East Prairie Street as a fifteen (15) minute parking space.

15.07 PARKING AFTER AN ICE STORM OR SNOWFALL *Amended, Ord. 01-10-04*

A. It shall be unlawful for any person to park or cause to be parked any vehicle on a public street at any time after an ice storm or two inches or more of snowfall, unless the City has completed its work to cover the street with salt or sand and clear it of snow.

B. The Police Department and all members thereof are hereby authorized to remove and tow away or have removed and towed away, any car or other vehicle illegally parked which prevents or obstructs snow removal from public streets.

C. Cars or vehicles so towed away for illegal parking shall be stored in a pound designated by the Police Department and shall be restored to the owner or operator of such vehicle upon the payment of all towing and storage fees.

15.08 PARKING PLACES RESERVED FOR PERSONS WITH DISABILITIES *Amended, 04-11-1*

The parking of any motor vehicle not bearing registration plates or decals issued to a person with disabilities, as defined in the Motor Vehicle Code, is prohibited in the following locations:

1. South Ann Street: on the east side, the fourth parking space south of West Prairie Street.

2. South Ann Street on the west side south of its intersection with Washington Street, contiguous with the "No Parking Area," two parking spaces as posted.

3. East Street: On the west side, contiguous to the no-parking area, two parking spaces as posted.

4. Jackson Street: On the north side, contiguous to the no-parking area, two parking spaces as posted.

5. Washington Street on its south side, west of its intersection with Taylor Street, contiguous with the "No Parking Area," two parking spaces as posted.

6. Municipal Parking Lot #1: two parking spaces as posted.

7. Municipal Parking Lot #2: one parking space as posted.

8. Any other parking space properly posted by the City.

15.09 RESTRICTED ACCESS *Ord. 06-3-1*

Vehicular traffic within the City is restricted as follows:

1. Southbound vehicular traffic on Ford Street shall only access the westbound land of Grant Highway (U.S. Route 20).

1. Northbound vehicular traffic on Page Street shall only access the eastbound land of Grant Highway (U.S. Route 20).

15.10 RECLAIMED VEHICLES, EXPENSES *Amended, 09-5-2*

Pursuant to 625 ILCS 5/4-207 (Illinois Vehicle Code), any vehicle impounded by the City shall not be released to the owner, lien holder or other person until all towing and storage charges incurred by the City have been paid in full. If the City stores the vehicle on City property, a storage charge shall be paid to the City. The charge for said storage shall be $50 per day.

15.11 CARELESS DRIVING

It shall be unlawful for any person to drive carelessly within the City. For purposes of this Section 15.11, careless driving is failure to maintain a vehicle under control, exceeding the posted speed limit by more than 10 miles per hour and operating a vehicle in any manner other than as permitted by law. Any person who violates any provision of this Section 15.11 may be punished by a fine of not less than $25 nor more than $1,000.

15.12 ONE-WAY STREETS, ALLEYS

That the following described streets are hereby designated as a one way street or one-way alley in the City for all vehicles other than postal service vehicles and refuse/recycling/yardwaste collection vehicles in the performance of their regular duties:

Direction	**Street**
Southbound	Alley from West Prairie Street to West Washington Street
Southbound	Alleyway east of City Hall
Northbound	Alley at the end of Dietz Street, running from Grant Street through West Washington Street
Eastbound	Prairie Street, between Ann Street and Taylor Street
Westbound	Washington Street, between Taylor Street and Ann Street

15.13 SNOWMOBILE ROUTES, LOCAL REGULATIONS *Amended, 01-3-5*

A. LOCAL REGULATIONS: It shall be unlawful for any person to operate a snowmobile in the City under the following circumstances:

1. Upon any sidewalk in the City, except where the tree bank, shoulder or unpaved right-of-way has a natural or hazardous obstruction to the extent of blocking the passage of any snowmobile.

2. At speeds in excess of 10 miles per hour.

3. Upon any street, except to cross the right-of-way thereof, except where the tree bank, shoulder or unpaved right-of-way has a natural or hazardous obstruction to the extent of blocking the passage of any snowmobile.

4. On public school grounds, park property, playgrounds, recreational areas and golf courses, whether public or private, without express written permission to do so by the property owner or property authority.

5. In a manner that creates loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

B. PARKING: It shall be unlawful to park any snowmobile on any sidewalk or street within the City, or on the private property of any person, without the express permission of the owner or occupant of any such private property.

C. UNATTENDED VEHICLES: It shall be unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with the keys for starting the vehicle left in the ignition.

D. SNOWMOBILE ROUTES: The following streets and roads are designated as routes of travel by snowmobiles and provide access into and out of the City; these streets and roads are not to be used for practice or amusement purposes, except to travel between a residence and the nearest designated route for the purpose of driving into or out of the City:

1. Upon any portion of the City right-of-way within the 35 foot tree bank on the south side of Railroad Street between its intersection with West Street on the east and the City limits on the west.

2. Upon any portion of the City right-of-way within the eight-foot tree bank on the west side of West Street between its intersection with Railroad Street on the north through and including a line drawn parallel with the Railroad Street right-of-way and located 350 feet south of the southerly line of the Chicago and Northwestern Railroad.

15.14 TRUCK ROUTES

The following streets in the City are designated as Class II truck routes and shall comply with the regulations set forth in the Illinois Vehicle Code. In addition, all truck traffic shall be restricted for local delivery and pickup only.

STREET	**FROM**	**TO**
Business District:		
Prairie Street, east	State Street, south	North Taylor Street
Prairie Street, west	State Street, south	Ann Street

STREET	FROM	TO
Washington Street, east	State Street, south	North Taylor Street
Washington Street, west	State Street, south	Ann Street
Residential District:		
Ann Street	West Grant Street, north	West Prairie Street
East Street	East Grant Street, north	136 N. East Street
Greenlee Street		Grace Street
Maple Street		Randall Court
Prairie Street, west	West Street, east	Sponable Street
Prospect Street	East Grant St., north	Telegraph Street
Railroad Street	Page Street, west	1,000 feet west of West Street
Sponable Street	West Prairie Street, north	Chicago & Northwestern Railroad crossing
Taylor Street	East Grant Highway, north	Railroad Street
West Street	Railroad Street	West Grant Street

15.15 SPEED LIMITS *Amended, 04-5-4*

A. SPEED LIMITS: The following speed limits shall be observed on the designated roadways within the City:

5 miles per hour

All alleys within the City.

10 miles per hour

Indian Oaks Park

20 miles per hour (School Zone Only)

State Street from Grant Highway to Railroad Street
All posted school zones

25 miles per hour

All residential areas unless otherwise posted.
Maple Street from Grant Highway south to James Court

Prospect Street from Grant Highway north to the Chicago and Northwestern Railway railroad crossing

30 miles per hour

Grant Highway from the 900 block on East Grant Highway to the 2100 block on West Grant Highway
Prospect Street from Telegraph Street south to the Chicago and Northwestern Railway railroad crossing
Railroad Street from State Street to West Street
State Street from Grant Highway south to Forest Street
State Street from Railroad Street north to Telegraph Street

35 miles per hour

Grant Highway from the 900 block of East Grant Highway to the 19900 block of East Grant Highway
James Court to Bauman Street
Maple Street from James Court south to Bauman Street
State Street from Forrest Street south to South Street
State Street from Telegraph Street north to the City sanitary sewer treatment plant
Telegraph Street from State Street east to Grace Street

40 miles per hour

Grant Highway from the 2100 block west to the western City limits

45 miles per hour

Grant Highway from the 19900 block east to the 19600 block
Maple Street from Bauman Street south to the southern City limits
State Street from South Street to the southern City limits
Telegraph Street from Grace Street east to the eastern City limits

55 miles per hour

Deerpass Road
Grant Highway from the 19600 block east to the eastern City limits

B. PENALTY: The penalty for any violation of this Section 15.15 shall be in accordance with Section 15.01, Traffic Regulations, of the Code.

15.16 TRAFFIC CONTROL SIGNALS

Pursuant to 625 ILCS 5/11-304, traffic control signals are hereby designated at the following intersections in the City. Stop signs may be employed at such times when said traffic control signals are not in working order.

State Street and the Grant Highway intersection;
State Street and the Telegraph Street intersection

15.17 COMPRESSION/RELEASE ENGINE BRAKE USE PROHIBITED

No person shall operate or cause to be used or operated within the City any compression/release engine brake on any vehicle for any reason. For purposes of this Section 15.17, compression/release engine brake is defined as any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle by converting engine power to compressed air which results in excessive, loud, unusual or explosive noise from such vehicle, or otherwise known as jake-braking.

15.18 YIELD INTERSECTIONS

Pursuant to 625 ILCS 5/11-304, yield signs are hereby designated at the following intersections in the City:

TRAFFIC ON	YIELDS AT
Barbara Court, eastbound	Dietz Street

15.19 STOP INTERSECTIONS *Amended, 12-9-1, 08-9-2, 04-8-2, 01-6-4*

Pursuant to 625 ILCS 5/11-302, stop signs are hereby designated at the following intersections in the City:

Traffic On	**Stops At:**
One-Way Stop:	
Adams Street	State Street
Adams Street	Taylor Street
(S) Ann Street (W)	Forest Street
(S) Ann Street (W)	Prairie Street
Ann Street	Van Buren Street
Autumn Court	Maple Street
Bauman Street	Maple Street
Briden Drive	Meyer Road
Briden Drive	Park Drive
Briden Drive	Seneca Trail
Circle Court	State Street
Caroline Street	Locust Street
Caroline Street	Maple Street
Center Drive	Deerpass Road
Center Drive	Telegraph Street
Chapel Street	Ann Street
Cherokee Trail	Seneca Trail
Cherokee Trail	Tioga Trail
Doral Drive	Lura Lane
Doral Drive	Maple Street
Doral Drive	Spring Drive
Dietz Street	Grant Highway
Doral Drive	Lura Lane
Doral Drive	Maple Street
Doral Drive	Spring Drive
Dunham Court	Georgeann Court
Dunham Court	Randall Court
East Street	Telegraph Street
Eighth Avenue	(N) State Street
Eisenhower Drive	Briden Drive

Eisenhower Drive	Keppler Drive
Elm Street	(E) Forest Street
Elm Street	(E) Grant Highway
Fifth Avenue	(N) State Street
First Avenue	(N) State Street
First Avenue	Taylor Street
(S) Ford Street	Grant Highway
Ford Street	Railroad Street
Ford Street	Van Buren Street
(E) Forest Street	Maple Street
(E) Forest Street	(S) State Street
(W) Forest Street	Park Drive
(W) Forest Street	Stanford Street
(W) Forest Street	(S) State Street
Forth Avenue	(N) State Street
Foxglove	Buttonwood Court
Francis Street	Locust Street
Francis Street	Maple Street
Grace Court	Spring Drive
Hale Street	Eighth Street
Hale Street	Railroad Street
Hayden Drive	Mayer Road
Hayden Drive	Seneca Trail
Jackson Street	Grace Street
Jackson Street	State Street
Jacquelyn Court	South Street
James Court	Dunham Court
James Court	Maple Street
Johnson Street	Briden Drive
Joy Court	Courtney Drive
Kennedy Drive	Briden Drive
Kent Drive	Dietz Street
Keppler Drive	Park Drive
Kermin Court	Spring Drive
Kishwaukee Street	Fifth Avenue
Kishwaukee Street	Telegraph Street
Linda Court	Courtney Lane
Lura Lane	Spring Drive
LynnAnn Court	Spring Drive
Majic Way	Spring Drive
Maple Street	(E) Grant Highway
Mary Court	Riley Drive
Mohawk Trail	Seneca Trail
Mohawk Trail	Tioga Trail
Navajo Trail	Seneca Trail
Navajo Trail	Tioga Trail
Oak Manor Drive	(W) Forest Street
Oak Manor Drive	State Street
Page Street	Eighth Avenue
Page Street	Jackson Street
Pawnee Trail	Navajo Trail
Pawnee Trail	Seneca Trail
Park Drive	(W) Grant Highway
(W) Prairie Street	State Street
(W) Prairie Street	West Street
Rainbow Drive	Telegraph Street
Randall Court	Maple Street
Ridge Drive	Lura Lane
Ridge Drive	Spring Drive
Riley Drive	Randall Court
Rowland Court	Grant Highway
Royal Oak Drive	Oak Manor Drive, north intersection
Royal Oak Drive	Oak Manor Drive, south intersection
Ruth Court	Ridge Drive
Sara Lane	Spring Drive
Second Avenue	(N) State Street
Seventh Avenue	East Street
Seventh Avenue	East Street
Seventh Circle	Eighth Avenue
Seventh Circle	East Street
Sponable Street	(W) Washington Street
Spring Drive northbound	Doral Drive
Sixth Avenue	(N) State Street
South Street	State Street
Taylor Street	(E) Grant Highway
Taylor Street	Eighth Street
Third Avenue	(N) State Street
(W) Washington St.	(N) Ann Street
(W) Washington St.	(S) Ann Street
(W) Washington St.	State Street
(W) Washington St.	West Street
West Street	Grant Highway
West Street	(W) Railroad Street
Willow Drive	Van Buren Street

<u>Two-Way Stops</u>:

(S) Ann Street	Grant Highway
(S) Ann Street (W)	Washington Street

Chapel Street	Dietz Street
Chestnut Lane	Cottonwood Lane
Clark Street	(E) Washington Street
Cottonwood Lane	Buttonwood Court
East Street	Jackson Street
Fifth Avenue	Hale Street
Fifth Avenue	Page Street
Fifth Avenue	(N) Taylor Street
First Avenue	East Street
First Avenue	Kishwaukee Street
First Avenue	Page Street
Ford Street	(W) Prairie Street
(W) Forest Street	Dietz Street
Forth Avenue	East Street
Forth Avenue	Page Street
Forth Avenue	Taylor Street
Greenlee Street	Prospect Street
Hale Street	Adams Street
Hale Street	Jackson Street
Hale Street	Telegraph Street
Hale Street	Van Buren Street
Jackson Street	East Street
Jackson Street	State Street
Locust Street	(E) Grant Highway
Locust Street	(E) Washington Street
Navajo Trail	Pawnee Trail
Page Street	Telegraph Street
(S) Page Street	Grant Highway
(S) Page Street	(E) Washington Street
(E) Prairie Street	East Street
(E) Prairie Street	Taylor Street
(W) Prairie Street	Sponable Street
Prospect Street	Telegraph Street
Railroad Street	State Street
Railroad Street	Taylor Street
Riley Drive	Georgeann Court
Seventh Avenue	Hale Street
Seventh Avenue	Page Street
Seventh Avenue	Taylor Street
Sixth Avenue	East Street
Sixth Avenue	Hale Street
Sixth Avenue	Page Street
Sixth Avenue	Taylor Street
South Street	Dietz Street
Taylor Street	(E) Prairie Street
Taylor Street	Telegraph Street
Third Avenue	East Street
Third Avenue	Hale Street
Third Avenue	Page Street
Third Avenue	Taylor Street
(E) Van Buren Street	East Street
(E) Van Buren Street	Page Street
(E) Van Buren Street	Taylor Street
(E) Washington St.	East Street
(W) Washington St.	Ford Street

<u>Four-Way Stops</u>:

Cottonwood Lane	Walnut Lane
Cottonwood Lane	Woodland Lane
Courtney Lane	Spring Drive
East Street	Fifth Avenue
East Street	Second Avenue
Fifth Avenue	East Street
Fifth Avenue	Hale Street
Fifth Avenue	Page Street
Fifth Avenue	Taylor Street
Fourth Avenue	Kishwaukee Street
Hale Street	Fifth Avenue
Hale Street	Second Avenue
Jackson Street	Taylor Street
Kishwaukee Street	Forth Avenue
Kishwaukee Street	Second Avenue
Page Street	Fifth Avenue
Page Street	Second Avenue
(E) Prairie Street	East Street
Second Avenue	Taylor Street
Second Avenue	East Street
Second Avenue	Hale Street
Second Avenue	Kishwaukee Street
Second Avenue	Page Street
Taylor Street	Fifth Avenue
Taylor Street	Jackson Street
Taylor Street	Second Avenue
Walnut Lane	Cottonwood Lane
Woodland Lane	Cottonwood Lane

15.20 VEHICLES FOR SALE

It shall be unlawful to park any vehicle upon any public right of way for the purpose of displaying it for sale.

15.21 LOADING ZONE

It shall be unlawful for the driver of a vehicle to stand a passenger vehicle for a period of time longer than is necessary for the loading or unloading of passengers, not to exceed three minutes, and for the driver to stand any freight carrying vehicles for a period of time longer than is necessary to load, unload and deliver materials, not to exceed 30 minutes, in any place designated by the City Council as a loading zone and marked as such, or in any of the following designated places:

1. At any place not to exceed 75 feet along the curb before the entrance to any hospital or hotel at any time.

2. At any place not to exceed 75 feet along the curb before the entrance to a public building between 8 a.m. and 6 p.m., except on Sunday.

3. Directly in front of the entrance to any theater at any time that the theater is open for business.

15.22 ALLEYS

No person shall park a vehicle within an alley 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.

15.23 TAXICAB STANDS; BUS STANDS

No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a taxicab stand; and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.

15.24 TIME LIMIT PARKING *Amended, 02-2-2*

Except on Sundays or holidays, it shall be unlawful to park any vehicle for a longer consecutive period of time than that designated between in any area designated as a limited parking area and so marked, or as restricted by ordinance or statute.

15.25 NO LICENSE

No vehicle without a current state license shall be allowed to be parked on City streets, and the City police are authorized to tow away and place in storage any vehicle found to violate this Chapter 15.

15.26 ABANDONED VEHICLE *Amended, 01-10-04*

Any vehicle parked on any City street or municipal parking lot for seven consecutive days without being moved shall be deemed abandoned and shall be towed away and placed in storage, at the owner's cost, by the City police.

15.27 STREET CLEANING

It shall be unlawful to park any vehicle on any public street or portion thereof in the City at any time when the street is being cleaned or snow removed. Signs indicating cleaning or snow removal shall be posted before the work is done.

15.28 OFF-STREET STORAGE OF VEHICLES *Amended, 03-1-2, 02-2-2, 01-10-05*

The following standards and regulations shall apply to the storage of vehicles in parking lots and parking areas on a lot in a residential zoning district:

1. STORAGE DEFINED: For purposes of this paragraph, the terms "storage" or "stored" shall mean the parking of a vehicle for a continuous period of longer than 72 hours.

2. SURFACE: No motorized vehicle or unmotorized trailers shall be stored on any lot except on a surface constructed with concrete, asphalt or patio blocks. The width and length of the improved surface shall be at least the same dimensions of the body of the vehicle or trailer. The only exception to this rule shall apply to lots within a designated flood plain wherein the owner has received written correspondence from the federal government to the effect that a hard surface such as required herein is not permitted.

3. PERMANENT LOCATION PROHIBITED: No stored vehicle shall have its wheels removed or be affixed to the ground so as to prevent its ready removal.

4. RESIDENTIAL USE PROHIBITED: No vehicle shall be used for living, sleeping or housekeeping purposes on any lot for more than 10 days in any given calendar year. Any time a vehicle is connected to any public utility, there will be a presumption that such vehicle is being used for residential purposes.

5. UNLICENCED AND INOPERABLE VEHICLES: No vehicle without current license nor any vehicle incapable of being driven or used for the purpose or use for which it was designed shall be stored in any parking lot or parking area on any lot in a residential zoning district.

6. OUTDOOR STORAGE OF RECREATIONAL VEHICLES: Outdoor storage of recreational vehicles is permitted only to the extent that such vehicles are stored in a safe and orderly manner in a compact and contiguous area not to exceed 180 square feet located behind the sidewalk. No single recreational vehicle shall exceed 180 square feet for storage. For purposes of this Section 15.29, a boat upon a trailer shall be considered a single vehicle.

15.29 OUTDOOR STORAGE OF RECREATIONAL VEHICLES

Outdoor storage of recreational vehicles is permitted only to the extent that such vehicles are stored in a safe and orderly manner in a compact and contiguous area not to exceed 180 square feet located behind the front building setback line. For purposes of this Section 15.30, a boat upon a trailer shall be considered a single vehicle.

15.30 ENFORCEMENT PROCEDURE *Amended, 01-10-6*

A. Upon determining that a vehicle has been stored in violation of this Chapter 15, the Police Department, by and through its personnel, shall give the person, firm or corporation owning, leasing or occupying the property notice by placing written notice on the windshield of the improperly stored vehicle that the person, firm or corporation shall have 24 hours from the date of notice to remove the vehicle from the property. Thereafter the police department may cause the vehicle to be towed at the owner's expense. In the event the owner fails to comply with said notice, the owner shall be liable for penalties hereinafter provided.

B. PENALTIES: Any person storing a vehicle in violation of this Chapter 15 shall be fined not less than $50 nor more than $100 for each day that a violation exists plus the City's cost of prosecution, including attorney's fees, and, if applicable, towing and storage charges.

CHAPTER 16
SIGN CODE

16.01 Purpose and Intent
16.02 Definitions
16.03 General Provisions
16.04 Removal of Certain Signs
16.05 Non-Conforming Signs
16.06 Prohibited Signs
16.07 Permitted Signs Allowed Without a Permit
16.08 Calculation of Sign Area Allowance
16.09 Temporary Signs
16.10 Permitted Signs
16.11 Overlay District
16.12 Structural Maintenance and Requirements
16.13 Administration and Enforcement

16.01 PURPOSE AND INTENT

The purpose of this Chapter is to provide a framework for regulating a system of street graphics, thereby promoting pleasant communication between people and our environment. It is the intent of this Chapter to assist in achieving the following objectives:

1. To foster high quality commercial and industrial development and to enhance the economic vitality of existing businesses/industries by promoting the reasonable, orderly and effective display of street graphics;

2. To encourage sound street graphics display practice and to mitigate the objectionable effects of competition in respect to the size and placement of street graphics;

3. To protect pedestrian and motorists from any damage or injury that might result from the improper construction, placement and use of street graphics;

4. To protect the public investment in streets and highways by reducing the obstructions and distractions, which may cause traffic accidents;

5. To preserve the value of private property by assuring the compatibility of street graphics with nearby land uses;

6. Ensuring signs are appropriate to the type of activity to which they pertain; and

7. Guide development to reinforce distinct districts.

16.02 DEFINITIONS

In addition to those definitions found in Appendix A of this Code, for the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandoned sign*:* A sign structure that has ceased to be used and the owner no longer intends to use for the display of sign copy, or as otherwise defined by state law.

Animated sign*:* A sign employing actual motion or the illusion of motion.

Architectural projection*:* Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. (e.g. awning, canopy, cornice).

Awning*:* An architectural projection made of cloth, metal or other material attached to a building when the same is so erected as to permit its being raised or retracted to a position against the building when not in use.

Awning sign*:* A sign displayed on or attached flat against the surface or surfaces of an awning.

Backlit awning*:* An awning with a translucent covering material and source of illumination contained within its framework.

Backlit sign*:* A sign with opaque painted, raised letters lit by an electric lamp or lamps from behind the sign to create a silhouette effect.

Banner*:* A temporary sign of lightweight fabric or non-rigid material with or without enclosing framework, a flexible substrate on which copy or graphics may be displayed that is mounted to a pole or a building at one or more edges.

Billboard sign*:* Any general outdoor advertising sign, which is designed to advertise or direct attention to a business or activity conducted or a product, commodity, service, real property, entertainment, or facilities offered or sold elsewhere to where it is affixed, or which directs persons to a location different from where the sign is installed.

Blight*:* A severely spoiled or ruined state, especially of an urban area

Building*:* A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels; and when separated by division walls from the ground up and without opening, each portion of such building shall be deemed as a separate building.

Building front: That portion of a building where the primary entrance is located. Where more than one primary entrance is provided, the building front shall be that portion of the building facing toward the street to which the legal address has been assigned. Corner lots shall have only one building front. For the purpose of this definition, the terms "building front" and "building

façade" shall be deemed synonymous.

Building elevation: The entire side of a building, from the ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Building marker: A sign indicating the name of the building and date of erection, or historic data or information, when cut or etched into any masonry surface or when constructed of bronze or other materials approved by Chapter 24, Building Code, of the Marengo Municipal Code, and mounted on the building.

Canopy (attached): A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of an internal or external source of light. See also "marquee."

Canopy (freestanding): A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffits of an attached canopy may be illuminated by means of an internal or external source of light.

Canopy sign: A sign affixed to the visible surface(s) of an attached or free-standing canopy.

Changeable sign: A sign with the capability of content change by means of manual or remote input, including signs which are:

1. Electrically activated: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also "electronic message sign or center."

2. Manually activated: Changeable sign whose message copy or content can be changed manually.

Chapter: Chapter 16, Sign Code, of the Marengo Municipal Code.

Code Official: Enforcement officer named as Building Commissioner, Building Inspector and/or Zoning Administrator.

Column: An upright support shaped like a long cylinder.

Construction sign: A temporary sign identifying an architect, engineer, contractor, subcontractor, and/or supplier participating in construction on the property on which the sign is located.

Copy: Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying the street address only

Directional sign: Any sign that is designed and erected for the purpose of providing direction, instructions, and/or facility orientation for pedestrian and vehicular traffic.

Double-faced sign: A sign with two faces, back to back.

Electrical sign: A sign or sign structure in which directional electrical wiring, connections, or fixtures are used.

Electronic message sign or center: An electrically activated changeable sign whose message changes automatically on a lamp bank or through mechanical means or whose variable message capability can be electronically programmed. This shall not include areas of signs which indicate time and temperature.

Exterior sign: Any sign placed outside a building.

Externally illuminated sign: A sign illuminated by a source of light which is cast upon the surface of the sign to illuminate by reflection of that light.

Face of sign: The surface of the sign, upon, against, or through which the message is displayed or illustrated on the sign.

Facade: The front or main face of a building; the side of a building, the exterior wall of a building exposed to public view.

Flag: A piece of fabric, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, religious or political subdivision.

Flashing sign: A sign in which the illumination intermittently flashes off and on in whole or in part used primarily to attract attention.

Foot candle: A unit of measure for luminance. A unit of luminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Freestanding sign: A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

Frontage (building): The length of an exterior building wall or structure of a single premise oriented to the public way or other properties that it faces. (The length of the property line of any one lot along a public right-of-way which it borders.)

Frontage (property): The length of the property line(s) of any single premise along either a public way or other properties on which it borders. (The length of an outside wall that is adjacent to a street.)

Frontage (tenant): In a multiple unit building, that portion of the building frontage that is the length of a unit for occupancy by an individual tenant or owner. The tenant frontage is measured from the center line of the tenant separation wall to the center line of the tenant separation wall; in the event the wall is an outside wall, it is measured from the outside of the outside wall to the center of the tenant separation partition.

Government sign: A temporary or permanent sign erected and maintained by the City, county, state, federal government or political subdivision for traffic direction or other municipal signs; legal notices; railroad crossing signs; danger or other temporary emergency or non-advertising signs; or for designation to any school, hospital, historic site, public service, property or facility.

Ground sign: A sign supported by two or more uprights or braces in or upon the ground surface.

Height (of a sign): The vertical distance measured from the highest point of the sign, including decorative embellishments to the natural surface grade beneath the sign, excluding berms, planter boxes, etc.

Historic sign: Any sign that is historic in nature or historically established for use in relationship to a structure that is exactly or reasonably preserved or restored to the condition of its original historic period.

Illegal sign: A sign that does not meet the requirements of this Chapter.

Illuminated sign: A sign characterized by the use of artificial light, either projecting through its surface(s) or reflecting off its surface(s).

1. Exposed bulbs and neon: A sign that is lighted by a direct external artificial light source that is integral to the sign, such as neon tubes or light bulbs mounted on the face of the sign.

2. External: A sign which is lighted by an artificial light source which is not incorporated within the sign, such as flood lights or spot lights.

3. Internal: A sign with an artificial light source incorporated within the sign for the purpose of lighting the sign.

Incombustible material: Any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Institutional sign: A sign which identifies a public or private organizational, educational or public health or safety institution.

Interior sign: Any sign placed within a building, and is readily visible from the exterior.

Lot: The word lot when used alone shall mean a zoning lot.

Maintain or repair: The replacement of existing work with equivalent materials for the purpose of its maintenance, including but not limited to cleaning, painting, repair or replacement of defective parts of a sign; but not including any addition, change or modification in construction from the original permit approval.

Mansard sign: A wall sign erected on a sloped roof or roof-like façade architecturally comparable to a building wall.

Marquee: Any hood of permanent construction projecting from the wall of a building but not supported by the ground or sidewalk serving the purpose of providing shelter and protection from the weather.

Marquee sign: A sign attached to, hung from or supported by a marquee.

MHPC: Marengo Historic Preservation Committee.

Monument sign: A ground mounted sign, completely or principally self supported by a monument base that is wide, low to the ground and incorporates architectural detailing/merit to the overall.

Moving sign: Any sign which rotates or moves or gives the visual impression of rotation or movement.

Multiple faced sign: A sign containing three or more faces.

Multiple-tenant building: A building developed under one ownership, containing two or more individual businesses.

Nameplates: A non-electric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon sign: A sign made of glass tubing, which is electrified to cause fluorescent agents to glow in various colors.

Non-illuminated sign: A sign having no illumination.

Occupancy: The portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

Off-premises sign: A sign which directs attention to a use, business, commodity, service or

activity not conducted, sold or offered upon the premises where the sign is located.

On premise sign: A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Owner: A person recorded as such on official records.

Painted wall sign: A sign which is directly applied with paint or similar substance on any portion of an exterior building wall, fascia, parapet, chimney, on a fence or fence type wall, retaining wall, bench, fence post, refuse enclosure, utility box, storage shed, bus shelter, satellite dish, antenna or other accessory structure, except wall signs regulated herein.

Parapet: The extension of a false front or wall above a roof line.

Pennant: A temporary sign of lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string.

Permanent sign: A sign or sign structure which is directly affixed to the ground surface or any part of a building or structure.

Pole sign: A sign supported by one upright or brace in or upon the ground surface.

Political sign: A temporary sign intended to advance a political statement, cause or candidate for office and also known as a campaign or election sign. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

Portable sign: Any sign not permanently attached to the ground or to a building or building surface. Usually of a temporary nature, designed to be moved easily and not permanently affixed, including but not limited to: signs to be transported by means of wheels; menu and sandwich boards signs, umbrellas used for advertising; and signs attached to or painted on vehicles or trailers located for the primary purpose of displaying said signs, unless the vehicles are used in the normal day-to-day operations of the business.

Post sign: A sign supported by one upright or brace in or upon the ground surface.

Projecting sign: A sign supported by a building or other structure which projects over any street, sidewalk, alley or public way or public easement, structure or supporting wall. A sign that is affixed perpendicular to a building in such a manner that its leading edge extends more than twelve inches beyond the line of such building or beyond the lot line.

Public right-of-way: Land either owned by or prescribed to the municipality that is used for public purposes, such as streets, sidewalks, utilities or green space. A right-of-way includes all land and improvements located within the property lines of said right-of-way.

Public sign: Any informational sign which is owned or maintained by a local, regional, state or federal government.

Pylon sign: A tall vertical structure on or forming part of a sign. Pylons are not poles, posts or cylindrical in shape.

Real estate sign: A temporary sign erected for purpose of advertising the sale, rental or lease of the premise or property upon which it is located.

Revolving sign: A sign that revolves 360 degrees about an axis.

Roof line: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys or minor projections.

Roof sign: A sign erected, constructed or maintained in whole or in part upon or over the roof of a building or structure.

Setback: The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

Sign: Any device visible from a public place that displays either commercial or non-commercial messages by means of graphic presentations of alphabetic or pictorial symbols or representations.

Sign area: The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face.

Sign copy: Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

Sign face: The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

Sign structure: Any structure supporting a sign.

Subdivision sign: A sign identifying a recognized subdivision, complex or residential development.

Temporary sign: A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is embedded into the ground, are considered temporary signs.

Vehicle sign: Any advertising or business sign attached to a motor vehicle which is parked or

placed in position for the purpose of displaying the same to the public.

Wall sign: A sign mounted, attached to or painted on the exterior wall of a building or structure in a plane parallel to that of the supporting wall.

Window sign: A sign visible from the exterior of a building or structure which is painted on a window; depicted upon a card, paper or other material; or placed on, taped on or hung immediately behind the window; or displayed from a window for the specific purpose of attracting attention of the passerby to a sale or to promotional items or other products or services.

16.03 GENERAL PROVISIONS

A. PERMIT REQUIRED: It shall be unlawful for any person to erect, alter, construct, enlarge or relocate within the City any sign or other advertising structure, as defined in this Chapter, without first obtaining a permit from the Building Department and paying the permit fee pursuant to Exhibit A of Chapter 24 of the Marengo Municipal Code.

B. PERMIT APPLICATION: Applications for the erection, alteration or relocation of a sign shall be made to the Building Department upon a form provided by the Building Department and shall include the following information:

1. Name, address and telephone number of the applicant;

2. Type of sign or sign structure as defined in this Chapter;

3. A site elevation plan showing the proposed location of the sign along with the locations and square footage area of all existing signs on the lot or building(s);

4. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;

5. Position of the sign or advertising structure in relation to nearby buildings, structures or other signs;

6. Two-color elevation drawings, shown to scale, of the plans and/or specifications, materials, design, dimensions, structural support, methods of construction and attachment to the building, other structures or in the ground;

7. If required by the Building Department, a copy of stress sheets and calculations showing the structure is designed for the dead load and wind pressure in any direction in the amount required by this and all other applicable provisions of this Chapter, City codes and ordinances;

8. Name of person erecting the sign or other advertising structure, as defined herein;

9. Name and address and written consent of the owners of the building, structure or land to which or on which the sign or other advertising structure is to be erected;

10. Electrical specifications pertaining to the sign and wiring diagrams from the building, structure of which will illuminate or power the sign; and

11. Any other provisions the Building Department shall require showing full compliance with this Chapter and all other applicable codes and ordinances in effect.

C. LANDSCAPING: All signs affixed to the ground shall be landscaped in accordance with this Chapter and Section 21.13 of the Marengo Municipal Code.

D. MAINTENANCE: All signs and advertising devices shall be reasonably maintained in a clean, presentable and safe condition. All signs shall be inspected annually to enforce the provisions of this Chapter.

E. WINDOWS: Signs displayed in windows, whether temporary or permanent, shall cover no more than 30 percent of the square footage of the window pane surface.

F. WINDOWS: In no case shall windows be covered with plastic sheeting, paper or any other material that would obstruct the view through the window and cause blight to the building. In the case of construction and remodeling, the applicant may request written approval by the Code Official prior to installing such window coverings. Pull down window shading and tinting are not subject to this Section 16.03-F.

G. CLEARANCE: Signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewer, gas, electricity or communication equipment of lines. Furthermore, sign placement shall not interfere with natural or artificial drainage of surface or underground water.

H. EASEMENTS: New signs shall not be placed on or over any easement unless the easement is designated for the placement of signs.

I. SIGN CONTENT: The advertisement contained on any sign, except for temporary signs of a civic, political or religious nature, shall pertain only to the business, industry or pursuit conducted on or within the premises on which said sign is located.

J. GLASS: Any glass forming a part of any sign shall be safety glass. In the case the glass area exceeds three square feet, wire glass shall be used.

L. ILLUMINATION: Illumination of any sign shall not exceed 75 foot candles and shall comply with the City's electrical code.

M. NEON SIGNS: Interior neon signs shall be restricted to one per window pane. Not more than 30 percent of window shall be covered. The outer dimensions of the sign will be used to calculate the area of the neon sign.

N. SUPPORTS: New sign supports, such as posts, poles, pylons, uprights, braces, standard, etc., designed to raise the surface of the sign face above the ground, shall not be visible. They shall be enclosed in a material(s) which incorporates an architectural feature of the building and is similar in color to the building.

O. OBSTRUCTIONS: No sign or other street graphics shall be erected or maintained in such a manner that it interferes with, obstructs the view of or is likely to be confused with any authorized traffic sign, signal or device. Accordingly, no street graphic shall contain the words "stop," "go," "caution," "danger," "warning" or other similar words.

P. LUMBER: Pressure treated lumber shall not be utilized as a finish product for any type of permitted sign.

16.04 REMOVAL OF CERTAIN SIGNS

A. Any sign which is located on any property or a building or portion thereof within the City which becomes vacant and unoccupied shall be removed within 30 days by the owner, agent or persons having the beneficial use of the property, building or structure upon which such sign may be found.

B. Any sign and its associated structure not used for a period of three months, or if the business so advertised is closed or otherwise abandoned for a period of three months, shall be removed and may not be erected or re-established unless in compliance with the requirements of this Chapter.

C. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management may be granted a 30-day extension by the Code Official after a written application has been submitted and reviewed.

D. If the Code Official finds that any sign or other advertising structure is abandoned, unsafe or insecure, or is a menace to the public, or has been erected, or is being maintained in violation of this Chapter, he/she shall send written notice via certified mail to the permittee or owner thereof seeking compliance with the applicable provisions of this Chapter. If the permittee or owner fails to repair, maintain, alter or remove the sign structure, so as to comply with the requirements herein set forth, within a specified one-day or no more than 20 days after receipt of such notice, such sign or advertising structure may be removed by the Code Official at the expense of the permittee or owner of the property upon which it is located. The Code Official may cause any sign or other advertising structure which is an immediate peril to persons or

property, to be removed summarily and without notice. The cost of such removal shall be the responsibility of the owner of such sign. Payment shall be due within 30 days or a lien shall be made against the property.

16.05 NON-CONFORMING SIGNS

A. Signs existing on the effective date of this Chapter (August 25, 2006) and not conforming to its provisions but which were constructed in compliance with previous City ordinances shall be regarded as non-conforming signs. A non-conforming sign shall not be:

1. Changed to another non-conforming sign;

2. Structurally altered as to prolong the life of the sign;

3. Expanded;

4. Re-established after its discontinuance for a period of 30 days;

5. Removed and replaced, or moved in whole or in part to another location, unless the sign and the use thereof, are in conformance with this Chapter;

6. Re-faced or had the copy changed;

7. Re-established after damage or destruction by means, including an act of God, exceeding 50 percent of the estimated value of the sign. For the purpose of establishing a value, all signs will be deemed to have a cost value of $1,000.00 unless a bill of sale, tax return or a written appraisal by a sign manufacture can prove the value; nor

8. A continued use with a change of business ownership or business lessee for more than 30 days.

B. No such repair, replacement or alteration shall be made to a non-conforming sign unless such repair, replacement or alteration will create a sign that conforms to the provisions of this Chapter. Minor maintenance such as bulb replacement and painting is allowed.

16.06 PROHIBITED SIGNS

The following signs are strictly prohibited everywhere within the City unless the sign was previously permitted by the issuance of a City permit. If the sign was permitted under a previous permit and not currently in compliance with this Chapter, it must comply with the provisions set forth in Section 16.05 Non-Conforming Signs, and, if applicable, the provisions of Section 16.11, Overlay District.

1. Mobile, movable and portable signs not affixed to the ground (e.g. flashing arrow signs);

2. Pennants, flags (other than those described in Section 16.07), streamers, ribbons, strings of lights (except as defined herein), spinners and other similar signs used as attention getters;

3. Signs attached to trees, fences or public utility poles, other than warning signs used by public utilities and entities;

4. Signs placed in any public right-of-way, other than warning signs used by public utilities and entities;

5. Defunct signs, including the support structure(s) that advertise or identify an activity, business, product or service no longer conducted on the premise where such sign is located;

6. Roof-mounted signs;

7. Billboards;

8. Pole signs;

9. Off-premise business signs with the exception of recreational sporting areas;

10. Off-premise real estate signs;

11. Projecting signs (except as permitted herein);

12. Abandoned signs;

13. Animated signs;

14. Signs placed or affixed to vehicles and/or trailers which are parked and visible from the public right-of-way where the apparent purpose is to advertise a product or direct people to a business activity located on the same nearby property. However, this is not in any way intended to prohibit signs placed on, or affixed to, vehicles and trailers, such as permanent lettering on motor vehicles where the sign is incidental to the primary use of the vehicle or trailer;

15. Signs which contain characters, cartoons, statements, works or pictures of an obscene, indecent, prurient or immoral character;

16. Illuminated signs in residential zoning districts (excluding the R-3 Single Family Zoning District);

17. Moving or rotating signs;

18. Folding and collapsible sign (sandwich boards); and

19. Portable signs.

16.07 PERMITTED SIGNS ALLOWED WITHOUT A PERMIT

The following signs may be erected within the City without obtaining a building permit, provided they comply with the provisions set forth herein. The area of said signs shall not be debited against the displaying establishments sign area allowance.

1. Construction signs identifying the architect, engineers, developers, realtor, contractors and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product or continued leasing. Such signs shall not exceed 32 square feet in area, shall be confined to the site of the construction and shall be removed once the first occupancy certificate is issued.

2. Directional and informational signs erected for the convenience of the public and signs identifying entrances, exits, parking areas, no-parking areas, restrooms, public telephones, walkways and similar features or facilities. Such signs are limited to two and shall not exceed three square feet in area.

3. Special event signs when approved by the City Council. Special event signs shall be subject to the provisions for temporary signs.

4. Garage sale signs advertising a garage or yard sale on private residential property. Such signs shall not exceed four square feet in area, shall be confined to the premises on which the sale is conducted and shall not be posted more than three days.

5. Governmental public signs, such as traffic control signs, railroad crossing signs, legal notices, public safety signs and signs indicating the location of underground cables, etc.

6. Holiday decorations such as Christmas lights and ornaments, or special events such as birthdays, provided such decorations are removed within a reasonable time after the special event or holiday.

7. House numbers and/or name or occupant signs located on the lot to which the sign pertains. Such signs shall not exceed three square feet in area for a single family dwelling nor six square feet for multiple family dwellings.

8. Institutional signs for public, charitable or religious institutions. Such signs shall be located on the premises of the institution, shall not obstruct the vision of motorists and shall not exceed 24 square feet in area.

9. Integral signs carved into stone or inlaid so as to become part of the building and

memorial tributes.

10. Signs communicating the history of the property such as historic markers or plaques affixed to buildings. Such signs shall not exceed five square feet.

11. Interior signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are not visible from the exterior of the building.

12. Property regulation signs such as no trespassing, no hunting and no fishing. Such signs shall not exceed three square feet.

13. Public interest signs publicizing a charitable or non-profit event of general public interest. Such signs shall only be erected upon private property. In any residential zoning district, such signs shall not exceed 16 square feet in area; elsewhere, such signs shall not exceed 32 square feet in area. Public interest signs shall be permitted only for 14 days before and seven days after such event.

14. Real estate signs indicating the sale, rental or lease of the premises on which they are located. Such signs on residential property shall not exceed four square feet in area. On other property, such signs shall not exceed 16 square feet in area. Not more than one real estate sign per street front shall be erected on any one zoning lot. Such signs shall be removed within 24 hours after the sale, rental or lease.

15. Flags, consisting of not more than one each of the United States flag, state flag, municipal flag and/or corporate flag, provided that the flagpole for any such flag shall not exceed 30 feet in height, including the height of any such structure which it is mounted. The length of any such flag shall not exceed one-third of the height of the flag pole (including the height of any structure which it is mounted) to which it is attached.

16. Door labeling with applicable logos.

16.08 CALCULATION OF SIGN AREA

A. CALCULATION OF SIGN AREA: The calculation of sign area for every sign shall be calculated as follows:

1. If a sign is enclosed by a box or outline, the total area, including the background and including that outline, shall be deemed the sign area;

2. If a sign consists of individual letters, parts or symbols, the area of the one imaginary square or rectangle that would completely enclose all letters, parts or symbols shall be deemed the sign area; and

3. In calculating the sign area, only one side of any double-faced sign shall be

counted.

B. SIGN AREA ALLOWANCE: Within the limitations and restrictions of this Chapter and all other applicable City codes, the total area of all signs which a particular establishment is permitted to display shall be computed according to the following provisions:

1. One and one-half (1.5) square feet of sign per one foot of lineal street frontage for the first 100 feet of such frontage, plus one square foot of sign area per one foot of frontage in excess of 100 feet of frontage.

2. No establishment shall display more than 300 square feet of signs.

3. If an establishment has frontage on two or more streets, each side having frontage shall be considered separately for the purpose of determining compliance with the provisions of this Chapter. However, the sign area allowances shall not be aggregated so as to allow any such establishment to display on any one frontage a greater area of signs than this Chapter would otherwise permit. No establishment shall have more than 300 square feet of signs.

4. The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

5. For strip centers that have no "street frontage," the calculation of sign area shall be 1.5 square feet of sign area per one foot of width the occupancy (unit) has. Corner occupancies (units) are allowed one sign per side not to exceed the 1.5 square feet of signage per one square foot of width the occupancy contains.

6. Shopping center identification signs shall be calculated as follows; One and one-half (1.5) square feet of sign per one foot of lineal street frontage for the first 100 feet of such frontage, plus one square foot of sign area per one foot of frontage in excess of 100 feet of frontage and shall not be allowed signage in excess of 300 square feet.

16.09 TEMPORARY SIGNS (NOT INCLUDING MOBILE SIGNS)

The following temporary signs are permitted subject to the provisions set forth herein:

1. BANNERS: Banners or inflatable signs and advertising devices are permitted in the business, ORI Office, Research & Light Industrial and M Manufacturing districts for not more than 20 days in length consecutively and not more than five times a year. Banners or inflatable signs and advertising devices are subject to the following provisions:

   a. Banners shall not be greater than 50 square feet in area for a single or double sided

banner.

b. The maximum quantity of banners allowed per establishment shall be two with a maximum 100 square foot of sign area combined.

c. The owner of such establishment shall obtain written approval from the Building Department prior to installing any banner(s) or inflatable sign(s) and advertising device(s). All banners installed shall have the date of installation marked in one bottom corner for the enforcement officer to view. The marking shall be minimum one-inch numerals.

d. Banners or inflatable signs and advertising devices shall be located on the structure of such establishment doing such advertisement and or located within the property of such establishment. No such signs advertising shall be allowed to be installed on or in any state, federal or public right-of-way or on or in any easement public or private unless such easement is for the installation of signs.

e. Charities, new business, grand opening and special events may be allowed to portray attention getting signage, pennants and streamers for a period not no exceed 30 days before and after the business grand opening, charity event or special event. All installations are subject to approval by the Code Official. To exceed 30 days, such organizations shall present their case to the Zoning Administer for approval.

2. POLITICAL SIGNS: Political signs are permitted provided they are displayed no more than 90 days prior to the election relating to the sign, or the first day of filing for the office, whichever is later, and must be removed within five days after the election. Such signs shall be limited to four square feet in any residential zoning district and not more than 32 square feet in all other zoning districts. No fee shall be required for the posting of temporary political signs. All political signs shall remain on private property.

3. SUBDIVISION/RESIDENTIAL/COMMERCIAL OR INDUSTRIAL DEVELOPMENT SITE(S): One temporary non-illuminated subdivision sign, not exceeding 32 square feet, located not less than 15 feet from any side lot line, is permitted for a period of one year. The applicable permit fee plus an approved permit from the Building Department is required. The permit may be allowed to be renewed at no cost providing construction is diligently pursued.

4. SPECIAL EVENT SIGNS: All special event signs are subject to City Council approval.

16.10 PERMITTED SIGNS

The provisions of this Section 16.10 allow signs on private property after obtaining sign permits, provided however said signs shall be subject to the provisions of this Section 16.10. The signs in this Section 16.10 are prohibited in any residential zoning district or on any property used

extensively for residential purposes.

1. EXTERIOR ILLUMINATED SIGNS: All exterior illuminated signs shall be subject to the following provisions:

   a. Only white light shall be permitted.

   b. Beacon lights, strobe lights colored lights and illumination by flame are prohibited.

   c. The light which casts upon any illuminated sign shall be shaded, shielded or directed so as to avoid the creation or continuation of any nuisance or traffic hazard and avoid excessive glare or illumination to adjacent property.

   d. No matter its height or width, in no case shall the lighting intensity of any sign exceed the limit of 75 foot candles measured with a standard light meter perpendicular to the face of the sign at a distance equal to the narrowest dimension of the sign.

   e. No sign shall be either directly or indirectly illuminated in such a manner to adversely affect the use and enjoyment of nearby buildings.

2. WALL SIGNS: In addition to the sign area allowance, wall signs shall be subject to the following provisions:

   a. No wall sign shall cover wholly or partially any wall opening or architectural feature, nor shall any wall sign project beyond the ends of the wall or beyond the top of the building to which it is affixed.

   b. Wall signs must be affixed flat against the building wall. Any projection will be limited to the necessary mounting frame and shall not extend more than four inches.

   c. No wall sign shall be affixed to a wall at a height of less than four feet above the sidewalk or ground. If there is an adjacent sidewalk, wall signs mounted less than eight feet above the ground shall not be permitted unless flush against the wall.

   d. A wall sign shall be safely and securely affixed to the building wall to the satisfaction of the Building Department.

   e. Wall signs may be located either on the front of the building abutting a street or on either side wall perpendicular to the street frontage. Buildings that have more than one entrance from public ways are allowed to have a wall sign affixed to the wall sharing the entrance.

   f. In no case shall a wall sign be allowed to be affixed to a portion of a wall without

street frontage that extends higher than its neighboring building.

g. No more than one wall sign shall be allowed per business or use per building side.

h. Multiple unit buildings are allowed a wall sign indicating tenants and individual units. The maximum square footage of the outline of signage containing the individual tenants shall not exceed 25 square feet.

3. Freestanding Signs: In addition to the sign area allowance, freestanding signs are subject to the following provisions:

a. Not more than one freestanding sign shall be displayed on any street front of any lot.

b. Freestanding signs shall not exceed seven feet in height the any business, ORI Office, Research & Light Industrial or M Manufacturing zoning districts. Height is measured from the adjacent "normal" grade to the top of the sign.

c. No freestanding sign shall be erected closer than 25 feet to any side, corner side or rear lot line.

d. Freestanding signs shall not portray signs in excess of 85 square feet. In determining sign area, the base of such free standing sign does not count as square footage, providing there are no signs attached to it.

e. No part of a freestanding sign shall intrude or project over any public right-of-way. All structural supports shall be situated at least 10 feet from any public right-of-way.

f. All freestanding signs shall be securely constructed and erected. At the discretion of the Building Department, construction plans may be required to be certified by a registered architect or engineer. Such plans will ensure compliance with applicable wind, seismic and snow loads.

g. Unless the sign is mounted on a concrete base at least three feet in height, any freestanding sign within three feet of a driveway, parking area or maneuvering area shall be completely surrounded by curbing that is not less than three feet from the outermost perimeter of the sign.

h. All freestanding signs shall be located a minimum of 80 feet apart.

4. MONUMENT (GROUND) SIGNS: In addition to the sign area allowance, monument signs are subject to the following provisions:

a. No part of any monument sign shall intrude into any public-right-of way.

b. No monument sign shall be closer than 25 feet to any side, corner side or rear lot line.

c. No monument sign shall exceed 85 square feet and, if applicable, is subject to the dimensions listed in Section 16.11. If a base is constructed to raise the monument sign, the maximum surface area of the sign and base shall not exceed 100 square feet in area, based on constraints listed in Section 16.08.

d. No monument sign shall exceed seven feet. Height is measured from the adjacent "normal" grade to the top of the sign.

e. All monument signs shall be located a minimum of 60 feet apart.

5. AWNINGS AND AWNING SIGNS: Awning signs are subject to the following provisions:

a. The total area of an awning sign shall not exceed 50 percent of the total area of the awning.

b. Awnings and awning signs shall be constructed so that the lowest portion thereof is not less than eight feet above the sidewalk of parkway.

c. Every awning shall be securely attached to and supported by the building. Posts or columns beyond the building line shall not be permitted.

d. No awning shall be permitted to extend beyond a point two feet inside the curb line.

e. Lettering incorporated as signage on an awning shall not exceed 24 inches in height.

f. Awning signs shall only portray the copy of the business name of the establishment doing business on such property.

g. Awnings shall be limited to the street level story of every multiple story building.

h. Every awning and awning sign shall be maintained in a neat and attractive condition by its owner. The awning materials and hardware shall be kept painted and/or treated to prevent rust and/or deterioration.

6. CANOPIES AND CANOPY SIGNS: In addition to the sign area allowance, canopies and signs attached to canopies are subject to the following provisions:

a. There shall be a limit of one canopy sign per canopy face and one canopy per street

frontage erected for the purpose of identifying the establishment and provided that no wall signs are directed to the same street frontage.

b. Canopy signs may only be mounted to the face (vertical edges only) of the canopy proper.

c. The sign area for a canopy sign shall not extend beyond the canopy face on which the sign is located. No sign or portion of a sign shall exceed the borderline of any outer edge of said canopy. No sign shall be placed on the roof of said canopy.

d. The outline shape and silhouette of a copy sign shall be simple and compatible with the building it is mounted on.

e. Canopy signs shall be harmonious in scale and proportion with the building they are mounted to and with the architectural elements of the building.

f. A canopy shall not extend beyond a point two feet inside the curb line.

g. All canopy supports shall be designed so as not to obstruct the continuous flow of pedestrian traffic along any sidewalk and in conformance with any other reasonable requirements established by the Code Official.

h. No advertising shall be placed on any canopy except for the name of the owner and business, industry or pursuit conducted within the premises.

i. Canopy signs shall not be illuminated.

7. MARQUEES: Marquee signs are subject to the following provisions:

a. The roof of all marquees shall be guttered and connected by downspouts to a drain so water will not drip or flow directly onto public property.

b. The roofs of all marquees shall be used for no other purpose than to form and constitute a roof.

c. No portion of a marquee shall be less than eight feet above the level of the sidewalk or other public thoroughfare. However, if the marquee extends beyond two-thirds of the distance between the building and the curb, it must be 12 feet above the sidewalk.

d. No marquee shall be permitted to extend beyond a point two feet inside the curb line.

e. Marquees shall be supported solely by the building to which they are attached and no columns or posts shall be permitted as supports.

f. The roof of any marquee shall be designed and constructed to support a live load of not less than 60 pounds per square foot.

g. Marquees shall be designed to withstand wind pressure of not less than 80 miles per hour.

h. There shall be a limit of one marquee sign (per marquee face) per building, erected for the purpose of identifying the establishment and provided that no wall signs are directed to the same street frontage.

i. Marquee signs shall be mounted on the face (vertical edges only) of the marquee proper. Signs shall not be erected above the roof line of the marquee.

j. The sign area for marquee signs shall not extend beyond the marquee face on which the sign is located. No sign or portion of a sign shall exceed the borderline of any outer edge of said sign. No sign shall be placed on or over the roof of said marquee.

k. The surface area of a marquee shall not exceed 40 percent of the sign area of a marquee attached to the building front.

l. The outlined shape and silhouette of a marquee sign shall be simple and compatible with the building it is mounted on. Shapes that disrupt the architectural order and composition of a building façade are not acceptable.

m. Marquee signs shall be harmonious in scale and proportion with the building they are mounted to and with the architectural elements of the building. A marquee sign shall not visually overpower those elements nor detract from the composition of a buildings façade.

n. Marquee signs shall be constructed of non-combustible materials.

o. Marquees outside the designated area of Overlay District may only be internally illuminated or back-lit.

8. MURALS: Murals are subject to the following provisions:

a. All murals to be painted on any building within the City are required to appear before the Planning and Zoning Commission for a recommendation to the City Council and final approval from the City Council.

b. Information should be submitted to the Zoning Administrator, to be placed on Planning and Zoning Commission and City Council agendas. The following information shall be submitted for review:

I. An 8-inch by 10-inch color photo of building face the mural is to be painted upon; and

II. An 8-inch by 10-inch color sketch or painting of the actual mural to be painted on the building face.

16.11 OVERLAY DISTRICT SIGNAGE

In addition to the applicable provisions set forth in this Chapter, all exterior fixed signs proposed within the following locations shall be subject to the following provisions. Prior to granting a permit for the erection of a sign to be located anywhere within the Overlay District and/or a Historic District, as defined pursuant to the Historic Preservation Ordinance (Ordinance 00-11-3 and amended by Ordinance 05-11-2), the applicant shall make application to the Code Official, who will require the MHPC to review the application and submit its recommendations.

1. OVERLAY DISTRICT AREA: For the purposes of this Section 16.11, the Overlay District incorporates all buildings located within the following locations:

   a. All buildings within the City that have frontage on the streets that are within two blocks north and south of the centerline of US Route 20 and;

   b. All buildings within the City that have frontage on the streets that are within two blocks east and west of the centerline of US Route 23.

2. All proposed signs within the designated area of the Overlay District and a Historic District shall be subject to the following guidelines and stipulations:

   a. All signs shall are subject to the provisions of this Chapter.

   b. Sign materials shall be similar to those used historically. Substitute materials with the same appearance may be approved.

   c. All signs shall be subordinate to the overall character of the area and they should be subordinate to the individual building or buildings they are related.

   d. Neon signs may have achieved historic significance on building styles related to the modern era and may be allowed to continue.

   e. Ground or freestanding signs shall be set back from the property line a minimum of 10 feet.

   f. Florescent, neon or other bright garish colors shall not be approved. Historic colors and earth tones are recommended.

g. Monument and freestanding signs shall be low in scale and visually relate to the building. The maximum size shall be 32 square feet. They must also conform to the provisions set for in Section 16.10.

h. Lettering style shall be compatible with the time the building was erected or to a period the building currently reflects or compatible with the surrounding area, as determined by the MHPC.

i. All three dimensional signs shall be of a style used at the time the building was erected or compatible with the surrounding area, as determined by the MHPC, and should pertain to the type of business conducted within.

j. Signs affixed to buildings may only be externally illuminated by fixtures compatible with the period in which the building was erected, or to a period the building currently reflects or compatible with the surrounding area, as determined by the MHPC.

k. All signs shall be constructed or painted in a workmanlike manner and all lettering shall be of uniform size and style.

l. Signs of a period other than when the building was erected may be approved if they are of a special design merit, reflective of an era, consistent with the building façade having undergone significant remodeling or compatible with the surrounding area, as defined by the MHPC.

m. Any original sign that was used at the time the building was constructed or prior to the year 1900, or an authentic facsimile thereof, may be replaced on that building subject to the structural and maintenance guidelines of the City.

n. Within the Overlay District area or a Historic District, signs shall identify only the name of the business and the general type of goods, products or service(s) offered. In addition to lettering, graphics may include a trademark, symbol or other representation directly related to the use but not advertising specific brands within the building. A brand name or symbol may be included, however, if the business is a franchise and/or it is the major brand sold or service offered on the premises.

o. The Code Official may forward any application to the MHPC for review to confirm compliance with the provisions of this Section 16.11. All external permanent signage may require MHPC approval.

p. Canopies attached to building are not permitted.

3. ILLUMINATION: Signs shall not be illuminated in any manner between the hours of 9:00 p.m. and 8:00 a.m. unless tied to the business' hours of operation within the B-1 Central Business District and business districts with transitional yards, as provided in the zoning

regulations of this Chapter and Chapter 22, the Marengo Zoning Code.

16.12 STRUCTURAL AND MAINTENANCE REQUIREMENTS

The structural condition and general maintenance obligations of the owners of all signs within the City are subject to the following provisions:

1. BRACING: In addition to the main attachment of a sign, any extra bracing, angle iron, guide wires, temporary supports or any other item that assist the sign to be affixed to any structure are prohibited. All signs shall be structurally affixed to buildings using best building construction practices and shall comply with the City's current building code.

2. MAINTENANCE:

   a. Every sign or other street graphic shall be maintained in a neat and attractive condition by its owner. Sign skins shall not be allowed to fade to a point the messages are unreadable. Sign supports shall be kept painted and/or treated to prevent rust or deterioration.

   b. All electrical components of existing signs shall be kept in compliance with the City's current electrical code.

   c. The Code Official shall determine the time frame for compliance.

16.13 ADMINISTRATION AND ENFORCEMENT

A. The Code Official is authorized and directed to administer and enforce the provisions of this Chapter. The responsibility encompasses, but is not limited to the following specific duties:

1. Review and pass upon compliance applications for street graphics and signs;

2. Inspect existing and newly constructed signs and street graphics to determine compliance with the provisions of this Chapter. Where violations are evident, to initiate the appropriate corrective action;

3. Review and forward to the MHPC and/or the Planning and Zoning Commission all applications for special signs or street graphic permits, variances, appeals or request recommendations from each respective Commission to approve such application;

4. Maintain up-to-date records of applications and any official actions taken to pursuant thereto;

5. Periodically review the provisions of this Chapter to determine whether revisions are needed, and to make recommendations on these matters to the Planning and Zoning Commission, MHPC and City Council;

6. To provide information to the general public on matters relating to this Chapter; and

7. To perform such other duties as the City Council may from time to time prescribe.

B. PENALTIES: Any person violating any provision of this Chapter shall be fined pursuant to Section 1.07 of the Marengo Municipal Code and shall be responsible for reasonable attorney's fees incurred by the City in the prosecution of such violations. Each day a violation is committed, or permitted to continue, shall constitute a separate offence and shall be punishable as such hereunder.

C. APPEALS:

1. Any person shall have the right to appeal a decision of the Code Official or MHPC to the Planning and Zoning Commission. An application for appeal shall be based on the claim that the true intent of the regulations of this Chapter have been incorrectly interpreted, that the provisions of this Chapter do not fully apply, or that an equivalent form of construction is to be used.

2. The appeals procedures shall be those utilized by the City with respect to appeals of the Building Code Official or pursuant to the Historic Preservation Ordinance, whichever is applicable.

CHAPTER 17
PURCHASING STANDARDS AND PROCEDURES

17.01 Purpose
17.02 Policies
17.03 Purchase Authority
17.04 Purchase Orders
17.05 Open Purchase Orders
17.06 Vendor Payment
17.07 Joint Purchasing
Check Request Form
Quotations Form

17.01 PURPOSE

The purpose of this Chapter 17 is to establish uniform standards and procedures to be followed by all City departments, the City Council and commissions in the purchase of all commodities.

17.02 POLICIES

The purchasing standards and procedures set forth herein are designed to:

1. Attain maximum economy in municipal operations to the ultimate advantage of local taxpayers and residents; and

2. Provide equal opportunity for qualified vendors to serve City needs.

17.03 PURCHASE AUTHORITY

In general, all supplies, materials, equipment and contractual/professional services required for operational efficiency shall be included in the annual budget. Purchase of same as required during the fiscal year shall proceed in accordance with these procedures upon approval of the annual budget by the City Council. When approval of the Administrator is specified, this does not pertain to the Police Department. Approval for Police Department expenditures is authorized in the manner prescribed by the Police Chief.

Although included in the annual budget, certain equipment, projects or services may be placed in a contingency status by the City Council as part of its approval process. When action on such contingency items is desired by the administrative staff, detailed justification of each item must be presented to the Administrator for review and approval consistent with the City Council's budget/fiscal policies.

Department heads may authorize purchases, as identified in the operating budget, up to $2,000. The Administrator, or designee, must also approve all purchases between $2,000 and $9,999.99. Purchases in excess of $10,000 require City Council approval.

Each department head of the City shall be responsible for its own department's purchasing needs in strict compliance with the procedures set forth herein. No department may make charges against budget accounts of other departments.

The Finance Department is responsible for determining if an item is budgeted, adequate funds are

available and proper purchasing procedures are followed.

17.04 PURCHASE ORDERS

A purchase order must be prepared for the following purchases:

1. Any purchase of goods or services in excess of $500.

2. Any purchase from a source determined by a formal bid, bid waiver or formal quotation.

3. Any capital outlay item.

4. Any case where the vendor requires a purchase order.

Exclusive of the above requirements, a department head may request that a purchase order be prepared at any time they feel it is best or prudent to do so. Department heads must approve all purchase orders. Purchase orders over $2,000 also require approval by the Administrator before a purchase is initiated.

The purchase order is prepared in three parts with distribution as follows:

White Copy: Mailed or delivered to vendor.

Yellow Copy: Retained by requesting department.

Pink Copy: Ultimately routed to the Finance Department for payment after receipt of goods/services and vendor invoice.

Purchase orders shall be issued in numerical sequence by the Finance Department. The Finance Department shall keep a log of purchase order numbers that have been distributed on a department by department basis.

All purchase requisitions and purchase orders must have the price of the goods stated. If it is absolutely impossible to list the exact price, an estimated price may be used with the letters "EST" placed above the price. Freight charges should be included on a requisition if possible. If not known, the requisition must state "Plus Freight."

It must be remembered that a purchase order is actually a contract between a vendor and the City. The purchase order must be prepared with this in mind. All purchase orders must bear, as near as possible, delivered price to avoid any problems in billing. A purchase order with no price shown is actually not a purchase order.

17.05 OPEN PURCHASE ORDERS

In certain circumstances where vendors are used frequently, an open purchase order may be set up at the beginning of the year as approved by the Treasurer. A purchase order must be approved by the department head (and Administrator if over $2,000) before initiating the purchase. The white copy of the purchase requisition is mailed or delivered to the vendor. The yellow copy is retained by the requesting department and the pink copy, or photocopy if purchase order amount is not satisfied, is ultimately forwarded to the Finance Department after receipt of the goods/services and vendor invoice.

17.06 VENDOR PAYMENTS

The department ordering the goods or services is responsible for the accuracy of expense accounts used and that purchases fall within budget parameters.

Upon receipt of ordered items, the department must indicate the quantity received complete with the initials of the employee receiving the delivery and the date received. In the event of a back order or incomplete delivery, notation of the applicable situation will be entered on the purchase order. When such items are later received, a photocopy of the original purchase order showing the partial shipment detail will be completed.

Unless otherwise noted on receiving documents, it will be assumed by the Finance Department that the ordering department is completely satisfied with the quality and condition of items received.

All applicable quotation forms, vendor invoices, purchase requisitions and purchase orders, approved for payment by the department head or designee, and the initialed receiving report must be forwarded to the Finance Department for payment processing. These documents must be accompanied by a check authorization request form. All other data, including material data sheets shall be kept by the ordering department.

A check authorization request form, found at the end of this Chapter 17, authorizes payment for completed purchases and should include the following information: name and address of vendor, purchase order number if applicable, invoice date, invoice number, total invoice amount, account number(s), amount charged to each account, indicated full or partial payment and signature of department head. The Finance Department will assign the voucher number (if no purchase order is required) and vendor number and ensure an IRS Form W-9 is on file.

Check authorization request forms delineate the payment of bills as either interim (prior to City Council approval) or City Council bills (semi-monthly, after City Council approval).

Generally, the only interim check request which will be approved are payments which take advantage of "early payment" discounts or for other extenuating circumstances as may be described by the department head. The check authorization request form should distinguish between partial and full payment. Extra care should be given to insure that each expense has been properly coded to the appropriate line item.

Check authorization requests will not be approved without an invoice and, if applicable, signed purchase order except under extraordinary circumstances communicated to and approved by the Administrator.

17.07 PURCHASING PROCEDURES

A. PURCHASE IN EXCESS OF $10,000: City ordinance requires that all purchases made from one vendor for a particular item or like types of items exceeding a cost of $10,000 must be accomplished through formal bidding procedures or by a bid waiver approved by the City Council. If doubt exists as to whether formal bidding is required, the Treasurer shall be contacted before any purchase is initiated. The splitting of a purchase into two or more purchase orders for the purpose of avoiding the bidding process is prohibited.

In certain circumstances it may be felt by the department head or the Administrator the best interests of the City would be served by a purchase from one particular vendor despite the purchase amount being in excess of $10,000. In such cases, a request to waive competitive bidding must be submitted to the City Council for its consideration and approval.

B. PURCHASES IN EXCESS OF $2,000 BUT LESS THAN $10,000: At least three quotations and approval of the Administrator are required before such a purchase can be effectuated.

The department head shall secure at least three verbal or written quotations or proposals from perspective vendors for the item or service. As in the case of formal bidding, the purchase shall be made from the lowest responsible quotation. A Quotation Form (found at the end of this Chapter 17) on the results of a quotation and vendor award recommendation shall be forwarded to the Administrator for approval.

In the event a department head feels that a purchase under this category should be made from one certain vendor rather than through quotations, a recommendation to do so is to be directed to the Administrator. In effect, this is a quotation waiver.

If it is found that a dire emergency condition exists and a purchase in excess of $2,000 must be made to remedy the emergency, the department head may make such purchase if verbally authorized by the Administrator. The department head must report the purchase to the Administrator by memorandum as expeditiously as possible relating the full facts concerning the emergency and the costs incurred. An emergency condition is described as a condition where the health, safety and/or welfare of the City or its residents are affected.

C. PURCHASES IN EXCESS OF $500 BUT LESS THAN $2,000: Every effort should be taken to secure at least three quotations before deciding on a suggested vendor. The requesting department should secure the quotations themselves. A Quotation Form should also be prepared for these purchases.

In the event that a department head feels that a purchase under this category should be made from one certain vendor rather than through quotations, s/he should submit a memorandum with the purchase order stating the reasons for the certain vendor preference.

D. PURCHASES LESS THAN $500: Purchases in this category can best be described as those day-to-day purchases needed to perform a job or service.

Department heads are responsible for the purchases made by personnel within their department. They may delegate this purchasing authority to subordinates, but still bear responsibility that these procedures are followed.

Although day-to-day, purchases under $500 may be done without a purchase order and without prior approval, the responsibility still exists for making the most economical purchases. Spot price checks and surveys must be made from time to time to ensure that the price being paid is the best price available and that the quality is the best that is required.

Day-to-day purchasing should be made through that vendor who offers the best usable product at the lowest price. Also, accepting deliveries should rate preference over picking up where no delivery/premium charges are involved and there is no immediate need for the item.

When receiving an item purchased under informal buying, a receipt or packing slip should be obtained. This receipt is to be turned in to the department head who is to prepare a check authorization request (see Section 17.06, Vendor Payments).

E. PETTY CASH: Petty cash funds are established to pay for infrequent purchases that are under $30 and require immediate payment. Tolls, parking, filing fees, etc., are traditional expenses that fall into this category. Department heads must approve the petty cash reimbursement vouchers.

The Finance Department will conduct periodic audits of the petty cash fund.

F. PURCHASES OF A REPETITIVE NATURE: It is not always practical to obtain competitive quotations for certain purchases that are repetitive in nature. The market must be periodically tested by the department head to determine if the current supplier is the most economical.

17.08 JOINT PURCHASING

A. STATE PURCHASING: Certain items are annually let for bids by the Procurement Division of the State of Illinois. Any unit of government in the state may avail themselves of these bid prices. Purchasing through State Purchasing may satisfy the requirement for bidding even though the purchase may be in excess of $10,000.

When items are purchased through the State Purchasing vendor, the department head prepares a purchase order as normally prescribed, but also submits a copy to the State of Illinois Procurement Division. Typed on this purchase order must be the Vendor Number and Contract Order Number. These numbers appear on the State Purchasing contract for that item.

B. COOPERATIVE PURCHASING: It may also be beneficial for the City to join with other units of local government in securing price quotations and in bid letting. Periodic checks of what other governmental units are paying can confirm whether the City is receiving a good price. If a neighboring municipality is contemplating the bidding of a particular item which is also to be bid by the City, the joining of the two municipalities may result in a lower price.

CITY OF MARENGO - - CHECK REQUEST FORM

TO: FINANCE DEPARTMENT DATE: _____

FROM: _____
(Department)

REQUEST FOR: PAYMENT

_____ CHECK IN THE AMOUNT OF $ _____ FULL _____ PARTIAL _____

MAKE CHECK PAYABLE TO:
NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____ INVOICE #: _____
INVOICE DATE: _____ P.O.#: _____ BUDGET ACCOUNT#: _____

ADDITIONAL COMMENTS:

REQUESTED BY: _____
(Signature)

APPROVED BY: _____
(Department Head)

CITY ADMINISTRATOR AUTHORIZATION: _____
(If Required)

Attach supporting documents: invoice, receipt, order form, etc.

FINANCE DEPARTMENT USE ONLY

ACCOUNT DISTRIBUTION

	ACCOUNT NUMBER	AMOUNT
Vendor No. _____	*	
Check No. _____	*	
Date: _____	*	
Amount: _____	*	
Paid From: _____	*	

QUOTATIONS

COMPANY NAME	CONTACT	PHONE	PRICE			
			ITEM 1	ITEM 2	ITEM 3	ITEM 4

DEPARTMENT HEAD _____

CHAPTER 18
BIDDING AND CONTRACT PROCEDURES

18.01 Competitive Bidding Required
18.02 Formal Contract Procedure
18.03 Advertisements
18.04 Scope of Notice
18.05 Bid Deposit
18.06 Bid Opening Procedure
18.07 Rejection of Bids
18.08 Bidders in Default to City
18.09 Award of Contract
18.10 Open Market Procedure
18.11 Officer and Employee Contracts
18.12 Emergency Purchases
18.13 Cooperative Purchasing
18.14 State and Federal Laws
18.15 Penalty
Invitation to Bid
Instructions to Bidders
Proposal Form

18.01 COMPETITIVE BIDDING REQUIRED

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

18.02 FORMAL CONTRACT PROCEDURE

All work or other public improvement that is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed $10,000, shall be purchased for the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of two-thirds of the Aldermen then holding office.

18.03 ADVERTISEMENTS FOR BIDS

Unless waived by the City Council, a notice inviting bids shall be published at least once in a newspaper with general circulation within the City. The City shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the City Hall. A sample notice, titled *Invitation to Bid*, can be found at the end of this Chapter 18.

18.04 SCOPE OF NOTICE

The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured and shall specify the time and place for opening bids. A sample *Instructions to Bidders* can be found at the end of this Chapter 18.

18.05 BID DEPOSITS

When deemed necessary by the City Council, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the City Council. A successful bidder shall forfeit any bid deposit required by the City Council upon his failure to enter into a contract within 10 days after the bid is awarded.

Such bid deposit may be in the form of a bank cashier's check, bank draft, bid bond or certified check bond in an amount as specified in the advertisement for bids to ensure finalization of the contract and to indemnify the City against all loss, damages and claims that may accrue against the City as a consequence of the awarding of the contract.

18.06 BID OPENING PROCEDURE

A. SEALED BID: Bids shall be submitted sealed to the City and shall be identified as bids on the envelope. A sample proposal form can be found at the end of this Chapter 18.

B. OPENING: Bids shall be opened in public at the time and place stated in the public notice. When any bidders are present all the bids shall be read aloud.

C. TABULATION: A tabulation of all bids received shall be made by the City Council or by a City employee, in which event a tabulation of the bids shall be furnished to the City Council at its next regular meeting.

18.07 REJECTION OF BIDS

The City, through the Mayor and City Council, shall have the authority to reject all bids or parts of all bids or waive technicalities when the public interest will be served thereby.

18.08 BIDDERS IN DEFAULT TO THE CITY

The City shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other money due the City.

18.09 AWARD OF CONTRACT

A. AUTHORITY OF CITY: The City Council shall have the authority to award contracts within the purview of this Chapter 18.

B. LOWEST RESPONSIBLE BIDDER: Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interests of the City to accept. In awarding the contract, in addition to price, the City Council shall consider:

1. The ability, capacity and skill of the bidder to perform the contract and to provide the service required;

2. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

3. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

4. The quality of the performance of previous contracts or services;

5. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

6. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;

7. The quality, availability and adaptability of the supplies or contractual services to the particular use requires;

8. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and

9. The number and scope of conditions attached to the bid.

C. PERFORMANCE BONDS: The City Council shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the City and to conform to the statutory requirements for such bonds.

18.10 OPEN MARKET PROCEDURE

All work and purchases of supplies, materials and services of less than the estimated value of $10,000 shall be made in an open market, without newspaper advertisement and without observing the procedure prescribed by this Chapter 18 for the award of formal contracts in such a manner so as to ensure the best interests of the public after solicitation of bids on proposals by mail, telephone, facsimile transmission or otherwise.

18.11 OFFICER AND EMPLOYEE CONTRACTS

Contracts with appointed officers and/or employees shall be exempt from the provisions of this Chapter 18.

18.12 EMERGENCY PROCEDURES

In case of an apparent emergency that requires immediate work or purchase or supplies, materials or services, the City Council shall be empowered to secure by open market procedures as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure. A finding of such an emergency shall be made in an affirmative vote of at least two-thirds of the City Council at the time of such emergency contract or no later than the first regular City Council meeting thereafter.

18.13 COOPERATIVE PURCHASING

The City shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the City would be served thereby.

18.14 STATE AND FEDERAL LAWS

Where applicable, all federal and state laws shall be observed including, but not limited to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.), the Illinois Human Rights Act (775 ILCS 5/1-101 et seq.),

Public Works Employment Discrimination Act (775 ILCS 10/0.01 et seq.), the Illinois Blacklist Trade Law (775 ILCS 15/1 et seq.) and the Public Works Preference Act (30 ILCS 560/0.01 et seq.).

18.15 PENALTY

A. Any bid and/or contract in contravention which results from procedures in contravention or inconsistent with those set forth in this Chapter 18 shall be void.

B. Any person violating any portion of this Chapter 18 shall be fined not less than $100 nor more than $500, for each offense and be responsible for the City's cost of prosecution. Each day that a violation continues shall be considered a separate offense.

INVITATION TO BID

City of Marengo

Invitation to Bid: The City of Marengo will receive bid quotations for _____

_____

_____.

Sealed bids will be received in the office of the City Clerk until _____, Prevailing Time, _____ and opened in the Council Room at that time.

The contractor shall observe ordinances adopted by the City regarding prevailing wage rates and such other laws and regulations regulating wage rates.

Each bidder shall certify evidence of an adopted written sexual harassment policy pursuant to 775 ILCS 5/1-105 along with the bid.

The City reserves the right to modify or waive technicalities in specifications, reject any or all bids, to waive irregularities or accept the bid that in its opinion will serve its best interest. It is the successful bidder's responsibility to pay the prevailing wage for this type of work in accordance with Illinois law as well as comply with all other state and federal regulations imposed on the City pertaining contractual work. Detailed specifications and bid forms may be secured from the Marengo City Hall, 132 East Prairie Street, Marengo, IL 60152, during regular business hours.

INSTRUCTIONS TO BIDDERS

FOR THE CITY OF MARENGO,
McHENRY COUNTY, ILLINOIS

1. Receipt of Bids:

2. Basis of Bids: Sealed bids will be received until the above-noted time and date.

3. Project Description:

4. Preparation and Submission of Bids:

   A. Each bid shall be submitted in duplicate on the exact form furnished. All blank spaces for bid prices, unit costs and alternatives must be filed in, in ink, in both words and figures. In case of any discrepancy in the amount of the bid, the prices expressed in written words shall govern.

   B. The proposal must be delivered to the office of the City Clerk, Marengo City Hall, 132 East Prairie Street, Marengo, IL 60152, on or before _____, prevailing time, _____, at which time they will be publicly opened. Proposals received after this time will not be considered.

   C. The proposal shall be submitted in an opaque sealed envelope on or before the time stated and shall bear the name of the individual, firm or corporation submitting the bid and the title of the project.

   D. Bidders may attach separate sheets to the proposal form for the purpose of explanation, exception or alternate proposal and to cover unit prices required.

   E. By submitting a bid, the bidder understands and agrees that, if that proposal is accepted and the bidder fails to enter into a contract forthwith, the bidder shall be liable to the City for any damages the City may thereby suffer.

   F. Bids may not be modified after submittal. Bidders may withdraw proposals either personally or by written request at any time before the hour set for the bid opening, but may not resubmit them. No proposal may be withdrawn or modified after the bid openings except if the award of contract has been delayed for a period more than 45 days.

5. Basis of Award:

A. The City of Marengo reserves the right to waive any informality in or to reject any or all bids and to accept any bids deemed most favorable to the interest of the City after all bids have been examined and tabulated.

B. The City may award a contract on individual items within a particular group or upon the total group of items.

6. Breakdown of Costs: Delivered and Installed: Include unit and total costs per item for the delivery of the item[s] (uncrated and blanket wrapped in padded vans and installation of the item[s] --- optional) to their designated locations ready for use.

7. Substitutions:

A. Certain materials and equipment are specified by a manufacturer or trade name to establish standards or quality and performance and not for the purpose of limiting competition. Bidders are invited to submit bids not only on named items but also on items that they propose for substitution of named items. Products of other manufacturers may be substituted if, in the opinion of the City, they are equal to those specified in quality, performance, design and suitability for intended use. When two or more items are specified, the selection among those specified is the contractor's option, or contractor may submit a bid on all such items.

B. Bids shall be based on materials and equipment included in the specifications. Substitutions for the purpose of evaluating bids will be considered only if proposed substitutions are set forth in a sealed bid and will only be accepted prior to the award of contract. The offer of substitutions shall be an integral part of the proposal, appearing immediately after all requested bids and before the signature of the bidder for the entire proposal.

C. Substitutions of materials other than those specified will not be considered in the base bid price. However, other substitutions may be listed in the specified place in the proposal form, with the indication of the change in the base bid price for the entire work.

D. In addition to the requirements heretofore mentioned, in order for substitutions to qualify for consideration, the following shall accompany each proposal:

I. Each proposed substitution shall be itemized showing manufacturer's name, catalog number, quantity, unit cost and total cost. The bidder shall prepare the necessary forms to list his substitutions in the manner outlined.

II. Each proposal offering substitutions shall be accompanied by descriptive literature, catalog date, complete technical specifications and reports of all pertinent tests concerning the bidder's proposed substitutions.

III. Within five days after request by the City, each bidder offering substitutions shall deliver an assembled sample of each proposed substitution. Delivery charges shall be prepaid by the bidder.

CITY OF MARENGO
PROPOSAL FORM
(To Be Submitted in Duplicate)

PROJECT IDENTIFICATION NAME:

CONTRACTOR'S NAME:

ADDRESS:

TELEPHONE NUMBER:

1. Cost of Work:

The undersigned, having familiarized himself with the conditions affecting the cost of the work and its performance and having carefully examined and fully understood **Instructions to Bidders**, hereby affirms and agrees to enter into a contract with the **City of Marengo, Marengo, Illinois.**

TO PROVIDE, all supervision, labor, material, equipment and all other expense items to perform completely the **Entire Work** covered by all specifications for the **Entire Work.**

For the lump sum of:_____
Dollars ($ _____)

Unit Price _____ Total Price _____

2. Costs:

The undersigned hereby affirms and states that the prices quoted herein constitute the total cost to the City for all work involved in the respective items and that this cost also includes all insurance, royalties, transportation charges, use of all tools and equipment, superintendence, overhead expense, all profits and all other work services and conditions necessarily involved in the work to be done and materials to be furnished in accordance with the requirements of the **Contract Documents** considered severally and collectively. All bids shall be held valid for a period of 45 days after the bid due date.

3. Delivery Requirements:

The undersigned hereby affirms and states that the prices listed as "Delivered and Installed" are the unit and total costs for the delivery of item[s] (uncrated and blanket wrapped in padded vans and the installation of the item[s] ---optional) to their designated locations ready for use.

4. Time of Completion:

The undersigned affirms and declares that if awarded the Contract he will completely perform said contract in strict accordance with its terms and conditions within _____consecutive calendar days after notification of award of contract.

5. Specifications:

Furnish all labor, material, equipment and services necessary for said Contract, in accordance with the following specifications and drawings (if required) as attached.

6. Conditions:

A. I understand the City is exempt from Federal Excise Tax and the Illinois Retailer's Occupation Tax. I hereby certify that this **Proposal** does not include any amounts of money for these taxes.

B. To be valid, bids shall be itemized so that selection for purchase may be made, there being included in the price of each item the cost of delivery, insurance, bonds, overhead and profit.

C. The City reserves the right to add to or deduct from base bid and/or alternate bid any item at the prices indicated in itemization of bid.

7. Alternate Materials and Equipment:

A. Whenever, in any section of the contract document, any article, material or equipment is defined by describing a proprietary product, by using the name of a manufacturer of vendor, the specific article, material or equipment mentioned shall be understood as indicating the type, function and equality desired and shall not be construed in such a manner as to exclude manufacturer's products or comparable quality, design and efficiency as approved by the City Engineer.

B. All materials, construction procedures and methods within the contract documents set for a minimum condition.

C. All materials furnished on this project shall bear the manufacturer's guarantee that materials furnished follows specifications as herein enumerated. No such material shall be used on the project until such manufacturer's or supplier's guarantee shall be furnished in writing to the City Engineer.

D. When requesting use of alternate materials or equipment, provide the following in writing to the City and City Engineer:

1. Written request for approval.

2. Cost benefits and savings for the City.

3. Product description.

E. Requests shall be made in a timely fashion to allow for adequate review.

F. No alternate materials or equipment shall be ordered or installed without written approval of the City.

Name_____

By (signed)_____

(If a corporation) Office_____

Address_____

ATTEST: _____

Telephone No._____

_____ Date_____

_____

Secretary

CHAPTER 19
DEVELOPMENT REGULATIONS

19.01 Intent, Purpose and Scope
19.02 Definitions
19.03 Fees
19.04 Land Development Considerations
19.05 Design Standards
19.06 Compliance with Subdivision Control Ordinance
19.07 Penalties

19.01 INTENT, PURPOSE AND SCOPE *Amended, 05-4-1*

The purpose of Chapter 19 is to regulate the development of land and to control the potable water, sanitary sewer, grading, surface water detention, proximity to public sanitary sewer and proximity to public water for all development projects other than individual single family residential units. In addition to the foregoing, the McHenry County Stormwater Management Ordinance, adopted by passage of Ordinance 04-10-3 and incorporated into this Code as Chapter 29, shall also govern regulations for development.

19.02 DEFINITIONS *Amended, 05-4-1*

In addition to the definitions found in Appendix A of this Code and Article 2 of the McHenry County Stormwater Management Ordinance, which was adopted by passage of Ordinance 03-10-3 and incorporated into this Code as Chapter 29, the following definitions shall be applicable to this Chapter 19:

Alley: A public way, not more than 30 feet wide, which affords only a secondary means of access to abutting property.

Block: A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad right-of-way, bulkhead lines, or shore lines of waterways or the corporate boundary lines of the City.

Datus USGS Sea Level Datum 1929 Adjusted: A reference point from which elevations are measured.

Detention Basin: An area designed to hold an accumulation of storm water thereby reducing the peak flow of a storm drainage system.

Street: A public way other than an alley.

1. Major thoroughfares which shall include all highways with the county, state and/or federal route marking and for which a right-of-way width of 100 feet shall be established. Illinois Routes 23 and 176 and U.S. Highway 20 are designated as major thoroughfares.

2. Secondary thoroughfare is any thoroughfare so designated by the City on the official plan or by ordinance which shall involve intercommunion vehicular traffic.

3. Major connecting street is any public right-of-way utilized primarily for intra-municipal travel, including the access to public and institutional facilities and business and recreational aspects of the City.

4. Minor connecting street is any public right-of-way utilized primarily for access to abutting properties.

19.03 FEES *Amended, 05-4-1*

The following fees and charges shall prevail for compliance with this Chapter 19:

1. The actual cost to the City for administration and services of the City Attorney, City Engineer, City Planner and any other professional persons as deemed necessary by the City with a deposit to be determined by the City Engineer at the time the application is made to proceed under this Chapter 19.

2. The City Engineer shall determine if a irrevocable letter of credit or a performance bond is needed due to the type or extent of improvement; such irrevocable letter of credit or performance bond shall be approved by the City Attorney.

3. See Section IV-E1 of Chapter 29 (McHenry County Stormwater Management Ordinance) for watershed development permit fees.

19.04 LAND DEVELOPMENT CONSIDERATIONS *Amended, 05-4-2, 05-4-1*

A. Drainage ways, wetlands, floodplains and Soil and Water Conservation District requirements shall be pursuant to Chapter 29, McHenry County Stormwater Management Ordinance; Chapter 23, Subdivision Control Regulations; Chapter 26, Cross-Connection Control Rules and Regulations; and Chapter 30, Groundwater Protection, of this Code.

B. APPEALS:

1. Any person aggrieved by a decision of a certified community's enforcement officer may request review thereof by the City Council.

2. Any person aggrieved by a decision, requirement, ruling or interpretation of this Chapter by the MCSC chief engineer, may appeal it to the MCSC by written notice filed with the MCSC chief engineer within 10 days of the determination.

3. The applicant or any person or agency which receives notice of the filing of the application may appeal the decision of City staff as provided in Article IV-A in Exhibit A of Chapter 29 to the City Council within 45 days after denial of the permit or 45 days after the commencement of work. Upon receipt of an appeal the City Council shall schedule and hold a public hearing, after giving 15 days notice thereof. The City Council shall render a decision within 30 days after the hearing. Factors to consider in the review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands; any comprehensive watershed management plans or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainage ways; natural and type of soil or rock which when disturbed by the proposed development activities, may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

19.05 DESIGN STANDARDS

A. Detailed engineering documents shall be as described in the Subdivision Control Ordinance.

B. Stormwater drainage system shall be as described in the Subdivision Control Ordinance.

C. Protecting buildings from flood damage shall be as described in the Subdivision Control Ordinance.

D. Public potable water shall be provided for the land tract to be developed, including to the extremities of the property, provided that an existing public potable water distribution system is within 500 feet of the subject tract.

E. Public sanitary sewer shall be provided for the land tract to be developed, including to the extremities of the property, provided that an existing public sanitary sewer system is within 500 feet of the subject tract.

F. A grading plan shall be furnished, including the topography and physical characteristics of surrounding land tracts, and to provide aesthetic elevation relating to the surrounding land tracts. A typical grading plan is on file in the office of the Clerk.

19.06 COMPLIANCE WITH SUBDIVISION CONTROL ORDINANCE

Developers of land within the City and within its planning jurisdiction shall comply with all the provisions of the Subdivision Control Ordinance, which are hereby incorporated herein by reference.

19.07 PENALTIES

A. Any person who violates this Chapter 19 shall be fined not less than $100 nor more than $500 for each violation. Each day a violation is determined to exist shall be considered a separate offense.

B. Violation of this Chapter 19 is declared to be a public nuisance, which a court may abate in the manner provided by law including imposition of an injunction terminating any development on any property for which this Chapter 19 has not been complied with as determined by the City Engineer.

C. The City shall have a lien for all fees owed under this Chapter 19 on all property subject to development for which the fees are owed.

CHAPTER 20
PLANNING, ZONING AND DEVELOPMENT REVIEW FEES

20.01	Planning, Zoning and Development Review Fees
20.02	Reimbursement of Fees
Exhibit A	Planning, Zoning and Development Review Fees
Exhibit B	Deposits Required for Reimbursement of Fees

20.01 PLANNING, ZONING AND DEVELOPMENT REVIEW FEES

There are hereby established fees for the review of development proceedings by the City of Marengo. The term "development proceedings" shall mean:

1. Any petition or application filed to annex property to the City, or to process an annexation agreement or amendments to an annexation agreement;

2. Any petition or application filed for relief from or review of parameters of the Zoning Code;

3. Any petition or application to subdivide, resubdivide or otherwise plat property filed pursuant to the Marengo Subdivision Code;

4. Any petition or application filed to address issues relating to rights-of-way or easements, including but not limited to plats of dedication, plats of vacation or easement documents; and

5. Any other improvement or development of real property.

The term "review" shall include, but not be limited to: conducting hearings and meetings; processing, review, and preparation of documents; evaluation of drawings for Code compliance; legal technical, and professional review and consultation; and similar consideration and review of proposed actions which involve the earthmoving of land, construction or alteration of buildings, and uses and appearances of property.

Said fees are listed in Exhibit A of this Chapter 20 and shall be due and payable to the City at the time of filing an application or petition for the desired development proceeding. Said fees shall not be refundable. In the event the filing fee is paid by check and the check is returned to the City due to insufficient funds by the financial institution, the City shall suspend the review process. A cashier's check that includes the required fees, a $50 returned-check service charge and any other costs the City may incur thereby, shall be deposited with the City before the City resumes the review process.

Development proceedings initiated by the City (e.g. text amendments to the Zoning Code) are exempt from fees.

20.02 REIMBURSEMENT OF FEES

A. DEPOSIT: In the event it is necessary for the City to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, traffic or drainage experts, or other consultants, in connection with any petitioner's request for the City to consider or otherwise take action upon any annexation, zoning change, subdivision development, planned development (PUD), dedication, vacation or easements or other improvement or development upon real property, then the petitioner and owner of the property shall be jointly and severally liable for the payment of such professional fees plus a service fee for each billing by the City to cover the City's administrative expenses as determined by the City Council from time to time. At the time the petitioner requests action from the City, an initial deposit, pursuant to Exhibit B of this Chapter 20, shall be made with the City and will be credited against fees and costs incurred for the above described services. The petitioner is required to maintain the minimum deposit amount as stipulated herein at all times.

B. PAYMENTS: The City shall remove funds from the required deposit upon receipt of invoices for professional services or upon calculation of City Staff time as stipulated by this Chapter. Once funds have been removed from the petitioner's required deposit, the City shall, within five working days, send a Notice of Replenishment and a copy of such invoice to the petitioner requiring an additional deposit to replenish the required deposit within 30 days of date of notice.

C. LATE FEES: Replenishment payments shall be received in the office of the City Clerk within 30 days of the date the Notice to Replenishment is sent. If the replenishment payment is not received by the City within 30 days, a $100 per day late fee shall be assessed to all notices. In addition, all work pertaining to the development shall cease and the Building Commissioner shall place a stop work order upon the subject property. No action on any request made by the owner or petitioner shall be undertaken by the City Council or any other official, quasi-official or deliberative individual or body thereunder. The stop work order will be released and requests will be considered only after the total late fee amount is paid in full, including the required minimum deposit.

D. STOP WORK ORDERS: As applied to this Section 20.02, a stop work order shall cause all work being performed to immediately cease, including but not limited to, construction, plan reviews, inspections, issuance of certificates of occupancy, earth work and utility installation.

E. WITHDRAWALS AND DENIALS OF PETITIONS: A petitioner who withdraws a petition may apply in writing to the City for a refund of the initial deposit. The City Council, may, in its discretion, approve the refund less any actual fees and costs which the City has already incurred relative to the petition. In the event the City Council denies approval of any or all portions of a petition, a petitioner shall remain liable for all fees and costs which the City has incurred relative to the petition, and no refund of a deposit or deposit balance shall occur until such fees and costs have been paid.

E. PROFESSIONAL FEES: Any professional fees incurred as a direct or indirect result of the petitioner, owner or their agent requesting a professional opinion or otherwise requesting relief or assistance from the City, whether or not related to real property, shall be reimbursed in accordance with this Chapter 20 if, in the sole discretion of the City, a professional opinion is desired or necessary.

G. DEFAULT: Upon the failure of the owner or petitioner to reimburse the City in accordance with this Chapter 20, the Building Commissioner shall place a stop work upon the subject property and no action on any request made by the owner or petitioner will be undertaken by the City Council or by any other official, quasi-official or deliberative individual or body thereunder; and such request shall remain in abeyance until all outstanding fees are paid in full. Upon any failure to reimburse the City in accordance with Chapter 20 of the Marengo Municipal Code, the City may, in its discretion, elect to place a lien against any real property associated with the petitioner's request. Interest in the amount of 1½ percent per month shall accrue on all sums outstanding for 30 days or more. Such lien shall be in an amount equal to the outstanding amount owed to the City.

H. ASSIGNING AUTHORITY: The Mayor and City Council and the designated City staff members are hereby authorized to assign requests for professional services to the City staff or to consultants as the City Council deems appropriate.

I. IN-HOUSE STAFF: When services contemplated by this Chapter 20 are rendered by the City staff, then in such case the party making the request shall reimburse the City for its cost incurred for services provided that go above and beyond normal installation of improvements and/or duties pertaining to the development. Example of billable time shall include but not be limited to field changes, site characteristics that prohibit design installation, recurring failed inspections as defined per Section 24.18-B1-5, recurring repairs of failed inspection items and any other similar matters due to site characteristics and/or unforeseen circumstances. Said reimbursement shall be at the rate of $50 per hour.

J. REMEDIES: The remedies available to the City as set forth herein above are non-exclusive and nothing herein shall be construed to limit or waive the City's right to proceed against any or all parties. Any action arising out of this Section 20.02 shall be filed in the 22nd Judicial Circuit, McHenry County, Illinois.

K. AGREEMENT: At the time an owner or petitioner requests action from the City such person(s) shall be required to enter into a Reimbursement of Fees Agreement with the City that contains the parameters of this Section 20.02.

L. REFUND: After all costs have been paid and upon written request by the owner or petitioner, any surplus funds in the account shall be returned after approval by the Administrator or City Attorney.

M. PROFESSIONAL FEES INCURRED FOR INDIVIDUAL RESIDENTIAL PROPERTY: In the event it is necessary for the City to obtain professional services (such as those listed in Section 20.02-A herein) in connection with any work proposed for or done on an

individual resident's property, including but not limited to drainage, landscaping or structural issues, the owner of the property shall be liable for the payment of such professional fees plus a service fee for each billing by the City to cover the City's administrative expenses, as determined by the City Council from time to time. Said professional fees shall include but, are not limited to, the costs of any consultation, review of drawings, field inspections and travel expenses.

N. HIGHER DEPOSIT: Notwithstanding any of the provisions in this Section 20.02, the City, through its Mayor, City Council or Administrator, may require a higher deposit and a Reimbursement of Fees Agreement containing additional requirements of the petitioner for development proceedings or reviews after taking into account the following factors: i) scope of the development; ii) the acreage of the development; and iii) the anticipated expense of professional consultants including, but not limited to, engineers, land planners and attorneys, reasonably necessary to review the proposed development request. In addition, the City, through its Mayor, City Council, Administrator or attorneys, may negotiate other items relative to the review or development proceeding including, but not limited to, the use of specific consultants and/or attorneys, rates and budgets.

EXHIBIT A

Planning, Zoning and Development Review Fees	
Proceeding	**Fee**
Annexation, payable at the time the property is annexed to the City	$500 per acre or portion thereof
Annexation petition	$200
Annexation or development agreement, annexation or development agreement amendment (includes hearing or meeting)	$300
Appeal	$500
Re-zoning, residential	$500
Re-zoning, non-residential	$750
Special use permit, residential	$750
Special use permit, non-residential	$1000
Zoning text amendment	$500
Zoning variation, residential (1 lot)	$250
Zoning variation, residential (more than 1 lot)	$300 per lot
Zoning variation, non-residential	$500
Zoning upon annexation	$350
Subdivisions:	
Development concept plan	$250 + $10/acre
Detailed plan	$250 + $10/acre
Planned developments:	
Preliminary plan	$400 + $10/acre
Final plan	$400 + $10/acre
Amendment	$400 + $10/acre
Site plan review:	
Final plan	$400 + $10/acre
Amendment	$400 + $10/acre
Concept review	Time as billed (See Sect. 20.02)

Meeting, special	$200
Street Opening Permit	$100 plus $10,000 bond
NOTE: Fees for mixed-use developments are calculated on the pro-rated acreage of each use in the parcel. Fees for multiple-item proceedings are cumulative. If a proceeding is consolidated (e.g., preliminary and final plat submitted simultaneously), the fee is the total of the preliminary and the final action. The acreage fee is per acre or part thereof.	

EXHIBIT B

Deposits Required for Reimbursement of Fees	
Proceeding	**Fee**
Annexation	$10,000
Appeal	$500
Re-zoning, residential, per lot	$500
Re-zoning, commercial	$5,000
Special use permit, residential	$ 500
Special use permit, non-residential	$1000 per acre, up to $5,000
Zoning text amendment	$5,000
Zoning variation, residential (1 lot)	$1500
Zoning variation, residential (more than 1 lot)	$2500
Zoning variation, non-residential	$3000
Zoning upon annexation	$750 per acre, up to $5,000
Subdivision or planned development, up to 2.0 acres	$5,000
Subdivision or planned development, greater than 2.0 acres but less than 20.0 acres	$10,000
Subdivision or planned development, 20.0 acres or more	$15,000
Site plan review, up to 2.0 acres	$2,000
Site plan review, greater than 2.0 acres	$7,000
Other improvement or development activity, individual residential	$1,000
Other improvement or development activity, multi-lot residential or non-residential	$2,000
NOTE: These fees are not cumulative. Only the highest applicable deposit for a multi-part proceeding is required.	

CITY OF MARENGO
REIMBURSEMENT OF FEES AGREEMENT

City of Marengo Account No. _____

OWNER:

Name of Property Owner: _____

Owner's Address: _____

_____

Telephone Number: _____ Days _____ Evenings

PETITIONER:

Name of Petitioner: _____

Petitioner's Address: _____

_____

Telephone Number: _____ Days _____ Evenings

LOCATION OF PROPERTY:

General Location: _____

_____

Total Acreage: _____ PIN: _____

Legal Description (attach as Exhibit A)

A. DEPOSIT: In the event it is necessary for the City to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, survey ors, traffic or drainage experts, or other consultants, in connection with any petitioner's request for the City to consider or otherwise take action upon any annexation, zoning change, subdivision development, planned development (PUD) or other improvement or development upon real property, then the petitioner and owner of the property shall be jointly and severally liable for the payment of such professional fees plus five percent of the professional fees to cover the City's administrative expenses. At the time the petitioner requests action from the City an initial deposit, pursuant to Exhibit B of this Chapter 20, shall be made with the City and will be credited against fees and costs incurred for the above described services.

B. NOTICES and INVOICES: The City shall send a petitioner regular notices and/or invoices for the fees and costs removed from the required deposit thus far, and the petitioner shall replenish the required deposit within 30 days of said notice/invoice. At all times the petitioner shall maintain a balance equal to its deposit with the City.

C. WITHDRAWAL OF PETITION: A petitioner who withdraws a petition may apply in writing to the City for a refund of the initial deposit. The City Council may, in its discretion, approve the refund application less any actual fees and costs which the City has already incurred relative to the petition.

D. PROFESSIONAL FEES: Any professional fees incurred as a direct or indirect result of the petitioner, owner or their agent requesting a professional opinion or otherwise requesting relief or assistance from the City, whether or not related to real property, shall be reimbursed in accordance with Chapter 20 of the Marengo Municipal Code if, in the sole discretion of the City, a professional opinion is desired or necessary.

E. STOP WORK ORDERS: A stop work order shall cause all work being performed to immediately cease, including but not limited to, construction, plan reviews, inspections, issuance of certificates of occupancy, earth work and utility installation.

F. DEFAULT: Upon the failure of the owner or petitioner to reimburse the City in accordance with this Chapter 20, the Building Commissioner shall place a stop work upon the subject property and no action on any request made by the owner or petitioner will be undertaken by the City Council or by any other official, quasi-official or deliberative individual or body thereunder; and such request shall remain in abeyance until all outstanding fees are paid in full. Upon any failure to reimburse the City in accordance with Chapter 20 of the Marengo Municipal Code, the City may, in its discretion, elect to place a lien against any real property associated with the petitioner's request. Interest in the amount of 1½ percent per month shall accrue on all sums outstanding for 30 days or more. Such lien shall be in an amount equal to the outstanding amount owed to the City.

G. ASSIGNING AUTHORITY: The Mayor and City Council and the designated City staff members are hereby authorized to assign requests for professional services to the City staff or to consultants as the City Council deems appropriate.

H. IN-HOUSE STAFF: When any professional services contemplated by this Chapter 20 are rendered by the City staff, then in such case the party making the request shall reimburse the City for its cost incurred in providing said professional services. Said reimbursement shall be at the rate of $50 per hour.

I. REMEDIES: The remedies available to the City as set forth hereinabove are non-exclusive and nothing herein shall be construed to limit or waive the City's right to proceed against any or all parties in a court of law of competent jurisdiction. Any action arising out of Section 20.02 of the Marengo Municipal Code shall be filed in the 22nd Judicial Circuit County, McHenry County, Illinois.

J. AGREEMENT: At the time and owner or petitioner requests action from the City such person(s) shall be required to enter into a Reimbursement of Fees Agreement with the City that contains the parameters of Section 20.02 of the Marengo Municipal Code.

K. REFUND: After all costs have been paid and upon written request by the owner or petitioner, any surplus funds in the account shall be returned after approval by the Administrator or City Attorney.

L. HIGHER DEPOSIT: Notwithstanding any of the provisions in Section 20.02 of the Marengo City Code, the City, through its Mayor, City Council or Administrator, may require a higher deposit and a Reimbursement of Fees Agreement containing additional requirements of the petitioner for development proceedings or reviews after taking into account the following factors: i) scope of the development; ii) the acreage of the development; and iii) the anticipated expense of professional consultants including, but not limited to, engineers, land planners and attorneys, reasonably necessary to review the proposed development request. In addition, the City, through its Mayor, City Council, Administrator or attorneys, may negotiate other items relative to the review or development proceeding including, but not limited to, the use of specific consultants and/or attorneys, rates and budgets.

By signing this Agreement the petitioner and/or owner acknowledge that each of them has read the foregoing paragraphs and each of them fully understands and agrees to comply with the terms set forth herein. Further, by signing below, each signatory warrants that he/she/it possesses full authority to so sign.

The owner and/or petitioner agree that owner and petitioner shall be jointly and severally liable for payment of fees referred to in applicable sections of the ordinances of the City of Marengo, and as referred to hereinabove.

City of Marengo: Petitioner:

By: _____ _____
City Administrator

_____ Date: _____
Owner

CHAPTER 21
LANDSCAPING CODE[1]

21.01 Purpose
21.02 Definitions
21.03 Scope of Regulations
21.04 Approval Process
21.05 Plan Preparation
21.06 Submittal Requirements
21.07 Landscape Standards
21.08 Plant Materials Standards
21.09 Maintenance and Replacement
21.10 Parking Lot Requirements
21.11 Landscaping Required
21.12 Transitional Yards
21.13 Freestanding, Ground and Monument Signs
21.14 Tree Preservation
21.15 Prohibited Vegetation

21.01 PURPOSE

It is the intent of this Chapter 21 to establish regulations limiting the removal and ensuring the replacement of trees from property within the City and, in doing so, safeguard the ecological and aesthetic environment of the community. These regulations are further intended to serve to dissuade the unnecessary clearing and disturbing of land so as to preserve, insofar as practical, the existing natural vegetation with plant material indigenous to the region, and preserve existing landscape buffers to minimize the impact of adjoining differing land uses, enhance and protect the integrity of roadway corridors, and reduce the surface heat and negative visual impact of vehicular use areas.

21.02 DEFINITIONS

In addition to those terms defined in Appendix A of this Code, the following terms are applicable to this Chapter 21:

Annual: A plant which completes its life cycle in one year or less.

Berm: An earthen mound designed to provide screening of undesirable views, noise reduction, etc.

Buffer: A combination of physical space and vertical elements, such as plants, berms, fences or walls, the purpose of which is to separate and screen conflicting land uses.

Deciduous: A plant with foliage that is shed annually.

Evergreen: A plant with foliage that persists and remains green throughout the year.

Fence: A stru cture used as a boundary, screen, separation, means of privacy, protection or confinement.

Fence, open: A open fence is one where visibility at right angles to any surface thereof is not reduced

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[1] Established by Ordinance 02-8-6, 8/26/02

by more than 50 percent.

Fence, solid: A fence including gates which conceals from view of adjoining properties open storage of materials and/or operations conducted behind fenced areas.

Ground cover: A plant that grows near the ground densely and spreads. Generally an herbaceous perennial, sometimes a woody shrub or vine.

Hedgerow: A row of shrubs and/or trees which occur in a row, like a hedge. Sometimes purposely planted for wind control in agricultural areas. More commonly an area along a road or field boundary which, left uncut, has grown up with various plants, seeded by wind, water, birds or other natural methods.

Landscape: An area of land including preserved natural vegetation on which has been located lawns, trees, shrubs, other plants, water areas and other features such as, but not limited to, walks, signs, lighting, parking lots, patios, decorative walls and fences.

Landscape architect: A professional who has graduated from an accredited university program in landscape architecture.

Landscape designer: An individual with experience in landscape design.

Landscape screen/buffer, full:. Maximum landscape buffer between two conflicting land uses.

Landscape screen/buffer, partial. Selective landscape screening between similar land uses.

Landscape yard: A area of ground required to be landscaped for the purpose of screening and buffering a development site.

Native plant: A plant which is known to have originated in and is characteristic of Illinois.

Ornamental tree: A deciduous tree planted primarily for its ornamental value or for screening. May be any size at maturity but will tend to be smaller than a shade tree.

Parkway: The space between a sidewalk and the street generally planted with grass and street trees.

Plant preservation credit: Credit given for the preservation of existing vegetation meeting the functional requirements of this ordinance, in lieu of required new landscaping.

Prairie: A grassland or meadow, usually with native plant species; or a planting of grasses and wildflowers characteristic of the native Illinois prairie.

Screen: A method of reducing the impact of visual intrusions through the use of plant materials, berms, fences and/or walls or any combination thereof. Screening blocks that which is unsightly or offensive with a more harmonious element.

Shade tree: A deciduous (rarely, an evergreen) tree planted primarily for its high crown of foliage or overhead canopy.

Shrub: A woody plant, smaller than a tree, which consists of a number of small stems from the ground or small branches near the ground. May be deciduous or evergreen.

Shrub, low: Any shrub which attains a mature height of 4 feet or less when left un-pruned.

Shrub, tall: Any shrub which attains a mature height of 5 feet or more when left un-pruned.

Street tree: A tree planted in close proximity to a street in order to provide a canopy over the street, to give the street a sense of spacial definition and human scale, to provide shade and soften the street environment.

Tree: A large, woody plant having 1 or several self-supporting stems or trunks and numerous branches. May be deciduous or evergreen.

Turf grass: Grasses planted, by seeding or sodding, to establish a lawn, which is usually maintained by moving.

Wetlands: Those areas periodically inundated or saturated by surface or groundwater at a frequency and duration under normal circumstances sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, wet meadows, ponds and similar areas as defined by the Corps of Engineers.

21.03 SCOPE OF REGULATIONS

The provisions of this Chapter 21 shall apply to the following:

1. New construction (multiple-family, business and manufacturing districts only).
2. Parking Lots
3. Transitional
4. Free standing and monument signs

21.04 APPROVAL PROCESS

When a landscape plan is required, the plan shall be submitted to the City with the application for a building permit.

21.05 PLAN PREPARATION

All landscape plans required by this Chapter 21 shall be prepared and signed by a professional landscape architect or landscape designer.

21.06 SUBMITTAL REQUIREMENTS

The submittal package for a landscape plan shall include planting and site information. The landscape plan may be submitted on a separate sheet or superimposed on a single sheet with the site plan. The submittal package must include the following information:

1. Site elements: Title block including the name of the project, designer's name, scale of the plan (no smaller than 1" = 50' for plans with trees only; and no smaller than 1" = 20' for plans with shrubs and smaller plants), north arrow and date of the plan;

   Property lines;

   Name, location, right-of-way and paving widths of all abutting streets;

   Note zoning and use of all abutting properties;

   Natural features such as ponds, lakes and streams; delineation of 100-year floodplain and

wetland boundaries;

Existing and proposed storm water management ponds and areas;

Required landscape yard width;

Location, height, dimensions and use of all existing and proposed buildings and other structures, including parking lots, sidewalks and other paved areas; fences and walls; and recreational equipment;

Approved grading plan at one-foot contour interval, with slopes of 4:1 labeled.

2. Planting elements. Location, general type and quality of existing vegetation, specimen trees and natural areas.

For plant preservation credits: vegetation areas to be saved, including accurate locations noted and a list of typical species. Note methods and details for protection of existing vegetation during construction. Location and keyed labels of all proposed plants.

Location of all proposed areas to be seeded and/or sodded.
Plant list or schedule to include key symbols, quantity, correct botanical and common names, size and condition of all proposed plants.

Plant names used shall be identified in accordance with *Hortus Third*, by L. H. Bailey, 1976.

All plant sizes and conditions listed shall conform to the *American Standards For Nursery Stock* as published by the American Association of Nurserymen, latest edition.

Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, foundations, street furniture, signs, lighting and paved areas.

Planting installation details as necessary to ensure conformance with *American Association of Nurserymen's Standards*, latest edition; and standards as specified in this Chapter 21.

General and specific notes to indicate or explain the design and construction procedures to be used.

3. Cost estimate and notification to permitting body. Upon approval of the landscape plan, a cost estimate prepared by a recognized landscape contractor shall be submitted.

A conditional occupancy permit will be issued when the project's buildings may be occupied but landscaping has not been installed due to weather conditions. A final occupancy permit will be issued upon completion of all landscaping

21.07 LANDSCAPE STANDARDS

Appropriateness: The landscape plan should consider the type of use the development will receive and use plants which will integrate the development site into the surrounding area. Adjacent existing uses will determine the type and extent of screening and buffering required.

Screening: Materials may consist of evergreen trees and shrubs; ornamental trees and deciduous shrubs with dense branching; shade trees; and fences, walls and berms. Planted screens shall be arranged in clusters of plants to create optimum screening according to site conditions and as the designer sees

fit. Excepting limited space for full screening, plants should not be spaced out equally in a line within the required landscape yard length.

Fences and Walls: Screening fences and walls should be built of materials compatible with that of the main building. The use of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh shall not be counted as a screen in landscape yard calculations.

Berms: Screening may be accomplished with the use of earth berms in combination with plants. The minimum height required shall be 2.5 feet, with a minimum width of 12 feet. Taller berms require more width so slopes do not become too steep. Slopes shall not exceed 4:1. Berms should be designed with gently curving slopes so they are not susceptible to erosion. Staggering berms allow for drainage and provide visual variety. Ground cover plants may be used to reduce mowing on berms.

21.08 PLANT MATERIALS STANDARDS *Amended, Ord. 04-3-1*

Plant material standards shall be as follows:

1. All plants shall conform to the *American Standards for Nursery Stock*, latest edition, and shall be installed according to the current standards of the American Association of Nurserymen.

2. Plant availability and hardiness: All plants used in landscape plans shall be readily available and shall be proven to be reliably hardy in USDA Zone 5. Plants shall have a vigorous root system and shall be free from defects, insects and diseases. Substandard plant material will be rejected.

3. Deciduous trees shall be fully branched, have a minimum caliper of 3 inches for nonresidential and 2½ inches for residential development measured 6 inches above ground level. Specimens shall be properly pruned to maintain a natural form.

4. Evergreen trees shall be a minimum of 6 feet in height and fully branched to the ground.

5. Shrubs shall be supplied in 1 gallon or larger containers or balled and burlapped and at least 18 inches in height or spread, whichever applies.

6. Ground cover plants shall be planted so that an effective covering is obtained within two growing seasons.

7. At the intersection of all streets and/or the intersection of any service entrance drive from a street to a zoning lot, line of sight easements shall be established within the triangular area formed: at the intersection of any two street right-of-way lines; and/or the intersection of any street right-of-way line with any service entrance drive (both sides of such drive), by a line drawn between such right-of-way lines, and/or such right-of-way line and service entrance drive line, at a distance along such line of 25 feet from the point of intersection thereof.

8. Plant materials, including deciduous and evergreen trees, shall not cause a hazard. Landscape plant material overhanging walks, pedestrian or bicycle paths and seating areas shall be pruned to a minimum height of 12 feet above parking lot aisles and spaces.

9. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground level at maturity.

10. Parking Lot Clearance: No shrub or tree shall be planted closer than 2 feet from any curb face.

11. Planting Space Required: Trees planted in cutouts, in walks or in pedestrian areas shall have a

minimum of 4-foot by 4-foot or a 5-foot diameter circle of open soil, and shall be protected by the use of tree grates of edging which does not pose a hazard to pedestrians.

12. Landscape plant materials shall be properly guyed and staked in accordance with current industry standards, where necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

13. Landscape plant materials shall be protected from damage due to foot or vehicular traffic by protective tree grates, pavers, curbs or other suitable methods which prevent soil compaction.

14. Appropriate methods of care and maintenance of the landscape shall be provided by the owner of the property.

15. Additional landscape screening/buffering may be required when an incompatible use occurs which may have a high impact on adjacent development, as determined by the City. A high impact use is one which is expected to have a strong effect on adjacent properties, due to one or more of the following:

    Noise;

    Outdoor loading spaces;

    Exterior storage, attractive nuisances and objectionable views;

    Dust, fumes, odors and vibration;

    Litter;

    Bright lighting during the evening or at night or headlights from vehicles using the development at night;

    Height of structures above the normally allowed height for the specific zone; or adjacent to development of a different zone or zones with a lower building height limit; or

    Barrier screening/buffering required for safety and liability reasons.

21.09 MAINTENANCE AND REPLACEMENT

The owner, occupant, tenant and agent of each property shall be individually and collectively responsible for the maintenance, repair and replacement of all landscaping, screening and curbing whether or not required by these regulations so as to preserve at least the same quantity, quality and screening effectiveness as initially installed.

21.10 PARKING LOT REQUIREMENTS

The following requirements apply to all parking lot landscaping:

1. Parking lot interior landscaping shall be provided for lots with 10,000 square feet or more of total parkway.

2. Planting islands shall be placed in the following areas of all parking lots:

    A. End islands shall be provided at each end of all parking bays, except where corner

islands are provided.

B. Intermediate islands shall be provided after every 12th space, or after every 8th parking space for single-aisle parking lots.

C. Center islands shall be provided between head-in parking for the full length of every other parking bay unless there are 3 or fewer parallel aisles of parking.

D. Corner islands shall be provided at the end of 2 perpendicular parking bays when these bays are at the edge of the parking lot.

In the event that the site geometry of the proposed parking lot does not allow strict adherence to the above requirements, alternate schemes will be required to provide at least 10 percent of the parking lot area in landscaped islands.

3. Minimum dimensions of planting islands, including a six-inch curb:

A. End islands shall be a minimum width of 9 feet and a minimum length of 36 feet, 45 feet with a center island, for a double bay of parking.

B. Intermediate and half end islands shall be a minimum width of 9 feet and a minimum length of 18 feet, except in single aisle parking lots, where the minimum width shall be 13 feet. In the case of angle parking, the perpendicular length from the center line of the parking bay to the aisle shall be the minimum length.

C. Corner islands shall be a minimum of 18 feet square, except in the case of angle parking, where the perpendicular length of the stall from the center line of the parking bay shall be the minimum dimension.

D. Center islands between head-in parking shall be a minimum width of 9 feet, and the same length as the parking bay.

4. A curb shall be provided for all parking spaces adjacent to planting or pedestrian areas to prevent vehicle overhang, except in the case of handicapped access ramps.

21.11 LANDSCAPING REQUIRED

A predetermined number of plants are required to provide overhead and low screening of motor vehicles in parking lots. Shade trees and low shrubs or ground cover plants are specified for each type of landscape island. Turf grass may be used but will not be counted as part of the required plants. Ground cover plants may be substituted for any or all of the low shrubs at a ratio of 14:1 when perimeter landscape yards also provide off-site screening for the parking area. Required plantings are:

- 9 feet wide intermediate and half-end islands: 1 shade tree and 9 low shrubs or 126 ground cover plants (excluding turf grass) or some combination.

- 13 feet wide intermediate and half-end islands: 1 shade tree and 12 low shrubs or 168 ground cover plants (excluding turf grass) or some combination.

- 9 feet wide end islands: 2 shade trees and 15 low shrubs or 210 ground cover plants (excluding turf grass) or some combination.

- 18 feet corner islands: 1 shade tree and 21 low shrubs or 294 ground cover plants (excluding

turf grass) or some combination.

- 9 feet wide center islands: 3 shade trees and 36 low shrubs or 504 ground cover plants (excluding turf grass) or some combination; all per 100 linear feet of island.

21.12 TRANSITIONAL YARDS

A. APPLICABILITY: All non-residential and multiple-family residential developments shall provide lot perimeter landscaping in accordance with the provision of this Chapter 21.

B. NON-RESIDENTIAL PROPERTY ABUTTING NON-RESIDENTIAL PROPERTY: Where non-residential property abuts property zoned for non-residential use, landscaping shall be provided as follows:

1. Width: A landscaped area a minimum of 10 feet in width shall be provided.

2. Planting Materials. A minimum of 50 percent of the required landscape setback shall be landscaped. Such landscaping shall consist of 25 percent evergreen trees a minimum of 6 feet tall, 25 percent shade trees a minimum of 3 inches in caliper, and ornamental trees a minimum of 6 feet tall and 50 percent evergreen and deciduous shrubs a minimum of 3 feet tall. Whenever possible, berms should be used in conjunction with the landscaping.

C. GROUND COVER: Except where occupied by planting beds, all perimeter landscaping areas shall be sodded or seeded.

D. NON-RESIDENTIAL PROPERTY ABUTTING RESIDENTIAL PROPERTY: Where non-residential property abuts property zoned for residential use, landscaping shall be provided as follows:

1. Width: A landscaped area a minimum of 15 feet in width shall be provided.

2. Screening: Solid landscape screening to a minimum of 6 feet in height above the grade of the subject property and in a design satisfactory to the Administrator shall be provided along the length of the abutting property line. If determined necessary by the City, due to topographical changes between the abutting commercial and residential property, the minimum height of the required screening may be increased to 8 feet. Any landscape materials used shall be made up of 25 percent evergreen trees a minimum of 6 feet tall, 25 ornamental trees a minimum of 3 inches in caliper or clumps 6 feet tall and 50 percent evergreen and deciduous shrubs achieving a minimum height of screening 6 feet at the time of planting. Whenever possible, berms should be used in conjunction with the landscaping.

3. Shade Trees: Shade trees shall be provided at the equivalent of not more than 30 feet apart along the abutting property line. Such trees may be clustered or spaced linearly.

4. Ground Cover: Except where occupied by planting beds, all perimeter landscaping areas shall be sodded or seeded.

E. MULTIPLE-FAMILY RESIDENTIAL PROPERTY: Multiple-family residential property shall be landscaped as follows:

1. Width: A landscaped area a minimum of 10 feet in width shall be provided.

2. Landscaping: A minimum of 50 percent of the required landscape setback shall be landscaped. Such landscaping shall be made up of 50 percent evergreen trees and ornamental trees a minimum of 6 feet tall and 50 percent evergreen and deciduous shrubs a minimum of 3 feet tall. Whenever possible, berms should be used in conjunction with the landscaping.

3. Shade Trees. Shade trees shall be provided at the equivalent of not more than 30 feet apart along the abutting property line. Such trees may be clustered or spaced linearly.

4. Ground Cover: Except where occupied by planting beds, all landscaping areas shall be sodded or seeded.

5. Building Perimeter Landscaping: Building perimeter landscaping in a minimum planting bed with a width of 8 feet shall be provided along 100 percent of all building facades except where sidewalks and driveways are located. Fifty percent of the landscape requirements shall be made up of evergreen trees and shrubs and 50 percent deciduous trees, ornamental trees and shrubs.

21.13 FREESTANDING, GROUND AND MONUMENT SIGNS

Every permit application for a freestanding, ground or monument sign shall be accompanied by a landscape plan meeting the standards hereinafter specified:

1. For every square foot of sign surface area, there shall be provided 1 ½ square feet of landscape area.

2. Any freestanding, ground or monument sign constructed or erected to a height in excess of 8 feet above the average surrounding grade shall be required to be improved with an additional 1 ½ square feet of landscaped area for each foot of height or portion thereof that said sign is constructed or erected above said 8 feet in height. As all such freestanding, ground or monument signs may not exceed a height of 12 feet above the average surrounding grade, the additional landscaping requirements set forth herein shall not exceed 6 square feet.

3. Sodded or seeded areas shall not qualify as such a landscaped area.

4. The required landscaped areas shall be improved with such plantings as hedges, conifers, flowering plants, evergreens, etc., of a size and in quantity proportionate to the size and height of the sign as judged by the Administrator.

5. In addition to the plantings herein described, the landscaped area shall also include ground protection such as, but not limited to, ground cover plants, landscaping bar, decorative stone or landscape timbers.

6. It shall be the duty of each party owning any lot or parcel improved or to be improved with the landscaping required herein to maintain said landscaping including, but not by way of limitation, the replacement of any dead or diseased vegetation, the trimming of any overgrown vegetation and the maintenance of any groundcover or protection provided in accordance with the terms hereof.

21.14 TREE PRESERVATION

Tree preservation is addressed in Section 6.24 of this Code.

21.15 PROHIBITED VEGETATION

The following vegetation is prohibited in the City:

TREES:

BOTANICAL NAME	COMMON NAME	REMARKS
Acer negundo	Box Elder	Weak wood; invasive
Ailanthus altissima	Tree-of-Heaven	Weak wood; invasive
Betula pendula	European Birch	Borers; disease
Catalpa species	Catalpa	Weak wood; litter; invasive
Ginkgo biloba (Female) seeds	Female Ginkgo	Offensive fruit; seeds
Gleditsia triacanthos	Torny Honeylocust	Thorns; seed pods; thornless varieties acceptable
Maclura pomifera	Osage-orange	Large fruit; thorns
Morus species	Mulberry	Weak wood; fruit; invasive
Rhamnus frangula	Buckthorn	Weak wood; fruit; invasive
Robinia species	Locust	Weak wood; litter; invasive
Sorbus aucuparia	European Mountainash	Borers; disease
Ulmus American	American Elm	Disease; insects
Ulmus pumila	"Chinese" (Siberian) Elm	Weak wood; disease; insects invasive

Disease resistant varieties are acceptable upon prior approval.

SHRUBS AND HERBACEOUS PLANTS:

Coronilla varia	Crownvetch	Invasive; intolerant of other plants

Highway/large embankments only

Lonicera japonica	Japanese Honeysuckle	Very invasive; crowds out; native understory vegetation
Lythrum salicaria	Purple Loosestrife	Very invasive; replaces native vegetation in wetlands
Rosa multiflora oints	Multiflora Rose	Very invasive; thorns

CHAPTER 22
MARENGO ZONING CODE
(Ordinance 02-8-2, Passed 8/26/02)

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Revisions:

Date:	*Section:*
10/28/02	*Section 7, Accessory Buildings, Structures and Uses*
1/27/03	*Sections 3, Definitions; Section 4.10, Intrusion Into Yards; Section 6.06, Nonconforming Structures; Section 13.02, Use Restrictions; and Section 17.06, Variations and Standards for Variations*
7/1/03	*Sections 8.04.A.1 and 8.08.A4 regarding driveways*
8/25/03	*Sections 7.02.C and 7.04 regarding accessory buildings*
3/8/04	*Sections 4.11, 4.14, 5.09, 5.12, 7.04, 7.06, 10.02, 11.02, 11.02, 11.04*
5/24/04	*Section 10*
12/11/06	*Sections 4 and 11 regarding BP, Business Park District*
1/15/08	*Sections 3, 4, 5, 7, 8 and 11*
9/28/09	*Sections 10 and 15*

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Section 1
TITLE AND AUTHORITY

1.1 TITLE

This Chapter 22 shall be known and may be cited as the "Zoning Code" of the City of Marengo, McHenry County, Illinois. For the purposes of this Chapter 22, alternate terms and titles such as "Marengo Zoning Code," "Marengo Zoning Regulations," "Chapter 22 of the Marengo Municipal Code," the formerly-used term "Marengo Zoning Ordinance," and similar designations shall be deemed synonymous. Within Chapter 22, the terms "Code" and "Chapter" are used to refer to this "Zoning Code" unless otherwise defined. The "Zoning Code" and any subsequent amendments thereto may be published separately from the Marengo Municipal Code, and any such publication shall be deemed to be incorporated into the Marengo Municipal Code by reference and to be deemed in full force and effect.

1.2 AUTHORITY

This Chapter 22 is adopted under authority vested in the City of Marengo under the provisions of the Illinois Municipal Code (Chapter 65 of the Illinois Compiled Statutes, 65 ILCS 5/1-1-1 et. seq., as amended).

Section 2
INTENT AND PURPOSE

This Zoning Code is adopted for the following purposes:

1. To promote and protect the public health, safety, morals, comfort, and general welfare of the people;

2 To divide the City of Marengo into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of the buildings, structures and land for residences, business, manufacturing and other specified uses;

3 To protect the character and the stability of the residential business and manufacturing areas within the City of Marengo and to promote the orderly and beneficial development of such areas;

4 To provide adequate light, air, privacy, and convenience of access to property;

5 To regulate the intensity of use of lot areas, and to determine the area of open spaces surrounding buildings, necessary to provide adequate light and air and to protect the public health;

6 To establish building lines and the location of buildings designed for residential, business, manufacturing, or other uses within such areas;

7 To fix reasonable standards to which buildings or structures shall conform therein;

8 To prohibit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning district;

9 To prevent additions to, or alterations or remodeling of, existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;

10 To limit congestion in the public streets and protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and the loading and unloading of commercial vehicles;

11 To protect against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort, and general welfare;

12 To prevent the overcrowding of land and undue concentration of structures, so far as is possible and appropriate in each district, by regulating the use and bulk of buildings in relation to the land surrounding them;

13 To conserve the taxable value of land and buildings throughout the City.

14 To provide for the elimination of non-conforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district;

15 To clearly and concisely explain the procedures for obtaining variances, special use permits, amendments and other zoning processes;

16 And to define and limit the powers and duties of the administrative officers and bodies as provided herein.

pjh:Marengo.zone\Section1.and2

Section 3

DEFINITIONS

In the construction of this Zoning Code, the rules and definitions contained in this Section 3 shall be observed and applied, except when repugnant to the context of any provision.

Words, whether capitalized or not, used in the present tense shall include the past and future tenses, and words used in the future tense shall include the present tense; words used in the singular number shall include the plural number; words used in the masculine gender shall include the feminine and neuter genders; the word "building" shall include the word "structure" and the word "lot" shall include the word "plot"; the word "shall" is mandatory and not directory, while the word "may" is permissive; and the words "zone," "district" or "zoning district" may be used interchangeably. Definitions in Appendix A of the Marengo Municipal Code are applicable to this Zoning Code. Unless indicated otherwise, definitions are not case sensitive.

Abandoned: To give up one's right or interest in property.

Abutting: Having a common lot line or district line.

Accessory Building, Structure or Use: A subordinate building, structure, or use which is located on the same lot on which the principal building or use is situated or occurs, and which is customary and incidental to the conduct of the primary use of such building or the primary use on the lot, when permitted by district regulations.

Access: The ability to ingress and/or egress from a public roadway.

Access Way: A curb cut, ramp, driveway or other means for providing vehicular access to an off-street parking or loading area.

Acreage: Any tract or parcel of land having an area of one acre or more which has not been subdivided by metes and bounds or platted.

Addition: Any act or process that changes one or more of the exterior architectural features of a structure including but not limited to the erection, construction, reconstruction, or removal of any structure.

Adult Business: As defined in Chapter 44, Adult Business Licenses, of the Marengo Municipal Code.

Airport or Aircraft Landing Field: Any landing area, runway or other facility (including heliports), designed, used or intended to be used either publicly or privately by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open spaces.

Aisle: A vehicular traffic way within an off-street parking area, used as a means of access/egress from parking spaces.

Alley: A public way which affords only a secondary means of access to abutting property.

Alter: To change the size, shape or use of a structure.

Alteration: Any act or process that changes one or more of the exterior features of a structure including but not limited to the erection, construction, reconstruction, or removal of any structure.

Amendment: A change in the provisions of this Zoning Code (including those portions incorporated by reference), properly effected in accordance with state law and the procedures set forth herein.

Antenna: An arrangement of wires, metal rods or similar materials used for the transmission and/or reception of electromagnetic waves to include satellite dishes and communication towers.

Antenna Support Structure: Any structure utilized for the principal purpose of supporting a satellite dish antenna.

Apartment: A room or suite of rooms in a multiple-family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities, permanently installed, must always be included for each apartment.

Arcade: Any establishment displaying for public patronage or keeping for operation four or more amusement devices including, but not limited to, pool tables, foosball tables, air hockey tables, mechanical rides for children, electronic games and shooting gallery type games.

Asphalt: A mixture of petroleum by-products and gravel used for paving to form a smooth, permanent surface, "Asphaltic concrete" does not mean "oil and chip."

Attached: As applied to buildings, "attached" means having a common wall and/or a common roof.

Automobile Car Wash/Laundry: A building or portion thereof where automobiles are washed by mechanical device.

Automobile Repair, Major: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; and overall painting of vehicles.

Automobile Repair, Minor: Incidental repairs, replacement of parts and motor service automobiles, but not including any operation specified under "Automobile Repair, Major."

Automobile Sales Lot: A lot arranged, designed or used for the storage and display for sale of any motor vehicle including trucks or any type of trailer, provided that the trailer is unoccupied and where repair work as an accessory use is done to automobiles or trailers.

Automobile Service Station: A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on

the premises and including minor accessories and services for automobiles; but not including major automobile repairs; and including washing of automobiles where a mechanical device is employed. When the dispensing, sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of junkers or junk yards as defined herein.

Automobile Wrecking Yard: Any place 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 wrecking or storing of such motor vehicle or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

Awning: A roof like cover, temporary in nature, which projects from the wall of a building or overhangs the public way.

Basement: A story partly underground. Where more than one-half of its height is above the established curb level or above the average level of the adjoining ground where curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

Bed and Breakfast: As defined in 50 ILCS 820/2. An owner-occupied dwelling unit having not more than five guest rooms where lodging, with or without meals, is provided to the public for compensation.

Bedroom: Any room which may be used for bedroom purposes, such as a den, study, loft or extra room located on any floor in a dwelling unit which is not clearly identified for some specific purpose such as a kitchen (one per unit), dining room (one per unit), living room (one per unit), bathroom(s) and family room (one per unit). *Amended, 03-1-8*

Billboard: Any structure or portion thereof upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to announce church services, or to display court or other public office notices or signs offering the sale or lease of the premises on which the sign is located.

Block: A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or a corporate boundary line of the City.

Boarding House: A building other than a hotel or restaurant where meals are provided for compensation to four or more persons, but not more than 12, who are not members of the keeper's family.

Board of Appeals: The Planning and Zoning Commission, and may also be referred to as the Zoning Board of Appeals.

Buffer Strip: An area of land, undeveloped except for landscaping, fences, etc., used to protect a use

situated on one lot from the deleterious effects of the use on the adjacent lot.

Buildable Area: The space remaining on a zoning lot after the minimum open space requirements of this Zoning Code have been complied with.

Building: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels. Any structure with interior areas not normally accessible for human use, such as gas holders, oil tanks, water tanks, grain elevators, coal bunkers, oil cracking towers and other similar structures, are not considered as buildings.

Building, Completely Enclosed: A "completely enclosed building" is 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 walls or party walls, pierced only by windows and normal exit or entrance doors.

Building Front: That portion of a building where the primary building entrance is located. Where more than one primary building entrance is provided, the building front shall be that portion of the building facing toward the street to which the legal address has been assigned. Corner lots shall have only one building front. The legal address of a building on a corner lot shall be determined by factors including, but not limited to: orientation of building, location of driveway, and placement of mailbox.

Building Height: The vertical distance measured at the established grade on the front side of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building. *Amended, 03-1-8*

Building, Non-Conforming: Any building which does not conform to the regulations of this Zoning Code prescribing the maximum floor area ratio, required yards, coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

Building, Principal: A building within which the principal use of the zoning lot is conducted. *Amended, 03-1-8*

Building Line or Building Setback Line: A line or lines on the horizontal surface of a lot, parallel or nearly parallel to the front, side, and rear lot lines, and located at a distance prescribed by the yard regulations and beyond which no portion of a building or structure may extend as provided for in this Zoning Code.

Bulk: The term used to describe the size and mutual relationships of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the center line of streets, to other walls of the same building and to other buildings or structures, and to all open spaces relating to the building or structure.

Business Park: A collection of lots and/or buildings wherein the principal land use is commercial in nature.

Bus Lot: Any lot or land area used for the storage or layover of passenger buses or motor coaches.

Canopy: A roof-like structure similar to an awning, except that it cannot be raised or retracted to a position against the building.

Cartage, Local: Pick-up and delivery of parcels, packages and freight by motor truck within and not exceeding 15 miles of the City.

Cellar: A cellar is a story having more than one-half of its height below the curb level or below the highest level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

Cemetery: Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes.

Centerline:

1. The centerline of any right-of-way having a uniform width;

2. The original centerline where a right-of-way has been widened irregularly;

3. The new centerline whenever a road has been relocated.

Certificate of Appropriateness: A certificate issued by the Historic Preservation Commission authorizing plans for alterations, construction, removal or demolition of a landmark or site within a designated historic preservation district.

Changeable Copy Sign: A sign which has provision for changing the message thereon either manually or electronically.

Church: A building primarily used for religious worship. The word "church" shall include, but not be limited to, chapel, temple, synagogue and mosque.

Clinic or Medical Health Center: An establishment where patients are admitted for special study and treatment by one or more licensed physicians and their professional associates, practicing medicine together.

Club or Lodge, Private: A "private club or lodge" is a nonprofit association of persons, who are bona fide members paying annual dues, which owns, hires or leases a building or portion thereof.

Commercial Use Establishment: Any use or establishment wherein goods are purchased or sold whether to the consuming public (retail) or to other businesses (wholesale).

Commercial Vehicle: Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a vehicle used in a ride sharing arrangement when being used for that purpose or a recreational vehicle not being used commercially. In any event, any vehicle that is licensed for a gross weight, including vehicle and cargo, of 8,001 pounds or more, or any vehicle used in a commercial enterprise and containing lettering or logo on the vehicle body advertising that commercial enterprise, shall be considered a commercial vehicle.

Commission: The Building and Zoning Commission of the City.

Comprehensive Plan: The adopted Comprehensive Plan of the City, and as amended from time to time.

Conforming: In compliance with the applicable provisions of this Zoning Code.

Corner Side Yard: The side yard adjacent to a street or private road extending from the front yard building setback line to the rear lot line. *08-1-4*

Corrective Action Order: A legally binding order issued by the Zoning Administrator in accordance with the procedures set forth herein to effect compliance with this Zoning Code.

Curb Level: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level."

Day Care Center: Any child care facility operated for profit or not-for-profit, which regularly provides day care for minor children and which must be licensed to render such day care by the Illinois Department of Children and Family Services.

Deck: An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers or other independent supports.

Decorative Structure: Any embellishment or ornamental object that is built or placed in a yard, such as a planter, lighting fixture or fountain, which is less than eight feet in height, is accessory to the principal structure on the lot, and is associated with the landscaping on the lot.

Design Guideline: A standard of appropriate alteration or construction activity that will preserve the historic and architectural character of a structure or area.

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land or to undertake any

activity (such as grading) in preparation therefor.

Dimensions: Refers to lot depth, lot width and total lot area.

Doghouse: An exterior shelter that does not exceed four feet in height and 25 square feet in floor area or lot coverage for the exclusive use of domesticated canine animals containing walls, roof, floor and one opening for ingress and egress of the canine animals.

Door: Full, complete, non-transparent closure device that obscures the view or activity taking place within the enclosure.

Drive-in (through) Restaurant: Any food service establishment or restaurant or similar place in which food or drink is for sale on the premises or elsewhere in which service is received in an automobile or at central service windows. The term "drive-in" shall apply to any food service establishment other than cafeterias, in which service is made to a customer at a location other than tables on the premises intended for use by the customer for eating.

Drive-in Theater: A tract of land developed with facilities for projecting motion pictures on an outdoor screen for viewing by patrons in automobiles parked on the premises.

Driveway: A paved area on private property that intersects with the roadway of a public street and is intended to provide vehicle access from the public roadway to a private property. *08-1-4*

Dwelling: A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, boarding or lodging houses.

Dwelling Unit: A unit within a dwelling, entirely separated from any other unit within said dwelling, designed for occupancy by one family.

Dwelling, One-Family: A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space.

Dwelling, Two-Family: A building designed or altered to provide dwelling units for occupancy by two families.

Dwelling, Multiple-Family: A building or portion thereof, designed or altered for occupancy by three or more families living independently of each other.

Dwelling, Row-Party Wall: A row of two to eight attached, one-family, party-wall dwellings, not more than 2½ stories in height, nor more than two rooms in depth measured from the building line.

Easement: Land that has been designated by lawful agreement between the owner of such land and another person or entity for a specified use only by such person or entity.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Enclosed: See "building, completely enclosed" herein.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: To build, construct.

Establishment: Either of the following:

1. An institutional, business, commercial or industrial activity that is the sole occupant of one (1) or more buildings; or

2. An institutional, business, commercial or industrial activity that occupies a portion of a building such that:

    a. The activity is a logical and separate entity from the other activities within the building and not a department of the whole; and

    b. The activity has either a separate entrance from the exterior of the building or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Existing: Actually constructed or in operation on the effective date of this Zoning Code.

Exterior Architectural Appearance: The architectural and general composition of the exterior of a structure including but not limited to the composition, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

Family: One of the following, except as otherwise provided herein:

1. Two or more individuals related by blood, marriage or legal adoption (including foster children), together with domestic servants and not more than two gratuitous guests, living as a single, not-for-profit housekeeping unit occupying a dwelling unit.

2. Three or fewer individuals not related by blood, marriage or legal adoption (including foster children), living as a single, not-for-profit housekeeping unit occupying a dwelling unit. Servants or guests residing with said family shall be included in the unrelated person attained by this definition, and shall not be in addition thereto.

3. No more than two individuals who are not necessarily related to each other by blood, and their dependents, together with domestic servants and not more than two gratuitous guests, living as a single, not-for-profit housekeeping unit occupying a dwelling unit.

FCC: The Federal Communications Commission.

Fence: A free-standing structure of metal, masonry, wood or other solid durable material composed of natural, manufactured or processed materials, or any combination thereof, not part of any building, which rests on a raised platform or is supported by posts on or partially buried in the ground, and is used to confine, screen, partition, enclose, visually define or otherwise create a form of barrier for an area. A fence is a structure forming a barrier above a raised platform or at grade level between lots, between a lot and a street or other public right-of-way, or between portions of a lot or lots. A fence may be solid or partially permeable to light and air, and therefore a wall shall be deemed to constitute a fence. A hedge or series of shrubs densely planted in such a fashion so as to create a barrier sharing similar characteristics of a fence shall also be deemed to constitute a fence.

Fence, Decorative: Any fence installed only as an ornamental embellishment at a lot corner or adjacent to a street which may include associated plantings and/or other landscape features.

Fence, Marketing: Any fence installed only as an ornamental embellishment at a lot corner or adjacent to a street which may include associated plantings and/or other landscape features, which has been installed by a developer of a subdivision with the consent of the City as a temporary structure for purposes of assisting in marketing the development.

Floor Area, Gross: The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes living areas; halls, closets, stairwells; space devoted to mechanical equipment and enclosed porches.

Floor Area Ratio (FAR): The gross floor area of the building or buildings on the zoning lot divided by the area of such zoning lot; or in the case of a planned development, by the net site area.

Frontage: The lineal extent of the front (street-side) of a lot.

Foundation, Permanent: A closed perimeter formation consisting of materials such as concrete or concrete block which extends into the ground below the frost line.

Game Area: Any building or portion thereof, where three or more amusement devices are located in an area or areas under the leasehold or ownership control of one person. For purposes of this definition, an area includes all common walkways, malls and pedestrian thoroughfares in any building or series of buildings connected by party walls. The presence of less than three such devices shall not be included in this definition if such devices are located wholly within an establishment and are accessory to the principal use.

Garage, Bus or Truck: Any building used or intended to be used for the storage of three or more passenger motor buses, or motor coaches used in public transportation, including school buses, or a building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors and commercial vehicles exceeding 1½ ton capacity.

Garage, Private: A detached accessory building or portion of the principal building designed, arranged, used or intended to be used for the storage of automobiles of the occupants of the

premises.

Garage, Public: A building, other than a private garage, used for the care, incidental servicing, and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including trucks, tractors, truck trailers and commercial vehicles exceeding 1½ ton capacity.

Group Home: A single dwelling unit occupied on a relatively permanent basis in a family-like environment by unrelated persons with disabilities. Paid professional support staff, provided by a sponsoring agency, either living with the residents on a 24-hour basis, or present whenever residents are present at the dwelling, shall be required, unless a special use permit is issued.

Guest House: Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling unit.

Historic Preservation District: An area designated by an ordinance of the City Council and which may contain within definable geographic boundaries one or more designated landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the designated Historic Preservation District.

Home Occupation: Any business, professional or commercial activity that is conducted in whole or in part in a dwelling unit, is clearly incidental, secondary, and subordinate to the principal residential use of the dwelling unit, and does not change the essential residential character of such dwelling unit.

Hospital or Sanitarium: An institution open to the public in which patients or injured persons are given medical or surgical care, or for the care of contagious diseases or incurable patients.

Hotel or Motel: A building in which more than five rooms or suites are reserved to provide living and sleeping accommodations for temporary guests, with no provisions in said rooms for cooking in any individual room or suite.

Householder: The occupant of a dwelling unit who is either the owner or lessee thereof.

Impervious Surfaces: All buildings, structures, parking lots and facilities, sidewalks, driveways and service drives, graveled areas, paved recreational areas and other elements that do not readily absorb or retain rainwater.

Intensity: To increase the level or degree of use.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Junk Yard: The use of more than 200 square feet of any lot where waste, scrap metal, paper, rags or

similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

Kennel, Commercial: Any lot or premises or portion thereof on which more than five dogs, cats or other household domestic animals over four months of age are kept or on which more than two such animals are boarded for compensation or kept for sale.

Laboratory, Commercial: A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

Landmark: Any building, structure or site which has been designated as a "Landmark" by an ordinance of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance.

Line of Building (for measuring yards): A line parallel to the nearest lot line drawn through the point of a building or group of buildings nearest to such lot line, exclusive of such features specified as being permitted to extend into a yard.

Loading and Unloading Space, Off-Street: An open, hard surfaced area of land other than a street or public way, the principle use of which is for the standing, loading and unloading of motor trucks, tractor trailers to avoid undue interference with the public use of streets and alleys. Such space shall be not less than 12 feet in width, 50 feet in length and 15 feet in vertical clearance, exclusive of access aisles and maneuvering space. *Amended, 08-1-4*

Lodging or Rooming House: A building with not more than five guest rooms where lodging is provided for compensation pursuant to previous arrangement, but not open to the public or to overnight guests.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including one or more principal buildings and accessory buildings or structures as permitted by the City, yards, and open spaces required in this Zoning Code for off-street parking or loading facilities, and having its principal frontage upon a street or upon an officially approved place. Such parcel of land shall be established by a plat of subdivision approved by the City and recorded with the County Recorder's Office. The word "lot" when used alone shall mean a "zoning lot" unless the context of this Zoning Code clearly indicates otherwise.

Lot Area: The area of a horizontal plane bounded by the front, side and rear lines of a lot.

Lot, Corner: A parcel of land situated at the intersection of two or more streets or adjoining a curved street at the end of a block.

Lot Coverage: The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

Lot Depth: The horizontal distance between the front and rear lot lines measured in the mean

direction of the side lot lines.

Lot Frontage: The front of a lot shall be that boundary of a lot along a public or private street. For a corner lot the owner may elect either street line as a front lot line for the purposes of orientation of a dwelling or building thereon, except if the front of the lot is designated on the plat of subdivision. Notwithstanding the choice of such orientation, a corner lot shall be deemed to have two front yards for the purposes of establishing setback requirements. See also Building Front.

Lot, Interior: A lot other than a corner lot, through lot, or reversed corner lot.

Lot Line, Front: The front property line of a zoning lot. See Lot Frontage for additional requirements.

Lot Line, Interior: A side lot line common with another lot.

Lot Line or Property Line: A line dividing one lot from another, or from a street or right-of-way, or from any public place.

Lot Line, Rear: The lot line or lines most nearly parallel to and most remote from the front lot line.

Lot Line, Side: The lot line or lines other than front or rear lot lines, except for corner lots, where the side lot line adjacent to a street shall be deemed a front lot line for the purposes of establishing setback requirements.

Lot of Record: A lot properly platted and recorded in the office of the McHenry County Recorder of Deeds.

Lot, Reversed Corner: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not.

Lot, Through: A lot having frontage on two parallel or approximately parallel streets, and which is not a corner lot.

Lot, Width: The horizontal distance between the side lot lines, measured at right angles to the lot depth at the building setback line. However, for lots where the side lot lines are not parallel, the established lot width shall be the average of the front and rear lot widths, where the lot width is the length of a straight line between the points at which the required building setback line intersects the side lot lines.

Lot, Zoning: See "Zoning Lot."

Manufacture: The making of anything by an agency or process.

Marquee or Canopy: A roof like structure of a permanent nature which projects from the wall of a building and may overhang the public way.

Mean Water Line: The line at which the water usually stands when free from disturbing causes, including but not limited to, snow melt and rainfall.

Medical Office: An establishment where human patients, not animals or pets, are admitted for diagnosis and treatment by licensed physicians, medical practitioners and professional associates, who may utilize jointly the same reception area, medical supply, laboratory, auto parking and other physical accommodations.

Motor Freight Terminal, Private: A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

Municipal Code: The Marengo Municipal Code of which the Zoning Code is Chapter 22.

Municipal Facilities: Any building, structure or appurtenance thereto, open space or parcel of property owned or leased by the City.

NOAA: National Oceanic & Atmospheric Administration.

Non-Conforming Use: Any building, structure or land lawfully occupied by a use or lawfully established at the time of the adoption of this Zoning Code or amendments hereto, which does not conform after the passage of this Zoning Code or amendments hereto with the use regulations of this Zoning Code.

Noxious Matter: Matter which is capable of causing injury or illness to living organisms or is capable of causing detrimental effects to the health of the psychological, social or economic well being of humans.

Nursing Home or Rest Home: A private home for the care of children or the aged or inform, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness injuries or for surgical care.

Nursery, Day: See "day care center" herein.

Nursery School: An institution providing day care service for children from four to six years of age.

Octave Band: An "octave band" is a means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

Open Space: Open space shall include all public and private areas set aside from development in order to provide for recreational or conservation purposes, which may be either passive or active uses, and which are designated due to factors including, but not limited to, natural features worthy of protection or preservation, site significance or recreational opportunities.

Ordinance: Reference to "ordinance" herein shall be construed as the Zoning Code.

Outdoor Storage: The keeping, in an unroofed area, of any goods, material, merchandise or

vehicles in the same place for more than 24 hours.

Parcel Delivery Station: A building in which commodities, sold at retail within the area and packaged by the retailer, are assembled and routed for delivery to retail customers located within the area.

Park: An open space area with recreational facilities and related accessory structures, including, but not limited to, playground equipment, picnic shelters, paths/trails, benches, tennis or basketball courts, playing fields, fences and parking lots.

Parking: The stationary placement of any vehicle or equipment for a continuous period of less than 48 hours.

Parking Area, Private: An open hard-surfaced area of land, other than a street or public way, designed, arranged and made available for the parking of private passenger vehicles only of occupants and their guests of the building or buildings for which the parking area is developed and is accessory.

Parking Area, Public: An open, hard surfaced area, other than a street or public way, intended to be used for the temporary storage of passenger automobiles and commercial vehicles under 1½ ton capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers. *Amended, 08-1-4*

Parking Space, Automobile: Space within a public or private parking area of not less than 162 square feet 8½ feet by 19 feet, exclusive of access drives or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicles under 1½ ton capacity.

Paved Surface: Includes concrete, bituminous, brick pavers, or other impervious or pervious material commonly used for a finish surface material of a parking or driveway area. *08-1-4*

Performance Standard: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare to be moved or removed.

Planned Development: A "planned development" is a tract of land which is developed as a unit under single ownership or control which includes two or more principal buildings, and which may not completely conform to all of the regulations of the district in which it is located. The development of a "planned development" shall be according to regulations as hereinafter set forth.

Planning and Zoning Commission: The City Planning and Zoning Commission. Any reference to Commission in this Zoning Code shall also mean the Planning and Zoning Commission.

Play Equipment: A free-standing accessory structure, exclusively for the use of children, including but not limited to swing sets, "jungle gyms" and similar recreational structures.

Playhouse: A free-standing accessory building, whether permanent or portable, fully or mostly

enclosed with walls, roof, window(s) and a door, exclusively for the use of children. For the purposes of this definition, a treehouse shall be deemed to be equivalent to a playhouse.

Plot: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Premises: A lot and all the structures and uses thereon.

Principal Building/Structure/Use: The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Public Utility: Any person, firm, corporation or municipal department, duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, telegraph, transportation or water.

Railroad Right-of-Way: A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after partial or total destruction.

Recreational Vehicle: A term encompassing any type of vehicle used primarily for recreational pleasure. Examples are, but not limited to, travel trailers, motor homes, boats, etc.

1. Travel trailer is a structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle, not to exceed eight feet in width and a body length of 35 feet.

2. Camper trailer (pop up) is a structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle, not to exceed 24 feet in length and five feet six inches in height in a collapsed position.

3. Motor home is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle not to exceed 40 feet in length and 12 feet in height.

4. Pickup camper is a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.

5. Watercraft is any unit that is used for water travel or pleasure, 35 feet or less in length, but not to exceed 12 feet in height, either mounted on a boat trailer or unmounted; also boat

trailer without boat mounted.

6. Snowmobiles are considered recreational vehicles.

Redevelopment: The removal of the principal buildings or structures from land and/or the construction or erection of other principal buildings or structures thereon, or the development of vacant properties.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the City or to another unit of government for streets and alleys.

Ringelmann Number: The "Ringelmann Number" is the number of the area of the Ringelmann Chart that coincides most nearly with the visual density of emission.

Satellite Dish Antenna: Any parabolic, dish-type, circular, rectangular, concave, convex, or similarly-shaped structure, which is solid or open-web in construction, designed for receiving communications, radio, television, data, or other signals from a satellite or other sources, or for transmitting such signals to a receiving station, or both. For the purposes of this definition, a "miniature satellite dish antenna" shall mean any satellite dish antenna that has a diameter or width of one meter (approximately 39 inches) or less, and a "regular satellite dish antenna" shall mean any satellite dish antenna that has a diameter or width of more than one meter.

Screening: Trees, shrubs, walls, solid fences, etc. used as a means of visual and noise control.

Self-Storage, Mini Warehouse: A building or buildings in a controlled access area that contain varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of a customer's goods or wares.

Sell: Includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

Setback: The horizontal distance between the building or structure and the lot line.

Setback Line, Building: See "Building Setback Line."

Shed: A fully or mostly enclosed accessory building or structure, also known as a "storage shed," utility shed or "tool room," that is used for sheltered storage of personal property pertaining to the principal building to which the shed is accessory.

Smoke Units: "Smoke Units" represent the number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed; and the various products are added together to give the total number of "smoke units" observed during the total period under observation.

Special Use: A use, either public or private, of land or buildings or both, which because of its unique characteristics, cannot properly be classified as a permitted use in any particular zoning district or districts, and which, in accordance with the provisions of Section 16.3 herein, after due consideration in each case of the impact of such use upon adjoining properties and of the need or appropriateness for the particular use at the particular location, such special use may or may not be granted, and if granted, may be subject to conditions or restrictions.

Stop Order: A type of corrective action order used by the Administrator to halt work in progress that is in violation of this or other ordinances.

Storage: The stationary placement of any vehicle or equipment for a continuous period of 48 hours or more, and/or for which further evidence of storage intent may include, but is not limited to, covering said vehicle or equipment with a tarp or other type of cover, failure to keep tires inflated, removal of tires and allowing said vehicle or equipment to be in or fall into a state of disrepair by any means that renders it incapable of being driven, operated or moved.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

Story, Half: A half story is that portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two opposite exterior walls, are not more than 4½ feet above the finished floor of such story.

Street: A public way other than an alley.

Street Line: A line separating an abutting lot, piece or parcel, from a street.

Structural Alterations: Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Structure: Anything constructed or erected which required location on the ground or is attached to something having location on the ground.

Tanning Salon: A room or booth which houses ultraviolet lamps or products containing such lamps intended to induce skin tanning through the irradiation of any part of the human body for cosmetic or non-medical related purposes.

Tavern: A building where liquors are sold to be consumed on the premises.

Temporary Use Permit: A permit issued in accordance with the provisions of this ordinance and valid for not more than one year, which allows the occupation of a temporary structure or the operation of a temporary enterprise

Terrace, Open: A level and rather narrow plane or platform, which for the purpose of this Zoning

Code, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

Topography: The relief features or surface configuration of an area.

Tourist Home: A dwelling in which accommodations are provided or offered for transient guests.

Trailer, Trailer House or Mobile Home: A vehicle without motored power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer or mobile homes.

Truck Parking Area, or Yard: Any land used or intended to be used for the storage or parking of trucks, tractors, truck trailers and including commercial vehicles, while not loading or unloading, and which exceed 1½ tons in capacity.

Use: The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Used Car Lot: A zoning lot on which used or new cars, trailers or trucks are displayed for sale or trade.

Utility Substation: A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Variation: A divergence from bulk, setback, height, parking and loading, or other regulatory elements of this Zoning Code.

Vehicle, Non-Passenger: A motor vehicle eight feet or more in overall height or 22 feet or more in overall length and any vehicle or trailer except recreational vehicles and equipment not customary or incidental to the use of occupancy of residential properties, such as, but not limited to: dump trucks; step vans; cargo trucks; tow trucks; semi trailer tractors; fire trucks; boom trucks; tank trucks; hearses; livery vehicles, such as taxis and limousines; and the like. *08-1-4*

Vehicle, Passenger: Any motor vehicle licensed for on-street use measuring less then eight feet in overall height and less than 22 feet in overall length designed and commonly used for personal or work related day-to-day transportation purposes carrying not more than 15 persons, including the driver. A passenger vehicle includes automobiles, sport utility vehicles (SUVs), vans and pick-up trucks with a manufacture's nominal rating carrying capacity of one ton or less and commonly known as a pick-up truck, and a van designed with no barrier separation between the operator area and the remainder of the cargo carrying area with a manufacture's nominal rating carrying capacity of one ton or less. Passenger vehicles shall not include buses, motorcycles, motorized bicycles, motorized foot scooters, as well as non-passenger vehicles, school buses, trailers, recreational equipment or recreational vehicles as defined by the Section. A handicap equipment van used for personal purposes shall be deemed a passenger vehicle regardless of the height. *08-1-4*

Yard: An open space on the same zoning lot with a principal building or group of buildings, which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted by this Zoning Code, and which extends along a lot line and at a depth or width specified in the yard regulations for the district in which the zoning lot is located. In measuring a yard for the purpose of determining the depth of a front yard, the width of a side yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building shall be used.

Yard, Front: A yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of a building.

Yard, Rear: A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, Side: That part of the yard lying between the nearest line of the principal building and a side lot line, and extending from the front yard to the rear yard, or situated in between the front yard and the rear yard.

Zoning Administrator: The officer designated by the City as the person responsible for administering and enforcing the requirements of the Zoning Code. (See Section 17.01 herein.)

Zoning Code: The City of Marengo Zoning Code, which is Chapter 22 of the Marengo Municipal Code.

Zoning District: A division of the geographic area of the City, as shown on the Zoning Map, wherein the character and intensity of land use is regulated by the terms of this Zoning Code. Also, a geographical area for which the regulations governing uses, setback and bulk requirements, and other conditions of uses are uniform as provided for in this Zoning Code. The terms "district," "use district" and "zone" are deemed synonymous.

Zoning Lot: A plot of ground, made up of one or more parcels, which is or may be occupied by a use, building or buildings including the open spaces required by this Zoning Code.

Zoning Map: The map or maps incorporated into this Zoning Code as a part hereof, designating zoning districts. *pjh:Marengo.Zone\Section3.Definitions.Jan08.doc*

Section 4
USE DISTRICTS

4.01 Zoning Districts
4.02 Zoning Maps
4.03 New and Annexed Land
4.04 Zoning of Streets, Alleys, Public Ways, Waterways and Railroad Rights-of-Way
4.05 Boundary Lines
4.06 General Provisions
4.07 Meeting Minimum Zoning Requirements
4.08 Access Required
4.09 Front Setbacks-Corner/Through Lots
4.10 Private Garages
4.11 Lot Coverage

4.01 ZONING DISTRICTS *Amended, 06-12-3*

In order to carry out the purposes and provisions of this Zoning Code the City is hereby divided into the following districts:

ER Estate Residential District
R-1 Single Family District
R-2 Single Family District
R-3 Single Family District
R-5 Multiple Family District
B-1 Central Business District
B-2 General Business District
B-3 Regional Shopping District
BP, Business Park District
ORI Office, Research & Light Industrial District
M Manufacturing District

4.02 ZONING MAPS

The location and boundaries of the districts established herein are shown upon the zoning map which is hereby incorporated into this Zoning Code. The zoning map together with all notations references and other information shown thereon and all amendments thereto shall be a part of this Zoning Code and shall have the same force and effect as if the zoning map together with all notations references and other information shown thereon were fully set forth and described herein.

4.03 NEW OR ANNEXED LAND

Submerged land heretofore reclaimed or which may be reclaimed hereafter and land heretofore annexed or which may be annexed to the City hereafter and which is not shown on the zoning map made a part of this Zoning Code shall be classified in the ER Estate Residential District until such

time as the City County designates the permitted use of the land in accordance with the provisions of this Zoning Code.

4.04 ZONING OF STREETS, ALLEYS, PUBLIC WAYS, WATERWAYS AND RAILROAD RIGHTS-OF-WAY

All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public ways, waterways and railroad rights-of-way. Where the center line of a street alley public way or railroad right-of-way serves as a district boundary the zoning of such areas unless otherwise specifically designated shall be deemed to be the same as that of the abutting property up to such center line.

4.05 BOUNDARY LINES

Wherever any uncertainty exists as to the boundary of any use district as shown on the zoning maps incorporated herein the following rules shall apply:

1. Where district boundary lines are indicated as following streets alleys or similar rights-of-way they shall be construed as following the center lines thereof.

2. Where district boundary lines are indicated as approximately following lot lines such lot lines shall be construed to be such boundaries.

3. Where a lot held in one ownership and of record at the effective date of this Zoning Code is divided by a district boundary line the entire lot shall be construed to be within the less restricted district; provided that this construction shall not apply if it increases the area of the less restricted portion of the lot by more than 20 percent.

4.06 GENERAL PROHIBITIONS

No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Zoning Code. Similarly, no lot or part thereof shall be used, occupied or developed except in conformity with the provisions of this Zoning Code.

4.07 MEETING MINIMUM ZONING REQUIREMENTS

Except as specifically provided elsewhere in this Zoning Code, every lot must meet the minimum dimensions and minimum setback requirements of the district in which it is located independent of counting any portion of an abutting lot.

4.08 ACCESS REQUIRED

No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public street or a private street that conforms to the standards set forth in the Subdivision Control

Ordinance of the City.

4.09 FRONT SETBACKS-CORNER/THROUGH LOTS

Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage.

4.10 PRIVATE GARAGES *Amended, 04-2-1*

Private garages or carports are not to exceed 15 feet, 6 inches in height, nor to exceed the following capacities or size:

1. For single-family residence: Three car garage maximum with 700 square feet in area for a detached or free-standing garage, and either the width or length is limited to 32 lineal feet.

2. For multiple-family residence: Two car garage per dwelling unit, maximum five 550 square feet.

3. Hold no more than three cars.

4.11 LOT COVERAGE

A. The maintenance of yards, courts and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or the property on which it is located as long as the building is in existence. Furthermore, no legally required yards, courts or other open space 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, court, open space or minimum lot area requirement for any other building.

B. Division of Zoning Lots: No improved zoning lot shall hereafter be divided into two or more zoning lots unless all improved zoning lots resulting from each such division conform with all the applicable bulk regulations of the zoning district in which the property is located.

C. Location of Required Open Space: All yards, courts and other open spaces allocated to a building or dwelling shall be located on the same zoning lot as such building or dwelling group.

D. Required Yards for Existing Buildings: No yards now or hereafter provided for a building existing on the effective date of this Section 4 shall subsequently be reduced below or further reduced below if already less than the minimum yard requirements of this Zoning Code for equivalent new construction without a variance.

pjh:Marengo.Zone\Section04.UseDistricts.Jan08.doc

Section 5

GENERAL PROVISIONS

5.01 Scope of Regulations
5.02 Permits
5.03 Building Height, Bulk and Lot Coverage
5.04 Lot Area and Dimension
5.05 Location of Buildings
5.06 Buildings Under Construction
5.07 Buildings on a Zoning Lot
5.08 Rezoning of Public and Semi Public Areas
5.09 Vision Clearance, Corner Lots
5.10 Regulation of Space and Density of Residential Dwelling Units
5.11 Home Occupations - Regulations
5.12 Fences, Shrubs, Hedges and Decorative Structures
5.13 Yard and Building Setback Exceptions
5.14 Travel Trailers and Recreational Vehicles
5.15 Outside Display, Sales and Storage Special Permit
5.16 Use of Commercial Truck Trailers and Railroad Cars for Storage
5.17 Refuse Containers
5.18 Determination of Similar and Compatible Uses

5.01 SCOPE OF REGULATIONS

All buildings and structures erected hereafter, all uses of land, structures or buildings established hereafter, all structural alterations, conversions, reconstructions or relocations of existing structures or buildings occurring hereafter, and all enlargements of, additions to, or intensifications of existing uses occurring hereafter shall be subject to all regulations of this Zoning Code which are applicable to the districts in which such buildings, structures, uses or land shall be located, and no building, structure, use or land may be used other than that which is permitted in the district in which the building, structure, use or land is located.

5.02 PERMITS

No application for a building permit or other permit or license, or for a certificate of occupancy, shall be approved by the Zoning Administrator and no permit or license shall be issued by any other City department which would authorize the use or change in use of any land or building contrary to the provisions of this Zoning Code, or the erection, moving, alteration, enlargement or occupancy of any building designed or intended to be used for a purpose or in a manner contrary to the provisions of this Zoning Code.

5.03 BUILDING HEIGHT, BULK AND LOT COVERAGE

A. No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height, a higher ratio of lot coverage or smaller open space about it than permissible

under the limitations set forth herein for the district in which such building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, stage towers or scenery lofts and necessary mechanical appurtenances, shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the City. For the purposes of establishing height of a building, the measurement shall begin at the established grade on the front side of the building.

B. No space allocated to a building or dwelling group for the purpose of complying with the side, rear or front yard, or court or other open space or lot area requirements of this Zoning Code, shall thereafter, by reason of change in ownership or for any other reason, be used to satisfy the yard, court, open space or lot area requirements of any other building or dwelling group.

C. No usable open space or off-street parking space or loading space existing or provided hereafter for any building be reduced below the minimum requirements hereinafter set forth for usable open space, parking space or loading space, nor further reduced if already less than minimum requirements.

5.04 LOT AREA AND DIMENSION

When two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.

5.05 LOCATION OF BUILDINGS

Except as otherwise provided for in this Zoning Code, every building shall be constructed or erected upon a lot or parcel of land which abuts upon a public street or permanent easement of access to a public street, which easement shall have a minimum width of 25 feet, unless an easement of lesser width was of record prior to the adoption of this Zoning Code.

5.06 BUILDINGS UNDER CONSTRUCTION

Nothing in this Zoning Code shall be deemed to require any change in the plans, construction or designated use of any building or structure upon which actual construction was lawfully begun prior to the adoption of this Zoning Code, or any subsequent amendment thereto that would affect said plans, construction or use, provided, however, that construction is begun or the use is begun to be established within one year from such effective date of adoption or amendment, and said construction or establishment of use has been diligently carried on to completion in accordance with the approved plans on the basis of which a building permit or other permit has been issued, and furthermore, may upon completion be occupied or put into use under a certificate of occupancy or a certificate of use and compliance for the use for which it was originally designated. However, such building or establishment of use shall be completed within one year from the issuance of the building permit or other permit unless otherwise provided for in the Marengo Municipal Code. Furthermore, such a building, structure or use shall thereafter be subject to the provisions of Section 6, Non-Conforming Buildings and Uses, of this Zoning Code.

5.07 BUILDINGS ON A ZONING LOT

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a zoning lot as herein defined and in no case shall there be more than one such building on one zoning lot.

5.08 REZONING OF PUBLIC and SEMI-PUBLIC AREAS

An area indicated on the zoning map as a public park, recreation area, public school site, cemetery or other similar open space, shall not be used for any other purpose than that designated and when the use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until such time as the Mayor and City Council designate a different classification in accordance with the provisions of this Zoning Code.

5.09 VISION CLEARANCE, CORNER LOTS *Amended, 08-1-4*

On corner lots no building hereafter erected and no planting or other obstruction to the vision of drivers of motor vehicles shall exceed a height of three feet above the grade within 25 feet of lot lines which are adjacent to streets.

5.10 REGULATION OF SPACE AND DENSITY OF RESIDENTIAL DWELLING UNITS

No person shall occupy or let to be occupied any dwelling unit, for the purpose of living therein, unless there is compliance with the requirements of this Section 5.10.

1. The maximum occupancy for any dwelling unit shall not exceed the lesser value of the following requirements:

    a. For the first occupant, there shall be at least 1,000 square feet of habitable floor space. There shall be at least 200 square feet of habitable floor space for every additional occupant.

    b. The total number of persons shall be no more than two times the number of habitable bedrooms within the dwelling unit.

2. Habitable floor space shall be permitted in a basement only when the floor is not more than four feet below finished grade level at all exterior walls containing openings required for natural light and ventilation.

3. No space located more than four feet below grade shall be considered habitable space, except that a basement recreation or family room, where a separate living room is provided elsewhere in the dwelling unit, may have a floor level more than four feet below finished grade level.

4. Every room occupied for sleeping purposes shall contain at least 100 square feet of habitable floor space.

5. Within every dwelling unit there shall be a bathroom with a flush water closet in good working condition for each six persons or fraction thereof living within that dwelling unit.

6. Habitable space shall include a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, furnace rooms, pantries and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, closets, storage space and workshops.

5.11 HOME OCCUPATIONS - REGULATIONS

The conduct of business or commercial activity in dwelling units in residential zoning districts may be permitted under the provisions of this Section 5.11. Home occupations shall be regulated as follows:

1. A home occupation is an accessory use by the occupant(s) of a dwelling unit in which goods are produced or traded, or services are rendered as an economic enterprise. Such use shall be clearly incidental or subordinate to the residential use of a dwelling. Beauty shops, barber shops and massage services are not considered home occupations.

2. Home occupations do not include garage or yard sales.

3. Home occupations are permitted as an accessory use to a residence only when all of the following criteria are met:

    a. Area of use: Home occupations shall be entirely contained within the interior of a residence or located in garages or accessory structures on the site. No visible evidence of the business shall be apparent from the street nor surrounding area. A home occupation shall use no more than 20 percent of the total dwelling unit floor area. Those home occupations which require occasional meetings using more than 20 percent of the floor space may be permitted providing such meetings do not occur more frequently than once a month.

    b. Employees: The home occupation shall be conducted by family members residing on the premises with no assistance from other individuals or groups.

    c. Sales, repairs and leasing:

        i. Sales: The commercial exchange of tangible goods or other items constituting a sale between the proprietor of a home occupation and members of the general public shall not be permitted on the premises of a home occupation. Members of the general public shall not include persons in the home by prior individualized invitation.

ii. Leasing: The exchange of items in a lease agreement between the proprietor of the home occupation or an assistant and a customer shall not occur on the premises of a home occupation.

d. Traffic and parking: No parking in the public right-of-way shall occur as a result of this home occupation except for occasional meetings. If parking for a home occupation occurs in a manner of frequency causing disturbance to the normal traffic flow for the neighborhood, the occupation shall be considered a business best handled in a commercial district rather than as a home occupation.

e. Changes to exterior: The appearance of a dwelling as a residence shall not be altered to the extent that attention is drawn to the structure as a commercial or business operation. Alterations of building material, size or color, lighting fixtures or intensity, parking area or any other exterior change should not cause the structure to lose its residential character nor should it detract from the residential character of the neighborhood.

f. Nuisance controls: A home occupation shall not create excessive noise, dust or dirt, heat, smoke, odors, vibration and glare or bright lighting which would be over and above that created by a single-family residential dwelling. The production, dumping or storage of combustible or toxic substances shall not be permitted on site. Additionally, a home occupation shall not create interference or fluctuations of radio or television reception.

g. Visitation: A home occupation may attract patrons, students or any business-related individuals only between the hours of 6:00 a.m. and 9:00 p.m. At any time during the day or evening, the parking standards in this Zoning Code shall apply to the activity generated by the home occupation, excluding family day-care homes. A home occupation shall not generate more than six arrivals and six departures per day by vehicles. Family day-car operations shall not generate more than 12 arrivals and 12 departures per day by vehicles. These standards shall not be construed so as to prohibit occasional group gatherings, recitals or demonstrations. However, such gatherings shall not occur more frequently than once per month and must be held within the visitation hours specified herein.

h. Signage: Signage or other forms of advertising pertaining to the home occupation may be placed or painted onto the exterior of the residence or in the yard of a residence. These signs may not exceed two square feet in area.

5.12 FENCES, SHRUBS, HEDGES AND DECORATIVE STRUCTURES *Amended, 08-1-4, 04-3-1*

In order to provide for the maximum safety of persons using the streets, rights-of-way, sidewalks and other public ways of the City, and to provide for the maximum enjoyment of the use of property, the following regulations shall apply to all fences, hedges and similar structures or elements located in the City.

1. For purposes of minimizing traffic hazards at street intersections by improving visibility for converging vehicles, obstructions higher than three feet shall not be permitted to be planted, placed or erected on any corner lot within the triangular portion of land designated as "restricted area." This triangular area shall consist of a portion of land extended from the corner of the lot 25 feet in either direction.

2. No barbed wire or other sharp pointed fence and no electrically charged fence shall be erected or maintained except in the industrial district. In the industrial district barbed wire cannot be lower than six feet from ground level. This requirement does not apply to agricultural zoned property.

3. No permanent fence or retaining wall shall be constructed or erected within any public street or alley right-of-way unless authorized by the City Council. Fences erected on public easements or across ditches shall be so constructed that drainage shall not be obstructed. Fences erected in any overland drainage easement shall be constructed to be at least 50 percent open to facilitate the passage of storm water/drainage. For every one unit of horizontal, vertical and diagonal fencing aforementioned, 50 percent requirement may be reduced if an adequate opening is provided at the base of the fencing to allow for the free passage of water in sufficient amounts as deemed appropriate by the City Administrator, Building Commissioner or the City Engineer. In the event of necessity for removal of such fence for maintenance or other purpose, removal and/or replacement of such fence or other improvement shall be the responsibility of the property owner.

4. Fences, walls and hedges in all residential districts shall not exceed a maximum height of six feet and may be located up to lot lines.

5 Fences, walls and hedges in the industrial district shall not exceed a maximum of eight feet and may be located up to lot lines.

6. With the exception of corner lots (see paragraph 1 herein), fences, walls and hedges shall not exceed four feet in height when located in the front and corner side yards. Chain link fencing is prohibited in front and corner side yards.

7. On a through lot both street lines shall be deemed front lot lines, but in the case of two or more contiguous through lots there shall be a common front.

8. All of the framing on any fence shall be on the interior side of the fence.

9. A wall of a private swimming pool shall not be located less than 10 feet from any rear or side property line or 10 feet from the side lot line abutting a street or 10 feet from any principal structure.

5.13 YARD AND BUILDING SETBACK EXCEPTIONS *Amended, 08-1-4*

The following structures or structural elements shall be allowed to project into or to be constructed

in any required yard, or beyond the building setback line, except as otherwise provided in this Zoning Code, and except that in no case shall such structure, structural element, or component part thereof extend beyond the property line:

1. Accessory buildings or structures as provided for in Section 7 of this Zoning Code.

2. Air conditioner (window); central air conditioner, provided that the unit is placed next to the dwelling if for residential use, and placed as designated on an approved site plan and the hot air is baffled in an upward direction if for non-residential use. Central air conditioners shall be prohibited in front yards.

3. Awnings and canopies as governed by Chapter 16 of the Municipal Code.

4. Balconies, unenclosed, not to exceed three feet in depth.

5. Bay or bow windows, one or two stories, not to exceed three feet in depth.

6. Driveways and curbs.

7. Fences, walls, hedges and decorative structures as provided for in Section 5.12 of this Zoning Code.

8. Fireplace chimneys, not to exceed three feet in depth, so long as the chimney chase does not exceed six feet in width.

9. Landscape features and plant materials, such as trees, shrubs and flowers. Planter boxes attached to a building shall not exceed two feet in depth.

10. Overhanging or projecting roofs, eaves, cornices or other similar architectural features, not to exceed two feet in depth (including any gutters attached thereto). For any portion of such features in excess of two feet in depth, only the portion in excess shall count towards any setback or yard requirements.

11. Parking spaces as governed by Section 8 of this Zoning Code.

12. Public or municipal utility equipment and supporting structures.

13. Sidewalks and ramps.

14. Signs as governed by Chapter 16 of the Municipal Code.

15. Steps, stairs and porches, all unenclosed, attached to and projecting from a principal building or to give access to a principal building, not to exceed four feet in height or depth.

16. Yard lights and parking lot lighting poles and fixtures.

17. Fire escapes not to exceed four feet into required yard.

18. Patios, no limit of intrusion.

19. The United States flag, a state flag, a municipal flag or a corporate flag are exempt from this restriction. One flag of each type shall be allowed on each zoning lot. Flags shall hang no greater than one third the length of the pole that it is on. Flagpoles shall be no higher than 30 feet.

5.14 TRAVEL TRAILERS AND RECREATIONAL VEHICLES *Amended, 08-1-4*

The requirements of paragraphs 1, 3 and 4 herein do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sales lot.

1. Not more than one travel trailer or other recreational vehicle shall be parked on any one lot.

2. No travel trailer or other recreational vehicle shall be used as a dwelling.

3. No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose except for approved construction offices.

4. If no City sidewalk is present, the parking of a travel trailer, utility trailer or other recreational vehicle shall only be permitted behind the front property line between the dates of April 15 and October 15. The parking area must be paved in accordance with Chapter 8, Off-Street Parking and Loading, of this Zoning Code. After October 15 and prior to April 15, the parking of a travel trailer, utility trailer and/or other recreational vehicles shall only be permitted behind the building setback line.

5. All travel trailers and recreational vehicles shall conform to and not exceed regulations for height and weight restrictions when used within City boundaries. No vehicle shall be parked or stored in a manner that inhibits or impedes travel on City throughways.

6. Storage or parking of travel trailers and recreational vehicles must not violate any existing Marengo Fire Protection District code.

7. In rear yards and side yards, parking of only the following types of vehicles shall be permitted in addition to private passenger vehicles:

   a. Travel trailer, 35 feet or less in length and not to exceed eight feet in width.

   b. Camper trailer (pop-up) shall be stored in a collapsed position

   c. Pop-up camper, 24 feet or less in length and not to exceed 66 inches in height.

   d. Watercraft, 35 feet or less in length, but not to exceed 12 feet in height, either mounted on a boat trailer or unmounted; also boat trailer without boat mounted.

e. Trailers used as sales offices and/or construction offices or construction storage may remain on a construction site during the period in which the building and/or subdivision is under construction. Upon issuance of the final occupancy permit for a single building project, or the occupancy permit for the final building in a subdivision, all construction trailers must be removed.

5.15 OUTSIDE DISPLAY, SALES AND STORAGE SPECIAL PERMIT

No outside display, sale or storage of materials (raw, semi-finished, or finished in nature), vehicles (including tractor trailers), equipment, merchandise and other similar goods or containers, shall be permitted except by issuance of a special permit unless specifically allowed in the use restrictions section in the specific zoning district. Consideration for the issuance of an Outside Display, Sales and Storage Special Permit shall be based upon the following criteria:

1. A site plan, site lighting plan, site design plan, landscape plan, engineering plan and building elevations shall be provided, as applicable, to demonstrate that the proposed special use will not have a negative effect upon the surroundings or adjacent properties. An engineering plan that addresses stormwater management in accordance with Chapter 28 of the Marengo Municipal Code shall be required where paving of display, sales or storage areas occurs, since such paving will contribute to or increase on-site run-off.

2. An on-site circulation plan for both pedestrians and vehicles, illustrating the location of the outdoor display, sales or storage area, shall be provided that demonstrates that no adverse effect on circulation, parking or general functioning of the site will occur.

3. All outdoor storage areas shall be enclosed by a screening fence, wall or densely planted evergreen hedge and associated appropriate landscaping treatment, of a height sufficient to screen such containers, storage areas or products from view of adjoining properties of public and private streets. The primary requirement shall be for landscaping screening. The substitution of walls or fencing shall be deemed a secondary solution subject to proof of hardship. Stored materials shall not exceed the height of the screening, and no materials, goods, vehicles and the like shall be displayed, sold or stored outside of the screened area. Solid latch able doors or gates thereto shall be required. Walls or fencing shall be of the same material as the principal building or shall be of a compatible material. The City shall reserve the right to regulate the nature, height and location of the screening and to impose any other terms and conditions as is deemed in the best interests of the City as part of the review of the special use.

4. Written evidence shall be provided that standards and requirements for health, safety and environmental protection by the City, as well as those required by jurisdictions other than the City, have been met.

5. All activities involving the manufacturing, fabricating, assembly, disassembly, repairing, cleaning, servicing and testing of materials, products, vehicles and goods shall be deemed ineligible for an Outside Display, Sales and Storage Special Permit and shall be conducted

solely within completely enclosed buildings.

6. All display, sales and storage areas shall be confined to locations in the rear of the building erected on the premises, or at the side of said building and behind the front line of said building as extended, but not both, unless the petitioner can demonstrate that no adverse impact is created.

7. Anything displayed, sold or stored outdoors that has a tendency to be windborne shall be effectively covered so it does not become windblown.

8. All areas to be used for outside display, sales or storage shall be covered with a hard surface, such as two inches of asphalt or four inches of concrete, or as the City shall otherwise require.

9. Existing outside display, sales or storage uses that are rendered nonconforming by virtue of enactment of these regulations shall be made conforming with the issuance of an Outside Display, Sales and Storage Special Permit by the City or shall be removed on or before December 31, 2002.

5.16 USE OF COMMERCIAL TRUCK TRAILERS AND RAILROAD CARS FOR STORAGE

Under no circumstances may commercial truck trailers and/or railroad cars be placed on any lot for the purpose of serving as a place for storage.

5.17 REFUSE CONTAINERS

Multifamily residential dwellings with four or more dwelling units shall place all refuse containers in visually screened areas. All multifamily units that have refuse containers which are one or more cubic yards in volume shall be in visually screened areas.

5.18 DETERMINATION OF SIMILAR AND COMPATIBLE USES

It shall be the duty of the Zoning Administrator to review and determine whether uses that are not specifically enumerated in any zoning district are similar and compatible to those use/uses that are specifically enumerated within a particular district. The Zoning Administrator may approve any such use/uses within a particular district, upon a finding by the Zoning Administrator that such use/uses are similar and compatible to those use/uses enumerated within the particular district for which the use is being requested. The approval or denial of such use/uses within a particular district by the Zoning Administrator shall be in writing, stating the reasons therefor, and the determination of the Zoning Administrator shall be appealable to the Planning and Zoning Commission. Any appeals from the determination of the Zoning Administrator must be in writing, specifying the grounds for appeal, and filed with the office of the Zoning Administrator within 30 days of the written determination of the Zoning Administrator. Any appeal from a decision of the Zoning Administrator pursuant to this Section 5.14 shall be processed in accordance with the provisions of Section 13 of this Zoning Code. *pjh:Marengo.Zone\Section05.GeneralProvisions.Jan08.doc*

Section 6
NON-CONFORMING BUILDINGS AND USES

6.01 Purpose
6.02 Nonconforming Lots
6.03 Residential Districts
6.04 Business, ORI and Manufacturing Districts
6.05 Two or More Lots in Common Ownership
6.06 Nonconforming Structures
6.07 Nonconforming Uses Occupying a Structure
6.08 Nonconforming Use of Land

6.01 PURPOSE

The requirements imposed by this Zoning Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures and uses of land or structures that do not conform to the requirements of the district in which they are located impede appropriate development. The regulations of this Section 6 are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

6.02 NONCONFORMING LOTS

Any vacant lot that does not conform to 1 or more of the lot size (area, dimensions) requirements of the district in which it is located, may be used in the manner indicated in this Zoning Code if such vacant lot:

1. Is lot of record on the date of the adoption or amendment of this Zoning Code; and

2. Has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by any applicable zoning or other ordinance; and

3. Is at least 50 feet wide.

6.03 RESIDENTIAL DISTRICTS

In any residential district, 1 principal building and related accessory structures, but no other use, may be erected on any vacant nonconforming lot of the type described above provided all other bulk and yard regulations of the particular district are observed.

6.04 BUSINESS, ORI AND MANUFACTURING DISTRICTS

In the manufacturing district, ORI and in any business district, any structure permitted in the particular district may be erected on any vacant nonconforming lot of the type described above if all other bulk and yard requirements of that district are met.

6.05 TWO OR MORE LOTS IN COMMON OWNERSHIP

If 2 or more lots or combinations of lots and portions of lots with continuous frontage were in common ownership on the effective date of this Zoning Code, and if 1 or more of those lots does not meet the minimum lot width, depth and area requirements of the district in which it is located, the land involved

shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Zoning Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Zoning Code.

6.06 NONCONFORMING STRUCTURES

Any lawful structure which exists on the effective date of this Zoning Code but which could not be erected under the terms of this Zoning Code because of restrictions on lot size, height, setbacks or other characteristics of the structure or its location on the lot may lawfully remain subject to the following provisions:

1. Relocation: No such structure shall be relocated unless it will conform to all the regulations of the district in which it is relocated.

2. Reconstruction: No such structure which is destroyed or damaged by any means shall be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds 50 percent of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the administrator determines the estimated cost of reconstruction is less than 50 percent of the structure's market value at the time of loss, repairs or reconstruction shall be permitted provided such work starts within 6 months from the date the damage occurred and is diligently prosecuted to completion.

   The Zoning Administrator may require that the reconstruction cost estimate be made by a bona-fide construction contractor and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Zoning Administrator.

3. Repairs, Maintenance and Alterations: Ordinary repairs, normal maintenance and nonstructural alterations may be made to a nonconforming building, structure or building containing a nonconforming use, provided that the repairs, maintenance work or nonstructural alterations do not extend or intensify the nonconforming use. *Ord. 03-1-8*

   Structural alterations may be made to a nonconforming building, structure or building containing a nonconforming use only in the following situations:

   a. When the alteration is required by law.

   b. When the alteration will actually result in eliminating the nonconforming use.

   c. When the alteration is made to improve livability in a residential nonconforming structure, provided that no structural alteration shall be made which would increase the number of dwelling units, or the number of bedrooms or the height, or bulk of the buildings.

4. Additions and Enlargements: A nonconforming building or structure, or use within a nonconforming building or structure, shall not be added to or enlarged in any manner unless such nonconforming building or structure and use thereof, including all additions and enlargements thereto, is made to conform to all the regulations of the zoning district in which it is located. *Ord. 03-1-8*

6.07 NONCONFORMING USES OCCUPYING A STRUCTURE

If any lawful use occupying a structure exists on the effective date of this Zoning Code but would not be allowed under the terms of this Zoning Code, such use may lawfully continue subject to the following provisions:

1. Maintenance: Any structure housing a nonconforming use may be maintained through ordinary repairs.

2. Enlargement, Alteration, Reconstruction, Relocation: No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.

3. Extension of Use: No nonconforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

4. Yard and Bulk: A building which is nonconforming with respect to yards, floor area ratio or any other element of bulk regulated by this Zoning Code shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.

5. Change of Use: A nonconforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.

6. Discontinuance of Use: When a nonconforming use of a structure or of a structure and premises in combination is discontinued for 12 consecutive months or for 18 months during any 3-year period, the nonconforming use shall not thereafter be resumed.

6.08 NONCONFORMING USES OF LAND

Any lawful use of land existing on the effective date of this Zoning Code that would not be permitted under the terms of this Zoning Code may lawfully continue subject to the following provisions:

1. Intensification or Extension of Use: A nonconforming use of land shall not be intensified or extended to occupy a greater area of land than was occupied by such use on the effective date of this Zoning Code.

2. Relocation: No nonconforming use of land shall be moved in whole or in part unless such use upon relocation will conform to all pertinent regulations of the district in which it is proposed to be located.

3. Change of Use: A nonconforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.

4. Discontinuance: When a nonconforming use of land is discontinued for a period of 12 consecutive months, it shall not thereafter be resumed. Any subsequent use of such land shall conform to the applicable district regulations.

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Section 7

ACCESSORY BUILDINGS, STRUCTURES AND USES

7.01 Uses Permitted as Accessory Buildings, Structures and Uses
7.02 Location of Accessory Buildings, Structures and Uses
7.03 Construction of Accessory Buildings and Structures
7.04 Number, Height and Size of Accessory Buildings and Structures
7.05 Distance Between Buildings or Structures
7.06 Regulations for Specific Accessory Buildings, Structures and Uses
7.07 Wireless Telecommunications Towers and Antenna Regulations
7.08 Antennas in Residential Zoning Districts
7.09 Antennas in Business and Manufacturing Districts
7.10 Amateur Radio Facilities With Surface Area Exceeding 10 Square Feet
7.11 Additional Regulations for Antennas and Antenna Support Structures in all Zoning Districts
7.12 Non-conforming Accessory Buildings, Structures and Uses

7.01 USES PERMITTED AS ACCESSORY BUILDINGS, STRUCTURES AND USES

The term "accessory building," "accessory structure" or "accessory use" includes, but is not limited to the following permitted accessory buildings, structures or uses; subject, however, to the limitations of this Section 7:

1. For residential uses: private garden house or greenhouse; detached garage; shed or building used for domestic storage; swimming pool; spa/hot tub; yard lights; attached or detached deck, platform or terrace open to the sky; gazebo; dog run; tennis court; and similar structures and buildings for accessory use.

2. For business/commercial uses: storage building for merchandise or materials normally carried in stock as part of a principal use on the same lot and placed as designated on an approved site plan; off-street parking and loading facilities; garages; exterior swimming pools as part of a hotel/motel; pump islands and attached or detached canopies for automobile service stations.

3. For institutional and office uses: storage buildings for materials relating to the principal use on the same lot and placed as designated on an approved site plan; guardhouses and gatehouses; off-street parking and loading facilities; garages.

4. For industrial/manufacturing uses: process or maintenance facilities and storage buildings, clearly subordinate and incidental to the principal use on the same lot and placed as designated on an approved site plan; guardhouses and gatehouses; off-street parking and loading facilities; garages.

7.02 LOCATION OF ACCESSORY BUILDINGS, STRUCTURES AND USES

Amended, 03-81-1

A. Where a substantial part of the wall of an accessory building or structure is part of the wall of the principal building, or where an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building or structure shall be deemed to be part of the principal building and shall conform to all regulations applicable thereto.

B. No accessory building, structure, or use may be located in a front yard in any zoning district, and on a corner lot, no accessory building, structure or use may be located in any yard adjacent to a street in any zoning district, except as otherwise provided in this Zoning Code and except that a single basketball pole may be located at the side of a driveway for private recreational use.

C. An accessory building, structure, or use may be located in a required rear or side yard setback in any zoning district, as follows:

1. Unless specified within a specific zoning classification, an accessory building, structure or use in a residential zoning area may be located to within 10 feet of the rear lot line and to within seven feet of a side lot line, provided that such building, structure or use is not located on a recorded utility or drainage easement (except for equipment pertaining to said easement), and provided that the wall of an accessory building facing the rear lot line shall contain no openings.

2. No accessory building, structure, or use shall be located within 10 feet of a principal building. Decks, patios, platforms and terraces open to the sky may be attached to the principal building but shall be subject to setback requirements for accessory structures.

3. Storage, process and maintenance buildings in non-residential zoning districts shall be as governed by the applicable district regulations.

D Prohibited accessory buildings, structures and uses:

1. Above-ground or ground storage tanks for oil, gas, fuel or any other material on residential lots;

2. Servants' quarters or similar dwelling units.

7.03 CONSTRUCTION OF ACCESSORY BUILDINGS AND STRUCTURES

Amended, 08-1-4

A. An accessory building or structure shall not be erected prior to the establishment or

construction of the principal building to which it is accessory.

B. All provisions of Chapter 24, Building Code, of the Marengo Municipal Code, are to be followed as they pertain to accessory buildings, structures or uses.

C. Detached carports with posts and a roof structure without enclosed walls are prohibited.

7.04 NUMBER, HEIGHT AND SIZE OF ACCESSORY BUILDINGS AND STRUCTURES *Amended, 08-1-4, 04-3-1, 03-81-1*

A. No detached accessory building or structure shall exceed one story, with a maximum height of 15 feet, six inches unless otherwise provided in this Section 7.04.

B. Detached garages shall not exceed 700 square feet in size.

C. The sum total square footage of all accessory buildings and structures shall not exceed 50 percent of a rear or side yard of a lot unless specified within a specific zoning classification.

7.05 DISTANCE BETWEEN BUILDINGS OR STRUCTURES

The required distance between the principal building and the accessory building or structure shall be as follows, unless otherwise provided in this Section 7.

Between the principal building and the accessory building or structure on the same lot: 10 feet. However, in the case of a deck which is not attached to the principal structure, the required distance from the principal structure to the deck shall not apply.

7.06 REGULATIONS FOR SPECIFIC ACCESSORY BUILDINGS, STRUCTURES AND USES *Amended, 04-3-1*

A. Swimming Pools:

1. In addition to the provisions in Section 24.21 of the Municipal Code, pools for swimming or bathing shall be in compliance with the requirements of this Section 7.06-A. However, these regulations shall not be applicable to any such pool less than 24 inches deep or having a surface area less than 250 square feet except when such pools are permanently equipped with a water recirculating system.

2. A wall of a private swimming pool shall not be located less than 10 feet from any rear or side property line or 10 feet from side lot line abutting a street or 10 feet from any principal structure. A swimming pool shall not be located in any front yard.

3. For the purposes of establishing setbacks, the outer edge of pools and spas/hot tubs shall include all associated decking, walk areas, required fence enclosures and pump

equipment. Pump and filter equipment may be located adjacent to a principal structure.

B. Tents and Recreational Vehicles: No tents, recreational vehicles or camping trailers shall be used, erected or maintained as living quarters. No tents shall be used for the storage of personal property, goods, materials, vehicles or equipment. Tents, however, shall not be prohibited when used for weddings, festivals and other special events subject to conditions placed on other accessory buildings and structures.

C. Mobile Homes and Modular Units: A house trailer, mobile home/office or modular unit, as defined by the Illinois Compiled Statutes, shall not be considered to be permissible as an accessory building, structure or use, or as a principal building, structure or use, and no person shall park, store, occupy or otherwise use a trailer, mobile home/office or modular unit without obtaining a temporary use permit from the City Council.

D. Parking Facilities: Accessory off-street parking facilities may be permitted to be located elsewhere than on the same lot as the building or use to be served by said parking; subject, however, to approval of the City in conjunction with a site plan review of the principal and the accessory buildings or uses.

7.07 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS REGULATIONS

See Section 9 of this Zoning Code.

7.08 ANTENNAS IN RESIDENTIAL ZONING DISTRICTS

No antenna shall be erected, constructed, maintained or operated in any residential zoning district except in conformance with the following regulations:

1. Antennas with Surface Areas of 10 Square Feet or Less: Antennas and antenna support structures having a combined surface area not greater than 10 square feet, and no single dimension exceeding 12 feet, shall be permitted as an accessory use.

2. Antennas, Other Than Amateur Radio Facilities, With Surface Areas Exceeding 10 Square Feet: Antennas and antenna support structures having a combined surface area greater than 10 square feet, or having any single dimension exceeding 12 feet, shall be permitted as an accessory use only in compliance with the following regulations:

    a. Number Limited: No more than one such antenna and antenna support structure may be located on any zoning lot.

    b. Height Limited: No such antenna or antenna support structure shall exceed 12 feet in height unless such antenna and antenna support structure is attached to a building

pursuant to paragraph 2d of this Section 7.08.

c. Diameter Limited: No such antenna or antenna support structure shall exceed 10 feet in diameter.

d. Attachment to Buildings Limited: No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:

i. Size: The antenna and its support structure shall not exceed 15 square feet in area or 12 feet in any dimension.

ii. Height: The antenna and its support structure shall not extend more than 3 feet above the highest point of the building on which it is mounted or the maximum permissible building height, whichever is less.

iii. Mounting: The antenna and its support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of 80 miles per hour on its own and without the support of guy wires.

iv. Color: The antenna and its support structure shall be a color that blends with the roof or building side on which it is mounted.

v. Grounding: The antenna and its support structure shall be bonded to a grounding rod.

vi. Other Standards: The antenna and its support structure shall satisfy such other design and construction standards as the Building Commissioner determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.

vii. Screening: The antenna and its support structure shall be located so as to provide the maximum, reasonably achievable screening, as determined by the Building Commissioner, of such antenna and antenna support structure from view from adjoining properties and public or private streets.

e. Setback from Street: No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

f. Guy Wires Restricted: No guy or other support wires shall be used in connection with such antenna or its support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.

g. Screening: When any such antenna and antenna support structure is ground mounted, appropriate landscaping or fencing shall be located and maintained between such ground-mounted antenna and antenna support structure and each lot line of the property on which it is located so as to provide the maximum, reasonably achievable screening as determine by the Building Commissioner, of such antenna and antenna support structure from view from adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than 10 feet in height.

7.09 ANTENNAS IN BUSINESS AND MANUFACTURING DISTRICTS

No antenna shall be erected, constructed, maintained or operated in any business or industry zoning district except in conformance with the following regulations:

1. Antennas with Surface Areas of 10 Square Feet or Less: Antennas and antenna support structures having a combined surface area not greater than 10 square feet, and no single dimension exceeding 12 feet, shall be permitted as an accessory use.

2. Antennas, Other Than Amateur Radio Facilities, With Surface Areas Exceeding 10 Square Feet: Antennas and antenna support structures having a combined surface area greater than 10 square feet, or having any single dimension exceeding 12 feet, shall be permitted as an accessory use only in compliance with the following regulations:

   a. Number Limited: No more than one such antenna and antenna support structure may be located on any zoning lot.

   b. Height Limited: No such antenna or antenna support structure shall exceed 12 feet in height unless such antenna and antenna support structure is attached to a building pursuant to paragraph 2d of this Section 7.08.

   c. Diameter Limited: No such antenna or antenna support structure shall exceed 10 feet in diameter.

   d. Attachment to Buildings Limited: No such antenna or antenna support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:

      i. Height: The antenna and its support structure shall not extend more than 3 feet above the highest point of the building on which it is mounted or the

maximum permissible building height, whichever is less.

ii. Mounting: The antenna and its support structure shall not be attached or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of 80 miles per hour on its own and without the support of guy wires.

iii. Color: The antenna and its support structure shall be a color that blends with the roof or building side on which it is mounted.

iv. Grounding: The antenna and its support structure shall be bonded to a grounding rod.

(1) Other Standards: The antenna and its support structure shall satisfy such other design and construction standards as the Building Commissioner determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.

(2) Screening: The antenna and its support structure shall be located so as to provide the maximum, reasonably achievable screening, as determined by the Building Commissioner, of such antenna and antenna support structure from view from adjoining properties and public or private streets.

v. Setback from Street: No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

vi. Guy Wires Restricted: No guy or other support wires shall be used in connection with such antenna or its support structure except when used to anchor the antenna or support structure to an existing building to which such antenna or support structure is attached.

e. Screening: When any such antenna and antenna support structure is ground mounted, appropriate landscaping or fencing shall be located and maintained between such ground-mounted antenna and antenna support structure and each lot line of the property on which it is located so as to provide the maximum, reasonably achievable screening as determine by the Building Commissioner, of such antenna and antenna support structure from view from adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than ten feet in height.

7.10 AMATEUR RADIO FACILITIES WITH SURFACE AREA EXCEEDING 10 SQUARE FEET

In any zoning district, any antenna and antenna support structure having a combined surface area greater than 10 square feet or having any single dimension exceeding 12 feet that is capable of transmitting as well as receiving signals and is licensed by the Federal Communications Commission as an amateur radio facility must satisfy each of the following conditions:

1. Number Limited: No more than one such antenna support structure with a surface area greater than 10 square feet or any single dimension exceeding 12 feet may be located on any zoning lot.

2. Height Limited: No such antenna support structure shall, if ground mounted, exceed 75 feet in height of, if attached to a building pursuant to this Section 7.10, the height herein specified.

3. Attachment to Buildings Limited: No such antenna or its support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:

    a. Height: The antenna and its support structure shall not extend more than 20 feet above the highest point of the building on which it is mounted.

    b. Mounting: The antenna and its support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front of any principal building or to the side of any building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of 80 miles per hour on its own and without the support of guy wires.

    c. Grounding: The antenna and its support structure shall be bonded to a grounding rod.

    d. Other Standards: The antenna support structure shall satisfy such other design and construction standards as the Building Commissioner reasonably determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.

4. Setback from Street: No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

5. Setbacks from Adjacent Buildings: No such antenna or its support structure shall be located in any required sideyard or nearer than one-half the height of the antenna and support structure to any habitable building on any adjacent property.

7.11 ADDITIONAL REGULATIONS FOR ANTENNAS AND ANTENNA SUPPORT STRUCTURES IN ALL ZONING DISTRICTS

A. Certificate of Compliance: In addition to any other provisions, no such antenna or antenna support structure permitted under Sections 7.08-B, 7.09-B and 7.10 shall hereafter be constructed, altered or enlarged in the City unless a certificate of zoning compliance therefor has been issued by the Building Commissioner. An application for such certificate shall be accompanied by two sets of plans, two plats of survey, and electrical, construction and design specifications drawn to scale and showing locations, heights, structural design, and any other pertinent information or certifications deemed necessary by the Building Commissioner to demonstrate compliance with all provisions of the City's Zoning Code and Building Code. When applicable, an application for a certificate of zoning compliance shall include landscaping plans demonstrating that the screening requirements of Sections 7.08-B-7 and 7.09-B-7 will be satisfied within 8 months after the date of the issuance of such certificate. A refundable cash deposit in an amount estimated by the Building Commissioner as necessary to cover the cost of implementing the proposed landscaping and screening must accompany each application for a certificate of zoning compliance for the antenna and antenna support structure. The deposit shall be returned when, but only when, a final inspection by the Building Commissioner confirms that all required landscaping and screening is in place.

B. Unless specifically provided to the contrary, when the regulations of Sections 7.08, 7.09, 7.10 or 7.16 are more restrictive than any other regulations generally applicable within the zoning districts, the provision of Sections 7.08, 7.09, 7.10 and 7.16 shall apply.

C. For purposes of Sections 7.08, 7.09 and 7.10, the surface area of an antenna and its support structure shall be determined by adding together the actual surface area of each solid element or part of the antenna or its support structure, where "solid" is defined to include all air spaces that are fully bounded by solid elements.

D. Except as otherwise expressly provided in Sections 7.08, 7.09 and 7.10, all such antennae and antennae support structures shall be subject to all the provisions of this ordinance applicable to accessory uses and structures.

E. The foregoing special regulations shall not apply to antennae and antennae support structures owned or maintained by the City.

7.12 NON-CONFORMING ACCESSORY BUILDINGS, STRUCTURES AND USES

All accessory buildings, structures and uses heretofore lawfully constructed and not conforming to the provisions hereof are declared legal nonconforming uses and may be permitted to continue to exist, but shall not be reconstructed or altered, and if rebuilt, must conform to existing codes as of

the passage of this Section 7, which is August 26, 2002.

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Section 8

OFF-STREET PARKING AND LOADING

8.01 Purpose
8.02 General Provisions, Parking and Loading
8.03 Additional Regulations, Parking
8.04 Location of Parking Areas
8.05 Off-Street Loading and Unloading
8.06 Formulas for Off-Street Loading and Unloading Requirements
8.07 Number of Parking and Loading Spaces Required
8.08 Additional Parking Regulations

8.01 PURPOSE

The purpose of this Section 8 of this Zoning Code is to alleviate or prevent congestion of the public streets, and so promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the property use.

8.02 GENERAL PROVISIONS, PARKING AND LOADING *Amended, 08-1-4*

A. Procedure: An application for a site plan review, zoning action or building permit for a new or enlarged building, structure or use shall include a plot plan, drawn to scale, and fully dimensioned, showing any parking and/or loading facilities to be provided in compliance with the requirements of this Zoning Code.

B. Extent of Control: The off-street parking and loading requirements of this Zoning Code shall apply as follows:

1. When a building or structure erected prior to or after the effective date of this Zoning Code shall undergo any decrease in number of dwelling units, gross floor area, seating capacity, number of employees or other unit of measurement specified hereinafter for the required parking or loading facilities, and further, when said decrease would result in a requirement for fewer total parking or loading spaces through application of the provisions of this Zoning Code thereto, parking and loading facilities may be reduced accordingly, provided that existing parking or loading facilities remaining would at least equal or exceed the parking or loading requirements resulting from application of the provisions of this Zoning Code to the entire building or structure as modified.

2. When a building or structure undergoes any increase in the number of dwelling units, gross floor area, seating capacity, number of employees or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said

increase would result in a requirement for additional total parking or loading spaces through application of the provisions of this Zoning Code thereto, parking and loading facilities shall be increased accordingly, provided that existing parking or loading facilities shall be so increased that the facilities would at least equal or exceed the parking or loading requirements resulting from application of the provisions of this Zoning Code to the entire building or structure as modified.

3. When any building or structure is hereafter erected, or any use of land hereafter established upon previously vacated land.

4. When the intensity of use of any building, structure or premises is increased.

5. When any existing use of a building, structure or the premises is changed or converted to a new use.

C. Existing Parking and Loading Spaces: Accessory off-street parking and loading spaces in existence on the effective date of this Zoning Code may not be reduced in number unless already exceeding the requirements of this Section 8 for equivalent new construction; in which event said spaces shall not be reduced below the number required herein for such equivalent new construction.

D. Permitted Parking and Loading Spaces. Nothing in this Section 8 shall prevent the establishment of off-street automobile parking or loading facilities to serve any existing use of land or buildings, subject to full compliance with the provisions of this Section 8.

E. Damage or Destruction: Any building, structure or use which is in existence and is a conforming use on the effective date of this Zoning Code and which subsequently shall be damaged or destroyed by fire, collapse, explosion or other cause may be reconstructed, re-established or repaired without meeting current standards for off-street parking or loading facilities, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, it shall not be necessary to restore or maintain parking or loading facilities in excess of those required by this Zoning Code for equivalent new construction.

F. Submission of Plot Plan: Any application for a building permit or for a certificate of occupancy where no building permit is required, shall include a plot plan drawn to scale and fully dimensioned showing any parking or loading facilities to be provided in compliance with this Zoning Code.

G. Use of Parking Facilities: Off-street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this Section 8 shall be used solely for the parking of passenger automobiles owned by occupants of the dwellings to which such facilities are accessory or by guests of such occupants.

H. Surfacing: All open off-street parking areas in any zoning district shall be surfaced with asphalt, concrete, brick or brick pavers and pursuant to Section 24.11 of the Marengo Municipal Code.

I. Required Parking and Loading Facilities:

1. Tables for Required Parking and Loading: Requirements governing the number and location of off-street parking and off-street loading facilities in relation to the use of property are established hereinafter in subsections of this Zoning Code. The parking and loading requirements for any use not specified herein shall be the same as for a similar specified use, as determined by Section 8.03 herein.

2. Floor Area: The term "floor area" as employed in this Section 8, in the case of office, merchandising or service types of use, shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients, tenants and employees, including areas occupied by fixtures and equipment used for display or sale of merchandise. All calculations shall be pro-rated when floor areas are used as the standard. "Floor areas" for the purposes of this Section 8 shall not include any area used for:

(a) Storage accessory to the principal use of a building.

(b) Incidental repairs.

(c) Processing or packaging of merchandise.

(d) Show windows or offices incidental to the management or maintenance of a store or a building.

(e) Rest rooms.

(f) Utilities/utility rooms.

(g) Dressing, fitting or alteration rooms.

8.03 ADDITIONAL REGULATIONS, PARKING

A. Use of Parking Facilities: Off-street parking facilities accessory to residential uses and developed in any residential zoning district in accordance with the requirements of this Section 8.03 shall be used solely for the parking of motor vehicles owned by occupants of the dwelling units to which such facilities are accessory or by guests of said occupants. Under no circumstances shall required parking facilities accessory to residential structures be used for the parking, repair or storage of commercial vehicles of over one-ton capacity including trucks, trailers, vans and other such vehicles, except when parked temporarily in

making delivery, loading, unloading or service calls.

B. Control of Off-Site Facilities: When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use served is located, they shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants filed of record in the office of the McHenry County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of parking spaces during the existence of said principal use. However, no parking facilities accessory to a non-residential use shall be located in a residential zoning district.

C. Design and Maintenance:

1. Parking Space Description: A required off-street parking space shall be an area of not less than 171 square feet nor less than nine feet wide by 19 feet long, exclusive of access drives or aisles, ramps, or columns or exclusive of private non-residential driveways or aisles leading to streets. Where parking spaces overhang landscaped areas, spaces may be reduced in length by one foot.

2. Measurement of Space: When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction shall be interpreted as one parking space.

3. Open and Enclosed Spaces: Parking areas may be open or enclosed and the parking facilities provided shall be as approved by the City upon review of the site plan and use.

4. Access: Parking facilities shall be designed with appropriate means of vehicular access to a street in such a manner as will least interfere with the movement of traffic. The design of parking areas shall also minimize conflicts between pedestrian and vehicular movements. Driveway accesses or curb cuts in any zoning district shall be governed by Chapter 24 of the Marengo Municipal Code.

5. Signs: No signs shall be displayed in any parking area within any residential zoning district, except such as may be necessary for the orderly use of the parking facilities as provided in Section 9, Signs, of this Zoning Code.

6. Required Setbacks: No parking space nor portion thereof established on a zoning lot without a building shall be located closer to any right-of-way than the front yard setback required for the zoning district in which the parking space is located. Further, any wall, fence or hedge developed around any parking area shall be subject to the front yard setback requirements of this Zoning Code in the same manner as a building or structure. No parking space shall be designed in such a way so as to cause a vehicle to block a sidewalk.

7. Surfacing: All open off-street parking areas, including driveways, aisles, service drives and aprons, shall be improved with a compacted crushed stone or gravel base, and surfaced with asphaltic or bituminous concrete (also known as "asphalt" and "blacktop"), Portland cement concrete, brick or pavers, pursuant to Section 24.11 of the Marengo Municipal Code.

8. Screening: All open off-street parking areas for eight or more motor vehicles shall be effectively screened by a wall, a solid fence or a densely planted compact hedge along any side which adjoins or is directly across a street from a property in a residential zoning district or an institutional property. Such wall, fence or hedge shall be at least three feet, but not more than five feet, in height and shall be maintained in good condition.

9. In order to reduce heat and glare, to minimize blowing of dust and trash and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained with every parking lot that contains eight or more parking spaces.

   a. A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for a Certificate of Zoning Compliance to develop any parking lot that will contain eight or more spaces.

   b. The landscaping plan shall include the following information:

      (1) Proposed type, amount, size and spacing of plantings, including trees, shrubbery and ground cover;

      (2) Proposed size, construction materials, drainage and scheduled maintenance of landscaped islands or planting beds; and

      (3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation and pedestrian movement.

10. Lighting: Any lighting used to illuminate an off-street parking area shall be arranged to reflect the light away from adjoining properties. Maximum horizontal foot candles as given off by the neighboring property as measured in the following districts shall not exceed:

Zoning District	**Foot Candles**	**Lux**
Single Family	.1	1.0
Multiple Family	.2	2.0
Business	2.0	21.5

Zoning District	Foot Candles	Lux
Manufacturing, ORI	5.0	53.8
Municipal	5.0	53.8

All lighting fixtures erected 20 to 40 feet above ground level shall:

a. Be flat bottom optically controlled sharp cut-offs, approved by the City Engineer;

b. Not be installed with diffusing refractors; and

c. Maintain a ratio of 3:1 or less of lighting fixture spacing to lighting fixture mounting heights.

All lighting fixtures erect from zero to 20 feet above ground level shall:

a. Be of translucent materials and not transparent material, approved by the City Engineer;

b. Not be installed with diffusing refractors; and

c. Lighting fixtures shall not be erected higher than 40 feet above ground level.

Upon the obsolescence or replacement of existing non-conforming lighting in off-street lighting parking areas, lighting shall conform to this Section 8.

D. Special Use Public Parking Areas: Any parking area developed for transient trade, and not accessory to specific principal uses or groups of uses for which parking is required by this Zoning Code, shall be treated as a "special use" as defined in Section 3 herein and as allowed in accordance with the provisions of Section 15 by the City Council.

E. Accessible Parking Spaces:

1. Accessible parking spaces for mobility impaired persons shall be at least 16 feet wide including an eight-foot wide access aisle, and adjacent parking spaces shall not share a common access aisle. All access aisles shall be diagonally striped and shall be provided with a gradual transition to an accessible route to the on-site destination. Such spaces shall also measure 19 feet in length. Where such spaces overhang landscaped areas, spaces may be reduced in length by one foot.

2. The number of spaces required, and their placement within the parking facility, shall be in accordance with State of Illinois accessibility standards. For some uses, a certain number of spaces in any self-park facility shall be set aside for wheelchair access as summarized in the following table:

Total Spaces	Minimum Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of the total
1,001 and over	20 plus 1 per 100 over 1,000 spaces

Some flexibility in the placement of such spaces may be considered if interpretation of such standards permits.

F. Service Area Parking Spaces: Parking spaces located in the rear area of project sites or the service area of a project shall be discouraged. Where permitted, such spaces shall be limited to employee and service parking only.

G. Off-street Guest Parking (Residential Areas): Off-street parking areas intended for residential guest parking shall be located a minimum of 10 feet from any adjacent right-of-way, and shall not be placed in the required minimum side or rear yard areas of any residential zoning lot.

H. Aisle Widths, Lengths: The width and length of all aisles providing direct access to individual parking spaces shall be in accordance with the requirements specified in the table below.

Angle of Parking	Minimum Width of Space Parallel to Aisle	Minimum Length of Space Perpendicular to Aisle	Minimum Width of Aisle
45 degrees	12 feet, 9 inches	19 feet, 9 inches	12 feet
60 degrees	10 feet, 5 inches	20 feet	17 feet
90 degrees	9 feet	19 feet	22 feet

I. Joint Parking Facilities: Off-street parking facilities for different buildings, structures or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted or required, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

J. Shared Parking Facilities: Cumulative parking requirements for mixed use occupancies may be reduced by the City Council where it can be determined that the peak requirement of the several occupancies occurs at different times (either daily or seasonally). The *Shared Parking* report published by the Urban Land Institute may be used as a guideline in the estimation of parking demand for mixed use buildings and sites.

8.04 LOCATION OF PARKING AREAS *Amended, 03-6-5*

A. Extent of Control: Off-street parking facilities shall be located as hereinafter specified: where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking area to the nearest entrance of the building that said parking area is required to serve.

1. Residential Districts: Parking spaces accessory to dwellings located in any residential zoning district shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any front yard or side yard with the exception of a paved area not to exceed 22 feet in width at the property line and 33 feet in width overall. Such parking spaces shall not be located any further into the front yard toward the principal structure than the garage and shall be set back from the side property line a minimum of 5 feet. Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area. Parking areas constructed after the adoption of this Zoning Code shall be constructed of asphalt or concrete.

2. Non-Residential Uses: All parking spaces accessory to permitted non-dwelling uses located in any residential district generally shall be located on the same lot as the use serviced. However, the Zoning Administrator may allow such parking facilities to be located on another parcel within 200 feet of the use served if the "same lot" requirement is not feasible.

3. Business and Manufacturing Districts:

   a. Parking spaces accessory to any building or use located in any business district shall either be located on the same lot as the principal building or on another parcel within 200 feet of the premises. Parking lots accessory to any business or manufacturing use located in any business district or in a manufacturing district shall be located within 500 feet of the use serviced; provided that no portion of any such parking lot shall extend into any residential district except by special use permit.

   b. In any business or manufacturing district, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces located together is not less than the sum of the separate requirements for each use and if all regulations governing location or parking

spaces in relation to the uses served are observed.

4. All parking areas constructed after the adoption of this Zoning Code shall be constructed of asphalt or concrete.

8.05 OFF-STREET LOADING AND UNLOADING

All off-street loading facilities shall conform to the minimum standards indicated below:

1. Size of Space: Every required off-street loading space shall be at least 12 feet wide and 50 feet long, exclusive of aisle and maneuver space, and shall have vertical clearance of at least 15 feet. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

2. Access Way: Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least 12 feet wide.

3. Surfacing: Every off-street loading area shall be improved with a compacted stone base at least 7 inches thick and surfaced with at least 2 inches of asphaltic concrete.

4. Buffer Strips: No loading space or area for vehicles over 2-ton cargo capacity shall be developed closer than 50 feet to the lot line of any residential district unless space/area is completely enclosed by walls, a solid fence or closely planted shrubbery of sufficient density to block the view from the residential property and in conformity with landscape regulations.

5. Location: Every off-street loading space that is required or provided shall be located on the same parcel of land as the use served and not closer than 50 feet to the intersection of the rights-of-way of 2 or more streets or in required front yards.

8.06 FORMULAS FOR REQUIRED PARKING/LOADING SPACES

In computing the number of parking spaces required by this Zoning Code, the Zoning Administrator shall apply the following rules:

1. In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. "Employee parking" means "one parking space shall be required per 1.5 employees," unless otherwise stated.

2. In computing parking or loading space requirements on the basis of building floor area, the gross floor area shall be used.

3. Whenever it is necessary to translate gross parking lot area into number of parking spaces; 350 square feet of gross area shall be deemed one parking space.

4. If computation of the number of parking or loading spaces required by this Zoning Code results in a fractional space, any fraction of one-half or more shall be counted as one space.

5. No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

8.07 NUMBER OF PARKING AND LOADING SPACES REQUIRED

Off-street parking and loading spaces shall be provided as provided in the following table. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED (IF ANY)
Automobile car wash/laundry	3 spaces per wash lane	Not applicable
Bank, savings & loan, walk-in	1 space per 300 square feet of floor area plus employee parking	Not applicable
Bank drive-in or automated teller	5 spaces per teller window	Not applicable
Beauty, barber shop	2 spaces per chair plus employee parking	Not applicable
Bowling alley	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns	Not applicable except as required for affiliated uses
College, business, professional, trade school	1 space for every 3 students that the building is designed to accommodate plus employee parking	On review by the Zoning Administrator
Commercial, office, service	4 spaces per 1,000 square feet of floor area	Not applicable up to 10,000 square feet of floor area; 1 space if more than 10,000 square feet; 1 space plus 1 additional space per 50,000 square feet of floor area in excess of 10,000 square feet
Educational, institutional, church, auditorium	1 space per 4 seats in the largest seating area	Not applicable

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED (IF ANY)
Furniture, appliance store	1 space per 600 square feet of floor area	To 25,000 square feet of floor area; more than 25,000 square feet of floor area 2 spaces plus square feet of floor area in excess of 25,000 square feet
Hospital	1 space per 2 beds plus employee parking	1 space if floor area is 50,001 - 100,000 square feet; 2 spaces if floor area is 100,001 - 200,000 square feet; over 200,000 square feet the number of spaces is determined by the Zoning Administrator
Hotel, motel, boarding house	1 space per unit plus employee parking and additional spaces as required herein for affiliated uses such as restaurants and taverns	Not applicable
Laundromat	1 space per washer plus 1 space per employee	Not applicable
Manufacturing, any manufacturing, other industrial use	1 space for each up to 100,000 square feet; 1 space for each 2,000 square feet in excess of 100,000 square feet	To 20,000 square feet, 1 space; 20,001 - 50,000 square feet, 2 spaces; 50,001 - 90,000 square feet, 3 spaces plus 2 additional spaces per 50,000 square feet of area in excess of 90,000 square feet
Mortuary	1 space per 5 seats plus 1 space per funeral vehicle but not less than 20 spaces per chapel or state room	1 space per 10,000 square feet or more of floor area
Multiple family dwelling	2 spaces per dwelling unit	Not applicable
Municipal or privately owned recreation building or community center	1 for each 2 employees plus spaces adequate in number to the visiting public as determined by the Zoning Administrator	Not applicable
Nursing home	1 space per 5 beds plus employee parking area	To 50,000 square feet of floor area, 1 space; 50,001 -100,000 square feet, 2 spaces; 100,001 - 200,000 square feet, 3 spaces

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED (IF ANY)
Office, generally	4 spaces per 1,000 square feet of floor area	To 30,000 square feet of floor area, none required; 30,000 - 100,000 square feet, 1 space plus 1 additional space per 100,000 square feet of floor area in excess of 100,000 square feet
Refreshment stand, drive-in/drive-through restaurant	1 space per 25 square feet of floor area. 5 stacking spaces per service window	1 space per structure having 10,000 square feet or more of floor area
Restaurant, sit down	1 space per 4 seats or 1 space per 50 square feet of floor area, whichever is greater	1 space per 10,000 square feet or more of floor space
Service station	2 spaces per service staff plus employee parking	Not applicable
Single family and 2-family dwellings	2 spaces per dwelling unit	Not applicable
Tavern	1 space per 4 seats or 1 space per 50 square feet of floor area, whichever is greater	1 space per structure having 10,000 square feet or more of floor area
Theater, drive-in	On review by the Zoning Administrator	Not applicable
Theater, indoor	1 space per 4 seats	Not applicable
Vehicle sales (autos, boats, trailers, etc.)	1 space per 300 square feet of enclosed floor area and up to 10,000 square feet of open lot area	As determined by the Zoning Administrator.

8.08 **ADDITIONAL PARKING REGULATIONS** *Amended, 08-1-4, 03-6-5*

A. In any R-5 Residential District the following parking regulations are also applicable:

1. Except as follows, parking spaces shall not be located in any required front yard:

a. A single family dwelling may have a driveway not to exceed 33 feet in width.

b. A two-family dwelling may have a driveway for each dwelling unit. Each driveway shall not exceed 22 feet in width and shall be separated from the other driveway by a minimum 24 inches of landscaping that has a minimum height of two feet. Grass and/or sod are not classified as landscaping.

2. Each parking space accessory to a multiple family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area.

3. All parking areas in this district shall be constructed of asphalt or concrete.

4. Parking shall not be permitted in the required rear yard.

B. In any B-3 Regional Shopping District the following parking regulations are also applicable:

1. Parking:

a. Parking is not allowed in required yards.

b. Parking spaces shall be based on the following:

(1) Office use: four spaces per 1,000 feet of building space.

(2) Retail use: five spaces per 1,000 square feet of building space and outdoor retail space.

2. Loading: Pursuant to Section 8.05 herein.

3. Access Control Requirements:

a. Driveways: All projects are restricted to one driveway for each 250 feet from the nearest driveway (including adjacent properties which intersect with a major roadway)

b. Whenever possible, access to a project shall be provided from cross streets, in place of an additional driveway from major roadway.

c. Driveways shall be located and designed to minimize interference with the operation of left-turn lanes at street intersections.

d. Whenever possible, access between properties should be provided in order to minimize the number of driveways from a property.

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Section 9

WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

9.01 Purpose
9.02 Definitions
9.03 Applicability
9.04 General Requirements
9.05 Permitted Uses
9.06 Administratively Approved Uses
9.07 Special Use Permits
9.08 Buildings or Other Equipment Storage
9.09 Removal of Abandoned Antennas and Towers
9.10 Nonconforming Uses

9.01 PURPOSE

A. The purpose of this Section 9 is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this Section 9 are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this Section 9 be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this Section 9 are inconsistent with or in conflict with any other provision of this Zoning Code, the Municipal Code or any ordinance of the City, the provisions of this Section 9 shall be deemed to control.

B. In the course of reviewing any request for any approval required under this Section 9 made by an applicant to provide personal wireless services or to install personal wireless service facilities, the Commission or the City Council, as the case may be, shall act within a reasonable period of time after the request is duly filed with the City, taking into account the nature and scope of the request. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

C. The purpose of this Section 9 is to also establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Section 9 are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;

2. Encourage the location of towers in non-residential areas;

3. Minimize the total number of towers throughout the community;

4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

8. Consider the public health and safety of communication towers; and

9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, the City shall give due consideration to the City's comprehensive land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

9.02 DEFINITIONS

As used in this Section 9 the following terms shall have the meanings set forth below:

Alternative tower structure: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Backhaul network: The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Height: When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Preexisting towers and preexisting antennas: Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Section 9, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

9.03 APPLICABILITY

A. New Towers and Antennas: All new towers or antennas in the City shall be subject to these regulations, except as provided in Sections 9.03-B through 9.03-D, inclusive.

B. Amateur Radio Station Operators/Receive Only Antennas: This Section 9 shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive

only antennas. Said antennas are governed by Section 7.10 of this Zoning Code.

C. Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section 9 other than the requirements of Sections 9.04-F and 9.04-G.

D. AM Array: For purposes of implementing this Section 9, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

9.04 GENERAL REQUIREMENTS

A. Principal or Accessory Use: Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

B. Lot Size: For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

C. Inventory of Existing Sites: Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this Section 9 or other organizations seeking to locate antennas within the jurisdiction of the City, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

D. Aesthetics: Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

4. Barbed or razor wire shall not be permitted.

E. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

F. State or Federal Requirements: All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section 9 shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

G. Building Codes; Safety Standards: To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

H. Measurement: For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries.

I. Not Essential Services: Towers and antennas shall be regulated and permitted pursuant to this Section 9 and shall not be regulated or permitted as essential services, public utilities, or private utilities.

J. Franchises: Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City have been obtained and shall file a copy of all required franchises with the Zoning Administrator.

K. Public Notice: For purposes of this Section 9, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 9.07-B-5-b, Table 2, in addition to any notice otherwise required by Section 17 of this Zoning Code.

L. Signs: No signs shall be allowed on an antenna or tower.

M. Buildings and Support Equipment: Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 9.08.

N. Multiple Antenna/Tower Plan: The City encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

9.05 PERMITTED USES

A. General: The uses listed in this Section 9.05 are deemed to be permitted uses and shall not require administrative approval or a special use permit.

B. Permitted Uses: The following uses are specifically permitted: Antennas or towers located on property owned, leased, or otherwise controlled by the City provided a license or lease authorizing such antenna or tower has been approved by the City.

9.06 ADMINISTRATIVELY APPROVED USES

A. General: The following provisions shall govern the issuance of administrative approvals for towers and antennas.

1. The Zoning Administrator may administratively approve the uses listed in this Section 9.06.

2. Each applicant for administrative approval shall apply to the Zoning Administrator providing the information set forth in Sections 9.07-B-1 and 9.07-B-3 herein and a nonrefundable fee as established by resolution of the City Council to reimburse the City for the costs of reviewing the application.

3. The Zoning Administrator shall review the application for administrative approval and determine if the proposed use complies with Sections 9.04, 9.07-B-4 and 9.07-B-5 herein.

4. The Zoning Administrator shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.

5. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 9.07-B-4 or separation distances between towers in Section 9.07-B-5 by up to 50 percent.

6. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

7. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Section 9.07 herein prior to filing any appeal that may be available under this Zoning Code.

B. List of Administratively Approved Uses: The following uses may be approved by the Zoning Administrator after conducting an administrative review:

1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any M Manufacturing District.

2. Locating antennas on existing structures or towers consistent with the terms of Sections 9.06-B-2a and 9.06-B-2b herein.

   a. Antennas on Existing Structures: Any antenna which is not attached to a tower may be approved by the Zoning Administrator as an accessory use to any commercial, industrial, professional, institutional or multi-family structure of 8 or more dwelling units, provided:

(1) The antenna does not extend more than 30 feet above the highest point of the structure;

(2) The antenna complies with all applicable FCC and FAA regulations; and

(3) The antenna complies with all applicable building codes.

b. Antennas on Existing Towers: An antenna which is attached to an existing tower may be approved by the Zoning Administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(1) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Zoning Administrator allows reconstruction as a monopole.

(2) Height:

(a) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(b) The height change referred to in Section 9.06-B2b(2)(a) may only occur one time per communication tower.

(c) The additional height referred to in Section 9.06-B2b(2)(a) shall not require an additional distance separation as set forth in Section 9.07. The tower's premodification height shall be used to calculate such distance separations.

(3) Onsite location:

(a) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.

(b) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(c) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Section 9.07-B5. The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 9.07-B5.

(d) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 9.07-B5 shall only be permitted when approved by the Zoning Administrator.

3. New Towers in Manufacturing Districts: Locating any new tower in a manufacturing district, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the tower is in conformity with the goals set forth in Section 9.01 and the requirements of Section 9.04; the tower meets the setback requirements in Section 9.07-B4 and separation distances in Section 9.07-B5; and the tower meets the following height and usage criteria:

   a. for a single user, up to 90 feet in height;

   b. for two users, up to 120 feet in height; and

   c. for three or more users, up to 150 feet in height.

4. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

9.07 SPECIAL USE PERMITS

A. General: The following provisions shall govern the issuance of special use permits for towers or antennas by the Commission.

1. If the tower or antenna is not a permitted use under Section 9.05 herein or permitted to be approved administratively pursuant to Section 9.06 herein, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

2. Applications for special use permits under this Section 9.07 shall be subject to the procedures and requirements of Section 15 of this Zoning Code, except as modified in this Section 9.07.

3. In granting a special use permit, the Commission may impose conditions to the extent the Commission conclude such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

5. An applicant for a special use permit shall submit the information described in this Section 9.07 and a non-refundable fee as established by resolution of the City Council to reimburse the City for the costs of reviewing the application.

B. Towers:

1. Information Required: In addition to any information required for applications for special use permits pursuant to Section 15 of this Zoning Code, applicants for a special use permit for a tower shall submit the following information:

   a. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive land use plan classification of the site and all properties within the applicable separation

distances set forth in Section 9.07-B5, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this Section 9.

b. Legal description of the parent tract and leased parcel (if applicable).

c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

d. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 9.04-C shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

e. A landscape plan showing specific landscape materials.

f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

g. A notarized statement signed by the applicant describing their compliance with Sections 9.04-C, D, E, F, G, J, L and M, Section 9.07-B4, Section 9.07-B5 and all applicable federal, state or local laws.

h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

i. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the City.

j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

k. A description of the feasible location(s) of future towers or antennas within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

2. Factors Considered in Granting Special Use Permits for Towers: In addition to any standards for consideration of special use permit applications pursuant to Section 15 of this Zoning Code, the Commission shall consider the following factors in determining whether to issue a special use permit, although the Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Commission conclude that the goals of this Section 9 are better served thereby:

a. Height of the proposed tower;

b. Proximity of the tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 9.07-B3 herein.

3. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology: No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

4. Setbacks: The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Commission may reduce the standard setback requirements if the goals of this Section 9 would be better served thereby:

   a. Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.

   b. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

5. Separation: The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Commission may reduce the standard separation requirements if the goals of this Section 9 would be better served thereby.

   a. Separation from off-site uses/designated areas.

      (1) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

      (2) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units[1]	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower[2] whichever is greater
Vacant unplatted residentially zoned lands[3]	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

[1] Includes modular homes and mobile homes used for living purposes.

[2] Separation measured from base of tower to closest building setback line.

[3] Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

b. Separation Distances Between Towers:

(1) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

(2) Table 2:

Existing Towers - Types				
	Lattice	Guyed	Monopole 75' in height or greater	Monopole less than 75' in height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75' in height or greater	1,500	1,500	1,500	750
Monopole less than 75' in height	750	750	750	750

6. Security Fencing: Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device excluding barb or razor wire fencing; provided however, that the Commission may waive such requirements, as it deems appropriate.

7. Landscaping: The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Commission may waive such requirements if the goals of this Section 9 would be better served thereby.

a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

9.08 **BUILDINGS OR OTHER EQUIPMENT STORAGE**

A. Antennas Mounted on Structures or Rooftops: The equipment cabinet or structure used in association with antennas shall comply with the following:

1. The cabinet or structure shall not contain more than 300 square feet of gross floor area or be more than 15 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 150 square feet of gross floor area or 10 feet in height, shall be located on the ground and shall not be located on the roof of the structure.

2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 150 square feet or 20 percent of the roof area.

3. Equipment storage buildings or cabinets shall comply with all applicable building codes.

B. Antennas Mounted on Utility Poles or Light Poles: The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

1. In residential districts, the equipment cabinet or structure may be located:

a. In a front or side yard provided the cabinet or structure is no greater than 4 feet in height or 24 square feet of gross floor area and the cabinet/structure is located a minimum of 6 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

b. In a rear yard, provided the cabinet or structure is no greater than six feet in height or 24 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.

2. In commercial or industrial districts the equipment cabinet or structure shall be no greater than 6 feet in height or 64 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of 8 feet and a planted height of at least 36 inches.

C. Antennas Located on Towers: The related unmanned equipment structure shall not contain more than 300 square feet of gross floor area or be more than 15 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

D. Modification of Building Size Requirements: The requirements of Sections 9.08-A through 9.08-C may be modified by the Zoning Administrator in the case of administratively approved uses or by the Commission in the case of uses permitted by special use to encourage collocation.

9.09 REMOVAL OF ABANDONED ANTENNAS AND TOWERS

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective

until all users cease using the tower.

9.10 NONCONFORMING USES

A. Not Expansion of Nonconforming Use: Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Section 9 shall not be deemed to constitute the expansion of a nonconforming use or structure.

B. Preexisting Towers: Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Section 9.

C. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas: Notwithstanding Section 9.09, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Sections 9.07-B4 and 9.07-B5. The type, height and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 9.09.

pjh:Marengo.Zone\Section09.Wireless

Section 10

RESIDENTIAL/AGRICULTURAL DISTRICTS

10.01 Purpose
10.02 ER Estate Residential District
10.03 R-1 One-Family District
10.04 R-2 One-Family District
10.05 R-3 One-Family District
10.06 R-5 Multiple Family District
10.07 AT Agricultural Transition District

10.01 PURPOSE *Amended, 13-__-__*

The residential and AT Agricultural Transition districts set forth herein are established in order to protect public health and promote public safety, convenience, comfort, morals, prosperity and welfare. These general goals include, among others, the following specific purposes:

1. To protect residential areas against fire, explosion, noxious fumes, offensive odors, noise, smoke, vibrations, dust, heat, glare and other objectionable factors.

2. To protect residential areas to the extent possible and appropriate in each area against unduly heavy motor vehicle traffic, especially through-traffic, and to alleviate congestion by promoting off-street parking.

3. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulation of the bulk of buildings.

4. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.

5. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.

6. To provide sufficient space in appropriate locations to meet the probable need for future residential expansion and to meet the need for necessary and desirable services in the vicinity of residences, which increase safety and amenity for residents and which do not exert objectionable influences.

7. To promote the best use and development of residential and agricultural land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character and desirable development and protect the value of land and improvements and so strengthen the economic base of the City.

10.02 **ER ESTATE RESIDENTIAL DISTRICT** *Amended, 09-9-2, 04-3-1*

It is the purpose of the ER Estate Residential District to establish regulations for larger single family residential lot areas. It is anticipated that neighborhoods in this district shall consist of very low density single family homes. Because of the large size of the lots in this district, the City Council may waive the requirement that dwelling units be connected to City sewer.

1. Dwelling standards:

    a. Every one story building hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.

    b. Every dwelling of more than one story hereafter erected shall have a floor area measured from the outside of the exterior walls of not less than 1,000 square feet in area on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not frequently or during extended periods for living, eating or sleeping purposes.

2. Accessory buildings: The following accessory buildings shall be permitted on an ER Estate Residential District zoning lot:

    a. Up to a four-car garage, not exceeding 1,400 square feet.

    b. Swimming pool with a bath house not exceeding 300 square feet.

    c. Tennis courts no closer than 25 feet to the property line

    d. Greenhouses (total square feet shall not exceed 300 square feet).

    e. Guest house up to 850 square feet in area if the lot is two acres or more in size. The guest house shall not be rented or leased.

    f. Accessory buildings shall not be located in any required yard.

    g. Accessory buildings shall only be permitted behind the building setback line.

3. Lot requirements:

    a. The minimum lot size is one acre (43,560 square feet) in area.

    b. The minimum lot width shall be 100 feet.

c. The minimum setbacks shall be:

i. Front yard, 50 feet;
ii. Corner side yard setback, 50 feet;
iii. Interior side yard setback, 25 feet;
iv. Rear yard setback, 50 feet; and
v. Maximum lot coverage shall be 30 percent.

4. Permitted uses:

a. Single family detached dwelling on any one platted lot or parcel.

b. Home occupations pursuant to Section 5.11 of this Zoning Code.

c. Group homes, subject to the following:

i. the group home houses no more than 8 persons plus staff;
ii. the group home is licensed or certified by the State of Illinois; and
iii. there is a minimum distance of 1,000 feet maintained between group homes.

d. Lots containing five or more acres may have up to three horses. A stable or barn housing the horses shall be not less than 200 feet from the property line. Horses shall not be permitted in the front yard. No stables or other quarters shall be erected, maintained or used on any portion of the property for stabling or accommodating any cattle, swine, goats, sheep, bees or fowl.

e. Parks and recreational facilities when publicly owned.

5. Special uses:

a. Golf courses including accessory driving ranges, bars, restaurants, meeting and banquet rooms.

b. Country clubs including accessory driving ranges, bars, restaurants, meeting and banquet rooms.

c. Group homes pursuant to Section 16.8 of this Zoning Code.

d. Bed and breakfast establishments.

10.03 **R-l SINGLE FAMILY DISTRICT** *Amended, 09-9-2*

A. Dwelling standards:

1. Every one story building hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.

2. Every dwelling of more than one story hereafter erected shall have a floor area measured from the outside of the exterior walls of not less than 1,000 square feet in area on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not frequently or during extended periods for living, eating or sleeping purposes.

B. Building allowance: Only one principal building shall be permitted on any one platted lot.

C. Accessory buildings:

1. No accessory building shall exceed 15 feet in height.

2. No part of an accessory building shall be located: closer than 5 feet to the side lot line; closer than 5 feet to the rear lot line; and closer than 10 feet to the principal building.

3. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

4. Use of any accessory structure as a dwelling is strictly prohibited.

5. Accessory building shall not cover more than 30 percent of the rear yard.

6. Accessory buildings are only allowed behind the building setback line.

D. Lot and building requirements:

1. Minimum lot area shall be 14,000 square feet.

2. Minimum lot width shall be 74 feet at the established building line.

3. Minimum principal building setbacks shall be:

a. Front yard setback, 25 feet
b. Corner side yard setback, 25 feet
c. Interior side yard setback is 10 percent of the lot width at the building line, but not less than 10 feet.
d. Rear yard setback, 30 feet
e. Maximum principal structure height, 30 feet

f. Maximum lot coverage, 30 percent

E. Permitted Uses:

1. Single family dwellings

2. Group homes subject to the following:

   a. the group home houses no more than 8 persons plus staff;
   b. the group home is licensed or certified by the State of Illinois; and
   c. there is a minimum distance of 1,000 feet maintained between group homes.

3. Home occupations as provided in Section 5.11 herein.

4. Parks and recreational areas when publicly owned.

F. Special Uses:

1. Public or private schools (elementary, middle, high, junior college, university) including playground and athletic fields.

2. Churches, chapels, temples, synagogues

3. Convents, monastery and religious retreats

4. Golf courses including accessory uses such as driving ranges, bars, restaurants, meeting and banquet rooms. This does not include miniature golf courses and pitch and putt courses.

5. Public library

6. Museums

7. Cemeteries

8. Hospitals and nursing home

9. Planned developments

10. Public utilities

11. Group homes subject to Section 16.8 of this Zoning Code

12. Bed and breakfast establishments

G. No building shall be erected or maintained on any portion of a residential district for manufacturing or industrial purposes; and no noxious or offensive trade shall be carried on upon any portion of a residential district nor shall anything be done thereon which may be or become a legal nuisance to the neighborhood.

10.04 R-2 SINGLE FAMILY DISTRICT *Amended, 09-9-2*

It is the purpose of this district to establish regulations for single family dwellings in established residential neighborhoods. This district is not to be used in newly developed areas.

A. Dwelling standards:

1. Every one story building hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.

2. Every dwelling of more than one story hereafter erected shall have a floor area measured from the outside of the exterior walls of not less than 1,000 square feet in area on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not frequently or during extended periods for living, eating or sleeping purposes.

B. Building allowance: Only one principal building shall be permitted on any one platted lot.

C. Accessory buildings:

1. No accessory building shall exceed 15 feet in height.

2. No part of an accessory building shall be located: closer than 5 feet to the side lot line; closer than 5 feet to the rear lot line; and closer than 10 feet to the principal building.

3. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

4. Use of any accessory structure as a dwelling is strictly prohibited.

5. Accessory building shall not cover more than 30 percent of the rear yard.

6. Accessory buildings are only allowed behind the building setback line.

D. Lot and building requirements:

1. Minimum lot area shall be 7,500 square feet.

2. Minimum lot width shall be 60 feet at the established building line.

3. Minimum principal building setbacks shall be:

   a. Front yard setback, 25 feet
   b. Corner side yard setback, 20 feet
   c. Interior side yard setback is 10 percent of the lot width at the building line, but not less than 10 feet.
   d. Rear yard setback, 25 feet
   e. Maximum principal structure height, 30 feet
   f. Maximum lot coverage, 30 percent

E. Permitted Uses:

1. Single family dwellings

2. Group homes, subject to the following:

   a. the group home houses no more than 8 persons plus staff;
   b. the group home is licensed or certified by the State of Illinois; and
   c. there is a minimum distance of 1,000 feet maintained between group homes.

3. Home occupations as provided in Section 5.11 herein.

4. Parks and recreational areas when publicly owned.

F. Special Uses:

1. Public or private schools (elementary, middle, high, junior college, university) including playground and athletic fields.

2. Churches, chapels, temples, synagogues

3. Convents, monastery and religious retreats

4. Golf courses including accessory uses such as driving ranges, bars, restaurants, meeting and banquet rooms. This does not include miniature golf courses and pitch and putt courses.

5. Public library

6. Museums

7. Cemeteries

8. Hospitals and nursing home

9. Planned developments

10. Public utilities

11. Group homes subject to Section 16.8 of this Zoning Code.

G. No building shall be erected or maintained on any portion of a residential district for manufacturing or industrial purposes; and no noxious or offensive trade shall be carried on upon any portion of a residential district nor shall anything be done thereon which may be or become a legal nuisance to the neighborhood.

10.05 **R-3 SINGLE FAMILY DISTRICT** *Amended, 09-9-2, 04-5-5*

It is the purpose of this district to establish regulations for single family dwellings in established residential neighborhoods which are in transition. This district is not to be used in newly developed areas.

1. Dwelling standards:

   a. Every one story building hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.

   b. Every dwelling of more than one story hereafter erected shall have a floor area measured from the outside of the exterior walls of not less than 1,000 square feet in area on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not frequently or during extended periods for living, eating or sleeping purposes.

   c. Two-family dwelling structures shall have a total floor area of not less than 700 square feet for each dwelling unit including utility rooms but excluding all other areas not used for eating and sleeping purposes.

2. Building allowance: Only one principal building shall be permitted on any one platted lot.

3. Accessory buildings:

a. No accessory building shall exceed 15 feet in height.

b. No part of an accessory building shall be located: closer than 5 feet to the side lot line; closer than 5 feet to the rear lot line; and closer than 10 feet to the principal building.

c. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

d. Use of any accessory structure as a dwelling is strictly prohibited.

e. Accessory building shall not cover more than 30 percent of the rear yard.

f. Accessory buildings are only allowed behind the building setback line.

4. Lot and building requirements:

a. Minimum lot area shall be 7,500 square feet.

b. Minimum lot width shall be 60 feet at the established building line.

c. Minimum principal building setbacks shall be:

i. Front yard setback, 25 feet
ii. Corner side yard setback, 20 feet
iii. Interior side yard setback is 10 percent of the lot width at the building line, but not less than 10 feet.
iv. Rear yard setback, 25 feet
v. Maximum principal structure height, 30 feet
vi. Maximum lot coverage, 30 percent

5. Permitted Uses:

Single family dwellings: a special use permit shall be required for all new construction that abuts a primary thoroughfare designated by a state or federal highway number.

Group homes, subject to the following:

a. The group home houses no more than 8 persons plus staff;
b. The group home is licensed or certified by the State of Illinois; and
c. There is a minimum distance of 1,000 feet maintained between group homes.

Home occupations as provided in Section 5.11 herein.

Parks and recreational areas when publicly owned.

6. Special Uses:

Bed and breakfast establishments

Cemeteries

Churches, chapels, temples, synagogues

Convents, monastery and religious retreats

Conversion of single family dwelling into two-family dwelling only when the following conditions are met:

a. When divided each dwelling unit shall have a minimum of 600 square feet in floor area including space used for utility rooms but excluding all other areas not used for living and/or sleeping purposes.

b. On-site paved parking area shall be provided. Parking areas shall not be in the required yard setback areas with the exception of the driveway; there shall be a minimum of two parking spaces for each dwelling.

c. All other building and yard requirements for this district must be met.

Conversion of existing structures (not including newly constructed structures) into offices for professionals such as physicians, dentists, attorneys-at-law, architects, engineers, music teachers, artists, teachers, accountants, photographers, real estate agents, insurance agents, public stenographers, brokers, business consultants and other professional offices as determined by the Commission. These properties must meet the following conditions:

a. Paved parking approved by the City Council.
b. All parking shall be behind the front building line.
c. Signage shall be approved by the City Council.
d. The subject property shall abut a state designated highway.

Golf courses including accessory uses such as driving ranges, bars, restaurants, meeting and banquet rooms. This does not include miniature golf courses and pitch and putt courses.

Group homes subject to Section 16.8 of this Zoning Code.
Hospitals and nursing homes

Museums

Planned developments

Public library

Public or private schools (elementary, middle, high, junior college, university) including playground and athletic fields.

Public utilities

Two-family dwellings.

7. No building shall be erected or maintained on any portion of a residential district for manufacturing or industrial purposes; and no noxious or offensive trade shall be carried on upon any portion of a residential district nor shall anything be done thereon which may be or become a legal nuisance to the neighborhood.

10.06 R-5 MULTIPLE FAMILY DISTRICT

It is the purpose of this district to establish regulations for multiple family dwelling districts. These regulations establish limitations on the use and character of development so as to take advantage of, and to avoid conflict with, natural topography and existing development.

1. Dwelling Standards

   a. Every one story dwelling hereafter erected shall have a total ground floor area of not less than 1,000 square feet measured from the outside of the exterior walls including utility rooms but excluding cellars, basements, open porches, breezeways, garages or other habitable spaces.

   b. Every dwelling of more than one story hereafter erected shall have a floor area, measured from the outside of the exterior walls of not less than 1,000 square feet on the first floor including utility rooms, but excluding cellars, basements, open porches, breezeways, garages, and other spaces not used frequently or during extended periods for living, eating or sleeping purposes.

   c. Two-family dwelling structures shall have a total floor area of not less than 700 square feet for each dwelling unit including utility rooms but excluding all other areas not used for eating or sleeping purposes.

   d. Multiple family dwelling structures shall have a total floor area of not less than the following:

      i. Efficiency apartments shall have a floor area of no less than 600 square feet per dwelling unit.

ii. One bedroom apartments shall have a total floor area of not less than 800 square feet per dwelling unit.

iii. Apartments of more than one bedroom shall have a total floor area of not less than that required for a one bedroom apartment plus 150 square feet of floor space for each additional bedroom.

2. Building allowance: Only one principal building shall be erected on any single platted lot.

3. Accessory buildings:

a. No accessory building shall exceed 15 feet in height.

b. No part of an accessory building shall be located closer than: 10 feet to the side lot line; 5 feet to the rear lot line; and 10 feet to the principal building.

c. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.

d. Use of any accessory structure as a dwelling is strictly prohibited.

e. Accessory building shall not cover more than 30 percent of the rear yard.

f. Accessory buildings shall only be permitted behind the building setback line.

4. Lot and building requirements:

a. The minimum lot area shall be as follows:

i. Single family dwelling, 14,000 square feet.

ii. Two-family dwelling, 14,000 square feet.

iii. Multiple family dwelling, 5,000 square feet for each dwelling unit but not less than 14,000 square feet total. This standard applies to new construction. This standard also applies to the conversion of homes originally constructed as single family dwelling into a building which has more than three dwelling units within one structure.

b. The minimum lot width shall be 60 feet at the established building line.

c. The minimum principal building setbacks shall be:

i. Front yard, 25 feet. For buildings exceeding 25 feet in height, the minimum front year shall be increased by one foot for each 2 feet or fraction thereof by which the building exceeds 25 feet.

ii. Corner side yard, 20 feet.

iii. Interior side yard, 10 percent of the lot width at the building line but no less than 10 feet.

iv. Rear yard, 25 feet.

For through lots the setback from each street shall be the same as the front yard requirements.

d. Maximum lot coverage is 30 percent;

e. Maximum height is limited to 3 stories and 50 feet.

5. Permitted Uses:

Group homes, subject to the following:

a. the group home houses no more than 8 persons plus staff;
b. the group home is licensed or certified by the State of Illinois; and
c. there is a minimum distance of 1,000 feet maintained between group homes.

Home occupations pursuant to Section 5.11 of this Zoning Code.

Multiple family dwellings

Parks and recreation areas when publicly owned

Single family dwellings

Two-family dwellings

6. Special Uses:

Barber shops and/or beauty shops

Bed and breakfasts

Cemeteries

Churches, chapels, temples, synagogues

Convents, monastery and religious retreats

Convenience stores

Conversion of existing structures (not including newly constructed structures) into offices for professionals such as physicians, dentists, attorneys-at-law, architects, engineers, music teachers, artists, teachers, accountants, photographers, real estate agents, insurance agents, public stenographers, brokers, business consultants and other professional offices as determined by the Commission. These properties must meet the following conditions:

a. Paved parking approved by the City Council.
b. All parking must be behind the front building line.
c. Signage shall be approved by the City Council.
d. The subject property shall abut a state designated highway.

Drug stores

Golf courses including accessory uses such as driving ranges, bars, restaurants, meeting and banquet rooms. This does not include miniature golf courses and pitch and putt courses.

Group homes subject to Section 16.8 of this Zoning Code.
Hospitals

Medical and dental offices and group medical centers

Mobile home and manufactured home park designed and intended for residential purposes, provided they meet the following requirements:

a. Single family dwelling units only

b. Each dwelling unit shall be located on a lot which has a minimum size of 5,000 square feet in area with a minimum lot width of 35 feet.

c. Each lot must front on a street

d. Streets (including public and private) shall have a minimum of a 60-foot right-of-way and a pavement width of 30 feet (face to face). The pavement structure shall consist of 6” BBC base, 2” Class B surface or 6” PC concrete, or 10” aggregate base, Type B (100% crushed), 2½” Class I surface (1½” binder and 1’ surface). Curb and cutter (M-6.12, B-6.12) are required. A 4-foot wide sidewalk is required unless an off-street system is provided and approved by the City Council.

e. Each unit shall be properly anchored by a method which is approved by the City.

f. Each unit will contain a NOAA early warning weather radio

g. Each park will have a minimum of 10 units

h. Common recreational areas shall be provided as follows:

i. Up to 20 units, 700 square feet per unit.

ii. 21 to 50 units, 14,000 square feet plus 600 feet per unit in excess of 20 units.

iii. 51 to 100 units, 32,000 square feet plus 400 feet per unit in excess of 51 units.

i. A minimum of 2 off-street parking spaces per individual lot shall be provided.

j. All lots must be serviced by City water and sewer. The size of the mains shall be determined by the City Engineer.

k. All utilities shall be placed underground.

l. No sales of new or used units by dealers or brokers shall be permitted unless the unit has been placed on a lot and connected to City sewer and water.

Museums

Planned developments

Public library

Public or private schools (elementary, middle, high, junior college, university) including playground and athletic fields.

Public utilities

Religious retreats

Restaurants

Rest homes, nursing homes hospitals, sanitariums which are licensed and /or registered

10.07 AT AGRICULTURAL TRANSITION DISTRICT *13*-__-__

The AT Agricultural Transition District is intended to anticipate expansion of the City into agricultural areas (lands). At the time agricultural areas are annexed into the City, the dwelling standards, building allowance, accessory buildings and lot and building requirements of the McHenry County Zoning Ordinance, as amended September 15, 2009, are applicable until such time as the property owners petition for re-classification pursuant to this Zoning Code. The following uses are designated for the AT Agricultural Transition District:

USE	**TYPE OF USE**
Animal: exotic, breeding and training	Special use
Animal: show, circus	Temporary
Arena, equine enclosed	Special use
Auction	Temporary
Beach, private	Permitted
Beach, public	Special use
Blacksmith shop (horse related)`	Permitted
Cemetery	Special use
Christmas tree sales	Temporary
Clinic, large animal	Special use
Clinic, small animal	Special use
Single family dwelling	Special use
Electrical distribution center (non-exempt)	Special use
Festival	Temporary
Flea market	Temporary
Game breeding (for sport)	Special use
Golf, country club	Special use
Golf, driving range	Special use
Grain elevator, commercial	Special use
Greenhouse, commercial	Special use
Horse farm	Permitted
Kennel, commercial	Special use
Kennel, private	Special use
Nursery, commercial	Special use
Public service, fire and rescue	Special use
Public service, police	Special use
Roadside sales stand for produce grown on premises	Special use
Stable, private	Special use
Stable, public	Special use
Stable, public (i.e. livery)	Special use
Tent theater, religious meeting, festival	Temporary
Tower	Special use
Utility facility, non-exempt	Special use
Utility, power producer	Special use

Section 11
BUSINESS DISTRICTS

11.01 Purpose
11.02 B-1 Central Business District
11.03 B-2 General Business District
11.04 B-3 Regional Shopping District
11.05 BP, Business Park District

11.01 PURPOSE

The business districts set forth herein are established to protect public health and promote public safety, comfort, convenience and the general welfare, and to protect the economic base of the City and the value of property. These general purposes include, among others, the following specific objectives:

1. To promote the most desirable use of land in accordance with a well considered plan so that adequate space is provided in appropriate locations for the various types of business uses, thereby protecting and strengthening the economic base of the City.

2. To place in separate districts those businesses which may create noise, odors, hazards, unsightliness or which may generate excessive traffic.

3. To permit selected business uses in districts where adjacent to or inclusion in a residential area has sufficient elements of service or convenience to such areas to offset the disadvantage.

4. To encourage the grouping in appropriate locations of compatible business uses which will tend to draw trade that is mutually interchangeable and so promote public convenience and business prosperity and contribute to the alleviation of traffic and pedestrian congestion.

5. To provide for the establishment of off-street parking facilities, permitted and required, so as to alleviate traffic congestion and so promote shopping convenience and business prosperity.

11.02 B-1 CENTRAL BUSINESS DISTRICT *Amended, Ord. 04-3-1*

A. Purpose: A pedestrian-oriented district geographically designated within the central core of the City in which retail and service uses are provided.

B. Use Restrictions:

   1. Retail/office only: All establishments located in this district shall deal directly with patrons

2. Enclosed activities: All activities must be located in an enclosed building (except as indicated in the following paragraph 3).

3. Enclosed activities: Merchandise may be displayed outside but may not use more than 25 percent of the enclosed building square footage.

4. Processing incidental: Any processing or treatment of goods on any premises must be clearly incidental to the retail business conducted on such premises.

5. Drive-in/through: In this district a special use permit is required to establish any business that will offer goods or services directly to customers waiting in parked motor vehicles.

6. Parking: See Section 8, Off-Street Parking and Loading, of this Zoning Code.

7. Signs: See Chapter 16 of the Municipal Code.

8. Unless a special use permit has been issued, dwelling units and lodging rooms shall not be permitted below the second floor. This is not applicable to hotels and motels.

9. Refuse containers: All refuse generated by facilities located within this district shall be stored in covered containers placed in areas screened by a screening fence or densely planted evergreen hedge of adequate height to screen the refuse containers from adjoining properties and the street. Non-conforming refuse containers existing shall comply with this Zoning Code within one year after the adoption of this Zoning Code, which is August 26, 2003.

10. Only one principal building may be erected on any one lot.

C. Lot and Building Requirements: Every building erected in this district shall conform to the following requirements:

1. Minimum lot area: None.

2. Minimum lot width: Twenty feet at the established building line.

3. Minimum lot depth: None.

4. Minimum setback: Generally none required except as necessary to achieve compliance with applicable off-street parking and loading requirements.

5. Maximum floor area ratio: None.

6. Maximum percentage of lot building coverage: None.

7. Height requirements: Maximum height of three stories or 36 feet.

D. Permitted Uses: Provided all the use restrictions of this district are observed, the following uses are permitted:

Auditoriums, meeting rooms and other places of assembly
Banks, savings and loans
Churches
Clubs and lodges
Dry cleaning operations (including on-site processing)
Dwelling units above the first floor only
Funeral establishments
Hotels and motels
Laundries
Libraries
Mass transit facilities
Museums
Offices
Printing and publishing (under 5,000 square feet in area)
Restaurants
Retail establishments
Schools, music studios, dance studios
Service establishments
Taverns/saloons
Theaters (indoors)

E. Special Uses: Provided all the use restrictions of this district are observed, the City may allow the following uses special use permit:

Any use that involves a retail or service activity which is less than 25 percent outside completely enclosed building. (Outside activity which is over 25 percent is prohibited.)

Any use such as drive-in restaurants, drive-in banks, automobile service stations that offer goods or services directly to customers waiting in parked vehicles or that sell food or beverages for consumption in parked motor vehicles on the premises.

Auto service station
Dwelling units if located below the second story, except in hotels and motels.
Planned development
Public facilities
Recreational facilities, public and private
Restaurant/saloons with live entertainment
Tattoo parlors
Utility stations

11.03 B-2 GENERAL BUSINESS DISTRICT *Amended, 04-3-1*

This district is intended to accommodate and regulate commercial/business development outside of the B-1 Central Business District. These typically require direct access to major streets and large lots for off-street parking and loading.

1. Use Restrictions:

   a. Uses: These uses shall deal directly with consumers.

   b. Unenclosed activities: In this district, outside display of inventory is allowable up to 25 percent of the indoor floor space under the following conditions:

      i. It is on private property.

      ii. The area is not designated as parking or required open space. Any outside activity in excess of 25 percent of the total enclosed area requires a special use permit.

   c. Refuse containers: All refuse generated by facilities located within this district shall be stored in covered containers placed in visually screened areas. All non-conforming refuse containers shall comply with this Section 11.03 within 1 year from the effective date of this Zoning Code, which is August 26, 2003.

   d. Screening: Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence or closely-planted shrubbery) at least 6 feet high and of sufficient density to completely block the view from the adjacent residential property, shall be installed.

   e. Any accessory building shall meet yard setback requirements.

   f. Only 1 principal building shall be permitted on a zoning lot.

   g. Parking: Pursuant to Section 8, Off-Street Parking and Loading, of this Zoning Code.

   h. Signs: Pursuant to Chapter 16, Signs, of Municipal Code.

   i. Drive-In/through: In this district a special use permit is required to establish any business that will offer goods or services directly to customers waiting in parked motor vehicles.

2. Lot and Building Requirements: Every principal building erected in this district shall conform to the following requirements.

   a. Minimum lot area: 15,000 square feet.

b. Minimum lot width: 100 feet at the established building line.

c. Minimum setbacks: front yard, 50 feet; corner side yard, 50 feet; side yards, 25 feet; and rear yard, 25 feet.

d. Maximum floor area ratio: Two square feet of floor space for each 1 square foot of lot area.

e. Maximum percentage of lot building coverage: 50 percent.

f. Height requirements: Maximum height of 3 stories or 50 feet.

g. General building setbacks: In addition to any other building setback or yard requirement contained herein, every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:

Primary thoroughfare designated by a state or federal highway number: 75 feet from the property line or 150 feet from the center line of the right-of-way, whichever distance is greater.

3. Permitted Uses: Provided all the use restrictions of this district are observed, the following uses are permitted:

Auditoriums, meeting rooms and other places of assembly
Automobile car wash/ laundry
Banks, savings and loans
Blueprinting and photostating
Bowling alleys
Churches
Clubs and lodges
Dry cleaning operations (including on-site processing)
Funeral homes
Hotels and motels
Libraries
Mass transit facilities
Museums
Offices
Printing and publishing (under 5,000 square feet in area)
Radio and television broadcasting
Restaurants
Retail establishments
Schools, music studios, dance studios
Service establishments
Taverns/saloons

Theaters (indoors)
Wholesale when used in connection with retail

4. Special Uses:

Any use that involves a retail or service activity conducted more than 25 percent outside completely enclosed buildings.

Any use, such as a drive-in restaurant, drive-in bank or automobile service station, that offers goods or services directly to customers waiting in parked vehicles or that sell food or beverages for consumption in parked motor vehicles on the premises.

Automobile repair
Automobile service station
Dwelling units, if located above the first story, except in hotels and motels.
Heating, air conditioning, electrical, plumbing, general contracting; retail, wholesale
Motor vehicle sales, new and used
Movie and stage outdoor theaters
Planned developments
Printing and publishing (over 5,000 square feet in area)
Public facilities
Recreational facilities (public and private)
Restaurants with live entertainment
Tattoo parlors
Utility stations

11.04 B-3 REGIONAL SHOPPING DISTRICT *Amended, 04-3-1*

This district is intended to accommodate and regulate business developments which are directly and indirectly accessed from major arterial roadways.

1. Use restrictions:

   a. In this district all activities shall be conducted within enclosed buildings with the exception that an outdoor area up to 25 percent of the indoor floor space may be used for outdoor sales and display of inventory under the following conditions:

      i. On private property.

      ii. Area is not designated as parking or required open space.

   b. Refuse containers: All refuse generated by facilities located within this district shall be stored in covered containers placed in visually screened areas. Non-conforming refuse containers shall comply within 1 year after the effective date of this Zoning Code, which is August 26, 2003.

c. Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence at least 6 feet high and of such density to completely block the view from adjacent residential property) shall be installed.

d. Uses shall consist of office, financial or retail-type activities.

e. Signs, see Chapter 16, Signs, of the Municipal Code.

f. Parking, see Section 8, Off-Street Parking and Loading, of this Zoning Code.

g. Only one principal building shall be erected on any one lot.

2. Lot and Building Requirements:

a. Minimum lot area: 5 acres

b. Minimum lot width: 75 feet fronting a major roadway; other roadways, 150 feet at the established building line.

c. Minimum setbacks: front yard, 50 feet; corner side yard, 50 feet; side yards, 35 feet; and rear yard, 35 feet.

d. Maximum floor area ratio: One-quarter square foot of floor space for each 1 square foot of lot area.

e. Maximum percentage of lot coverage: 50 percent (all structures, including principal buildings and accessory buildings shall be included in the 50 percent).

f. Accessory buildings shall meet the minimum setbacks.

g. Height requirements: Maximum height of 3 stories or 50 feet.

h. General building setbacks: In addition to any other building setback or yard requirement contained herein, every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:

Primary thoroughfare designated by a state or federal highway number: 75 feet from the property line or 150 feet from the center line of the right-of-way, whichever distance is greater.

3. Permitted Uses:

Animal hospitals (no outside kennel)
Department stores
Dry cleaning operations (including on-site processing)

Financial institutions
Hotels, motels
Medical, dental and general offices
Movie and stage theaters, indoor
Piano and musical, retail only
Professional offices
Restaurants
Retail establishments
Service establishments
Supermarkets
Taverns (including live entertainment)
Variety stores

4. Special Uses:

Any use that requires commercial, service or storage activities conducted outdoors, amounting to more than 25 percent of indoor floor space.

Any use, such as a drive-in restaurant, drive-in bank or automobile service station, that offers goods or services directly to customers waiting in parked vehicles or that sell food or beverages for consumption in parked motor vehicles on the premises.

Auto repair and automobile service stations
Drive-in theaters
Motor vehicles sales, new and used
Public facilities
Tattoo parlors
Utility stations
Planned development, commercial

Planned developments, mixed use with residential must meet the following requirements for residential uses:

a. Lot size: 5 acres.

b. Minimum lot width: 250 feet fronting any major roadway; fronting other roadways, 100 feet at established building line

c. Minimum setbacks:

Yard	**Major Roadway**	**Other Roadway**
Front yard	60 feet	40 feet
Corner side yard	50 feet	30 feet
Side yards	40 feet	20 feet

Yard	Major Roadway	Other Roadway
Rear yard	40 feet	30 feet

d. Maximum residential density: 12 units per acre.

e. Minimum unit size: 600 square feet.

6. Minimum percentage of lot coverage: 35 percent

7. Parking and access regulations pursuant to Section 8 of this Zoning Code shall apply.

11.05 **BP, BUSINESS PARK DISTRICT** *06-12-3; Amended, 08-1-4*

A. Purpose: The purpose of the BP, Business Park District is to provide a course of predictability in business park development, set a minimum level of standards by which a business park can be developed and establish a regulatory framework for the planning and development of future business and manufacturing growth.

B. Use Restrictions: All permitted uses in this zoning district are subject to the following conditions:

1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform to the performance standards set forth in Section 14, Performance Standards, of this Zoning Code.

2. Except as provided in Section 11.05-B3, no outside display, sale or storage of materials (raw, semi-finished or finished in nature), vehicles (including tractor trailers), equipment, merchandise and other similar goods or containers, shall not be permitted except by the issuance of a special use permit as provided in Section 15, Special Uses, of this Zoning Code.

3. Outside display of retail inventory shall be permitted on up to 25 percent of the indoor floor space with the following conditions: (i) the area is located within the zoning lot; and (ii) the area is not designated as parking or required open space. Any outside activity in excess of 25 percent of the total indoor floor space shall require a special use permit as provided in Section 15, Special Uses, of this Zoning Code.

4. Refuse containers: All refuse generated by facilities located within this zoning district shall be stored in covered containers that are located in an area that is not visible from the street. Screening shall enclose all refuse containers.

5. Screening: Along the side and rear lot lines of any lot abutting a residential zoning district, screening (a wall, solid fence or closely planted shrubbery) at least six feet high and of sufficient density to completely block the view from the adjacent residential property shall be installed.

6. Accessory Uses: Any accessory use shall meet the same required yard setbacks as required for the principal building.

7. Principal Building: Only one principal building shall be permitted on any zoning lot.

8. Parking: Parking shall be pursuant to Section 8, Off-Street Loading, of this Zoning Code.

9. Signs: Signage shall be pursuant to Chapter 16, Signs, of the Marengo Municipal Code.

10. Landscaping: Any new construction after January 1, 2007, shall comply with the requirements of Chapter 21, Landscape Code, of the Marengo Municipal Code.

C. Lot and Building Requirements: Every principal building erected in this zoning district shall conform to the following requirements:

1. Yard Requirements: In addition to any other building setback or yard requirement contained herein, every building hereafter erected or enlarged shall provide and maintain a setback from a public street in accordance with the following requirements:

a. Primary Thoroughfare Designated by a State or Federal Highway Number: 75 feet from the property line or 150 feet from the center line of the right-of-way, whichever distance is greater.

b. Minimum Setbacks: Front yard, 40 feet; corner side yard, 40 feet; interior side yard, 20 feet; and rear yard, 20 feet.

c. Transitional Yards: Where a side or rear lot coincides with a side or rear lot line in an adjacent residential zoning district, a yard shall be provided along such side or rear lot line not less than 50 feet in depth and shall be screened as provided in Section 11.05-B5. Where a side or a rear lot line coincides with a side or rear lot yard in an adjacent business district, a yard shall be provided along such side or rear lot line not less than 30 feet in depth.

2. Maximum Percentage of Lot Building Coverage: 50 percent for a one-story building; 60 percent for buildings containing two or more stories. A mezzanine is not considered a story.

D. Permitted Uses: Provided all the use restrictions of this zoning district are observed, the following uses shall be permitted:

Animal hospitals (with indoor kennels);

Assembly, production, processing, wholesaling, warehousing or manufacturing of any commodity, from semi-finished (other than raw) materials, provided explosives, flammable materials, nuclear materials and/or livestock are not involved;

Animal retail sales;

Auditoriums, meeting rooms and other places of assembly;

Automobile car wash;

Banks, savings and loans;

Blueprinting and photostating;

Bowling alleys;

Building materials sales with indoor storage;

Churches;

Clubs and lodges;

Drycleaning operations (including on-site processing);

Greenhouses with indoor storage;

Funeral homes;

Healthcare and rehabilitation facilities, not involving overnight visits;

Heating, air conditioning, electrical, plumbing, general contracting, retail, wholesale, with indoor storage;

Hospitality;

Hotels and motels;

Indoor recreation facilities;

Institutional;

Library;

Local cartage and express facility, provided explosives, flammable materials, nuclear

materials and/or livestock are not involved, with no outside vehicle storage;

Mass transit facilities;

Museums;

Offices;

Printing and publishing;

Public utility and transportation facilities including shelters, terminals, parking areas and service buildings;

Radio and television broadcasting;

Railroad right-of-way;

Research and development facility or parks, provided explosives, flammable materials, nuclear materials and/or livestock are not involved;

Restaurants;

Retail establishments;

Schools, music studios and dance studios;

Service establishments;

Sleep research facilities with overnight visits;

Taverns, saloons; and

Theater (indoor).

E. Special Uses:

Any use that involves a retail or service activity that is conducted on more than 25 percent outside of a completely enclosed building;

Any use, such as a drive-in restaurant, drive-in bank or automobile service station that offers good or services directly to customers waiting in parked vehicles or that sell food or beverages for consumption in parked motor vehicles on the premises;

Automobile repair;

Automobile service station;

Dwelling units if located above the first story, except in hotels and motels;

Fuel sales and storage;

Motor vehicles sales, new and used;

Movie and stage outdoor theaters;

Non-retail outdoor storage;

Outdoor recreation facilities;

Outdoor storage tanks;

Planned developments;

Recreational facilities (public and private);

Restaurants with live entertainment;

Utility stations; and

Wireless communication facilities.

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Section 12

ORI OFFICE, RESEARCH & LIGHT INDUSTRIAL DISTRICT

12.01 Purpose
12.02 Use Restrictions
12.03 Lot and Building Requirements
12.04 Permitted Uses
12.05 Special Uses

12.01 PURPOSE

The purpose of the ORI Office, Research & Light Industrial District ("ORI District") is to provide areas within the community for low intensity manufacturing, offices, research facilities, research parks.

12.02 USE RESTRICTIONS

All permitted uses are subject to the following conditions:

1. Uses not explicitly provided as permitted or special uses in the ORI District under this Section 12 are prohibited altogether.

2. Parking. See Section 8, Off-Street Parking and Loading, of this Zoning Code.

3. Signs: See Chapter 16, Signs, of the Municipal Code.

4. Accessory buildings shall not be located in any required yard.

5. All permitted uses are subject to the following conditions:

   a. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in Section 15 of this Zoning Code.

   b. No outside display, sale or storage of materials (raw, semi-finished or finished in nature), vehicles (including tractor trailers), equipment, merchandise and other similar goods or containers, shall be permitted except by issuance of a special permit pursuant to Section 16 of this Zoning Code.

12.03 LOT AND BUILDING REQUIREMENTS

A. Lot size requirements: None.

B. Yard requirements: In addition to any other building setback or yard requirement contained herein every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:

   1. Primary thoroughfare designated by a state or federal highway number: 75 feet from the property line or 150 feet from the centerline of the right-of-way, whichever distance is greater.

   2. Front yard: Not less than 40 feet in depth along every front lot line

3. Interior side yard: Not less than 20 feet in depth along each interior side lot line.

4. Corner side yard: Not less than 40 feet in depth.

5. Rear yard: Not less than 20 feet in depth along each rear lot line.

6. Transitional yards: Where a side or rear lot line in an ORI District coincides with a side or rear lot line in an adjacent residence district, a yard shall be provided along such side or rear lot line not less than 100 feet in depth and shall contain landscaping and plantings suitable to provide a year around effective 25 percent screen.

   Where a side or rear lot line in an ORI District coincides with a side or rear lot line in an adjacent business district, a yard shall be provided along such side or rear lot line not less than 60 feet in depth and shall contain landscaping and planting suitable to provide a year around 25 percent screen.

C. Only one principal building shall be permitted on any one zoning lot.

12.04 **PERMITTED USES**

Permitted uses in the ORI District are:

Accessory retail sales operations and display of merchandise produced on the premises.

Any establishment, the principal use of which is manufacturing, fabricating, processing, light assembly, storing, cleaning or servicing of materials, goods or products provided that operations are conducted within a completely enclosed building and that operations conform with the performance standards and other applicable requirements of this Section 12.

Auditoriums and theaters.

Banks and financial institutions, including drive-in and drive-through facilities.

Business and professional offices.

Computer and/or data processing centers.

Corporate offices.

Cultural facilities.

Engineering and testing facilities

Medical and dental clinics and offices.

Production facilities for prototype products.

Research clinics and laboratories including accessory pilot operations.

Show room space.

12.05 **SPECIAL USES**

Special uses in the ORI District are:

Commercial uses located within permitted and special uses including barber shops and beauty salons; day care centers and pre-schools; drugstores; dry cleaning and laundry establishments; food stores; florists; gift shops; letter and parcel mailing services; restaurants including accessory cocktail lounges, outdoor customer seating, musical entertainment and dancing; shoe repair shops and tailor shops.

Hotels and motels.

Planned developments.

General aviation planned developments.

Public service and facility uses.

Public utilities.

Schools: Vocational, technical, business, data processing, electronic and corporate training centers.

Uses ancillary to permitted and other special uses including meeting and conference facilities, lodging facilities, restaurants and recreational facilities primarily for the private use of the employees, its subsidiaries, affiliates, franchisees and business clients; storage, service and maintenance buildings and areas; central heating and air conditioning plants; dwellings for caretakers, watchmen and operators.

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Section 13
M MANUFACTURING DISTRICT

13.01 Purpose
13.02 Use Restrictions
13.03 Lot and Building Requirements
13.04 Permitted Uses
13.05 Special Uses

13.01 PURPOSE

The purpose of the M Manufacturing District ("M District") is to provide areas within the community for manufacturing facilities, research facilities, research park, warehouses and wholesale manufacturing. It is intended that this particular district will generally provide for manufacturing of an assembly nature from finished goods, warehousing and wholesale activities. Supportive services for manufacturing are generally of a non-retail or personal service character and should be encouraged to locate in this district.

13.02 USE RESTRICTIONS

All permitted uses are subject to the following conditions:

1. Any production, processing, cleaning, servicing, testing, repair or storage of goods, materials or products shall conform with the performance standards set forth in Section 15 herein.

2. No outside display, sale or storage of materials (raw, semi-finished, or finished in nature), vehicles (including tractor trailers), equipment, merchandise and other similar goods or containers, shall be permitted except by issuance of a special permit as addressed in Section 16 herein. This requirement does not apply to greenhouses with outside storage.

3. Parking: See Section 8, Off-Street Parking and Loading, herein.

4. Signs: See Chapter 16, Signs, of the Municipal Code. *Amended, Ord. 03-1-8*

   a. Free standing signs, with the exception of monument and shopping center identification signs, are prohibited.

5. Accessory buildings shall not be located in any required yard.

6. Only one principal building shall be permitted on any one lot.

7. Free standing signs, with the exception of monument and shopping center identification signs.

13.3 LOT AND BUILDING REQUIREMENTS

A. Lot size requirements: None.

B. Yard requirements: In addition to any other building setback or yard requirement contained herein every building hereafter erected or enlarged shall provide and maintain a setback from the public street in accordance with the following requirements:

   1. Primary thoroughfare designated by a state or federal highway number: 75 feet from the property line or 150 feet from the centerline of the right-of-way, whichever distance

is greater.

2. Front yard: Not less than 40 feet in depth along every front lot line.

3. Interior side yard: Not less than 20 feet in depth along each interior side lot line.

4. Corner side yard: Not less than 40 feet in depth.

5. Rear yard: Not less than 20 feet in depth along each rear lot line.

6. Transitional yards: Where a side or rear lot line in a M District coincides with a side or rear lot line in an adjacent residence district, a yard shall be provided along such side or rear lot line not less than 100 feet in depth and shall contain landscaping and plantings suitable to provide a year around effective 25 percent screen.

   Where a side or rear lot line in a M District coincides with a side or rear lot line in an adjacent business district, a yard shall be provided along such side or rear lot line not less than 60 feet in depth and shall contain landscaping and planting suitable to provide a year around 25 percent screen.

   Where manufacturing lots front on a street that constitutes the boundary line between manufacturing and residential districts or between manufacturing and business districts, all such manufacturing lots shall provide a front yard of not less than 60 feet in depth.

C. Floor area ratio:

1. Not to exceed 0.4 for one-story buildings.

2. Not to exceed 0.6 for buildings, containing 2 or more stories. A mezzanine is not considered a story.

13.04 PERMITTED USES

Provided all the use restrictions of this district are observed the following uses are permitted:

Animal hospitals (with outside kennels).

Assembly, production, processing, wholesaling or warehousing or manufacturing of any commodity from semi-finished (other than raw) materials, provided explosives, flammable materials, nuclear materials or livestock are not involved.

Building materials sales with outside storage

Equipment sales and service

Greenhouses with outside storage

Local cartage and express facilities, provided explosives, flammable materials, nuclear materials or livestock are not involved.

Printing and publishing

Public utility

Public transportation facilities including shelters, terminals, parking areas and service buildings

Railroad right-of-way.

Research and development facilities or parks, provided explosives, flammable materials, nuclear materials or livestock are not involved.

13.05 **SPECIAL USES**

Provided all the restrictions of this district are observed the following special uses are permitted:

Adult businesses pursuant to Section 16 herein and Section 33.23 and Chapter 44 of the Municipal Code.

Fuel sales and storage

Asphaltic and concrete plans

Building contractor's office with outside storage

Dwelling units for watchmen's quarters

Outside storage on nonasphaltic or concrete pavement

Planned developments of not less than 20 acres

pjh:Marengo.Zone\Section13.Manufacturing

Section 14
PERFORMANCE STANDARDS

14.01 Purpose
14.02 Noise
14.03 Air Pollution
14.04 Water Pollution
14.05 Open Burning
14.06 Toxic or Noxious Matter
14.07 Odors
14.08 Fire and Explosive Hazards
14.09 Vibration
14.10 Glare or Heat

14.01 PURPOSE

Performance standards set forth herein are established to protect the public health, safety, comfort, convenience and the general welfare of the City and to promote a more desirable environment in which to live and work within the City.

14.02 NOISE

No person shall emit beyond the boundary of his property any sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity or so as to violate any rule set forth herein. Lands are to be classified into three classes; Class A is to consist of areas especially noise sensitive in that they incorporate sleeping quarters, namely residential and institutional uses. Class B is to consist of Retail Commercial and Office Commercial land uses, as well as recreational and open space uses. Class C is to include all industrial and manufacturing uses.

The applicable land use designation for undeveloped land shall be determined by the predominant land use of the surrounding property or, if no use is predominant, by the most restrictive designation applicable to any of the surrounding property.

The following standards shall apply.

1. No person shall cause or allow the emission of any noise to abutting Class A property from land used as designated below in excess of the levels specified below, in the designated octave bands, when measured at any point on or beyond the property line of the land on which the noise originates.

Daytime (7:00 a.m. to 10:00 p.m.):

Octave Band Center Frequency	Maximum Sound Pressure Levels (dB) at Emitter's Property Line		
(Hertz)	C	B	A
31.5	75	72	72
63	74	71	71
125	69	65	65
250	64	57	57

500	58	51	51
1000	52	45	45
2000	47	39	39
4000	43	34	34
8000	40	32	32
A-level	61 dB (A)	55 dB (A)	55 dB (A)

NIGHTTIME (10:01 p.m. to 6:59 a.m.):

Octave Band Center Frequency	Maximum Sound Pressure Levels (dB) at Emitter's Property Line		
(Hertz)	C	B	A
31.5	69	63	63
63	67	61	61
125	62	55	55
250	54	47	47
500	47	40	40
1000	41	35	35
2000	36	30	30
4000	32	25	25
8000	32	25	25
A-level	51 dB (A)	45 dB (A)	45 dB (A)

No person shall cause or allow the emission of any noise to abutting Class B property from land used as designated below in excess of the levels specified below, in the designated octave bands, when measured at any point on or beyond the property line of the land on which the noise originates.

24 HOURS PER DAY:

Octave Band Center Frequency	Maximum Sound Pressure Levels (dB) at Emitter's Property Line		
(Hertz)	C	B	A
31.5	88	79	72
63	83	78	71
125	74	72	65
250	69	64	57
500	63	58	51
1000	57	52	45
2000	52	46	39
4000	48	41	34

8000	45	39	32
A-level	66 dB (A)	62 dB (A)	55 dB (A)

No person shall cause or allow the emission of any noise to abutting Class C property from land used as designated below in excess of the levels specified below, in the designated octave bands, when measured at any point on or beyond the property line of the land on which the noise originates.

24 HOURS PER DAY:

Octave Band Center Frequency	Maximum Sound Pressure Levels (dB) at Emitter's Property Line	
(Hertz)	C	All Other
31.5	88	79
63	83	78
125	78	72
250	73	64
500	67	58
1000	60	52
2000	54	46
4000	50	41
8000	47	39
A-level	70 dB (A)	62 dB (A)

14.03 **AIR POLLUTION**

The City adopts the State of Illinois Environmental Protection Agency Air Pollution Regulations. The State of Illinois Environmental Protection Agency Air Pollution Regulations as adopted by the Illinois Pollution Control Board on April 14, 1972 and published by the Illinois Environmental Protection Agency and all amendments thereto, are hereby adopted by reference and made part of this chapter. One copy of said regulations shall be kept on file in the City Hall for public inspection. Any person who violates any provision of said regulations shall be subject to the penalties provided for the violation of this Zoning Code.

14.04 **WATER POLLUTION**

The City adopts the State of Illinois Environmental Protection Agency Water Pollution Regulations. The State of Illinois Environmental Protection Agency Water Pollution Regulations as adopted by the Illinois Pollution Control Board on March 7, 1972 and published by the Illinois Environmental Protection Agency and all amendments thereto, are hereby adopted by reference and made part of this Section 14. One copy of said regulations shall be kept on file in the City Hall for public inspection. Any person who violates any provision of said regulations shall be subject to the penalties provided for the violation of this Zoning Code.

14.05 **OPEN BURNING**

The City adopts the State of Illinois Environmental Protection Agency Open Burning Pollution Regulations. The State of Illinois Environmental Protection Agency Open Burning Regulations as adopted by the Illinois Pollution Control Board on September 2, 1971 and published by the Illinois Environmental Protection Agency and all amendments thereto are hereby adopted by reference and made part of this Section 14. One copy of said regulations shall be kept on file in the City Hall for public inspection. Any person who violates any provision of said regulations shall be subject to the penalties provided for the violation of this Zoning Code.

14.06 TOXIC OR NOXIOUS MATTER

No use shall, for any period of time, emit into the atmosphere, store on site, dispose on site or discharge across the boundaries of the lot wherein it is located, toxic or noxious matter in such concentrations as to be detrimental to, or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business.

14.07 ODORS

The emission of odorous material in such quantity as to be readily detectable at any point along lot lines, or as to produce a public nuisance or hazard beyond lot lines is prohibited.

14.08 FIRE AND EXPLOSIVE HAZARDS

The BOCA Basic Fire Prevention Code (current edition) shall be applicable to all buildings, structures and appurtenances thereof.

14.09 VIBRATION

Any operation or activity which shall cause, at any time and at any point along the nearest adjacent lot line, earth borne vibrations (other than background vibrations produced by some source not under control of this Zoning Code), such as the operation of motor vehicles or other transportation facilities, in excess of the limits set forth in Column I herein, is prohibited. In addition, any operation or activity which shall cause at any time and at any point along a residential boundary line, earth borne vibrations in excess of the limits set for in Column II herein is prohibited. Vibration shall be expressed as displacement in inches and shall be measured with a three component measuring system approved by the City.

Frequency (Cycles per Second)	I* Displacement (inches)	II* Displacement (inches)
0 to 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 and over	.0001	.0001
* Steady state vibrations, for the purpose of this Zoning Code, which are continuous or, if in discrete pulses, are more frequent than 100 per minutes. Impact vibrations, that is, discrete pulses which do not exceed 10 impulses per minute, shall not cause in excess of twice the displacements stipulated.		

14.10 GLARE OR HEAT

No use or activity shall be permitted which causes glare or heat to be transmitted or reflected in such quantities as to be detrimental or harmful to the use of adjacent properties.

pjh:Marengo.Zone\Section14.Performance

Section 15

SPECIAL USES

15.01 Purpose
15.02 General Requirements
15.03 Standards for Special Uses
15.04 Motor Vehicle Special Uses
15.05 Motor Vehicle Service Stations
15.06 Kennels
15.07 Rest Homes, Nursing Homes
15.08 Group Homes
15.09 Earth Materials Extraction, Processing, Site Reclamation and Related Operations
15.10 Adult Businesses
15.11 Bed and Breakfast Establishments
15.12 Conditions of Approval

15.01 PURPOSE

The principal objective of this Zoning Code is to provide for an orderly arrangement of compatible building and land uses, and for the proper location of all types of uses required for the social and economic welfare of the City. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various districts established by this Zoning Code. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the service they provide the public. These "special uses" require particular consideration as to their proper location in relation to adjacent established or intended uses, or to the planned development of the community. The conditions controlling the location and operation of such "special uses" are established by the following provisions of this Section 15.

15.02 GENERAL REQUIREMENTS

The general requirements of the specific zoning district in which the requested use will be located are applicable except where specifically modified by a special use permit. All conditions and requirements, as determined by the City Council and based on recommendations of the Planning and Zoning Commission and City staff, shall be considered as additions to the general requirements as found in this Zoning Code. The special use permit shall include the approved specific conditions required to address circumstances unique to the proposed use.

15.03 STANDARDS FOR SPECIAL USES

The City Council may authorize a special use permit as provided herein upon determining and finding as fact, the following:

1. That the proposed use will not be detrimental to the public health, safety, comfort or general welfare, nor substantially diminish or impair the value of other properties or improvements in the vicinity.

2. That the proposed use will comply with the regulations of the zoning district in which it is located and this Zoning Code generally, including, but not limited to all applicable yard and bulk regulations, parking and loading regulations, sign control regulations, wetlands and flood plain regulations, building and fire codes, and all other applicable City ordinances, or if exceptions are requested, that such exceptions are justified.

3. That the proposed use will not negatively impact the existing off-site traffic circulation; will adequately address on-site traffic circulation; will provide adequate on-site parking facilities; and if appropriate or required, will contribute financially, in proportion to its impact, to upgrading roadway systems.

4. That the proposed use will not negatively impact existing public utilities, facilities and municipal service delivery systems without due consideration for adequate means of upgrading such utilities, facilities and systems.

5. That the proposed use will not negatively impact the environment by creating air, noise or water pollution, ground contamination, or unsightly views without due consideration for adequate means of controlling, mitigating or buffering such impacts.

6. That the proposed use will maintain, where possible, existing mature vegetation; provide adequate screening to residential properties; and provide appropriate landscaping.

7. That the proposed use will meet standards and requirements established by jurisdictions other than the City, such as federal, state, county or other governmental units or agencies requiring licensing, permitting or health/safety inspections, and submit written evidence thereof.

8. That the proposed use shall conform to the regulations established for specific special uses as provided in this Section 15.

15.04 MOTOR VEHICLE SPECIAL USES

Motor vehicle sales and services, parking; used car sales; and sales and service of agriculture implements shall be a special use in any business district. Before a Certificate of Zoning Compliance is issued for any sales and/or used motor vehicle car sales lot special use, the following requirements must be met:

1. The applicant shall demonstrate that the proposed use is economically compatible with existing uses.

2. The special use will not injure surrounding property values.

3. Lighting sources shall be directed away from surrounding properties.

4. Display area shall have a paved surface.

In the event that a sales and/or used motor vehicle sales lot is proposed to be established on a previously improved zoning lot where no Certificate of Zoning Compliance was required, the requirements of this Section 15.04 must be met prior to the issuance of any occupancy permit for such use.

15.05 MOTOR VEHICLE SERVICE STATION

Motor vehicle service station shall be a special use subject to the following:

1. All gasoline pumps and other service facilities shall be located at least 25 feet from any street right-of-way line, side lot line or rear lot line.

2. Every access way shall be located at least 200 feet from the principal building of any fire station, school, public library and church at least 30 feet from the corner of the lot when the lot is at the intersection of public streets.

3. All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

4. Whenever the use of a service station has been discontinued for 12 consecutive months or for 18 months during any three-year period, the Zoning Administrator shall order that all underground storage tanks be removed or filled with material approved by the fire chief.

5. Auto repair stations:

    a. All body shop repairs to motor vehicles shall be conducted wholly within an enclosed building whose doors shall be kept shut tightly during all body repairs or painting work. Such enclosed building shall be located at least 40 feet from the nearest property line with doors not facing toward any residentially zoned or occupied lot.

    b. There shall be no outside parking of motor vehicles except on a temporary basis not to exceed 14 days. Junk parts and junk vehicles shall not be kept outside the building unless in an enclosed privacy fence. This fence must meet all City fence requirements.

    c. Parking shall be provided on the site at a ratio of one parking space for each 3,000 square feet of site area.

15.06 KENNEL SPECIAL USE

A kennel is considered a special use subject to the following:

1. The lot on which the kennel is situated shall have a minimum of three acres.

2. Every kennel shall be located at least 200 feet from the nearest dwelling and not less than 100 feet from any lot line.

15.07 REST HOMES, NURSING HOMES

Rest home and nursing home are a special use in any use district provided that when located in a business district such uses shall be established above the first floor when located in a building constructed for a business use. A building originally constructed for residential use in a business district may be used in whole or in part for rest homes or nursing homes.

15.08 GROUP HOMES

Group home is a special use in any residential zoning district that is licensed or certified by the State of Illinois, supervised and has 9 or more persons plus staff, subject to the following:

1. A minimum distance of 1,000 feet is maintained between group homes;

2. The group home conforms to all current provisions of the Zoning Code, City building code and State of Illinois licensing standards, if applicable to the use. Said conditions may be waived by the City Council.

15.09 EARTH MATERIALS EXTRACTION, PROCESSING, SITE RECLAMATION, AND RELATED OPERATIONS

A. Definitions: In addition to the definitions in Section 3 herein, terms (whether capitalized or not) used in this Section 15.09 shall have the following meanings:

Concrete building materials production plant: A facility that incorporates machinery and earth materials to produce cement or concrete-based products used in the construction of structures or in the building and landscaping industry for marketing and sale.

Concrete recycling plant: A facility that incorporates machinery and a supply of used concrete, cement products and debris to crush and process such materials into raw products to be utilized for sale or incorporation into other products. The term "concrete" herein specifically excludes bituminous concrete, also known as asphalt.

Earth materials extraction: The mining of any natural earth materials or minerals, such as gravel, sand, stone, clay or aggregate by removing the overburden lying above natural depos-

its thereof and mining directly from natural deposits thereby exposed, or from the deposition of overburden therefrom. The term "surface mining" shall be deemed synonymous with "earth materials extraction."

Earth materials processing: The transporting, washing, sorting, screening, grading, crushing and similar processing of natural earth materials or minerals, such as gravel, sand or aggregate, in order to prepare such materials for marketing, sale or incorporation into other earth materials-based products.

Ready-mix plant: A facility used for the dispensing of cement, water, stone and sand into mixer trucks in order to create liquid concrete products to be transported off-site for use in construction of concrete structures and products.

B. Intent: The purpose of this Section 15.09 is to recognize that earth materials extraction and processing and related operations, such as ready-mix plants, concrete recycling plants and concrete building materials production plants, as well as the associated exterior storage of raw and recyclable materials, are uses requiring unique regulatory controls to ensure that:

1. Operations are conducted in a manner that are compatible with the natural and man-made environment;

2. Adverse impacts on surrounding areas, including, without limitation, property values, air quality and noise are minimized; and

3. Mined areas are restored to productive use compatible with the surrounding areas.

It is the further purpose of this Section 15.09 to:

4. Establish regulations and standards for earth materials extraction and processing, ready-mix plants, concrete recycling plants and concrete building materials production plants; the storage and stockpiling of associated raw and recyclable materials; and the trucking and other related operations pertaining to these activities; and

5. Provide for the conservation and reclamation of lands affected by earth materials extraction, processing and related operations in order to restore them to optimum future productive use consistent with the protection of public health and the environment.

Therefore, earth materials extraction and processing, and the operation of ready-mix plants, concrete recycling plants, and concrete building materials production plants shall only be permitted on a special use basis.

C. Applicable Zoning Districts and Operations: In M Manufacturing Districts only, an operator desiring to extract and/or process earth materials shall apply for a special use permit jointly with the owner or any person who is entitled to legal possession of the property to be af-

fected and shall comply with the operation and reclamation regulations in this Section 15.09.

D. Compliance with State and Federal Regulations: It shall be unlawful for any owner/operator to engage in surface mining in an area where the overburden shall exceed 10 feet in depth or where the operation will affect more than 10 acres during the permit year without first obtaining from the Illinois Department of Mines and Minerals a permit to do so, pursuant to the Surface-Mined Land Conservation and Reclamation Act, 225 ILCS 715/1 *et seq.*, as amended.

All owner/operators shall comply with the regulations of the United States Environmental Protection Agency, the United States Army Corps of Engineers, the Illinois Environmental Protection Agency, and any other applicable state or federal laws or regulations, including, but not limited to, occupational health and safety. Any necessary permits shall be obtained prior to issuance of the special use permit. Before the onset of any operations, the City Administrator must be provided with copies of all necessary permits. Such permits must be kept valid and in force for the special use permit to be valid and in force.

E. Application for special use permit: All owner/operators shall apply for a special use permit. In addition to the other requirements of this Section 16, the owner/operator shall present the statements, maps and plans required in Sections 15.09-F and 15.09-G herein. Review and approval of the special use permit and any terms and conditions imposed upon and included with said special use permit shall take into account the materials provided in Sections 15.09-F and 15.09-G herein.

F. Statements: The following statements shall accompany an application for a special use permit:

1. Ownership of land.

2. Minerals to be mined.

3. Character and composition of vegetation and wildlife on land to be affected.

4. The nature, depth and proposed disposition of the overburden.

5. The estimated depth to which the mineral deposit will be mined.

6. Estimated type and volume of excavation.

7. The techniques and equipment proposed to be used, as applicable, for:

   a. earth materials extraction;

   b. earth materials processing;

c. ready-mix plant;

d. concrete recycling plant; and

e. concrete building materials production plant.

8. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water.

9. The method of recycling water used for washing and grading.

10. The proposed usage or drainage of excess water.

11. Location of existing roads, and anticipated access and haulage roads planned to be used or constructed in conducting surface mining.

12. Location and names of all streams, creeks and bodies of water within lands to be affected.

13. Drainage on and away from the lands to be affected, including directional flow of water, natural and artificial drainways and waterways, and streams or tributaries receiving the discharge.

14. Proposed days and hours of operation of all excavation, processing and operations on the property.

15. Projected dates of commencement and completion of all excavation, processing and operations on the property.

G. Maps and Plans: The following maps and plans, which shall constitute the Operations Plan, shall accompany an application for a special use permit:

1. A map or maps (scale of 1" = 100') showing the following:

a. Existing topography at 2' contour intervals.

b. Location of existing water courses or drainage systems.

c. Location and extent of flood hazard areas.

d. Boundaries of the area to be excavated and of each phase if excavation is to proceed or be contemplated to proceed in phases.

e. Locations of proposed and existing structures, equipment and material storage areas and processing areas.

f. Existing or proposed locations of equipment used for grading, crushing, sorting and other related purposes.

g. Location, orientation and dimensions of all proposed landscaping, berming, screening, fencing and gates.

h. Location, dimensions and surface treatment of proposed entrance and exit drive(s), on-site haul roads and parking areas.

i. Access routes between the property and nearest arterial street designated on the City's comprehensive plan.

j. Location, width and grade of all right-of-ways or easements on or abutting the property.

k. Cross-sections showing extent of overburden, extent of deposits to be extracted and water table.

l. North arrow, scale, date of preparation, name of registered civil engineer, landscape architect or surveyor that prepared the map.

m. Existing or proposed location of ground water monitoring well(s).

2. A Reclamation Plan meeting the following requirements:

a. Map (scale of 1" = 100') showing the final condition of the site after extraction and processing activities have been completed.

b. Locations of proposed water courses, water features and drainage systems.

c. Future structures, land uses, roadways and open spaces.

d. Staged schedule of reclamation actions by area detailing dates of completion and reclamation methods.

e. Future landscaping and ground cover.

f. Final grading.

3. All approvals of special use permits for earth materials extraction and processing shall expire 10 years from the date they are approved by the City Council, unless a

longer time is approved by the City Council. The maximum allowable time limit will be 20 years. The City Administrator or his designee will be responsible for monitoring the operation throughout the life of the operation and special use.

H. Renewal of a Special Use Permit: A renewal of a special use under this Section 15.09 shall be for a period of time not more than 10 years.

1. A request to renew a special use permit that involves acreage or equipment in addition to that allowed in the original special use permit, shall be treated in the same manner as the initial application.

2. A request to renew a special use permit when no additional acreage or equipment will be brought into use shall be handled in the following manner:

   If an owner/operator is unable to finish mining the acreage described in the original special use permit in the time specified, he shall apply to the Zoning Council of Appeals for renewal of the special use permit. A public hearing will be held. The maps required by this Section 15.09 for the initial hearing shall be revised, updated and resubmitted, along with a statement of the current status of the mining reclamation.

   Any application for a renewal of a special use under this Section 15.09 shall be filed with the Commission not less than 120 days before the expiration date of the original special use permit or any renewal thereof. A failure to file a request for renewal within the required time designated in this Section 15.09 shall result in a required cessation of mining and sale of product upon the expiration of the special use permit.

I. Surety: All owner/operators shall be required to obtain the proper permits and submit an acceptable irrevocable letter of credit to ensure the completion of the reclamation of the site. If any form of surety is required by the state, the owner/operator shall only be required to provide the City Administrator with a photocopy. A letter of credit will be required by the City of not less than $3,500.00 for each acre to be affected. The actual dollar amount will be established by the City Administrator based upon 150 percent of the City Engineer's estimate of the cost of reclamation per acre average at the time mining is to be performed. This estimate shall take into consideration inflation of costs in future years. The actual operation shall be monitored by the City Administrator, or his designee, and he/she shall prepare a written report for review by the City Council on the progress before partial or full release or reduction of the letter of credit.

The surety shall be held by the City. Such surety shall remain in effect until the affected lands have been reclaimed in accordance with the Reclamation Plan, and the work is approved by the City Administrator at the annual review of the operation (see Section 15.09-N herein). Land shall not be mined unless a surety for that land has been filed with the City. The surety shall be approved by the City Attorney. The surety shall be for assurance of completion of reclamation, and the initial surety amount shall be set on an anticipated three years

working basis with reasonable allowance for inflation of costs. Before the end of each one-year period, the City Administrator's evaluation and the approval of the past year's work shall be required for release of or reduction of the letter of credit amount, and at that time, the surety level shall be established for the next one-year period or fraction thereof. Decisions of the City Administrator relative to any aspect of this Section 15.09-I are appealable to the City Council, whose decision is final.

J. Reclamation Regulations: The Reclamation Plan map and statement of sequential operation and reclamation shall be followed to produce a finished condition that complies with the Reclamation Plan map and the provisions of this Section 15.09 so as to provide for the return to a useful purpose of the affected land.

K. Changing the Reclamation Plan: In the event a change in the Reclamation Plan is necessary due to the unanticipated characteristics of the area concerned, the City Administrator, after being provided with appropriate documentation, shall study the proposed change, and give a report to the City Council for its review. Changes may be made in the Reclamation Plan upon the mutual consent of the owner/operator and the City Administrator and approval by the City Council. The change shall preserve as substantially as possible the original Reclamation Plan, but shall also provide for the previously unknown variables.

L. Finished Conditions: The finished conditions of all land affected by surface mining shall:

1. Be back-filled with earth or other suitable fill material approved by the City and graded to a rolling topography traversable by machines necessary for maintenance in accordance with planned use, with slopes having no more than 15 percent grade. In the case of those lands to be reclaimed in accordance with the filed plan for forest plantations, recreation or wildlife, the final cut spoil, the outside slope of the box cut spoil, the outside slopes of all overburden deposition area, and the side slopes of haulage road inclines shall not exceed 30 percent grade; but such slopes need not be reduced to less than the original grade of the overburden of the area prior to mining;

2. Be designed to control conditions that could cause erosion on the site or on surrounding streets or properties;

3. Be designed to eliminate large undrained depressions other than artificial lakes, or depositions designed specifically for erosion control;

4. Be designed so that any surface drainage from the property shall leave the property at the original natural drainage points. If this is not possible, the drainage plans must be reviewed by the City Engineer as part of the overall submission. Drainage volume shall not be increased over what it would have been if the site was left in its former use and water conservation practices were applied. The finished condition must meet the City standards for storm water retention-detention contained within the Municipal Code;

5. Be covered with arable topsoil (except for areas under water) to a minimum depth of six inches, and shall have a minimum of 10 percent organic material, except that no greater depth of topsoil or percentage of organic material shall be required than that originally existed on the property prior to commencement of operations;

6. Be successfully planted (after replacement of the topsoil) with trees, shrubs, legumes, grasses or other vegetative ground cover in accordance with the Reclamation Plan in order to avoid erosion; and

7. Whenever production and/or processing on any property shall have been completed, then all processing plants, buildings (other than those shown on the Reclamation Plan), structures (except fences), and equipment, shall be entirely removed from the property within one year after completion, including, but not limited to, such items as stumps, boulders and other debris resulting from excavation and related activities.

M. Operations and Reclamation Requirements and Performance Standards: The operation and reclamation of the property shall be in accordance with the following conditions:

1. Existing trees, shrubs and other types of woody vegetation along road frontages shall be protected and maintained. Weeds and other unsightly noxious vegetation shall be cut or trimmed as may be necessary to present a reasonably neat appearance, to prevent grass fires or the hazard of grass fires.

2. The following apply to protection of ground water levels and quality:

   a. No extraction operations shall be conducted in such a manner that the ground water table of surrounding properties is harmfully lowered or impacted. The maximum excavation depth shall not go below existing ground water, except where the approved Reclamation Plan provides for a water feature or for refilling of such excavation. Any such refilling shall be in compliance with applicable state and federal laws and regulations governing ground water pollution.

   b. Water pumped from the site for the purpose of washing shall be retained in a pond until the silt and clay settles and then the water shall be recycled in the area affected.

   c. The owner/operator shall install a ground water monitoring well or wells, the location, type and number of which shall be shown on the Operations Plan. Such wells and related gauges shall be located and constructed to provide measuring data relative to the movement of ground water and changes in the levels thereof and water quality testing. The City shall have the authority to establish and periodically update ground water parameters consistent with

standards in the field of earth materials extraction monitoring typical in the State of Illinois. As of the date of the adoption of this Section 15.09-M2, which is August 26, 2002, the following parameters shall apply:

I. The owner/operator shall provide ground water level reports quarterly using the data from the monitoring well or wells and related gauges, at times and upon forms provided by the City Administrator.

II. The owner/operator shall provide annual ground water quality reports at times and on forms provided by the City Administrator using samples from the monitoring well or wells. If the operations involve the removal of materials from below the elevation of the ground water, or if the standing water exists within the area of active operation or disturbed area, then the owner/operator shall provide ground water quality data to the City Administrator quarterly with the ground water level reports.

3. If the subject areas shall front on a township road which is used for access to the site, the owner/operator shall, coincidental with commencement of operations, bring that township road up to the paving standards defined for industrial roads in the *Schedule of Minimum Design Requirements for Subdivision Roads in McHenry County*, from the entrance to the subject area to the nearest federal, state or county road used by the operator. The owner/operator shall repair any section of road damaged as a result of gravel hauling operations, but shall not be responsible for the normal wear and tear of the road. This provision shall not be construed to require the operator to purchase additional right-of-ways.

4. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements and wells, and damage to any street by slides, sinking or collapse of supporting soil adjacent to an excavation.

5. The following apply to surface mining conditions only, not to reclamation conditions:

a. Surface mining operations that remove and do not replace the lateral support shall not approach property lines, established right-of-way lines of any public roads, streets or highways closer than a distance equal to 100 feet unless a lesser distance is mutually agreed to by the operator and adjacent property owner and submitted in writing for review and approval by the City.

b. The bottom of the slope of the mined face of the excavation shall not be closer to the point determined per Section 15.09-M5a herein, than a distance equal to 1½ times the depth of the excavation.

c. If consolidated materials occur in the mined face, the slope of the face may be steeper than 1½ to 1 slope per Section 15.09-M5b herein for the depth(s) of those materials; however, all other mined slopes of unconsolidated materials shall be no steeper than those per Section 15.09-M5b herein.

d. Overburden shall not be removed from more land than is to be mined within one year. No overburden shall be removed from additional land until vegetative ground cover in conformance with the Reclamation Plan is installed on all land where excavation is complete and the land is not being used for earth material storage.

6. Notwithstanding any other provisions of this Section 15.09 or of other ordinances and codes relating to screening, all active operations shall be screened and buffered by an earthen berm of not less than six feet in height and/or a farm fence of not less than 54 inches in height, of such a design so as to allow the free flow of wild animals, but to discourage trespass by humans and farm animals. Berms that will remain in place for one year or longer shall be planted with grass or suitable vegetative ground cover, shrubs and trees and maintained as a visual and acoustical screen. They shall be designed so they do not erode into the road or highway right-of-way or onto the adjoining property. Such berms shall be installed prior to the commencement of any operations adjacent to said activity. The berm design and the landscaping plan, including the type, quantity and species of plants, shrubs and trees, shall be subject to review and approval of the City. Trees and shrubbery shall be planted on the berm. Trees planted shall be approximately 10 feet or more in height and shall be planted in two rows approximately 16 feet apart, and shall be centered approximately 20 feet apart in each row, with the back row staggered. Random shrubbery shall also be planted. The trees shall be as specially developed and recommended for rapid growth and appearance by the United States Forestry Service, and shall be in accordance with the standards adopted by the Illinois Department of Mines and Minerals pursuant to the Illinois Surface-Mined Land Conservation and Reclamation Act. Until such growth is established, the owner or operator shall be responsible for weed control and may be required to do re-seeding or re-planting for areas where the vegetation dies or does not take. A gate shall be placed at all entrances that will be kept locked whenever the owner, operator or their agent is not on site.

7. The processing and stockpiling of earth materials and recyclable materials shall not be conducted within 300 feet of the property lines of any adjoining residentially zoned property. There shall be no importation onto the site of materials that do not relate to the approved uses, including, but not limited to, mixed construction debris and asphalt. The maximum height of stock piles of any materials shall not exceed the height of the earthen berm on the perimeter of the property.

8. Other than maintenance functions, no earth extraction and processing operations, ready-mix or concrete production, or recycling of concrete, shall take place at any

time on Sundays, or holidays recognized by both state and federal governments, or on Saturday prior to 6:00 a.m. and after 4:00 p.m. or between 6:01 p.m. and 5:59 a.m. on all other days.

9. Operations shall be conducted so that noise levels and air and water standards comply with federal and state standards.

10. To minimize airborne dust and the deposit of dirt and gravel on public streets, all access ways and on-site roads shall be maintained in a dust-free condition either by paving or spraying with calcium chloride or other products of like effect.

11. The premises shall be neat and orderly, free from junk, trash, abandoned equipment, or unnecessary debris. Debris, including, but not limited to rebar from concrete recycling, shall be regularly removed from the site. The site shall not be used as storage for debris not related to the special use permit. Buildings and structures shall be maintained in a sound condition, in good repair and appearance. Salvageable equipment stored in a non-operating condition shall be suitably screened or garaged. Berms and fences shall be kept in good repair.

12. Enough topsoil must be stockpiled to meet the finished conditions of Section 15.09-M5 herein.

13. Trucks hauling excavated materials shall be loaded so as to prevent spillage onto public streets. All trucks shall be covered. Any spillage on streets must be removed by the owner or operator within 24 hours of a spill. The entrances into the site shall be swept on a regular basis, with no less a frequency than weekly during peak season (April 1 to November 30). The owner or operator shall attempt to minimize the migration of loose gravel onto public streets by requiring that spread pans, side rails, suspension systems and the like be kept free of sand and gravel to an extent as is reasonably possible.

14. All equipment, machinery and vehicles operating on the site shall be operated and maintained so as to minimize the possibility of oil or fuel leaks. Should a leak or similar accident occur, the owner or operator shall have a written emergency plan and the proper equipment and materials necessary to contain and clean up any such leak. If a leak occurs such that the plan is put into effect, the City shall receive a report of the incident. The plan shall be updated as technology evolves.

15. Only those vehicles and items of equipment which relate to the approved activities on the site may be parked or stored on the site.

16. In case of conflict between any Operations Plan or Reclamation Plan or map and the provisions of this Section 15.09-M, the greatest restriction or highest standard shall govern, unless an exception is specifically provided for in a special use permit.

N. Enforcement: The City Administrator, or his designee, in conjunction with the City Engineer, shall annually review each special use granted under this Section 15.09 Such inspections shall include all activities permitted on the property.

In addition to the Reclamation Plan/map, the owner/operator shall provide the City Administrator with an annual aerial photo of his total operation, enlarged to a scale of one inch equal 100 feet or other scale that would adequately display the property affected on a 30-inch square format. The first photo shall be taken during the first year in operation and subsequent photos shall be taken in the same month of the following years. Each year's photo shall be presented at the same scale for the purpose of comparison. The photo shall be taken in clear daylight when the area is without foliage or snow. Every three years, the City shall be provided with a new topographical map of the site drawn at two-foot contour intervals.

The City Administrator, in conjunction with the City Engineer, shall prepare a report and submit it to the City Council for its review and approval. If it is determined that the operator is not in compliance with this Section 15.09-N, the surety requirement, the operations and reclamation statements, plans or maps, or any other aspect of the approved special use permit, the City Administrator shall issue a stop-work order on all operations other than reclamation work needed to bring the operation into compliance.

Before release or reduction of a surety, an on-site inspection of the acreage reclaimed shall be made by the City Administrator and the City Engineer to check for compliance with the Reclamation Plan and any additional conditions of the special use permit. A random count procedure shall be used to check seeding, plantings and depth of topsoil.

The full costs of all inspections shall be borne by the owner/operator. Failure to pay invoices for such costs after the expiration of 30 days after the date the invoices are mailed or delivered to the owner/operator, shall result in a stop-work order being issued by the City.

15.10 ADULT BUSINESSES

A. Purpose and Intent: It is the intent of this Section 15.10 to protect and preserve the health, safety, welfare and morals of the citizens of the City by regulating adult business within the City.

B. General Standards:

1. A special use permit must be issued for each adult business pursuant to this Section 15.

2. Location Restrictions: No adult business shall be operated within 1,000 feet of a residential zoning district or within 1,000 feet of the property boundaries of any school, day care center, cemetery, public park, public housing, nursing home, rest home,

sheltered care facility and place of religious worship. The distance limitation shall be measured in a straight line from the lot lines of said adult business and applicable residential zoning district, school, day care center, cemetery, public park, public housing, nursing home, rest home, sheltered care facility and place of religious worship.

3. Only one adult business shall be permitted per block face.

4. Sign Requirements: The following sign requirements shall apply to any adult business:

   a. All signs shall be flat wall signs.

   b. The amount of allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, or as permitted by the ordinances of the City, whichever is more restrictive.

   c. Window areas shall not be covered or made opaque in any way. No sign shall be placed in any window. One 1 square foot sign may be placed on the door to state hours of operation and admittance to adults only.

5. Advertising: No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building.

6. Alcoholic Liquor Prohibited: It shall be unlawful for any adult business to sell, distribute or permit beer or alcoholic beverages on the premises.

15.11 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments, as defined and regulated by 50 ILCS 820/1 *et seq.* and licensed by Section 31.03 of the Marengo Municipal Code, shall be a special use in any residential zoning district. When a bed and breakfast establishment is within a single family detached dwelling, the City, as part of the special use approval process, may consider the use of accessory structures for guest room accommodations.

15.12 CONDITIONS OF APPROVAL

A. Development of Conditions: The Planning and Zoning Commission may recommend, and the City Council may impose, such conditions of approval upon a special use permit as to the establishment, location, construction, maintenance and operation of a special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements of Section 15.03 herein.

B. Landscape Plan: A Landscape Plan shall be required for all applications for a special use permit. The Landscape Plan shall be prepared in accordance with Chapter 21, Landscaping Code, of the Marengo Municipal Code. The Commission or the City Council may request or require the review of all landscape plans as part of the consideration of a petition for a special use permit.

pjh:Marengo.Zone\Section15.SpecialUse.Sept09

Section 16

PLANNED DEVELOPMENT

16.01 Purpose
16.02 Where Permitted
16.03 Minimum Area
16.04 Required Sewer and Water
16.05 Procedure, Application and Referral
16.06 Preliminary Application for Development Plan
16.07 Planned Development Final Approval
16.08 General Standards
16.09 Bulk Regulations
16.10 Approval
16.11 Time Limit
16.12 Minor Modification of Plans
16.13 Performance

16.01 PURPOSE

The development and execution of a zoning ordinance is based upon the division of the City into districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. It is also recognized that new types and procedures in land development or redevelopment are emerging and that the mixing of uses and variations in heights and yards can produce very satisfactory and lasting results, if properly designed and planned, without adverse influence upon surrounding property.

16.02 WHERE PERMITTED

A planned development may be located in any zoning district, subject to the procedures and standards set forth below and subsequent to the issuing of a special use permit.

16.03 MINIMUM AREA

No minimum lot area or acreage is required to be eligible for consideration as a Planned Development Area. The major requirement is that the tract be both self contained and homogeneous, as well as being improved so as to benefit the entire City with no adverse effect upon the surrounding property.

16.04 REQUIRED SEWER AND WATER

A planned development shall be served by a sanitary sewerage system and a public water supply system.

16.05 PROCEDURE, APPLICATION AND REFERRAL

The applicant shall submit a concept plan to the City Council for information purposes and for referral to staff and the Planning and Zoning Commission. Following staff review and comments, and the review by the Planning and Zoning Commission the applicant may begin the preliminary plan procedures.

16.06 PRELIMINARY APPLICATION FOR DEVELOPMENT PLAN

Any person or persons owning lots or land within the City may apply to the Commission for consideration of a planned development. The Commission may approve or disapprove the application or may make recommendations regarding changes or revisions that it deems desirable. Said recommendation shall be forwarded to the City Council. If the preliminary plan is approved by the City Council the petitioner may proceed with final plan. The preliminary application shall be accompanied by the following.

1. A reproducible map with 15 prints of a survey of the property showing existing features of the property, including specimen trees, structures, streets, easements, utility lines and existing land use.

2. A reproducible map with 15 prints of a preliminary development plan which shall be in conformance with the approved tentative plan, showing, as appropriate, all the information required on the tentative development plan; the approximate location and proposed density of dwelling units; non-residential building intensity; and land uses considered suitable for adjacent properties.

    a. Proposed land uses, population densities and building intensities.

    b. Proposed circulation pattern, indicating both public and private streets and off-street parking ratio.

    c. Proposed parks, playgrounds, school sites and other open spaces.

    d. A market analysis of proposed commercial use, if the property is not zoned for commercial purposes at the time of submittal of the preliminary development plan.

    e. Delineation of the units to be constructed in progression, if any.

    f. Relation to future land use in surrounding area and Marengo Comprehensive Plan.

3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of total number of acres in the project and the percent thereof designated for various uses; the number of dwelling units proposed by type of dwelling for each unit of the development; estimated residential population by type of dwelling for each unit of the development; estimated non-residential population; proposed retail sales by unit and economic justification; anticipated timing for each unit and standards for height; open space, parking area and parking spaces, lot coverage, land in streets, floor area ratio, population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from the standard zoning district or other ordinance regulations governing development. The applicant shall provide an itemized list of exceptions by unit and by zoning district, when exceptions are requested by the applicant from the standard zoning district.

4. The written approval of every property owner within the development to be bound by the proposed agreements and conditions, and to agree to file the written agreement with the Recorder of Deeds of McHenry County before the final plan is approved by the City Council.

5. Engineering feasibility studies, as necessary.

16.07 PLANNED DEVELOPMENT FINAL APPROVAL

Planned development approval, valid for one year, shall be secured for each unit of the development

as delineated on the preliminary development plan and approved by the Commission and the City Council. Planned development plans shall be prepared by a qualified professional team and be concerned with but not necessarily limited to the following:

1. A reproducible map with ten prints of the site plan showing buildings, various functional use areas, circulation and their relationships.

2. Preliminary building plans, including floor plans, exterior elevators and outline specifications of type of building materials, type of wall and roof construction, type of pavement and surfacing materials.

3. Landscaping plans including type of plant materials and their arrangement.

4. Engineering plans, including site grading, street improvements, drainage and public water, sanitary sewer and storm sewer extensions, as necessary.

5. Information necessary for evaluation and assignment of fire zone designations, including proposed use and occupancy, and building heights and area of each building or structure and proposed distances between buildings and structures and distances to property lines.

6. There shall also be submitted with the final plan, a written agreement of restrictions assuring the City that the development will be carried out in full compliance with the final plan and within the time schedule of construction submitted with the final plan.

7. All required materials such as maps and proposals, exhibits, etc., along with the proper fees, shall be presented to the City Clerk prior to notice of publication for a Commission meeting or a zoning hearing.

8. Final development plans must be submitted to the Commission after approval of the preliminary development plan.

16.08 GENERAL STANDARDS

A planned development shall conform to the following requirements:

1. The number of dwelling units erected shall not exceed the number permitted by the regulations of the district in which it is located.

2. The yards and open spaces adjoining the boundaries of the project shall not be less than the yard requirements of the district in which it is located.

3. If a building is permitted to exceed the height limit of the district in which it is located, the yards and open spaces around such building shall be increased by an amount equal to the height that the building exceeds the height limit of the district measured in feet.

4. If more intensive uses are permitted than are required by the district regulations, there must be clear evidence that such uses are needed to service the project provided the Commission shall find:

    a. That the use permitted by such exceptions are necessary or desirable and are appropriate with respect to the primary purpose of the development;

    b. That the uses permitted by such exception are not of such a nature or so located as to

exercise a detrimental influence on the development nor on the surrounding neighborhood;

c. That not more than 15 percent of the ground area or of the gross floor area of such development shall be devoted to the uses permitted by said exceptions;

d. That in a planned manufacturing development such additional uses allowed by exception shall conform with the performance standards of the district in which the development is located as set forth in Section 13 of this Zoning Code;

e. That the use exceptions so allowed are recorded on the zoning district maps by appropriate symbols or by reference to documents on file with the Zoning Administrator;

f. Where the planned development is to be located in a residential district, no use exceptions shall be allowed unless the size of the planned development exceeds 20 acres.

5. The amount of off-street parking must be adequate to serve the needs of the projects and the Commission and City Council may require more off-street parking than is otherwise required by this Zoning Code.

6. If any open space or recreational facility is to be used solely by the residents of the project, adequate provisions shall be made for assessments against the property within the project so that such facilities can be properly improved, maintained and operated.

7. Underground Utilities. Underground utilities including telephone and electric systems are required within the limits of the planned development. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Commission finds that such exemption will not violate the intent or character of the development.

16.09 BULK REGULATIONS

In the case of any planned development, the Commission may recommend, and the City Council may authorize, exceptions to the applicable bulk regulations of this Section 16.09 within the boundaries of such development, provided that the Commission shall find:

1. That such exception shall be solely for the purpose of encouraging a desirable living environment no less beneficial to the residents or occupants of such development, as well as of neighboring properties, than would be obtained under the bulk regulations of this Zoning Code for buildings developed on separate zoning lots.

2. That the gross population density shall not be increased above the number which would be permitted under the otherwise applicable district regulations.

3. That along the periphery of planned developments, yards shall be provided as required by the regulations of the district in which said development is located.

4. That not less than 50 percent of the lot coverage in a residential planned development in the residential zoning districts shall be used for green space and recreational facilities.

5. Other standards for height, density, yard regulations, parking, loading and screening for a planned development shall be governed by the standards of the residential, commercial or

industrial zoning district(s) most similar in nature and function to the proposed planned development as determined by the Commission. Standards for public improvements shall be governed by the applicable ordinances and laws of the City. Exceptions to these standards by the Commission and the City Council are possible when these bodies find that such exceptions are warranted in terms of the total proposed development.

16.10 APPROVAL OF THE DEVELOPMENT PLAN

Whenever the Commission and the City Council approve the final plan and accompanying agreements, the Zoning Administrator shall issue the necessary permits for all of the project or for such phases thereof that are to be first constructed provided fees are paid and building codes are met. The City Administrator may, from time to time, approve minor changes within the project, but such changes shall not be of a nature that would affect the character and standard of the Planned Development.

16.11 TIME LIMIT

If no construction has been started within two years from the date of approval of the final plan, the permits shall be declared null and void and the project shall not be initiated unless it is resubmitted and reapproved in the same manner that it was approved in the first instance. The City Council may, however, extend the period for initiating construction upon a showing of good and sufficient cause.

16.12 MINOR MODIFICATIONS TO PLAN

The Zoning Administrator may, from time to time, approve minor changes within the project, but such changes shall not be of a nature that would affect the character and standard of the planned development.

16.13 PERFORMANCE

At the time of the granting of the permit, the City Council shall make appropriate arrangements with the applicant which will insure the accomplishment at the scheduled times, of the public improvements and grants of easement shown on the approved final plan.

pjh:Marengo.Zone\Section16.Planned Development

Section 17
ADMINISTRATION

17.01 Zoning Administrator
17.02 Certificate of Zoning Compliance
17.03 Certificate of Appropriateness
17.04 Continuance of Existing Uses
17.05 Planning and Zoning Commission
17.06 Variations and Standards for Variations
17.07 Special Uses and Standards for Special Uses
17.08 Text Amendments and Standards for Text Amendments
17.09 Re-zonings (Map Amendments) and Standards for Re-zonings
17.10 Conditions
17.11 City Council Action
17.12 Change of Zoning
17.13 Implementation of Variations/Special Uses
17.14 Revocation of Variations/Special Uses
17.15 Public Hearing Requirements
17.16 Written Protests
17.17 Hearing Officer Alternative Process

17.01 ZONING ADMINISTRATOR

The Administrator, or his or her designee, is the Zoning Administrator (also called the Zoning Enforcement Officer) and shall have the following powers and duties:

1. Receive and process all applications and petitions for zoning matters pursuant to this Zoning Code.

2. Be responsible for the interpretation of the provisions and regulations of this Zoning Code.

3. Be responsible for administering and enforcing this Zoning Code, including conducting of inspections required by this Zoning Code or as are necessary to ensure compliance with the provisions of this Zoning Code.

4. Serve as a staff liaison to the Commission.

5. Publish annually an up-to-date copy of the Zoning Map as provided by Illinois Compiled Statutes.

6. Maintain for public inspection, during regular business hours, a copy of this Zoning Code together with the Zoning Map, along with all amendments thereto.

7. Maintain all minutes and records of the Commission, and documents, including but not limited to ordinances and permits, that memorialize or authorize zoning actions taken by the City Council.

8. Perform such other duties as are delegated to him or are provided for generally in this Zoning Code.

9. To review and refer requests for variances, special uses permits and zoning amendments affecting designated landmarks or property within a designated historic district to the Historic

Preservation Commission after review and approval by the Commission.

10. To refer applications for construction, alteration, removal or demolition affecting proposed or designated landmarks or structures within designated historic preservation districts.

17.02 CERTIFICATE OF ZONING COMPLIANCE

Upon the adoption of this Zoning Code no land shall be developed, no new use or structure shall be established or erected and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until a Certificate of Zoning Compliance has been issued. The Zoning Administrator shall not issue a Certificate of Zoning Compliance unless it has been determined that the proposed work conforms to the applicable provisions of this Zoning Code.

1. Application: An application for a Certificate of Zoning Compliance shall be submitted to the Zoning Administrator in graphic and/or in narrative form containing the following:

    a. Name, address and phone number of the applicant(s).

    b. Name, address and phone number of the owner(s) or operator(s) of the proposed structure or use, if different.

    c. Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees and other related information.

    d. Location of the proposed use or structure and its relationship to existing adjacent uses or structures.

    e. Area and dimensions of the site for the proposed structure or use.

    f. Number and size of proposed dwelling units, if any.

    g. Location and number of proposed parking/loading spaces and access ways.

    h. Any other information that the Zoning Administrator may require.

2. Relationship to Building Permits: Upon the effective date of this Zoning Code, the Building Commissioner shall not issue any building permit for the erection, enlargement, extension, alteration or reconstruction of any structure unless the applicant for such permit presents to the Building Commissioner a copy of the Certificate of Zoning Compliance pertaining to such work.

3. Corrective Action Orders: Whenever the Zoning Administrator finds by inspection or otherwise, that any lot, structure or use or work thereon is in violation of this Zoning Code, he/she shall so notify the responsible party and shall order corrective action.

4. Contents of Order: The order to take corrective action shall be in writing and shall include:

    a. A description of the premises sufficient for identification.

    b. A statement indicating the nature of the violation.

    c. A statement of the remedial action necessary to effect compliance.

    d. The date by which the violation must be corrected.

e. A statement that the alleged violator is entitled to a conference with the Zoning Administrator if he/she so desires.

f. The date by which an appeal of the corrective action order must be filed and a statement of the procedure for so filing.

g. A statement that failure to obey a corrective action order shall result in revocation of the Certificate of Zoning Compliance and may result in the imposition of fines.

5. Service of Order: A corrective action order shall be deemed properly served upon the owner, occupant or operator of the offending lot, structure or use if it is: served personally; sent by certified or registered mail to his/her last known address; or posted in a conspicuous place on or about the affected premises.

6. Stop Orders: Whenever any work is being done in violation of a Certificate of Zoning Compliance or this Zoning Code, the Zoning Administrator's corrective action order may state that the violation must cease immediately. In such cases, the corrective action order is equivalent to a stop order.

7. Emergency Measures: Notwithstanding any other provisions of this Zoning Code, whenever the Zoning Administrator determines that any violation of this Zoning Code poses an imminent peril to life or property, he may institute without notice or hearing any necessary proceedings to alleviate the perilous condition. At the earliest possible time notice shall be served. Costs including attorney fees incurred by the City shall be paid by violator.

8. Complaints: Whenever any violation of this Zoning Code occurs or is alleged to have occurred, any person may file a complaint to the Zoning Administrator. The Zoning Administrator shall record such complaints, immediately investigate and if necessary, institute appropriate corrective action.

17.03 CERTIFICATE OF APPROPRIATENESS

Upon adoption of this Zoning Code no structure or property designated as a landmark or for which designation as a landmark has been applied or which is included within the boundaries of a designated historic preservation district shall be developed, constructed, altered, removed, or demolished without first obtaining a certificate of appropriateness for such actions. Additional information is available in the City's Historic Preservation Ordinance.

17.04 CONTINUANCE OF EXISTING USES

Nothing in Sections 17.02 or 17.03 herein shall prevent the continuance of the present occupancy or lawful use of any existing building or zoning lot, except as provided in Section 6 of this Zoning Code, and except as may be necessary for the safety of life and property. Certificates for the continued occupancy of legal non-conforming uses existing at the time this Zoning Code and subsequent amendments become effective shall be issued by the Building Commissioner upon request, and the certificate shall state the use is non-conforming and does not conform with the provisions of this Zoning Code.

17.05 PLANNING AND ZONING COMMISSION

The Commission, in addition to its powers and duties as prescribed in Section 3.06 of the Marengo Municipal Code and State Statutes, shall have the powers and duties prescribed by this Chapter 22, Zoning Code, of the Municipal Code.

1. Commission Jurisdiction: The Commission is hereby vested with the following powers and duties:

   a. To hear and decide appeals alleging error in any order, requirement, decision or determination of the Zoning Administrator or Building Commissioner relating to zoning matters set forth in this Zoning Code. After holding a public hearing, the Commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Zoning Administrator or Building Commissioner.

   b. To recommend to the City Council, after holding a public hearing, on applications or petitions for variations from the strict enforcement of any provisions of this Zoning Code, in accordance with the rules and standards hereinafter set forth.

   c. To recommend to the City Council, after holding a public hearing, on applications and petitions for special uses listed in each of the several zoning districts.

   d. To recommend to the City Council, after holding a public hearing, on applications and petitions for Planned Developments referred to it by the City Council and to hear and decide other matters referred to it or upon which it is required to pass under the provisions of this Zoning Code.

   e. To sit as a special zoning commission for considering text amendments to this Zoning Code. After holding a public hearing on any proposed text amendments the Commission shall recommend to the City Council whether or not such text amendments should be passed. The Commission may also make recommendations for text amendments, after public hearing, on its own petition.

   f. To recommend to the City Council, after holding a public hearing, on petitions for amendment of the provisions of this Zoning Code (a.k.a. text amendments) and the boundary lines of zoning districts herein established (a.k.a. re-zonings or map amendments). Nothing herein contained shall be construed to authorize the Commission to change any of the provisions of this Zoning Code or district boundary lines established hereby.

   g. The concurring vote of four members shall be necessary to reverse any order, requirement, decision, or determination of the Building Commissioner or Zoning Administrator or to decide in favor of the petitioner or applicant in considering any matter upon which the Commission is authorized to act.

   h. To transmit to the City Council, with every recommendation, a written finding of fact and to refer to any documents and exhibits containing plans and specifications relating to its recommendation, which documents, plans and specifications shall remain a part of the permanent records of the Commission. The finding of fact shall specify the reason or reasons for its recommendation. The recommendation, or the terms of any relief recommended, shall be incorporated into the finding of fact, and shall be specifically set forth in a conclusion of the finding.

2. Commission Meetings and Hearings: All meetings and hearings of the Commission shall be held at such times as the Commission and/or the Corporate Authorities may determine, and the schedule of such meetings and hearings shall be posted at City Hall. The presence of four Commissioners shall be necessary for a quorum. The Chairman, or Acting Chairman, may administer oaths and compel the attendance of witnesses. The Commission shall have the authority to adopt procedural rules for the conduct of its meetings and hearings consistent with

the provisions of this Chapter 17 and other codes and ordinances of the City. The Commission shall keep minutes of its proceedings, keep record of its examinations and other official actions, prepare findings of fact, and record the individual votes upon every question. Such minutes shall be filed with the City after each meeting or hearing, which shall be a public record.

3. Appeals and Stay of Proceedings: An appeal may be taken from any order, requirement, decision or determination of the Building Commissioner relating to zoning matters set forth in this Zoning Code by any person, firm or corporation aggrieved thereby, or by any officer, department, board or commission of the City. The appeal shall be taken within 45 days of the action complained of by filing a notice of appeal in duplicate, specifying the grounds thereof, in the office of the City Clerk who shall transmit forthwith one copy to the Building Commissioner and one copy to the Chairman of the Commission. The Building Commissioner shall forthwith transmit to the Chairman of the Commission all papers constituting the record upon which the action appealed from was taken.

   An appeal stays all proceedings in furtherance of the action appealed from unless the Building Commissioner certifies to the Commission that, by reason of facts stated in the certification, a stay would cause imminent peril to life or property. In such case the proceedings shall not be stayed except by a restraining order issued by the Commission or a court of record after notice to the Building Commissioner and on due cause shown.

   The Commission shall select a reasonable time and place for the hearing of the appeal, give due notice thereof to all interested parties and shall render a written decision on the appeal without unreasonable delay. Any person may appear at the hearing and present testimony in person or by a duly authorized agent or attorney.

17.06 VARIATIONS AND STANDARDS FOR VARIATIONS

A. Variations, Purpose and Intent: In order to accomplish the general purpose of this Zoning Code, consideration may be given to certain practical difficulties or hardships in carrying out the strict letter of regulations of this Zoning Code. The purpose of a variation is to provide relief from difficulties and hardships arising from requirements including, but not limited to, bulk, setback, height, parking and loading, and other regulatory elements of this Zoning Code. The term "variation" as used in this Zoning Code does not include and is not applicable to map amendments (rezonings), text amendments, or special uses. The Commission may recommend to the City Council variations of the regulations of this Zoning Code in harmony with their general purpose and intent only in the specific instances hereinafter set forth and grant by ordinance a variation to permit relief from any provision relating to the use, construction or alteration of buildings or structures or the use of land, where the Commission makes a finding of fact based on the standards hereinafter prescribed, when evidence in a specific case shows conclusively that literal enforcement of any provision of this Zoning Code would result in a practical difficulty or particular hardship because of unusual surroundings or condition of the property involved, or by reason of exceptional narrowness, shallowness or shape of the zoning lot, or because of unique topography, underground conditions or other unusual circumstances.

B. Standards for Variations: Before recommending any variation, the Commission shall first determine based upon the evidence presented to it in each specific case that:

   1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zoning district in which it is located;

   2. The plight of the owner is due to unique circumstances;

3. The variation, if granted, will not alter the essential character of the locality; and

4. The variation, if granted, will be in harmony with the general purpose and intent of this Zoning Code.

For the purpose of implementing the above rules, the Commission shall also, in making its determination whether there are practical difficulties or particular hardships, take into consideration the extent to which the following facts and conclusions favorable to the applicant have been established by the evidence and are justified:

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

2. The conditions upon which the petition for a variation is based are unique to the property for which the variation is sought, and would not be applicable, generally, to other property within the same zoning classification;

3. The purpose of the variation is not based exclusively upon a desire to increase the value of the property, the monetary gain to be realized from the property, or to alleviate financial difficulty experienced by the petitioner in the attempt to comply with the provisions of this Zoning Code;

4. The alleged difficulty or hardship is caused by the application of this Zoning Code and has not been created by any person presently having an interest in the property;

5. 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;

6. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fires, or endanger the public safety, or substantially diminish or impair property values in the neighborhood; and

7. The granting of the variation requested will not confer on the applicant any special privilege that is denied by this Zoning Code to other lands, structures, or buildings of the same zoning classification.

C. Administrative Variations: For existing structures that do not comply with the setback requirements for that zoning district, the Zoning Administrator may grant administrative variations of no more that 2.5 percent of the required setback. *Ord. 03-1-8*

17.07 SPECIAL USES AND STANDARDS FOR SPECIAL USES

See Section 15 of this Zoning Code.

17.08 TEXT AMENDMENTS AND STANDARDS FOR TEXT AMENDMENTS

For the purposes of promoting the public health, safety, comfort and general welfare, the City Council may, from time to time, upon recommendation of the Commission in the manner herein set forth, amend the regulations imposed and the zoning districts created by this Zoning Code. Before recommending any text amendment to this Zoning Code, the Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following:

1. That the proposed amendment is beneficial to the orderly development of the City;

2. That the proposed amendment will benefit the public health, safety, comfort and general welfare of the community;

3. That the proposed amendment promotes the public interest and not solely the interest of the petitioner or applicant.

17.09 RE-ZONINGS (MAP AMENDMENTS) AND STANDARDS FOR RE-ZONINGS

For the purposes of promoting the public health, safety, comfort and general welfare, and conserving the values of property throughout the City, the City Council may, from time to time, upon recommendation of the Commission in the manner herein set forth, amend the zoning classification of property (also known as a re-zoning or a map amendment), provided that in all amendatory ordinances adopted under the authority of this Section 17.09, due consideration shall be given to a) existing conditions, b) the conservation of property values, c) the direction of property development and land use that is to the best advantage of the entire City, and d) the uses to which property is devoted at the time of the adoption of any such amendatory ordinance. Before recommending any change in the zoning classification of a particular property, the Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following:

1. That the proposed re-zoning is not detrimental to the orderly development of the City;

2. That the proposed re-zoning will not be detrimental to or endanger the public health, safety, comfort or general welfare of the community;

3. That the request promotes the public interest and not solely the interest of the petitioner or applicant;

4. That the request is consistent with the existing uses of property within the general area of the property in question;

5. That the request is consistent with zoning classifications of property within the general area of the property in question;

6. That the property is not generally suitable for the uses permitted under the existing zoning classification;

7. That the trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the original zoning of the affected property was established supports the request;

8. That, if applicable, the length of time that the property in question has remained undeveloped under its current zoning is considered in the context of land development in the vicinity of the property in question;

9. That property values of the surrounding and adjacent property will not be substantially diminished or impaired; and

10. That the request is in harmony with the objectives of the Comprehensive Plan.

17.10 CONDITIONS

The Commission may recommend, and the City Council in granting any variation or special use may impose such conditions or restrictions as may be necessary to comply with the standards established in this Zoning Code, to reduce or minimize possible detrimental effects of such a variation or special use upon other adjacent properties, and to better carry out the general intent of this Zoning Code.

17.11 CITY COUNCIL ACTION

No action on any specific petition, application or case shall be made by the City Council without a hearing by the Commission as required herein, nor without a report thereof having been made by the Commission to the City Council. Said report shall consist of the hearing minutes and a finding of fact.

Upon the report of the Commission, the City Council, without further public hearing, may adopt, modify or deny any proposed petition or application or may refer the petition or application back to the Commission for further consideration.

In the event the Commission does not recommend that a zoning variation be granted a two-thirds vote of the City Council shall be required to grant the variation.

17.12 CHANGE OF ZONING

Nothing herein contained shall be construed to give or grant to the Commission the power or authority to alter or change the Zoning Code or any use district made a part of the zoning map; such power and authority being reserved to the City Council, and the Commission shall not have any power or authority with respect to any alterations or change of the Zoning Code except to make recommendations to the City Council in such specific cases as may properly come before the Commission.

17.13 IMPLEMENTATION OF VARIATIONS/SPECIAL USES

No order for a variation or special use permitting the erection or alteration of a building shall be valid for a period longer than six months, unless such use is established within such period, provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

17.14 REVOCATION OF VARIATIONS/SPECIAL USES

Whenever any variation or special use granted under the terms of this Zoning Code has been discontinued or abandoned for a period of six consecutive months, or whenever there is evidence of a clear intent on the part of the owner to abandon a variation or special use, such variation or special use, after being discontinued or abandoned, shall be considered void and the owner shall submit a new application or petition pursuant to this Zoning Code.

17.15 PUBLIC HEARING REQUIREMENTS

All hearings before the Commission shall require public notice. The Commission shall cause notice of a petition or application to be given in the following manner:

1. By publishing notice of the time and place of such hearing in a newspaper of general circulation in the City of Marengo, Illinois, at least 15 days prior to the hearing;

2. By causing said notice to contain the both the legal description and common address or location for which the petition or application is requested, as well as a brief statement describing the

nature of the petition or application; and

3. By sending a copy of the notice by certified mail, return receipt requested, to all property owners within 250 feet of the subject property. The notice shall be addressed to the person(s) who last paid property taxes.

4. By notifying such property owners, groups or organizations of the proposal in writing as the City deems desirable.

17.16 WRITTEN PROTESTS

In the event of written protest against the petition or application, signed and acknowledged by the owners of 20 per cent of the frontage proposed to be altered, or by the owners of 20 percent of the frontage immediately adjoining or across the alley or rear line therefrom, or by the owners of 20 per cent of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district, and filed with the City Clerk, such petition or application shall not be approved except by the favorable vote of two-thirds of all trustees then holding office.

17.17 HEARING OFFICER ALTERNATIVE PROCESS

Pursuant to 65 ILCS 5/11-13-14.1, in the event the City Council determines that a zoning petition filed with the City to be heard by the Commission is likely to require a hearing of such duration or complexity so as to cause difficulties or hardships upon the members of the Commission to attend and adequately manage all of the sessions of the hearing, then the City Council may at its sole discretion by ordinance establish the position of Hearing Officer and delegate to said officer the authority to conduct said hearing. The hearing officer alternative process shall be established and conducted in the following manner:

1. Appointment, Qualifications and Duties of Hearing Officer: The City Council shall appoint a Hearing Officer to govern the proceedings under this Zoning Code. The Hearing Officer will preside over the hearing. The Hearing Officer shall be a licensed attorney in the State of Illinois. The Hearing Officer shall have the duty to conduct a fair hearing, to maintain order, and to ensure development of a clear, complete and concise record of the proceedings. The Hearing Officer, if requested by the Commission, shall prepare recommended findings of fact and law for consideration by the Commission.

2. Evidentiary Standards: The Hearing Officer shall not be bound by the strict rules of evidence as applied in the Courts of Illinois pertaining to civil actions. The Hearing Officer shall receive evidence which is material, relevant and would be relied upon by reasonably prudent persons in the conduct of serious affairs. When the admissibility of evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit such evidence.

3. Public Hearing Parameters: All parameters for public hearings, including but not limited to notice requirements, shall comply with this Zoning Code unless altered by the provisions listed in this Section 17.17:

    a. Within a reasonable time from the date that the complete zoning petition is filed, the date, time and location of the hearing on the petition shall be determined by the Hearing Officer in consultation with the Commission, but the hearing shall begin no later than 90 days following said filing.

    b. The City shall reserve the right to engage the services of one or more court reporters to provide transcripts of all sessions of the hearing, which transcripts shall be deemed

to constitute the minutes of the hearing. Any and all costs associated with such engagements, including the necessary copying of transcripts required for internal use by the City, the Commission, and the Hearing Officer, shall be borne by the petitioner.

c. Any and all costs associated with the compensation and expenses of the Hearing Officer shall be at the petitioner's expense.

d. The hearing shall be treated as if it were equal in all respects to a hearing conducted in normal circumstances by the members of the Commission, except that the attendance of one member of the Commission shall be deemed to constitute a quorum for the purposes of the hearing officer alternative process. After the Hearing Officer has closed all testimony and complete transcripts of the proceedings up to that point have been received, Commission members will then begin their deliberations in order to prepare a recommendation. Before beginning their deliberations, the Commission members shall be required to sign an affidavit attesting that they have received and read all the transcripts of the proceedings as a substitute for any sessions at which any member may not have been able to be in attendance. The deliberative and recommendation phase of the proceedings by the Commission shall require the normal quorum of four members to be in attendance.

e. If, in the City's opinion, City facilities are not sufficient to accommodate the number of persons expected to attend the hearing, the City may arrange for the hearing to be conducted at another site. In such a circumstance, the City is authorized to rent appropriate facilities and equipment, including but not limited to an adequately-sized meeting space such as an auditorium, as well as a sound system, chairs, tables, and associated services such as custodians and set-up personnel as may be necessary to conduct a proper hearing. Any and all costs associated with such arrangements shall be at the petitioner's expense.

f. The City Attorney or his designee shall serve as legal advisor, and the City Administrator or his designee shall serve as staff advisor, to the Hearing Officer and Commission.

g. All testimony at the hearing shall be under oath or affirmation.

h. Any person appearing at the hearing shall have the right to give testimony and comment on the zoning petition. Any person testifying shall be required to state their name and address and who they are representing.

i. The Hearing Officer reserves the right to prevent argumentative comments, prohibit personal attacks on other parties, maintain order and decorum during the hearing process, and prevent irrelevant, incompetent and unnecessarily cumulative or repetitive materials in the record. The Commission members reserve the right at all times to ask questions of or reply to any party testifying in order to clarify an issue, statement or fact.

j. Any person shall have the right to be represented by a licensed attorney-at-law at the hearing. Such attorneys shall have the right of reasonable cross-examination. The scope of cross-examination shall be determined by the Hearing Officer.

k. The City, at its sole discretion, shall have the right to determine whether the information provided can be evaluated by qualified professionals on its staff, and if the City cannot accomplish this evaluation because such qualified personnel are not available and the employment of such persons would impose a financial burden upon the City, then the

City shall have the authority to retain the services of one or more professional consultants to assist the City staff and Commission in the process of reviewing any aspect of the zoning petition. Any and all expenses of such services shall be at the petitioner's expense. Such consultants shall have the same standing to testify and to be cross-examined as may be necessary as any other witnesses at the hearing.

l. Members of the public shall be allowed to obtain copies of any documents filed with the City upon application and payment to the City of the actual cost of reproduction in accordance with the Freedom of Information Act.

m. The City, in consultation with the Hearing Officer and the Commission, shall have the authority to establish reasonable rules and procedures for the conduct of hearings and the order of business to be followed during hearings.

pjh:Marengo.Zone\Section 17.Administration

Section 18
INTERPRETATION: PURPOSE AND CONFLICT

In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of the safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Code to interfere with, abrogate, annul or repeal any ordinance, rules or regulations previously adopted and not in conflict with any of the provisions of this Zoning Code or which shall be adopted, pursuant to law relating to the use of buildings or premises, nor is it intended by this Zoning Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that where this Zoning Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by such other ordinances or such easements, covenants or other agreements, the provisions of this Zoning Code shall control.

Section 19
FEES

Fees pertaining to petitions or applications for zoning text or map amendments, special use permits, certificates of compliance, planned developments, variations and for appeals to the Commission shall be established by action of the City Council from time to time (see Chapter 20 of the Marengo Municipal Code). Such fees shall be due and payable to the City at the time of filing of an application or petition. The petitioner or applicant shall, in addition to such fees, bear the City's cost of preparing and publishing the public notice, bear the cost of preparing, copying or printing, and distribution of all documents and drawings necessary for review of the petition or application by the City, recording and filing of ordinances or documents when such publication, recording or filing is required, and bear the cost of all fees and expenses incurred by the City, including but not limited to fees charged by a professional land consultant, attorneys' fees and engineers' fees, when those fees are incurred by the City regarding any petitions or applications heard by the Commission.

Section 20
VIOLATIONS: PENALTY

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Zoning Code shall be fined not less than $50.00 nor more than $1,000.00, plus the City's cost of prosecution including reasonable attorney's fees, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 21
VALIDITY

Should any section, clause, or provision of this Zoning Code be declared by the courts to be invalid, the same shall not affect the validity of the Zoning Code as a whole or any part thereof, other than the part so declared to be invalid.

Section 22
WHEN EFFECTIVE

This Zoning Code is hereby declared to be urgent and necessary for the immediate preservation of the public peace, health, and safety, and shall be in full force and effect from and after its due passage, approval, and recording and publication as provided by law.

PASSED by the City Council and approved by the Mayor this 26th day of August, 2002.
pjh:Marengo.Zone\Section18to22.end

CHAPTER 22
ZONING

22.01 Zoning Regulations

22.01 ZONING REGULATIONS

The zoning regulations of the City of Marengo, established by Ordinance 02-8-2, passed and approved August 26, 2002, and subsequent amendments and supplements thereto are continued in full force and effect.

CHAPTER 23
SUBDIVISIONS

23.01 Subdivision Control Regulations

23.01 SUBDIVISION CONTROL REGULATIONS

The Subdivision Control Regulations of the City of Marengo, established by Ordinance 05-4-5, passed and approved April 25, 2005 and subsequent amendments and supplements thereto are continued in full force and effect.