

Resolution
Rock Island County Board
Re: Authorizing the compilation, publication and maintenance
of a county code consisting of ordinances and regulations

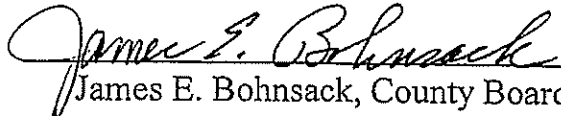
WHEREAS, 55 ILCS 5/5-29 authorizes the County Board to compile, publish and maintain a county code; and

WHEREAS, Rock Island County feels that this would be advantageous for all departments within the County as well as our citizens.

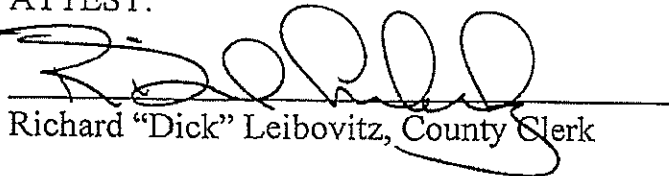
NOW, THEREFORE, BE IT *RESOLVED* by the County Board of Rock Island County, Illinois, as follows:

- Section 1. The County Board does hereby authorize and direct the County Board Executive Assistant to compile all existing ordinances and regulations and to organize and index said ordinances and regulations, as per 55 ILCS 5/5-29002.
- Section 2. Immediately following adoption of such County Code Book, the County Clerk is hereby authorized and directed to make a memorandum of the date of the passage and of the publications or posting of the ordinance, as per 55 ILCS 5/5-29005.
- Section 3. The approved code shall be made available for public review and inspection in the office of the County Clerk. The County Board hereby authorizes the County Clerk to sell copies of the code to the public, as per 55 ILCS 5/5-29007 at the rate of \$75.00 .
- Section 4. The County Code shall be updated and republished annually or more frequently as the County Board may direct the County Board Executive Assistant.

Done in Open Meeting this 15th day of January, 2008


James E. Bohnsack, County Board Chairman

ATTEST:


Richard "Dick" Leibovitz, County Clerk

2008-0105

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Rock Island County Board
ORDINANCE

Adopting the County Code of the County of Rock Island, Illinois

BE IT ORDAINED, by the County Board Chairman and County Board Members of the County of Rock Island, Illinois:

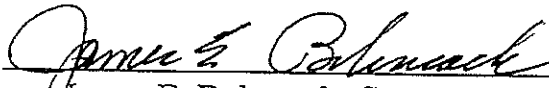
- Section 1: From and after the date of passage of this Ordinance, the County Code of the County of Rock Island, Illinois, prepared by the County Board Office, under the direction of the governing body of the County, containing all ordinances of a general nature in effect at the time of such codification, shall be accepted in all courts without question as the Official Code and Law of the County as enacted by the County Board Chairman and County Board Members.
- Section 2: There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding to or deleting provisions of the Official County Code is identified by the proper catch line and is inserted in the proper place in each of the official copies. Each such new provision shall become effective upon the passage of the ordinance and the insertion of the proper replacement in the copies of the Code, three (3) copies of which shall be maintained in the office of the County Clerk, certified as to correctness and available for inspection at any and all times that said office is regularly open.
- Section 3: All ordinances of a general nature included in this Official County Code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said Official County Code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, and others shall continue to full force and effect unless specifically repealed or amended by a provision of the County Code. Such ordinances are not intended to be included in the Official County Code.

Section 4: It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such Code or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which shall cause the law of the County to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 1-4-1 of the County Code of the County of Rock Island, Illinois.

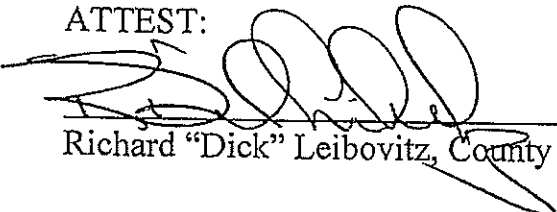
Section 5: All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6: This Ordinance and the Code adopted by the same shall be in full force and effect from and after its passage and approval in accordance with law, as printed and published in book form by order of the County Board Chairman.

Adopted this 15th Day of January, 2008


James E. Bohnsack, County Board Chairman

ATTEST:


Richard "Dick" Leibovitz, County Clerk

JEB/sc

2008-0100

94

Code Book
of the

County of Rock Island

PREFACE

The County Code of the County of Rock Island, as supplemented, contains ordinances up to and including ordinance 2008-0100; passed January 15, 2008. Ordinances of the County adopted after said ordinance supersede the provisions of this County Code to the extent that they are in conflict or inconsistent therewith. Consult the County Office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

TITLES

Administrative	1
Business Regulations	2
Zoning Regulations	3
Health and Sanitation	4
Sheriff's Department Regulations	5
Fee's & Fines	6
Parking	7
Forest Preserve	8

Forest Preserve Ordinances are included for
ease and convenience of the public and enforcement.
The Rock Island County Forest Preserve District
is a separate entity.

TITLE 1

Administrative

Subject	Chapter
Official County Code	1
Saving Clause	2
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Chapter 1

Official County Code

Section:

- 1-1-1 Title
- 1-1-2 Acceptance
- 1-1-3 Amendments
- 1-1-4 Code Alteration

1-1-1: TITLE: Upon adoption by the County Board of Rock Island, the County Code is hereby declared to be and shall hereafter constitute the official County Code of the County of Rock Island, Illinois. This County Code of Ordinances shall be known and cited as the *ROCK ISLAND COUNTY CODE* and it is hereby published by authority of the County Board and shall be kept up to date as provided in section 1-1-3 of this chapter under the direction of the County board Chairman, acting for said County Board. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself when reference is made to this code by title in any legal document.

1-1-2: ACCEPTANCE: This code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this state as the ordinance of the County of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title.

1-1-3: AMENDMENTS: Any ordinance amending this code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions

by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the County Code.

- 1-1-4: CODE ALTERATION: It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the County Board. The County Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the Office of the Clerk. Any person having in his custody an official copy of this code shall make every effort to maintain this code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the Office of the County Clerk. Said code books, while in actual possession of officials and other interested persons, shall be and remain the property of the County and shall be returned to the Office the County Clerk when directed so to do by order of the County Board.

Chapter 2

Saving Clause

Section:

- 1-2-1 Repeal of General Ordinances
- 1-2-2 Public Utility Ordinances
- 1-2-3 Court Proceedings
- 1-2-4 Severability Clause

1-2-1 REPEAL OF GENERAL ORDINANCES: All general ordinances of the County passed prior to the adoption of this code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), from which are excluded the following ordinance which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating boundaries; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the County; and all special ordinances.

1-2-2 PUBLIC UTILITY ORDINANCES: No ordinance relating to railroads or railroad crossings with streets and other public ways shall be repealed by virtue of the adoption of this code or by virtue of the preceding section.

1-2-3 COURT PROCEEDINGS: No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or

punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offence or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgement announced after the new ordinance takes effect.

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

Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the County herein repealed and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provision; now shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any ordinance or provisions thereof in force at the time of the adoption of this code.

1-2-4 SEVERABILITY CLAUSE: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof. The County Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

Chapter 3

Definitions

Section:

- 1-3-1 Construction of Words
- 1-3-2 Definitions
- 1-3-3 Catch lines

- 1-3-1 CONSTRUCTION OF WORDS: Whenever any word in any section of this code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used,

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

The word “ordinance” contained in the ordinances of the County has been changed in the content of this code to “title”, “chapter”, “section” and/or “subsection” or words of like import for organizational and clarification purposes only. Such change to the County’s ordinances is not meant to amend the passage and effective dates of such original ordinances.

- 1-3-2 DEFINITIONS: Whenever the following words or terms are used in this code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another.

BOARD:	Unless otherwise indicated, shall mean the County Board of Rock Island County, Illinois.
CODE:	The Official Code of the County of Rock Island, and amendments thereto.
COUNTY:	The County of Rock Island, located in the state of Illinois.
COUNTY BOARD CHAIRMAN:	The duly elected chair of the County Board of Rock Island County. May be referred to as the chief elected official of the County.
EMPLOYEES:	Whenever reference is made in this code to a County employee by title only, this shall be construed as though followed by the words “of the County of Rock Island”.
FEE:	A sum of money charged by the County for the carrying on of a business, profession or occupation.
KNOWINGLY:	The word “knowingly” imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.
LICENSE:	The permission granted for the carrying on of a business, profession or occupation.
MISDEMEANOR:	Any offense for which a sentence of a term of imprisonment in other than a penitentiary for less than one year may be imposed.
NEGLIGENT:	The word “negligent” as well as “neglect”, “negligence” and “negligently” imports a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

NUISANCE:	Anything offensive or obnoxious to the health and welfare of the inhabitants of the village, or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.
OCCUPANT:	Applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
OFFENSE:	Any act forbidden by any provision of this code or the omissions of any act required by the provisions of this code.
OFFICERS:	Whenever reference is made in this code to a County officer by title only, this shall be construed as through followed by the words “of the County of Rock Island”.
OPERATOR:	The person who is in charge of any operation, business or profession.
OWNER:	Applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON:	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as an unit, as well as a natural person.
PERSONAL PROPERTY:	Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.
STATE:	Unless otherwise indicated, shall mean the state of Illinois.
STREET:	Shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.
TENANT:	Applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
WHOLESALE:	The words “wholesaler” and “wholesale dealer” as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.
WILFULLY:	When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law or to injure another, or to acquire an advantage.
WRITTEN, IN WRITING:	May include printing and another mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

1-3-3 CATCH LINES: The catch lines of the several sections of this code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, not be

deemed to govern, limit, modify or in any manner affect the scope, remaining or intent of the provisions of any division or section hereof, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catch lines, are amended or reenacted.

Chapter 4

General Penalty

SECTION:

- 1-4-1 General Penalty
- 1-4-2 License
- 1-4-3 Application
- 1-4-4 Liability of Officers

1-4-1 GENERAL PENALTY: Any person convicted of a violation of any section of this code shall be fined in a sum not to exceed five hundred dollars (\$500.00) for any one offense, excepting any specific section of this code wherein the maximum fine is limited to a lesser amount and said person may be confined in the County jail for a period of not more than six (6) months. *(55 ILCS 5/5-1113)*

1-4-2 LICENSE: When a person is convicted of a violation of any section of this code, any license previously issued to him by the County may be revoked by a court of competent jurisdiction or by the County Board.

1-4-3 APPLICATION: The penalty provided in this chapter shall be applicable to every section of this code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this code where any duty is prescribed or obligation imposed, or where any action of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this code.

In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed; but not more than one recovery

shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

- 1-4-4 **LIABILITY OF OFFICERS:** No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the County Board to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

Chapter 5

Ethics/Gift Ban

SECTION:

Preambles

- 1-5-1 Definitions
- 1-5-2 Prohibited Political Activities
- 1-5-3 Gift Ban
- 1-5-4 Ethics Advisor
- 1-5-5 Ethics Commission
- 1-5-6 Penalties

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (hereafter “The Act”) (PA 93-615, effective November 19, 2003; as amended by PA 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, The Act requires all units of local government and school districts, within six (6) months after the effective date of PA 93-615, to adopt *Ordinances* or Resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units “in a manner no less restrictive” than the provisions of The Act; and

WHEREAS, it is the clear intention of The Act to require units of local governments and school districts to implement regulations that are at least as restrictive as those contained in The Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by The Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize *Ordinance* violations; and

WHEREAS, it is the clear intention of The Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish *Ordinance* violations that might otherwise be applicable; and

WHEREAS, because The Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by *Ordinance* rather by Resolution.

NOW, THEREFORE, BE IT *ORDAINED* by the County Board of Rock Island County, Illinois, as follows:

Section 1. The Code of *Ordinances* of Rock Island County is hereby amended by the addition of the following provisions:

1-5-1 DEFINITIONS

Article 1
Definitions

Section 1-1. For purposes of this *Ordinance*, the following terms shall be given these definitions:

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 *Ordinance*, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on premises under 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 County of Rock Island, 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 County of Rock Island.

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.

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) related 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:

- A. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- B. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payments for tickets for any political fundraiser, political meeting, or other political event.
- C. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

- D. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- E. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- F. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- G. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- H. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- I. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- J. Preparing or reviewing responses to candidate questionnaires.
- K. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- L. Campaigning for any elective office or for or against any referendum question.
- M. Managing or working on a campaign for elective office or for or against any referendum question.
- N. Serving as a delegate, alternate, or proxy to a political party convention.

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

Prohibited Source means any person or entity who:

- A. Is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- B. Does business or seeks to do business (i) with the officer or (ii) with an employee or with the officer or another employee directing that employee;
- C. Conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- D. Has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

1-5-2 PROHIBITED POLITICAL ACTIVITIES

Article 5 Prohibited Political Activities

Section 5-1. Prohibited political activities.

- A. No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the County of Rock Island in connection with any prohibited political activity.
- B. At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited activity (i) as part of that officer or employee's duties; (ii) as a condition of employment; or (iii) during any compensated time off (such as holidays, vacation or personal time off).
- C. No officer or employee shall be required at any time to

participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

- D. Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this *Ordinance*.
- E. No person either (i) in a position that is subject to recognized merit principles or 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.

1-5-3 GIFT BAN

Article 10 Gift Ban

Section 10-1 Gift Ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as “recipients”), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or *Ordinance*. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2 Exceptions. Section 10-1 is not applicable to the following:

- A. Opportunities, benefits, and services that are available on the same conditions as for the general public.
- B. Anything for which the officer or employee or his or her spouse or immediate family member, pays the fair market value.
- C. Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- D. Educational materials and missions.
- E. Travel expenses for a meeting to discuss business.
- F. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, grandmother of the individual's spouse and the individual's fiancé or fiancée.
- G. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as (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 purposes of this Section; “catered” means food or refreshments that are purchased ready to consume which are delivered by any means.
- I. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- J. Intra-governmental and inter-governmental gifts. For the purpose of this Act, “intra-governmental gift” means any gift given to an officer or employee from another officer or employee, and “inter-governmental gift” means any gift given to an officer or employee by an officer or employee of another governmental entity.
- K. Bequests, inheritances, and other transfers at death.
- L. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually

exclusive and independent of each other.

Section 10-3 Disposition of Gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this *Ordinance* if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

1-5-4 ETHICS ADVISOR

Article 15 Ethics Advisor

Section 15-1 The County Board Chairman, with the advice and consent of the County Board shall designate an Ethics Advisor for the County of Rock Island and Forest Preserve District of Rock Island County. The duties of the Ethics Advisor may be delegated to an officer or employee of the County of Rock Island unless the position has been created as an office by the County of Rock Island.

Section 15-2 The Ethics Advisor shall provide guidance to the officers and employees of the County of Rock Island concerning the interpretation of and compliance with the provisions of this *Ordinance* and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the County Board.

1-5-5 ETHICS COMMISSION

Article 20 Ethics Commission

Section 20-1 There is hereby created a commission to be known as the Ethics

Commission of the County of Rock Island and Forest Preserve District of Rock Island County. The Commission shall be comprised of three (3) members appointed by the County Board Chairman with the advice and consent of the County Board. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the County of Rock Island. No more than two members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.

Section 20-1 At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve two (2) year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to two (2) year terms. Commissioners may be reappointed to serve subsequent terms.

At the first meeting of the Commission, the commissioners shall choose a Chairperson from their number. Meetings shall be held at the call of the Chairperson or any two (2) commissioners. A quorum shall consist of two (2) commissioners, and official action by the commission shall require the affirmative vote of two (2) members.

Section 20-3 The County Board Chairman, with the advise and consent of the County Board, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than ten (10) days notice. Vacancies shall be filled in the same manner as original appointments.

Section 20-4 The Commission shall have the following powers and duties:

- A. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
- B. Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 25-1(c) of this *Ordinance* and refer violations of Article 5 or Article 10 of this *Ordinance* to the appropriate attorney for prosecution. The Commission shall, however, act only upon the receipt of a written complaint alleging a violation of this *Ordinance* 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 *Ordinance*.
- 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 County of Rock Island to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.
- E. The powers and duties of the Commission are limited to matters clearly within the purview of this *Ordinance*.

Section 20-5 Complaints.

- A. Complaints alleging a violation of this *Ordinance* shall be filed with the Ethics Commission.
- B. Within three (3) business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The

Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three (3) business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven (7) business days after receiving the complaint.

- C. If the complaint is deemed sufficient to allege a violation of Article 10 of this *Ordinance* and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within four (4) weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Article 5 of this *Ordinance*, then the Commission shall notify in writing the attorney

- designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.
- D. On the scheduled date and upon at least 48 hours public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.
- E. Within 30 days after the date of the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the County Board Chairman/Forest Preserve President 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.
- F. If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven (7) business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 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 (7) day thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the County Board Chairman or other officer

- having authority to discipline the officer or employee or impose a find on the violator, or both.
- G. 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 subsection E within seven (7) days after the complaint is filed, and during the seven (7) days preceding that election, the Commission shall render such decision before the date of the election, if possible.
 - H. The Commission may fine any person who intentionally violates any provision of Article 10 of this *Ordinance* in an amount of not less than \$1,001 and nor more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this *Ordinance* in any amount of not less than \$1,001 and not more than \$5,000. The Commission may recommend any appropriate discipline up to and including discharge.
 - I. A complaint alleging the violation of this Act must be filed within one (1) year after the alleged violation.

1-5-6 PENALTIES

Article 25 Penalties

Section 25-1 Penalties.

- A. A person who intentionally violates any provision of Article 5 of this *Ordinance* may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- B. A person who intentionally violates any provision

of Article 10 of this *Ordinance* is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

- C. Any person who intentionally makes a false report alleging a violation of any provision of this *Ordinance* to the local enforcement authorities, the State's Attorney or any other law enforcement official, may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- D. A violation of Article 5 of this *Ordinance* shall be prosecuted as a criminal offense by an attorney for the County of Rock Island 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.

A violation of Article 10 of this *Ordinance* may be prosecuted as a quasi-criminal offense by an attorney for the County of Rock Island, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

- E. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this *Ordinance* is subject to discipline or discharge.

Section 2. This *Ordinance* shall be in effect upon its passage, approval and publication as provided by law.

Done in Open Meeting this 20th day of April, 2004

Chapter 6

CONTINUATION RESOLUTION

A resolution providing for the continuance of Resolutions adopted by the County Board under recodified enabling legislation and collection of related fees

Section:

1-6-1 Preambles

1-6-2 Actions

1-6-1 PREAMBLES

WHEREAS, PA 86-962, effective January 1, 1990 enacted the Counties Code, and repeated certain other law set forth therein; and

WHEREAS, among those statutes repeated by PA 86-962 are Chapter 81, Section 81, Illinois Revised Statutes, providing for the establishment and use of a County law library and a fee for the purpose of providing for the expense of establishing and maintaining the same, and

WHEREAS, the enabling authority therefore, is now set forth in Chapter 34, Section 5-39001, Illinois Revised Statutes, and

WHEREAS, the provisions of Chapter 34, Section 7-1001, Illinois Revised Statutes, provide that the provisions of the Counties Code shall be construed as continuations of prior law.

BE IT RESOLVED BY THE COUNTY BOARD OF ROCK ISLAND COUNTY, ILLINOIS, in open meeting this 20th day of August, 1991, as follows:

1-6-2 ACTIONS

Section 1: That the provisions of any and all Resolutions of the County Board of Rock Island County, Illinois, adopted pursuant to the

enabling authority set forth in Chapter 81, Section 81, Illinois Revised Statutes, since repealed by PA 86-962, now set forth in Chapter 34, Section 5-39001, Illinois Revised Statutes, shall continue in full force and effect to the extent such have not been previously repealed by the County Board of Rock Island County, Illinois.

- Section 2: That the Clerks of all trial courts located in Rock Island County, Illinois shall continue to collect the fee authorized by Chapter 34, Section 5-39001, such fee being \$6.00 to be paid at the time of filing the first pleading, papers or other appearance filed by such party in all court cases. No additional fee is to be charged if more than one party is represented in a single pleading, paper, or other appearance.
- Section 3: Such fee shall not be charged in criminal or quasi criminal cases, matters coming to any Clerk on a change of venue, or in any proceedings to review a decision of any administrative officer, agency or body.
- Section 4: Such fees shall be in addition to all other fees and charges of such clerks, shall be assessable as costs, and remitted monthly to the County Treasurer to be distributed in accordance with law. Such fees shall in maintained in a special fund.
- Section 5: This resolution becomes effective immediately.

Done in open meeting this 20th day of August, 1991

Chapter 7

SR. CITIZEN FREEZE HOMESTEAD EXEMPTION

Section

1-7-1

Deadline

WHEREAS, 35 ILCS 200/15-172 provides for a Senior Citizen Freeze Assessment Exemption for all citizens; and

WHEREAS, this provision lists a deadline for applications as July 1st of each year; however allows for extension of the deadline by an Ordinance adopted by the County Board; and

WHEREAS, in order to allow all citizens to receive this exemption, Rock island County feels that the Supervisor of Assessments should consider to accept and process applications through the end of the year.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Rock Island County, that all Applications for Senior Citizen Freeze Exemption shall be accepted and processed by the Supervisor of Assessments of Rock Island County through December 31st of each year.

Done in Open Meeting this 18th day of September, 2001

Chapter 8

Establishing a new 2006 filing deadline for Senior Citizen Assessment Freeze Homestead Exemptions as per Public Act 94-0794

Section:

1-8-1 Actions

1-8-1 ACTIONS

WHEREAS, the Illinois legislators have passed a bill to increase the maximum household income level for eligibility for Senior Citizen Assessment Freeze Homestead Exemption (SCAFHE); and

WHEREAS, the income level increases from \$45,000 to \$50,000 annually, effective immediately, pursuant to 35 ILCS 200/15-172; and

WHEREAS, the County Board of each County may pass an ordinance to amend the filing deadline for applications under the SCAFHE; and

WHEREAS, amending such deadline will reduce the number of Certificate of Errors to be written at the end of the tax year.

NOW, THEREFORE, BE IT *ORDAINED*, by the Rock Island County Board that the filing deadline for 2006 Senior Citizen Assessment Freeze Homestead Exemption (SCAFHE) be and hereby is amended until September 1, 2006.

BE IT FURTHER *ORDAINED*, that the Chief County Assessment Officer is hereby directed to publish a notice in a newspaper of general circulation in the County not less than 60 days nor more than 75 prior to the amended deadline of September 1, 2006; as per Public Act 94-0794, pursuant to 35 ILCS 200/15-172. For any subsequent years, the deadline shall be July 1 of each taxable year. Publication shall be made in subsequent years pursuant to 35 ILCS 200/15-172.

Done in open meeting this 20th day of June, 2006

Chapter 9

HOTEL/MOTEL

An Ordinance imposing a Tax on persons engaged
in the Business of renting, leasing, or letting rooms
in the Hotels which are not located in
Municipalities imposing a similar tax

Section:

1-9-1	Preambles
1-9-2	Tax Rate
1-9-3	Definitions
1-9-4	Title
1-9-5	Accounting
1-9-6	Enforcement
1-9-7	Fines
1-9-8	Purpose

Section 1-9-1 PREAMBLES

WHEREAS, the provisions of Chapter 34, Section 409.12, Illinois Revised Statutes permit the corporate authorities of a County, by Ordinance, to impose a tax up on all persons engaged in the business of renting, leasing or letting rooms in hotels which are not located in municipalities imposing a similar tax pursuant to the provisions of the Municipal Code, and

WHEREAS, such tax shall not exceed 5% of the gross rental receipts from such renting, leasing or letting, excluding from gross receipts the proceeds of renting, leasing or letting to permanent residents of the hotel, and

WHEREAS, the corporate authorities may provide for the administration and enforcement of the tax and the collection thereof from persons subject thereto, and

WHEREAS, amounts collected from the collection of such tax may be used to promote tourism, conventions, expositions, theatrical, sports and cultural activities within the County or to otherwise attract non-resident overnight visitors

to the County.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Rock island County, Illinois, in open meeting this 15th day of May, 1990, as follows:

1-9-2 TAX RATE

Section 1. That there be and hereby is imposed upon all persons in Rock Island County, Illinois, engaged in the business of renting, leasing or letting rooms in a hotel which is not located within the corporate limits of a municipality which imposes a similar tax pursuant to the provisions of the Municipal Code, such tax being imposed at the rate of five percent (5%) of the gross rental receipts from such renting, leasing or letting, excluding from such gross rental receipts the proceeds of such renting, leasing or letting to permanent residents of the hotel.

1-9-3 DEFINITIONS

Section 2. That wherever the following terms are used in this Ordinance, they shall have the meaning attributed to them in the Section such definition being those set forth by Chapter 120, Section 2, Illinois Revised Statutes.

Hotel means any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment house.

Room(s) means any living quarters, sleeping or housekeeping accommodations.

Permanent Resident means any person who occupied or has the right to occupy any room in a hotel for at least thirty (30) consecutive days.

Rent or Rental means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

Person means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

1-9-4 TITLE

Section 3. Persons subject to the tax imposed by this Ordinance may reimburse themselves for this tax liability for such tax by separately stating such tax as an additional charge which maybe stated in combination, in a single amount, with any State tax imposed under the “Hotel Operator’s Occupation Tax Act”.

1-9-5 ACCOUNTING

Section 4. Every person subject to the tax imposed by this Ordinance, shall keep accurate and complete books and records to which the County Treasurer or his designated representative shall have access at all times, which records shall include a daily sheet showing the number of hotel rooms rented during the 24 hour period, including multiple rentals of the same hotel room when such shall occur and the actual amount collected for that day of the tax imposed by this Ordinance.

1-9-6 ENFORCEMENT

Section 5. Commencing on the first day of August, 1990, each person subject to the tax imposed by this Ordinance shall file tax returns or forms to be supplied by the County Treasurer showing the name of the person subject to the tax, the address of the place where the person is engaged in the renting, leasing or letting of hotel rooms in Rock island County, Illinois, the person’s principal business address, if different from the hotel address, the total amount of rental receipts received by such person during the preceding calendar month from the renting, leasing or letting of hotel rooms, commencing with July, 1990, the amount of rental receipts received from renting, leasing or letting hotel rooms to permanent residents during such preceding calendar months, the gross receipts subject to the tax,

the amount of the tax due, and the amount of the penalty due if any. The return shall be due on or before the last day of each succeeding calendar month and must indicate the period for which the return is filed. The amount of tax shall be remitted with the return. If for any reason the tax is not paid when due, a penalty at the rate of 1.5% for each month or portion thereof the payment is delinquent shall be added and collected. The renters will be filed with the County Treasurer, and the tax will be paid to the County Treasurer.

In the event the tax paid by a person subject to the provisions of this Ordinance average less than \$100 per month for any six (6) month period, the County Treasurer may authorize such person to file returns and remit the tax on a quarterly basis. Each three (3) months of a calendar year shall be regarded as a quarter. If the County Treasurer authorizes filing of returns and payments of the tax on a quarterly basis, the return must be filed and the tax paid on or before the last day of the month succeeding the end of the quarter.

Section 6. The State's Attorney is authorized to commence all legal proceedings necessary to enforce payment of the tax provided by this Ordinance.

1-9-7 FINES

Section 7. Any person who fails to collect, report or pay the tax provided by this ordinance shall be guilty of an offense and upon conviction shall be fined in an amount not to exceed \$500. Each failure to collect, report or pay the tax provided by this Ordinance may be considered a separate offense.

1-9-8 PURPOSE

Section 8. Upon receipt of the tax, the County Treasurer shall keep the proceeds in a special fund, to be used only for the purpose allowed by law, or remit the tax to the Treasurer of any unit of local government authorized to receive the same pursuant to the

provisions of an intergovernmental agreement.

Section 9. This ordinance shall become effective on the first day of July, 1990.

Done in open meeting this 15th day of May, 1990

Chapter 10

IMRF

An Ordinance providing for the pick-up of employee contributions to the Illinois Municipal Retirement Fund by participating municipalities

Section

1-10-1	Preambles
1-10-2	Contributions
1-10-3	Implementation
1-10-4	Effective Date

1-10-1 PREAMBLES

WHEREAS, pursuant to the provisions of Chapter 108½, Section 7-173.2, Illinois Revised Statutes, participating municipalities are authorized to pick-up those contributions required to be made by all of its employees to the Illinois Municipal Retirement Fund, under the provisions of Chapter 108 ½, Section 7-173(a)(1) and (a)(3), Illinois Revised Statutes, and those additional contributions made by Sheriff's Law Enforcement deputies, pursuant to Chapter 108 ½, Section 7-173.1, Illinois Revised Statutes, and

WHEREAS, effective July 1, 1984, the pick-up of employee contributions will cease to be optional; and

WHEREAS, such contributions, when picked-up, shall be treated as employer contributions, pursuant to Section 414(h) of the Internal Revenue Code; and

WHEREAS, the effect of the legislation is to defer taxation on amounts contributed to the Illinois Municipal Retirement Fund until distribution; and

WHEREAS, Rock Island County is a participating municipality with respect to the Illinois Municipal Retirement Fund.

BE IT ORDAINED, by the County Board of Rock Island County, in open

meeting his 19th day of June, 1984, as follows:

1-10-2 CONTRIBUTIONS

That pursuant to the provisions of Chapter 108 ½, Section 7-173.2, Illinois Revised Statutes, the contributions required of all employees of Rock Island County, under Chapter 108 ½, Section 7-173(a)(1) and (a)(3), Illinois Revised Statutes, and those additional contributions made by Sheriff's Law Enforcement deputies, pursuant to Chapter 108 ½, Section 7-173.1, Illinois Revised Statutes, for purposes of funding the Illinois Municipal Retirement Fund, shall be picked-up by Rock Island County.

1-10-3 IMPLEMENTATION

That the Treasurer of Rock Island County be and hereby is directed to implement the provisions of Chapter 108 ½, Section 173.2 Illinois Revised Statutes, as of the effective date of this Ordinance, with respect to all employees of Rock Island County, by means of a reduction in current employee earnings.

1-10-4 EFFECTIVE DATE

That this Ordinance shall become effective on the 1st day of July, 1984.

Chapter 11

LAND TRUSTS

An Ordinance imposing a tax upon the privilege
of transferring beneficial interests in land trusts holding title
to real estate located in Rock Island County, Illinois

Section

1-11-1 Preambles

1-11-2 Tax Rate

1-11-1 PREAMBLES

WHEREAS, effective January 1, 1986; House Bill 1547, enacted into law as Public Act 84-858, sets forth the Land Trust Recordation and Transfer Tax Act (Chapter 30, Section 801, et seq., Illinois Revised Statutes), and

WHEREAS, such Act requires every trustee of a land trust who accepts any instrument transferring beneficial interest under such trust to record such instrument, or a facsimile thereof, with the Recorder of Deeds in the County in which the real estate which is the subject of the trust is located, within sixty (60) days after receiving such instrument; and

WHEREAS, Chapter 34, Section 409.13, Illinois Revised Statutes has been amended to authorize a County Board to impose a tax upon the privilege of transferring a beneficial interest in a land trust holding legal title to real estate located in such County as represented by the trust document filed for recordation.

BE IT THEREFORE, ORDAINED, by the County Board of Rock Island County, in open meeting this 21st day of January, 1986, as follows:

1-11-2 TAX RATE

That a tax be and hereby is imposed upon the privilege of transferring a beneficial interest in a land trust holding legal title to real estate located in Rock Island County, Illinois, at the rate of 25 cents for each \$500.00 of value or fraction thereof stated in the declaration required by the Real Estate Transfer Tax Act (Chapter

120, Section 1003, Illinois Revised Statutes).

That such tax shall be collected by the Recorder of Deeds prior to recording the trust documents for the beneficial interest subject to the tax, when the revenue stamps, purchased from the Department of Revenue, are sold, pursuant to the Real Estate Transfer Tax Act (Chapter 120, Section 1003, Illinois Revised Statutes).

All trust documents exempted by Section 4 of the Real Estate Transfer Tax Act (Chapter 120, Section 1004, Illinois Revised Statutes), shall be exempt from the tax imposed pursuant to the Ordinance.

This tax shall be in addition to all other occupation and privilege taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

This Ordinance is adopted pursuant to the enabling authority set forth in Chapter 34, Section 409.13 Illinois Revised Statutes.

This Ordinance shall become effective immediately upon its adoption.

Done in open meeting this 21st day of January, 1986

Chapter 12

Metropolitan Mass Transit District

SECTION

- 1-12-1 Definitions
- 1-12-2 Prohibited Acts
- 1-12-3 Penalties
- 1-12-4 Miscellaneous

WHEREAS, it is reasonable, necessary and desirable for Rock Island County Metropolitan Mass Transit District to establish an ordinance regulating conduct on the facilities and conveyances of or operated by the Rock Island County Metropolitan Mass Transit District with definitions of terms and a penalty provision; and

WHEREAS, 725 ILCS 5/3-6021 states that a Sheriff shall be conservator of the peace in his or her County, and shall prevent crime and maintain the safety and order of the citizens of that County, and may arrest offender on view, and cause them to be brought before the proper court for trial or examination; and

WHEREAS, 725 ILCS 5/107-16 states that it is the duty of every Sheriff, when a criminal offense or breach of the peace is committed or attempted in his or her presence, forthwith to apprehend the offender and bring him or her before a judge to be dealt with according to law; to suppress all riots and unlawful assemblies, and to keep the peace, and with delay to serve and execute all warrants and other process to him or her lawfully directed; and

WHEREAS, 55 ILCS 5/3-6008 states that each Sheriff may appoint deputies to carry out the duties of the Sheriff pursuant to Illinois law; and

WHEREAS, 55 ILCS 5/3-6035 & 6036 states that the office of Supervisor of Safety is created for each County to be held by the Sheriff of the County, and that such Supervisor shall enforce all the laws of the State, and within the municipalities in the County, the Ordinances of such municipalities relating to the regulation of motor vehicle traffic and the promotion of safety on public highways; and

WHEREAS, the Rock Island County Metropolitan Mass Transit District [referred to as “METROLINK”], which provides vehicle transportation throughout Rock Island County, Illinois, has determined that an ordinance be established to deter crime on the transit system in Rock Island County, Illinois, allowing the Rock Island County Sheriff’s Department to enforce such ordinance throughout the entire County, including within the municipalities existing presently and hereafter within this County; and

WHEREAS, 70 ILCS 3610/4 states that the powers of the local Mass Transit District shall repose in, and be exercised by, a Board of Trustees; and

WHEREAS, 70 ILCS 3610/4 further states that neither METROLINK, the members of its Board nor its officers or employees shall be held liable for failure to provide security or police force or, if a security or police force is provided, for failure to provide adequate police protection or security, failure to prevent the commission of crimes by fellow passengers or other third persons or for the failure to apprehend criminals; and

WHEREAS, 70 ILCS 3610/f(f)(3) and (f)(8) state that the Board of Trustees of every Mass Transit District shall have perpetual succession and shall have the following powers in addition to any others in this Act granted: to make and execute contracts and other instruments necessary or convenient in the exercise of its powers; to apply for, accept, and use grants, loans, or other financial assistance from any municipal, County, State or Federal governmental agency; and

WHEREAS, 55 ILCS 5/5-1113 states that the County Board may pass all Ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to Counties, with such fines or penalties as may be deemed proper except where a specific provision for a fine or penalty is provided by law. No fine or penalty, however, except civil penalties provided for failure to make returns or to pay taxes levied by the County, shall exceed \$500.

NOW, THEREFORE, BE IT *ORDAINED* by the County Board of Rock Island County, Illinois and the Rock Island County Metropolitan Mass Transportation District, as follows:

1-12-1 DEFINITIONS:

- F. As used in this Ordinance, the following terms have the following meanings:
 - A. “Agency”, the Rock Island County Metropolitan Mass Transit District.
 - B. “Conveyance”, includes bus, paratransit vehicle, rapid transit, or other vehicle used or held for use by the agency as a means of transportation of passengers.
 - C. “Facilities”, includes all property and equipment, including, without limitation, stations, terminals, signage, storage yards, maintenance shops, yards, offices, parking lots, and other real estate or personal property used or held by the agency for or incidental to the operation, rehabilitation or improvement of the public mass transportation system of the agency.
 - D. “Person”, includes any individual, firm, co-partnership, corporation, association or company.
- G. In interpreting or applying this Ordinance, the following provisions shall apply:
 - A. Any act otherwise prohibited by this Ordinance is lawful if performed by an officer, employee or designated agent of the agency, acting within the scope of his or her employment or agency.

1-12-2 PROHIBITED ACTS:

- A. The following acts are prohibited to the extent provided in this section:
 - A. No person shall perform any act which interferes with the provision of transit service or obstructs the flow of traffic on facilities or conveyances or which would in any way interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances of the agency. Ref. 625 ILCS 5/11-310; 625 ILCS 5/11-311; 625 ILCS 5/11-204
 - B. No person on or in any facility or conveyance shall litter, dump garbage, liquids, or other matter , or create a nuisance, hazard or unsanitary condition, including but not limited to spitting and urinating, except in facilities provided and designated for such acts by the agency. Ref. 415 ILCS 105/4
 - C. No person on or in any facility or conveyance shall drink any

alcoholic beverage or possess any opened or unsealed container of alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such as bars and restaurants. Ref. 625 ILCS 5/11-502; 235 ILCS 5/1-1

- D. No person on or in any facility or conveyance shall do any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace. Ref. 720 ILCS 5/26-1(a)(11)
- E. No person on or in any facility or conveyance shall transmit or cause to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public. Ref. 720 ILCS 5/26-1(a)(11)
- F. No person on or in any facility or conveyance shall destroy, mark, soil or paint, or draw, inscribe, write, spray paint or place graffiti upon, or remove injure or tamper with any facility, conveyance, sign, advertisement or notice of the agency or authorized by the agency. Ref. 55 ILCS 5/5-1078.5
- G. No weapon or other instrument intended for use as a weapon may be carried in or on any facility or conveyance, except by law enforcement personnel. For the purposes hereof, a weapon shall include, but not limited to, a firearm, switchblade knife, sword, or any instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather bands studded with metal, wood impregnated with metal filings or razor blades. Ref. 720 ILCS 5/24-1

1-12-3 PENALTIES:

Any person committing a violation of this Ordinance shall be subject to arrest, and upon conviction in a court of competent jurisdiction, shall pay a fine in an amount not less than twenty-five dollars (\$25.00) and no greater than five hundred dollars (\$500.00) per violation.

1-12-4 MISCELLANEOUS:

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as by Statute in such cases made and provided.

This Ordinance may be amended from time to time by the County Board of Rock Island County, Illinois, and such amendment may be shown by either marking the section amended or attaching the amendment to this Ordinance.

Passed and Adopted by the Rock Island County Board
this 20th day of April, 1999

Chapter 13
Participation in Illinois Public Treasurer's Investment Pool (IPTIP)

An Ordinance authorizing the entry of an application
and agreement to participate in the Illinois Public Treasurer's
Investment Pool (IPTIP)

Section

1-13-1 Preambles

1-13-1 PREAMBLES

WHEREAS, Illinois Compiled Statutes (1992) 15 ILCS 505/17, as amended, allows the State Treasurer to:

“Establish and administer a Public Treasurers’ Investment Pool to supplement and enhance the investment opportunities otherwise available to other custodians of public funds for public agencies in this State...”

; and

WHEREAS, pursuant to this Statute, the State Treasurer has created an investment pool known as the Illinois Public Treasurer's Investment Pool or “IPTIP”; and

WHEREAS, pursuant to Illinois Compiled Statutes (1992) 30 ILCS 235/2, as amended, any political corporation or subdivision of the State of Illinois is authorized to invest any funds of any kind or character belonging to it or in its custody in IPTIP; and

WHEREAS, pursuant to Illinois Compiled Statutes (1992) 15 ILCS 505/17, et seq., as amended, the State Treasurer is authorized to invest public funds deposited into IPTIP subject to certain statutory limitations; and

WHEREAS, because of convenience, rate of return and overall security it is in the best interests of this public agency to participate in IPTIP

Chapter 14

Property Purchases Chapter

Imposing a fee to be paid to the County Collector by persons purchasing property at sales held under the Revenue Act of 1939

Section

1-14-1 Regulations

WHEREAS, the County Board of Rock Island County, and Illinois County of under 3,000,000 inhabitants, is authorized pursuant to 35 ILCS 200/12-330 to impose a fee of up to \$60 upon each person purchasing any property at sale held under the Revenue Act of 1939; said fee to be paid to the County Collector prior to the issuance of a certificate of purchase; and

WHEREAS, the County Treasurer shall deposit all sums of money so received into a special fund, held to satisfy payment of interest and costs pursuant only to a court ordered sale in error under 35 ILCS 200/21-310; and

WHEREAS, pursuant to 35 ILCS 200/12-330, it shall be the duty of the County Treasurer, as trustee of the fund, to invest the principal and income of the fund from time to time in investments authorized by the Counties Code 5/310009 and 3-11002, and to pay into the general fund of the County ear year prior to the commencement of the annual tax sale any accumulation in the special fund in excess of \$500,000.

BE IT RESOLVED, by the County Board of Rock Island County, Illinois, in open meeting this 19th day of September, 1995 as follows:

1-14-1 REGULATIONS

- A. That prior to the issuance of a certificate of sale, the County Collector shall collect from each person purchasing property under the Revenue Act of 1939, a fee of \$60.00.
- B. That the County Treasurer shall hold the money in a special fund to pay

- interest and costs pursuant to a court ordered sale in error.
- C. That the County Treasurer shall invest the principal and income not immediately required for payment in investments authorized under section 3-10009 and 3-11002 of the Counties code, and shall pay into the County's general fund each year prior to the annual tax sale, any accumulation in the special fund in excess of \$500,000.
 - D. That this resolution shall become effective immediately.

Done in open meeting this 19th day of September, 1995

95-909

Chapter 15
Real Property Taxes

An Ordinance Implementing the Provisions of
PA 83-275, Providing for the extension of time to pay the
installments of real property taxes in those Counties with
excessive unemployment

Section

1-15-1	Preambles
1-15-2	Defer 50% of Real Estate Taxes
1-15-3	Effective Date

1-15-1 PREAMBLES

WHEREAS, the unemployment in Rock Island County, Illinois, has made it increasingly difficult for property owners to pay their real property taxes on or before the due dates provided by law for each installment thereof; and

WHEREAS, the General Assembly has enacted into law PA 83-275, which became effective September 11, 1983, amending various provisions of the Revenue Act, to provide some measure of relief from the difficulties occasioned by high unemployment in certain areas of the State, and

WHEREAS, Section 705.1b has been added to Chapter 120 Illinois Revised Statutes, which statute permits the County Board of a County having less than 2,00,000 inhabitants, and an unemployment rate equal to or in excess of 10% as determined by the Bureau of Labor Statistics of the Department of Labor, to adopt an ordinance permitting taxpayers to pay 50% of each real property tax installment sixty (60) days after the due date of the installment; and

WHEREAS, the population of Rock Island County is less than 2,000,000 and the unemployment rate in Rock Island County is equal to or greater than 10%.

BE IT THEREFORE, ORDAINED, by the County Board of Rock Island County, Illinois, in open meeting this 16th day of January, 1985, as follows:

1-15-2 DEFER 50% OF REAL ESTATE TAXES

That 50% of each installment of taxes levied and extended against real property in Rock Island County, Illinois, shall not become delinquent until sixty (60) days after each installment of taxes would otherwise become delinquent, pursuant to the provisions of Chapter 120, Section 705, Illinois Revised Statutes, as amended by PA 83-275.

1-15-3 EFFECTIVE DATE

That this ordinance shall become effective immediately upon its adoption and will remain in effect until such time as the unemployment rate of Rock Island County is no longer equal to or greater than 10%, such unemployment rate to be computed in the manner provided by law; and shall be considered to be in effect at all times when the unemployment rate in Rock Island County is equal to or greater than 10%, such unemployment rate to be computed in the manner provided by law.

Adopted by the County Board of Rock Island County, Rock Island, Illinois, this 16th day of January, 1985.

Chapter 16 Special Services Area

An Ordinance proposing the Establishment of a
Special Services Area in the County of Rock island, Illinois and
providing for a public hearing and other procedures in connection therewith

Section:

1-16-1	Authority to Establish
1-16-2	Findings
1-16-3	Public Hearing
1-16-4	Notice of Hearing
1-16-5	Effective Date

BE IT ORDAINED, by the County Board of Rock Island County, Illinois, as follows:

1-16-1 AUTHORITY TO ESTABLISH

Special Services Areas are established pursuant to the provisions of Article VII, Section 7(6) of the Constitution of the State of Illinois, in force July 1, 1971 and Chapter 120 Section 1301 et seq., Illinois Revised Statutes (1987).

1-16-2 FINDINGS

The County Board of Rock Island County, Illinois, finds:

- A. It is in the public interest that the creation fo the area herein defined, as a special services area of Rock Island County, Illinois, and in an incorporated area of the City of East Moline, Illinois.
- B. That said area is compact and contiguous and is located in an unincorporated area of Rock Island County, Illinois and in an incorporated area of the City of East Moline, Illinois.
- C. That the City Council of East Moline, Illinois, on April 17, 9189, consented to the inclusion of the incorporated area within the special service area.

- D. That said area is a residential area and will benefit specially from the governmental services to be provided, which governmental services are in addition to those provided to those County of Rock Island as a whole, and which are not, at present, being provided to the incorporated area.

1-16-3 PUBLIC HEARING

That a public hearing shall be held on the 17th day of May, 1989 at 7:00 PM at United Township High School in East Moline, Illinois to consider the creation of a Special Services Area, to be known as “Silvis Heights Special Services Area” in the territory described in the Notice set forth in Section 4 hereof.

1-16-4 NOTICE OF HEARING

Notice of hearing shall be published at least once not less than fifteen (15) days prior to the public hearing in one or more newspapers in general circulation in the County of Rock Island, Illinois, and in addition, notice by mailing shall be given by depositing the said notice in the U.S. Mails addressed to the person or persons in whose name the general taxes for the last preceding year were paid in each lot, block, parcel or tract of land lying within the proposed Special Services Area. Said notice shall be mailed out not less than ten (10) days prior to the time set for public hearing. In the event taxes for the last preceding year were not paid, the notice shall be sent to the person last listed on the tax rolls as the owner of the property. The notice shall be substantially in the following form:

Notice of Hearing

County of Rock Island, Illinois
Silvis Heights Special Services Area

NOTICE is hereby given that on the 17th day of May, 1989 at 7:00 PM at United Township High School, a hearing will be held by the County Board of Rock Island County, Illinois, to consider forming a Special Services Area, to be known as the Silvis Heights Special Services Area, consisting of the following described territory:

That part of the Southwest Quarter and that part of the Southeast Quarter of Section 31, in Township 18 North, Range 1 East of the

Fourth Principal Meridian, all located in the County of Rock Island and the State of Illinois, more fully described as follows, to-wit:

Beginning at the Center of Section 31, in Township 18 North, Range 1 East of the Fourth Principal Meridian, thence South along the One Half Section line for 305 feet to a point on the Westerly ROW line of S.B.I. Rte. 80 (19th Street), thence Southeasterly along the Westerly ROW line for 58 feet, thence Southwesterly along the Westerly ROW line of S.B.I. Route 80 for 1,686.8 feet to a point on the One Half Section Line, thence South along the One Half Section Line for 627.9 feet to the Southeast Corner of the Southwest Quarter of said Section 31, thence West along the South Line of the Southwest Quarter of said Section 31 for 619.97 feet thence North parallel with the East Line of Lot 6 (Assessor's Plat of 1863) for 975.1 feet to the South Line of a roadway, thence West along the South Line of said roadway extended to the West for 361.7 feet, thence North following part of the West Line of Hopkinson's Addition for 418.7 feet to a point which lies 25 feet east of the Southeast Corner of Lots 5, 6 and part of Lot 7 for 265.04 feet, thence North 45° 14' West along the Southerly Line of part of Lot 7 for 44.2 feet to the Southeast Corner of Lot 8 in Obendahl's Addition, thence West along the South Line of said Lot 8 for 141.35 feet to the Southwest Corner of Lot 8, thence North along the West Line of said Lot 8 for 55 feet to the Southeast Corner of Lot 9 for 80 feet to the Southwest Corner of said Lot 9, thence North along the West Line of said Lot 9 and its extension thereof for 236 feet to the Flack and Bean Indian Boundary Line (Center Line of 27th Avenue), thence East along the Flack and Bean Indian Boundary Line for 84.05 feet, thence North for 25 feet to the Southwest Corner of Lot 21 in New East Moline Heights (not recorded), thence continuing North along the West Line of New East Moline Heights for 485.88 feet to the Northwest Corner of Lot 30 in New East Moline Heights, thence, East along the North Line of said Lot 30 for 5 feet to the Southwest Corner of Lot 1 in Allison Subdivision, thence North 28° 19'51" East along the Westerly Line of Lots 1, 2, 4, and 5 for 394.03 feet, thence North 9° 57'11" East along the Westerly Line of Lot 6 in Allison Subdivision for 70.53 feet, thence North 00° 58'26" West for 58.59 feet to a point on the North Line of the Southwest Quarter of Section 31, thence East along the North Line of said Southwest

Quarter of Section 31 for 1,168.92 feet more or less to Center of said Section 31 and the place of beginning.

The East boundary of the Proposed Special Service Area is 19th Street, East Moline, Illinois. The other boundaries are not capable of definition by Street location. All of the Proposed Special Service Area is North of 30th Avenue, East Moline and East of 14th Street, east Moline. Property with frontage on 18th Street, east Moline with addresses higher than 2500, are in the area.

All interested persons, including persons owning taxable real property located within the proposed Special Services Area will be given an opportunity to be heard regarding the formation of the boundaries of the proposed Special Services Area, and may object to the formation of the area.

The purpose of the formation of the proposed Special Services Area is to provide special governmental services to the area, relating to the treatment, carrying off and disposal of sewage, wastes and other drainage from the territory within the boundaries of the Special Services Area, including, but not limited to, planning, constructing, equipping, operating, maintaining and extending a drainage and sewage disposal and treatment project.

At the hearing, all interested persons affected by the formation of the proposed Special Services Area, including all persons owning taxable real estate therein, will be given an opportunity to be heard. The hearing may be adjourned by the Board without further notice to another date without further notice other than a motion to be entered upon the minutes of the meeting fixing the time and place of its adjournment.

If a petition, signed by at least 51% of the electors residing within the Special Services Area and 51% of the owners of record of the land included within the boundaries of the Special Services Area is filed with the County Clerk, whose office located in the County Office Building, 1504 Third Avenue, Rock island, Illinois, 61201, within 60 days following the final adjournment of the public hearing objecting to the creation of the Special Service District, no such district maybe created.

Dated this ____ Day of _____, 1989

Richard “Dick” Leibovitz, County Clerk

1-16-5 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its adoption.

Adopted in open meeting this 18th day of April, 1989.

Chapter 17

Adoption of the National Incident Management System (NIMS)

Section

1-17-1

NIMS Adoption

WHEREAS, Homeland Security President Directive/HSPD-5 establishes the National Incident Management System (NIMS); and

WHEREAS, the NIMS establishes a single, comprehensive approach to domestic incident management to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together using a national approach to domestic incident management; and

WHEREAS, the NIMS provides a consistent nationwide approach for Federal, State and local governments to work together to prepare for and respond to, and recover from domestic incidents regardless of the cause, size or complexity; and

WHEREAS, the NIMS provides for interoperability and compatibility among Federal, State and local capabilities and includes a core set of concepts, principles, terminology and technologies covering the incident command system, unified command, training, management of resources and reporting; and

WHEREAS, beginning October 1, 2004, all Federal departments and agencies shall make adoption of the NIMS a requirement for providing Federal preparedness assistance through grants, contracts or other activities to local governments.

NOW, THEREFORE, BE IT *RESOLVED* by the County of Rock Island hereby adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents.

#2004-08

Chapter 18

Defining Responsible Bidder

SECTION

1-18-1

WHEREAS, the definition of responsible bidder needs to be expanded in the case of bidders for construction projects (construction of new facilities, renovation of current facilities or road construction projects) over \$20,000.

NOW, THEREFORE, BE IT *ORDAINED* by the County Board of Rock Island County, Illinois, that the following definition be adopted:

Responsible Bidder for Construction contracts means a bidder as defined in 55 ILCS 5/5-1022(b). The County will also consider:

- A. All applicable laws prerequisite to doing business in Illinois.
- B. Evidence of compliance with
 - A. Federal Employer Tax Identification Number or Social Security Number (for individuals)
 - B. Provisions of Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11246 as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions).
- C. Certificates of Insurance indicating the following coverages: general liability, worker's compensation, completed operations, automobile, hazardous occupation, product liability, and professional liability.
- D. Compliance with all provisions of the Illinois Prevailing Wage Act, including wages, medical and hospitalization insurance and retirement for those trades as covered in the Act.
- E. Active participation in apprenticeship and training with craft specific programs approved and registered with the United States Department of Labor's Bureau of Apprenticeship and training.

- F. Highway Department projects shall be exempt from provisions in this Ordinance that are not in concurrence with Illinois Department of Transportation rules.
- G. The provisions of this Ordinance shall not apply to federally funded construction projects if such application would jeopardize the receipt or use of federal funds in support of such a project.
- H. All contractors and sub-contractors are required to turn in certified payroll on a weekly basis.

BE IT FURTHER *ORDAINED* that nothing herein hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights accrued or liability incurred or cause or causes of action accrued or existing under any prior Resolution or Ordinance. Nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

BE IT FURTHER *ORDAINED* that this Ordinance shall be in full force and effect immediately upon its adoption.

BE IT FURTHER *ORDAINED* that the Clerk of the County Board of Rock Island County is hereby authorized and directed to prepare and deliver a certified copy of this Ordinance to the County Purchasing Agent.

Done in open meeting this 20th day of July, 2004

Verbal approval from Cynthia 07-15-04 11:03 AM

Chapter 19

Adopting GSA Domestic Per Diem Rates

WHEREAS, Rock Island County employees travel to various locations across the State and Country to obtain education, to complete assignments and for organizational meetings; and

WHEREAS, Rock Island County believes in equitable reimbursement for expenses related to this required travel; and

WHEREAS, the County's current policy of reimbursement is not adequate in most area's to cover an employee's meal expenses for a day.

NOW, THEREFORE, BE IT ORDAINED, by the County Board of the County of Rock Island, Illinois, that we hereby adopt the US General Services Administration (GSA) Domestic Per Diem Rates for reimbursement for actual expenses incurred by an employee in the various locations travel is required, effective November 1, 2007, this information being updated annually and generally available on their web site at www.gsa.gov.

Done in open meeting this 16th day of October, 2007

JEB/sc

Chapter 20

Authorizing the Administrative Adjudication of Certain Ordinance Violations

1-20-1	Preambles
1-20-2	Establishment of Unit
1-20-3	Hearing Officers
1-20-4	Rules
1-20-5	Administrative Proceedings
1-20-6	Determination of Violation
1-20-7	Administrative Review
1-20-8	Enforcement of Decisions
1-20-9	Contest by Mail
1-20-10	No Limitation

1-20-1 PREAMBLES

WHEREAS, 55 ILCS 5/5-41005 et seq, authorizes the county board of a county having a total population of less than 3,000,000 inhabitants to establish a code hearing unit to allow for the administrative adjudication of certain ordinance violations in order to expedite the prosecution and correction of such violations; and

WHEREAS, the County of Rock Island has a population of less than 3,000,000 inhabitants; and

WHEREAS, the County Board of Rock island County is of the opinion that the administrative adjudication of certain ordinance violations will be in the best interest of the citizens of Rock Island County.

NOW, THEREFORE, BE IT ORDAINED, by the County Board of the County of Rock island, State of Illinois, that:

1-20-2 ESTABLISHMENT OF UNIT

The County of Rock island (hereinafter referred to as “the County”), by the passage of this ordinance, hereby establishes a Code Hearing Unit pursuant to the

provisions of 55 ILCS 5/5-41005 et seq., a copy of which is attached hereto and incorporated herein by reference. This Unit shall be known as the Rock island County Code Hearing Unit and shall be authorized to conduct administrative adjudications for the County and it's departments concerning alleged violations of County ordinances relating to the following: 1) animal control; 2) the definition, identification, and abatement of public nuisances; 3) the accumulation, disposal, and transportation of garbage, refuse and other forms of solid waste; 4) the construction and maintenance of buildings and structures; 5) sanitation practices; and 6) zoning.

1-20-3 HEARING OFFICERS

The Chairman of the County Board, with the advice and consent of the County Board, shall appoint one or more hearing officers to preside over the administrative adjudications of ordinance violations. The hearing officer shall have all powers and duties enumerated under 55 ILCS 5/5-41005 et seq. However, prior to conducting any administrative adjudication proceedings, a hearing officer may be required to complete a training program approved by the County Board's Administration Committee.

The following procedures shall apply to all administrative hearings before the administrative hearing officer:

1. All parties shall be afforded an opportunity to be heard and an opportunity to cross-examine witnesses.
2. Any attorney appearing on behalf of any respondent shall file a written notice of appearance.
3. In no event shall the case for the County be made by an employee of the Code Hearing Unit.
4. The hearing officer may, at his or her discretion, grant continuances upon a finding of good cause.
5. All testimony given before the hearing officer shall be given under oath or affirmation.
6. The hearing officer shall hear testimony and accept any evidence relevant to the existence or non-existence of a code violation. The strict rules of evidence applicable to judicial proceedings shall not apply to hearings before the administrative hearing office. Pursuant to 55 ILCS 5/5-41035, a code enforcement officer's signed violation notice and report form shall be

prima facie evidence of the existence of the code violation described in the form.

7. No violation may be established except up on proof by a preponderance of the evidence.
8. The hearing officer may issue subpoenas to secure the attendance and testimony of relevant witnesses pursuant to the provisions of 55 ILCS 5/5-41025.
9. The record all hearings shall include all documents presented at the hearing, a copy of the notice of the violation or the notice of the hearing and a copy of the hearing officer's findings, decision and order.
10. Any party desiring to record the testimony presented before the hearing officer shall inform the hearing officer of their desire and may do so at the discretion of the hearing officer. The code hearing unit shall not be responsible for providing recording or transcribing services or equipment. Any such services or equipment shall be provided by the requesting party at their own expense, regardless of the outcome of the hearing.
11. If, at the time set for hearing, the respondent fails to appear, the hearing officer may proceed with the hearing and accept evidence relevant to the existence of a code violation and make a determination regarding liability. Within twenty-one (21) days, a respondent who has been found in default may petition the hearing officer to set aside the determination and set a new hearing date on the basis that the failure to appear at the hearing was for good cause.

1-20-4 RULES

The rules and regulations promulgated of the conduct of the administrative hearing officer shall be published and kept on file in the office of the County Clerk where they shall be available for the public to inspect and copy during normal business hours.

1-20-5 ADMINISTRATIVE PROCEEDINGS

Any authorized county code enforcement officer may institute administrative proceedings before the administrative hearing officer by following the procedures set forth in 55 ILCS 5/5-41020.

1-20-6 DETERMINATION OF VIOLATION

At the conclusion of the hearing, the hearing officer shall make a determination based on the evidence presented as to whether a code violation exists. The determination shall be in writing and shall be designated as the hearing officer's findings, decision and order. Pursuant to 55 ILCS 5/5-41040, findings, decisions and order shall include the hearing officer's findings of fact, a determination of whether a code violation exists based on the findings of fact, and an order imposing a fine or other penalty and directing the respondent to correct the violation if the violation has been proved, or dismissing the case if the violation has not been proved. The hearing officer may impose any sanction provided for in the code for the violations proved, including the imposition of fines and the recovery of the costs of the proceedings. After the final determination of liability, the hearing officer shall inform all respondents of their right to seek judicial review of the determination. A copy of the hearing officer's findings, decision, and order shall be served on each party by personal service or by any method provided for service under 55 ILCS 5/5-41020.

1-20-7 ADMINISTRATIVE REVIEW

The hearing officer's findings, decision, and order shall be subject to review in the Circuit Court of Rock Island County. The Administrative Review Law, 735 ILCS 5/3-101 et seq., and the rules adopted pursuant thereto shall govern all actions for judicial review.

1-20-8 ENFORCEMENT OF DECISIONS

The enforcement of the hearing officer's order, including the enforcement of sanctions and the collection of unpaid fines, fees and costs shall be done according to the provisions of 55 ILCS 5/5-41050 and 55 ILCS 5/5-41055.

1-20-9 CONTEST BY MAIL

Any respondent may elect to contest an alleged violation through the mail rather than at an administrative hearing. The respondent may write and sign a letter setting forth any evidence the respondent may have to contest the alleged violation. The respondent shall be informed of the findings, decision and order of the hearing officer by personal service or by any method provided for under 55 ILCS 5/5-41020.

1-20-10

NO LIMITATION

Notwithstanding any other provision of this ordinance, the County shall not be precluded from seeking remedies for any code violations through the use of any other appropriate administrative procedures or judicial proceedings.

Done in open meeting this 19th day of October, 1999

Original Number 1999-1006B

TITLE 2

Business Regulations

Subject	Chapter
Mechanical Amusement Device	1
Liquor Regulations	2
Sexually Oriented Entertainment	3
Tele-Communications Carrier	4

Chapter 1

Mechanical Amusement Device

Section:

- 2-1-1 Preambles
- 2-1-2 Specifications

The purpose of this resolution is to change the various resolutions pertaining to pinball machines in the unincorporated areas of the County.

2-1-1 PREAMBLES

WHEREAS, Article #5, Section 4B of the Liquor Control Resolution on Licenses and Regulations prohibits pin ball machines in the unincorporated areas of the County, and refers to the County Board of Supervisors resolution dated March 16, 1962; and

WHEREAS, this resolution of the Rock Island County Board of Supervisors dated March 20, 1962 does not authorize pinball machines; and

WHEREAS, all the large cities in the incorporated area of the County have no prohibition of pin ball machines; and

WHEREAS, cities of Rock Island (\$25.00), Milan (\$20.00), and East Moline (\$20.00) have a specified registration fee per machine; and

WHEREAS, several businesses within the County have requested consideration of an ordinance to allow pinball machines; and

WHEREAS, all liquor licenses must be renewed on the first of May each year.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Rock Island County, Rock Island, Illinois as follows:

2-1-2 SPECIFICATIONS

Section 1: That individual pinball machines be licensed in the

unincorporated areas of Rock Island County.

Section 2: That the fee of twenty (\$20.00) dollars be charged per machine.

Section 3: That the liquor resolution as amended in 1974 be revised to reflect this resolution.

Section 4: That the State's Attorneys Office be requested to either revise or rewrite the resolution of the Rock Island County Board of Supervisor's Licenses and Regulations dated 20 March 1962 to include licensing of pinball machines as outlined herewith.

Section 5: That this licensing of pinball machines to be effective May 1, 1977 and shall be renewable on May 1 of each year.

Adopted by the County Board of Rock Island County, Rock Island Illinois, this 19th day of April, 1977.

Chapter 2

Liquor Regulations

Section:

- 2-2-1 Construction
- 2-2-2 Scope of Resolution
- 2-2-3 Liquor Commissioner
- 2-2-4 Licenses
- 2-2-5 Restrictions
- 2-2-6 Suspension and Revocation
- 2-2-7 Violations and Penalties
- 2-2-8 Miscellaneous

2-2-1 CONSTRUCTION:

Section 1. **TITLE.** This *Resolution* shall be known and may be cited as the “County of Rock Island Liquor Control Resolution of 1963, as amended in 1965, 1966, 1973, 1974, 1976, 1977, 1978, 1980, 1983, 1984, 1997, 1998, 2002, 2003 and 2004 .”

Section 2. **LIBERAL CONSTRUCTION.** The provisions of this *Resolution* shall be liberally construed, to the end that the health, safety, and welfare of the people of Rock Island County shall be protected.

Section 3. **DEFINITIONS.** Unless the context clearly indicates otherwise, all words and phrases used in this *Resolution* shall have the same meaning and definition as given such words and phrases in “The Liquor Control Act of 1934,” (235 ILCS 5/1-1 et seq.), herein after referred to as the “Illinois Liquor Control Act.”

Section 4. **INCORPORATION OF ILLINOIS ACT.** All provisions of the Illinois Liquor Control Act shall and are hereby made a part of this *Resolution*, insofar as the provisions of the Act that pertain to Rock Island County.

2-2-2 SCOPE OF RESOLUTION:

Section 1. **UNAUTHORIZED SALES PROHIBITED.** No person, partnership, club, firm, association, corporation or any person acting as an agent, barkeeper, clerk, servant, or employee or another, shall sell or offer for sale at retail any alcoholic liquor within the County of Rock Island, State of Illinois, and outside the corporate limits of any city, village or incorporated town, except as specifically provided in this *Resolution*.

Section 2. **POWER TO LICENSE.** Subject to the limitations and restrictions provided in this *Resolution* and in the Illinois Liquor Control Act, the Liquor Control Commission of the County of Rock Island, hereinafter called “Commissioner”, may grant licenses for the retail sale of alcoholic liquor within the County of Rock Island and outside the corporate limits of any city, village, or incorporated town to any person, partnership, club, firm, association or corporation qualified to receive such license upon written application, accompanied by a bond and check, as herein set forth.

2-2-3 LIQUOR CONTROL COMMISSIONER:

Section 1. **COMMISSION.** The Liquor Control Commissioner may appoint a member or members of the Rock Island County Board to assist him in the exercise of powers and the performance of the duties herein provided for such Commissioner and such person or persons shall be known as the Liquor Control Commission of the County of Rock Island.

Section 2. **POWERS AND DUTIES.** In the event the Commissioner appoints a Liquor Control Commission of the County of Rock Island, then when, in this *Resolution*, the Commissioner shall be referred to, it shall include said Liquor Control Commission.

Section 3. **COMPENSATION.** The compensation and expenses of the Commissioner, his deputies, assistants or employees, if any, shall be as authorized by the Rock Island County Board.

Section 4. **REGULATIONS.** The Commissioner may adopt such rules and regulations consistent with provisions of the Illinois Liquor Control Act, the rules and regulations of the Illinois Liquor Control Commission, and the provisions of this *Resolution* as may be required to perform properly the functions, duties, responsibilities of his office for the protection of the health, safety, and welfare of

the people of this County.

Section 5. **ASSISTANT COMMISSIONER.** In the event the Commissioner appoints a Liquor Control Commission of this County, the Commissioner may appoint an Assistant Commissioner who, in the event the Commissioner is absent from the County or incapacitated, shall preside at Commission meetings and act for the Commissioner.

Section 6. **DISPOSITION OF FEES.** All fees collected by the Commissioner hereunder shall be deposited with the County Treasurer to the credit of the County General Fund.

2-2-4 LICENSES:

Section 1. **APPLICATION.** Application for a license or for a renewal of a license, to sell alcoholic liquor at retail shall be made in writing under oath on a form prescribed by the Commissioner. All applications for renewal of license must be submitted not less than thirty (30) days prior to the expiration of the licensing period as herein established. All applicants for Class D licenses shall be submitted to the Commissioner a reasonable time prior to the date for which said license is to be in effect.

Section 2. **BOND.** Every applicant for a license shall furnish a good and sufficient bond, the form of which shall be prescribed by the Commissioner, payable to the People of the State of Illinois for the use of the County of Rock Island, Illinois, in the sum of One Thousand (\$1,000.00) Dollars. The condition of such bond shall be that if the licensee or his executor, administrator, or trustee, as the case may be, violates the provisions of the Illinois Liquor control Act, or the Regulations of the Illinois Liquor Control Commission, or the provisions of this *Resolution*, or the rules adopted by the Commissioner pursuant to this *Resolution*, as any of these may hereinafter be amended, said bond thereupon shall be forfeited.

Section 3. **APPROVAL OF BOND.** The bond furnished by an applicant must be submitted with the application for a license, and must be approved by the Commissioner prior to the issuance of a license.

Section 4. **LEASED PREMISES.** In all cases where the applicant is a

lessee of the premises sought to be licensed, a copy of the applicant's lease shall be submitted to the Commissioner with the application for a license.

Section 5. **ELIGIBILITY FOR A LICENSE.** No license shall be issued to:

- A. A person who is not a bona fide resident of Rock Island County.
- B. A person who is not of good character and reputation in the community in which he resides.
- C. A person who is not a citizen of the United States.
- D. A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- E. A person who has been convicted of being the keeper or in keeping a house of ill fame.
- F. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- G. A person whose license issued by the Illinois Liquor Control Act has been revoked for cause.
- H. A person who at the time of application for renewal of license would not be eligible for such license upon a first application.
- I. A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than five (5%) per cent of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.
- J. A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5%) per cent of the stock of such corporation, would not be eligible to receive a

license for any reason other than citizenship and residence within Rock Island County.

- K. A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" to transact business in Illinois.
- L. A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licensee.
- M. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic liquor, subsequent to the passage of the Illinois Liquor Control Act, or shall have forfeited his bond to appear in court to answer charges for any such violation.
- N. A person who does not beneficially own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is to be issued.
- O. Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
- P. A person whose proposed place of business is not properly zoned for the sale of alcoholic liquor or which is not suitable for the proposed use or which does not have access thereto by means of a road, driveway, or highway suitable to motor vehicle traffic.
- Q. A person who owes any delinquent personal or real property taxes to the County of Rock Island.
- R. A person who is not a beneficial owner of the business to

- be operated by the licensee.
- S. A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(10) of Section 28-1 of, or as prescribed by Section 28-3 of, the "Criminal Code of 1961", approved July 28, 1961, as heretofore or hereafter amended, or as prescribed by a statute replaced by any of the aforesaid statutory provisions.
 - T. A person to whom a federal wagering stamp has been issued by the federal government for the current tax period.
 - U. A co-partnership to which a federal wagering stamp has been issued by a federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.
 - V. A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than 20% (twenty) per cent of the stock of such corporation has been issued a federal wagering stamp for the current tax period.
 - W. Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

Section 6. **CLASSIFICATION.** Licenses issued by the Commissioner shall be classified as follows:

- A. **CLASS A** licenses which shall authorize the retail sale of alcoholic liquor in an establishment wherein a portion of the premises is reserved for dancing or other entertainment of the patrons or wherein any such dancing or entertainment is contemplated or customarily provided, but any establishment eligible for a Class AA license shall not be eligible for a Class A license.
- B. **CLASS AA** licenses which shall authorize the retail sale of alcoholic liquor on premises operated as a restaurant or other place for the service of food, and operated in

connection with a hotel or motel, provided that said hotel or motel consists of fifty (50) or more rental units, and provided further that a portion of the premises may or may not be reserved for dancing or other entertainment.

- C. **CLASS AAA** is hereby created and does authorize the retail sale of alcoholic liquor on premises operated as a restaurant or night club in which food is served as a major portion of the business, and in which live entertainment is presented.
- D. **CLASS B** licenses which shall authorize the retail sale of alcoholic liquor in an establishment wherein no portion of the premises is reserved for dancing or other entertainment and wherein no dancing or other entertainment is contemplated or permitted, but any establishment eligible for a Class AA license shall not be eligible for a Class B license.
- E. **CLASS C** licenses which shall authorize the retail sale of alcoholic liquor in an establishment operated by a club for consumption on the premises by members of the club and their guests.
- F. **CLASS D** licenses which shall authorize the retail sale of alcoholic liquor in a building, temporary structure, or in an open area, which building, temporary structure or open area is being used in connection with an organized picnic, outing, or entertainment event. A Class D license shall have a duration of not to exceed 24 hours and shall be subject to the restrictions set forth in Article V, §1(a) of the Rock Island County Liquor Control Resolution.
- G. **CLASS E** licenses which shall authorize the retail sale of alcoholic liquor in an establishment wherein sales are made of the unbroken, or original package, commonly called “package stores”, and wherein no facilities are maintained for the consumption of alcoholic liquor by patrons and where no such consumption is contemplated or permitted on the premises.
- H. **CLASS F** licenses which shall authorize the retail sale of alcoholic liquor in an establishment operated in conjunction with a golf course consisting of nine (9) or

more holes.

Section 7. **LIMITATION ON NUMBER OF LICENSES.** The total number of liquor licenses in effect at any one time for the respective classes shall be limited as follows:

- A. The total number of Class A, Class B, and Class E licenses shall not exceed thirty (30), provided that there shall be no limitation in such classes separately.
- B. The total number of Class AA licenses shall not exceed five (5).
- C. The total number of Class AAA licenses shall not exceed five (5).
- D. Class D licenses shall not issued in such a manner as to permit the sale of alcoholic liquor by the same licensee, or at the same location, for a period of more than three (3) successive days.
- E. The total number of Class F licenses shall not exceed eight (8).

Section 8. **REPEAL OF DECREASE IN LIMITATION.** That the limitations on the total number of liquor licenses in effect for any class enumerated in Article IV, Section 7, of the Rock Island County Liquor Control Resolution, and any decrease in the total number of liquor licenses in effect at any one time for the classes enumerated in Article IV, Section 7, of the Rock Island County Liquor Control Resolution, occasioned by application of the provisions of Article IV, Section 8 of the Rock Island County Liquor Control Resolution, since repealed, shall not prevent issuance of a liquor license for any class enumerated in Article IV, Section 7 of the Rock Island County Liquor Control Resolution, so long as the issuance of such licenses does not have the effect of exceeding the limitations set forth in Article IV, Section 7 of the Rock Island County Liquor Control Resolution for any class enumerated therein.

Section 8. **REPEALED.**

Section 9. **LICENSE FEES.** The amount of the license fees for the respective classes herein established shall be as follows:

Class A	\$1,200.00
Class AA	\$1,540.00
Class AAA	\$1,870.00
Class B	\$1,000.00
Class C	\$ 550.00
Class D	\$ 75.00
Class E	\$1,000.00
Class F	\$ 825.00

Section 10. **PARTIAL FEES.** If a new license is issued by the Commissioner between April 30th and October 30th of any year, the full amount of the fees provided herein shall be paid, and if a new license is issued between November 1st and April 30th of any year, only one-half of such fees shall be paid, provided however, that this section shall not apply to Class D licenses or to renewals of licenses of any class.

Section 11. **REFUND OF FEES.** Licensees who have paid the entire amount of the license fees as provided herein shall be entitled to a refund of one-half of the license fee paid only in the following instances:

- A. When the premises licensed are located in an area which is lawfully annexed to any city or village, and when such annexation is completed during the first six months of a licensing period.
- B. When the licensee dies and under the provisions of Article VI, Section 1 of the Illinois Liquor Control Act, the licensed business is terminated during the first six months of a licensing period, or when, in such a case, the licensed business continues to operate under a new license and such new license is issued during the first six months of a licensing period.

Section 12. **PAYMENT OF FEE.** Every application for a license, or renewal thereof, shall be accompanied by full payment of the required license fee by check, cashier's check, money order or cash. No license shall be issued or renewed until such fee has been fully paid. In the event any check, cashier's check, or money order, accepted in payment for the fee for issuance or renewal of a license is not paid by the Bank or other entity or agency upon which it is drawn,

for any reason, the license of the applicant shall be subject to revocation by the Commissioner, under Article VI of this *Resolution*, unless the applicant shall, no later than five (5) days after having been notified by the Commissioner, make full payment of the license fee, in cash, with a penalty of an additional \$10.00. If the application is denied, the fee shall be refunded to the applicant.

Section 13. **DURATION OF LICENSES.** All licenses, except Class D licenses, shall expire at 12 o'clock midnight on April 30th following issuance of the license each year. No license shall be valid for a period greater than one year. Class D licenses shall be valid for a period not to exceed twenty-four (24) hours.

Section 14. **HEARING.** Whenever the Commissioner receives an application for a new license, other than an application for a renewal license, or for a Class D license, he shall hold a public hearing and afford all persons interested therein an opportunity to be heard. The Commissioner shall cause to be published once, a notice of the time and place of such hearing, the name of the applicant, and the proposed location of the premises. Said notice shall appear in a newspaper of general circulation in Rock Island County not more than ten (10) days nor less than five (5) days prior to the date of said hearing.

Section 15. **RULING WITHIN 45 DAYS.** The Commissioner shall grant or refuse to grant a license not later than forty-five (45) days after receipt of the prescribed application for said license.

Section 16. **REFUSAL TO GRANT LICENSE.** The Commissioner shall refuse to grant a license to any applicant who is not eligible to hold a license under the provisions of Article IV, Section 5, or who does not comply with requirements for application and bond set forth in Article IV. In the event that a license is refused, the Commissioner shall notify the applicant within a reasonable time of the action taken and the reasons, therefore, and he shall return to the applicant the total license fee paid and the bond previously furnished.

Section 17. **FORM OF LICENSE.** All licenses issued by the Commissioner shall be in such form as he may prescribe, subject to the provisions of the Illinois Liquor Control Act.

2-2-5 **RESTRICTIONS:**

Section 1. **BUSINESS HOURS.**

- A. No licensee shall sell or offer for sale, give or permit the consumption of alcoholic liquor on the licensed premises from 2 o'clock AM until 7 o'clock AM each day except Sundays when such sales and consumption shall be prohibited from 2 o'clock AM until 9 o'clock AM. Class AAA licenses shall be permitted to remain open every day until 4 o'clock AM except on those days on which licensees are prohibited from selling liquor.
- B. It shall be unlawful for any licensee to be open for business or to admit the public to, or to permit the public to remain within, or to permit the consumption of alcoholic liquor is sold at retail under a license issued pursuant to the provisions of this *Resolution* during the hours in which the sale of liquor is prohibited; provided that the term "public" shall not be construed in such a manner as to include licensee, when a named individual is the licensee, or employee of any licensee; and provided further that hotels, motels, and airports may conduct business during those hours in which the sale, gift, or consumption of alcoholic liquor is prohibited as set forth in above paragraph (a) subject to that provision of the sale, gift, or consumption of alcoholic liquor.

Section 2. **PERSONS UNDER LEGAL AGE.**

- A. No person under the age of 18 years shall be employed in any premises licensed for the retail sale of alcoholic liquor except for services related exclusively to service of food.
- B. No licensee, or agent, or employee of a licensee, shall permit a person under 18 years of age to enter into or remain within any portion, room, or compartment within a licensed premises wherein alcoholic liquor is drawn, poured, or mixed; provided that this prohibition shall not be deemed to have been violated if the licensee, agent, or employee of a licensee, proves as an affirmative defense

that a person under 18 years of age entered into a portion, room, or compartment of a licensed premises wherein alcoholic liquor is drawn, poured, or mixed as a patron for the service of food, accompanied by a parent, guardian, or other responsible adult.

- C. No person under the age of 21 shall buy or attempt to buy or accept or receive or consume any alcoholic liquor in or around any licensed premises.
- D. No person under 19 years of age shall enter into or remain within any portion, room, or compartment within a licensed premises wherein alcoholic liquor is drawn, poured, or mixed; provided that this prohibition shall not be deemed to have been violated if a person under 18 years of age shall prove, as an affirmative defense, that he or she entered into or remained within a portion, room, or compartment of a licensed premises wherein alcoholic liquor is drawn, poured, or mixed as a patron for the service of food, accompanied by a parent, guardian, or other responsible adult.

Section 3. CHANGE OF OWNERSHIP.

- A. All licensees shall report in writing within thirty (30) days to the Commissioner any changes in ownership of the licensed business, provided that corporate licensees shall report internal changes by officers and stockholders owning in the aggregate more than five (5%) per cent of the stock of such corporation.
- B. With any change in ownership as described in Section 3.A., the Liquor license shall expire and any new owners must apply for license in compliance with this Ordinance and the Liquor Control Act.

Section 4. GAMBLING, PROSTITUTION, LEWD ENTERTAINMENT, ETC.

- A. No gambling devices shall be kept on the premises or

used for the purpose of gambling upon the licensed premises, nor shall any gambling be allowed upon the licensed premises.

- B. No pinball machines, or other coin-in-slot mechanical amusement devices, shall be kept on a licensed premises unless such premises shall hold a current license for such pinball machine or other coin-in-slot mechanical amusement device, such license to be issued pursuant to the provisions.
- C. No licensee, and no officer, agent, partner, or employee of any licensee shall purchase or possess a Federal Occupational Wagering Stamp or a \$250 Annual Occupational Gaming Device Stamp, issued by the internal revenue authorities of the United States, for the licensed premises.
- D. No licensee or employee of a licensee shall knowingly permit or commit upon the licensed premises, any act of prostitution, of soliciting for a prostitute, of patronizing a prostitute, or of pimping as defined by Statute.
- E. No licensee shall permit indecent, lewd, or obscene entertainment to be performed upon the licensed premises.

Section 5. **SANITATION.** All premises and equipment and utensils used for the retail sale or storage for sale purposes of alcoholic liquors shall be kept in a sanitary condition. All licensed premises shall have running water at any service bar, and shall have and maintain clean and sanitary toilets and toilet rooms, with separate toilet facilities for men and women. All licensees shall keep and maintain the licensed premises in full compliance with the law of Illinois regulating the condition of premises used for the storage or sale of food for human consumption.

2-2-6 SUSPENSION AND REVOCATION:

Section 1. **GROUND.** Any license issued by the Commissioner under the authority of this *Resolution* may be revoked or suspended

for a period not to exceed thirty (30) days by the Commissioner for any of the following reasons:

- A. Violation of any provision of this *Resolution* or the Regulations promulgated by the Commissioner.
- B. Violation of any provisions of the Illinois Liquor Control Law or the Rules and Regulations of the Illinois Liquor Control Commission.
- C. Violation of any provisions of the Criminal Code of Illinois, as amended (Illinois Revised Statutes; Chapter 38).
- D. Making a false statement as to any material fact in the application for a license hereunder.
- E. Any act, occurrence, or event which would cause the licensee to be ineligible for a new license under the provisions of Article IV - Section 5, herein.
- F. Closing, abandonment, or cessation of the licensed business for a period of more than thirty (30) days.
- G. Failure to pay the application fee for issuance of renewal of a license, after dishonor of a check, cashier's check, or money order used for such purpose, by the bank or other entity or agency upon which it is drawn, in the manner and within the time required by Article IV, Section 12 hereof.

Section 2. **COMPLAINT.** Any five residents of Rock Island County may file a written complaint with the Commissioner stating that any license, subject to the jurisdiction of the Commissioner, has committed any act or omission constituting grounds for suspension or revocation. Such written complaint shall be in the form prescribed by the Commissioner and shall be signed and sworn to be the parties, complaining. Such complaint shall state the particular provision, rule or regulation believed to have been violated and the facts upon which such belief is based.

Section 3. **HEARING.** If the Commissioner finds that the

complaint substantially charges a violation of the Illinois Liquor Control Act or of this *Resolution*, and that from the facts alleged there is a reasonable cause for such belief, he shall set the matter for hearing and shall serve upon the licensee a copy of the complaint and notice of the time and place of such hearing.

Section 4. **NOTICE.** Notice as herein required shall be given by mailing the notice and complaint to the licensed place of business by registered mail, postage prepaid, or by leaving a copy of said notice and complaint at the licensed place of business, or by posting a copy of said notice and complaint upon the licensed premises, provided that said notice be so given at least three days before the date set for hearing.

Section 5. **COMPLAINT BY COMMISSIONER.** The Commissioner or any member of the Rock Island County Liquor Control Commission may file a written complaint with Commissioner in the same form and manner, and in conformity with the same procedure, as set forth in Article VI; Sections 2, 3, and 4 herein.

2-2-7

VIOLATIONS AND PENALTIES:

Section 1. **ACTS OF AGENT OR EMPLOYEE.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this *Resolution*, by any officer, director, manager, or other agent, or employee of any licensee, shall be deemed and held to the act of such licensee, and said licensee shall be subject to suspension or revocation of his license and subject to criminal prosecution and punishment in the same manner as if said act or omission had been done or omitted by him personally.

Section 2. **SEPARATE OFFENSES.** Whenever that provisions of this *Resolution* are violated, a separate offense shall be

deemed committed each day during or on which the violation occurs or continues.

Section 3. **PENALTIES.** Any person, partnership, club, firm, association, or corporation who shall violate any provision of this *Resolution*, or any of the rules or regulations of the Commissioner, shall be fined not less than \$50.00 nor more than \$500.00 for a first offense, and for a subsequent offense, not less than \$100.00 not more than \$500.00 and in addition thereto, in the case of individuals, may be imprisoned in the County Jail for not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment. Provided; that any person who violates the age requirements of Section 2 (c) and (d) of Article V of this *Resolution* shall be fined not less than \$100.00 nor more than \$200.00 for each such offense. Any penalty imposed hereunder shall in no way affect the power of the Commissioner to revoke or suspend the license of the licensee.

2-2-8 MISCELLANEOUS:

Section 1. **REPEAL OF PRIOR RESOLUTIONS.** All prior *Resolutions* heretofore adopted by the past Board of Supervisors and the present Rock Island County Board of Rock Island County, pursuant to the powers of said Board to control and regulate the sale of alcoholic liquor, are repealed as of the effective date of this *Resolution*.

Section 2. **SAVINGS PROVISION.** If any section, subsection, clause, or phrase of this *Resolution* is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this *Resolution*.

Section 3. **EFFECTIVE DATE.** This *Resolution* shall become effective immediately.

Adopted October 22, 1963; and amended in 1965, 1966, 1973, 1974, 1976, 1977,

1978, 1980, 1983, 1984, 1998, 2002, and 2003.

Chapter 3

Sexually Oriented Entertainment

A resolution providing for the licensing and regulation of sexually oriented entertainment in the unincorporated areas of Rock Island County, Illinois

Section

2-3-1	Preambles
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2-3-1 PREAMBLES

WHEREAS, sexually oriented entertainment has been provided in the unincorporated area of Rock Island County, Illinois, at locations which are not regulated or licensed by the County of Rock Island or the State of Illinois, pursuant to the provisions of any resolution, ordinance or statutory enactment; and

WHEREAS, the provisions of 55 ILCS 5/5-1059 authorize the County Board to license and regulate persons engaged in the business of providing entertainment in areas of the County outside the boundaries of cities, villages and incorporated towns, and to charge an annual fee therefore; and

WHEREAS, the provisions of 55 ILCS 5/5-1059 provide that the conduct of a business for which a license is required by the provisions of regulations adopted pursuant thereto without securing a license therefore shall be a petty offense; and

WHEREAS, it would be in the public interest if the business of providing sexually oriented entertainment in the unincorporated area of Rock Island County was regulated.

BE IT THEREFORE RESOLVED, by the County Board of Rock Island County, Illinois in open meeting this 16th day of March, 1993, as follows:

Section 2-3-2 CONSTRUCTION

1. TITLE & AUTHORITY. This Resolution shall be known as and may be cited as “County of Rock Island Sexually Oriented Entertainment Licensing Resolution”, and is adopted pursuant to enabling authority set forth in 55 ILCS 5/5-1059.
2. LIBERAL CONSTRUCTION. The provisions of this Resolution shall be liberally construed, to ensure the protection of the health, safety and welfare of the people of Rock Island County.
3. DEFINITIONS. Unless otherwise defined by provisions of this Resolution, terms used herein shall carry their common dictionary definitions. If a term is defined by any provision of the Criminal Code of the State of Illinois (ILCS et seq.), that definition shall be applicable, unless the term is otherwise defined in this Resolution. For the purposes of this resolution, the terms hereinafter set forth shall be defined as follows:
 - a. SEXUALLY ORIENTED ENTERTAINMENT. Any presentation of a dramatic production, dance, or other performances in which live performers appear in a nude or near-nude condition at any time during the performance, for the viewing of which a fee, payable in money or anything of value, is charged, or which is performed in conjunction with the service of food or beverages, for which service money or anything of value must be paid.
 - b. NEAR-NUDE. That condition in which those portions of the human body not required by the provisions of this Resolution to be covered are nude.
 - c. COUNTY. The County of Rock Island.
 - d. STATE. The State of Illinois.
 - e. BUILDING. Any enclosed structure, attached to or set upon, the ground, including but not limited to tents, mobile homes or truck trailers.
 - f. OUTDOOR LOCATION. An area not located within an enclosed structure, the location of which is capable to precise definition.
 - g. STAGE. A raised platform or portion of the floor of a building, upon

- which performances may take place.
- h. SEATING AREA. The area of a building or outdoor location used by persons viewing sexually oriented entertainment not on a stage.
 - i. ALCOHOLIC LIQUOR. The definition set forth in the Illinois Liquor Control Act of the State of Illinois (235 ILCS 5/1-1 et seq.) shall be used.
 - j. PERSON. An individual, a corporation, a partnership, or any unincorporated association.

2-3-3 SCOPE

- 1. ACTS PROHIBITED. No person shall present sexually oriented entertainment in an unincorporated area of Rock Island County other than as authorized by the provisions of this Resolution.
- 2. REGULATED AREA. This Resolution applies to the unincorporated areas of Rock Island County.
- 3. POWER TO LICENSE. Subject to the limitations and restrictions set forth in this Resolution, the Sheriff of Rock Island County has the power to issue, renew or revoke any license provided for by the provisions of this Resolution.

2-3-4 LICENSES

- 1. APPLICATION. Any person desiring to present sexually oriented entertainment shall obtain a license pursuant to the provisions of this Resolution. Applications therefore shall be made in writing, under oath, on forms provided by Rock Island County. A license shall be valid for the duration provided for in this Resolution. Application for renewal of an existing license must be made not less than 30 days prior to the expiration of a licensing period.
- 2. APPLICATION FORMS. The forms used to apply for license, or the renewal of license, shall require identity of the prospective licensee, the precise location of the building or outdoor location to be licensed, and such other information as is necessary to establish the eligibility of the applicant for a license.
- 3. LEASED PROPERTY. In all cases where the applicant for a license is the lessee of a building or location sought to be licensed, a copy of the lease shall be submitted with the application for license.

4. ELIGIBILITY FOR LICENSE. No license shall be issued to:
- a. Any individual who is not at least 21 years of age.
 - b. Any individual who has been convicted of an offense classified as a felony, under the laws of the State of Illinois or any other jurisdiction, within the five (5) year period immediately proceeding the date of application.
 - c. Any individual who is not a citizen of the United States.
 - d. Any individual who has been convicted of any offense set forth in Article 11 of the Criminal Code of 1961, as amended, within the five (5) year period immediately proceeding the date of application.
 - e. Any person whose license issued under the provisions of this Resolution has been previously revoked.
 - f. Any person who at the time of application for renewal would not be eligible for a license on a first application.
 - g. Any partnership unless all partners are eligible for a license.
 - h. Any corporation, if any officers, managers or directors thereof, of any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license.
 - i. Any person whose business operations will be managed by someone other than the licensee unless such an individual would be eligible for a license.
 - j. Any person who does not own the building or outdoor location for which a license is sought, or have a lease therein for the entire period for which the license will be issued.
 - k. Any person whose building or outdoor location is not properly zoned for the activity sought to be licensed, or whose building has building code violations, or is in violation of any public health regulations.
 - l. Any person whose proposed outdoor location is not immediately adjacent to a building for which a license has been issued under the provisions of this Resolution. All outdoor locations must be properly zoned and must comply with all applicable public health regulations. All outdoor locations must be at least 2,000 feet from any building used as a residence, and at least 300 feet from any public highway.
5. TYPES OF LICENSES. The types of licenses shall be as follows:
- a. A General License which applies to the building described in the license.

- b. An Outdoor Location License which shall apply to the outdoor location described in the license.
- 6. DURATION OF LICENSES. All General Licenses shall expire at midnight, June 30th of each year. An Outdoor Location License shall expire 48 hours after its effective date. All applications for Outdoor Location Licenses shall be made at least 15 days before the proposed effective date, which shall be set forth in the application.
- 7. LICENSE FEES. The fee for a General License shall be \$200. The fee for each Outdoor Location Licenses shall be \$100. Fees shall be paid in cash or by certified check and must be paid before a license is issued.
- 8. PARTIAL FEES. If a General License is issued between July and December 31 of any year, the entire fee therefore shall be collected. If the General Licenses is issued on or after January 1 of any year, the fee shall be \$125. All renewals shall be for a one year period and the entire fee shall be collected.
- 9. REFUND OF FEES. If a General License is rendered invalid because the licensed location becomes incorporated, more than six (6) months before the expiration of such license, the licensee shall be refunded 50% of the fee paid for issuance or renewal of the license. A similar refund shall be made if the person licensed is an individual, and the individual dies during the first six (6) months of a licensing year. In the latter case, the refund may be made to the licensee's spouse, next of kin, or personal representative.
- 10. PROCEDURE. All applications for a license of any type, or a renewal, shall be made to the Sheriff of Rock Island County. The Sheriff shall make the necessary investigation to ensure that the applicant is eligible for the requested license, and is authorized to request assistance from other public officials or agencies in making a decision. With respect to application for a first General License, the Sheriff shall, within 45 days after reviewing the application, notify the applicant of the decision to grant or deny the application. If the application is denied, the Sheriff shall state the reason for such denial.

With respect to renewals, the Sheriff must notify the applicant of his

decision to grant or deny the application at least 72 hours before the expiration of a license, setting forth the reason for refusing to renew, if that decision was made.

When an application has been denied, the Sheriff shall refund the fee paid. If an applicant can correct the deficiencies which caused denial of the application, the application may be re-submitted to the Sheriff, along with the appropriate fee.

The Sheriff must notify the applicant for an Outdoor Location License of the decision to grant or deny the application at least 48 hours before the date the license was to become effective. If the application is denied, the fee shall be refunded.

The pendency of an application for a license of any type, or renewal of a license, does not permit the activity regulated by this Resolution to occur unless authorized by a license issued pursuant to the provisions of the Resolution.

11. NUMBER OF LICENSES. No person is eligible to receive more than three (3) Outdoor Location Licenses within any twelve (12) month period.
12. FORM OF LICENSE. All licenses shall be in such form as approved by the County.

2-3-5 RESTRICTIONS

1. BUSINESS HOURS. No license issued pursuant to the provisions of this Resolution shall permit the activity regulated by this Resolution between the hours of 2:00 AM and 3:00 PM each day.
2. PERSON UNDER AGE. No person under the age of 18 years shall be employed in any building or at any outdoor location licensed pursuant to the provisions of this Resolution.

No persons under 21 years of age shall be permitted to enter a licensed building or to be present as a spectator at a licensed outdoor location.

3. ALCOHOLIC LIQUOR. Unless the building or outdoor location licensed pursuant to the provisions of this Resolution is also licensed under the provisions of the Rock island County Liquor Control Resolution, possession and consumption of alcoholic liquor in such building or at such outdoor location is prohibited.
4. SANITATION. All locations licensed pursuant to the provisions of this Resolution must comply with applicable State and County regulations pertaining to public health and sanitation.
5. PROHIBITED ACTS. The following acts are prohibited within any licensed building or at any licensed outdoor location:
 - a. No person participating in the presentation of sexually oriented entertainment shall appear while completely nude - the groin or pubic areas of performers must be covered with non-transparent material which prevent view of genitals or body cavities.
 - b. Female performers must cover their nipples with non-transparent materials at least three (3) inches in diameter.
 - c. No physical contact between or among performers on stage is permitted.
 - d. No animals shall be used in any performance.
 - e. Persons admitted to a licensed building or outdoor location for purposes of viewing sexually oriented entertainment shall not be permitted to enter upon the stage.
 - f. No physical contact between performers and those admitted to a licensed building or outdoor location for purpose of viewing sexually oriented entertainment, either upon the stage or within a seating area, shall be permitted, other than hand-to-hand contact.
 - g. No licensee, or agent or employee of a licensee, shall violate any provision of Article 11 of the Criminal Code of 1961, as amended, at or within a licensed location.

2-3-6 SUSPENSION & REVOCATION

1. GROUNDS. Any license issued pursuant to the provisions of this Resolution may be revoked or suspended for a period not to exceed 60 days by the Sheriff for any of the following reasons:
 - a. Violation of any provision of this Resolution

- b. Making a false statement as to material fact in an application for a license hereunder.
 - c. Any act or occurrence or prevent which would cause the licensee to be ineligible for a license issued under the provisions of this Resolution.
 - d. Repeated violations of the criminal laws of the State of Illinois by patrons of the licensed building or outdoor location, while within or at such building or location, or within 300 feet thereof.
 - e. Closing, abandoning or cessation of the licensed business for more than 60 days.
2. COMPLAINTS. The Sheriff of Rock Island County shall be responsible for enforcing the provisions hereof, and if, as the result of complaints made by citizens, or as the result of complaints made by the Sheriff's Department or other law enforcement agencies, it appears as if any licensee is in violation of any provisions of this Resolution, the Sheriff shall prepare a Complaint, setting forth the specific nature of the violation, and serve a copy thereof upon the licensee, along with a notice, setting forth the date, time and place a hearing with respect to the alleged violations will be held before the Sheriff.
3. NOTICE. The notice may be served upon the licensee by mailing a copy thereof, along with the Complaint, to the licensed building at least three (3) days before the hearing, or by personally serving the licensee, a partner of the licensee, or corporate agent authorized by law to receive service.
4. HEARING. At a hearing, the licensee is entitled to be represented by Counsel, present witnesses in the licensee's behalf, cross-examine the complaining witnesses, and present other evidence.
5. DECISION. After the hearing is closed, the Sheriff shall render a decision within five (5) days and notify the licensee, in writing. The decision shall be ailed to the licensee at the licensed location.
6. No license issued pursuant to the provisions hereof may be assigned or transferred.

2-3-7 VIOLATIONS AND PENALTIES

1. ACTS OF AGENTS AND EMPLOYEES. Acts of agents or employees of a

licensee which constitute violations of this Resolution shall be attributed to the licensee.

2. PENALTIES. Penalties for violation of this Resolution shall be as provided by law, and shall not affect the ability of the Sheriff to revoke or suspend a license.

2-3-8 EFFECTIVE DATE

This resolution shall become effective upon its adoption.

Done in open meeting this 16th day of March, 1993

Chapter 4

Tele-Communications Carriers

Section

2-4-1	Preambles
2-4-2	Authority
2-4-3	Surcharge
2-4-4	Terms/Effective Date

An Ordinance imposing a surcharge on Tele-Communications carriers engaged in transmitting messages by means of electricity originating within Rock Island County and terminating in the State of Illinois

2-4-1 PREAMBLES

WHEREAS, the electors of Rock Island County, at a referendum held on the 4th dy of November, 1986, favorably approved a proposition calling for installation of a 911 emergency telephone system in Rock Island County, at a cost not to exceed \$0.65 per month per telephone; and

WHEREAS, Section 419.4 was added to Chapter 34, Illinois Revised Statutes, by PA 978, effective December 16, 1987, permitting the County to exercise the powers granted to counties under the Emergency Telephone System Act; and

WHEREAS, Section 45.3 was added to Chapter 134 Illinois Revised Statutes, by PA 978, effective December 19, 1987, which authorizes the corporate authorities of the County to impose a surcharge on all telecommunications carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the County and terminating within the State of Illinois, at a rate per network connection not to exceed that approved by the electors at a referendum; and

WHEREAS, the electors of Rock Island County have previously approved a proposition to install a 911 Emergency Telephone System in Rock Island County, at a rate not to exceed \$0.65 per month per telephone number, prior to the effective date of PA 85-978.

BE IT ORDAINED by the County Board of Rock Island County, Illinois, in open meeting this 19th day of January, 1988, as follows:

2-4-2 AUTHORITY

That pursuant to the enabling authority set forth in Chapter 34; Section 419.4 Illinois Revised Statutes and Chapter 134, Section 45.3 Illinois Revised Statutes, as amended by PA 85-978, effective December 16, 1987 and the result of a County-wide referendum held on the 4th day of November, 1986, a surcharge be and hereby is imposed upon all telecommunications carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of Rock island County, Illinois, and terminating within the State of Illinois.

2-4-3 SURCHARGE

That such surcharge be and hereby is imposed at the rate of \$0.65 per month per network connection.

That the amount of the surcharge imposed by the provisions of this Ordinance shall be paid to the Treasurer of Rock Island County, Illinois in that official's capacity as ex-officio Treasurer of the Rock Island County Emergency Telephone Systems Board not later than 30 days after the surcharge liability accrues, net of any network or other 911 or sophisticated 911 system charges then due the particular telecommunications carrier, as shown on an itemized bill, to be held and distributed by the aforesaid County Treasurer according to law.

2-4-4 TERMS AND EFFECTIVE DATE

That for the purposes of computing the surcharge imposed by this Ordinance, the network connections to which the surcharge shall apply shall be those in-service network connections, other than those network connections assigned to the County of Rock Island, in its capacity as a governmental unit, where the subscriber's service address for each such network connection or connections are located within the corporate limits of Rock Island County, Illinois. The term "service address" shall mean the location of the subscriber's primary use of the network connection or connections.

That unless the provisions of this Ordinance specially otherwise state, all terms

used in this Ordinance shall be defined in the manner set forth in the Emergency Telephone System Act (Chapter 134 Section 31, et seq., Illinois Revised Statutes), or other law to which reference is made by provisions of said Act.

This Ordinance shall become effective on the 1st day of April, 1988.

Done in open meeting this 19th day of January, 1988 and amended the 16th day of April, 1991 and amended the 16th day of February, 1999.

TITLE 3

Zoning Regulations

Subject	Chapter
Building Code	1
Unified Zoning Ordinance	2
Subdivision	3
Mobile Home & Mobile Home Park	4
Pollution Control Facilities	5
Host Agreement	6
Nuisance	7

Chapter 1

RESOLUTION AMENDING THE ROCK ISLAND COUNTY BUILDING CODE

Section

- 3-1-1 Preambles
- 3-1-2 Adopting International Residential Code & International Property Maintenance Code
- 3-1-3 Amending International Building Code
- 3-1-4 Amending International Residential Code
- 3-1-5 Amending International Property Maintenance Code
- 3-1-6 Amending National Electric Code
- 3-1-7 Repeal
- 3-1-8 Effective Date

3-1-1 PREAMBLES

WHEREAS, on the 13th day of September, A.D. 1966, the Board of Supervisors of Rock Island County, Illinois, pursuant to enabling authority set forth in Chapter 34, Sec. 422, Illinois Revised Statutes, did adopt the Rock Island County Building Code, and:

WHEREAS, said building code has been amended from time to time by the County Board of Rock Island County, Illinois, and;

WHEREAS, on the 20th day of March A.D., 2002, The County Board of Rock Island County, Illinois did adopt as amended, the provisions of the International Building Code and appendix and the International residential Code, 2000 Editions, as published in book form by the International Code Council, and;

WHEREAS, the International Code Council has prepared and published in book form, the 2003 International Building Code and appendix; and, the 2003 International Residential Code and Appendix, and, the 2003 International Property Maintenance Code and

Appendix, and;

WHEREAS, three (3) copies of the aforementioned International Building Code and Appendix, 2003 Addition, and, the 2003 International Residential Code and Appendix, and, the 2003 International Property Maintenance Code and Appendix, and, three (3) copies of this Amendatory Resolution have been filed in the office of the County Clerk's of Rock Island County, Illinois for use and examination by the public since Jan. 2nd, A.D. 2004, pursuant to the provisions of 55ILCS 5/5-6002 Illinois Compiled Statutes, 2002;

WHEREAS, the Building Board of Appeals did meet on Jan 13th, 2004 at the Rock Island County Office Building, 1504 - Third Avenue, Rock Island, Il and voted to recommend to the Rock Island County Board that the building codes be amended and updated as follows:

3-1-2 ADOPTING INTERNATIONAL RESIDENTIAL CODE & INTERNATIONAL PROPERTY MAINTENANCE CODE

The provisions of the International Building Code, 2003 Edition, and, the International Residential Code, 2003 Edition, and, the International Property Maintenance Code as prepared and published in book form, by the International Code Council are hereby adopted by reference, pursuant to the provisions of 55 ILCS 5/5-1063, 5/5-1065, 5/5-6002 and 5/5-6004, Illinois Compiled Statutes, subject to the amendments set forth in Articles II, III and IV of the Rock Island County, Illinois, Building Code contained herein.

Where the provisions of the International Building Code, 2003 Edition, and, the International Residential Code, 2003 Edition, and the International Property Maintenance Code, 2003 Addition, and, the National Electric Code, as prepared and published in book form as adopted by this Amendatory Resolution make references to other codes, they shall be the governing code.

3-1-3 AMENDING INTERNATIONAL BUILDING CODE

The International Building Code, 2003 Edition, shall be amended as follows. Where a conflict between any referenced code appears, the more restrictive, as

determined by the Building Official, shall apply.

- (A) Illinois is inserted as the name of the state and Rock Island County as the name of the jurisdiction in those parts of the codes where insertions are necessary or appropriate.
- (B) All references to building lines, setback lines and zoning are void and the subject matter of the Rock Island County Zoning Ordinance, as amended, shall be applicable.

103, Department of building Safety: delete section.

104.1 GENERAL: (add the following) *The Building Official and Rock Island County, Illinois Administrative officer are inferred to be one and the same.*

105.2 Work exempt from permit:

105.2.4: (add) *If located within the delineated floodplain as shown on the FIRM as adopted, shall require a floodplain development permit as required in the Rock Island County Floodplain Ordinance, as amended.*

108.2 Schedule of permit fees: ** existing fee structure shall remain in force and is hereby re-adopted by reference.**

113.3 Prosecution of Violation: add “ *The Building official may cause said violation to be prosecuted through RICCES: The Rock Island County Code Enforcement System, as provided for in 55 ILCS 5/5 41005 - 41060.*

113.4 Violation Penalties: replace with “*Any person, firm or corporation, agent or employee, or contractor of such who violates, disobeys, omits, neglects, or refuses enforcement of any provisions of this Ordinance shall, upon conviction, forfeit not less than twenty five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars for each offense, together with costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail of Rock Island County until said forfeiture and costs are paid, for a period not to exceed thirty (30) days for each violation. EACH DAY THAT A VIOLATION CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE VIOLATION. Fines are in addition to required corrective action.*

1208.2 Minimum Ceiling Heights:

Exceptions: (add) *4. Conversions of attics and basements of a group R-3*

occupancy utilized as a single family dwelling unit shall have a ceiling height of not less than (6) six feet and eight (8) inches. Duct work projections may be lower than this if located against partition walls and do not reduce doorway heights to less than six (6) feet four (4) inches.

1510.3 Recovering and Replacement, add: 4. Removal of any overlay shingles shall require removal of all shingles and felt to the roof sheathing. Roofing cement shall not be considered as an approved substitute for required metal flashing or counter flashing.

1608: Snow loads: add: NOTE: all snow loads shall be based on a minimum roof snow load of 30 pounds per square foot. Drift loading shall be calculated as per 1608.7 .

1805.2.1 Frost Protection: change to read: Except where erected on solid rock, footings are required to be 42 inches below finished grade. Light frame construction shall meet the footing requirements of Table 1805.4.2.

(add) **1805.2.1.A** For group U occupancies, structures 720 square feet and less, with no side dimension longer than 30 feet, and no wall height taller than ten feet, and no more than 3 courses of masonry block, located on undisturbed soil, may be constructed with a floating slab. This slab shall be a minimum of 4 inches thick, 3000 pound concrete mix reinforced with 21 pound wire mesh and having a twelve (12) inch thick by twelve (12) inch wide perimeter reinforced with two #4 reinforcement bars. This slab shall be a continuously poured with no cold joints.

Table 1805.4.2

# of floors	thickne ss concret e	thickne ss masonr y	width of footing	thickne ss of footing	depth of footing
1.			16"	8"	42"
2.	8"	8"	16"	8"	42"
3.	8"	8"	18"	12"	42"
	10"	12"			

Chapter 29 Plumbing Systems: Delete entire chapter, add: By reference Illinois Plumbing Code as amended shall apply.

Appendices: Delete Appendices A, C, D;
Delete Appendix E and replace with, by reference, the Illinois Accessibility Code; Delete Appendices F, G;
Delete Appendix G, the Rock Island County Flood Plain Development Ordinance as amended into the Rock Island County Zoning Ordinance shall apply;
Delete Appendix H, The Rock Island County Zoning Ordinance shall

Apply;

3-1-4 AMENDING INTERNATIONAL RESIDENTIAL CODE

The International Residential Code, 2003 Edition, shall be amended as follows. Where a conflict between any referenced code appears, the more restrictive, as determined by the Building Official, shall apply.

- (A) Illinois is inserted as the name of the state and Rock Island County as the name of the jurisdiction in those parts of the codes where insertions are necessary or appropriate.
- (B) All references to building lines, setback lines and zoning are void and the subject matter of the Rock Island County Zoning Ordinance, as amended, shall be applicable.

R103, Department of building Safety: delete section.

R104.1 GENERAL: (add the following) *The Building Official and Rock Island County, Illinois Administrative officer are inferred to be one and the same.*

R105.2 Work exempt from permit:

R105.2(1): *Change “200 square feet” to “120 square feet.” Delete metric measurement.*

R105.2.4: (add) *If located within the delineated floodplain as shown on the FIRM as adopted, shall require a floodplain development permit as required in the Rock Island County Floodplain Ordinance, as amended.*

R108.2 Schedule of permit fees: *** existing fee structure shall remain in force and is hereby re-adopted by reference.***

R113.3 Prosecution of Violation: add *“ The Building official may cause*

said violation to be prosecuted through RICCES: The Rock Island County Code Enforcement System, as provided for in 55 ILCS 5/5 41005 - 41060.

R113.4 Violation Penalties: replace with *“Any person, firm or corporation, agent or employee, or contractor of such who violates, disobeys, omits, neglects, or refuses enforcement of any provisions of this Ordinance shall, upon conviction, forfeit not less than twenty five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars for each offense, together with costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail of Rock Island County until said forfeiture and costs are paid, for a period not to exceed thirty (30) days for each violation. EACH DAY THAT A VIOLATION CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE VIOLATION. Fines are in addition to required corrective action.*

Section R1207.2 Minimum Ceiling Heights:

Exceptions: *(add) 5. Conversions of attics and basements of a group R-3 occupancy utilized as a single family dwelling unit shall have a ceiling height of not less than (6) six feet and eight (8) inches. Duct work projections may be lower than this if located against partition walls and do not reduce doorway heights to less than six (6) feet four (4) inches.*

R907.3 Roof Covering Application, *add: 4. Removal of any overlay shingles shall require removal of all shingles and felt to the roof sheathing. Roofing cement shall not be considered as an approved substitute for required metal flashing or counter flashing.*

R301.2.3: Snow loads: *add: NOTE: all snow loads shall be based on a minimum roof snow load of 30 pounds per square foot.*

R403.1.4.1 Frost Protection: *change (1) to read: Except where erected on solid rock as approved by the Building Official, footings are required to be 42 inches below finished grade. Light frame construction shall meet the footing requirements of Table R403.1*

R403.1.4.1 Exceptions: *change (1) to: Free standing Accessory Structures 720 square feet and less, with no side dimension longer than 30 feet, and no wall height taller than ten feet, and no more than 3 courses of masonry block, located on undisturbed soil, may be constructed with a floating slab. This slab shall be a minimum of 4 inches thick, 3000 pound concrete mix reinforced with 21 pound wire mesh and having*

an 8 inch thick by 8 inch wide perimeter reinforced with two #4 reinforcement bars. This slab shall be a continuously poured with no cold joints.

Table R301.2(1):

Ground Snow Load:	30
Wind Speed:	90
Seismic Design Category:	0 (A)
Weathering:	Severe
Frost Line Depth:	42"
Termite:	Moderate to Heavy
Decay:	Moderate to Severe
Winter design Temp:	-10 degrees Fahrenheit
Ice Shield Underlayment	Required
Flood hazards	FIRM
Air Freezing Index	1500
Mean Annual Temp.	50 degrees F

Delete Tables R403.1, R404.1.1(1), R404.1.1(2), R404.1.1(3), and R404.1.1(4) and all references to them and replace with the following table R403.1:

Table R403.1

Number of floors	thickness: concrete	thickness: masonry	width of footing	thickness of footing	depth of footing
1.	8"	8"	16"	8"	42"
2.	8"	8"	16"	8"	42"
3.	10"	12"	18"	12"	42"

403.1.1 minimum size. *Replace text with: footing design must comply with table R403.1. Foundations may support a roof in addition to the stipulated number of floors. Foundations supporting roofs only shall be as required for supporting one floor. Footing shall be continuous and contain a minimum of two #4 (½ inch) reinforcement bars, and have a minimum compressive strength of*

2,500 pounds per square inch at 28 days.

(Add)403.1.1(2) *Buildings containing mechanical installations and connected to underground utilities shall be supported on a continuous frost free foundation capable of resisting the movement of the slab-on-grade.*

R322 ACCESSABILITY Delete in its entirety and add: *Accessibility: The Illinois Accessibility code, as amended, is hereby adopted by reference.*

M1701.4 add: *4. Closet*

Delete Chapters 25, 26, 27, 28,29,30, 31 and 32 in their entirety and add;
Chapter 25. Plumbing: *The Illinois Plumbing Code is hereby adopted by reference.*

3-1-5 AMENDING INTERNATIONAL PROPERTY MAINTENANCE CODE

The International Property Maintenance Code, 2003 Edition, shall be amended as follows. Where a conflict between any referenced code appears, the more restrictive, as determined by the Building Official, shall apply.

(A) Illinois is inserted as the name of the state and Rock Island County as the name of the jurisdiction in those parts of the codes where insertions are necessary or appropriate.

(B) The Building Official, Code Official and Rock Island County, Illinois Administrative officer are inferred to be one and the same.

106.3, Prosecution of violation: add; *The Building official may cause said violation to be prosecuted through RICCES: The Rock Island County Code Enforcement System, as provided for in 55 ILCS 5/5 41005 - 41060.*

106.4, Violation Penalties: Replace with: *“Any person, firm or corporation, agent or employee, or contractor of such who violates, disobeys, omits, neglects, or refuses enforcement of any provisions of this Ordinance shall, upon conviction, forfeit not less than twenty five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars for each offense, together with costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail of Rock Island County until said forfeiture and costs are paid, for a period not to exceed thirty (30) days for each violation. EACH DAY THAT A VIOLATION*

CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE VIOLATION. Fines are in addition to required corrective action.

111 Means of Appeal; (All references to the Board of Appeals shall mean the Rock Island County Zoning Board of Appeals)

111.3 Notice of Meeting; Change to; “The appeals hearing shall be held at the next regularly scheduled Zoning Board of Appeals meeting.”

3-1-6 AMENDING NATIONAL ELECTRIC CODE

The National Electric Code, 2002 Edition, shall be amended as follows. Where a conflict between any referenced code appears, the more restrictive, as determined by the Building Official, shall apply.

(A) Illinois is inserted as the name of the state and Rock Island County as the name of the jurisdiction in those parts of the codes where insertions are necessary or appropriate.

(B) The Building Official and Rock Island County, Illinois Administrative officer are inferred to be one and the same.

Article 80; Specifically adopted **Except:**

Article 80.2 Definitions

Article 80.27 Qualifications

80.15 Change to: *The Rock Island County Building Board of Appeals rules, as amended, shall apply to interpretations and decisions concerning this code.*

80.19 (D) Fees; replace with “ The Rock Island County Zoning & Building Office fee structure shall apply.

80.23 (B) Penalties; (3) Replace with; *“Any person, firm or corporation, agent or employee, or contractor of such who violates, disobeys, omits, neglects, or refuses enforcement of any provisions of this Ordinance shall, upon conviction, forfeit not less than twenty five (\$25.00) dollars, nor more than two hundred (\$200.00) dollars for each offense, together with costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail of Rock Island County until said forfeiture and costs are paid, for a period not to exceed thirty (30) days for each violation. EACH DAY THAT A VIOLATION CONTINUES TO EXIST SHALL CONSTITUTE A SEPARATE VIOLATION. Fines are in addition to required corrective action.*

3-1-7 REPEAL

That the provisions of the previously adopted building codes, and other ordinances, in conflict herewith, are repealed.

3-1-8 EFFECTIVE DATE

The provisions of this amendatory resolution shall become effective on Feb. 2nd, 2004.

NOW, THEREFORE, BE IT *RESOLVED* by the Rock Island County Board that resolution to amend and update the building codes as herein described be and the same is *APPROVED*.

ADOPTED THIS 20TH DAY OF JANUARY, 2004, BY THE ROCK ISLAND COUNTY

Chapter 2

Unified Zoning Ordinance

Section

3-2-1	Authority Title, Purpose, Nature, Exemptions, and Definitions
3-2-2	Interpretation
3-2-3	Definitions
3-2-4	Enforcement and Administration
3-2-5	Board of Appeal
3-2-6	Variances, Appeals, Ordinance Amendments & Special Use Permits
3-2-7	Districts and Map
3-2-8	General Provisions
3-2-9	Additional Requirements, exceptions and modifications
3-2-10	“Ag-1” Agricultural Preservation District
3-2-11	“Ag-2” General Agricultural District
3-2-12	“Se-1” Suburban Estates Low Density District
3-2-13	“Se-2” Suburban Estates Medium Density District
3-2-14	“R-1” Single-family Dwelling District
3-2-15	“R-2” One-family Residence
3-2-16	“R-3” One and Two Family Residence District
3-2-17	“R-4” One to Six Family Residence Districts
3-2-18	“R-5” Multiple Family Dwelling District
3-2-19	“R-6” Multi-family Residence District
3-2-20	“R-7” Mobile Home/manufactured Housing District
3-2-21	“U-1” University/college District
3-2-22	“C-1” Conservation District
3-2-23	“C-2” Conservation District
3-2-24	“O-1” Office District
3-2-25	“B-1” Neighborhood Business District
3-2-26	“B-2” Central Business District
3-2-27	“B-3” Community Business District
3-2-28	“B-4” Highway/intensive Business District
3-2-29	“Ort” Office/research Park and Technology District
3-2-30	“I-1” Light Industrial District
3-2-31	“I-2” General Industrial District
3-2-32	“Pud”– Planned Unit Development District

- 3-2-33 Riverfront Corridor Overlay District (Rco)
- 3-2-34 Additional Requirements, Exceptions and Modifications
- 3-2-35 Performance Standards
- 3-2-36 Illuminations Provisions
- 3-2-37 Landscape and Buffer yard Requirements
- 3-2-38 Development in a Special Flood Hazard Area
- 3-2-39 Signs
- 3-2-40 Wind Energy
- 3-2-41 Fees, Penalties
- 3-2-42 Validity and Repeal
- 3-2-43 When Effective
- 3-2-44 Appendices

3-2-1 AUTHORITY, TITLE, PURPOSE, NATURE, EXEMPTIONS, AND DEFINITIONS

3-2-1.1 AUTHORITY AND TITLE

This Resolution, in pursuance of the authority granted by the 1969 Revised Statutes of the State of Illinois Chapter 34, Sections 3151-3162 and Sections 3201-3204, shall be known and cited as the “Zoning Resolution of Rock Island County, Illinois”.

3-2-1.2 PURPOSE

The provisions contained herein are necessary to promote the public health, safety, morals, comfort and general welfare; to conserve the value of property throughout the county; to lessen or avoid the traffic congestions and hazards on public streets and highways; to reduce fire hazards and improve public safety; to prevent undue concentration of population; and to create a stable pattern of land uses upon which to plan for transportation, water supply, sewers, schools, parks and other facilities. The aforementioned purposes shall be the guide to the enforcement of the provisions contained herein.

3-2-1.3 NATURE

This Resolution shall divide the unincorporated area of Rock Island County into districts; regulate therein the use of land, buildings, and structures;

regulate the location, erection, construction, reconstruction, and alteration of such buildings and structures; regulate the height, number of stories, and size of all buildings; and regulate the density of population.

This Resolution shall also provide for change and amendment of the provisions and boundaries of districts, provide for a Zoning Board of Appeals, and provide for the administration and enforcement of the Resolution including prescription of penalties for violation of the provisions herein.

3-2-1.4 EXEMPTIONS

In Compliance with Chapter 34, Section 3151 of the 1969 Illinois Revised Statutes, this Resolution shall not deprive the owner of any existing property of its use or maintenance if such property and structures are established before the adoption of this Resolution.

This Resolution shall not apply with respect to specification or regulation of the type or location of any poles, towers, wires, cables, conduits, vaults, laterals, or any similar distribution equipment of a public utility as defined in Chapter 111-2/3, Section 10.3, of the Illinois Revised Statutes, 1969 Edition.

The Zoning Ordinance of the County of Rock Island, Illinois, heretofore adopted be and is hereby amended by striking all of said Ordinance except the Title thereof and inserting in lieu thereof the following:

3-2-2 INTERPRETATION

The provisions of this Ordinance shall be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where this Ordinance imposes greater restrictions upon the use of buildings or other structures, or law or ordinance, the provisions of this Ordinance shall prevail.

3-2-3 DEFINITIONS

Accessory Structure: A subordinate structure detached but located on the

same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use: A structure or use that: (a) is clearly incidental to and customarily found in connection with a principal building or use; (b) is subordinate to and serves a principal building or a principal use; (c) is subordinate in area, extent, or purpose to the principal building or principal use serviced; (d) contributed to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and (e) is located on the same lot as the principal building or use served.

Administrative Officer. The “Administrative Officer” is the official appointed by the County Board to administer and enforce the Zoning Resolution and Building codes as adopted in the unincorporated areas of Rock Island County. The Administrative Officer’s title will be: Director of Economic Development & GIS, Rock Island County, Illinois. Administrative Officer and Director, Economic Development & GIS, Rock Island County, Illinois, shall be inferred to be one and the same.

Adult Bookstore. An establishment for the sale, rental, or exchange of books, magazines, or video cassettes, distinguished or characterized by primary emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" as defined below including instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities. Adult bookstores do not include businesses which sell, rent, or exchange books, magazines, or video cassettes as a sideline or adjunct to sales or rental of books, magazines, or video cassettes not relating to "Specific Sexual Activities" or "Specific Anatomical Area".

Specific Sexual Activities are defined as:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy; and
- c. Fondling or other erotic touching of human genitals, pubic

region, buttocks or female breasts.

Specific Anatomical Areas are defined as:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Adult Mini-motion Picture Theaters. An enclosed building with a capacity for less than fifty (50) persons, used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specific Anatomical Areas" or "Specific Sexual Activities" for observation by patrons therein.

Adult Motion Picture Theaters. An enclosed building with capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "Specific Sexual Activities" or "Specific Anatomical Areas" for observation by patrons therein.

Adult Modeling and Entertainment Facility. An establishment having its primary activity the presentation of live models displaying lingerie, or otherwise presenting live, artistic modeling, with said modeling displaying the human body in a nude or semi-nude state, distinguished or characterized by an emphasis on "Specific Anatomical Areas" for observation by patrons therein.

Alley. A public right of way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street.

Alteration. Any change, addition or modification in construction, occupancy or use.

Amusement Center. Any premises which contains four (4) or more coin or token operated devices played for a fee, such as pinball machines, foosball

tables, pool tables and other similar entertainment or amusement devices.

Apartment. A room or suite of rooms in a multi-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.

Apartment/dormitory. A multi-unit dwelling for which each dwelling unit contains fewer than ten (10) occupants whether related or unrelated. Each unit shall have two (2) exits and a common area of not less than three hundred (300) square feet which may include cooking and dining facilities and shall be subject to relevant codes or regulations for behavior by students and others in effect at such educational facility which are enforced by resident personnel of such educational facility.

Automobile Repair - Major. General repair, rebuilding of or reconditioning of engines of any type, motor vehicles, trucks, buses or trailers. Collision service, including body work, frame or fender straightening or repair, overall painting of motor vehicles, trucks, trailers or painting booth.

Automobile Repair - Minor. Minor repairs, incidental body and fender work, touch-up painting and upholstering, replacement of minor parts and general tune-up service to passenger automobiles and trucks not exceeding one and one-half (1-1/2) tons capacity.

Automobile Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- a. Sale and servicing of spark plugs, batteries, distributors and distributor parts;
- b. Tire servicing and repair, but no recapping or regrooving;
- c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel

bearings, mirrors, and the like;

- d. Radiator cleaning and flushing;
- e. Washing and polishing where no mechanical conveyor, blower, or steam cleaning device is employed provided that no more than one single car bay of the service station shall be equipped with washing equipment; and provided that the lot on which the washing equipment is to be located shall be sufficient to provide on-site waiting storage for a total number of vehicles equal to the number capable of being processed during one-half ($\frac{1}{2}$) hour; and provided that a drip area shall be provided where vehicles can be dried, located such that water will be confined to the site and will not run onto any street or alley so as to cause a hazard.
- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps and lines;
- h. Minor servicing and repair of carburetors;
- i. Emergency wiring repairs;
- j. Adjusting and repairing brakes;
- k. Minor motor adjustments not involving removal of the head or crank case or racing the motor;
- l. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operation;
- m. Provision of road maps and other informational material to customers and provision of restroom facilities.

(Note: It shall be unlawful to provide major mechanical and body work,

straightening of body parts, painting, welding, storage of automobiles, trucks or trailers not in operating condition, or other work involving noise, glare, fumes, smoke or other such characteristics. An automobile service station is not a repair garage, a body shop, a car wash, an automobile wrecking yard or junk yard, nor a storage place for rental trailers.)

Automobile Wrecking Yard. Any place where two or more 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 vehicles 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.

Balcony. Is an outside deck located at least on the second floor or any higher floor of a dwelling building, and can be cantilevered or supported on piers.

Bed and Breakfast. Shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent, in operation for more than ten nights in a twelve month period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. "Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.

Boarding House. An establishment with lodging for compensation offering accommodations for short-term transients or extended periods of time. Meals may or may not be provided (also referred to as Boarding House, Rooming House, Lodging House, Lodging Room, does not include Bed and Breakfast).

Body of Water. A lake, pond, or pool where 40% of the surface area is more than nine (9) feet deep and total surface area is not less than 2500 square feet, or, the Rock or Mississippi Rivers.

Book/Stationery Store. An establishment dealing in books, printed

materials and stationery supplies, which is not an adult bookstore.

Building. Any permanently anchored structure used or intended for supporting or sheltering any use or occupancy. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building (see structure).

Building Code. The Rock Island County Building Code, as adopted.

Building, Completely Enclosed. A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building, Height Of. (See appendix pg. 163) The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- a. The elevation of the highest adjoining sidewalk or ground surface within a five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
- b. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten feet above lowest grade.
- c. The height of a stepped or terraced building is the maximum of any segment of the building.

Building, Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but not limited to: buildings, walls, swimming pools, signs and fences.

Building Set-back Line. See “Setback”.

Bulk Storage. Means the storage of flammable or combustible liquid in an above ground tank that is not for dispensing purposes. If an above ground tank is used for any bulk storage purposes, it is classified as a “bulk storage tank” for the remainder of the calendar year in which it was so used.

Care Home, Large Residential. A Residential Care Home for more than eight (8) persons, plus supervisory or oversight personnel, living together as a single housekeeping unit who are disabled, as defined by “Disability” in this ordinance, for the primary purpose of providing shelter.

Care Home, Small Residential. A Residential Care Home containing a single one family dwelling unit for eight (8) persons or fewer, plus supervisory or oversight personnel, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere.

Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Clinic or Medical Health Center. A building containing an individual practitioner or an association or group of physicians, dentists, clinical psychologists, or similar professional health care practitioners, including assistants. The clinic may include apothecary, dental and mental laboratories, and/or x-ray facilities, but shall not include inpatient or overnight care.

Club or Lodge, Private. Non-profit association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

Comprehensive Plan. The plan or any portion thereof adopted by the County to guide and coordinate the physical and economic development of

the County. The comprehensive plan includes, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, drainage facilities, etc.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, commercial products associated with minor auto servicing (but not automobile parts), and other goods commonly associated with the same including the retail dispensing of vehicular fuels.

County. The “County” is Rock Island County, Illinois.

Day Care Home. A family dwelling unit occupied by attending family which receives more than three (3) and up to a maximum of eight (8) children for less than twenty-four (24) hours a day. The maximum of eight (8) children includes the family's natural or adopted children and all other person under the age of twelve (12). A Day Care Home may also be a family home which receives adults who are sixty (60) years of age or older.

Day Care Center. A child care facility which regularly provides day care for less than twenty-four (24) hours per day for (a) more than eight (8) children in a family dwelling unit, or (b) more than three (3) children in a facility other than a family dwelling unit.

Deck. Is an outside porch without a roof not necessarily attached to a dwelling wall, whose floor is built on a foundation, piers, or blocks, as a distinct structure requiring a building permit, above ground grade.

Disability. As defined by the Americans with Disability Act (ADA), a person who has:

- A physical or mental impairment that substantially limits one or more major life activities;
- A record of such an impairment; or
- Is regarded as having such an impairment.

District Zoning. A portion of the territory of the County wherein uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the zoning ordinance.

Dormitory. A building used as group living quarters for a student body operated by a college or university or other such institution of higher education, subject to relevant codes and regulations for behavior of students and others in effect at such educational facility which are enforced by resident personnel at such institution.

Dwelling Group. Two or more one-family, two-family or multiple-family dwellings, or boarding or lodging houses, located on one zoning lot, but not including tourist courts or motels.

Dwelling, One-family. A building designed exclusively for use and occupancy by one family, and entirely separated from any other dwelling by space totaling at least 900 square feet and the structures length does not exceed four times its width and is affixed to a permanent masonry or concrete footing and/or foundation as defined in the Rock Island County Building Codes as adopted. The structure shall have a minimum 3:12 nominal roof pitch, conventional residential roofing material, conventional residential siding which must extend to within (8) eight inches of the ground elevation except when placed upon a masonry or concrete foundation and 6-inch minimum eave overhang.

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 (Townhouse). A row of two to twelve attached, one-family, party-wall dwellings.

Dwelling Unit. One or more rooms which are arranged, designed or used as living quarters for a family or for a community residence as a single hous-

keeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas.

Easement. A right to use a portion of another person's real property for certain limited purposes.

Educational Institution. Public, private, or parochial school, charitable or non-profit junior college, college or university, other than trade or business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, elevated and underground water storage tanks, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare but not including buildings.

Family. One or more persons each related to them by blood, marriage, or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and single housekeeping unit. A family includes any domestic servants and not more than one gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition, and shall not be in addition thereto.

Farm. An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, flora, fauna, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine, provided that the

raising and funding of such farm poultry and farm animals, horses, cattle, sheep swine, provided that the raising and feeding of such farm poultry and farm animals shall be subject to the regulations of the State of Illinois Environmental Protection Agency. The term “farming” includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating and storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals. The term “farm” includes farm dwellings.

Farm Animals. Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g. horses and cattle; medium animals, e.g. sheep and goats; or small animals, e.g. rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons.

Farm Land. Land that is currently and actively being used for the production of food and fiber crops. Land in CRP is not being actively used for production of food or fiber crops.

Fast Food Restaurant. An establishment whose principal business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. The establishment may include a drive-up or drive-through service facility or offers curbside service.

Fence. A structure, other than a building, which is an artificially constructed barrier of any material or combination of materials or plantings/shrubbery planted or erected to enclose or screen areas of land. Decorative corner treatments which do not exceed six feet (6') in length and three feet (3') in height are not considered fences if it allows for 50 percent or more open visibility.

Foster Family Home. A family home which provides full-time family care to foster children unrelated to them. Foster family homes are limited to a maximum of eight (8) children, including the foster family's children, unless

all of the children unrelated to the foster family are of common parentage, or the applicable department of the State of Illinois has waived the limit of eight (8) unrelated children to facilitate an adoptive placement.

Foster Group Homes. A child care facility which regularly provides care for no more than ten (10) children placed by and under the supervision of a child welfare agency licensed by the applicable department of the State of Illinois. Adult supervision shall be provided on a twenty-four (24) hour basis.

Frontage Lots. See Lots, Multiple Frontage

Garage, Bus or Truck. A building which is used or intended to be used for the storage of motor trucks, truck trailers, tractors, commercial vehicles, and buses exceeding one and one-half (1 1/2) ton capacity.

Garage, Private. A detached accessory building or portion of a principal building used for storage of self-propelled passengers vehicles or trailers of the occupants of the premises and/or not more than (1) truck of a rated capacity exceeding one and one-half (1-1/2) tons.

Grade (Adjacent Ground Elevation). The lowest point of elevation of the existing surface of the ground, within the area between the building and a line five (5) feet (1524 mm) from the building.

Halfway House/group Home. A temporary residential living arrangement for up to five (5) persons, excluding staff, who are receiving therapy, counseling and/or care from support staff who are present at all times residents are present, for the following purposes:

- a. To help them re-enter society while housed under supervision while under constraints of alternatives to imprisonment including, but not limited to, pre-release, work release, and probationary programs.
- b. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence;

- c. To provide temporary shelter for persons who are victims of domestic abuse and/or neglect; or
- d. To provide adult congregate living arrangements without nursing care.

Hazardous Waste. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency (EPA) has developed a list of hazardous wastes based upon corrosivity, reactivity, and toxicity. Hazardous substances include, but are not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel, and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts, and all radioactive materials.

Health/recreational and Physical Training Club. An indoor facility including uses such as game courts, exercise equipment, locker rooms, training studios, Jacuzzi and/or sauna, and pro shop.

Height. See Building, Height of.

Home Occupation. An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use, and which is clearly incidental to the use of the dwelling unit for residential purposes. There are major and minor home occupations which are clearly addressed under the General Provisions of this ordinance.

Hospital or Sanitarium. An institution which patients or injured persons are given medical or surgical care; or for the care of contagious diseases or terminal patients.

Hotel. A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities and is not a bed and breakfast (also see “Motel”).

Hotel, Transient. See Boarding House.

Household Hazardous Waste. A hazardous waste that can catch fire, react, or explode under certain circumstances, or that is corrosive or toxic. Common household hazardous waste items, and others not included on this list, might contain materials that are ignitable, corrosive, reactive, or toxic such as: drain openers, oven cleaners, wood and metal cleaners and polishers, automotive oil and fuel additives, grease and rust solvents, carburetor and fuel injection cleaners, air conditioning refrigerants, starter fluids, paint thinners, paint strippers and removers, adhesives, herbicides, insecticides, and fungicides/wood preservatives.

Household Pets. Dogs, cats, rabbits, birds, etc., and other domesticated animals approved by Rock Island County Animal Control for family use only (non-commercial) with cages, pens, etc.

Independent Trailer Coach or Independent Mobile Home. A transportable non-permanent single-family dwelling unit on wheels suitable for year-round occupancy and containing the same water supply, waste disposal, heating and air condition, electrical conveniences and with self-contained toilet and bath or shower facilities as conventional housing. This definition is not intended to include recreational vehicle types.

Junk Yard. Open area 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.

Kennel. Any structure or premises where 5 (five) or more dogs and/or cats over (6) six months of age are kept as pets, or is intended and used for the breeding of animals for sale, or the training and/or overnight boarding of animals other than those of the owner of the lot. This does not include a veterinary clinic in which the overnight boarding of animals is necessary for and accessory to the testing and medical treatment of the physical disorders of animals.

Landscaping. The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such

as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

Land Use Plan. The comprehensive long range plan for the desirable use of land in the jurisdiction, as officially adopted and as amended from time to time by the County Board, the purpose of such plan being among other things, to serve as a guide to the zoning and prospective changes in the zoning of land to meet changing community needs in the subdividing and use of undeveloped land.

Legal Objector. The owner of a lot, parcel, or tract of land, which is next to a lot, parcel, or tract of land, for which a Special Use is proposed or which is the subject of an amendment of this ordinance. For the purposes of this ordinance, a lot shall be deemed to be next to another if the lots, parcels, or tracts share a common lot boundary line in whole or in part or if a common lot boundary in whole or in part would occur if all street, highway, or alley right-of-way between such lots were excluded.

Livestock. Includes, but not limited to bovine animals, sheep, goats, swine, reindeer, donkeys, mules and other hoofed animals raised for food production. Does not include horses.

Loading and Unloading Space, Off-street. An open hard-surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers, to avoid undue interference with the public use of streets and alleys.

Lodging or Rooming House. See Boarding House.

Lodging Room. See Boarding House.

Lot. A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A lot may or may not coincide with a "lot of record".

Lot Area/coverage. The area of the lot covered by buildings above grade, excluding permitted projections.

Lot of Record. An area of land designated as a lot on a plat recorded with the Recorder of Deeds of Rock Island County, Illinois in accordance with State law.

Lot, Corner. A lot having at least two (2) adjacent sides that abut for their full length upon streets.

Lot, Front or Frontage. The length of any one property line of a premises, which property line abuts a legally accessible street right of way, except alleys.

Lot, Multiple Frontage. A lot that fronts on two or more street right of ways, such as corner lots, through lots, etc.

Lot, Interior. A lot other than a corner or reversed corner lot.

Lot Line, Rear. The lot line or lot lines most nearly parallel and most remote from the front lot line.

Lot Line, Side. A lot line which is not a front or rear lot line.

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 a pair of approximately parallel lot lines that abut two (2) approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot, Width. The horizontal distance between the side lot lines measured at right angles to the side lot lines at the front building line.

Lot, Zoning. A single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a “zoning lot” may or may not coincide with a lot of record.

Manufactured Home. A factory-built structure that is manufactured or constructed under the authority of 43 United States Code Section 5401 and is to be used as a place for human habitation, but which is constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

Mobile Home. A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer, self-contained motor home or other recreational vehicle is not to be considered a mobile home. Dwelling Units built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular Home. Factory-built housing certified to meet the currently adopted building codes and amendments as adopted by Rock Island County, IL and the requirements of the Illinois Department of Public Health, applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.

Motel. A building or a group of buildings, whether attached or in connected units, used as individual sleeping units designed primarily for transient travelers and providing for accessory off-street parking facilities. The term “motel” includes but is not limited to buildings designated as auto courts, tourist courts, motor hotels, motor lodges, and similar terms.

Motor Freight Terminal. A building or area in which trucks, including tractor or trailer units, are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.

Nightclub. A tavern or other commercial establishment where alcoholic beverages and/or food are served for consumption on premises and a dance floor and/or entertainment are provided. See also “Tavern”.

Non-conforming Use. A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Nursery School. An institution providing instructional/educational services for six preschool aged children.

Ordinance. Reference to “Ordinance” herein shall be construed as the Zoning Ordinance.

Owner. The word “owner” applies to the entity in which title is vested in the building or land.

Parking Area, Accessory. An area of one or more parking spaces located at the same property as the building, structure or premises it is intended to serve, or on adjoining or nearby property and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.

Parking Space, Automobile. Space within a public or private parking area of not less than 160 square feet (eight and one-half feet by nineteen feet) exclusive of access drives or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.

Person. An individual, group of individuals, corporation, association, partnership, joint venture or other entity, and includes any trustee, estate, receiver, assignee or personal representative.

Plan Commission. Zoning Board of Appeals.

Planned Unit Development. A planned unit development is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single land-owner or by a group of landowners in common agreement as to which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned unit development may be granted relief from specific land-use regulations and design standards and may be awarded

certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.

Porch. Is a roofed, (either enclosed or unenclosed), attached to one or two permanent exterior walls of a dwelling building, whose floor is at or just below the level of the dwelling first floor adjacent to the porch.

Principal Building. A building in which the primary use of the lot on which the building is located is conducted.

Property Owner. Any individual, group of individuals, association, corporation, joint stock association, joint venture, or any other entity in whose name the legal title to the real estate is recorded.

Recreational facilities, (public or private). A site used for specific, or general recreation, which may include gear or equipment. (ie, Camp Ground, golf course, marina, shooting range, racetrack, bicycles, motorcycles, tennis, gathering places not addressed elsewhere in this code. Facility may be a private club or open to the public.

Recreational Use, Seasonal. Camping use on land that is located along a river or body of water allowed by Special Use in some zoning districts. One structure of a seasonal, temporary, movable nature such as a tent, travel trailer, or motor home, but not a mobile home, may be permitted on vacant land. Said temporary structure shall be permitted on site from April 1st through October 31st of each year. Accessory structures are prohibited. (The construction of a permanent residence on said lot shall cause the expiration of a Special Use Permit.)

Refuse Equipment Operation. The storage, repair, maintenance, sale or lease of equipment used in the collection, storage or transportation of refuse, including but not limited to vehicles, containers and any repair, parts, accessories and appurtenances thereof.

Residential Solid Waste. Waste that normally originates in a residential environment.

Restaurant. A food establishment serving full course meals prepared on the premises and which may serve alcoholic beverages.

Right of Way. A strip of land dedicated to the County or other unit of government for streets, alleys, and other public improvements.

Rural Residential Building Lot. A building lot (parcel) in the AG-1, AG-2 or SE-1 zoning districts created without the minimum area required for the district because the parcel meets the criteria outlined in Article VI, Section 6.3.f.8.

Septic Tank. A “Septic tank” is a sewerage system with a seepage field designed to function on an individual lot basis, as approved by the Rock Island County Health Department.

Setback. The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building, including terraces or any covered projection thereof, including steps.

Sewerage System, Central. A “central sewerage system” is a type approved by the Illinois Environmental Protection Agency as properly designed to serve one (1) or more subdivisions. A septic tank is not a central sewerage system.

Stable, Riding. A stable shall mean a building/buildings including other structures and grounds used for the boarding or housing of horses used for riding sessions or pleasure riding on the premises.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, Half. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

Street. A public or private way for motor vehicle travel. The term “street” includes a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or way for pedestrian use only.

Structural Alteration. Any changes in the supporting members of a building including but not limited to bearing walls, load-bearing walls, load-bearing partitions, columns, beams or girders or any substantial change in the roof or the exterior walls.

Structure. Is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Tavern. Any premises wherein alcoholic beverages are sold at retail for consumption on the premises as the principal uses; and where sandwiches, snacks and other food products are available for purchase. “Tavern” does not include “restaurants”, where the principal business is serving food (includes “Bar” and “Cocktail Lounge”). (See Nightclub”).

Terrace/Patio. Is an unroofed deck located outside at ground grade, which is paved as concrete, stone, brick or wood paver blocks (also known as patio).

Theater. An establishment used to observe films and other visual material which is neither an Adult Motion Picture Theater nor Adult Mini-Motion Picture Theater.

Tourist Courts, Motor Lodges, Motels. A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile, tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.

Tourist Home. A dwelling in which accommodations are provided/ offered for transient guests.

Toxic Waste. Any combination of pollutants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms or their offspring and that adversely affect the environment which are being discarded by being disposed, incinerated or recycled.

Trailer Park or Mobile Home Park. An area of land upon which two or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicles, or enclosure used or intended for as, a part of the equipment of such trailer coach park.

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. Does not include Class B trucks.

Unrelated Group Family. A group of no more than five (5) unrelated adults living together as a common household by doing their own cooking and living together, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, sorority, or hotel. Unrelated group families are permitted with administrative approval, provided that they comply with the standards and conditions specified in Article IV of this Zoning Ordinance.

Use, Temporary. A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets and garage sales.

Vehicle, Commercial. Any motorized vehicle or trailer designed to be pulled by a vehicle that is not a passenger vehicle or recreational vehicle, e.g. semi/tractor trailers, excavators, bulldozers, skid steers, backhoes, graders, shipping containers, etc.

Vehicle, Passenger. Any motorized vehicle under 16,000 GVW with not more than 2 axles.

Vehicle, Recreational. A general term for a vehicular unit bearing current license and/or registration, not exceeding forty (40) feet in overall length, eight and one-half (8.5) feet in width or twelve and one-half (12.5) feet in overall height, which includes but is not limited to the following specific vehicle types:

- a. **Camper trailer:** A folding or collapsible vehicular structure without its own (motive) power designed as temporary living quarters for travel, camping, recreation and vacation uses; and (to) be licensed and registered for highway use.
- b. **Travel trailer:** A rigid structure without its own motive power designed as a temporary dwelling for travel, camping, recreation and vacation use; to be licensed and registered for highway use; and which, when equipped for the road, has a body width of not more than eight (8) feet, six (6) inches.
- c. **Truck camper:** A portable structure without its own motive power designed to be transported on a power vehicle as a temporary dwelling for travel, camping, recreation and vacation use; and which, in combination with the carrying vehicle (shall) be licensed and registered for highway use.
- d. **Motor home:** A vehicular unit built on or as a part of a self-propelled motor vehicle chassis, primarily designed to provide temporary dwelling for travel, camping, recreation and vacation use; and to be licensed and registered for highway use.
This category shall include converted bus campers.
- e. **Boat trailer:** A vehicular structure without its own motive power designed to transport a boat for recreation and vacation use and which is licensed and registered for highway use.
- f. **Horse trailer:** A vehicular structure without its own motive power designed primarily for the transportation of horses and

which, in combination with the towing vehicle, is licensed and registered for highway use.

- g. Utility trailer:** A vehicular structure without its own motive power designed and/or used for the transportation of all manner of motor vehicles, goods or materials and licensed and registered for highway use.
- h. Recreational boat:** A vessel, whether impelled by wind, oars or mechanical devices, and which is designed primarily for recreation or vacation use. A recreation vessel when mounted upon a boat trailer shall be considered one unit.

If the recreational vehicle is equipped with liquefied gas containers, they shall meet the standards of the Interstate Commerce Commission or the Federal Department of Transportation standards in existence at the passage of this Ordinance.

Warehouse, Wholesale or Storage. A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

Yard. The space adjacent to lot lines which is required to be open and unobstructed from its lowest level upward except as otherwise permitted. The minimum depth of width of a yard shall consist of the horizontal distance between the lot line and nearest point of the foundation or exterior wall of a building.

Yard, Front. An open space extending the full width of the lot between a principal building and the street right-of-way except for an alley, unoccupied and unobstructed from the ground upward, except as hereinafter specified. When a property is situated along a body of water, the front yard shall be the open space extending the full width of the lot between the principal building and the body of water.

Yard, Rear. An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

Yard, Side. An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

Zoning Maps. The map or maps incorporated into this ordinance as a part hereof. For the purpose of this Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular. The word “building” shall include the word “structure” and the word “shall” is mandatory, “may” is permissive.

3-2-4 ENFORCEMENT AND ADMINISTRATION

3-2-4.1 ORGANIZATION

The administration of this Resolution is hereby vested in three (3) offices of the government of the County of Rock Island. They are as follows:
Administrative Officer, Zoning Board of Appeals and County Board.

A. Administrative Officer. The Administrative Officer of the County of Rock Island and such deputies or assistants that have been, or shall be, duly appointed by the County Board, shall enforce this Resolution, and in addition thereto, and in furtherance of such authority shall:

1. Issue all zoning certificates and certificates of occupancy, and make and maintain records thereof;
2. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Resolution;
3. Transmit to the clerk of any city or village copies of all requests for amendments and special uses within one and one-half (1-1/2) miles of their municipal boundaries for review and recommendations;

4. Provide and maintain a public information service relative to all matters arising out of this Resolution, and initiate, direct, and review from time to time, a study of the provisions of the Resolution and make reports of his/her recommendations to the Zoning Board of Appeals;
5. Transmit to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass, and act as secretary to the Zoning Board of Appeals maintaining permanent and current records of this Resolution, including, but not limited to, all maps, amendments, special conditional uses, variances, appeals and applications therefore;
6. Issue certificates of occupancy regulating the erection of buildings or structures and use of land for periods not to exceed ten (10) days for specific purposes such as temporary carnivals, music festivals, churches, revival meetings, charities and other uses of a similar nature, any of which has less than two hundred (200) persons in attendance and are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that said use of operation and any incidental temporary structures or tents are in conformance with all other Resolutions and Codes of the County;
7. Issue a temporary certificate of occupancy for a mobile home dwelling during a period of not to exceed six (6) months to allow the applicant of a building permit for a single family dwelling to occupy said mobile home dwelling during construction of the single family dwelling. Said temporary occupancy permit may be renewed for one (1) additional six (6) month period;
8. Issue a permit for an accessory building to be constructed prior to the construction of the principal building on a lot when said accessory building is needed for protection of equipment and materials used in the construction of the principal building. Any permit granted under this provision shall be granted only after

adequate assurances have been provided that the construction of the principal building will be initiated within one (1) year from the issuance of the permit for the accessory building; and

9. Authorize variances of 10% (ten percent) or less of the regulations as to location of structures or as to bulk requirements under such regulations.

B. County Board

The County Board of Rock Island County shall discharge the following duties under this Resolution:

1. Appoint the Administrative Officer whose responsibility it should be to enforce the provisions of this Resolution.
2. Appoint members to the Zoning Board of Appeals as provided for in the Illinois Revised Statutes and in this Resolution.
3. Receive and decide upon all recommendations concerning adoption, amendment, or repeal of the Zoning Resolution submitted to them by the Zoning Board of Appeals.
4. Receive from the Zoning Board of Appeals all recommendations on the effectiveness of this Resolution; and
5. To decide all matters upon which it is required to pass under this Resolution.

C. Zoning Certificates

1. **Issuance of Zoning Certificates.** Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the County of Rock Island unless the application for such permit has been examined by the Administrative Officer. Any permit issued in compliance with this Resolution shall indicate thereon that the proposed building or structure complies with all the

provisions of this Resolution. Any permit or certificate issued in conflict with the provisions of the Resolution shall be null and void.

2. Plats. In order to insure that the building or structure conforms with all the provisions of this Resolution, the Administrative Officer may require the following prior to the issuance of a building permit:

- a.** A plat (original or reproduction thereof), in duplicate of the piece or parcel of land, lot, lots, block or blocks, drawn to scale showing the actual dimensions, as certified by a “registered land surveyor” registered with the State of Illinois, as a true copy of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land; and
- b.** A plat, in duplicate, drawn to scale in such form as may, from time to time, be prescribed by the Administrative Officer, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building structure or land, and such other information as may be required by the Administrative Officer for the proper enforcement of this Resolution.

D. Certificate of Occupancy

No building, or addition thereto, constructed after the effective date of this Resolution, shall be occupied, and no land vacant on the effective date of this Resolution shall be used for any purpose until a certificate of occupancy has been issued by the Administrative Officer. No change in a use, other than that of a permitted use to another permitted use shall be made until a certificate of occupancy has been issued by the Administrative Officer. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this Resolution.

1. **Application for Certificate of Occupancy.** Every application for a building permit shall be deemed to be an application for a certificate of occupancy. Every application for a certificate of occupancy for a new use of land where no building permit is required shall be made directly to the Administrative Officer.
2. **Issuance of Certificate of Occupancy.** No certificate of occupancy for a building, or portion thereof, constructed after the effective date of this Resolution, shall be issued until construction has been completed and the premises inspected and certified by the Administrative Officer to be in conformity with the plans and specifications upon which the zoning certificate and building permit was based. Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. Reasons in writing for refusal to issue a certificate of occupancy shall be forwarded to the applicant no later than fourteen (14) days after the Administrative Officer is notified that the building or premises are ready for occupancy.

3-2-5 BOARD OF APPEALS

- 3-2-5.1 CREATION. The Zoning Board of Appeals, as established under the applicable provisions of the Illinois revised statutes, is the Zoning Board of Appeals referred to in this resolution. The Zoning Board of Appeals shall consist of five (5) members and two (2) alternate members appointed by the chairman of the county board and approved by the county board to serve respectively for the following terms: one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four years and one (1) for five (5) years, the successor to each member so appointed to serve for a term of five (5) years, and the alternate members to serve respectively, one (1) for four (4) years and one (1) for five (5) years. Alternate members shall serve as members of the board only in the absence of regular members, with the alternate member with the greatest amount of time remaining in his or her term to have priority over the alternate

member in determining which alternate member shall serve in the absence of a regular member. One of the members so appointed shall be named as chairman at the time of his or her appointment and in case of a vacancy the appointing power shall designate a chairman.

No person who resides in any congressional township wherein an incumbent member of the Zoning Board of Appeals resides may be appointed a member of the same Zoning Board of Appeals to serve during any part of the term of office during which such incumbent member residing in said township continues to serve, and all members of the Zoning Board of Appeals thereafter created shall be residents of separate congressional townships at the time of their appointments. The appointing authority shall have the power to remove any member of the Board for cause, after public hearing. Vacancies shall be filled by the appointing authority for the unexpired term of any member whose place has become vacant.

- A. Jurisdiction.** The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority.
1. To hear all applications for amendments to this Resolution and report their findings and recommendations to the County Board in the manner prescribed in this Resolution
 2. Receive from the Administrative Officer his/her recommendations as related to the effectiveness of this Resolution and report its conclusions and recommendations to the County Board not less frequently than once a year.
 3. To hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Officer under this Resolution.
 4. To hear and pass upon the applications for variances from the terms provided in this Resolution in the manner prescribed and subject to the standards established herein.
 5. To hear and pass on all applications for special uses in the

manner prescribed in this Resolution; and

6. To hear, interpret, and decide all matters referred to it or upon which it is required to pass under this Resolution.

B. Meetings and Rules. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Zoning Board of Appeals may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule, regulation, order, requirement, decision, or determination of the Zoning Board of Appeals shall be filed immediately in the office of the Administrative Officer and shall be a public record. The Board shall adopt its own rules and procedures, not in conflict with this Resolution or with the applicable Illinois Revised Statutes, and select or appoint such officers as it deems necessary.

C. The Hearing Procedure. The following Rules for the Zoning Board of appeals have been duly adopted by the Rock Island County Board to govern the general procedures by which Zoning Board of Appeals hearings are conducted. These rules apply in instances where administrative or quasi-judicial action is to be taken, not legislative or policy acts.

1. All hearings of the Public Body shall be subject to the Illinois Open Meetings Act.
2. The Chair may impose reasonable limitations on evidence or testimony presented by persons and parties, such as time limits and barring the repetitious, irrelevant, or immaterial testimony. Time limits, if imposed, shall be fair and equally administered. The public body shall not be bound by strict rules of evidence;

however, the irrelevant and immaterial or unduly repetitious evidence shall not be admissible. The Chair shall rule on all questions related to the determination of the qualification of a party as an “Interested Party” (see #7 below) and admissibility of evidence, which ruling may be overruled by a majority of the public body in attendance. The Chair may impose reasonable conditions on the hearing process based on the following factors:

- a. The complexity of the issue(s);
 - b. Whether the witness possesses special expertise;
 - c. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
 - d. The degree to which the witnesses’ testimony relates to the factors to be considered in approving or denying the proposal.
 - e. Such other factors appropriate for the hearing.
- 3. Chair may take such actions as are required to maintain a fair and orderly hearing.
 - 4. A record of the proceedings shall be made as directed by the public body.
 - 5. At a public hearing a petitioner may appear on his or her own behalf or may be represented by an attorney.
 - 6. In addition to the Petitioner, any person may appear and participate at the hearing.
 - 7. If the notice of the pending public hearing so provides, persons wishing to appear as “Interested Parties” with the right of cross examination, shall identify themselves as such by completing and filing an appearance with the Zoning & Building Office at

the Rock Island County Building no later than five (5) business days before the date of the meeting on appearance forms available from the County Zoning & Building Office during regular business hours and the Chair shall determine if such persons are “Interested Parties” based on the degree of impact the issue(s) has/have on such person.

The Chair shall qualify someone as an “Interested Party” based on the following guidelines, although it is recognized that there may be other relevant factors considered or that the public body may overrule the Chair by a majority vote of those in attendance:

- a.** Those persons designated by statute or ordinance who received a notice of the public hearing via the Postal Service
 - b.** Persons who have a direct property or economic interest
 - c.** Representatives of a duly organized group with a specific interest in a subject issue such as a neighborhood association, environmental organization or those with an interest in a specific public policy issue as it relates to the subject of the public hearing
- 8.** To avoid repetition, the Chair may require that people with a similar interest in the proceeding select among themselves a spokesperson to present their position.
- 9.** The Chair may determine the order of presentation of evidence which shall generally be as follows:
 - a.** Presentation by staff of its written report, if any, oral presentation of additional or conflicting information, if any, and questions from public body of staff regarding said report and additional comments.

- b.** Testimony and other evidence by petitioner.
- c.** The public body examination of petitioner's witnesses and other evidence.
- d.** Cross-examination of petitioner's witnesses and other evidence by Interested Parties.
- e.** Testimony and other evidence by Interested Parties according to the following sequence:
 - 1.** Proponents
 - A.** Present testimony and other evidence
 - B.** Questions from the public body
 - C.** Cross-examination by Interested Parties
 - 2.** Opponents
 - A.** Present testimony and other evidence
 - B.** Questions from the public body
 - C.** Cross-examination by Interested Parties
 - 3.** Other
 - A.** Present testimony and other evidence
 - B.** Questions from the public body
 - C.** Cross-examination by Interested Parties
- f.** Statements by persons who have not qualified as interested parties according to the following sequence:
 - 1.** Proponents
 - A.** Comments or questions
 - B.** Questions from the public body
 - 2.** Opponents
 - A.** Comments or questions
 - B.** Questions from the public body

3. Other
 - A. Comments or questions
 - B. Questions from the public body

(Note: The Chair shall determine if cross-examination of any of the persons speaking during this phase of the public hearing is appropriate.)

g. Closing / rebuttal by petitioner

10. At the conclusion of an evidentiary portion of the public hearing, the Zoning Board of Appeals may, among other actions, act on the proposal, move to deliberate its decision on the evidence presented, or continue the hearing to a date, time and location certain, or pursuant to further notice.
11. These rules for public hearing may be amended by a vote of a majority of the public body.

(Note: Rules can be amended during the public hearing based on circumstances, ruling by Chair and which ruling may be over ruled by a majority of the public body in attendance.)

- D. Finality of Decision of the Zoning Board of Appeals.** All decisions and findings of the Zoning Board of Appeals on appeals, variances, after a hearing, shall, in all instances be final administrative decisions and shall be subject to judicial review as may be provided by law.

3-2-6 VARIANCES, APPEALS, ORDINANCE AMENDMENTS AND SPECIAL USE PERMITS

3-2-6.0 VARIANCES

- A. Authority.** The Zoning Board of Appeals, after a public hearing, may vary the regulations of this Resolution in harmony with its general purpose and intent only in the specific instances hereinafter set forth and only in accordance with the standards hereinafter prescribed.
- B. Initiation of Variance.** Variances may be requested by any person,

firm, corporation, or government.

- C. Application for Variance.** An application for a variance shall be filed in writing with the Administrative Officer. Said application shall contain such information as the Zoning Board of Appeals may by rule require.
- D. Hearing on Application.** The Zoning Board of Appeals shall hold a public hearing on each application for a variance at such time and place as shall be established by the Zoning Board of Appeals. A record of such proceedings shall be preserved in such a manner as the Zoning Board of Appeals shall by rule prescribe from time to time.
- E. Notice of Hearing.** Notice of the time and place of such public hearing shall be published at least once, not less than fifteen (15) days nor more than thirty (30) days before the hearing, in a newspaper of general circulation in Rock Island County. The published notice may be supplemented by such additional forms of notice as the Zoning Board of Appeals by rule may require.
- F. Standards for Variances**

 - 1.** The Zoning Board of Appeals shall not vary the regulations of this Resolution, as authorized in this section, unless there is evidence presented to it in each specific case that:

 - a.** Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
 - b.** The conditions, upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification;
 - c.** The purpose of the variance is not based exclusively upon a desire to make money out of the property;

- d. The alleged difficulty or hardship is caused by this Resolution and has not been created by any persons presently having an interest in the property;
- e. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood, and
- g. The purpose of the variance shall not be to establish a use otherwise excluded from the particular district in which it is requested.
- h. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in this Section.

G. Authorized Variances. Variances from the regulations of this Resolution shall be granted by the Zoning Board of Appeals only in accordance with the standards established in **Section 6.3.F** and may be granted only in the following instances and in no others;

- 1. To permit any yard or setback line of less dimension than required by the applicable regulations;
- 2. To permit any building or structure to exceed the height limitations imposed by the applicable regulations;
- 3. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots;

4. To permit the same off street parking facility to qualify as required facilities for two (2) or more uses provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
 5. To reduce the parking and loading requirements in any of the districts whenever the character or use of a building is such as to make unnecessary the full provision of parking or loading facilities or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely being granted for a convenience;
 6. To permit the alteration or enlargement of an existing building or use located on premises in a district which prohibits that use of land or building, or the height and area of buildings existing at the time of the adoption of this Resolution where such alteration or enlargement is a necessary incident to the use of the structure existing at the time of the adoption, amendment, or change of this Resolution; and
 7. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy to the extent of more than fifty (50) percent of its actual cash value, as determined by the official County tax assessment and equalization rate, where the Board finds some compelling public necessity requiring a continuance of the non-conforming use, and the primary purpose of continuing the non-conforming use is not to continue a monopoly; and
 8. To permit other variances as authorized in **Section 38.9** of this Resolution.
- H. Findings of Fact.** All decisions by the Zoning Board of Appeals on requests for variances must be supplemented with a written finding of fact stating the conformity or non-conformity, as the case may be, of their decision with the standards set forth in this section.
- I. Granting a Variance.** The concurring vote of four (3) members of the

Zoning Board of Appeals shall be necessary to grant a variance. No decision of the Zoning Board of Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such decision the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

- J. Effect of Denial of Variance.** No application for a variance that has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence found to be valid by the Administrative Officer.

3-2-6.1 APPEALS

- A. Authority.** The Zoning Board of Appeals, after a hearing, may determine and vary any order, requirement, decision, or determination made by the Administrative Officer.
- B. Initiation of Appeal.** Any person, firm, corporation, or any officer, department, board, or bureau of the County may request an appeal.
- C. Application for Appeal.** An application for an appeal shall be filed in writing with the Administrative Officer. Said application shall contain such information as the Zoning Board of Appeals may, by rule, require.
- D. Imminent Peril to Life and Property.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Officer certifies to the Zoning Board of Appeals, after the application for the appeal has been filed with him/her, that by reason of acts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life and property.
- E. Hearing on Application.** The Zoning Board of Appeals shall hold a hearing on each application for an appeal at such time and place as shall be established by the Zoning Board of Appeals.
- F. Notice of Hearing.** Due notice of the time and place of said hearing on

an appeal shall be sent to all affected parties.

G. Findings on Appeals.

1. The Zoning Board of Appeals may affirm or may, upon the concurring vote of four (4) members, reverse wholly or in part or modify, the interpretation. To that end, the Zoning Board of Appeals shall have all the powers of the officer from whom the appeal is taken.
2. The Administrative Officer shall maintain records of all actions of the Zoning Board of Appeals relative to appeals.

H. **Finality of Decision.** All final administrative decisions of the Zoning Board of Appeals hereunder, shall be subject to judicial review related to the provisions of the “Administrative Review Act”, approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

3-2-6.2 AMENDMENTS

- A. **Authority.** For the purpose of promoting the public health, safety, morals, comfort, and general welfare; conserving the value of property throughout the county; and lessening or avoiding congestion in the public streets and highways, the County Board may from time to time in the manner hereinafter set forth amend the regulations imposed in the districts created by this Resolution. The Resolution may be amended, provided that in all amendatory resolutions adopted under the authority of this Section, due allowance shall be made for the existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire County, and the uses to which the property is devoted at the time of the adoption of such amendatory Resolution.
- B. **Initiation of Amendment.** Amendments may be proposed by the County Board, Zoning Board of Appeals, or by any interested person or organization.

- C. Application for Amendment.** An application for an amendment shall be filed with the Administrative Officer in such form and accompanied by such information as may be required by the Administrative Officer. Such application shall be forwarded to the Zoning Board of Appeals with the request to hold a public hearing on said application for amendment.
- D. Hearing on Application.** The Zoning Board of Appeals shall hold a public hearing on each application for an amendment in the Township or Road District affected by the terms of such proposed amendment or in the County Office Building. If the owner of any property affected by such proposed amendment so requests, such hearing shall be held in the Township or Road District affected by the terms of such proposed amendment. For the consideration of general amendments to the Resolution, hearings may be held in the County Office Building. A record of such proceedings shall be preserved in a manner as the Zoning Board of Appeals, may, by rule, prescribe.
- E. Notice of Hearing.** Notice of time and place of such hearing shall be published at least once in one (1) or more newspapers of general circulation in the County of Rock Island not less than fifteen (15) nor more than thirty (30) days before such hearing. Supplemental or additional notices may be published or distributed as the Zoning Board of Appeals, may, by rule, prescribe from time to time.
- F. Findings of Fact and Recommendation of the Zoning Board of Appeals.**
1. Within forty-five (45) days after the close of the hearing on a proposed amendment, the Zoning Board of Appeals shall make written findings of fact and shall submit same together with its recommendations to the County Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the findings of fact and recommendation shall include the following information:
 - a. Existing use of property within the general area of the property in question;

- b. The zoning classification of property within the general area of the property in question;
- c. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification; and
- d. The suitability of the property in question to the uses permitted under the existing and the proposed zoning classification
- e. The Zoning Board of Appeals shall recommend the adoption of a proposed amendment when it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purposes of this paragraph, the AG-1 Rural Agricultural District shall be considered the highest classification and the I-2 Heavy Industrial District shall be considered the lowest classification.
 - 1. A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses at least two hundred (200) feet of frontage or contains at least twenty-five thousand (25,000) square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

G. Action by the County Board

- 1. The County Board shall not act upon a proposed amendment to this Resolution until they have received written report and recommendation from the Zoning Board of Appeals on the proposed amendment,

2. The County Board may grant or deny an application for an amendment provided, however, that in case of a written protest against any proposed amendment, and signed and acknowledged by the owners of twenty (20) percent of the frontage proposed to be altered, or by the owner of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owner of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered, or in cases where the land affected lies within one and one-half (1 ½) miles of the limits of a zoned municipality, or in the case of a proposed test amendment to the zoning ordinance, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County Clerk, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the County Board. In such cases a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

H. Effect of Denial of an Amendment. No application for an amendment that has been denied wholly or in part by the County Board shall be resubmitted for a period of one (1) year from the date of said denial except on the grounds of new evidence or proof of change of conditions found to be valid by the Administrative Officer.

3-2-6.3 SPECIAL USES

A. Authority. The development and administration of this Resolution is based upon the division of the County into zoning 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 certain uses that may have unique, special or unusual impact upon the use or enjoyment of neighboring property and planned developments and cannot be properly classified in any particular district or districts, without consideration in each individual case. A use may be permitted in one or more zoning districts and a Special Use in one or more other zoning districts. Such

cases are classified in this Resolution as “Special Uses” and fall into two (2) categories:

1. Uses publicly operated or traditionally affected with a public interest; and
2. Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

B. Initiation of Special Use. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory character, any of which is specifically enforceable, may file an application to use such land for one or more of the Special Uses provided for in this Resolution in the zoning district in which the land is located.

C. Application for Special Use. An application for a Special Use shall be filed with the Administrative Officer on a form as he shall prescribe. The application required by the Administrative Officer shall, at a minimum, include the substance of the applicant’s proposal. The applicant shall also disclose in writing the applicant’s interest in real estate in any of the property adjoining and adjacent to the subject site property lot lines. The applicant’s hearing presentation of the Special Use application shall be restricted to the general substance of the application as initially filed with the Administrative Officer. This restriction is not intended to limit the applicant’s responses during any hearing nor is it intended to restrict the presentation of project details or other information within the general substance of the application. The filing of the application and the notices required in **Section 6.3.E** shall be construed as jurisdictional requirements. The application shall be accompanied by such plans and/or data prescribed by the Zoning Board of Appeals and shall include a statement in writing by the applicant and adequate evidence showing that the proposed Special Use will conform to the standards set forth in **Section 6.3.F** hereinafter.

Such application shall be forwarded from the Administrative Officer to the Zoning Board of Appeals with a request for a public hearing and

report relative thereto. All documents filed by the applicant or other interested persons shall be date stamped or otherwise marked by the Administrative Officer, and the Administrative Officer shall keep a separate file of the Special Use application, with a docket sheet adequately describing each document filed by the applicant or otherwise submitted by objectors and other interested persons.

- D. Hearing an Application.** Upon receipt in proper form of the application and statement referred to in **Section 6.3.C** above, the Zoning Board of Appeals shall hold at least one public hearing on the proposed Special Use. The hearing shall be preserved in such manner as the Zoning Board of Appeals shall, by rule, prescribe from time to time.

All testimony by witnesses in any hearing shall be given under oath. The oath shall be administered to each witness and shall not be administered to a group of persons. Each witness shall be duly identified on the record at the time of taking the oath.

The Zoning Board of Appeals shall hold at least one hearing on the application and may hold as many hearings as necessary when the nature of the application and the nature of any proposed evidence may require additional hearings. All hearings shall be conducted to assure fundamental fairness and a full opportunity by the applicant, objectors, and a reasonable number of other interested citizens to participate fully in the hearing process, including but not limited to the right to present witnesses on the applicable standards in **Section 6.3.F** and the opportunity to question any witness of the other party. The chairperson shall have the right to restrict repetitive testimony. Any party appearing before the Zoning Board of Appeals may exercise the right to transcribe or record the proceedings at the expense of the party. The Zoning Board of Appeals shall accommodate any request to transcribe or record the proceedings.

The Zoning Board of Appeals reserves the right to control location of recording devices to insure the orderly nature of the proceedings. The party exercising their right to transcribe or record the proceedings shall have recording equipment and/or person(s) who will transcribe the proceedings available at the commencement of the hearing. The failure

of said party to provide recording equipment and/or person to transcribe said hearing shall not be just cause to request continuance.

- E. Notice of Hearing.** Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in one or more newspapers of general circulation in the County of Rock Island.

The Administrative Officer shall also cause service of written notice not less than fifteen (15) nor more than thirty (30) days prior to the hearing in person or by mail, upon the Township Supervisor and the County Board member representing the township or district of the subject site and to all property owners whose property adjoins the subject site property lot lines, and to any other person or entities required by law to be notified and to all persons or entities entitled to object to such special uses.

In the event that property adjoining the subject site is owned by the applicant, notice will be sent to the owners of property which adjoin such other property owned by the applicant, if such property is not more than 1500 feet from the subject site property lot lines. The owners shall be identified as those persons or entities which appear upon the authentic tax records of Rock Island County in the Rock Island County Supervisor of Assessment Office as of January 1st of the calendar year of the filing of the Special Use request.

The calculations of the distance and the determination of adjoining and adjacent property owners shall exclude all public roads, streets, alleys, and other public ways.

In computing distances, the Administrative Officer is entitled to rely on the property records as such exist as of the date the applications is filed. The written notice shall contain the date, time and place of the hearing, the name and address of the applicant, location of the proposed site, the nature of the Special Use and a statement that persons have a right to participate in the Special Use hearing. The notice to the Township Supervisor and County Board Member and adjacent and adjoining property owners shall include the above referenced information.

F. Standards. No Special Use shall be granted by the County Board unless such Board shall find:

1. That the establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
2. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood, and will be located and operated to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. The applicant need not demonstrate complete compatibility, but the applicant shall demonstrate reasonable efforts to minimize incompatibility;
3. That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the districts;
4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
6. That the plan of operations for the Special Use is designed to minimize the danger to the surrounding area from fire or other operational accidents; and
7. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the County Board.

After a Special Use Permit has been granted, the Administrative

Officer or any person whose property is being, or may be adversely affected by operation of the Special Use, may file a petition in writing with the Zoning Board of Appeals requesting that the Special Use permit be modified or revoked. The petitioner shall specifically allege the violation of the conditions under which the permit was granted or facts which would justify modification or revocation of the Special Use Permit.

If the petition is filed by the Administrative Officer, the matter shall be set for hearing. The provision of **Section 6.3.D** and **6.3.E** pertaining to hearings and notices shall be applicable. The hearing shall be held within sixty (60) days of the filing of the petition. The petitioner and the holder of the Special Use Permit must be notified. Copies of the petition shall be sent to the holder of the Special Use Permit along with the notice.

In the event the petition is filed by persons other than the Administrative Officer, the petition shall be first referred to the Administrative Officer for investigation. Within forty-five (45) days after the petition has been filed, the Administrative Officer shall report his findings and conclusions to the Zoning Board of Appeals. Within fifteen (15) days after receiving the Administrative Officer's report, the Zoning Board of Appeals shall set the matter for hearing within sixty (60) days or shall recommend to the County Board to dismiss the petition. If the petition is dismissed, the Zoning Board of Appeals shall state its reasons for dismissal and notify the petitioners and the holder of the Special Use Permit accordingly. In the event a hearing is scheduled, **Section 6.3.D** and **6.3.E** pertaining to hearing and notice shall be applicable. The petitioner and the holder of the Special Use Permit shall be notified. The holder of the Special Use Permit shall be sent a copy of the petition with the notice.

Prior to filing a petition with the Zoning Board of Appeals, or reporting findings and conclusions to the Zoning Board of Appeals, pursuant to the Section, the Administrative Officer shall give the holder of the Special Use Permit a reasonable period of time to correct violations. The other time requirements of this

Section shall not be stayed during the period of time the holder of the Special Use Permit is given to correct violations.

The County Board shall be guided but not controlled, by the findings and conclusions of the Administrative Officer. After a hearing, the Zoning Board of Appeals may recommend to the County Board to deny the prayer of the petition, or if the evidence so warrants, recommend to the County Board to revoke the Special Use Permit or modify the conditions of the permit. The burden of proof shall be on the petitioner.

The hearing shall be governed under the general standards as described in **Section 3-2-6.3.D**. Any decision of the County Board under this section shall be final.

8. That Special Use Permit applications for Rural Residential Building Lots shall be deemed to meet the requirements of **Section 3-2-6.3.f** provided the board finds:
 - a. That the Parcel contains 43,560 square feet (1 Acre)
 - b. That the property shall have 165 feet of frontage
 - c. Access to the property (the driveway) shall be directly onto an asphalt or concrete roadway maintained by either the Illinois Dept. of transportation or the Rock Island County Highway Dept. (no township roads, private roads, gravel or chip and seal)
 - d. Efforts shall be taken to reduce the amount of farm ground removed from production while realizing the minimum lot size.
 - e. The parcel shall be adequate for 2 (two) complete septic systems (1 now, 1 for replacement upon failure of the original), with written confirmation from the Rock Island County Health Dept.
 - f. Signed acknowledgment of the “**Rock Island County Rural Living Contract**”.

g. Land Evaluation Site Assessment score of less than 225.

h. The property shall have no buildable area in a floodplain as delineated on the Flood Insurance Rate Maps (FIRM) for Rock Island County, as adopted.

i. Where determined to be necessary by the Zoning Administrator, a 60 ft. wide area shall be left between parcels for future road access to properties lying behind the subject property, with the intent to maintain the possibility of long term development. Appeals of the Administrator's decision shall be heard by the Zoning Board of Appeals, said decision being final.

j. The property shall be in an area where the proposed lot size does not meet the requirements of the current Rock Island County Land Use Map.

G. Conditions and Guarantees. Prior to the granting of any Special Use, the Zoning Board of Appeals shall recommend to the County Board such conditions and restrictions upon the establishments, location, construction, maintenance and operation for the Special Use as it is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in **Section 6.3.F** above. In all cases in which Special Uses are granted, the County Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

H. Effect of Denial of a Special Use. No application for a Special Use that has been denied wholly or in part by the County Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Administrative Officer.

I. Revocation. In any case, where a Special Use has not been established within one (1) year after the date of granting thereof, then without further action by the County Board, the Special Use or

authorization shall be null and void, unless otherwise specified by the County Board.

1. The provisions of **Section 3-2-6.3.F.7** of this Resolution, pertaining to modification or revocation of special use permits, shall be applicable to Special Use permits or Special Use permits previously issued by the Zoning Board of Appeals under prior versions of this Resolution.

J. Action by the County Board. The County Board shall not act upon a proposed Special Use until they have received written report and recommendation from the Zoning Board of Appeals on the proposed Special Use.

1. The concurring vote of four (3) members of a Board consisting of five (5) members is necessary to recommend to the County Board to approve the petition.
2. The County Board may grant or deny an application for a Special Use, provided, however, that in case of a written protest against any proposed Special Use, and signed and acknowledged by the owners of twenty (20) percent of the frontage to be altered, or by the owner of twenty (20) percent of the frontage immediately adjoining or across an alley therefrom, or by the owner of twenty (20) percent of the frontage directly opposite frontage proposed to be altered, or in the cases where the land affected lies within 1½ miles of the limits of a zoned municipality, by resolution of the corporate authorities of the zoned municipality with limits nearest adjacent, filed with the County Clerk, such Special Use shall not be passed except by the favorable vote of 2/3 of all of the members of the County Board. In such cases, a copy of the written protest shall be served by the protestor or protestors on the applicant for the proposed Special Use and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed Special Use.

3-2-7 DISTRICTS AND MAP

3-2-7.0 For the purpose of this Ordinance, the County of Rock Island, Illinois, is hereby divided into twenty three (23) classes of districts as follows:

"AG-1"	Agricultural Preservation District
"AG-2"	General Agricultural District
"SE-1"	Suburban Estates Low Density District
"SE-2"	Suburban Estates Medium Density District
"R-1"	One Family Residence District
"R-2"	One Family Residence District
"R-3"	One and Two Family Residence District
"R-4"	One to Six Family Residence District
"R-5"	Multiple Family Dwelling District
"R-6"	Multi-Family Residence District
"R-7"	Mobile Home District
"U-1"	University/College District
"C-1"	Conservation District
"C-2"	Conservation District
"O-1"	Office District
"B-1"	Neighborhood Business District
"B-2"	Central Business District
"B-3"	Community Business District
"B-4"	Highway Intensive Business District
"ORT"	Office/Research and Technology District
"I-1"	Light Industrial District
"I-2"	General Industrial District
"PUD"	Planned Unit Development District

3-2-7.1 The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, County of Rock Island, Illinois," hereinafter referred to as the "Zoning Map," which accompanies and is hereby made a part of this Ordinance. The district boundary lines on said map are intended to follow lot lines, the center lines of streets or alleys, the center line of streets or alleys projected, railroad right-of-way lines, or the corporate limit lines, all as they existed at the time of enactment of this Ordinance; but when a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.

3-2-7.2 Where a district boundary lines divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized on and the other district requirements applying to the less restricted portion of such lot is more than fifty (50) feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within fifty (50) feet of said boundary line.

3-2-7.3 Questions concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals Authority according to the rules and regulations which it may adopt.

3-2-8 GENERAL PROVISIONS

3-2-8.0 ZONING AFFECTS EVERY STRUCTURE AND USE

Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof of structure shall be erected, constructed, reconstructed, occupied, moved, altered or repaired, except in conformity with the regulations herein specified for the class of district in which it is located.

3.2.8.1 CONTINUED EXISTING USES

Any building, structure or use lawfully existing at the time of enactment of this Ordinance may be continued, except certain non-conforming uses as provided in **Section 8.3**. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

3-2-8.2 NON-CONFORMING USES

A. Any lawfully established use of a building or land, at the effective date of this ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located,(except residential building lots, with existing single family dwellings, located in the AG-1 and AG-2 Districts with less than the required minimum lot size, which shall be deemed conforming), shall

be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.

- B. Any legal non-conforming building or structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
- C. Any building for which a permit has been lawfully granted prior to the effective date of this ordinance, or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within six months and diligently prosecuted to completion. Such building shall thereafter be deemed a lawfully established building.
- D. Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion, earthquake, war, riot or other act of God, may be reconstructed and used as before if it be done within twelve months (12) of such calamity unless damaged more than fifty percent (50) of its fair market value, as determined by the Board of Appeals, at the time of such damage, in which case, reconstruction shall be in accordance with the provisions of this Ordinance.
- E. No building, structure or premises where a non-conforming building or structure which has been or may be discontinued for more than one (1) year, or has been or may be changed to a use permitted in the district in which it is located, shall again be devoted to a nonconforming use.
- F. Any building or structure devoted to a nonconforming use with a fair market value of less than five hundred dollars (\$500), as determined by the Board of Appeals, may be continued for a period not to exceed three (3) years after enactment of this Ordinance, where upon such nonconforming use shall be removed or changed to a conforming use.
- G. Any legal, nonconforming use shall be enclosed in all sides by a solid wall or tight board fence not less than eight (8) feet high if said use includes storage, repair or maintenance of vehicles, equipment or materials on the premises and not within the building. Said wall or

fence shall be maintained to the satisfaction of the Building Inspector. Any use so described that is in existence at the time of this amendment is adopted shall comply with said fencing requirement within one hundred eighty days (180) of the adoption of this amendment.

- H. A non-conforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use, and only if the required yards for the district in which it is located are maintained for such enlargement, except as provided for under Variances of this Ordinance.
- I. No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
- J. No non-conforming building in any Residential District shall be so altered as to increase the number of dwelling units therein.
- K. No non-conforming use may be enlarged or extended in such a way as to occupy any required usable open space, or any land beyond the boundaries of the zoning lot as it existed at the effective date of this ordinance, or to displace any conforming use in the same building or the same parcel.
- L. Where a use is classified as a Special Use under this Ordinance and exists as a Special Use or permitted use at the date of the adoption of this Ordinance, it shall be considered to be a legal Special Use.
- M. Where a use is not allowed as a Special or Permitted Use under this Ordinance or at the date of the adoption of this Ordinance and exists as an additional use as provided in the Rock Island County Zoning Ordinance adopted July 1995, as amended, it shall be considered to be a non-conforming use and shall be subject to the applicable non-conforming use provisions of this section.
- N. Where non-conforming setbacks are a result of road widening on behalf of a municipality, county, state or township highway

department, shall not be subject to the applicable non-conforming use provisions of this section.

3-2-8.3 STREET FRONTAGE REQUIRED - FLAG LOTS

Every lot shall have at least twenty (20) feet of frontage which provides reasonable access onto public right-of-way dedicated to street purposes. No building in the rear of a principal building on the same lot shall be used as a dwelling. Setbacks for flag lots will be determined at the start of the buildable area of the lot.

3-2-8.4 ACCESSORY BUILDINGS IN ALL DISTRICTS

- A. No accessory building or buildings shall be erected in any required court or yard. When erected in a side yard in an AG-1, AG-2, SE-1, SE-2 or any "R" district, the accessory building shall maintain a five feet (5') setback. When erected in a rear yard in an AG-1, AG-2, SE-1, SE-2 or any "R" district, the accessory building shall maintain a five feet (5') setback. In any zoning district, accessory buildings shall not occupy more than thirty percent (30%) of the lot area, and in any "R" district, it or they shall not exceed the total ground floor footage of the primary structure, except for swimming pools, and shall be a distance of five feet from any lot line that adjoins an AG-1, AG-2, SE-1, SE-2 or any "R" district." Accessory buildings in all Residential Districts shall not exceed fifteen (15) feet in height, except that an accessory building used in part or wholly as a dwelling for domestic employees of the owners or of the tenants of the principal building shall not exceed two (2) stories or twenty five (25) feet in height, provided it shall conform to the open space requirements of this Ordinance for a principal building, and for the purpose of determining the front yard in such case, the rear line of the rear yard required for the principal building shall be considered the front lot line for the building in the rear. Where the natural grade of a lot at the front wall of the principal building is more than eight (8) feet above the average established curb grade in front of the lot, a private garage may be erected within any yard or court, but not within ten (10) feet of any street line, provided that at least one-half ($\frac{1}{2}$) of the height of such private garage shall be below the level of the yard or court.

- B. Any accessory building may be erected as an integral part of the principal building, or if at least six (6) feet from the principal building, may be connected to the principal building by a breezeway or similar structure, provided all yard and court requirements of this Ordinance for the principal building are complied with, unless such accessory building is in a rear yard, in which case the applicable provisions of **Section 8.5.a.** shall apply.
- C. For zoning lots with a gross area of twenty five thousand (25,000) square feet or greater in an Ag-1, AG-2 or SE1 district, accessory building may be allowed in the front yard providing all other requirements of this ordinance are met. For zoning lots in any “R” District, or the SE-2 Suburban Estates Medium Density District with a lot area of twenty five thousand (25,000) square feet or greater, one (1) accessory building may be erected in the front yard, as follows;”

1. <u>Lot Size</u>	<u>Building Maximum</u>
25,000 square feet to 2 acres	900 square feet
2+ acres to 5 acres	1200 square feet
5+ acres to 15 acres	1600 square feet

Provided:

- a. The principal building is, or shall be, located a minimum of one hundred (100) feet from the front property line, and;
 - b. The accessory building shall be located at or behind the front yard setback for the Zoning District in which the lot is located.
2. For zoning lots greater than fifteen (15) acres, no more than (2) accessory buildings will be allowed in the front yard and no size limitation will be placed on the size of the accessory building, provided:
- a. The principal building is, or shall be located at a minimum of two hundred (200) feet from the front property line; and

- b. The accessory Building(s) shall be located at or behind the front yard building setback for the Zoning District in which the lot is located.
- D. For zoning lots that abut upon a river, accessory buildings may be located in front yards provided:
 - 1. The principal building fronts the river, and;
 - 2. Accessory buildings are located in front yards on zoning lots with frontage upon the same side of the street between two (2) intersecting streets or within a distance of three hundred (300) feet in each direction from the lot in question; and
 - a. The front setback of the proposed accessory building will not be less than the average of the front setbacks of the adjacent zoning lots and the side yard setbacks will be at least five (5) feet.
- E. No accessory building or structure shall be constructed on any “SE-2” or “R” lot prior to the time of construction of the principal building to which is accessory.
- F. On all corner lots the setback for accessory buildings shall be the same as that which is required for the principal building.

3-2-8.5 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING

- A. No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum requirement. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.
- B. The space occupied by a required private garage or parking area shall be considered the same as any required open space provided about a principal building, and such space shall not be reduced or included as any part of any required open space for another building or structure.

3-2-8.6 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

The following shall not be considered to be obstructions when located in the required yards specified:

- A. In all yards- porch awnings and canopies, steps which are necessary for access to a permitted building, or for access to a zoning lot from a street or alley; chimneys projecting not more than eighteen (18) inches into the yard; clothes lines; flag poles; arbors, trellises, closed and open-type fences, and hedges six (6) feet or less in height, provided no such fence, the top rail of which is between two (2) and six (6) feet above the roadway surface or no other ground level sight obstructions, exceptions being trimmed tree trunks and poles, shall be placed or permitted to remain on any corner or reversed corner lot within the triangular area formed by the right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines, or in the case of a rounded right-of-way corner, from the intersection of the right-of-way lines extended; open fences exceeding six (6) feet in height.
- B. In front yards - one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard. In A-1 district permitted roadside stands.
- C. In rear yards - open decks not enclosed, attached or detached off-street parking spaces; open off-street parking spaces; accessory sheds, tool rooms, similar buildings or structures for domestic or agricultural storage; balconies; breezeways and open porches; one-story windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.
- D. In side yards - overhanging eaves and gutters projecting into the yard for a distance not exceeding ten (10) percent of the required yard width but in no case, exceeding eighteen (18) inches.

3-2-8.7 CONVERSION OF DWELLINGS

The conversion of any building into a dwelling, or the conversion of any

dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such a district, with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject to such further requirements as may be specified hereinafter with the Article applying to such district.

3-2-8.8 MINIMUM GROUND FLOOR AREA FOR DWELLINGS

A one story dwelling or a story and a half, or two story dwelling shall meet the minimum floor area standards in the Building Code, as adopted by Rock Island County, and be at least nine hundred (900) square feet with the length being no more than four times (4x) the width.

3-2-8.9 TRAFFIC VISIBILITY ACROSS CORNER LOTS

In any district, except B-2, on any lot, no fence structure or planting shall be erected or maintained within twenty (20) feet, measured horizontally from the property line where they intersect on a street corner.

3-2-8.10 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the County of Rock Island it being the intention hereof to exempt such essential services from the application of this Ordinance.

3-2-8.11 FENCES, WALLS AND HEDGES

General Provisions:

- A. Fences, walls and hedges located in a yard adjacent to a public street and on property zoned R-1 or U-1 shall be no more than forty two (42) inches in height provided the top rail is not between two (2) and six (6) feet above the roadway surface or other ground level sight obstructions and the smooth, finished, nonstructural or dressed side of a fence, if any, shall be directed toward the neighboring properties.

- B. Fences, walls and hedges shall not exceed six (6) feet in height, except trimmed tree trunks and poles in any side or rear yard, and the smooth, finished, nonstructural or dressed side of the fence, if any shall be directed toward neighboring properties.
- C. All fences, wall or hedges may be placed up to the property line, except in cases of a corner lot or reversed corner lot, where they shall not be placed within the triangular area formed by the right-of-way lines and a line connecting them at a point twenty five (25) feet from the intersection of the right-of-way lines or in the case of a rounded corner from the intersection of the right-of-way lines extended.
- D. Fences up to ten (10) feet in height shall be permitted in any “I” district.
- E. All refuse and/or discard areas for all commercial, industrial and multi-family residential uses shall be screened on a minimum of three (3) sides by a six foot solid or tight board fence. All refuse and/or discard areas for all commercial and industrial uses which do not conform to all applicable provisions of this section shall be made to conform within three (3) years from the effective date of this Ordinance. The Administrative Officer, or designee, shall make the determination if it is an unreasonable hardship to require existing refuse and/or discard to be screened on a case-by-case basis.
- F. Snow fencing shall only be used on a temporary basis by public jurisdictions for public safety purposes or in Agricultural Districts or as a permitted use for temporary festival/event enclosure purposes.
- G. Fencing shall not be allowed in floodways.
- H. Swimming pool fencing requirements are outlined in the County building code.

Optional:

- 1. Barbed wire fences shall be permitted only in, Agricultural, or

Suburban Estate-1 Districts. On review by the Zoning Board of Appeals in Industrial districts and the bottom strand shall be a minimum of eight (8) feet above grade.

2. Electric fences shall be permitted only in Agricultural, or Suburban Estate -1 Districts and only for the enclosure of livestock. Electric fences shall not carry a charge greater than twenty five (25) milliamperes nor a pulsating current lower than one tenth (1/10) second in a one second cycle. All electric fence charges shall carry the seal of an approved testing laboratory.
3. Barbed wire and electric fences shall be prohibited within five (5) feet of a public sidewalk or within four (4) feet of street right-of-way line where a public sidewalk does not exist. In the latter case, however, either fence may be installed or constructed along the right-of-way line if the property owner agrees to move the fence back the required distance within two (2) months after the installation of a public sidewalk.

3-2-8.12 HOME OCCUPATIONS

- A. Home Occupation, Major. Major home occupations are home occupations where customers and employees may come to the home and where the occupation:
 1. Shall be conducted entirely within a dwelling unit or one accessory structure and carried on by the inhabitants thereof and one employee not residing on the parcel.
 2. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations that carry beyond the premises.
 3. Shall have no more than two hundred (200) square feet of floor

area used for the home occupation.

4. Shall have no signs present on the property except for one sign, not exceeding two square feet, and not illuminated.
5. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations, for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
6. Shall have no storage or display of goods visible from outside the structure.
7. Shall have no highly explosive or combustible material used or stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
8. Shall have adequate off street parking spaces available to compensate for additional parking needs generated.
9. Deliveries from commercial suppliers may be made more than once a week, and the deliveries shall not be made from semi-tractor trailer trucks.
10. Shall include, but are not necessarily limited to, the following:
 - a. Single-chair beauty parlors and barber shops;
 - b. Photo developing and printing;
 - c. Organized classes with up to six students at a time;
 - d. Television and other electric or electronic repair,

excluding major appliances such as refrigerators or storage;

- e. Upholstering;
- f. Dressmaking and millinery; and
- g. Woodworking excluding cabinet making.

B. Home Occupation, Minor. Minor home occupations are home occupations which shall not have nonresident customers and employees and where:

1. Shall be conducted entirely within a dwelling and carried on by the inhabitants thereof and no other.
2. Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or other emission of sounds or vibrations that carry beyond the premises.
3. Shall have no more than two hundred (200) square feet of floor area used for the home occupation.
4. Shall be no advertising, display, or other indications of a home occupation on the premises.
5. Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves, racks or from inventory is not allowed, but a person may pick up an order placed earlier as described above.
6. Shall have no storage or display of goods visible from outside the structure.
7. Shall have no highly explosive or combustible material used or

stored on the premises unless approved by the fire inspector. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

8. Shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located, including commercial and general delivery services.
9. Shall have no use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence allowed.
10. Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice a year, and each sale shall not last more than seventy-two (72) consecutive hours, and only goods which have been generated from within the household and not purchased elsewhere for resale. Sales shall be conducted on the owner's property except that multiple family sales are permitted if they are held on the property of one of the participants and any such sale shall be considered to be a sale for all participants.
11. Shall have no deliveries from commercial suppliers made more than once a week, and the deliveries shall not be made from semi-tractor trailer trucks.
12. Shall include, but are not necessarily limited to, the following:
 - a. Artists and sculptors;
 - b. Authors, desktop publishers and composers;
 - c. Home crafts for sale off-site;
 - d. Office facility of clergy;
 - e. Office facility of a salesman, sales representative or manufacturer's representative provided that no transactions are made in person on the premises;
 - f. Address of convenience used solely for receiving and

- making telephone calls including computer usage, mail, keeping business records in connection with a profession or occupation;
 - g. Individual tutoring;
 - h. Preserving and home cooking for sale off-site;
 - i. Individual instrument and vocal instruction provided that no instrument may be amplified;
 - j. Telephone solicitation work;
13. Any other similar uses deemed to be consistent by the Zoning Board of Appeals.

3-2-8.13 OFF-STREET PARKING AND LOADING

A. Purpose:

The purpose of this section of the Zoning Ordinance is to alleviate or prevent congestion of the public streets and 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 use of the property.

B. General Provisions:

1. Procedure: An application for a 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 or loading facilities to be provided in compliance with the requirements of this ordinance.
2. In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials and merchandise, there shall be provided and maintained on the same premises with such building at least one (1) off-street loading

space accessible from any alley, easement of access, or when there is no such alley or easement of access from a street, plus one (1) additional such loading space for each two thousand (2,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet. Such space may occupy all or any part of any required rear yard or upon authorization from the appropriate board of review, any part of any other yard or court space.

3. In all districts, except “B-2”, an off-street parking area in the open or in a garage, shall be provided in connection with the uses set forth herein after and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas in the case of “R” districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of other districts, and in connection with uses other than property within one hundred feet (100') of any part of said premises and in the same or less restricted district.
4. Off street parking facilities accessory to residential use and developed in any residential district in accordance with the requirements of this section shall be used solely for the parking of passenger vehicles owned and occupied.

C. Units of Measure:

1. Floor area as employed in this parking and loading section 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, or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. Floor area for the purposes of this section shall not include any area used for storage accessory to the principal use, incidental repairs, processing or packaging of merchandise, show windows, incidental management offices, restrooms, utilities and dressing/fitting rooms.

2. Parking spaces shall not be less than eight and one-half feet (8-1/2') wide and nineteen feet (19') long or not less than one hundred sixty (160) square feet in area exclusive of access drives or aisles.
3. Loading spaces shall not be less than ten feet (10') wide, fifty feet (50') in length and fourteen feet (14') in height, exclusive of access and turning areas.

D. Schedule:

Parking requirements shall be as follows, reference to maximum number of patrons shall be based on the figure provided by fire code for a given facility:

1. Athletic Field - five parking spaces per acre.
2. Auditorium/Theater - one parking space for every four seats or one parking space for every 150 square feet plus one for every two employees during a maximum shift.
3. Auto Repair - three per bay, plus one per employee during a maximum shift.
4. Auto Gas and Sales - two parking spaces per pump, plus two per service bay plus one per employee during a maximum shift.
5. Banks and Business Offices - four parking spaces per 1000 square feet, plus drive through requirements if applicable.
6. Barber/Beauty Shop Styling and Tanning Salons - two parking spaces per personal grooming station, plus one for every two employees during a maximum shift.
7. Bowling Alleys - six parking spaces per alley plus bar and restaurant requirements, if applicable.

8. Car Wash - six parking spaces per bay.
9. Care Homes - one parking space for every two residents, plus one for each employee during a maximum shift.
10. Churches - one parking space for every four sanctuary seats.
11. Community Center - one parking space for every three maximum patrons.
12. Day Care Centers - one parking space for every two employees during a maximum shift, plus one for every ten children served plus one per institutional vehicle.
13. Drive Through Facility - six stacking spaces for each drive through station or automatic teller machine, plus appropriate employee parking for principal use.
14. Dry Cleaning - one parking space for every two employees during a maximum shift, plus four for patrons.
15. Durable Goods Sales (appliances, furniture, etc.) - one parking space per 500 square feet, plus one per employee during a maximum shift.
16. Elderly Housing Facility - three parking spaces for every four units, plus one per employee during a maximum shift.
17. Fraternities, Sororities and Boarding Houses - one parking space per lodging resident, plus one per employee during a maximum shift.
18. Funeral Home - one parking space per 50 square feet of public access area, plus one per business vehicle.
19. Group Home/Halfway House/Boarding House - one parking space per bedroom.

20. Health Recreation and Physical Training Facility - five parking spaces per 1,000 square feet, plus additional parking for outdoor accessory use if applicable.
21. Hospital - one parking space per overnight bed, plus one per affiliated doctor plus one per employee during a maximum shift, plus six per 1,000 square feet devoted to outpatient service.
22. Laundromats - one parking space for every two washers.
23. Manufacturing Plants and Testing Labs - three parking spaces for every four employees during a maximum shift, plus one per business vehicle plus four per 1,000 square feet devoted to office space.
24. Medical, Dental or Veterinary Office or Clinic - two parking spaces per treatment room, plus one per employee during a maximum shift.
25. Motel, Hotel or Apartment Hotel - one parking space per unit, plus one for every two employees during a maximum shift plus banquet, restaurant and/or bar requirements if applicable.
26. Mobile Home Park - one parking space and one for every four units.
27. Nursing Home - one parking space per overnight bed, plus one per affiliated doctor plus one per employee during a maximum shift.
28. Park, Neighborhood - five parking spaces per first two acres, plus one for each additional acre.
29. Park, Community - five parking spaces per acre, plus requirements for major facilities as noted elsewhere in this list if applicable.

30. Residences - two parking spaces per unit and for six-plexes or greater; guest parking equal to 10 percent of the total dwelling units.
31. Restaurants, Taverns, or Night Clubs - one parking space for every 75 square feet of public floor area or for each two persons allowed by fire code, whichever is greater, plus drive through requirements if applicable.
32. Retail, Freestanding and Shopping Centers - five parking spaces per 1,000 square feet gross floor area, and one for every two employees on a maximum shift
33. Schools, Elementary and Junior High - one parking space per employee, plus one per class room plus one per institutional vehicle.
34. Schools, High School - one parking space per employee, plus one for every four students plus one per institutional vehicle.
35. Sports Stadium, Outdoor - one parking space for every three maximum patrons, plus parking for buses.
36. Swimming Pool - one parking space for every three maximum patrons.
37. Wholesale and Warehouse - two parking spaces per 1,000 square feet for first 10,000 square feet, plus one per 2,000 square feet for the remaining space with office area parking calculated separately at four per 1,000 square feet.

E. Development Standards:

1. Off street accessory parking areas shall be of usable shape and shall be improved in accordance with requirements of the County Engineer with asphalt cement concrete, Portland cement concrete or alternate equivalent materials acceptable to the County Engineer, and so graded and drained as to dispose of all surface

water accumulation within the area. Any lighting used to illuminate such parking shall be so arranged as to reflect the light away from adjoining premises in any “R” district and in accordance with illumination standards further described in this ordinance.

2. Parking lot layout shall be designed so the maneuvering requirements are accomplished without backing into adjacent public streets. Stack parking shall not be allowed to meet parking requirements for uses other than one and two family uses.

F. Exceptions:

1. The Zoning Board of Appeals may, on appeal, authorize a modification, reduction or waiver of the foregoing requirements. Such modification, reduction or waiver shall be justified by the particular nature of the use, or other exception, situation or condition.

G. Parking, Storage or Use of Recreational Vehicle:

1. No recreational vehicle shall be parked or stored on any lot in a residential district except in a required side or rear yard providing all yard setbacks are met by the recreation vehicle and the vehicle is parked on an impervious surface. However, such equipment may be parked anywhere on residential premises for a period of time not to exceed 24 hours during loading and unloading no more than twice in any consecutive period of seven (7) days. At least thirty (30) hours must separate each occurrence. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use, however, that such equipment may be used for the housing of guests of occupants of the principal resident if (a) occupancy shall not exceed thirty (30) consecutive days; and (b) no charge is made for such occupancy.
2. No recreational vehicle shall be stored out of doors on residential

premises unless it is in condition for safe and effective performance of the function for which it is intended or can be made so at a cost not exceeding the value of the equipment in its existing state. In no case shall any such equipment be so stored for a period of more than six (6) months if not in condition for safe and efficient performance of the function for which it is intended.

3-2-8.14 VALIDITY OF EXISTING APPLICATIONS FOR BUILDING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Ordinance as amended, the construction of which, conforming with such plans shall have been started prior to the effective date of this Ordinance, as amended, and completion thereof carried on in a normal manner within the subsequent six month period, and not discontinued until completion, except for reasons beyond the builder's control.

3-2-8.15 USES AUTHORIZED BY THE ZONING BOARD OF APPEALS

Any use or structure as regulated by the Zoning Board of Appeals in the various districts shall be accumulative in nature beginning with the most restrictive district.

3-2-8.16 Principal BUILDING

Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot unless otherwise provided in this Ordinance.

8.17 MINIMUM LOT SIZE

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall provide a lot or parcel of land having not less than the minimum area and width specified for

the particular zoning district in which it is located.

8.18 ADULT REGULATED USES

To prevent undue adverse effects upon adjacent areas in an I-1 and I-2 district from uses, the following will apply:

- A. Not more than two (2) such Adult Use Special Uses will be established within one thousand (1,000) feet of each other,
- B. Adult Special Uses must not be located closer than one thousand (1,000) feet in any direction to the following Zoning Districts and Land Uses, Agricultural, Suburban Estates, Residential or Commercial Districts, Public or Private Schools, Licensed Day Care Centers, Churches or Religious Centers, Public Parks or designated Pedestrian/Bicycle Paths.
- C. No building in which Adult Use Special Uses operate shall display mat photos, live models or drawings on the exterior of said building. Any displays of such materials, photos, live models or drawings will be limited to the interior portion of the building which cannot readily be seen from any entrance, exit or exterior window opening.

3-2-9 ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

The requirements and regulations specified herein before this Ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations in the following:

3-2-9.0 HEIGHT LIMITS. Height limitations stipulated elsewhere in this Ordinance shall not apply:

- A. To barns, silos or other farm buildings, provided these are not less than fifty (50) feet from every lot line, to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four (4)

feet above the limiting height of the building. However, if in the opinion of the Building Inspector, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Zoning Board of Appeals.

- B. To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five (75) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- C. To bulkheads, conveyors, derricks, elevators, penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use for the highest building otherwise is permitted in the district.
- D. To hospitals, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width and depth by an additional one-half ($\frac{1}{2}$) foot over the side and rear yards required for the highest building otherwise permitted in the district.

3-2-9.1 LOT AREA REQUIREMENTS

- A. Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any lot of official record at the time of enactment of this Ordinance, provided that proposed yard spaces satisfy requirements stipulated for the district in which said lot is located, or requirements as may be modified by the Zoning Board of Appeals.
- B. Lots Unserved by Sewer and Water. In any district where neither public water supply nor public sanitary sewer is accessible, the otherwise specified lot area and width requirement shall be twenty

thousand (20,000) square feet and one hundred (100) feet; respectively, provided, however, that where a public water supply system is accessible and will be installed, these requirements shall be ten thousand (10,000) square feet and seventy-five (75) feet respectively, provided further that the Health Officer has certified that the said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.

3-2-9.2 LOT AREA PER FAMILY

- A. Modification of Minimum Lot Area on any lot where more than two dwelling units are permitted. Where part or all of the off-street parking spaces required for dwelling are provided within the principal building, the minimum lot area per dwelling unit specified may be reduced by a maximum of twenty (20) percent, in accordance with the following formula:

$$a/b \times 20\%$$

When a = the number of spaces provided within the principal building, and b = the number of spaces required for the dwellings.

3-2-9.3 FRONT YARD EXCEPTIONS AND MODIFICATIONS

- A. Front Yard Requirements Do Not Apply. To bay windows or balconies occupying, in the aggregate, not more than one-third (1/3) of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making the interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal planes with the front wall; to chimneys, flues, belt courses, leaders, sills, pilasters, uncovered porches or similar features not over three (3) feet high above the average finished ground and distant five (5) feet from every lot line.
- B. Interior Lots. In any district where the average depth of two (2) or more existing front yards on lots within one hundred fifty (150) feet in either direction of the lot in question and within the same block

front less than the average depth of said existing front yards or the average depth on the two (2) lots immediately adjoining, provided, however, that the depth of a front yard in any “R” district shall be at least ten (10) feet and need not exceed thirty (30) feet.

- C. Corner Lots. In any district where the average depth of two (2) or more existing front yards on lots within one hundred and fifty (150) feet of the lot in question and within the same front is less than the least front yard described, the depth of the front yard on such lot shall not be less than the average depth of said existing front yards or depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any “R” district shall be at least ten (10) feet and need not exceed thirty (30) feet, except as provided in **Section 8.10**.

3-2-9.4 SIDE YARD EXCEPTIONS AND MODIFICATIONS

- A. Along Any District Boundary Line. An abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restricted district; and in a “B-2” or “I” district, on a lot abutting a lot in any “R” district, such side yard for a building higher than the limiting height in such “R” district shall be increased by three (3) feet for each story over such limiting height.
- B. Side Yards Shall Be Increased. In width by two (2) inches for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds forty (40) feet in any “R-1” or “R-2” district, or fifty (50) feet in any “R-3” district.
- C. Side Yards May Be Reduced. By three (3) inches from the otherwise required least width or sum of the least widths for each foot by which a lot of record at the time of enactment of this Ordinance is narrower than the lot width specified for the district in which the lot is located, in the case of buildings not higher than two and one-half (2-1/2) stories, and in case the owner of record does not own any adjoining property; provided, however, that no side yard shall be narrower at any point than three (3) feet.

- D. No part of any accessory building shall be nearer a side street lot line than the least depth of any front yard required along such side street.
- E. Side Yards May Be Varied. Where the side walls of a building are not parallel with the side lot line or is broken or otherwise irregular, in which case, the average width, or narrower than three (3) feet in any case.
- F. Structures or Projections into Side Yards May Be Permitted as Follows. Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes three (3) feet from a side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed one-third (1/3) of the length of the side yard.
- G. Chimneys, flues, belt courses, leaders, sill, pilasters, lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required side yard not more than one and one-half (1-1/2) feet.
- H. Terraces, steps, uncovered porches, stoops or similar features not higher than the elevation of the ground story of the building and distant three (3) feet from a side lot line.

3-2-9.5 REAR YARD EXCEPTION AND MODIFICATIONS

- A. Rear Yards May Be Reduced. Rear yards may be reduced by three (3) inches from the required least depth for each foot by which a lot at the time of enactment of this Ordinance is less than one hundred (100) feet deep, in the case of a building not higher than two and one-half (2-1/2) stories, and in the case the owner of record does not own adjoining property to the rear, provided, however, that no required rear yard shall be less than ten (10) feet deep.

- B. Structures Or Projections Into Rear Yards May Be Permitted As Follows. Fences, plantings or walls not over six (6) feet above the average natural grade. Fire escapes six (6) feet from the building. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within the planes drawn from either main corner of the rear wall, making an interior angle of twenty-two and one-half (22-1/2) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one-half (1/2) of the width of the rear wall.
- C. Chimneys, flues, belt courses, leaders, sills, pilaster lintels, ornamental features, cornices, eaves, gutters and the like, into or over a required rear yard not more than one and one-half (1-1/2) feet.
- D. Terraces, steps, uncovered porches or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line, nor an alley lot line or within six (6) feet of an accessory building.

3-2-9.6 SUPPLEMENTAL YARD REQUIREMENTS

- A. When forty (40) percent or more of the frontage on the same side of the street is improved with buildings that have a front yard that is greater or less than the required front yard in the district, a building may project to the average front yard so established.
- B. Whenever a lot of record has an average width that is twenty (20) percent or more percent less than the minimum average width required in the district in which it is located, the width of the side yards may be reduced to ten (10) percent of the average width of the lot, but no side yard shall be less than three (3) feet in width unless authorized by the Zoning Board of Appeals.
- C. The required front yard setbacks on corner lots shall be provided on both streets where a lot is located at the intersection of two (2) or more streets.
- D. On double frontage lots, the required front yard shall be provided

on each street.

- E. Temporary structures that are used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary structures shall be removed upon completion of the construction work. This temporary structure shall not be used as a dwelling.
- F. Exterior storage of goods, materials or equipment shall not be permitted in any AG-1, AG-2, SE-1, SE-2, “R” Districts, or any Other District except as explicitly authorized by this Zoning Ordinance.

DISTRICTS

AGRICULTURAL PRESERVATION DISTRICT – “AG-1”

Section 3-2-10 “AG-1” AGRICULTURAL PRESERVATION DISTRICT

3-2-10.0 GENERAL DESCRIPTION

The AG-1 District is established to conserve farmland and to encourage continued agricultural activities, thereby helping to ensure that sustainable agriculture will continue as a long term land use and a viable economic activity within the District. The AG-1 District is also established to preserve natural features and the rural landscape, while allowing low density residential development that minimizes its impact on agricultural land, farming operations and sensitive environmental features. The preferred use in the AG-1 District is Agriculture. The District is intended to permit a range of uses related to agriculture, to encourage preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. More specifically, the District is established to severely restrict non-farm development in predominantly agricultural areas in order to:

- A. Preserve productive agricultural land for continued food and fiber

production;

- B. Protect productive farms from encroachment by incompatible non-farm uses;
- C. Maintain the existing agricultural processing and related service industries;
- D. Preserve the maximum freedom of operation for those legitimate agricultural purposes permitted in this District.

3-2-10.1 PERMITTED Principal USES

- A. Agriculture
- B. Dwelling, Single family detached (one per tax parcel)
- C. Roadside stand offering for sale only products grown on the premises
- D. Home occupation, minor
- E. Private stable
- F. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-way
- G. Public parks and forest preserves
- H. Uses customarily accessory to farm operations
- I. Any other similar uses deemed to be consistent

3-2-10.2 PERMITTED ACCESSORY USES

- A. Other uses incidental to a permitted use

3-2-10.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Airstrips/runways and heliports
- B. Aircraft hangars/tiedowns
- C. Agribusiness
- D. Bulk storage of fuel and fertilizers
- E. Cemetery
- F. Churches
- G. Commercial excavation of natural materials and improvements of a

stream, lake river channel and removal of dirt and or topsoil,
quarry, borrow pits

- H. Density increase for farm dwellings on a single 40 acre parcel when 40 acre per dwelling requirement is met on entire farmstead
- I. Government buildings
- J. Grain elevator
- K. Home occupation, major
- L. Kennels
- M. Mobile home dwelling for a period of one year with the right of renewal for additional periods of one year for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the shelter of an immediate blood relative with a severe physical condition, with appropriate documentation
- N. Recreational Use, Seasonal
- O. Public stable
- P. Recreational camps
- Q. Schools
- R. Rural Residential Building Lot
- S. Wind Energy System, Large or Small
- T. Day Care Home
- U. Any other similar use deemed to be consistent by the Zoning Board of Appeals.

3-2-10.4 HEIGHT REGULATIONS

- A. No structure shall exceed 2.5 stories or thirty-five feet (35') for the principal structure.

3-2-10.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be met for primary structures.
Accessory structures shall meet the requirements of Section 8.4

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
40 acre	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

GENERAL AGRICULTURAL DISTRICT – “AG-2”

ARTICLE XI - “AG-2” GENERAL AGRICULTURAL DISTRICT

3-2-11.0 GENERAL DESCRIPTION

The AG-2 General Agricultural District is established to protect and maintain the agricultural economy and the open space and natural features of rural areas of the County in order to protect lands for continued farming, allow non-farm residential development on a limited basis, and minimize conflicts between agricultural and non-agricultural areas.

The AG-2 District is also established to protect those agricultural lands which, due to their location, soils, and use for agricultural activities, warrant protection from indiscriminate development. However, their proximity to existing development, combined with pressures for new development, makes these lands unsuitable for preservation according to the more restrictive regulations of the AG-1 Agricultural Preservation District. The AG-2 District is also intended to protect those agricultural lands that would otherwise be subject to residential subdivision activity which could render these important farmlands useless for farming.

3-2-11.1 PERMITTED Principal USES

- A. Agriculture
- B. Cemeteries
- C. Churches
- D. Dwelling, Single family detached (one per tax parcel)
- E. Governmental uses
- F. Greenhouses, commercial
- G. Home occupation (non-impact, minor Impact)
- H. Nurseries, commercial
- I. Private stable
- J. Public parks and forest preserves
- K. Roadside stand offering for sale only products grown on the premises

- L. Schools
- M. Transmission and distribution lines, and pipelines of public utility companies within existing public rights-of-way
- N. Uses customarily accessory to farm operations
- O. Any other similar uses deemed to be consistent

3-2-11.2 PERMITTED ACCESSORY USES

- A. Other uses incidental to a permitted use

3-2-11.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Airstrips/runways and heliports
- B. Aircraft hangars/tiedowns
- C. Agribusiness
- D. Auction barns
- E. Bulk storage of fuel and fertilizers
- F. Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and or topsoil, quarry, borrow pits
- G. Day Care Home
- H. Density increase for residential dwellings
- I. Government buildings
- J. Grain elevator
- K. Home occupation (major impact)
- L. Kennels, animal hospitals, veterinary clinics
- M. Landscape contractors
- N. Mobile home dwelling for a period of one year with the right of renewal for additional periods of one year for those instances where a unique and substantial hardship is found to be in existence for the protection of property or for the shelter of an immediate blood relative with a sever physical condition, with appropriate documentation
- O. Recreational Use, Seasonal
- P. Public stable
- Q. Public or private recreational facilities, (i.e., golf course, marina, boat dock)
- R. Recreational camps

- S. Recreational vehicle parks
- T. Residential care homes
- U. Rural Residential Building Lot
- V. Temporary uses
- W. Wind Energy System, Large or Small
- X. Any other similar uses deemed to be consistent

3-2-11.4 HEIGHT REGULATIONS

A. No structure shall exceed 2.5 stories or thirty-five feet (35') for the principal structure.

3-2-11.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be met for primary structures.
Accessory structures shall meet the requirements of Section 8.4

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
15 acres	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

SUBURBAN ESTATES LOW DENSITY DISTRICT – “SE-1”

3-2-12 “SE-1” SUBURBAN ESTATES LOW DENSITY DISTRICT

3-3-12.0 GENERAL DESCRIPTION

The SE-1 Suburban Estates District is established to provide for single family detached housing opportunities in a rural setting at a low density and to preserve open space and natural features. This District is intended to provide a natural buffer between the strictly urban characteristics of the SE-2 Suburban Estates Medium Density District and the R-1 Residential District. The primary difference between the SE-1 and the SE-2 Districts is lot size and the allowance of livestock.

12.1 PERMITTED Principal USES

- A. Farm
- B. Livestock not less than 100 feet from residentially zoned private property
- C. Nursery or greenhouse
- D. Structure for storage or treatment of seeds
- E. Roadside stand selling products grown on premises
- F. Dwelling, Single family detached (one per tax parcel)
- G. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

3-2-12.2 PERMITTED ACCESSORY USES

- A. Private garages or parking areas
- B. Living quarters for persons employed on the premises
- C. Other uses incidental to a permitted use

3-2-12.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Riding stable subject to:
 1. All buildings in which horses are kept shall be at least 200 feet from any lot line contiguous with any residentially zoned lot. Animals shall not be permitted to graze or be ridden within 50 feet of any residentially zoned property, and shall not be ridden off the premises.
 2. All wastes shall be disposed of in accordance with any applicable laws, regulations, or policies of any agency having jurisdiction over such matters.
 3. No odors shall be discernable at the perimeter of the site.
- B. Kennel with buildings and outdoor facilities at least 100 feet from residentially zoned private property
- C. Grain elevator
- D. Utility stations without service yard storage
- E. Recreational facilities such as golf courses, country clubs and tennis courts with no building or pool not less than 100 feet from any lot

- in an “R” District
- F. Recreational Use, Seasonal
- G. Rural Residential Building Lot
- H. Wind Energy System, Small
- I. Day Care Home
- J. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

3-2-12.4 HEIGHT REGULATIONS

- A. No principal structure shall exceed 2-1/2 stories or thirty five feet (35').
- B. Farm buildings such as barns, silos, windmills and places of public assembly such as schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five feet (75'), provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

3-2-12.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be met for primary structures. Accessory structures shall meet the requirements of Section 8.4

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
5 acres	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

SUBURBAN ESTATES MEDIUM DENSITY DISTRICT– “SE-2”

3-2-13 “SE-2” SUBURBAN ESTATES MEDIUM DENSITY DISTRICT

13.0 GENERAL DESCRIPTION

The SE-2 Suburban Estates District is established to provide for single family detached housing opportunities in a rural to urban transitional setting at a medium residential density level to preserve open space and natural features. This District is intended to provide a natural buffer between the strictly urban characteristics of the R-1 High Density District. The primary difference between the SE-1 and the SE-2 Districts is lot size and the allowance of livestock.

3-2-13.1 PERMITTED Principal USES

- A. Dwelling, Single family detached (one per tax parcel)
- B. Public libraries
- C. Public cultural buildings
- D. Public parks, playgrounds, and community center
- E. Structure or storage for treatment of seeds
- F. Roadside stand selling products grown on premises
- G. Essential services and municipal administrative or public service buildings not less than 20 feet from any lot
- H. Any other similar uses deemed to be consistent

3-2-13.2 PERMITTED ACCESSORY USES

- A. Nursery or greenhouse, private
- B. Private garages or parking areas
- C. Other uses incidental to a permitted use

3-2-13.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Major home occupation as defined
- B. Utility stations without service yards or storage
- C. Outdoor recreational facilities such as golf courses, country clubs, and tennis courts
- D. Public and parochial schools, churches, and centers not less than 20 feet from any lot in an "R" District
- E. Municipal buildings and libraries
- F. Gardening
- G. Off street parking facilities
- H. Kennel with buildings and outdoor facilities at least 100 feet from residentially zoned private property

- I. Day Care Home
- J. Recreational Use, Seasonal
- K. Any other similar uses deemed to be consistent by the Zoning Board of Appeals.

3-2-13.4 HEIGHT REGULATIONS

- A. No structure shall exceed 2.5 stories or thirty-five feet (35') for the principal structure.

3-2-13.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be met for primary structures.
Accessory structures shall meet the requirements of Section 8.4

Lot Area	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard
1 acre	165 ft.	40 ft.	15 ft.	30 ft.	40 ft.

SINGLE FAMILY DWELLING DISTRICT – “R-1”

3-2-14 “R-1” SINGLE-FAMILY DWELLING DISTRICT

3-2-14.0 GENERAL DESCRIPTION

This district is established in order to protect public health, and promote public safety, convenience, comfort, morals, prosperity, and welfare. These general goals include, but are not limited to, the following:

- A. To protect residential areas against fire, explosion, noxious fumes, offensive noise, smoke, vibrations, dust, odors, heat, glare, and other objectionable factors.
- B. To protect residential areas to the greatest 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.

- C. To protect residential areas against undue congestion of public streets and other public facilities by controlling the density of population through regulations of the bulk of buildings.
- D. To protect and promote the public health and comfort by providing for ample light and air to buildings and the windows thereof.
- E. To promote public comfort and welfare by providing for usable open space on the same zoning lot with residential development.
- F. 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.
- G. To promote the best use and development of residential land in accordance with a comprehensive land use plan, to promote stability of residential development and protect the character of desirable development, and to protect the value of land and improvements and so strengthen the economic base of the County.

3-2-14.1 PERMITTED Principal USES

- A. One family detached dwellings
- B. Day care home
- C. Foster family homes
- D. Unrelated group family uses
- E. Municipal fire and police station
- F. Care home small residential
- G. Essential services and municipal administrative or public service buildings not less than eighty feet (80') from any lot line
- H. Public parks and playgrounds
- I. Existing railroad right-of-way, but not switching, storage or freight yards, or sidings
- J. Any other similar uses deemed to be consistent

3-2-14.2 PERMITTED ACCESSORY USES

- A. Private garages or parking areas
- B. Living quarters for persons employed on the premises
- C. Private office of lawyer, architect, or engineer within their own dwelling

- D. Minor home occupations, as defined
- E. Day care home licensed by the State of Illinois and with occupancy permit
- F. Other uses incidental to a permitted use

3-2-14.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Community Center
- B. Major home occupation, as defined
- C. Utility stations without service yards or storage
- D. Outdoor recreational facilities such as golf courses, country clubs, and tennis courts
- E. Public and parochial schools and churches not less than 20 feet from any lot in an "R" District
- F. Municipal buildings and libraries
- G. Off street parking facilities for permitted uses and/or uses permitted upon review of Zoning Board of Appeals in this zoning district
- H. Day care home, as defined, but serves between nine (9) and twelve (12) children
- I. Kennel, when lot size is over (one) 1 acre and accessory to residence
- J. Any other similar uses deemed to be consistent
- K. Recreational Use, Seasonal

3-2-14.4 HEIGHT REGULATIONS

- A. No principal structure shall exceed 2-1/2 stories or thirty five feet (35') in height. No accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in Section 9.0 and 9.1.

3-2-14.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be met for primary structures. Accessory structures shall meet the requirements of Section 8.4.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
All*	20,000	100 ft.	40 ft.	15 ft.	30 ft.	40 ft.
1 to 1-1/2	7,500	75 ft.	25 ft.	8 ft.	20 ft.	35 ft.

2 to 2-1/2	7,500	75 ft.	25 ft.	10 ft.	25 ft.	35 ft.
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*When not served by central or municipal sewerage systems.

ONE FAMILY RESIDENCE –“R-2”

Section 15 “R-2” ONE-FAMILY RESIDENCE

3-2-15.0 PERMITTED Principal USES

- A. Any permitted use in an “R-1” District
- B. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

3-2-15.1 PERMITTED ACCESSORY USES

- A. Any permitted accessory use in an “R-1” District
- B. Other uses incidental to a permitted use

3-2-15.2 WHEN AUTHORIZED BY SPECIAL USE

- A. Any use authorized by Zoning Board of Appeals in an “R-1” District
- B. Dwelling groups
- C. Any other similar uses deemed consistent

3-2-15.3 HEIGHT REGULATIONS

- A. No principal structure shall exceed 2-1/2 stories or thirty five feet (35') in height. No accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in Section 9.1.

3-2-15.4 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed and shall be served by central or municipal sewerage systems.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
1 to 1-1/2	6,000	60 ft.	25 ft.	6 ft.	15 ft.	30 ft.

2 to 2-1/2	6,000	60 ft.	25 ft.	8 ft.	20 ft.	30 ft.
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ONE AND TWO FAMILY RESIDENCE DISTRICT – “R-3”

Section 16 “R-3” ONE AND TWO FAMILY RESIDENCE DISTRICT

3-2-16.0 PERMITTED Principal USES

- A. All permitted uses in an “R-2” District
- B. Two-family dwellings
- C. Any other similar uses deemed to be consistent

3-2-16.1 PERMITTED ACCESSORY USES

- A. Any permitted accessory use in an “R-2” District

3-2-16.2 WHEN AUTHORIZED BY SPECIAL USE

- A. Bed and breakfast inns
- B. Boarding and lodging houses
- C. Any other similar uses deemed to be consistent

3-2-16.3 HEIGHT REGULATIONS

- A. No principal structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height and no accessory structure shall exceed one (1) story, fifteen feet (15') in height, except as provided in **Section 9.1.**

3-2-16.4 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed and shall be served by central or municipal sewerage systems.

# of Stories	Lot Area Rear (Sq. Ft)	Lot Area Per family Yd Depth	Front Lot Width	Front Yard Depth	Least side Yd Width	Yard Sum
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1 to 1 ½	5,000 30 ft	3,000	50 ft	25 ft	6 ft	15 ft
2 to 2 ½	Single or 6,000 Duplex 5,000 30 ft	3,000	50 ft	25 ft	8 ft	20 ft
	Single or 6,000 Duplex					

ONE TO SIX FAMILY RESIDENCE DISTRICT – “R-4”

Section 17 “R-4” ONE TO SIX FAMILY RESIDENCE DISTRICTS

3-2-17.0 PERMITTED Principal USES

- A. All permitted uses allowed in an “R-3” District
- B. Boarding and lodging houses
- C. Public and parochial schools and churches not less than 20 feet from any lot in an “R” District
- D. Any other similar uses deemed to be consistent

3-2-17.1 PERMITTED ACCESSORY USES

- A. All permitted accessory uses in an “R-3” District
- B. Other uses incidental to a permitted use

3-2-17.2 WHEN AUTHORIZED BY SPECIAL USE

- A. Care home, large residential
- B. Any use authorized by Zoning Board of Appeals in an “R-3” District
- C. Nursing homes at least fifty feet (50') from any lot line
- D. Halfway house/group home
- E. Day care centers licensed by the State of Illinois
- F. Private clubs, lodges, union halls
- G. Parking lots accessory to use in an adjoining or less restrictive district when abutting or directly across an alley.
- H. Any other similar uses deemed to be consistent

3-2-17.3 HEIGHT REGULATIONS

No principal structure shall exceed two and one-half (2-1/2) stories or thirty-five feet (35') in height, and no accessory structure shall exceed one (1) story fifteen feet (15') in height, except as provided in **Section 9.1**.

3-2-17.4 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed along with bufferyard requirements as described in **Section 37.9**. And shall be served by central or municipal sewerage systems.

Number	Minimum	Lot Area per	Front Lot	Front	Side	Side ^{Rear Yard}	Dept Depth
1 to 1-1/2	5,000	2,000	50 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2-1/2	5,000	2,000	50 ft.	25 ft.	8 ft.	20 ft.	30 ft.

MULTIPLE FAMILY DWELLING DISTRICT – “R-5”

Section 18 “R-5” MULTIPLE FAMILY DWELLING DISTRICT

3-2-18.0 PERMITTED Principal USES

- A. All permitted uses in an “R-4” District
- B. Dwellings, multiple family
- C. Any other similar uses deemed to be consistent

3-2-18.1 PERMITTED ACCESSORY USES

- A. Any permitted accessory use in an “R-4” District
- B. Other uses incidental to a permitted use

3-2-18.2 WHEN AUTHORIZED BY SPECIAL USE

- A. Any use authorized by Zoning Board of Appeals in an “R-4” District
- B. Any other similar use deemed to be consistent

3-2-18.3 HEIGHT REGULATIONS

- A. No principal structure shall exceed six (6) stories or seventy-five feet (75') in height at the required front, side and rear yard lines, other than as provided in **Section 9.1**. No accessory building shall exceed one (1) story or fifteen feet (15') in height, except as provided in Section 9.1.

3-2-18.4 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed along with bufferyard requirements as described in Section 37.9. And shall be served by central or municipal sewerage systems.

Number of Stories	Minimum Lot Area (sq ft)	Required Lot Area per Family for Multi-Family Structures (sq. ft.)	Front Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1	na	2,000	50 ft.	30 ft.	6 ft.	12 ft.	30 ft.
2	na	2,000	50 ft.	30 ft.	6 ft.	15 ft.	30 ft.
3	na	2,000	50 ft.	30 ft.	8 ft.	20 ft.	35 ft.
4	na	2,000	50 ft.	30 ft.	10 ft.	25 ft.	40 ft.
5	na	2,000	50 ft.	30 ft.	12 ft.	30 ft.	45 ft.
6	na	2,000	50 ft.	30 ft.	14 ft.	35 ft.	50 ft.

MULTI-FAMILY RESIDENCE DISTRICT – “R-6”

Section 19 “R-6” MULTI-FAMILY RESIDENCE DISTRICT

3-2-19.0 PERMITTED Principal USES

- A. Any permitted use in an “R-5” District
- B. Housing designed for the elderly
- C. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

3-2-19.1 PERMITTED ACCESSORY USES

- A. Any permitted accessory use in an “R-5” District
- B. Other uses incidental to a permitted use

3-2-19.2 WHEN AUTHORIZED BY SPECIAL USE

- A. Any use authorized by Zoning Board of Appeals in an “R-5” District
- B. Any other similar use deemed to be consistent by the Zoning Board of Appeals

3-2-19.3 HEIGHT REGULATIONS

No principal structure shall exceed twelve (12) stories or one hundred fifty feet (150') in height at the required front, side and rear yard lines, other than as provided in Section 9.1. No accessory building shall exceed one (1) story or fifteen feet (15') in height.

3-2-19.4 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed along with bufferyard requirements as described in Section 37.9. And shall be served by central or municipal sewerage systems.

Number Of Stories	Min Lot Area (sq. ft.)	Rqd Lot Front Area per Family Multi- Family Structures (sq. ft.)		Front Yd Depth	Least Side Yard Width	Side Yard Sum	Rear Yard Depth
1	na	2,000 50 ft.		30 ft.	6 ft.	12 ft.	30 ft.
2	na	2,000 52 ft.		33 ft.	6 ft.	12 ft.	30 ft.
3	na	2,000 55 ft.		30 ft.	8 ft.	16 ft.	35 ft.
4	na	2,000 65 ft.		30 ft.	10 ft.	22 ft.	40 ft.
5	na	2,000 75 ft.		30 ft.	12 ft.	27 ft.	45 ft.
6	na	2,000 85 ft.		30 ft.	14 ft.	33 ft.	50 ft.
7	na	2,000 95 ft.		30 ft.	18 ft.	42 ft.	55 ft.
8	na	2,000 105 ft.		30 ft.	22 ft.	51 ft.	60 ft.
9	na	2,000 115 ft.		30 ft.	26 ft.	60 ft.	65 ft.
10	na	2,000 125 ft.		30 ft.	30 ft.	69 ft.	70 ft.
11	na	2,000 135 ft.		30 ft.	34 ft.	78 ft.	75 ft.
12	na	2,000 150 ft.		30 ft.	38 ft.	87 ft.	80 ft.

MOBILE HOME/MANUFACTURED HOUSING DISTRICT – “R-7”

Section 20 “R-7” MOBILE HOME/MANUFACTURED HOUSING

DISTRICT

20.0 PERMITTED Principal USES

- A. Foster family homes
- B. Unrelated group family uses
- C. Mobile home parks (see Mobile Home Ordinance of the Rock Island County)
- D. Any other similar uses deemed to be consistent

UNIVERSITY/COLLEGE DISTRICT – “U-1”

Section 21 “U-1” UNIVERSITY/COLLEGE DISTRICT

3-2-21.0 GENERAL DESCRIPTION

This district is established to provide an area for colleges, universities, seminaries and other such institutions of higher education. The intent of the district is to establish an area in which institutions of higher education may operate compatibly with surrounding residential and business areas.

3-2-21.1 PERMITTED Principal USES

- A. Colleges, universities, seminaries and other such institutions of higher education consisting of any number of educational, residential (apartment/dormitories, dormitories), cultural and recreational buildings and parking areas with all associated buildings located not less than thirty feet (30') from any residentially zoned private property or one or two family used lot
- B. Community residence with appropriate permits and at least one thousand feet from any other community residence
- C. Dwellings, one and two family
- D. Essential services and municipal, administrative or public services, buildings or properties excluding warehouses, storage yards and garages with all associated buildings at least twenty feet (20') from residentially zoned private property
- E. Foster family homes
- F. Parochial buildings such as schools, churches, and parish buildings, public libraries and public safety and municipal government buildings located not less than twenty feet (20') from any

- residentially zoned private property
- G. Unrelated group homes
- H. Day Care Home and Center
- I. Any other similar uses deemed to be consistent

3-2-21.2 PERMITTED ACCESSORY USES

- A. Accessory uses permitted in an R-1 District
- B. Other uses incidental to a permitted use

3-2-21.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Boarding and lodging house
- B. Fraternities and sororities
- C. Hospitals, sanitariums and nursing homes with any associated building at least fifty feet (50') from any residentially zoned private property
- D. Any other similar use deemed to be consistent by the Zoning Board of Appeals

3-2-21.4 RESTRICTIONS

- A. All buildings affiliated with institutions of higher education shall be not less than thirty feet (30') from residentially zoned lots or existing one and two family used lots.
- B. Private school buildings and public buildings shall be not less than twenty feet (20') from the side lot line in an "R" District.
- C. Small residential care homes shall be one thousand feet (1,000') from any other community residence, shall be state or locally licensed and shall have a certificate of occupancy from the building inspector.

3-2-21.5 HEIGHT REGULATIONS

- A. No structure shall exceed thirty five feet (35') for the principal structure and fifteen feet (15') for an accessory structure.
- B. To places of public assembly such as churches, schools and other permitted public and semi-public buildings not to exceed six (6) stories or seventy five feet (75'), provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

3-2-21.6 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed with both principal and accessory buildings and along with bufferyard requirements as described in Section 37.9. No accessory building shall be located in a front yard.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Least Side Yard Width	Side Yard Sum Width	Rear Yard Depth
1 to 1-1/2	5,000	50 ft.	25 ft.	6 ft.	15 ft.	30 ft.
2 to 2-1/2	5,000	50 ft.	25 ft.	8 ft.	20 ft.	30 ft.

CONSERVATION DISTRICT – “C-1”

Section 22 “C-1” CONSERVATION DISTRICT

3-2-22.0 GENERAL DESCRIPTION

The C-1 District is intended for environmental protection and preservation. Land parcels within this District will include wetland, marshes, swamps, scenic areas, hillsides of excessive slopes, water courses, aquifer recharge areas, watershed protection areas, wildlife habitat, rough terrain, and areas subject to siltation and erosion.

3-2-22.1 PERMITTED Principal USES

- A. Open space
- B. Any other similar uses deemed to be consistent

3-2-22.2 WHEN AUTHORIZED BY SPECIAL USE

- A. Agriculture and commercial summer gardens including agricultural buildings but not permanent dwellings not to exceed 750 square feet and no more than one (1) building per five (5) acre tract but not the raising of livestock
- B. Campgrounds, wilderness
- C. Forestry activities and nurseries
- D. Public parks, passive
- E. Inns or other dining places on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from any residentially zoned private

- property, church, school, or human care institution
- F. Outdoor rifle, trap or skeet shooting range at least six hundred feet (600') from any residentially zoned private property, church, school or human care institution subject to other state and federal guidelines
- G. Parking areas and equipment and materials storage yards accessory to principal uses in adjoining districts within one thousand feet (1,000') of a railroad, highway or primary thoroughfare and at least six hundred feet (600') from any residentially zoned private property, church, school, or human care institution
- H. Recreation vehicle parks on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from residentially zoned private property, church, school, or human care institution
- I. Any other use deemed to be consistent by the Zoning Board of Appeals

CONSERVATION DISTRICT– “C-2”

Section 23 “C-2” CONSERVATION DISTRICT

3-2-23.0 GENERAL DESCRIPTION

The C-2 District is intended to provide for the conservation and preservation of land, while allowing for development that will make use of its natural beauty and allow for its enjoyment.

3-2-23.1 PERMITTED Principal USES

- A. All uses when reviewed by Zoning Board of Appeals in a C-1 District
- B. Public parks, playgrounds
- C. Any other similar uses deemed to be consistent

3-2-23.2 PERMITTED ACCESSORY USES

- A. Accessory uses incidental to a permitted principal use other than a permanent residence.

3-2-23.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Country clubs
- B. Community centers, private or public

- C. Recreational uses, open air such as swimming pools, tennis courts, baseball and football fields and golf ranges, with buildings and outdoor storage when abutting a highway or primary thoroughfare
- D. Church, school, or human care institution
- E. Inns or other dining places on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from any residentially zoned private property, church, school, or human care institution
- F. Outdoor rifle, trap or skeet shooting range at least six hundred feet (600') from any residentially zoned private property, church, school or human care institution subject to other state and federal guidelines
- G. Parking areas and equipment and materials storage yards accessory to principal uses in adjoining districts within one thousand feet (1,000') of a railroad, highway or primary thoroughfare and at least six hundred feet (600') from any residentially zoned private property , church, school, or human care institution
- H. Recreation vehicle parks on and within five hundred feet (500') of a highway or primary thoroughfare and with any structure at least four hundred feet (400') from residentially zoned private property, church, school, or human care institution
- I. Any other use deemed to be consistent by the Zoning Board of Appeals

OFFICE DISTRICT – “O-1”

Section 24 “O-1” OFFICE DISTRICT

3-2-24.0 GENERAL DESCRIPTION

The office of district set forth herein is established to promote public welfare, convenience, comfort, and orderly growth of the community. These objectives include, but are not limited to the following:

- A. To provide means of transitional use of land between commercial and residential uses.
- B. To promote, enhance, and conserve quality of the manmade environment.
- C. To protect the worth of property.
- D. To promote the most desirable use of land.
- E. To provide an appropriate district for functions separate from those dealing in sales, repair, recreation, storage, processing, assembly,

- lodging, and eating.
- F. To separate those functions which are obtrusive, quiet, do not generate large quantities of waste, noise, odor or traffic, use heavy machinery, require docking facilities or separate service entrances and which do not make use of large illuminated displays or signs, from those which do.
- G. To provide a use district for offices for those who provide services only including instruments of service.
- H. To provide a district of less intense use and to encourage lower density use and retention of open space.
- I. To make use of areas which are not appropriate for other uses.
- J. To control the growth of other districts.
- K. To make less valuable land available for use other than residential.

3-2-24.1 PERMITTED Principal USES

- A. Church
- B. Community service offices
- C. Consultant offices
- D. Dwelling above the ground floor
- E. Funeral Home
- F. Hospital and special care facilities
- G. Nursing Home
- H. Offices providing clerical administration
- I. Professional offices
- J. Schools and facilities for academic instruction
- K. Day Care Home and Center
- L. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

3-2-24.2 PERMITTED ACCESSORY USES

- A. Accessory uses incidental to a permitted principal use other than a permanent residence.

3-2-24.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Dwellings
- B. Any other similar uses deemed to be consistent

3-2-24.4 HEIGHT REGULATIONS

- A. No principal structure shall exceed two (2) stories or thirty feet (30')

in height, and no accessory structure shall exceed one (1) story or fifteen feet (15') in height, except as provided in Section 9.1.

3-2-24.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Section 37.9. No accessory building shall be located in a front yard.

Number of Stories	Lot Area (sq. ft.)	Lot Width	Front Yard Depth	Side Yard Width	Side Yard Sum Width	Rear Yard Depth
All Stories	No more than 50% building coverage 5,000 - single 6,000 - duplex	None	15 ft. or same as adjacent R District	None	15 ft.	15 ft.

NEIGHBORHOOD BUSINESS DISTRICT – “B-1”

Section 25 “B-1” NEIGHBORHOOD BUSINESS DISTRICT

3-2-25.0 GENERAL DESCRIPTION

The Neighborhood Business District is intended to permit the development of retail sales and personal services required to meet the day-to-day needs of a fully developed neighborhood. Stores, businesses and offices in this zone should be useful to the majority of the neighborhood residents. The convenience nature of the various business uses located in this District requires them to be in close proximity to residences and is intended to include a narrow range of retail services and convenience goods.

3-2-25.1 PERMITTED Principal USES

- A. All uses within this zone must be confined to 2,500 internal square feet of the principal structure
- B. Antique or custom furniture shop with incidental upholstery
- C. Bakery limited to goods for retail on the premises
- D. Banks or similar financial enterprises

- E. Barber or beauty shop
- F. Bicycle sales and service
- G. Business or professional office such as attorney, architect, engineer, dentist, physician etc.
- H. Camera or photographic supply store
- I. Clinics, private, for human care
- J. Costume rental
- K. Day care center or home
- L. Delicatessen
- M. Dry cleaning pick-up station
- N. Dwelling, above ground floor
- O. Health/recreational and physical training club
- P. Hobby shop
- Q. Interior decorating shop including upholstery and drapery making
- R. Laundromat
- S. Locksmith
- T. Music studio
- U. Restaurant, not drive-in or drive-thru
- V. Retail uses such as drugstore, florist, grocery, ice cream shop, meat market, appliance, shoe, variety, stationary, book, clothing, packaged liquor sales and candy stores with all activities, except for automobile off-street parking and loading facilities as permitted or required in this district, shall be conducted wholly within an enclosed building
- W. Churches
- X. Any other similar uses deemed to be consistent

3-2-25.2 PERMITTED ACCESSORY USES

- A. Other uses incidental to a permitted use

3-2-25.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Auto accessory store
- B. Club or lodge
- C. Bus transfer station
- D. Convenience store
- E. Nursing home
- F. Any other similar uses deemed to be consistent

3-2-25.4 USES PROHIBITED

- A. Any commercial or manufacturing use except that which is clearly

necessary for the conduct of a permitted retail business or service on the premise.

3-2-25.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Section 37.9. No accessory building shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth	Other
35 ft. or same as adjacent R District	25 ft. or same as adjacent R District	None except same as adjacent R District	10 ft. or same as adjacent R District	In accordance with performance standards

CENTRAL BUSINESS DISTRICT – “B-2”

Section 26 “B-2” CENTRAL BUSINESS DISTRICT

26.0 GENERAL DESCRIPTION

The Central Business District is intended to be a high density, compact, pedestrian oriented shopping, office, service and entertainment area. This District is one of high traffic generation and is thus located where there can be a concentration of a variety of commercial activities.

3-2-26.1 PERMITTED Principal USES

- A. Any use permitted in a B-1 District and allowing for retail establishments with greater than 2,500 square feet
- B. Art galleries and studios
- C. Auction house
- D. Bar, dance hall, cocktail lounge or night club, private clubs, lodges, union halls, tavern, micro-brewery when enclosed and with building(s) and outside storage at least one hundred feet (100') from any residentially zoned private property
- E. Bicycle sales and repair
- F. Blueprinting, photostating, print shop and duplicating establishments
- G. Bus terminal, railroad station, freight terminal or other public transportation terminal

- H. Business or trade school
- I. Catering within a building
- J. Ceramic products manufacture for sale on premises
- K. Church
- L. Conservatory for retail sale on premises only
- M. Commercial parking lot
- N. Custom rental
- O. Custom dressmaking, millinery, tailoring or shoe repair for retail sales on premises only
- P. Drapery and mattress manufacture for sale on premises
- Q. Department stores
- R. Employment agency
- S. Engraving or lithographing
- T. Funeral home
- U. Garage, public
- V. Hardware or paint supply store without outdoor sales or storage
- W. Hotel/motel
- X. Laboratories, medical and dental
- Y. Laundry or dry cleaning shop when enclosed and with building(s) and outside storage at least one hundred feet (100') from any residentially zoned private property
- Z. Meeting halls, clubs, fraternal organizations and lodges
- AA. Mirror and glazing shop, glass cutting
- BB. Pawn shop
- CC. Pet shops, but not animal hospitals
- DD. Picture framing
- EE. Plumbing, electrical, heating, and air conditioning supply stores or show rooms without outdoor sales or storage and without repairs or fabrication
- FF. Public utility collection office
- GG. Public, customer or accessory parking lot
- HH. Radio, television and CATV stations, not transmitting towers
- II. Second-hand stores and rummage shops
- JJ. Taxidermist
- KK. Theater, indoor
- LL. Travel bureau and ticket office
- MM. Upholstering shop for furniture
- NN. Any other similar type use not specifically permitted herein which would have economic compatibility with the established uses on adjoining properties
- OO. Any other similar uses deemed to be consistent

3-2-26.2 PERMITTED ACCESSORY USES

- A. Permitted accessory uses in a B-1 District
- B. Assembly of small electrical appliances, instruments, small computers and other electronic devices.
- C. Other uses incidental to a permitted use.

3-2-26.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Any use permitted on review in a B-1 District
- B. Auto accessory store
- C. Auto repair, minor
- D. Transmission and receiving equipment for radio, television, cable, and telephone
- E. Any other similar uses deemed to be consistent

3-2-26.4 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed with both principal and primary buildings along with bufferyard requirements as described in Section 37.9. No accessory buildings shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth	Other
None	None	None except same as adjacent R District	None except same as adjacent R District	In accordance with Performance Standards

COMMUNITY BUSINESS DISTRICT – “B-3”

Section 27 “B-3” COMMUNITY BUSINESS DISTRICT

3-2-27.0 GENERAL DESCRIPTION

The Community Commercial District is intended to provide for major businesses which serve a significant segment of the population. The District may provide for a variety of retail goods and services, along with large traffic generators requiring access from major thoroughfares and a reliance on motor vehicle oriented trade. The district is dominated by uses with indoor operations, although some may have limited outdoor activities. Development in the District is encouraged in a manner which minimizes traffic hazards and interference with other uses in the vicinity.

3-2-27.1 PERMITTED Principal USES

- A. Any uses permitted in a B-2 District, except dwellings and Day Care Homes
- B. Amusement centers, indoor, including bowling alleys, pool halls,
- C. Auto/pickup sales of a two ton capacity or less and service enclosed and with building(s) and outside storage at least one hundred feet (100') from residentially zoned private property
- D. Car wash, enclosed and with building(s) and outside storage at least on hundred (100') feet from residentially zoned private property. Designed for passenger vehicles and pickups, excluding commercial vehicles.
- E. Drive-in or fast food restaurant
- F. Exterminating shop
- G. Fabric or floor covering sales
- H. Hospital or clinic for small animals with no long term kennel use and at least one hundred feet (100') from residentially zoned private property
- I. Any other similar type use not specifically listed herein, and which has economic compatibility with the established uses on adjoining properties
- J. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

3-2-27.2 PERMITTED ACCESSORY USES

- A. Permitted accessory uses in a B-2 District
- B. Other uses incidental to a permitted use

3-2-27.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Any use permitted on review in a B-2 District
- B. Car wash, multiple bays
- C. Recreational uses, open air such as swimming pools, tennis courts, baseball fields and golf ranges, with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- D. Any other similar uses deemed to be consistent by the Zoning Board of Appeals

3-2-27.4 USES PROHIBITED

- A. Dwelling

3-2-27.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Section 37.9. No accessory building shall be located in a front yard.

Height	Front Yard Depth	Side Yard Width	Rear Yard Depth	Other
45 ft.	20 ft. or same as adjacent R District	None except same as adjacent R District	10 ft. or same as adjacent R District	In accordance with Performance Standards

HIGHWAY/INTENSIVE BUSINESS DISTRICT – “B-4”

Section 28 “B-4” HIGHWAY/INTENSIVE BUSINESS DISTRICT

3-2-28.0 GENERAL DESCRIPTION

The Highway Commercial District is intended to permit development of service uses relating to expressways or along other major arterial thoroughfares. This district permits uses that, by their nature, tend to generate heavy traffic usage. This district also provides for functions and businesses which may be characterized by outdoor display, storage and/or sale of merchandise, by repair of motor vehicles, and by outdoor commercial amusement and recreational activities not completely enclosed.

3-2-28.1 PERMITTED Principal USES

- A. Any use permitted in a B-3 District
- B. Auto repair, major, with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- C. Agricultural implement sales and services with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- D. Air conditioning and heating sales and service with outdoor fabrication and repairs
- E. Bath house or boat house with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- F. Boat sales with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- G. Building material sales yard, wholesale business with warehouses as specified in this ordinance, at least 100' from residentially zoned private property

- H. Carpenter and cabinet shop with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- I. Semi, tractor trailer and large commercial truck wash
- J. Contractors offices and shops within building
- K. Feed and seed store, wholesale
- L. Greenhouse with outside storage permitted
- M. Kennels with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- N. Motor vehicle dealerships with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- O. Recreational uses, public open air, such as swimming pools, tennis courts, baseball fields, and golf ranges with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- P. Sign painting shop and similar establishment with building(s) and outdoor storage at least one hundred feet (100') residentially zoned private property
- Q. Travel trailer sales and service with building(s) and outdoor storage at least one hundred feet (100') from residentially zoned private property
- R. Any other similar uses deemed to be consistent.

3-2-28.2 PERMITTED ACCESSORY USES

- A. Permitted accessory uses in a B-3 District
- B. Other uses incidental to a permitted principal use

3-2-28.3 WHEN AUTHORIZED BY SPECIAL USE

- A. Any uses permitted on review in a B-3 District
- B. Auditorium
- C. Mini-warehousing with structures at least one hundred feet (100') from residentially zoned private property

3-2-28.4 PROHIBITED USES

- A. Dwelling

3-2-28.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Section

37.9. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard	Other
45 ft.	20 ft. or same as adjacent "R"	None except same as adjacent "R"	10 ft. or same as adjacent "R"	In accordance with Performance Standards

OFFICE/RESEARCH PARK AND TECHNOLOGY DISTRICT – "ORT"

Section 29 "ORT" OFFICE/RESEARCH PARK AND TECHNOLOGY DISTRICT

3-2-29.0 GENERAL DESCRIPTION

To provide for large attractively landscaped low-density sites primarily along an interstate or expressway corridor. The area is appropriate for regional and/or national businesses and offices, including research activities and some specialized unobjectionable ultra-light industrial activities which take advantage of the transportation corridor but are low intensity and sufficiently restricted to be compatible with adjacent residential and commercial development. This may include manufacturing, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared materials. This district is intended to have a green/open space atmosphere conducive to quality development with the preservation of significant natural features. No outdoor storage is allowed in this district and all operations must be in an enclosed building.

3-2-29.1 PERMITTED Principal USES

- A. Offices for the following occupations: executive, administrative, professional, accounting, writing, clerical, drafting, sales and engineering excluding medical and dental offices
- B. Computer manufacture, electronic assembly
- C. Custom cabinet shop
- D. Custom drapery manufacture
- E. Data processing and computer centers including computer programming and software development, training, and service and maintenance of electronic data processing equipment
- F. Research and development, technical training and related activities for industrial, scientific and business enterprises, and design of pilot

- or experimental products
- G. Mattress manufacture with retail activities
- H. Printing, publishing, duplicating and photographic processing
- I. Processing and assembly of engineering, laboratory, scientific, and research instruments and associated equipment
- J. Prosthetic manufacture
- K. Laboratories for research, development, and testing of medical, optical, dental and pharmaceutical products
- L. Hotel/motel
- M. Trade or industrial schools, personnel training center
- N. Any other similar uses deemed to be consistent.

3-2-29.2 PERMITTED ACCESSORY USES

- A. Bar/cocktail lounge incidental to hotel/motel and/or restaurant
- B. Child care center when accessory to permitted principal use
- C. Convention center, assembly hall, display hall, or similar use when accessory of hotel/motel
- D. Retail business intended to serve the permitted uses within the district and not dependent upon direct visits of retail customers
- E. Residence of caretaker or security personnel
- F. Other uses incidental to permitted principal use

3-2-29.3 USES ON REVIEW BY SPECIAL USE

- A. Bank
- B. Restaurant, excluding drive-in/thru
- C. Medical clinic
- D. Essential public services
- E. Hospital
- F. Museum
- G. Post office
- H. Parking lots, public or private
- I. Day Care Center
- J. Convention center, assembly hall, display hall, or similar use
- K. Manufacturing when accessory to permitted principal use
- L. Radio/television station
- M. Any other uses deemed to be consistent by the Zoning Board of Appeals

3-2-29.4 PROHIBITED USES

- A. Adult uses
- B. Auto service station

- C. Mini-warehousing
- D. Restaurant, drive-in
- E. Retail except as noted
- F. Residential except as noted
- G. Freight terminal
- H. Auto salvage yard
- I. Disposal or storage of toxic waste
- J. Outdoor advertising, off premise

3-2-29.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Section 37.9. No accessory building shall be located in a front yard.

Minimum Lot Area	Height	Front Ya rd	Side Y ar d	Rear Y ar d	Other
20,000 sq. ft.	45 ft.	50 ft.	15 ft.	20 ft.	In accordance with Performance Standards

LIGHT INDUSTRIAL DISTRICT – “I-1”

Section 30 “I-1” LIGHT INDUSTRIAL DISTRICT

3-2-30.0 GENERAL DESCRIPTION

The Light Industrial District is intended to provide for the development of most types of industry with regulations designed to protect adjacent properties.

3-2-30.1 PERMITTED Principal USES

- A. Agricultural farming, cultivation but not Farm animals or livestock
- B. Apparel and other products manufactured from textiles
- C. Assembly of products from finished materials and parts
- D. Automobile Repair - Major
- E. Bottling and canning of soft drinks
- F. Bus terminal, railroad station, freight terminal or other public

- transportation terminal
- G. Cabinet making
- H. Contractor's offices and shops
- I. Essential Services
- J. Exterior Communication Devices
- K. Fleet Vehicle storage
- L. Food processing
- M. Fur repair and storage
- N. Laboratories
- O. Laundry, dry cleaning, dyeing except walk-in/drive-up
- P. Motor Freight Terminal
- Q. Pawnshop with no exterior display or storage
- R. Photo processing involving photo engraving
- S. Printing and binding
- T. Recreational Facilities (Recreation, Outdoor - Passive, Public)
- U. Refuse Equipment Operation
- V. Semi, tractor trailer and large commercial truck wash
- W. Wholesaling, warehousing and storage, except mini-warehousing
- X. Any other similar uses deemed to be consistent

3-2-30.2 PERMITTED ACCESSORY USES

- A. Company provided day-care
- B. Company provided cafeteria
- C. Company provided On-Site recreation
- D. Indoor sales incident to Light Industrial uses
- E. Offices
- F. Truck Parking Area or Yard
- G. Other accessory uses incidental to a permitted use

3-2-30.3 PROHIBITED USES

- A. Uses prohibited in an Office/Research Park and Technology District
- B. Disposal or storage of toxic waste
- C. Dwellings

3-2-30.4 WHEN AUTHORIZED BY SPECIAL USE

- A. Adult regulated uses subject to Section 8.18
- B. Airstrips/runways and heliports
- C. Aircraft hangars/tiedowns
- D. Commercial excavation of natural materials and improvements of a stream, lake or river channel and removal of dirt and/or topsoil, quarry, borrow pits.

- E. Concrete Batch plants
- F. Landscape contractors, tree and yard waste services
- G. Storage, Personal
- H. Any uses permitted or allowed by special use in B-4, except mini-storage
- I. Any other similar uses deemed to be consistent

3-2-30.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Section 37.9. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard	Other
45 ft.	20' for 1 - 3 stories, if > 3 stories, then 40% of building height	15 ft.	20 ft.	In accordance with Performance Standards

GENERAL INDUSTRIAL DISTRICT – “I-2”

Section 31 “I-2” GENERAL INDUSTRIAL DISTRICT

3-2-31.0 GENERAL DESCRIPTION

The General Industrial District is intended to provide for large scale manufacturing facilities not otherwise permitted which have potential significant external impacts to adjacent properties.

3-2-31.1 PERMITTED Principal USES

- A. Any use permitted in an I-1 District
- B. Any other use which, in the opinion of the Zoning Board of Appeals, is of similar character to those specified above
- C. Any of the following uses, when at least two hundred (200) feet from any residentially zoned private property and at least one hundred (100) feet from any other district, except an I-1 District or when authorized by the Zoning Board of Appeals
- D. Acetylene manufacturing in excess of fifteen (15) pounds per square inch

- E. Acid manufacture
- F. Aircraft, assembly and testing
- G. Ammonia, chlorine or bleach powder manufacture
- H. Animal black, lamp black, bone black or graphite manufacture
- I. Asbestos and asbestos products manufacture
- J. Automobile, tractor trailer, farm implement assembly or manufacture
- K. Blast furnaces, steel works or rolling mills
- L. Bleaching, cleaning and dyeing plant
- M. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops
- N. Box and crate manufacture
- O. Brewing or distilling of liquors
- P. Brick manufacture
- Q. Bulk station
- R. Candle or sperm oil manufacture
- S. Cans and other types of containers manufacture
- T. Celluloid or pyroxyline manufacture, or explosive or inflammable cellulose or manufacture or storage
- U. Cement, lime, gypsum, plaster or plaster of paris manufacture
- V. Chalk manufacture
- W. Charcoal manufacture
- X. Chemicals, the manufacture or use of, except those which may be inflammable or explosive
- Y. Coffin manufacture
- Z. Cooperage works
- AA. Cotton ginning and cotton wadding
- BB. Cottonseed oil manufacture
- CC. Creosote manufacture or treatment
- DD. Dextrin, starch or glucose manufacture
- EE. Disinfectant, insecticide or poison manufacture
- FF. Distillation of coal, petroleum, refuse, grain, wood or bones except in the manufacture of gas
- GG. Dyes, aniline, ink pigments and others manufacture
- HH. Emery cloth or sandpaper manufacture
- II. Enameling, lacquering or japanning
- JJ. Explosive manufacture or storage except for small arms ammunition
- KK. Fertilizer, compost - manufacture or storage
- LL. Fish curing, smoking or packing, fish oil manufacture or refining
- MM. Flammable liquids storage not to exceed a total of twenty-five thousand (25,000) gallons
- NN. Flour, grain or feed milling or processing

- OO. Foundry works
- PP. Gas-generation or storage for illumination or heating
- QQ. Gelatin, vegetable and animal manufacture
- RR. Glass blowing and manufacture
- SS. Grain elevators
- TT. Hair or hair products manufacture
- UU. Hemp products manufacture
- VV. Linoleum, oil cloth or oiled goods manufacture
- WW. Lumber, preserving treatment, processing, sawmills and planing mills manufacture
- XX. Machinery, heavy manufacture and repair
- YY. Match manufacture
- ZZ. Meat, packing and processing except slaughtering and glue and size manufacture, but not stockyards or slaughterhouses
- AAA. Metal stamping and extrusion of metal products manufacture and plating
- BBB. Motor testing or internal combustion motors manufacture
- CCC. Oil, shellac, turpentine, varnish or enamel manufacture
- DDD. Paper and pulp manufacture
- EEE. Perfume manufacture
- FFF. Petroleum or flammable liquids production and refining
- GGG. Pickle, sauerkraut, sausage manufacture
- HHH. Porcelain products manufacture
- III. Poultry slaughterhouse, including packing and storage for wholesale
- JJJ. Railroad equipment manufacture
- KKK. Rock crushing
- LLL. Rubber products, including tires and tubes and tire recapping
- MMM. Rubber manufacture and processing
- NNN. Sandblasting or cutting
- OOO. Sewage disposal plant or incinerator, sanitary landfill, recycling or composting operation except by the municipality
- PPP. Shoe blacking or polish or stove polish manufacture
- QQQ. Soap manufacture
- RRR. Steam power plant, except where accessory to a permitted principal use
- SSS. Stone and monument works employing power driven tools
- TTT. Storage, curing or tanning of raw, green or salted hides or skins when refrigerated storage is provided
- UUU. Storage of flammable liquids when facilities are located at least six hundred feet (600') from any "R" District and at least three hundred feet (300') from any other district except "I" Districts and are enclosed by a fence at least eight feet (8') in height
- VVV. Sugar refining

WWW. Tar distillation or asphalt roofing or waterproofing manufacture
XXX. Vinegar manufacture
YYY. Wax products manufacture
ZZZ. Wire or rod drawing - nut, screw or bolt manufacture
AAAA. Wool scouring and pulling
BBBB. Yeast manufacture
CCCC. Any other similar uses deemed to be consistent

3-2-31.2 PERMITTED ACCESSORY USES

- A. Permitted accessory uses in an I-1 District
- B. Other uses incidental to a principal use

3-2-31.3 WHEN AUTHORIZED BY SPECIAL USE

- A. An establishment which has the potential to be dangerous or extremely obnoxious. Included are those which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive material are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishments's principal activity
- B. Automobile salvage and wrecking operations, and industrial metal and waste salvage operations and junk yards not less than one hundred feet (100') from any non "I" District and one thousand feet (1,000') from any State or Federal highway enclosed on all sides with natural objects, plantings, fences or other appropriate means a minimum of 8 feet high from grade for the entire border of the operation. In addition, operations within 1,000 feet of a federal or State Highway System, screening by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the system is required where feasible. No pile of scrap, salvage, or other material shall be higher than the fence or screening measured from grade to the fence or screening lowest point, and measured from grade to the scrap or salvaged materials highest point.
- C. Asphalt plant
- D. Aviation facilities, private and public
- E. Landfill, construction debris, rubble, or sanitary
- F. Recycling centers and stations
- G. Resource extraction
- H. Scrap and salvage services
- I. Shooting range
- J. Transfer station for waste

- K. Disposal or storage of toxic waste
- L. Any other similar uses deemed to be consistent
- J. Adult regulated uses subject to Section 8.18

3-2-31.4 PROHIBITED USES

- A. Any prohibited use in an I-1 District, except auto salvage yard

3-2-31.5 LOT AREA AND YARD REQUIREMENTS

The following minimum requirements shall be observed for both primary and accessory building along with bufferyard requirements as described in Section 37.9. No accessory building shall be located in a front yard.

Height	Front Yard	Side Yard	Rear Yard	Other
75 ft.	< 50 ft. then 20 ft. > 50 ft. then 40% of bldg. height	15 ft.	< 50 ft. then 20 ft. > 50 ft. then 30 ft.	In accordance with Performance Standards

PLANNED UNIT DEVELOPMENT DISTRICT – “PUD”

Section 32 “PUD”– PLANNED UNIT DEVELOPMENT DISTRICT

32.0 PURPOSE

The purpose of the planned unit development (PUD) district is to promote to the extent possible:

- A. A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this ordinance.
- B. A Permanent preservation of common open space and recreation areas and facilities.
- C. A pattern of development to preserve natural vegetation, topographic, and geologic features.

- D. A creative approach to the use of land and related physical facilities that results in better development, design and the construction of aesthetic amenities.
- E. An efficient use of the land resulting in more economic networks of utilities, streets, and other facilities.
- F. A land use which promotes the public health, safety, comfort, morals, and welfare.

The PUD district is intended to provide for a development incorporating a single type or a variety of related uses which are planned and developed as a unit but departs from the normal standards and requirements of other sections of this ordinance.

The planned unit development may provide amenities not otherwise required by law and may establish facilities and open space greater than the minimums required by law. Such development may consist of conventionally subdivided lots or provide for development by a land use and zoning plan which establishes the location and extent of the features of the planned unit development in keeping with the purpose of the plan.

The foregoing purposes and principals shall not be interpreted to permit the reduction of standards set forth in this section.

3-2-32.1 PROCEDURE

The owner, owners, or bona fide buyer of any tract of land may petition the Zoning Board of Appeals for a change to the PUD zoning district in accordance with Article 6. A planned unit development shall be authorized in accordance with the following procedures:

A. Application procedure.

1. The application for a rezoning to the PUD zoning district shall be accompanied by an application plan meeting the requirements of 32.2.a. of this section and show evidence that the proposed development will conform to the official County plan and to the purpose of the PUD district set forth in 32.0 of this section. The Zoning Board of Appeals shall grant or deny said application pursuant to the provisions contained in Article 6. Approval of the PUD zoning district shall constitute an expression of approval by the Zoning Board of Appeals of the application plan as a guide to the preparation of the

preliminary PUD plan. The applications shall be accompanied by a filing fee in an amount equal to that prescribed by Article 6.

2. To reduce the number of steps involved in the approval of a planned unit development, a preliminary PUD plan meeting the requirements of 32.1.b. and 32.2.b. of this section may be submitted in lieu of an application plan required in (a) above. This type of application shall be accompanied by a filing fee in an amount equal of one hundred dollars (\$100.00) plus an amount equal to that prescribed by 1.2(a)(2) of this section.

B. Approval of the preliminary plan.

1.
 - a. Supporting data in accordance with 32.2.b. this section.
 - b. Copies of the preliminary PUD plan and supporting data shall be submitted to the Administrative Officer for certification as to conformity with these regulations, recommendations, and suggestions regarding the overall design, if any.
 - c. Copies of the preliminary PUD plan shall be submitted to the Zoning Board of Appeals who shall hold public hearings on the application for a preliminary PUD plan giving notice of the times and places as required by state law by publishing a notice thereof at least once in a publication having general circulation within the county. Following the public hearings, a recommendation of approval or denial of the preliminary PUD plan shall be made by the Zoning Board of Appeals to the County Board. If needed, the Zoning Board of Appeals shall review the preliminary PUD plan and grant or deny any exceptions or variances needed.
2. Findings: The Zoning Board of Appeals shall set forth the reasons for the recommendation, and said recommendation shall set forth how the proposal would be in the public interest, including but not limited to findings of facts on the following:
 - a. In what respects the proposed plan is consistent with the stated purpose of the planned unit development requirements.

- b. The extent to which the proposed plan meets the requirements and standards of the planned unit development district.
 - c. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to the density, dimension, area, bulk and use, and the reasons why such departures are deemed to be in the public interest.
 - d. The physical design of the proposed plan and the manner in which said design makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light, air, recreation, and visual enjoyment.
 - e. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
 - f. The desirability of the proposed plan to physical development, tax base, and economic well-being of the entire community.
 - g. The conformity with the intent and spirit of the comprehensive plan.
 - h. Specific points noted on the plan that have impact on its design, function, and visibility in the community.
3. Following receipt of the recommendation by the Zoning Board of Appeals and approval by the County Board, the Zoning Board of Appeals shall, within sixty (60) days, recommend approval, modification within limits of a minor change, or disapproval of the planned unit development plan. As a condition to the approval of the preliminary PUD plan, the Zoning Board of Appeals shall set forth findings of fact in accord with 32.1 of this section on which they base their approval and describing how the proposal meets the standards of 32.3 of this section.
4. All conditions, documents, and plans required by the Zoning Board of Appeals must be delineated on the plat or agreed to in

writing prior to Zoning Board of Appeals approval.

5. The Zoning Board of Appeals may require such special conditions as they may deem necessary to insure conformance with the intent of all comprehensive plan elements, the stated purpose of the planned development district and established county policies.
6. Approval of a preliminary planned unit development plan shall not constitute approval of the final plan. Rather it shall be deemed an expression of approval to the layout submitted on the preliminary plan as a guide to the preparation of the final plan which will be submitted for approval of the county. The final plan shall be approved as the final land use and zoning plan if it conforms substantially with the preliminary land use and zoning plan.

(Note: The final plan may be considered as a preliminary and final plan and may be submitted for preliminary and final approval, if all of the land is to be developed at one time, and if all requirements hereof are met.)

7. The provisions of Article 6 shall be applicable to the preliminary PUD plan.
- C. Approval of final plan. The final planned unit development plan shall be submitted to the Administrative Officer who shall refer same to the Zoning Board of Appeals. The final PUD plan shall conform to the preliminary PUD plan as approved or subject to minor changes, and may be submitted in stages with each stage reflecting the approved preliminary plan; provided, however, that such stage conforms to all requirements of these regulations. The required procedure for approval of a final plan shall be:
1. A final planned unit development plan and other supporting data required for approval shall be in accord with the provisions of 32.2 of this section. Final plans must be submitted for approval in accordance with agreed-to scheduling, but not later than five (5) years from the approval of the preliminary plan by the Zoning Board of Appeals. The Zoning Board of Appeals may grant an extension in time or the developer may resubmit an application; in the event that same is not done, the Zoning Board of Appeals shall initiate such zoning changes as it deems necessary to preserve the

public interest. If construction falls more than two (2) years behind the schedule filed with the final plan, the plan becomes subject to revocation. The Administrative Officer shall monitor all pending PUD projects and inform the Zoning Board of Appeals of those six (6) months or more behind schedule.

2. The final plan and supporting data shall be submitted to the Zoning Board of Appeals for certification that the final plan is in conformity with these regulations and in agreement with the approved preliminary plan.
 3. After review of the final plan, the Zoning Board of Appeals shall submit the planned unit development plan to the County Board with a recommendation for approval, disapproval, or approval with minor modifications as reviewed at the public hearing. Any changes or modifications which arise subsequent to the public hearing shall be specifically noted and referred to the Administrative Officer who shall determine whether the change constitutes a major or minor change and whether another public hearing is required.
 4. The Zoning Board of Appeals shall, within sixty (60) days, approve, disapprove, or extend the time period for another sixty (60) days in taking action on the final plan.
 5. All conditions, documents, and plans required by the Board must be delineated on the plan or agreed to in writing prior to Board approval.
- D. Recording the final planned unit development plan. The construction of any public improvement in the planned unit development shall be initiated only after recording of the final PUD plan has been recorded with the county recorder, and shall be issued in full conformance with this ordinance.
- E. Changes in the planned unit development. The planned unit development shall be developed according to the approved and recorded final plan, recorded approved plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees and assigns, and shall limit and control the use of premises and location of structures in the planned unit development project as set forth therein.

1. Major changes. A change in the approved preliminary PUD plan or final PUD plan which alters the concept or intent of the planned unit development including a change in usage, the configuration, increase in floor area or the height of buildings, an increase in intensity, a reduction of proposed open space, a change in road locations or standards, a change in the final governing agreement, provisions or covenants, or other major changes, shall be approved only by submission of a new preliminary PUD plan in accordance with the procedures as previously set forth for the approval of preliminary and final PUD plans. All approved major changes in the final PUD plan shall be recorded with the county recorder as amendments to the final PUD plan.
2. Minor changes. The Administrative Officer may approve minor changes in the planned unit development which do not change the concept or intent of the development, without going through the “preliminary approval” steps. Minor changes shall be any change not defined as a major change.

3-2-32.2 SPECIFIC CONTENT

The planned unit development plans and supporting data shall include at least the following information:

A. Application stage:

1. General site information. Data regarding site conditions, and characteristics, available community facilities and utilities, existing covenants and other related information.
2. Sketch plan. A drawing in simple sketch form showing the proposed location and extent of the land uses, streets, lots, and other features.

B. Preliminary plan stage:

1. Design plan. A drawing of the planned unit development shall be prepared at a scale of either one inch equals one hundred (100) feet or one inch equals fifty (50) feet, or such other scale that may be recommended by the Administrative Officer. Any change in scale between the preliminary and final plan shall be accompanied by a signed statement from the developer attesting that there have been no modifications. All plans shall show the general location of proposed streets (public and

private), all buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one or more sheets and drawings and shall include:

- a. Boundary lines: Bearing and distances.
- b. Easements: General location, width, and purpose.
- c. Public and private streets on and adjacent to the tract: Street names, right-of-way widths, existing or proposed centerline elevations, pavement type, walks, curbs, gutters, culverts, distance to nearest intersection, etc.
- d. Utilities (public or private) on and adjacent to the tract: Location, size and invert elevations of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights on the tract. The direction and distance to the nearest usable water mains and sewers anticipated to be utilized by the development and elevations of sewers. Drainage district boundaries and appropriate design criteria necessary for storm drainage plans.
- e. Existing ground elevations on the tract: For land that slopes less than one-half of one ($\frac{1}{2}$ of 1) percent, show one foot contours; show spot elevations at all breaks in grades along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than one-half of one ($\frac{1}{2}$ of 1) percent show two (2) foot contours.
- f. Subsurface conditions on the tract, if required by the Zoning Board of Appeals: Location and results of tests made to generally ascertain subsurface soil, rock, and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet: The location and results of soil percolation tests if individual sewage disposal systems are proposed.
- g. Other conditions are on the tract: Water courses, flood plains, marshes, rock outcrop, wooded areas, isolated

preservable trees one foot or more in diameter, houses, barns, accessory buildings and other significant features.

- h. Other conditions on adjacent land: Approximate direction and gradient of ground slopes, including any embankments or retaining walls; character and general location of buildings, including a notation on the front setback, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplanted land; for adjacent platted land refer to subdivision plan by name and show approximate percent built up; typical lot size and dwelling type.
 - i. Zoning on and adjacent to the tract.
 - j. Proposed public improvements: Highways or other major improvements planned by public authorities for future construction on or near the tract.
 - k. Open space: All parcels of land intended to be dedicated for public use of all property owners with the purpose indicated.
 - l. General location, purpose, and height, in feet or stories of each building other than single-family residences on individually platted lots.
 - m. Map data: Name of development, north point and scale, date of preparation, acreage of site and name and address of developer, designer, and engineer.
 - n. Miscellaneous: Such additional information as may be required by the Zoning Board of Appeals or found in the subdivision control ordinance.
- 2. Character. Explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations.
 - 3. Ownership. Statement of present and proposed ownership of all land within the project, including present tract designation according to official records in offices of the County recorder.
 - 4. Schedule. Development schedule indicating:

- a. Stages in which project will be built with emphasis on area, density, use and public facilities such as open space to be developed with each stage shall be shown on the plan and through supporting graphic material.
 - b. Completion date or dates of new construction for above and below ground facilities, utilities, and buffer planting. See also 13(a) of this section.
 - c. If different land use types are to be included within the planned unit development, the schedule must normally include the mix of uses to be built in each stage.
- 5. Covenants. Proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
 - 6. Density. Provide information on the density of residential uses and the number of dwelling units by type.
 - 7. Use. Provide a list of uses planned for the ancillary and nonresidential uses.
 - 8. Service facilities. Provide information on all service facilities and off-street parking facilities.
 - 9. Architectural plans. Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the building and the number, size, and type of dwelling units.
 - 10. Facilities plans (public and/or private). Preliminary plans for:
 - a. Roads, including classification, width of right-of-way, width of pavement, typical construction details, and plan and profile drawings.
 - b. Sanitary sewers.
 - c. Storm drainage and erosion.
 - d. Water supply system, if required by the Zoning Board of

Appeals.

- e. Lighting program, if required by the Zoning Board of Appeals.
- f. Grading.

C. Final plan stage.

1. Final detailed plan. A final land use and zoning plan shall be prepared. The purpose of the land use and zoning plan is to designate the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The final land use and zoning plan shall include, but not be limited to:
 - a. An accurate legal metes and bounds description of the entire area under immediate development within the planned development.
 - b. A subdivision plan of all subdivided lands in the same form and meeting all the requirements of a normal subdivision final plan.
 - c. An accurate legal metes and bounds description of each separate unsubdivided use area, including common open space.
 - d. Designation of the exact location of all buildings to be constructed in unsubdivided areas.
 - e. Tabulations on separate subdivided use area, including land area, number of buildings, number of dwelling units, and dwelling units per acre.
 - f. Architectural plans unless waived by the Zoning Board of Appeals during the preliminary stage.
2. Common open space documents. All common open space shall be either conveyed to a municipal or public corporation, conveyed to nonprofit corporation or entity established for the purpose of benefitting the owners and residents of the planned unit development or retained by the developer with legally binding guarantees, in a form approved by the County

attorney, that the common open space will be permanently preserved and maintained as open area. All land conveyed to a nonprofit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.

3. Engineering data. All public utilities or improvements required by the County in the development of a planned unit development shall be constructed only after the approval of the final plan. Supporting data to be submitted with the final plans shall include final engineering drawings (construction plans), as required by the Zoning Board of Appeals.
4. Guarantee deposit. Prior to the acceptance by the Zoning Board of Appeals of public utilities and improvements, the contractor(s) for the owner of the land shall furnish to the County a good and sufficient bond with surety to secure to the County the actual construction and installation of such public utilities or improvements according to the County specifications within two (2) years from the date of approval by the County Board of the final plan or a petition to the Zoning Board of Appeals to provide the required public facilities or improvements and to assess the cost thereof against the subdivided property in accordance with the local requirements regarding special assessments; provided, however, that the subdivider or property owners shall be responsible for any differences between the cost of the public utilities or improvements and the amount that can be legally assessed by the County against the subdivided property, and shall furnish the necessary waivers to permit the assessment of the entire costs of the public utilities or improvements. A maintenance bond shall be provided for the repairs necessitated by defects in material or workmanship not to exceed four (4) years from the date of completion as certified by the County Board.
5. Certificates, seals, and signatures required for the dedication of lands and recording document, as set forth in the subdivision regulations.
6. Covenants. Final agreements, provisions, or covenants which will provide for the use, maintenance, and continued protection of the planned unit development, if applicable.

The planned unit development must meet the following standards:

- A. Comprehensive Plan. A planned unit development must conform with the intent and spirit of the comprehensive plan.
- B. Size. The site of the total planned unit development must be under single ownership and/or unified control and be not less than sixty thousand (60,000) square feet in area.
- C. Compatibility. The uses permitted in a planned unit development must be of a type and so located so as to exercise no undue detrimental influence upon surrounding properties.
- D. Space. Space between buildings shall be subject to approval during the review process.
- E. Yards:
 - 1. The required yards along the periphery of the project should be at least equal in width or depth to that of the adjacent zoning district.
 - 2. All other yards shall be subject to approval during the review process.
- F. Parking Requirements. Adequate, adjacent parking shall be provided based on design and use.
- G. Traffic. That adequate provision be made to provide ingress and egress so designed as to minimize traffic congestion in the public streets. The Zoning Board of Appeals or Board may require a professional traffic engineer to investigate and submit a traffic study.
- H. Other Standards. The planned unit development may depart from strict conformance with the required density, dimension, area, height, bulk, use, and other regulations for the standard zoning districts and other provisions of this ordinance to the extent specified in the preliminary land use and zoning plan and documents authorizing the planned unit development so long as the planned unit development project will not be detrimental to or endanger the public health, safety, morals, comfort, or general

welfare. All new construction shall conform to Board specifications and regulations.

3-2-32.4 CONDITIONS AND GUARANTEES

Prior to the granting of any planned unit development, the Zoning Board of Appeals may stipulate such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of planned unit development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards specified in Section 32.3. In all cases in which planned unit developments are granted, the Zoning Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

RIVERFRONT CORRIDOR OVERLAY DISTRICT – “RCO”

Section 33 RIVERFRONT CORRIDOR OVERLAY DISTRICT (RCO)

3-2-33.0 GENERAL DESCRIPTION

The intent of the Riverfront Corridor Overlay District (RCO) is:

- A. To recognize, preserve, maintain and promote economically viable uses that are a benefit to the County;
- B. To maximize public benefit for further development of the riverfront area;
- C. To provide for improved scenic and aesthetic controls;
- D. To recognize the riverfront area as a visual, environmental and recreational resource that affect and benefits the County as a whole;
- E. To protect adjacent properties from the negative effects of incompatible development;
- F. To establish a physically attractive pattern of development for the general welfare of the County.

The RCO extends along the Mississippi River and Rock River in the corporate limits of the County of Rock Island. The exact boundary of the RCO is delineated on the official County zoning map. The Riverfront Corridor Overlay District regulations supplement and control (where inconsistent) the regulations of underlying district(s). All other applicable provisions and standards of the Zoning Ordinance and other pertinent ordinances shall remain

in effect.

3-2-33.1 PERMITTED Principal USES

- A. All uses permitted by right in the underlying zoning district(s).

3-2-33.2 OTHER USES

- A. Uses authorized by the Zoning Board of Appeals.

3-2-33.3 APPLICABLE REGULATIONS

- A. All requirements of the underlying zoning district(s) concerning site planning, building height, lot area, and yard depths shall remain applicable except where modified by the following sections.

3-2-33.4 PUBLIC PEDESTRIAN/BIKE EASEMENT

For the benefit of the public, access to or along the riverfront is encouraged. This will serve to provide open areas and vehicle-free areas for use by the general public. The desired design standards for such access are as follows:

- A. A public pedestrian/bike easement of at least twenty (20) feet in width running in continuous length through the property for properties bordering the river. The easement shall be adjacent to the riverfront by an alternative location may be proposed if the riverfront location is not possible.
- B. The easement should connect to any adjacent public pedestrian/bike easement in a physically logical and efficient manner.
- C. Such pedestrian/bike easements should be located in a safe and logical fashion and be usable by pedestrians and bicyclists.

3-2-33.5 DEVELOPMENT INCENTIVES

- A. If a public pedestrian/bike easement of at least twenty (20) feet in width running continuously through the property is provided by the owner, the maximum building height allowable may be increased up to four (4) stories, not to exceed fifty (50) feet. The granting of this increase shall also be dependent upon design and topographical considerations.
- B. If a public pedestrian/bike easement of at least twenty (20) feet in width running continuously through the property is provided by the

owner, the required setbacks from public right-of-way may be varied as long as design, floodplain, safety, topographic and view considerations are satisfactorily addressed; provided, however the setback may not be reduced to less than ten (10) feet.

- C. For every four hundred (400) square feet of dedicated public pedestrian easement which is at least twenty (20) feet wide that is provided by the owner, one parking space may be deducted from the required parking total. This provision shall not apply to residential use within the RCO. Regardless of waivers or exemptions herein above granted or the requirements set forth in the off-street parking regulations of the County of Rock Island, required parking spaces shall never be reduced to less than fifty percent (50%) of the normal required total number of spaces.

3-2-33.6 SITE PLAN REQUIREMENT

All applicants for proposed uses in the RCO shall be required to submit a site plan for review and recommendation by the Zoning Board of Appeals and approved by the Zoning Board of Appeals prior to, or in conjunction with, a zoning change, Special Use Permit or building permit. The Zoning Board of Appeals shall review site plans for proposed uses requiring approval. The site plan shall include the following information:

- A. A drawing(s) at a scale of one hundred (100) feet or less to the inch indicating:
- B. The legal description of the property;
- C. Existing topography and the proposed finished grade of the site, shown with contour intervals of two (2) feet;
- D. Location and description of existing and proposed utility services on and adjacent to the development, including sanitary sewers, storm sewers, water mains, fire hydrants, and other utilities;
- E. All existing and proposed easements;
- F. The location and size of each existing and proposed structure or use on the site;
- G. The location and width of streets adjacent to or on the property;
- H. The dimensions and capacities of parking areas and loading areas, including the location and type of illumination and landscaping;
- I. The types of surfacing, such as paving, turf or gravel to be used on the site;
- J. A drainage plan for the site;
- K. The location and height of all existing proposed walls, fences, and screen plantings, landscaping and buffer areas;

3-2-33.7 TRAFFIC ANALYSIS

A traffic study shall be required for developments that are expected to generate large volumes of traffic to and from a site. The appropriate official shall determine if a traffic study is required for a site. The analysis shall be performed by a registered professional engineer. The analysis shall include the anticipated or projected trip generation per day (ADT) and peak hourly traffic resulting from the proposed use; access points and driveways to and from the site; parking areas and number of parking spaces; stacking areas, sight distances from the access points; distance from proposed access points to existing intersections and driveways within five hundred (500) feet; and other information necessary for proper review by the County.

3-2-33.8 PERFORMANCE STANDARDS FOR SITE DEVELOPMENT

- A. Landscaping and Screening - Commercial, industrial, office and multi-family developments shall be required to provide landscaping or screening adequate to achieve the following objectives:
 - 1. To screen incompatible land uses and protect residential areas from negative effects such as noise, glare and litter;
 - 2. To provide a visually attractive site design;
 - 3. To encourage the creative use of landscaping to frame or enhance views and vistas and discourage the obstruction of existing views; and
 - 4. To be sensitive to the environmental nature of the riverbank by limiting its alteration except as necessary.
- B. Illumination - Exterior lighting on buildings or in yard and parking areas shall not produce any hazards, nuisances, or unsightly glare for adjacent land uses, pedestrians and motorists.
- C. Refer to Articles 8, 35, 36 and 37 for specific development.
- D. Signs freestanding

3-2-33.9 SUBMISSION OF SITE PLAN

A site plan shall be submitted at the time of application for a rezoning, an authorized use, and if applicable, for a variance. If only a building the site plan shall be submitted at the time of application for the permit. The site plan

shall be submitted to the appropriate official. A processing fee of twenty-five (\$25) dollars shall be paid to the County at the time the site plan is submitted. This fee shall not be required if the site plan is submitted at the same time as an application for a zoning change or authorized use.

3-2-33.10 REVIEW PROCESS

Upon receiving a site plan, the appropriate official shall schedule a public hearing for review by the Zoning Board of Appeals. The Zoning Board of Appeals shall review and make a recommendation to the Zoning Board of Appeals for site plans requiring a zoning change, or only a building or sign permit. The Zoning Board of Appeals shall review and take final action on site plans requiring a zoning change, or only a building or sign permit. The Administrative Officer shall review and approve site plans for uses requiring Zoning Board of Appeals authorization or variances, if applicable. A site plan approved by the Zoning Board of Appeals shall not require other authority review before the issuance of a building permit.

3-2-33.11 NOTICE OF PUBLIC HEARING

If a site plan is submitted as part of an application for a zoning change, authorized use or variance, the appropriate notification procedure established in the Zoning Ordinance shall be followed. If only a building or sign permit is required, at least fifteen (15) days before the public hearing, a notice stating the time and place of the hearing shall be placed in a newspaper of general circulation in the County. Notice shall also be delivered personally or by mail at least five (5) days before the hearing to the applicant, respective owners of record or property adjoining or adjacent to the subject parcel, and the Zoning Board of Appeals.

3-2-33.12 FINDINGS OF FACT

Site plans reviewed by the Zoning Board of Appeals, shall be approved, approved with conditions, or disapproved. In any case, the reviewing body shall make the following specific findings of fact concerning the site plan:

- A. Whether the proposed development conforms to the standards and requirements of the Riverfront Corridor Overlay District;
- B. Whether the proposed development is consistent with the land use recommendations and development policies;
- C. Whether the proposed development is designed to prevent traffic congestion and access problems along adjacent streets;
- D. Whether the proposed development is an attractive design and an efficient use of land;

- E. Whether the proposed development is compatible with adjacent land uses and is designed to protect adjacent properties from adverse effects such as noise, glare, litter and unattractive features;
- F. Whether the proposed development will be adequately served by public facilities; and
- G. Whether the proposed development will have any negative environmental or physical impacts on the site or on adjacent properties.

3-2-33.13 EXEMPTIONS FROM SITE PLAN REQUIREMENTS

One and two family residences are exempt from the site plan requirements of the RCO. In addition, a site plan shall not be required for the renovation or expansion of an existing structure or use unless access points would be changed or a substantial increase in traffic to the site would be generated.

3-2-33.14 AMENDMENTS TO APPROVED SITE PLANS

Any amendment or change to an approved site plan must be submitted to the appropriate official for review. The appropriate official shall determine if the proposed amendment is a major change requiring review and approval by the appropriate public body. Minor changes can be approved by the appropriate official.

3-2-33.15 SITE PLAN REVIEW REQUIREMENTS OUTSIDE RCO DISTRICT

Riverfront Corridor Overlay District site plan review requirements that also apply County-wide for site plans requiring a zoning change, authorized use and/or variances. The same notification and public hearing process shall also be followed.

Section 34 ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

3-2-34.0 ADDITIONAL REQUIREMENTS, EXCEPTIONS AND MODIFICATIONS

The requirements and regulations specified herein before this Ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations in the following:

Height limitations stipulated elsewhere in this Ordinance shall not apply:

- A. To barns, silos or other farm buildings, provided these are not less than fifty (50) feet from every lot line, to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, on private but not commercial communication towers and facilities to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the appropriate official, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Zoning Board of Appeals.
- B. To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed six (6) stories or seventy-five (75) feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- C. To bulkheads, conveyors, derricks, elevators, penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater height. Where a permitted use requires greater heights than specified, it may be authorized by the Zoning Board of Appeals.
- D. To hospitals, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width and depth by an additional one-half ($\frac{1}{2}$) foot over the side and rear yards required for the highest building otherwise permitted in the district.

Section 35 PERFORMANCE STANDARDS

3-2-35.0 COMPLIANCE WITH PROVISIONS

- A. New Uses: Any use established in the business or industrial zones after the effective date hereof shall comply with the minimum performance standards contained in this Article.
- B. Existing Uses: Existing business and industrial uses which are not in compliance with the performance standards contained in this

Article are exempt, except where a use did not comply with performance standards in effect prior to the effective date hereof (effective date).

Conditions which do not comply shall not be increased in scope or magnitude. Such uses shall be permitted to be enlarged or altered, provided the addition or change conforms with the applicable performance standards.

3-2-35.1 CERTIFICATION MAY BE REQUIRED

When necessary, the Appropriate official may require of the applicant certification by a registered professional engineer or other qualified person, at the expense of the applicant, that the performance standards for a proposed use can be met.

3-2-35.2 SMOKE EMISSIONS

The emission of smoke from any operation or activity shall not exceed a density or equivalent opacity permitted by the Illinois EPA.

3-2-35.3 PARTICULATE MATTER

No person shall operate or cause to be operated any process which emits particulate air contaminants exceeding the air quality standards of the Illinois Environmental Protection Agency (IEPA) or its successor.

- A. Prior to the County issuing a certificate of occupancy, an applicant must submit to the appropriate official documentation of the IEPA approval of the applicant's "application and permit to install or alter equipment or control equipment" if such a permit is required under the applicable IEPA standards.
- B. In the event the IEPA lowers its air quality standards, the IEPA standards in effect on the adoption date of this ordinance shall remain applicable. Under these circumstances, prior to the County issuing a building permit, an applicant must submit to the Appropriate Official documentation from a licensed engineer demonstrating that the use complies with the IEPA standards (on the adoption date of this ordinance).
- C. In the event the IEPA raises its air quality standards, the new IEPA standards shall apply, and the applicant must comply with the requirements of 35.3.b of this Section.

3-2-35.4 TOXIC MATTERS

The release of airborne toxic matter from any operation or activity shall not exceed the fractional quantities permitted below of the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. If a toxic substance is not listed, verification that the proposed level of toxic matter will be safe and not detrimental to the public health or injurious to plant and animal life will be required. The measurement of toxic matter shall be on the average of any twenty-four (24) hour sampling period.

- A. All B Zones and the I-UL Zone. In all B zones and in the I-UL zone, the release beyond lot lines of airborne toxic matter shall not exceed one-eighth (1/8) of the threshold limit values.
- B. I-1 and I-2 Zones. In the I-1 and I-2 zones, the release of airborne toxic matter shall not exceed one-eighth (1/8) of the threshold limit values beyond zone boundary lines.

3-2-35.5 VIBRATION

Earth borne vibrations from any operation or activity shall not exceed the displacement values below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three (3) mutually perpendicular directions. The maximum vector resultant shall be less than the vibration displacement permitted. The maximum displacements shall be determined by the following formula:

$$D = \frac{K}{f}$$

where

D = displacement in inches

K = a constant given in table below

f = the frequency of the vibration transmitted through the ground
in cycles per second

Zone and Place of Measurement	Impulsive (at least 1 second rest between pulses which do not exceed 1 second duration)		
	Continuous	Less Than 8 Pulses Per 24 Hour Period	

B Zones and I-UL Zone: At Lot Line	0.003	0.006	0.015
I-1 Zone and I-2 Zone:			
1. At Zone Boundary Line	0.030	0.060	0.150
2. At R Zone, Recreational Area or School Boundary Line	0.003	0.006	0.015

3-2-35.6 GLARE ILLUMINATION

See Illumination Provisions, Article 36.

3-2-35.7 SEWAGE WASTE

Sewers and sewage discharge shall meet the appropriate County code and all IEPA requirements.

3-2-35.8 STORAGE

- A. The open storage of materials and equipment shall except for sales display shall be subject to the following requirements:
 1. Storage of materials and equipment shall be completely screened from view. An eight foot (8') solid wall fence with a level 'A' bufferyard as described in Article 37 will be required.
 2. All combustible material shall be stored in such a way as to include, where necessary, access drives to permit free access of firefighting equipment.
- B. The bulk storage of flammable liquids and chemicals, when stored in above-ground tanks, shall occur no closer than the lot line or any principal building than the distance indicated by the following table:

Minimu

Capacity	m
Per Container	Separation
<u>(Gallons)</u>	Distances
	Above Ground

	<u>Containers</u>
Less than 125	None
125 to 250	10 Feet
251 to 500	10 Feet
501 to 2,000	25 Feet
2,001 to 30,000	50 Feet
30,001 to 70,000	75 Feet
70,001 to 90,000	100 Feet

The distance may be reduced to not less than ten feet (10') for a single container of one thousand two hundred (1,200) gallons capacity or less, provided such a container is at least twenty-five feet (25') from any other container or more than one hundred twenty-five (125) gallons capacity.

- C. The underground bulk storage of flammable liquids shall be located in accordance with the Uniform Fire Code regarding tank storage underground, except the minimum distance between such underground tanks and any R zone boundary shall be at least ten feet (10').

3-2-35.9 SCREENING

See bufferyard requirements as described in Article 37.

3-2-35.10 NOISE

The following requirements shall apply in all districts:

- A. The sound pressure level, to be measured as described below, shall not exceed the following decibel levels in the designated octave bands when adjacent to the designated types of use districts:

Octave Band,

Sound
Level,

	Cycles Per Second	Districts	<u>In Decibels</u>
<u>Residential</u>			<u>All</u>
		<u>B-1, B-2, B-3</u>	
	0 to 75	73	58
	76 to 150	69	54
	151 to 300	65	50
	301 to 600	61	46
	601 to 1,200	55	40
	1,201 to 2,400	48	33
	2,400 to 4,800	41	26
	Over 4,800	35	20

- B. Objectionable sounds of an intermittent nature which are not easily measured shall be controlled so as not to become a nuisance to adjacent uses.
- C. Method of Measurement: Measurement is to be made at the nearest boundary of the nearest residential area or at any other point along the boundary where the level is higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association.

Section 36 ILLUMINATIONS PROVISIONS

Parking Facility and Exterior Security Lighting:

3-2-36.0 PURPOSE

The purpose of this section is to establish lighting requirements for personal safety and crime prevention while regulating any spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses near a light source to promote personal and traffic safety and to prevent the creation of public nuisances.

3-2-36.1 LIGHTING PLAN

Except for single family and two family dwellings, plans for required parking lot and security lighting shall be approved by appropriate officials and the police department prior to approval and issuance of permits. Plans, at appropriate scale, shall be based on accurate, approved final site plans and shall depict all exterior lighting as to its location, orientation and configuration. This must include, but not be limited to:

- A. Luminaire height;
- B. Luminaire and standard technical specifications;
- C. Intensity of illumination measured at the least point of illumination and the greatest point of illumination when measured from ground level;
- D. Type of light source (Metal Halide, High Pressure Sodium, etc.);
- E. Hours of illumination; and
- F. Photometric plan superimposed on the site plan for each classification of lighting with points no greater than 30 feet apart.

3-2-36.2 ILLUMINATION PERFORMANCE STANDARDS

Lighting standards in all zoning districts except those containing single family and two family dwellings:

1. Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas, and yard areas within 30 feet of the building. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access unless the police department and the appropriate officials find the following:
 - a. That the proposed lighting is not in conflict with the stated purpose in this section.
 - b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
 - c. The proposed luminaire has a cutoff angle of less than or equal to 66 degrees.
2. Any open area used for motor vehicle parking, storage, or access shall be illuminated with free-standing luminaries. Free-standing luminaries are permitted to be a maximum of 30 feet in height with a 3 foot support, for a maximum height from the ground of 33 feet. When a luminaire is located within 500 feet of a protected residential property, the maximum permitted luminaire height shall be 25 feet. All measurements shall be taken from the average elevation of the finished grade within 10 feet of the structure or fixture to the highest point of the luminaire. All luminaries must have a total cutoff angle equal to or less than 90 degrees. The use of exterior lighting with a cutoff angle greater than 90 degrees shall be permitted only when the police department and appropriate official find the following:
 - a. That the lighting is not in conflict with the stated purpose

- in this section;
 - b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
 - c. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.
 - 3. In no instance shall Low Pressure Sodium fixtures be used to illuminate non-protected residential property unless the police department find the following:
 - a. That the proposed lighting is not in conflict with the stated purpose in this section;
 - b. That the proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
 - c. The color distortion effect of Low Pressure Sodium lighting will not create a hindrance to crime prevention and investigation.
- B. Intensity of lighting in all zoning districts except those containing single family and two family dwellings:
- 1. The amount of illumination attributable to exterior lighting from a property shall not exceed 1 foot-candle when measured at any boundary line with an adjoining property. This provision may be waived by the issuing authority when:
 - a. The proposed lighting is not in conflict with the stated purpose of this section;
 - b. The proposed lighting will not unreasonably harm or restrict public health, safety, and welfare or create a nuisance; and
 - c. The proposed lighting will not result in an impairment of vision creating a hazard for vehicular or pedestrian traffic.
 - 2. All parking lot and parking structure lighting located within 300 feet of a protected residential property line may be illuminated not more than one (1) hour before the start of business and shall be extinguished within one (1) hour after the end of business except as approved by the police department after finding the following:

- a. The property has been identified as an area where the incidence or potential for crime warrant additional lighting;
- b. Additional lighting is required to increase visibility of a property which is not readily accessible for police during routine patrol; and
- c. The use of timers, sensors, or other devices that produce a reduced lighting level that does not conflict with the stated purpose in this section.

C. Glare/Illumination

In all zoning districts, any lighting shall be arranged to reflect the light away from adjoining property. A person shall not conduct a use that has a source of illumination that produces glare clearly visible beyond a property line or creates a sensation of brightness within a visual field so as to cause annoyance, discomfort, or impairment of vision. The use of lenses, deflectors, shields, louvers, or prismatic control devices shall be used to eliminate nuisance and hazardous lighting to facilitate compliance with this requirement.

D. Parking structures

Luminaries used for illumination of designated pedestrian walkways in parking structures shall be of a significantly different color value than luminaries used for illuminating vehicle parking and drive aisles.

3-2-36.3 COMPLIANCE

Any new lighting installed after the effective date of this ordinance shall be in compliance with the requirements of this ordinance. Any lighting in existence before the effective date of this ordinance that does not comply with its requirements shall be considered legally non-complying and may remain, subject to the following provisions:

A. Alterations to existing lighting

1. When policies and support structures are removed and replaced for reasons other than acts of God or accidents, they must be replaced with luminaries, policies and supports that comply with this section; and

2. When luminaries are replaced, they must be replaced with luminaries that comply with all provisions of this section.

B. Removal and replacement of parking lot surface

When less than 50% of the gross area of the parking lot surface on a particular site is removed and replaced, only the parking area replaced must be provided with lighting in compliance with this section. If greater than 50% of the parking area on a particular site is removed and replaced at one time, the entire parking lot on the site where the construction activity occurs must be in full compliance with this section.

1. A parking lot or portion thereof is “removed and replaced” when any portion of the existing parking surface material is removed and a new surface is installed.

C. New parking lots or parking lot additions

When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this section.

D. New structures, additions, or replacements

When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition or replacement on the site must be upgraded with complying lighting. The parking lot lighting must be upgraded with complying lighting over a portion of the parking area that is equivalent to the amount of parking that would be required for the new structure, addition or replacement. In the event that the new structure, addition or replacement is accompanied by new or replaced parking area, the amount of upgraded lighting area shall be that required under this section.

E. Change of type of occupancy

When the type of occupancy of a site is changed, the lighting for the site shall be upgraded, to comply with this section for the structure and the parking lot be upgraded for the required parking for the occupancy as established in this code. For purpose of determining the type of occupancy of a site, the occupancy classifications of the County code shall be utilized.

F. Unoccupied sites

When a site has been unoccupied for a period of one year, the lighting shall be upgraded to fully comply with this section prior to any reoccupation of the site.

G. Development application

When a development application is made for a site, the County Board may, as a condition of approval, require compliance with any or all of the performance standards of this section and the extent of compliance required in such cases may be greater than that otherwise required in this section, if deemed reasonably necessary to protect the public health, safety, or welfare and to achieve the purposes of this section.

3-2-36.4 POINT OF MEASUREMENTS

Any light intensity measurement taken at the property line shall be measured at the greatest point of illumination of said property line. Any measurements to determine the minimum and maximum lighting levels internal to a site will be measured by positioning the meter horizontally at ground level at the greatest and least points of artificial illumination.

3-2-36.5 APPLICABILITY

Modifications to the requirements of this section may be approved as part of a final development plan for a planned development overlay district, pursuant to the provisions provided:

- A. That any deviations from lighting standards established by this section are clearly delineated in the plan submission reviewed by the planning commission and approved by the County Board;
- B. That any deviations are consistent with the purposes of this section;
- C. That the minimum light level proposed provides a minimum of 75 percent of the illumination required in this section;
- D. That the height of support poles above grade does not exceed the maximum permitted by this section by more than 25 percent, except that no development shall be allowed for increased support pole height within 500 feet of a protected residential property; and

- E. That no increase in glare occurs as a result of deviation from the adopted standards.

LANDSCAPE AND BUFFERYARD REQUIREMENTS

Section 37 LANDSCAPE AND BUFFERYARD REQUIREMENTS

3-2-37.0 SITE PLANS

If a building or parking lot permit is applied for and no zoning action is required, an administrative site plan approval will be required.

3-2-37.1 SITE PLAN REVIEW

An application for a building or parking lot permit shall promptly be forwarded to the appropriate officials. Review must be completed within fifteen (15) days of the receipt by the County of a complete site plan review application. If, in the judgment of the appropriate officials, the site plan review application does not contain sufficient information to enable the appropriate County officials to properly carry out its responsibilities, the appropriate officials may request additional information from the applicant. In that event, the fifteen (15) day period previously referred to shall be suspended, pending the receipt of all information requested by the appropriate officials.

3-2-37.2 APPEAL PROCESS

If the appropriate officials approve a site plan, a building or parking permit may then be issued. If the appropriate officials do not approve a site plan, the applicant may appeal the appropriate officials' decision to the Zoning Board of Appeals. A notice of appeal must be filed with the appropriate official no later than fifteen (15) days after receipt by the applicant of the decision of the appropriate officials.

3-2-37.3 EXEMPTION FROM SITE PLAN REQUIREMENTS

One and two family residences are exempt from County-wide site plan review requirements. In addition, site plans shall not be required for renovation or expansion of an existing structure or use unless access points would be changed or a substantial increase in traffic to the site would be generated.

3-2-37.4 PARKING LOTS

- A. Permits for Off-Street Parking Lots - No person shall expand an existing parking lot or construct a new parking lot of five (5) spaces or more without having first obtained a written permit, issued by the appropriate official, or his designee representative. Prior to obtaining a permit for such expansion or new construction, the applicant shall submit to the appropriate official or his designated representative, a landscape/site plan as required in the Zoning Ordinance, and plans showing the construction specifications for all off-street parking lots and he shall provide for proper inspection of construction.
- B. Construction - All off-street parking lots required to obtain a permit as identified in the above section shall be laid to the line and grade of, and shall conform to surface thickness and other specifications of the appropriate County official or his designated representative.
- C. Landscaping and Screening Requirements for Off-Street Parking Lots - The provisions of this section for the installation and maintenance of landscaping and screening requirements are intended to protect the character and stability of residential, commercial, industrial and conservation areas, and to enhance the aesthetic and visual image of the County.

- 1. Parking lots of five (5) or more spaces shall be set back ten feet (10') from the front property line(s). Landscaping requirements with the front yard(s) include that the yard be seeded or sodded with lawn. Rock cover may be used, but may not exceed twenty percent (20%) of the landscaped front yard setback. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground cover landscape coverage of shrubs and evergreens/conifers shall be required.

The ten foot (10') front yard setback may be reduced to five feet (5') if there is a continuous twenty-six inch (26") solid wall/fence or shrubbery hedge provided. Sodding, rock ground cover, canopy tree and ground cover landscape coverage requirements will still be applied if a solid wall/fence is provided. Sodding and/or rock ground requirements will still be applied if a shrubbery fence is provided.

- 2. Parking lots of five (5) or more spaces shall be set back five feet (5') from side and rear property lines. Landscaping

requirements within the side and rear yards include that the yard be seeded or sodded with lawn. Rock ground cover may be used, but may not exceed twenty percent (20%) of the landscaped side and rear yard setback. In addition, one canopy tree for every five (5) parking spaces and a minimum of five percent (5%) ground landscape coverage of shrubs and evergreens/conifers shall be required.

When a side and/or rear yard is adjacent to a residential use, a continuous four foot (4') solid wall/fence or shrubbery hedge shall also be provided with the five foot (5') setback yard. If a four foot (4') shrubbery hedge is provided, canopy tree and ground landscape coverage shall not be required.

3. Wherever landscaping and screening requirements may interfere with traffic vision, the height and placement shall be determined by the County Engineer.
4. Trees and other landscaping shall be of a species which are hardy to the area and have measured diameters of such identified in the Minimum Standards for Plantings section of this appendix. Prohibited trees are identified in the section so identified in this appendix.
5. Subject to the approval of the appropriate official, alternate landscaping plans may be substituted for consideration.
6. A landscape/site plan will be required to be submitted for staff review prior to issuing a parking lot development permit for parking lots of five (5) spaces or more. The following basic standards should be set:
 - a. Drawn to scale;
 - b. Identify location of landscaping or other features;
 - c. Specify nature of materials (i.e., species, variety, etc.);
 - d. Specify number of plants, shrubs, trees, etc., by species.
7. Landscaping and screening must be maintained in good condition, free of refuse and debris, and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner's responsibility to see that the landscaping is maintained.

D. Appeal Process - If the appropriate officials approve a site plan, a

parking lot permit may then be issued. If the appropriate officials do not approve a site plan, the applicant may appeal the appropriate officials' decision to the Zoning Board of Appeals. A notice of appeal must be filed with the appropriate official no later than fifteen (15) days after receipt by the applicant of the decision of the appropriate officials.

3-2-37.5 BUFFERYARD REQUIREMENTS

- A. Intent - The provisions of this section are to provide specific landscape screening and bufferyard requirements to reduce the incompatibility between zoning districts of different intensity and type. These bufferyards will lessen the adverse impact of more intense land uses upon residential areas and/or other areas of less intense use by reducing noise, visual and other environmental impacts.
- B. Requirements - In addition to landscaping and screening requirements for off-street parking areas, bufferyard standards will also apply for site plans requiring a zoning change, special use permit and non-exempt site plan review requirements. The bufferyard requirement is determined by the difference between the zoning district of the subject property and the zoning district of adjacent properties. The specific requirements are identified in the following sections and the accompanying table: "Schedule of Bufferyard Requirements." Landscaping and screening requirements for off-street parking areas apply to the side of the property abutting a public street right-of-way. A list of prohibited trees is provided in the section entitled "Prohibited Trees".
- C. Description of Bufferyards A through D
 - 1. Type A Buffer - The standard buffer within Type A is eight feet (8') wide and contains the following number of required plants per one hundred feet (100'):
 - a. 1 canopy tree;
 - b. 1 understory tree;
 - c. 6 shrubs;
 - d. 1 evergreen/conifer.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type A buffer, each with a different amount of required plantings

reflected as a multiplier of the required plant units per one hundred feet (100'). The alternatives include the following:

- a. Twenty-foot (20') wide buffer with fifty percent (50%) of the required plant units per one hundred feet (100').
 - b. Sixteen-foot (16') wide buffer with sixty percent (60%) of the required plant units per one hundred feet (100').
 - c. Twelve-foot (12') wide buffer with eighty percent (80%) of the required plant units per one hundred feet (100').
 - d. Four-foot (4') wide buffer with ninety percent (90%) of the required plant units and a continuous hedge set back three feet (3') from the property line or fence.
2. Type B Buffer - The standard buffer with Type B is ten feet (10') wide and contains the following number of required plant per one hundred feet (100'):
- a. 2 canopy trees;
 - b. 2 understory trees;
 - c. 6 shrubs;
 - d. 2 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type B buffer, each with a different amount of required plantings. Type B buffer alternatives range from a twenty-five foot (25') wide buffer with fifty percent (50%) of the required plantings to a five-foot (5') wide buffer with ninety percent (90%) of the required plantings and a continuous hedge or fence.

3. Type C Buffer - The standard buffer within Type C is fifteen feet (15') wide and contains the following number of required plantings per one hundred feet (100'):
- a. 3 canopy trees;
 - b. 2 understory trees;
 - c. 9 shrubs;
 - d. 3 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type C

buffer, each with a different amount of required plantings. Type C buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent (60%) of the required plantings to a six foot (6') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.

4. Type D Buffer - The standard buffer within Type D is fifteen feet (15') wide and contains the following number of required plants per one hundred feet (100'):
 - a. 3 canopy trees;
 - b. 2 understory trees;
 - c. 15 shrubs;
 - d. 5 evergreens/conifers.

Depending on the space available, the applicant may choose one of several alternative buffer widths to provide a Type D buffer, each with a different amount of required plantings. Type D buffer alternatives range from a twenty-five foot (25') wide buffer with sixty percent of the required plantings to an eight-foot (8') wide buffer with ninety percent (90%) of the required plantings and a continuous fence.

3-2-37.6 MINIMUM STANDARDS FOR PLANTINGS

- A. Canopy Trees - Two inches (2") diameter, six inches (6") above ground level, and ten feet (10') in height when planted.
- B. Understory Tree - One inch (1") diameter, six inches (6") above ground level, and six feet (6') in height when planted.
- C. Shrubs - Twenty-four inches (24") in height when planted; forty percent (40%) or more must reach a mature height of six feet (6') or more.
- D. Evergreens/Conifers - Two inches (2") in diameter, six inches (6") above ground level, and six feet (6') in height when planted. Twenty feet (20') minimum height at maturity.

3-2-37.7 PROHIBITED TREES

The following weak-wooded trees and generally undesirable trees for urban conditions shall be prohibited for use in meeting any of the landscaping/screening requirements for off-street parking areas and/or bufferyard requirements:

- A. Ailanthus (tree of heaven)
- B. Box Elder
- C. European Mountain Ash
- D. European White Birch
- E. Poplar
- F. Siberian Elm
- G. Silver Maple
- H. Willow
- I. Cottonwood
- J. All fruit bearing including Crab Apple, Bradford Pear, Purple-Leaf Plum, Mulberry, Russian Olive
- K. Sweet Gum
- L. Hawthorne
- M. Pin Oak
- N. Gingko

3-2-37.8 MAINTENANCE OF LANDSCAPING AND SCREENING

Bufferyard landscaping and screening must be maintained in good condition, free of refuse and debris and provide a healthy, neat and orderly appearance at least equal to the original installation. It shall be the owner's responsibility to see that the landscaping is maintained.

3-2-37.9 SCHEDULE OF BUFFERYARD REQUIREMENTS

ZONING OF ADJACENT PROPERTY

	SUBJECT PROPERTY	R-1	R-4	O-1	B-1	B-2	B-3	B-4	U-1	ORT	C-1	C-2	I-1	I-2	
		R-2	R-5												
	R-1	N	N	N	N	N	N	N	N	N	N	N	N	N	
	R-2														
	R-3														
	R-4	A	N	N	N	N	N	N	N	N	B	B	N	N	
	R-5														
	R-6														
	O-1	A	A	N	N	N	N	N	N	N	B	B	N	N	
	B-1	B	A	N	N	N	N	N	N	N	B	B	N	N	
	B-2	C	B	N	N	N	N	N	N	N	B	B	N	N	
	B-3	C	B	C	N	N	N	N	N	C	B	B	N	N	
	B-4	C	C	C	N	N	N	N	A	C	B	B	N	N	
	U-1	C	C	N	N	N	N	N	N	N	B	B	N	N	
	ORT	D	D	N	N	N	N	N	N	N	B	B	N	N	
	C-1	N	N	N	N	N	N	N	N	N	N	N	N	N	
	C-2	A	N	N	N	N	N	N	N	N	N	N	N	N	
	I-1	C	C	D	B	A	N	N	B	C	C	C	N	N	
	I-2	D	D	D	B	A	A	A	C	C	D	D	N	N	

A. Approximate bufferyard requirement:

- A - 8 feet (8') in width;
- B - 10 feet (10') in width;
- C - 15 feet (15') in width;
- D - 15 feet (15') in width;
- N - No buffer required.

B. Position of property abutting public right-of-way is governed by landscaping for parking lot requirements.

DEVELOPMENT IN A SFHA

Section 38 DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA

AN ORDINANCE REGULATING DEVELOPMENT IN FLOODPLAIN AREAS

Be it ordained by the County Board of Rock Island County, Illinois as follows:

3-2-38.0 PURPOSE

This ordinance is enacted pursuant to the police powers granted Rock Island County by County Statutory Authority in 55 Illinois Compiled Statutes 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

- A. to prevent unwise developments from increasing flood or drainage hazards to others;
- B. to protect new buildings and major improvements to buildings from flood damage;
- C. to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- D. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. to maintain property values and a stable tax base by minimizing the potential for creating blight areas; and
- F. to make federally subsidized flood insurance available; and
- G. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

3-2-38.1 DEFINITIONS

For the purposes of this ordinance, the following definitions are adopted:

Base Flood - The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 38.2 of this ordinance.

Base Flood Elevations(BFE) - The elevation in relation to mean sea level of the crest of the base flood.

Building - A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

Critical Facility - Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling or storage facilities.

Development - any man-made change to real estate including, but not necessarily limited to:

- a. demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building,
- b. substantial improvement of an existing building;
- c. installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
- d. installation of utilities, construction of roads, bridges, culverts or similar projects;
- e. construction or erection of levees, dams, walls, or fences;
- f. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- g. storage of materials including the placement of gas and liquid

storage tanks; and

h. channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

(NOTE - Development does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.)

FEMA - Federal Emergency Management Agency.

Flood - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Fringe - That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map - A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Floodplain - and Special Flood Hazard Area (SFHA) - are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the Rock River, North Channel Rock River, Coal Creek, Coal Creek Tributary, Eckhart Creek, Kyte Creek, Meridosia Ditch Creek, Mississippi River, Mill Creek, Shaffer Creek, Sylvan Slough, Un-named Creek And Tributary to un-named Creek numbers 1,2 and 3. are generally identified as such on the Flood Insurance Rate Map (FIRM) of Rock Island County prepared by the Federal Emergency Management Agency and dated October 18th, 2002. Floodplain also includes those areas of known flooding as identified by the community.

Floodproofing - Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing Certificate - A form published by the Federal Emergency

Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

Flood Protection Elevation - (FPE) The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

Floodway - That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Rock River, North Channel Rock River, Coal Creek, Coal Creek Tributary, Eckhart Creek, Kyte Creek, Meridosia Ditch Creek, Mississippi River, Mill Creek, Shaffer Creek, Sylvan Slough, Un-named Creek And Tributary to un-named Creek numbers 1,2 and 3. shall be as delineated on the Flood Insurance Rate Map (FIRM) of Rock Island County prepared by the Federal Emergency Management Agency and dated October 18th, 2002. The floodways for each of the remaining floodplains of Rock Island County shall be according to the best data available from Federal, State, or other sources.

IDNR/OWR - Illinois Department of Natural Resources/Office of Water Resources.

Manufactured Home - A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

NFIP - National Flood Insurance Program.

Repetitive Loss - Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

SFHA - See definition of floodplain.

Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

Substantial Improvement - Any reconstruction, rehabilitation, addition, or

improvement of a structure, taking place over the life of the structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Travel Trailer (or Recreational Vehicle) A vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less in size;
- c. designed to be self-propelled or permanently towable by a light duty truck;
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

3-2-38.2 Base Flood Elevation

This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior any development of the site.

- A. The base flood elevation for the floodplains of the Rock River, North Channel Rock River, Coal Creek, Coal Creek Tributary, Eckhart Creek, Kyte Creek, Meridosia Ditch Creek, Mississippi River, Mill Creek, Shaffer Creek, Sylvan Slough, Un-named Creek And Tributary to un-named Creek numbers 1,2 and 3, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Rock Island County, (Flood Insurance Study Number 17161CV000A) prepared by the Federal Emergency Management Agency and dated October 18th 2002.
- B. The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the

Flood Insurance Rate Map of Rock Island County

- C. The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the Flood Insurance Rate Map of Rock Island County shall be according to the best data available from federal, state or other sources. Should no other data exist, an engineering study must be financed to determine base flood elevations.

3-2-38.3 DUTIES OF THE ADMINISTRATIVE OFFICER

The Administrative Officer shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of Rock Island County meet the requirements of this ordinance. Specifically, the Administrative Officer shall:

- A. Process development permits in accordance with **Section 38.4**;
- B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 38.5;
- C. Ensure that the building protection requirements for all buildings subject to Section 38.6 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- D. Assure that all subdivisions and annexations meet the requirements of Section 38.7;
- E. Ensure that water supply and waste disposal systems meet the Public Health standards of Section 38.8;
- F. If a variance is requested, ensure that the requirements of Section 38.8 are met and maintain documentation of any variances granted;
- G. Inspect all development projects and take any and all actions outlined in **Section 38.10** as necessary to ensure compliance with this ordinance;
- H. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

- I. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- K. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- L. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance.
- M. Perform site inspections and make substantial damage determinations for structures within the floodplain; and
- N. Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

3-2-38.4 DEVELOPMENT PERMIT

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Administrative Officer. The Administrative Officer shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- A. The application for development permit shall be accompanied by:
 - 1. drawings of the site, drawn to scale showing property line dimensions;
 - 2. existing grade elevations and all changes in grade resulting from excavation or filling;
 - 3. the location and dimensions of all buildings and additions to buildings;

4. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 38.6** of this ordinance; and
 5. cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- B. Upon receipt of an application for a development permit, the Administrative Officer shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this ordinance. The Administrative Officer shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

3-2-38.5 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES

Within the floodway identified on the Flood Boundary and Floodway Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. except as provided in Section 38.5.b, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
1. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
 2. Aerial utility crossings meeting the conditions of IDNR/OWR

Statewide Permit No. 4;

3. Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
4. Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No 6;
5. Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
6. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
7. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
8. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
9. Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11; and
10. Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12; and
11. Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
12. Any development determined by IDNR/OWR to be located entirely within a flood fringe area.

B. Other development activities not listed in Section 38.5.a may be permitted only if:

1. a permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

3-2-38.6 PROTECTING BUILDINGS

- A. In addition to the damage prevention requirements of Section 38.5, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
 1. construction or placement of a new building valued at more than \$1,000 or larger than 70 square feet;
 2. substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place over the life of the structure;
 3. repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place over the live of the structure;
 4. structural alterations made to an existing building that increase the floor area by more than 20%;
 5. installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and
 6. installing a travel trailer or recreational vehicle on a site for more than 180 days per year.
 7. repetitive loss to an existing building as defined in **Section 38.1**.
- B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:
 1. The building may be constructed on permanent land fill in

accordance with the following:

- a. the lowest floor (including basement) shall be at or above the flood protection elevation;
- b. the fill shall be placed in layers no greater than six (6) inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation;
- c. the fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
- d. the fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
- e. the fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques such as swales or basins shall be incorporated; or

2. The building may be elevated in accordance with the following:

- a. The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
- b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
- c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent openings on each wall no more than one foot above grade. The openings shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;

- d. the foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;
 - e. the finished interior grade shall not be less than the finished exterior grade;
 - f. all structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;
 - g. water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed;
 - h. the area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.
- C. Manufactured homes or travel trailers to be permanently installed on site shall be:
 - 1. elevated to or above the flood protection elevation; and
 - 2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code 870.
- D. Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of section 38.6c. unless the following conditions are met:
 - 1. the vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times;
 - 2. the vehicle must not be attached to external structures such as decks and porches;

3. the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling;
4. the vehicles largest horizontal projections must be no larger than 400 square feet;
5. the vehicle's wheels must remain on axles and inflated;
6. air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain;
7. Propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation;
8. The vehicle must be licensed and titled as a recreational vehicle or park model; and
9. The vehicle must be either (a) entirely supported by jacks rather than blocks or (b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

E. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:

1. below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood; and
2. the building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice; and
3. floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(NOTE: Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.)

- F. Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:
1. the garage or shed must be non-habitable;
 2. the garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use;
 3. the garage or shed must be located outside of the floodway;
 4. the garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot;
 5. below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage;
 6. all utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation;
 7. the garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area;
 8. the garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet;
 9. the structure shall be anchored to resist floatation and overturning;
 10. all flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
 11. the lowest floor elevation should be documented and the owner advised of the flood insurance implications.
- G. A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

1. the building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade;
3. the interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade;
4. the interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed 4 feet at any point;
5. an adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;
6. portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
7. utility systems within the crawlspace must be elevated above the flood protection elevation.

3-2-38.7 SUBDIVISION REQUIREMENTS

The Rock Island County Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

- A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of Sections 38.5 and 38.6 of this ordinance. Any proposal for such development shall

include the following data:

1. the base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation); and
2. the boundary of the floodway when applicable; and
3. a signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 IL Compiled Statutes 205/2).

3-2-38.8

PUBLIC HEALTH AND OTHER STANDARDS

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 38.5 and 38.6, the following standards apply:
1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section **38.6** of this ordinance;
 2. Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;
 3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during

flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight;

5. Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation; and
6. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

3-2-38.9 VARIANCES

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Rock Island County Zoning Board of Appeals for a variance. The Rock Island County Zoning Board of Appeals shall be the final decision making entity, subject to the appeals process in Section 6.1 of this ordinance, and may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
 1. the development activity cannot be located outside the floodplain; and
 2. an exceptional hardship would result if the variance were not granted; and
 3. the relief requested is the minimum necessary;
 4. there will be no additional threat to public health or safety, or creation of a nuisance; and
 5. there will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities; and
 6. the applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

7. all other required state and federal permits have been obtained.

B. The Administrative Officer shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 38.6 that would lessen the degree of protection to a building will:

1. result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage; and
2. increase the risks to life and property; and
3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

C. Variances to the building protection requirements of Section 38.6 of this ordinance requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of Sections 38.9.A.1 thru 38.9.A.5.

3-2-38.10 DISCLAIMER OF LIABILITY

The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the Rock Island County or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

3-2-38.11 PENALTIES

Failure to obtain a permit for development in the floodplain or failure to

comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Administrative Officer may determine that a violation of the minimum standards of this ordinance exists. The Administrative Officer shall notify the owner in writing of such violation.

- A. If such owner fails after ten days notice to correct the violation:
 - 1. The Administrative Officer shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance; AND;
 - 2. The Administrative Officer shall make application to the Hearing Officer Division of Rock Island County (Rock Island County Code Enforcement System-RICCES) requesting fines as described in 38.11.a.3 and 38.11.a.4.; AND
 - 3. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty (\$50.00) nor more than five hundred dollars (\$500.00) for each offense; AND
 - 4. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; AND
 - 5. The Administrative Officer shall record a notice of violation on the title to the property.
- B. The Administrative Officer shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- C. Nothing herein shall prevent Rock Island County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or

persons responsible.

3-2-2 ABROGATION AND GREATER RESTRICTIONS

This ordinance repeals and replaces other ordinances adopted by Rock Island County to fulfill the requirements of the National Flood Insurance Program including: Rock Island County Floodplain Ordinance, adopted 06/20/1995, as amended. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3-2-38.13 SEPARABILITY

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

3-2-38.14 EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

SIGNS

Section 39 SIGNS

3-2-39.0 PURPOSE AND INTENT

This Sign Ordinance is hereby enacted by the County of Rock Island, Illinois, to assure compatibility of signs with surrounding land usage, to conserve property value in all districts, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, and to strengthen the economy of the County. All signs hereinafter erected or maintained, except official traffic and street signs, shall conform to the provisions of this Ordinance.

A. DEFINITIONS

As used in this Ordinance unless the context otherwise indicates:

1. Attached Signs. A sign which is bolted, nailed, painted, or in any way affixed to an outside building wall.
2. Attached Projecting Sign. Any sign which is attached to a building or other structure and extends beyond the surface of that portion of building or structure to which it is attached.
3. Attached Wall Sign. All flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building or other structure.
4. Erect. To build, construct, attach, hang, place, suspend or affix signs.
5. Facia Sign. A single-faced, attached sign which is attached flat against and parallel to its supporting wall.
6. Facing. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
7. Flashing Sign. A sign, the illumination of which is not kept constant in intensity at all times when in use. Illuminated signs which indicate the time, temperature, weather or similar public service information shall not be considered "flashing signs."
8. Freestanding Sign. As regulated by this Ordinance, any sign supported by uprights or braces placed into the ground and not attached to any building or structure other than said braces or uprights.
9. Freestanding Elevated Sign. Any sign supported by a metal pole or poles, placed into the ground with the base line of the sign not less than ten (10) feet above the ground over which it is erected.

10. Freestanding Ground Sign. Any sign supported by uprights or braces placed into or upon the ground with the base line of that sign not more than ten (10) feet above the ground over which it is erected, and not attached to any building.
11. Illuminated Sign. Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign proper.
12. Incombustible Material. Any material which will not ignite at or below a temperature of one thousand two-hundred (1200) degrees Fahrenheit and will not continue to burn or glow at that temperature.
13. Indirectly Illuminated Sign. Any illuminated, non-flashing sign whose illumination is derived from an external, artificial lighting source.
14. Marquee Sign. Any sign attached to, or an integral part of a hood or canopy of permanent construction projecting from the wall or a building over the entrance to that building. For the purpose of this Ordinance, marquee signs shall be considered as attached signs when determining the allowable square foot area and total square foot area of all permitted signs, and shall be of the fascia type. No marquee sign shall extend more than two (2) feet above the marquee structure.
15. Obsolete Sign. Any on-premises sign or facing which no longer advertises a bona fide business conducted or product sold on the premises.
16. On Premise Sign. Any sign identifying the occupant of the property upon which it is located and/or advertising goods or services available thereon.
17. Outdoor Advertising Sign (Billboard or Poster Panel). A sign which directs attention to a business, product, service or activity not necessarily conducted, sold or offered upon the premises where such sign is located.

18. Person. Any human being, firm, legal entity, partnership, association, corporation, company or organization of any kind.
19. Portable Sign. Any sign which is of a movable nature, which advertises products, places, services or things not commonly advertised on permanent structures.
20. Roof Sign. As regulated by this Ordinance, any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal means of support on the roof structure.
21. Sign. A name, identification, description, display or illumination which is affixed to, painted or represented directly or indirectly, upon a building structure or piece of land which advertises or directs attention to an object, product, place, activity, person, institution, organization or a business.
22. Sign Area. Sign area shall include the extreme points or edges of the sign, excluding molding and the supporting structure which does not form a part of the sign proper. The area of a sign composed of characters or words attached directly to a building or wall surface shall be the smallest triangles or parallelograms which enclose a related group of words, symbols, characters or figures. All faces of a multiple faced sign shall be included in computing sign area except back-to-back outdoor advertising and double-face on premise signs, the area of which shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area (see Appendix).

3-2-39.1 GENERAL REGULATIONS

- A. Exemptions. The provisions and regulations of this ordinance shall not apply to the following signs:
1. Hours and business numbers identifying the address of a parcel of land.

2. Announcement or professional signs and name plates in residential zoning districts identifying the occupant of a parcel of land and not exceeding one (1) square foot in area.
3. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal.
4. Flags bearing the official design of a nation, state, municipality, educational institution, or non-profit organization.
5. Traffic or other municipal signs, such as legal notices, railroad crossings, danger and other emergency signs as may be approved by the County Board.
6. Community special event signs approved by the County Board.
7. Bulletin boards not over twelve (12) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions set back ten (10) feet from all property lines.
8. Signs used exclusively for traffic direction, on private streets or in parking areas, not exceeding ten (10) square feet in area and not illuminated. Such signs shall be placed so as not to cause traffic or pedestrian hazards.
9. Non-electric or electric signs which do not require approval of the Economic Development Office, inside buildings which are visible from the outside, and all other signs inside buildings which are not visible from the outside.
10. Community information signs advertising events or promotions not conducted on the premises which are sponsored by religious, charitable, business or other associations and organizations.
11. Credit card signs or stickers affixed to windows.

- B. Permits Required. It shall be unlawful for any person to erect, structurally alter, or relocate within the County of Rock Island, any sign as defined in this Ordinance except temporary signs, without first obtaining an erection permit from the Economic Development Office and making payment of the fee as required by this section. All signs that have electrical provisions shall, in addition, be subject to the provisions of the Electrical Code and the permit fees required thereunder.
1. Every applicant, before being granted an erection permit hereunder, shall pay a permit fee for each such sign and sign structure regulated by this Ordinance. Unless otherwise specified in this Ordinance, each sign shall be considered a separate structure requiring its own permit.
 - a. Permit fees shall be based on the market value of the sign at the time when said permit is applied for.
 - b. The permit fee shall be five (5) dollars for the first two-hundred (200) dollars of valuation and two (2) dollars for each additional two-hundred (200) dollars of valuation or part thereof up to one-thousand (1000) dollars of valuation. Each additional one-thousand (1000) dollars of valuation or part thereof shall be assessed a permit fee of five (5) dollars.
 2. The owner of any building to which a sign is to be attached, said sign to encroach or hang over public right-of-way shall, before any permit be granted for construction or installation of said sign, furnish the County of Rock Island satisfactory evidence of liability insurance coverage in an amount of not less than one hundred thousand (100,000) dollars liability coverage on account of any one (1) accident, from an insurance company authorized to do business in the State of Illinois, with an endorsement thereon holding the County of Rock Island harmless from any claims or causes of action arising out of the installation or maintenance of said sign. The owner of any building to which a sign has been attached prior to the passage of this Ordinance, which said sign encroaches or hangs over public right-of-way, shall comply with the insurance requirements of this section within thirty (30) days after enactment of this Ordinance.

3. It shall be the duty of the Economic Development Office, upon filing of an application for an erection permit, to examine such plans, specifications, and other data relating to the proposed sign and sign structure. If it appears that the proposed sign and sign structure is in compliance with all the requirements of the Building Code, this Ordinance and all other laws and ordinances of the County of Rock Island, the Economic Development Office shall then issue an erection permit. If the work authorized under an erection permit has not been completed within six (6) months after date of issuance, said permit shall become null and void, except that if good cause is shown, the Economic Development Office may extend the permit for not more than one (1) consecutive six (6) month period.
4. The application for an erection permit of a sign in which electrical wiring and connections are to be used shall be submitted to the Economic Development Office. The Economic Development Office shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the Electrical Code of the County of Rock Island and then shall issue an electrical permit if the said plans and specifications comply with said code.

C. Application for Erection Permit. Application for erection permits shall be made upon applications provided by the Economic Development Office and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the person erecting the sign.
2. Location of building, structure or lot to which or upon which the sign is to be attached or erected.
3. Name, address and telephone number of the applicant.
4. Written consent of the owner or authorized representative of the building, structure or land to which or on which the sign is to be erected.

5. When requested by the Economic Development Office, blueprints or drawings of the plans and/or specifications and method of construction, attachment to the building or in the ground, and the position of the sign in relation to nearby buildings, structures or other signs.
 6. When requested by the Economic Development Office, a copy of stress sheets and calculations showing that sign and sign structure are designed for dead load and wind pressure in any direction in the amount required by this and other laws and ordinances of the County of Rock Island.
 7. Location and size of the proposed sign.
 8. Proof of insurance policy of bond.
 9. Such other information as the Economic Development Office may require to show full compliance with this and all other ordinances of the County.
- D. Revocation of Permit. The Economic Development Office is hereby authorized and empowered to revoke any permit issued by him or her upon failure of the holder thereof to comply with any provisions of this Ordinance.
- F. Structural and Fabrication Regulations. All signs shall be built, constructed and erected in accordance with the Building Code, other ordinances of the County of Rock Island and the "Maintenance and Improvement Manual" published by the Outdoor Advertising Association of America, Inc.
1. Design of Signs. Every freestanding elevated sign including the frames and poles or supports and footings, and every attached projecting sign, including frames, braces and supports thereof, shall be designed by a structural or manufacturer's engineer in conformance with wind pressure and dead load requirements established in this Ordinance and in accordance with the Building Code and other ordinances of the County of Rock Island.
 2. Erection of Signs. Every elevated freestanding sign shall be

erected under the supervision of an experienced construction superintendent or manufacturer's representative capable of interpreting the construction and erection drawings required in order to assure conformance with all provisions of this Ordinance.

3. Markings on Signs. In addition to sign markings as required in the Electrical Code, every sign hereafter erected shall have permanently affixed on the exterior of the sign the date of erection and the permit number, which shall not be covered in any future reconditioning or painting of said sign.
4. Treating Required. The owner of any sign (existing or proposed) shall be required to have it properly painted, galvanized or otherwise treated to prevent rust and deterioration of all parts and supports of the said sign.
5. Wind Pressure and Dead Load Requirements. All signs shall be designed and constructed to withstand wind pressure and to receive dead loads as required in the Building Code or any other ordinance of the County of Rock Island.
6. No Glass Permitted. No glass shall be permitted except in the lighting mechanism.
7. Lights. Lights shall be permitted on signs providing they are made of corrosion-resistant materials. The lights shall be provided with proper lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property. All lighted signs in residential zoning districts, or on property which adjoins or abuts a residentially used property along the front or side lot lines shall be of the illuminated type.
8. Electrical Connections. All electrical connections shall be weather-tight.
9. Movable Parts to Be Secure. Any movable part of any sign such as the cover of a service opening, shall be securely fastened.

10.Face of Sign Shall Be Smooth. All signs or other advertising structures which are constructed at the property line, or within five (5) feet thereof, and are less than ten (10) feet above the ground over which they are located, shall not have a surface with nails, tacks or wires that protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.

11.Letters to Be Secure. All letters, figures, characters or representatives in cutout or irregular form maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure and shall comply with Building Code requirements.

12.Materials Required. The support structures of all freestanding elevated and roof signs for which a permit is required under this Ordinance, shall be constructed of incombustible material, excluding trim.

The facings of freestanding elevated and roof signs and facings and supports of freestanding ground, attached projecting, attached wall and outdoor advertising signs are allowed to be constructed of combustible materials if it is determined that they do not increase the fire hazard of the structure.

13.Supplementary Signs. No supplementary sign or other appendage may be hung from or supported by an approved sign or its support if it will adversely affect the structure of the approved sign or make the approved sign non-conforming.

E. Signs Not to Constitute a Traffic Hazard. No sign as regulated by this Ordinance shall be erected at the intersection of any street, alley or driveway in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "**STOP**," "**LOOK**,"

"DANGER," or any other word, phrase or symbol, or character in such manner as to interfere with, mislead or confuse traffic.

3-2-39.2 ATTACHED SIGNS

A. Location and Size

1. Attached signs are permitted in all B-1 Neighborhood Commercial, B-2 Central Commercial, B-3 Community Commercial, B-4 Highway Business District, I-1 Light Industrial and I-2 General Industrial zoning districts. At no time shall any sign project more than eight and one-half (8 ½) feet from the building surface, nor more than eighteen (18) inches into public right-of-way, whichever is more restrictive. Every attached sign, excluding facia signs, shall be placed at least ten (10) feet above the ground over which it is erected. These limits include the space necessary to allow for installation hardware. Signs located on canopies and/or awnings will be considered attached signs for the purpose of calculating the area. Requirements in the Uniform Building Code will be used to determine the distance of allowable projection into the public right-of-way.
2. Attached on-premises signs may have an aggregate area of two (2) square feet for each linear foot of building frontage facing a street, but the maximum total area of all permitted on-premises attached signs shall not exceed five hundred (500) square feet per establishment per street facing. Permitted signs may be placed on any facade of the building. The printed copy of graphics portion of a facia sign shall not exceed eighty (80) percent of any linear frontage of the building.
3. Outdoor advertising signs shall not exceed three hundred (300) square feet per face. On streets and highways within the jurisdiction of this Ordinance no outdoor advertising sign may be established within fifteen hundred (1500) feet of any other outdoor advertising sign facing the same direction measured on either side of the street. Such spacing between structures does not apply to structures separated by

buildings or other structures in such a manner that only one sign located within the above mentioned spacing distance is visible from the highway at any one time.

4. No attached sign shall extend more than four (4) feet above the facade of the building to which it is attached. A sign which is attached parallel to any building or structure shall not project beyond the ends of the wall to which it is attached.
5. In the case of a lot or building facade with frontage on more than one street, attached signs may be permitted on each street in accordance with the regulations of this Ordinance. In no case shall allowable sign area be transferred from one street-facing facade to another street-facing facade.
6. Attached signs identifying churches, fraternities or other similar uses in residential zoning districts shall be of the fascia type, shall not exceed thirty (30) square feet in area, and shall be limited to one (1) sign (attached or freestanding) on the premises of said use.
7. Attached signs for Special Use Permits granted by the County Board shall be allowed only when authorized by said Board, and shall conform to the requirements of **36.6.d**.
8. If the projecting attached sign is illuminated, the reflectors shall be provided with the proper glass lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property.
9. The distance measured between the principal faces of any attached projecting sign shall not exceed eighteen (18) inches.
10. No attached projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any other sign.
11. All attached wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or

expansion screws of not less than 3/8 inch in diameter, embedded in said wall at least five (5) inches; provided, however, that such signs may rest in, or be bolted to strong, heavy metal brackets or saddles set not over six (6) feet apart, each of which shall be securely fixed to the wall as herein before provided. In no case shall any attached wall sign be secured with wire, strips of wood, or nails.

12. Attached signs identifying uses affiliated with a college, university or seminary, subject to the use meeting the thirty (30) foot separation requirement from any residentially zoned or one or two family used lot (as specified in the U-1 University/College district) shall be of a fascia type and shall not exceed thirty (30) square feet in area.

3-2-39.3 FREESTANDING SIGNS

A. Location and Size

1. Freestanding signs are permitted in B-1 Neighborhood Business District, B-2 Central Business District, B-3 Community Business District.
2. Freestanding signs shall conform to the height regulations of the Zoning Ordinance with a maximum height of twenty-five (25) feet. However, within six hundred sixty (660) feet of the interstate highway, exit ramps excluded, one sign on a standard per premise may be erected to exceed the forty (40) foot limitation providing it does not exceed a height of five (5) feet above the center line of the nearest pavement, ramps excluded, of the interstate road and can be seen from said point.
3. Freestanding on-premise signs and their supporting structures are permitted within one (1) foot of the front property line when the area of such sign is not greater than one hundred (100) square feet. For each additional ten (10) square feet in area, such sign shall be set back an additional one (1) foot.
4. No freestanding sign shall be nearer than two (2) feet to any

other sign, building or structure, providing, however, that a sign of continuous panels shall be considered as one (1) sign for this provision.

5. In the B-1, B-2, and B-3 districts all freestanding signs must be on-premise, with a total area of signage not exceeding one (1) square foot per linear foot of lot frontage, with total signage not exceeding 500 square feet total per lot and shall not exceed 12 feet in height from grade to the top of the sign and supporting structure (250 square feet per side total). Freestanding on-premise signs in the B-4, I-1, and I-2 Districts may have two (2) square feet of area per linear foot of lot frontage, and total signage not exceeding 900 square feet per lot (450 square feet per side total).
6. Outdoor advertising signs shall not exceed three hundred (300) square feet per face. On streets and highways within the jurisdiction of this Ordinance, no outdoor advertising sign may be established within fifteen hundred (1500) feet of another outdoor advertising sign facing the same direction measured on either side of the same street. Such spacing between signs does not apply to signs separated by buildings or other structures in such a manner that only one sign located within the above mentioned spacing distance is visible from the highway at any one time.
 - a. Outdoor advertising signs shall be no nearer the street than the building line established by this Ordinance.
 - b. Outdoor advertising signs shall not be located within fifty (50) feet of any R-1 Residential Dwelling or SE Suburban Estates zoning district.
 - c. Outdoor advertising signs shall not exceed twenty-five (25) feet in height.
7. In the case of a lot with frontage on more than one street, freestanding signs in accordance with paragraphs 39.3.a(4), 39.3.a(5) and 39.3.a(6) above may be permitted on each street. In no case shall allowable sign area be transferred

from one street frontage to another street frontage.

8. Freestanding signs identifying churches, fraternities or other similar uses in residential zoning districts shall not exceed thirty (30) square feet in area nor six (6) feet in height from the top of the sign to the ground, shall be limited to one (1) sign (attached or freestanding) on the premises of said use, and shall be set back at least ten (10) feet from all lot lines.
9. Freestanding signs for Special Use Permits granted by the County Board shall be allowed only when authorized by said Board, and shall conform to the requirements of **39.6.d**
10. Freestanding signs shall have an open space not less than two (2) feet between the base line of said sign and the ground level. This open space may be filled in with a platform or decorative lattice work which does not close off more than one-half ($\frac{1}{2}$) of any square foot of such open space.
11. No part of a freestanding sign shall be located over the public right-of-way.
12. The area around pole, or between poles or similar supports of freestanding elevated signs shall be kept open for maximum visibility to conform in all respects to provisions in **39**.
13. Freestanding signs identifying uses affiliated with a college, university or seminary, subject to use meeting the thirty (30) foot separation requirement from any residentially zoned or one or two family used lot (as specified in the U-1 University/College district) shall not exceed thirty (30) square feet in area, nor six (6) feet in height from the top of the sign to the ground and shall be set back at least ten (10) feet from all lot lines.

3-2-39.4 ROOF SIGNS

A. Location and Size

1. Roof signs are permitted only in B-3 Community Commercial, B-4 Highway/Intensive Commercial, I-1 Light Industrial and I-2 General Industrial zoning districts.
2. For the purposes of this Ordinance, roof signs shall be considered as attached signs when determining the allowable square foot area and total square foot area of all permitted signs.

B. Erection

1. No roof sign shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces; however, if the sign is under twenty (20) square feet, it shall not be erected with the face thereof nearer than one (1) foot to the outside wall toward which the sign faces.
2. All roof signs shall have a space at least five (5) feet in height between the base of the sign and roof level, and have at least five (5) feet clearance between the vertical supports thereof.
3. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods, or braces. When erected upon buildings which are not constructed of entirely fireproof material, the bearing plates of said sign shall bear directly upon masonry walls and intermediate steel columns in the building. No roof sign shall be supported or anchored to the wooden framework of a building.

- C. Inspection of Roof. No sign shall be placed upon a roof unless said roof has been determined by an architectural or structural engineer to have sufficient strength to safely carry the proposed sign, together with the signature and seal of the architectural or structural engineer making said inspection shall be placed upon or attached to all plans for proposed roof signs before a permit will be issued.

A. Location and Size.

1. Temporary signs which advertise real estate for sale, rent or lease, or advertise a subdivision being developed shall be restricted to six (6) square feet in area when located on residentially-zoned property of less than two (2) acres, and shall be removed upon completion of the sale, rent or lease of the property or sale of all lots in the subdivision. Such signs shall be located on the property and shall be located not less than ten (10) feet from any street right-of-way.
2. Temporary signs which advertise real estate for sale, rent or lease, or advertise a subdivision being developed, shall be restricted to ninety-six (96) square feet in area when located on property of two (2) or more acres. Said signs shall be located on the property, shall be located not less than ten (10) feet from any street right-of-way lines and shall be removed upon completion of the sale, rent, lease or the property or sale of all lots in the subdivision.
3. Temporary signs which advertise contractors, engineers, developers, architects, etc., for a site being developed shall be restricted to a total area of ninety-six (96) square feet in area, not less than ten (10) feet from any street right-of-way line or in conformance with the setback regulations of the zoning district in which it is located, whichever is least restrictive. Such signs shall be removed upon completion of the development and issuance of an occupancy permit by the Economic Development Office.
4. Non-electric, temporary signs placed in windows of buildings with commercial or industrial uses which advertise sales, specials, or close-outs shall be restricted to illumination by normal lighting of the building. Such signs shall be removed upon termination of the sale, special or close-out.
5. Temporary signs may be erected pertaining to the candidacy of federal, state and local elected officials or other voting issues, shall not exceed six (6) square feet per face in residential zoning districts and thirty-two (32) square feet in

other zoning districts. Said signs may be erected not more than thirty (30) days preceding the election and shall be removed within three (3) days after the election.

- B. Erection. Every temporary sign shall be attached to a wall or pole with steel cables, bolts or other suitable fastenings or firmly affixed into the ground so as to prevent movement.

3-2-39.6 PERMITTED SIGNS FOR NONCONFORMING USES

- A. Signs Permitted upon Approval. A sign or signs pertaining to a nonconforming use on the premises may be permitted upon approval by the Zoning Board of Appeals only after all of the following conditions are satisfied, and only if a sign would be allowed on the premises if said use were properly zoned.

1. It is the intent of this section to allow nonconforming uses to have one sign for the purpose of identification but because of the nature of nonconforming uses, they shall be more restrictive than those allowed for permitted uses. All signs under this section shall comply with all other applicable sections of this Ordinance.
2. Signs on nonconforming uses may be replaced only with signs of the same size or smaller, at the same location on the building or premises (or in a less conspicuous location) and of the same lighting (or less), but shall not be in violation of any other section of this Ordinance.
3. Only one (1) sign shall be permitted on the premises of a nonconforming use except signs regulatory for parking areas.
4. If no sign existed on the premises during the six (6) months immediately preceding application for a sign permit under this section, the following regulations shall apply:
 - a. A freestanding or attached sign shall not exceed fifteen (15) square feet in area.
 - b. A freestanding sign shall not exceed six (6) feet in

height from the top of the sign to the ground, and shall be set back at least ten (10) feet from all lot lines.

- c. An attached sign shall be of the facia type only.
- d. No flashing lights or rotating signs shall be allowed.
- e. No roof signs shall be allowed.

3-2-39.7 PROHIBITED SIGNS

- A. Signs Not Permitted. The following signs shall not be permitted, erected or maintained in any zoning district:
 - 1. Except for traffic warning devices and signs giving public service information such as, but not limited to, time, date, temperature, weather, or similar information, signs which incorporate in any manner moving, scintillating, or revolving lights, or signs with flashing lights having a change frequency of less than five (5) seconds.
 - 2. Any revolving sign with a rotation frequency more than eight (8) revolutions per minute.
 - 3. String lights other than holiday decorations.
 - 4. Any sign which obstructs free passage from one part of a roof to any other part and free ingress or egress from a required door, window, fire escape, roof opening or other required exit-way.
 - 5. Portable signs.
 - 6. Freestanding banners, spinners, except as the County Board may authorize temporarily for civic or non-profit organizations.
- B. Removal of Signs. It is the intent of this section to recognize that the eventual elimination, as expeditiously as it is reasonable, of existing signs that are not in conformity with the provisions of this Ordinance, inasmuch as subject of health, safety, and welfare as is the prohibition of new signs that would

violate the provisions of this Ordinance. It is also the intent of this section that any elimination of nonconforming, obsolete, unsafe and unlawful signs shall be affected so as to avoid any unreasonable invasion of established private rights.

1. Prohibited Signs. All signs prohibited by 39.7.a, except for 39.7.a(1) and 39.7.a(2), shall be removed or made conforming within ninety (90) days of the adoption of this Ordinance. Within ninety (90) days after adoption of this Ordinance, existing, non-exempt signs shall be removed by the owner. Newly erected, prohibited signs shall be removed within seven (7) days of owner receiving notice from the County.
2. Nonconforming Signs. A nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:
 - a. Changed to another nonconforming sign.
 - b. Structurally altered, except for normal maintenance and copy changes as long as maintenance does not exceed twenty-five (25) percent of the replacement value of the sign at one time.
 - c. Expanded.
 - d. Re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Economic Development Office.
 - e. Moved to another location unless brought into conformance.
3. Unsafe and Unlawful Signs. If the Economic Development Office finds that any sign regulated herein is structurally unsafe; constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment, defined as having no active copy on an outdoor advertising sign within the past ninety (90) days or the advertisement of

a business, concern or use which has been closed for greater than ninety (90) days; is not kept in good repair; is capable of causing electrical shocks to persons likely to come in contact with it; or is unlawfully installed, erected or maintained; the Economic Development Office shall give written notice to the permittee and/or owner thereof.

4. Removal of Signs (Obsolete Signs). All obsolete signs shall be removed by the property owner within ninety (90) days after adoption of this Ordinance and/or ninety (90) days after termination of business, whichever comes first. Removal of obsolete signs shall include the supporting structure, exclusive of any building.
5. Maintenance Provision. The owner of any sign requiring a permit shall be required to maintain an exterior which is properly painted, galvanized or otherwise treated to prevent rust and deterioration of all parts, including lighting and supports. *All signs shall be required to be adequately maintained and shall not become tattered, torn, frayed, ragged, shredded, unkempt or the like.* The sign shall be repaired within sixty (60) days following notice from the County of a violation.

3-2-39.8

ADMINISTRATION AND APPEAL

- A. Administration. This Sign Ordinance shall be administered by the Economic Development Office according to his or her obvious responsibilities according to the meaning of the language contained herein. Upon a presentation of proper credentials, these persons or their duly authorized representatives may enter at reasonable times any building, structure or premises in the County of Rock Island to perform any duty imposed upon them by this Ordinance.
- B. Right of Appeal. Any person aggrieved by any ruling of any person charged with the administration of the Ordinance may take an appeal to the appropriate appeal board: Building Board of Appeals or the Zoning Board of Appeals.
- C. Jurisdiction

1. Appeals taken from requests relating to construction shall be filed with the Economic Development Office and shall be subject to the procedures established by those respective commissions, and are not subject to the provisions of this section.
 2. In addition to the jurisdiction authorized in Article V, of the Rock Island County Zoning Resolution, the Zoning Board of Appeals hereinafter referred to as "the Board," is hereby vested with the following jurisdiction and authority:
 - a. To hear and decide appeals from and review any order, requirement, decision or determination made by any person charged with the administration of this Ordinance, except appeals relating to the construction as identified under 39.8.c(1) of this Ordinance. The Board may reverse or affirm, wholly or in part, or may modify or amend the order, requirement or decision or determination appealed from to the extent and in the manner that the Board may decide to be fitting and proper on the premises, and to that end, the Board shall also have all the power of the officer from whom the appeals are taken.
 - b. To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.
 - c. To hear and pass upon applications for variances from a strict application of the terms of this Ordinance, in the manner and subject to the standards set out in 39.8.f of this Ordinance.
- D. Provision of Regulation. The creation, membership and meeting rules, application process and fee, and stay of proceedings provisions for the Board, as established under Article V of the Rock Island County Zoning Resolution shall apply to all appeals and variances from the Sign Ordinance.
- E. Hearing of Appeals
1. An appeal of a decision shall be taken within thirty-five (35)

days after such decision is made.

2. All final administrative decisions of the Board under this section shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act" of the State of Illinois, approved May 8, 1945 and all amendments and modifications thereto. The term "administrative decision" is defined as in the "Administrative Review Act."

F. Variances

1. The Board may vary the application of this Ordinance in harmony with its general purpose and intent, in accordance with the procedure set forth herein, where there are practical hardships in the way of carrying out the strict letter of any provisions of this Ordinance. Any such variance shall be granted only after a public hearing before the Board.
2. A variance may be granted only when special circumstances involving size, shape, topography, location or surroundings affect the property referred to in the application, when denial of said application would cause unreasonable or unnecessary hardship, and when said sign will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the public safety or welfare and the neighborhood in which it is located.
3. Decisions of the Board. All decisions and findings of the Board, on appeal or upon application for a variance, after a hearing, shall in all instances be final administrative determinations and shall be subject to review by court as may be provided by law.

- G. Penalties. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five (25) dollars nor more than five hundred (500) dollars. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

- H. Separability. If any section, subsection, sentence, any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- I. Conflict of Cause. All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they do so conflict.
- J. Effective Date. This ordinance shall be in full force and effect from and after its passage and approval, as required by law.

Wind Energy

Section 40 WIND ENERGY

AN ORDINANCE REGULATING THE DEVELOPMENT OF WIND ENERGY SYSTEMS

3-2-40.0 AUTHORITY

This ordinance is adopted pursuant to authority granted by ILCS Chapter 55 Counties Division 5-12 Zoning and Section 5/5-1063 Building Construction, Alteration, Maintenance.

40.1 PURPOSE

The purpose of this ordinance is to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system and to allow for the orderly development of land, protect property values and esthetic conditions within the county. This ordinance does not repeal, abrogate, annul, impair, or interfere with any existing ordinance.

3-2-40.2 APPLICABILITY

This ordinance applies to all unincorporated lands within the boundaries of Rock Island County.

In this section the following definitions shall apply:

Agricultural Wind System- A wind system that has a nameplate capacity of less than the average electrical usage for the previous 12 months on the specific farm being served. A wind energy system that creates more energy than is needed for agricultural uses will have the excess sold back to the grid, and thus, is NOT exclusively for agricultural uses, and is NOT exempt from the requirements of this ordinance.

Board- The Zoning Board of Appeals.

Building Code- The Rock Island County Building Code as amended.

Code Administrator- The Zoning/Building Administrator/ the Director of Zoning & Building.

Comprehensive Plan- The Rock Island County Land Use Plan as amended.

County Board- The Rock Island County Board.

County Engineer- The Rock Island County Engineer.

Department- The Zoning/Building Department

Large Wind System- A wind energy system that has a nameplate capacity of more than 50 kilowatts, a total height of more than 100 feet, a blade diameter of more than 30 feet, and one or more wind towers with turbines.

Small Wind System- A wind energy system that has a nameplate capacity of 50 kilowatts or less, a total height of 100 feet or less, a blade diameter of 30 feet or less, and one OR MORE wind towers with turbines.

Total Height - The vertical distance from ground level to the tip of a wind turbine blade when the tip is at its highest point.

Wind Energy System- Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

Wind Farm System- A wind energy system that includes two or more wind towers.

Wind Tower- The monopole, freestanding, or guyed structure than supports a wind turbine generator.

Zoning Ordinance- The Rock Island County Zoning Ordinance as amended.

3-2-40.4 STANDARDS

A. Location

1. A large wind energy system may only be located in areas that are zoned AG-1 Agricultural Preservation District, AG-2 General Agricultural District, I-1 Light Industrial District or I-2 General Industrial District, with a Special Use Permit and Building Permits. A small wind system may be located in areas that are zoned AG-1 Agricultural Preservation District, AG-2 General Agricultural District, SE-1 Suburban estates Low Density District, I-1 Light Industrial District and I-2 General Industrial District, with a Special Use Permit and Building Permits.
2. A large wind energy system shall be located 1000 feet or more from an occupied structure on an adjoining property and 1.1 times total tower height or more from occupied structure on subject property, measured from wind tower base.
3. A small wind energy system shall be located 1.1 times total tower height or more from an occupied structure on adjoining property and 80% total tower height or more from occupied structure on subject property measured from wind tower base.

B. Setbacks

1. A small wind system must be set back from all property lines of the parcel on which it is located and from any right-of-way a distance 1.1 times total tower height measured from wind tower base.

2. A large wind system must be set back minimum distances as follows:

- a. 1.1 times total tower height from any and all public/private right-of-way lines measured from wind tower base.
- b. 100 feet from all other property lines measured from the tip of the blade when located parallel with the ground.

C. Spacing and Density

A wind energy system shall be separated from any other wind energy system by a minimum of 200 feet measured from the tips of the blades when the blades are parallel with the ground.

D. Structure

A wind energy system shall be of monopole construction to the extent practicable. If monopole construction is not practicable, a wind tower must be of freestanding construction to the extent practicable. If monopole or freestanding construction is not practicable, a wind tower may be guyed.

E. Height

The total height of a wind energy system shall be 500 feet or less.

F. Clearance

The vertical distance from ground level to the tip of a wind turbine blade when the blade is at its lowest point must be at least 25 feet.

G. Access

All wind towers located in a wind energy system, including any climbing aids, shall be secured against unauthorized access by means of a locked barrier or security fence 6' in height.

H. Electrical Wires

All electrical wires associated with a wind energy system, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, shall be located underground. The Board may vary this requirement upon proof of hardship.

I. Lighting

As required by the Federal Aviation Administration. Required lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed using red lights at night. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

J. Equipment

UNLESS LOCATED UNDERGROUND, any electrical equipment associated with a wind energy system shall be located under the sweep area of a blade assembly to the extent practicable.

K. Appearance, Color and Finish

The exterior surface of any visible components of a wind energy system must be a non-reflective, neutral color. Wind towers and turbines in an established wind farm system that are located within 1000 feet of each other must be of uniform design, including tower type, color, number of blades, and direction of blade rotation to the extent practicable.

L. Signs

No wind turbine, tower, building, or other structure associated with a wind energy system may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner identification, may be placed on a wind turbine, tower, building, or other structure associated with a wind energy system so as to be visible from any public road.

3-2-40.5 PERMIT REQUIREMENTS

A. Special Use Permit

A special use permit approved by the County Board is required for each wind energy system except for a Agricultural Wind System as defined in this section. See this Ordinance, Article XI, section 6.3, Special Uses.

B. Building Permit

A building permit is required for the installation of each wind energy system except for an Agricultural Wind System as defined in this section. See Rock Island County Building Code as amended.

C. Expiration

A Special Use Permit issued pursuant to this ordinance expires if:

1. The wind energy system is not installed and functioning within 5 years from the date the permit is issued; or
2. The wind energy system is out of service or otherwise unused for a continuous 12-month period. See 40.06 of this section. The Board may grant reasonable extensions to the 5 year and 12 month deadlines provided action to amend the inactivity has been active and consistent though the time period involved. For purposes of this section, placing the system for sale or intending to use the system at a future date does NOT constitute active and consistent activity.

D. Fees

1. The application for a special use permit must be accompanied by the fee required for each wind energy system.
2. The application for a building permit must be accompanied by the fee required for each wind energy system.
3. An Agricultural Wind System as defined in this section is exempt from zoning and building fees.

E. Financial Assistance

1. REASONABLE EVIDENCE of financial ability to construct, maintain and decommission the Wind Energy System is a condition precedent to the issuance of any special use or building permit under this ordinance.
2. Rock Island County and/or the property owner leasing land for a wind energy system may require a performance bond, surety bond, escrow account, letter of irrevocable letter of credit or other financial assurance to Rock Island County and/or the property owner for each wind energy system that guarantees the performance of the restoration requirement set forth in Section 40.06.

3-2-40.6 RESTORATION REQUIREMENT

- A. A wind energy system that is out of service for a continuous 12-month period will be deemed to have been abandoned. The Code Administrator may issue a Notice of Abandonment to the owner of a wind energy system that is deemed to have been abandoned. The Code Administrator shall withdraw the Notice of Abandonment if the Board approves a reasonable extension based on hardship conditions. Efforts to operate the system must be shown to have been active and consistent though the time period involved. For purposes of this section, placing the system for sale or intending to use the system at a future date does NOT constitute active and consistent activity.
- B. The owner of a wind energy system shall provide the Code Administrator with a written Notice of Termination of Operations if the operation of a wind energy system is terminated.
- C. Within 8 months of receipt of Notice of Abandonment or within 8 months of providing Notice of Termination of Operations, the owner of a wind energy system must:
 - 1. Remove all wind turbines, aboveground improvements, and outdoor storage; and
 - 2. Remove all foundations, pads, and underground electrical wires to a depth of 4 feet below the surface of the ground; and
 - 3. Remove all hazardous material from the property and dispose of the hazardous material in accordance with federal and state law.
 - 4. Failure to comply with any of the conditions or restrictions imposed on a special use permit shall be deemed a violation of the Zoning Ordinance.
- D. All Code Administrator determinations may be appealed to the Board.

3-2-40.7 SPECIAL USE PERMIT PROCEDURE

- A. Special use permit applications shall be submitted to the Code Administrator. The application must Be on a form approved by the

Code Administrator and must be accompanied by 10 copies of a scaled drawing, other descriptive information sufficient to enable the Committee and Board to determine whether the requirements of this ordinance will be satisfied, and such other information as may be specified on the application form. The Code Administrator will review the application materials for completeness and may request that the applicant provide additional information. When the Code Administrator determines that the application is complete, the Code Administrator will forward it to the Board.

- B. The Board will conduct a meeting and hearing on the application within 60 days after application submittal and minimum 15 day public notice. Following the public meeting and hearing the Board will submit recommendations and finding of facts to the County Board.
- C. The County Board may grant a special use permit if it determines that the requirements of this ordinance are met and that granting the permit will not unreasonably interfere with the orderly land use and development plans of the county. Both the Board and County Board may include conditions in the permit as provided if those conditions preserve or protect the public health, safety and property values. Both the Board and County Board may consider the following factors when setting conditions:
 - 1. Proposed ingress and egress.
 - 2. Proximity to transmission lines to link the system to the electric power grid.
 - 3. Number of wind turbines and their location.
 - 4. Nature of land use on adjacent and nearby properties.
 - 5. Location of other wind energy systems in the surrounding area.
 - 6. Surrounding topography.
 - 7. Proximity to residential structures, residential zoning districts, or areas identified for future residential use.
 - 8. Design characteristics that may reduce or eliminate visual obtrusiveness.
 - 9. Possible adverse effects on migratory birds, raptors, and other animals and wildlife.
 - 10. Possible adverse effects of stray voltage, interference with broadcast signals, shadow effect, and noise.

11. Impact on the orderly development, property values, and esthetic conditions within the county.
 12. Recommendations of interested parties that may be affected by the wind energy system.
 13. Any other factors that are relevant to the proposed system.
- D. The Board may consider variances to one or more of the factors. See Rock Island County Zoning Ordinance Article XI, Section 6.0, Variances.
- E. The Committee and Board recommendations, finding of facts and any conditions will be recorded in the minutes and forwarded to the County Board for final determination.
- F. The County Board final decision to approve or reject the special use permit application may be appealed to the Circuit Court.

3-2-40.8 BUILDING PERMIT PROCEDURE

- A. Building permit applications shall be submitted to the Code Administrator. The application must be on a form approved by the Code Administrator and must be accompanied by two copies of a drawing that shows the proposed location and distance of the wind energy system with reference to the property lines of the parcel on which it is located; any residence, business, or public building on an adjacent parcel; the right-of-way of any public road that is within 500 feet; and such other information as may be specified on the application form. Construction plans prepared and sealed by a structural engineer licensed to practice in Illinois stating and illustrating compliance with the Rock Island County Building Code as amended will be required for each wind energy system. Special inspections by approved 3rd party inspection agencies will be required and costs to be paid directly from the developer in addition to all other necessary fees. A copy of the FAA permit for lighting, if necessary, will also be required.
- B. The Code Administrator should issue a permit or deny the application within one month of the date on which the application is received.

- C. The Code Administrator will issue a building permit for a wind energy system if the application materials show that the proposed tower location meets the requirements of this ordinance, building code and the special use permit issued by the County Board.
- D. If the application is approved, the Code Administrator will return one copy of the drawing with the building permit and retain the other copy with the application.
- E. If the application is rejected, the Code Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected.
- F. The building permit must be conspicuously posted on the premises so as to be visible to the public at all times until construction or installation of the tower is complete.
- G. All Code Administrator determinations may be appealed to the Board.

3-2-40.9 SIGNAL INTERFERENCE

The owner of a wind energy system must take such reasonable steps as are necessary to prevent, eliminate, or mitigate any interference with cellular, radio or television signals caused by the wind energy system.

3-2-40.10 VIOLATIONS

It is unlawful for any person to construct, install, maintain, modify, or operate a wind energy system that is not in compliance with this ordinance or with any condition contained in a special use or building permit issued pursuant to this ordinance. See applicable Zoning Ordinance, Building Code and ILCS sections.

3-2-40.11 ADMINISTRATION AND ENFORCEMENT

- A. This ordinance shall be administered by the Code Administrator.

- B. The Code Administrator may enter any property for which a special use or building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met as specified by statute, ordinance and code.

3-2-40.12 PENALTIES

- A. Zoning – petty offense. Maximum \$500 fine with each day a violation continues uncorrected constituting a separate offense. Building – petty offense. Maximum \$500 fine with each day a violation continues uncorrected constituting a separate offense.
- B. Nothing in this section shall be construed to prevent the county from using any other lawful means to enforce this ordinance.

3-2-40.13 COUNTY HIGHWAY AND TOWNSHIP ROAD AGREEMENTS

Each wind energy system shall have a written agreement with County Engineer and respective Township Highway Commissioner(s) regarding use of county/township road, bridges and right-of-way. Performance/surety bonds or other financial assurance documents may be required to guarantee the performance of the road agreements.

3-2-40.14 WIND ENERGY SYSTEM OWNER/PROPERTY OWNER RESTORATION AGREEMENT

Each wind energy system lease shall have a signed agreement between wind energy system owner and property owner regarding restoration requirements as discussed in this ordinance.

3-2-40.15 SEVERABILITY

The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 41 FEES, PENALTIES

3-2-41.0 FEES

All applications for Map Amendments, Special Uses, and Variances filed for or on behalf of the property owner, shall be accompanied by payment of a fee as adopted by the Rock Island County Board from time to time. No application shall be considered complete and subject to review by the Zoning Board of Appeals until such fee has been paid. Where a LESA (Land Evaluation Site Assessment) report is required, the appropriate fee will be collected and forwarded to the Rock Island County Soil and Water Conservation District for the preparation of the LESA report.

3-2-41.1 PENALTIES

Any person, firm or corporation, agent employee, or contractor of such who violates, disobeys, omits, neglects, or refuses to comply with or who resists enforcement of any provisions of this Ordinance, shall upon conviction forfeit not less than twenty-five (\$25.00) dollars nor more than two hundred (\$200.00) dollars for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail of Rock Island County until said forfeiture and costs are paid, for a period not exceed thirty (30) days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

Section 42 VALIDITY AND REPEAL

3-2-42.0 VALIDITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

3-2-42.1 CONFLICT AND REPEALER

All Resolutions or parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed, but this Ordinance is specifically intended to supplement and not to conflict with the Airport Zoning Ordinance of the Metropolitan Airport Authority of Rock Island County, Illinois. If any Resolutions or private deeds and covenants of a similar nature to the terms of this Ordinance are in effect, the most restrictive requirement shall apply.

This Ordinance shall take effect and be in full force from and after adoption and publication as provided by law.

Section 44 APPENDICES

Sample Yard Setbacks
Site Distance Triangle
Building Height
Zoning Map Matrix
Rural Living Contract
Land Use Map
Zoning Map

ZONING MAP MATRIX

The existing Zoning Districts as mapped will be reclassified as designated below, effective with the adoption of the Unified Zoning Ordinance.

AG-1 as mapped as Preservation on the 1998 Proposed Land Use Map

AG-2 as mapped as Low Density on the 1998 Proposed Land Use Map

SE-1 currently SE where no part of the zoned area is adjoined by Medium Density or a High Density on the 1998 Long Range Land Use Map.

SE-2 currently SE where any portion of the zoned area is adjoined by a Medium Density or High Density on the 1998 Long Range Land Use Map.

R-1 currently R-1

R-2 currently R-2

R-3 New District

R-4 New District

R-5 New District

R-6 New District

R-7 New District (Mobile Home Parks currently as SU)

U-1 New District

C-1 New District

C-2 New District

O-1 New District

B-1 currently C-1
B-2 New District
B-3 currently C-2
B-4 currently C-3
ORT New District
I-1 currently M-1
I-2 currently M-2
PUD New District

RURAL LIVING CONTRACT

Introduction: Life in the rural areas of the County is different from life in the city. County governments may not be able to provide the same level of service that city governments provide. To that end, we are providing you with the following information to help you make an informed decision before you purchase a parcel of land in rural Rock Island County.

1. Agriculture: Some of the people who feed this nation (and the world) work right here in Rock Island County. If you are going to move your family into their work area, it is important you understand how their job, work environment, and hours of operation may affect you.
 - Farmers often work around the clock, especially during planting and harvest time. It is possible that adjoining agriculture uses from lighting and noise may disturb your peace and quiet 24 hours a day.
 - Land preparation and other agricultural operations, as well as rural roads, cause dust, especially during windy and dry weather.
 - Farmers occasionally burn ditches and fields to keep them free of debris and weeds. This is a normal part of a farming operation, and this may create objectionable smoke. During these burns it may be necessary to stay inside or leave your residence for a short time if you have a sensitivity to it.
 - Chemicals (mainly fertilizers, pesticides and herbicides) are often used in agricultural activities and may be applied via irrigation systems, ground vehicles or various aircraft. You may be sensitive to these substances and some people may actually have allergic reactions. They may “drift” causing damage to your landscaping. Make sure you leave enough of a buffer area from YOUR property line to avoid damage. These are necessary tools for agricultural areas of our County, and you must be aware of/ prepared to deal with their application.
 - Farm animals are raised in the country and they can generate odors that can be very strong at times. They also make noise, draw insect populations, and sometimes get loose from their pasture or holding areas. In the city, large numbers of animals near your residence would be a nuisance, in the rural areas,

your residence is the nuisance as large numbers of animals belong here. If you build a home 15 ft. from your property line, the farmer has the right to place a large number of cattle or hogs on his property. Please be aware that farmers are within their rights, and you have accepted the consequences by choosing your proximity to the property line.

- Agriculture is an important part of the Rock Island County economy. If you choose to live in the work area of farmers, you cannot expect County government to intervene in the normal day-to-day operations of your agribusiness neighbors. In fact, we are more likely to require you to stay out of his or her way as this is their workplace and you have made the decision to build a home in their work area.
 - Farmers must move their equipment between fields. Every time you are running late, a large piece of slow-moving farm equipment will be on the road in front of you. They may take up both lanes so you cannot pass. Anticipate these delays and be patient, keeping their, your, and other's safety at the forefront.
 - Farm animals can be dangerous and can attack humans. Children need to know that it may not be safe to enter pens where farm animals are kept, even the little cute ones. It is your responsibility to teach your children respect for livestock, property and property lines of your neighboring farmer.
 - Livestock animals being herded from one location to another have the right-of-way on County roads and highways. You MUST yield to them even if it delays you.
 - Insects may be more of a problem in the country than they are within city limits. Insects feeding on actively growing crops or emerging from cropland can migrate to landscaping and gardens adjacent to cropland. It will be your responsibility to control them if they become a nuisance.
 - Farm, hay, pasture and timber ground is not open for your use to hunt, ride ATV's, etc. unless you have requested and been given permission to do so by the owner or tenant. These areas are also not to be used as dumping grounds.
2. Access: The fact that you can drive to your property does not necessarily guarantee that you have legal ingress/egress or that your guests and emergency service vehicles can achieve that same level of access at all times. You cannot

assume that you have an automatic easement across someone else's property to enter your property. Also consider:

- Emergency response times (sheriff, fire suppression, medical care, etc.) may be much longer than in an incorporated city. Under some extreme conditions, you may find that emergency response is extremely slow due to circumstances beyond their control. Some fire, ambulance and search and rescue services in Rock Island County are volunteer and may provide limited services. Check with the departments or organizations that provide these services if you are contemplating residing in their jurisdictions.
- Rock Island County has its own road system to take care of, and there are also 18 Township road districts totaling hundreds of miles of roads, ranging from paved to unimproved dirt roads. There are also a number of roads that are Private Drives, and these may have a homeowners association to whom you pay dues, which is responsible for the maintenance of roads, bridges, plowing etc.
- Rock Island County can experience adverse weather conditions that may cause damage to roads. It is wise to determine who is responsible for the maintenance of the roads providing access to your property.
- Many large construction vehicles and some fire and rescue vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction and emergency vehicle access. Remember, it may be more expensive to build a rural residence due to delivery fees and the time required for building materials to reach your site.
- School buses travel only on maintained public roads that have been designated as school bus routes by the local school district (some subdivision roads are private). In order for your child or children to get to school, you may be responsible to drive your children to the nearest County road or designated school bus route. Please check with the appropriate school district for school locations and routes.
- In extreme weather, even the best County maintained roads could become impassable. You may miss work or appointments.
- Dust, again, is an unpleasant fact of life for most rural residents. If your road is unpaved, it is unlikely that any one of the nineteen highway districts will pave it in the foreseeable future. Remember that unpaved roads are not always

smooth and you may experience increased vehicle maintenance costs when regularly traveling on rural County roads.

- Mail delivery may not always be available to some rural areas of the County. Ask the postmaster to describe the system for your area. This may also apply to package delivery services as well.
- 3. Services: Water, sewer, electric, fire, telephone and other services may be unavailable or have more frequent interruptions. Repairs may take longer due to their rural nature. Cellular communications may be a problem in some areas of Rock Island County.
 - Sewer service is not available to sites located outside city limits. You will need to use an approved subsurface sewage (septic) system or other treatment process. The type of soil, depth to ground water or bedrock, slope, etc. will be very important in determining the cost and function of your subsurface sewage system. Ask for assistance from the Rock Island County Health Department (309-794-7061) for information on how to get a system approved or inspected.
 - Most unincorporated areas do not have access to a water supply for domestic use, so you will need to locate an alternate supply. The most common method is use of a well. The cost for drilling and pumping may be considerable and the quality and quantity of water (also known as the yield) can vary considerably from location to location and seasonally.
 - It is important to determine the proximity of electric power because it can be expensive to extend power lines to very remote areas. In addition, if you have special power requirements, it is important to know what level of service can be provided to your property. Natural Gas may not be available and Propane is more expensive.
 - Power outages can occur in outlying areas with a greater frequency than in cities. A loss of electrical power can also interrupt a private water supply from a well. Extended power outages may also cause a loss of food in freezers or refrigerators and power outages may cause problems with computers. It may be important to be able to survive temporarily in severe weather with no utilities if you live in the country.
 - Trash removal may be more expensive in rural areas. It is illegal to create your own trash dump, even on your own property. Know the cost for trash removal prior to making the decision to move into the country. In some cases, the only

option may be to haul your trash to a local landfill (state and County law prohibits burning of domestic trash in a burn barrel). Recycling services may not be available in rural areas.

4. Your property: There are many issues that can affect your property. It is important to research them before purchasing land in rural areas of the County. Easements may require you to allow the construction of roads, power lines, water lines, sewer lines, etc. across your land. There may be easements that have not been recorded by the County or as part of the original property. Check these issues carefully.
 - You may be provided with a map of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you should not assume that the map is accurate.
 - Fences that separate properties are sometimes misaligned with the actual property lines. A survey of the land by a licensed surveyor is the only way to confirm the location of property lines. Illinois law can require you to pay for half of your agricultural neighbors fence if it needs repaired or replaced. (Illinois law says you may be responsible for the right half of the fence line as you are facing it from your property.)
 - Before you purchase that home with the beautifully manicured 5 acre yard, (or 10 acres or 2 acres) you should consider the effort required to maintain it. A large yard requires a lot of time and work, and if you decide to split your acreage to make the yard smaller, the County may not allow it. (There are areas where 40 acres is the smallest lot size allowed, and parcels of five acres or less cannot have grass higher than 12 inches.)
 - The surrounding properties may not remain as they are indefinitely. If you are moving to the country on a small piece of ground, anticipate that others will do the same thing, even right next to your property. Also, be aware that vacant ground or crop ground may have cattle or hogs on it next year.
 - Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, canal or other water conveyance, consider the possible danger to your family and your responsibility to take safety measures.
 - If you are purchasing a parcel close to a city or within a city area of impact (1.5 miles from the city border), annexation in the future is a possibility. If you live

near a school, future development is likely, and will be encouraged by the County.

5. Mother Nature: Residents of the County may experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider:
 - Black ice or icy conditions on rural roadways is always a probability.
 - The topography of the land can give you an indication of where the water will flow during large precipitation events. When property owners fill in natural drainages, they may cause the water that once drained naturally to drain through unwanted areas potentially causing property damage to you or your neighbor's property.
 - Floodplains have been designated by the United States Geologic Survey (USGS) within the County. Portions of the County require special building considerations if located within the floodplains. It is advisable to consult Rock Island County Zoning & Building Office before buying or building.
 - Nature can provide you with some wonderful neighbors. However, even harmless wildlife can cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of animals that may be dangerous. In general, it is best to enjoy wildlife from a distance. It is important that you handle your pets and trash properly so that they will not create problems for you and/or the wildlife.

In Conclusion: Rock Island County is a wonderful place to live, work, and raise a family. This contract is designed to provide information that will help enhance the quality of life here. Respect your agri-neighbor's livelihood and property, and be aware that your actions may impact your neighbors, human and otherwise. While the information presented here is intended as a guideline and an introduction into some of the realities of rural living, you may discover other issues that have not been covered by this document. We encourage you to research and examine all aspects of country living prior to moving to a rural setting so you will enjoy the country and not have any unpleasant surprises.

Rock Island County elected officials, administration and staff pride themselves on their accessibility. By participating in the publication of the Rural Living Contract, Rock Island County is in no way divesting itself of its responsibility to its constituents, rather, is attempting to make clear to constituents what those

responsibilities are. We offer this publication in the sincere hope that it will help you better understand how things work in Rock Island County.

I/we have read the above and not only understand the items mentions, but understand the more general concept of rural living, and I/we hereby agree to live according to these concepts, whether specifically mentioned or implied.

_____	Parcel _____
_____	Township _____
_____	Address _____
_____	_____

Date _____

Chapter 3

Subdivision Resolution

Section:

- | | |
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- 40 Fees
- 41 Amendments

3-3-5 Index of Appendices

A resolution authorizing, establishing and providing for the orderly subdividing, platting and development of land and properties within the unincorporated area of Rock Island County, Illinois.

Be it and it is hereby resolved by the County Board of Rock Island County, Illinois

3-3-1 GENERAL PROVISIONS

3-3-1-10 AUTHORITY AND TITLE

This Resolution is adopted in pursuance of the authority granted by the 1992 Compiled Statutes of the State of Illinois, 55 ILCS 5/5-1041. This resolution shall be known and may be cited and referred to as the “Subdivision Resolution of Rock Island County, Illinois.”

3-3-1-11 PURPOSE

The standards provided herein are necessary for promoting carefully considered, harmonious development of the Unincorporated area of Rock Island County, Illinois. Benefits to be gained by following the standards of this Resolution are:

- 3-3-1-11.01 To preserve, protect and promote the public health, safety and welfare.
- 3-3-1-11.02 To preserve the natural beauty and topography to the maximum feasible extent.
- 3-3-1-11.03 To conserve and increase the value of land, improvements and buildings.
- 3-3-1-11.04 To provide safe and convenient access to new developments and to avoid traffic congestion by requiring the proper location, design and construction of streets.
- 3-3-1-11.05 To provide a pleasant living environment by furthering the orderly layout and use of land; and to create an environment

conducive to the productive development of the Unincorporated area of Rock Island County, Illinois.

3-3-1-12 JURISDICTION

This Resolution shall be applicable within the Unincorporated area of Rock Island County, Illinois. In instances where the proposed subdivision is located within one and one half (1.5) miles of an incorporated municipality with a formal subdivision ordinance, the incorporated municipality shall have opportunity to review the proposed subdivision. In instances where two or more incorporated municipalities with formal subdivision ordinances are located within one and one half (1.5) miles of the proposed subdivision, all such incorporated municipalities shall have opportunity for review. Proposed subdivisions that require review by any such incorporated municipality shall not be approved prior to formal approval by officials of the municipalities involved.

3-3-1-13 EXCEPTIONS

As provided for in the 1992 Illinois Compiled Statutes, 765 ILCS 205/1, the following exceptions to the adherence of this Resolution are noted:

- 3-3-1-13.01 The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access.
- 3-3-1-13.02 The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access.
- 3-3-1-13.03 The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- 3-3-1-13.04 The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access.
- 3-3-1-13.05 The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.

- 3-3-1-13.06 The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- 3-3-1-13.07 Conveyances made to correct descriptions in prior conveyances.
- 3-3-1-13.08 The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
- 3-3-1-13.09 The sale of a single lot of less than five (5) acres from a larger tract when a survey is made by an Illinois Professional Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

3-3-1-14 VARIANCES

When the subdivider can show that a provision of this Resolution, if strictly adhered to, would cause unnecessary hardship and when, in the opinion of the Administrative Officer, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provision, the particular requested variance will be presented to the Public Works Committee of the County Board. The Public Works Committee will recommend approval or denial of the variance, for further consideration by the full County Board, meeting in the next scheduled regular session. Any variance thus authorized, shall be included as and made a part of the final plat.

3-3-2 DEFINITIONS

3-3-2-20 CONSTRUCTION OF TERMS

In constructing the intended meaning of terminology used in this Resolution, the following rules shall apply:

- 3-3-2-20.01 Unless the context clearly indicates otherwise, words and phrases shall have the meanings ascribed to them in Section 21. Words

not defined in Section 21 shall have the meanings ascribed to them as found in the Rock Island County Zoning Resolution. Words not defined in Section 21 or the Rock Island County Zoning Resolution shall have meaning as customarily assigned to them.

- 3-3-2-20.02 Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
- 3-3-2-20.03 Words used in the present tense shall include the future tense.
- 3-3-2-20.04 Words used in the singular number shall included the plural number, and the plural the singular.
- 3-3-2-20.05 The word “shall” is mandatory; the word “may” is permissive.

3-3-2-21 SELECTED DEFINITIONS

- 3-3-2-21.01 Administrative Officer - the official appointed by the County Board to administer and enforce the Subdivision Resolution for the Unincorporated area of Rock Island County, Illinois. This official is one and the same as the Administrative Officer as provided in the Rock Island County Zoning Resolution.
- 3-3-2-21.02 Amendment - a change in the provisions of this Resolution, properly effected in accordance with State Law and current County procedures.
- 3-3-2-21.03 Area, Gross - the entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated or reserved for street and alley rights-of-way and for any other public use.
- 3-3-2-21.04 Block - an area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway or way) or bounded by a combination of streets, public parks, cemeteries, railroad right-of-way, waterways, or corporate boundary lines. No block shall be longer than one thousand (1000) feet nor shorter than three hundred (300) feet.

- 3-3-2-21.05 Collector Street - a street used primarily to collect limited amounts of residential traffic and for access to abutting properties, and on which the speed limit is low and traffic volume is minimal.
- 3-3-2-21.06 Cul-De-Sac - a street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles, the term may also be used to refer solely to said turn-around.
- 3-3-2-21.07 Curb and Gutter, Integral - the rum forming the edge of a street plus the channel for leading off surface water, constructed of poured concrete as a single facility.
- 3-3-2-21.08 Develop - to erect any structure or to provide any improvements on a tract of land, or to undertake any activity (such as but not limited to grading) in preparation thereof.
- 3-3-2-21.09 Easement - a grant made by a property owner for use of specified portions of his real property for specific and limited purposes.
- 3-3-2-21.10 Erosion - the wearing away of the land surface by the action of wind, water or gravity.
- 3-3-2-21.11 Improvements - any street, curb, gutter, sidewalk, drainage ditch, catch basin, newly planted tree, off-street parking area, or other facility necessary for the general use of property owners in a subdivision.
- 3-3-2-21.12 Improvement Plans - the engineering plans showing types of materials and construction details for the structures and facilities to be installed in, or in conjunction with, a subdivision.
- 3-3-2-21.13 Letter of Credit - an engagement by a bank made at the request of a customer that the issuer will honor drafts or other demands for payment upon compliance with the conditions specified in the credit.
- 3-3-2-21.14 Monument, external boundary - two (2) concrete cylinders or rectangular prisms, not less than four (4) inches in diameter or

square and forty two (42) inches long, shall be set at the extreme corners of the subdivision.

- 3-3-2-21.15 Monument, internal boundary - steel pins, not less than one half ($\frac{1}{2}$) inch in diameter and thirty (30) inches long, with a survey marker cap showing the land surveyor's registration numbers, shall be located at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and all angle points along a meander line.
- 3-3-2-21.16 Plat, Final - the plan of record for a subdivision, as prepared by an Illinois Professional Surveyor, presented to the Administrative Officer for approval for filing with the County Recorder's Office.
- 3-3-2-21.17 Plat, Preliminary - the proposed plan of record for a subdivision, as prepared by an Illinois Professional Surveyor, presented to the Administrative Officer, after the pre-filing conference, for review.
- 3-3-2-21.18 Pre-Filing Conference - A conference held between the subdivider/developer, Administrative Officer and other authorized representatives of the County, prior to the submission of a preliminary plat.
- 3-3-2-21.19 Road, Private - an ingress/egress provided as access to building lots. Private roads are not intended for public dedication to Township, County or other incorporated jurisdictions. Private roads do not receive services as provided to other dedicated streets and roadways. Private roads are subject to the standards for streets as listed elsewhere in this Resolution.
- 3-3-2-21.20 Sediment - solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.
- 3-3-2-21.21 Sidewalk - a pedestrian way constructed in compliance with the standards of this Resolution.
- 3-3-2-21.22 Soil - all unconsolidated mineral and organic material of whatever origin that overlies bedrock which can be readily excavated.

- 3-3-2-21.23 Subdivider/Developer - any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Resolution.
- 3-3-2-21.24 Subdivision - any division of land into two (2) or more lots, any of which is less than five (5) acres, or any transfer involving an easement of ingress or egress except as provided in Article I, Section 13 of this Resolution.
- 3-3-2-21.25 Subdivision, Minor - a division of land less than five (5) total acres into two (2) but no more than five (5) lots. A minor subdivision may or may not involve new streets, other rights-of-way, easements, improvements, or other provisions for public areas and facilities.
- 3-3-2-21.26 Subdivision, Major - a division of land less than five (5) total acres into not less than two (2) by typically more than five (5) lots. A major subdivision shall involve new streets, other rights-of-way, easements, improvements or other provisions for public areas and facilities.
- 3-3-2-21.27 Topography - the relief features or surface configuration of an area of land.
- 3-3-2-21.28 Utility - a business or service which is engaged in regularly supplying the public with some commodity or service which is of consequence and need and which has a duty to serve without discrimination all within its service area. A utility can be publicly or privately owned and includes, but is not limited to:
- 3-3-2-21.251 Electricity
 - 3-3-2-21.252 Gas, Oil or Steam
 - 3-3-2-21.253 Water
 - 3-3-2-21.254 Sanitary Sewerage
 - 3-3-2-21.255 Storm Sewerage
 - 3-3-2-21.256 Telephone or Telegraph
 - 3-3-2-21.257 Cable Television or other Communication Lines
 - 3-3-2-21.258 Transportation lines, such as fixed rail, but only if expressly stated

3-3-2-21.29 Variance, Subdivision - a relaxation in the strict application of the design and/or improvement standards as provided for in Article I, Section 14 of this Resolution.

3-3-3 PLATS/PLANS

3-3-3-30 PRE-FILING CONFERENCE

Prior to the presentation of the subdivision preliminary plat, a meeting will be held with the Administrative Officer, Health Department Officials, County Highway Department Officials, the appropriate Township Road Commissioner, Rock Island County Soil and Water Conservation District Officials and in cases where the subdivision lies within one and one half (1.5) miles of an incorporated jurisdiction(s), Officials of the incorporated jurisdiction(s). The purpose of this meeting will be to determine whether the proposed subdivision meets minimum standards required for health, roads, safety, wetlands, soil and zoning issues. The subdivider/developer will present a concept sketch of the proposed subdivision during the pre-filing conference.

3-3-3-30.01 Location - to the extent that it is possible, the pre-filing conference should be held at the location of the proposed subdivision. However, the pre-filing conference could be scheduled in the office of the Administrative Officer or other appropriate location.

3-3-3-30.02 Concept Approval - officials, present at the pre-filing conference, will have ten (10) business days to file with the Administrative Officer, a written summary stating any objections to or suggested changes regarding the proposed subdivision. Copies of all written summaries will be sent by the Administrative Officer to the subdivider/developer prior to submission of the preliminary plat.

3-3-3-31 PRELIMINARY PLATS

Except as provided below, every person, corporation, or other entity who proposes to subdivide land located in the Unincorporated area of the County shall file six (6) copies of the preliminary plat, together with supporting data, with the Administrative Officer. Such person, corporation or other entity shall also provide one (1) copy of the preliminary plat, together with supporting data, with the Soil and Water Conservation District. It is the subdividers/developers responsibility to

notify the appropriate public utilities. Proof of such notification shall be submitted with the preliminary plat.

3-3-3-31.01 Staged Development - whenever a subdivision is to be developed in different stages, the preliminary plat shall reflect the entire subdivision.

3-3-3-31.02 Minor Subdivisions - a minor subdivision **may not** require a preliminary plat. The decision of the Administrative Officer will be final.

3-3-3-31.03 Information Required - every preliminary plat shall be prepared by an Illinois Professional Land Surveyor. Every preliminary plat shall be drawn at a scale that results in a maximum sheet size of thirty six (36) by twenty four (24) inches. The preferred scale is one hundred (100) feet to the inch. A smaller scale, if used, must be clearly noted on the drawing. Said preliminary plat along with all supporting data, shall provide all the following information:

3-3-3-31.031 Names and addresses of the owner, subdivider (if not the owner) and Illinois Professional Land Surveyor.

3-3-3-31.032 Name of the proposed subdivision and names of all adjoining subdivisions.

3-3-3-31.033 The Zoning District of the tract to be subdivided, with proposed building setbacks.

3-3-3-31.034 North arrow, graphic scale and date of drawing.

3-3-3-31.035 Dimensions of the tract and the gross area.

3-3-3-31.036 Topography of the tract as indicated by two (2) foot contour data for land having slopes of zero (0) to four (4) percent, five (5) foot contour data for land having slopes between four (4) to twelve (12) percent and ten (10) foot contour data for land having slopes of twelve (12) percent or greater.

- 3-3-3-31.037 Locations of existing structures, bodies of water, natural drainage ways, roads, rail lines, bridges, cemeteries and any other such existing features.
- 3-3-3-31.038 Locations and right-of-way widths of all existing and proposed streets, alleys or sidewalks.
- 3-3-3-31.039 Locations, widths and purposes of all existing and proposed easements.
- 3-3-3-31.040 Any and all proposed deed restrictions and covenants.
- 3-3-3-31.041 Location and size of any existing or proposed sanitary and/or storm sewers, water mains, and any appurtenances thereto.
- 3-3-3-31.142 Locations, types and approximate sizes of any other existing and proposed utilities.
- 3-3-3-31.143 Locations, dimensions and areas of all land to be reserved or dedicated for schools, parks/playgrounds or other public purposes.
- 3-3-3-31.144 Locations, dimensions and areas of all proposed or existing lots within the subdivision, numbered sequentially.
- 3-3-3-31.145 The location by township, range section and parcel number(s).
- 3-3-3-31.146 A flood statement regarding location of the property in respect to Special Flood Hazard Areas as identified by the Federal Emergency Management Agency.
- 3-3-3-31.147 A list, with justifications of any requested variances.
- 3-3-3-31.04 Approvals - the Administrative Officer shall within fifteen (15) business days, review the preliminary plat and approve, recommend corrections or deny approval of said plat. If correction or denial is recommended, the Administrative Officer will forward one (1) drawing along with a letter stating reasons for suggested corrections or denial to the subdivider. The

subdivider will have opportunity to furnish one (1) corrected drawing of the preliminary plat to the Administrative Officer.

- 3-3-3-31.05 Appeals - Should the subdivider feel that the Administrative Officer has acted contrary to the standards and intent of this Resolution, he may file an appeal to be heard, with the Public Works Committee of the County Board. Such an appeal will consist of a letter written to the Chairman of the Public Works Committee, requested agenda time at the next scheduled meeting of the Public Works Committee. Such letter will also state the reasoning used for the appeal. Appeals heard and decisions made by the Public Works Committee will be final.

3-3-3-32 IMPROVEMENT PLANS

After approval of the preliminary plat by the Administrative Officer, but prior to the submission of the final plat, the subdivider shall furnish four (4) copies of the plans and specifications for all improvements to be installed within or in conjunction with the proposed subdivision. The plans will be sealed by the Illinois Registered Civil or Professional Engineer responsible for their preparation. The Administrative Officer shall have no more than fifteen (15) business days to approve or recommend correction of the improvement plans. In cases where the subdivision lies within one and one half (1.5) miles of an incorporated jurisdiction(s), the plans will be approved by Officials of the incorporated jurisdiction(s). All plans such approved, will be forwarded to the Administrative Officer for incorporation into the subdivision file.

- 3-3-3-32.01 Information required - Improvement plans shall consist of black or blue line prints not larger than thirty six (36) by twenty four (24) inches. These plans and related specifications shall provide all applicable information as follows:

3-3-3-32.011 Topography of the tract, both before and after development at the same scale as required in the preliminary plat.

3-3-3-32.012 Existing and proposed elevations along the centerlines of all streets

3-3-3-32.013 Radii of all curves and lengths of tangents on all streets.

- 3-3-3-32.014 Locations, lengths, widths and typical cross-section of street pavements including curbs/gutters and catch basins.
- 3-3-3-32.015 Locations, lengths, widths and typical cross-sections of sidewalks and driveway aprons.
- 3-3-3-32.016 Locations and sizes of all water, gas, electric and other utilities.
- 3-3-3-32.017 Detailed measures to be taken to prevent and control soil erosion and sedimentation.
- 3-3-3-32.018 Other such information that the Administrative Officer may reasonably require to perform his duties under this section.
- 3-3-3-32.02 Appeals - Appeals of decisions of the Administrative Officer shall be such as shown under Section 31.05 of this Resolution.
- 3-3-3-32.03 Required Permits - Upon approval of the improvement plans, the Administrative Officer shall notify the subdivider/developer to make application for necessary permits to begin the development. Such permits **may** include the following:
- 3-3-3-32.031 Building Permit - issued by the County Zoning & Building Department
- 3-3-3-32.032 Septic/Well Permits - all plans for septic systems and wells are reviewed, permitted and approved by the County Health Department.
- 3-3-3-32.033 Road Access Permits - Issued by the Illinois Department of Transportation, County Highway Department or Township Road Commissioner.
- 3-3-3-32.034 Floodway Permits - Issued by the Illinois Department of Transportation, Division of Water Resources.

3-3-3-32.036 National Pollutant Discharge Elimination System (NPEDS) - Issued by the Illinois Environmental Protection Agency.

3-3-3-32.04 Required Inspections/Documentation - The Administrative Officer shall inspect planned improvements while they are under construction. Should it seem that the improvements are being built contrary to plan, or in violation of any article or section of this Resolution, a stop work order will be issued. The following inspections and documentation **may be** required:

3-3-3-32.041 Monument Placement - The Administrative Office will insure that monuments shown on the Final Plat of the subdivision have been set in accordance with the requirements of Illinois State Statutes.

3-3-3-32.042 Site Layout - The Administrative Officer will inspect the site of the subdivision being developed to insure that the layout of all streets, alleys, sidewalks and the like meet the approved development plan.

3-3-3-32.043 Daily Site Log - The subdivider/developer will prepare and maintain a daily log that documents required information listed below. Copies of said log will be provided to the Administrative Officer upon development completion. The following information shall be provided:

3-3-3-32.0431 Weather conditions, temperature, wind velocity and precipitation status.

3-3-3-32.0432 General site conditions.

3-3-3-32.0433 Actual hours the site is worked.

3-3-3-32.0434 Actual hours an inspector is on site.

3-3-3-32.0435 Specific information regarding any materials testing performed.

3-3-3-32.0436 Detailed descriptions of any problems occurred on site.

- 3-3-3-32.05 Streets and Alleys - for all new public streets and alleys the subdivider/developer shall document and provide copies of said documentation to the Administrative Officer that such improvement meets standards as required by the Illinois Department of Transportation. All new or proposed public or private streets and alleys shall meet design specifications as shown in Appendix 1, 2, 3, 4, and 5.
- 3-3-3-32.06 Utilities - all utilities provided as new installations within a subdivision shall be placed in the right of way or in easements, and shall be provided underground, unless a variance has been granted.
- 3-3-3-32.061 Requirements - all electric distribution circuits installed by the utility company within the County shall be installed in accordance with the Safety Rules for the Installation and Maintenance of Electric Supply and Communication Lines, U.S. Department of Commerce, National Bureau of Standards and General Order NO. 160, Rules for Construction of Electric Power and Communication Lines, Illinois Commerce Commission.
- 3-3-3-32.07 Water Facilities - all existing or proposed improvements concerning potable water facilities shall be reviewed, permitted and approved by the County Health Department.
- 3-3-3-32.08 Easements - Easements for all new subdivisions shall be provided as follows:
- 3-3-3-32.081 Utility - Ten (10) foot wide easements shall be provided for public and private utilities along the front right-of-way lines of the public streets. Easements located elsewhere shall be at least twenty (20) feet wide and if along lot lines, they shall be centered on the lot lines.

- 3-3-3-32.082 Sanitary Sewers - all easements for proposed sanitary sewers shall be reviewed and approved by the County Health Department.
- 3-3-3-32.083 Drainage - Adequate easements for storm water drainage shall be established along any natural drainage channel and in any other locations where necessary to provide satisfactory disposal of storm water from streets, alleys and all other portions of the subdivision. The precise location and minimum widths of said easements shall be determined by the Soil and Water Conservation District, County Highway Department or Township Road Commissioner.
- 3-3-3-32.09 Soil Erosion and Sedimentation Control - the subdivider/developer shall protect the development site from soil erosion and shall protect downstream property from sedimentation deposits during the construction of the subdivision. The subdivider/developer shall also employ storm water management practices to keep post-development peak discharge rates equal to pre-development rates. Practices contained in *"Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois"* shall be employed in the preparation of an erosion and sedimentation control plan which shall be approved by the Soil and Water Conservation District prior to any earth disturbing activity taking place.
- 3-3-3-32.10 Form of Assurance - the Administrative Officer shall determine the need for any special form of assurance. Generally, if the proposed subdivision requires any new streets, utilities or other improvements, a letter of credit shall be required.
- 3-3-3-32.101 Letter of Credit - the Administrative Officer shall estimate the amount of constructing improvements as shown in the approved Development Plans. This estimated amount shall be made available in the manner shown below:
- 3-3-3-32.1011 Irrevocable Letter of Credit - a commitment from a lending institution guaranteeing to the County the availability of the escrow funds from time to time

upon demand. See appendix six (6) for an approved format.

3-3-3-33 FINAL PLAT

The final plat of the subdivision shall be presented to the Administrative Officer only after formal approvals of the preliminary plat and the development plan. The Administrative Officer will have fifteen (15) business days to review the final plat to determine if it is in compliance with all requirements of this Resolution, including those listed below.

3-3-3-33.01 Filing, Time Limits - the subdivider/developer of every subdivision, who desires final plat approval shall file one (1) mylar plat and five (5) black or blue line prints of the final plat and supporting data with the Administrative Officer not later than one (1) year after formal preliminary plat approval has been granted.

3-3-3-33.02 Appeals - appeals of decisions of the Administrative Officer shall be such as shown in Section 31.05 of this Resolution.

3-3-3-33.03 Information Required - every final plat shall be prepared by an Illinois Professional Surveyor. One (1) plat shall be prepared on mylar at a scale not greater than one hundred (100) feet to one (1) inch, provided that the resultant drawing shall not be less than eight and one half (8 ½) by fourteen (14) inches and shall not exceed twenty four (24) by thirty six (36) inches. Any scale change due to drawing size limitations must be clearly marked on the final plat. The final plat shall include the following information:

3-3-3-33.031 North Arrow and graphic scale used.

3-3-3-33.032 Name of subdivider and subdivisions name

3-3-3-33.033 Accurate metes and bounds or other adequate legal description of the tract tied to a section or quarter (1/4) section corner.

3-3-3-33.034 Accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an

error of closure of not more than one (1) foot in fifteen thousand (15,000) feet and provide a copy of the closure calculations.

3-3-3-33.035 Accurate locations of all existing streets intersecting the boundaries of the subdivision.

3-3-3-33.036 Names and/or numbers and right-of-way width of every proposed street.

3-3-3-33.037 Locations, widths and purpose of any existing or proposed easement.

3-3-3-33.038 Lot numbers, lot dimensions and building set back lines for every proposed building lot.

3-3-3-33.039 External and internal boundary monument locations.

3-3-3-33.0310 Purpose for which areas, other than building lots, are reserved

3-3-3-33.0311 Restrictions of all types which will run with the land and become covenants in the deeds of all lots.

3-3-3-33.0312 Signature area for Officials as shown in Appendix seven (7).

3-3-4 FEES/AMENDMENTS

3-3-4-40 FEES - the County Board shall establish a fee schedule for subdivision activities. This fee schedule may be reviewed from time to time if requested by the Administrative Officer or other interested party. Requests for fee schedule review will be submitted to the Public Works Committee Chairman in writing. The Chairman shall request the Administrative Officer to schedule a public hearing as noted in Section 41.02 of this Resolution.

3-3-4-40.01 Schedule of fees - the following fees are adopted by the County Board:

3-3-4-40.011 Subdivisions requiring staff review and monument inspections only shall be seventy five dollars (\$75.00).

3-3-4-40.012 Subdivisions less than five (5) acres, requiring staff review, monument and development inspection shall be one hundred fifty dollars (\$150.00).

3-3-4-40.013 Subdivisions more than five (5) acres, requiring staff review, monument and development inspection shall be three hundred dollars (\$300.00).

3-3-4-40.02 Schedule of payment - fifty percent (50%) of the fee will be due upon presentation of the Preliminary Plat. The remaining fifty percent (50%) will be due upon presentation of the Final Plat. In cases where no preliminary plat is required, the entire fee will be due upon presentation of the final plat.

3-3-4-40.03 Geographic Information System (GIS) requirements - all new subdivisions shall be required to submit the line drawings for the final plat and as developed plats in digital format (digital format to be submitted as .dxf or .dwg file extensions). All plats not submitted in digital format will be submitted with a conversion fee based on the following table:

1-10 lots: \$25.00 per lot
over 10 lots: \$300.00

3-3-4-40.031 All new subdivisions of two (2) lots or more shall be required to have the monuments as shown on the final plat, located by means of Global Positioning System (GPS). Rock Island County will provide GPS identification of said monuments upon notification that monuments have been set. The fee for such service shall be \$20.00 per monument.

3-3-4-41 AMENDMENTS - The Administrative Officer shall review the effectiveness of this Resolution on an annual basis. From time to time, as is deemed appropriate, amendments to this Resolution may be presented to the Public Works Committee of the County Board.

3-3-4-41.01 Filing Procedures - the Administrative Officer or any other interested party may request an amendment to this Resolution.

Such a request shall be made in writing and addressed to the Chairman, Public Works Committee. The Chairman will review the requested amendment and advise the Administrative Officer to schedule a public hearing regarding the proposed amendment.

3-3-4-41.02 Public Hearing Procedures - the Administrative Officer shall follow the criteria listed below in scheduling and formatting the hearing:

3-3-4-41.021 Must be advertised in a publication of general circulation in the County.

3-3-4-41.022 Must not be published more than thirty (30) days nor less than fifteen (15) days prior to the hearing.

3-3-4-41.023 Written notice of such hearing, along with the requested amendments, shall be sent to the Clerks of all incorporated municipalities and villages and to all Township Supervisors within the County.

3-3-4-41.024 Testimony taken at the hearing will be recorded and made available in formal minutes to any interested party.

3-3-4-41.025 The Public Works Committee, at the conclusion of testimony, will more to approve, deny or defer decision regarding the proposal. Any such deferral will be acted upon within sixty (60) days of the date of deferral.

3-3-4-41.026 Recommendations to approve or deny will be presented at the next regularly scheduled County Board meeting, for consideration by the full County Board.

3-3-5 APPENDIXES

Appendix 1 Table of Street/Alley Design Specifications

Type	Allowed Parking	ROW	Finished Surface	Grade
Private Road*	None	60 Feet	24 Feet	Max 10%; Min 0.5%
Township Road**	None	60 Feet	36 Feet	Max 10%; Min 0.5%

Urban Streets***	None	50 Feet	32 Feet	Max 10%; Min 0.5%
Alley****	None	20 Feet	18 Feet	Max 10%; Min 0.5%

*Detailed in Appendix 2

**Detailed in Appendix 3

***Detailed in Appendix 4

****Detailed in Appendix 5

Appendix 2 Private Road - Construction Detail - see drawing

Appendix 3 Township Road - Construction Detail - see drawing

Appendix 4 Urban Street - Construction Detail - see drawing

Appendix 5 Alley - Construction Detail - see drawing

Appendix 6 Letter of Credit Format

Bank Name and Address

Irrevocable Credit # _____

Date _____

All drafts must be marked: "Drawn under Credit # _____ Dated _____."

Gentlemen:

We hereby open an Irrevocable Letter of Credit in the amount of _____
(\$ _____) in your favor for the account of (developer) _____,
the developer of (subdivision) _____, a proposed subdivision
for final plat in the County of Rock Island, Illinois, or within its territorial
jurisdiction, for the benefit of the County of Rock Island, Illinois. Said money
shall be available by your drafts at sign drawn on us drawn in the name of the
County of Rock Island, Illinois.

Drafts must be accompanied by a signed statement by the Administrative Officer
of the County of Rock Island, Illinois, that the request is for the installation or
construction of improvements required pursuant to the plans, specifications and
cost estimated dated _____, as approved by the Administrative
Officer. Further, all requests for disbursements under this Letter of Credit made
prior to _____ Shall be submitted by the developer and accompanied
by a certified estimate of units and value of work completed with contractor's
sworn statement and waiver of mechanics' liens, all approved by the Developer's
Professional Engineer and the Administrative Officer of the County of Rock
Island, Illinois. It is understood as to all disbursements that the Administrative
Officer shall approve partial drawings only as long as there remains a sufficient
balance to the Credit to cover his then current estimate of costs for the required
improvements which at the time remain to be completed, but in no case shall his
approval exceed ninety percent (90%) of the value of work completed.

In the event that all of the work for the improvements is not completed to the
satisfaction of the County on or before _____, the funds remaining
under this Letter of Credit shall be available to the County of Rock Island, Illinois,
under presentation of their draft at sign drawn on us in the name of the County of
Rock Island, Illinois. Further, such draft shall be accompanied by a signed
statement by the Administrative Officer of the County of Rock Island, Illinois as
follows: "*I _____ Administrative Officer of the County of Rock Island,
Illinois, do hereby certify that work on required improvements in the subdivision*

named _____ Has not been completed to the satisfaction of the County of Rock Island, Illinois, on or before _____."

This credit shall expire on _____; provided, however, the undersigned shall notify the Administrative Officer by certified mail, return receipt requested, at least ninety (90) days prior to the expiration date that this Letter of Credit is about to expire and provided, however, in no event shall this Credit expire except upon prior written notice, it being expressly agreed by the undersigned that the above expiration date shall be extended as shall be required to comply with this notice provision.

The undersigned further agrees that this Credit shall remain in full force and effect and pertain to any and all amendments or modifications which may be made from time to time to the specifications, and agreements for the subdivision, without notice from the County of the amendments or modifications.

All acts, requirements and other preconditions for the issuance of this Irrevocable Letter of Credit have been completed.

We hereby engage with the drawers, endorsers, and bona fide holders of drafts, drawn under and in compliance with the terms of this Credit, that same shall be honored upon presentation to the drawer. This Credit must accompany any draft which exhausts the Credit and must be surrendered concurrently with the presentation of such draft.

We hereby undertake and engage that all demands made in conformity with this Credit shall be honored upon presentation. If, within ten (10) days of the date any demand made in conformity with this Credit is presented, we fail to honor same, we agree to pay all attorneys fees, court costs, and other expenses incurred by the County of Rock Island, Illinois, in enforcing the terms of this Credit.

Dated _____ Bank _____
By _____

Attest: _____

Appendix 7 Signature Area - Final Plat

The following signature blocks must be part of the subdivision final plat:

Property Owner(s)

Illinois Professional
Surveyor

Subdivider*

Incorporated Municipality**

Approved this _____ Day of _____, A.D. _____

Rock Island County Clerk

Approved this _____ Day of _____, A.D. _____

Rock Island County Administrative Officer

*If different from owner(s).

**If required for approval.

As adopted October 18, 1994 and amended April 21, 1998

Chapter 4

Mobile Home and Mobile Home Park Code

A resolution adopting the Mobile Home and Mobile Home Park Code of Rock Island County, Illinois and providing for printing and publication thereof, and the effective date of said Code

Be it Resolved by the County Board of Rock Island County, Illinois, in open meeting this 20th day of May, 1986 as follows:

- A. That pursuant to the enabling authority set forth in Ch. 34, Section 422, Illinois Revision Statutes and Ch. 111½, Section 728, Illinois Revised Statutes, the regulations to the cited and known as "*The Mobile Home and Mobile Home Park Code of Rock Island County, Illinois*", a copy of which is attached hereto, be and hereby are adopted.
- B. That pursuant to the provisions of Ch. 34, Section 422, Illinois Revised Statutes, within thirty (30) days after the adopting of this Resolution, the Mobile Home and Mobile Home Park Code of Rock Island County, Illinois, shall be printed in pamphlet form, published under the authority of the County Board and three (3) copies thereof filed in the Office of the County Clerk. Said Code shall become effective ten (10) days after such publication and filing.

Done in Open Meeting his 20th day of May, 1986

Mobile Home and Mobile Home Park Code of Rock Island County

Section:

- 3-4-1 Authority, Title, Intent, Purpose and Definitions
- 3-4-2 General Requirements
- 3-4-3 Design Variance and Compliance by Existing Mobile Home Parks
- 3-4-4 Design and Construction Requirements
- 3-4-5 Mobile Home Park Maintenance and Operation Regulations
- 3-4-6 Tie Down Requirements
- 3-4-7 Building Permits Required

3-4-8	Penalties
3-4-9	Effective Date
3-4-10	Tables
3-4-11	Illustrations

3-4-1 AUTHORITY, TITLE, INTENT, PURPOSE AND DEFINITIONS

3-4-1-10 Authority and Title

These regulations are adopted pursuant to the enabling authority set forth in Chapter 34, Section 422, Illinois Revised Statutes and Chapter 111½, Section 728, Illinois Revised Statutes, and shall be cited and known as *“The Mobile Home and Mobile Home Park Code”* of Rock Island County, Illinois.

3-4-1-11 Intent and Purpose

The intent and purpose of this code is to promote and protect the health, safety and welfare of the citizens of Rock Island County, Illinois by providing safe, sanitary facilities for residential living in mobile home parks. Through the application and understanding of this code, the people of Rock Island County residing in mobile home parks will be provided with quality housing in an enjoyable environment.

3-4-1-12 Definitions

For the purpose of this code, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular. The word “shall” is mandatory and “may” is permissive.

3-4-1-12.1 Accessory use or building - an “accessory use or building” is a use or building on the same lot with and of a nature of customarily incidental and subordinate to, the principal use of a building.

3-4-1-12.2 Act - “Act” means the Mobile Home and Mobile Home Park Act (Illinois Revised Statutes 1983, Chapter 111½ Pars 711 et seq.)

- 3-4-1-12.3 Affidavit - “Affidavit” means an oath in writing, sworn before and attested to an individual who has the authority to administer an oath.
- 3-4-1-12.4 Applicant - “Applicant” means any person making application for a license to operate or permit to construct or alter a Mobile Home Parl.
- 3-4-1-12.5 Building - A “building” is any structure designed or built for the support, enclosure, shelter, or protection of people, animals, chattels, or property of any kind.
- 3-4-1-12.6 Building Permit - A “building permit” is a permit issued by the Zoning & Building Department for the construction of an accessory building or structure, repairs to an existing mobile home, placement of a mobile home on a space in a licensed mobile home par, including but not limited to sewer, water and heating fuel connections, electrical service and connecting wiring and/or supply cords.
- 3-4-1-12.7 Construction in a flood plain - this means the placement or erection of structures or earthworks; land filling, excavation or other non-agricultural alternation of the ground surface; installation of public utilities channel modification; storage of materials or any other activity undertaken to modify the existing physical features of a flood plain with respect to the storage and conveyance of flood waters.
- 3-4-1-12.8 County - the County of Rock Island, Illinois
- 3-4-1-12.9 Department - either the State of Illinois Department of Public Health, Rock Island County Public Health Department or the Rock Island County Zoning and Building Department, as specified.
- 3-4-1-12.10 Director - shall mean either the Director of the Illinois Department of Public Health, the Rock Island County Public Health Department Director or the Code Enforcement Administrator of Rock Island County.

- 3-4-1-12.11 Division of Water Resources - shall mean the Illinois Department of Transportation, Division of Water Resources, Department of Transportation Administration Building, Room 300, Springfield, Illinois 62764.
- 3-4-1-12.12 Flood Maps - shall mean the Flood Hazard Boundary Maps, Community Panel Numbers 170582 0001-0200 effective August 2, 1982 including revisions.
- 3-4-1-12.13 Flood way - that portion of the special flood hazard area required to store and convey the base flood.
- 3-4-1-12.14 Immobilized Mobile Home - any structure served by individual utilities and resting on a permanent foundation with wheels, tongue and hitch permanently removed, and properly secured in compliance with the Illinois Manufactured Housing and Mobile Home Safety Act (Illinois Revised Statutes 1983, Ch 67½, Pars 501 et seq.) And/or the Illinois Mobile Home Tie down Act (Illinois Revised Statutes 1983, Ch 111 ½, pars 4401 et seq.) And the Department's regulations for the Mobile Home Tie down Act (77 Illinois Administrative Code 870) in accordance with the following criteria:
- The foundation shall extend into the ground below the frost line (minimum depth is 42") so as to attach and become part of the real estate. Materials such as concrete, mortared concrete block, or mortared brick shall be used. Where the mobile home is secured to the foundation in accordance with the current Rock Island County Building Code, it shall be deemed to satisfy the requirements for a permanent foundation.
- 3-4-1-12.15 License - means a certificate issued by the Zoning & Building Department allowing a person to operate and maintain a mobile home park under the provisions of the Act and this Code.
- 3-4-1-12.16 Licensee - any person having a license or permit to construct a mobile home park under the Act and this Code.
- 3-4-1-12.17 Mobile Home - a structure, transportable in one or more sections, which is eight body feet or more in width and is thirty two (32) body feet or more in length, and which is built on a permanent

chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A travel trailer is not to be considered a Mobile Home.

- 3-4-1-12.18 Mobile Home Park - is a lot upon which two (2) or more occupied mobile home dwellings are harbored either free of charge or for revenue purposes.
- 3-4-1-12.19 Owner or Operator - means the licensee.
- 3-4-1-12.20 Permit - means a certificate issued by the Zoning & Building Department permitting the construction, alternation, reduction in number of spaces or the change in ownership of a mobile home park under the provisions of the Act and this Code.
- 3-4-1-12.21 Person - means any individual, group of individuals, association, trust, partnership, corporation, persons doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof or any other entity.
- 3-4-1-12.22 Public Bathing Beach - means any body of water, or that portion thereof used for the purpose of public swimming or recreational bathing and includes beaches at: apartments, condominiums and other groups or associations having five (5) or more living units, clubs, churches, camps, schools, institutions, parks, recreational areas, motels, hotels and other commercial establishments. It includes shores, equipments, buildings and appurtenances pertaining to such areas. It does not include bathing beaches at private residences intended only for the use of the owner and guests.
- 3-4-1-12.23 Revocation - means to declare invalid a permit or license issued to the applicant or licensee by the Zoning & Building Department for an indefinite period of time.
- 3-4-1-12.24 Space - means a site for a mobile home.
- 3-4-1-12.25 Special Flood Hazard Area - means an area having special flood hazards and shown as such on a Regulatory Flood Plain Map

(published and available from the Division of Water Resources or Flood Insurance Rate Map or Flood Hazard Boundary Map published by the Federal Insurance Administration of the Federal Emergency Management Agency).

- 3-4-1-12.26 State Flood Plain Regulations - means the rules set forth for the Regulation of Construction within the Flood Plains (92 Illinois Administrative Code 706) issued by the Division of Water Resources.
- 3-4-1-12.27 Structure - is anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, bulk storage tanks, billboards and poster panels.
- 3-4-1-12.28 Suspension - means to declare invalid a permit or license issued to the applicant or license by the Zoning & Building Department for a temporary period of time with an expectation of resumption.
- 3-4-1-12.29 Swimming Pools/Ponds, Private - is a tank or pond of water wither above or below grade level in which the depth of water exceeds eighteen (18) inches. Swimming pools, hot tubs, whirlpool baths and tabs, and Jacuzzi-type tubs or baths shall be considered “swimming pools” if they are located outside.
- 3-4-1-12.30 Swimming Pool, Public - means any artificial basin of water which is modified, improved, constructed or installed for the purpose of public swimming, and includes: pools for community use, pools at apartments, condominiums and other groups or associations having five (5) or more living units, clubs, churches, camps, schools, institutions, YMCA’s, YWCA’s, parks, recreational areas, motels, hotels, and other commercial establishments. It does not include pools at private residences intended only for the use of the owner and guests.
- 3-4-1-12.31 Travel Trailer - is a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

3-4-1-12.32 Unsafe Building or Structure - are buildings or structures which have structural defects or are not provided with adequate egress, light and ventilation, or have extensive fire damage or are otherwise constituting a hazard to safety, health or public welfare.

3-4-2 GENERAL REQUIREMENTS

3-4-2-20 PLANNING

Any person, firm, or corporation seeking to establish, maintain, conduct, operate or alter a mobile home park shall obtain a permit to construct or a permit to alter and an original license or a supplemental license to operate a mobile home parl.

3-4-2-20.1 APPLICATION

- A. All applications for license shall be filed with the Zoning & Building Department on forms prescribed, prepared and furnished by the Department. The application shall contain such information as will be required by the Department for the proper administration and enforcement of the Act and this Code.
- B. Every applicant shall file with the Zoning & Building Department a written application, in triplicate, and plan documents for the proposed construction or alteration of a mobile home park.
- C. Applications shall be completed by the applicant or an engineer or architect who is registered and licensed to practice in the State of Illinois, pursuant to Section Four of the Act.
- D. Application for permit or license shall be made according to the requirements set forth in Section Four of the Mobile Home and Mobile Home Park Act (Illinois Revised Statutes, 1983, Chapter 111 ½ Paragraph 714).
- E. Each applicant shall include an application fee of one hundred dollars (\$100.00) for a permit to construct; or an application fee of fifty dollars (\$50.00) for a permit to alter or increase the size of the park. No application fee shall be required where the alteration involves a reduction in the number of mobile home spaces or any change not increasing the spaces in the park. The application fee

once paid to the Zoning & Building Department shall not be refunded.

- F. In addition to the permits and fees covered in Sections A through E above, building permits will be required for any new buildings or structures erected in the mobile home park. (Refer to Rock Island County Building Codes.)

3-4-2-20.2 Permits - The Zoning and Building Department shall review such application and plan documents pursuant to Article IV and Article V of this Code and shall issue permits as specified in Section 5 of the Mobile Home and Mobile Home Park Act.

3-4-2-20.3 LICENSE -

- A. Upon completion of the proposed construction of a mobile home park or the proposed alteration of a mobile home park, the applicant shall notify the Zoning & Building Department of Rock Island County and the Department of Public Health for the State of Illinois in order that an inspection of the completed facilities can be made. A license shall be issued by the Zoning & Building Department upon verification that the construction is in accordance with plans previously submitted, reviewed and approved pursuant to Article IV and V of this Code by the Zoning & Building Department, and providing all zoning approvals are obtained and the mobile home park is otherwise in compliance with the Act and this Code.
- B. An existing mobile home park, not previously licensed by the Zoning & Building Department, must comply with the Mobile Home and Mobile Home Park Act and this Code. A license shall be issued up on verification by the Zoning & Building Department that the mobile home park is in compliance with the Act and this Code.
- C. No license shall be issued unless the requisite fee established pursuant to Section 6 of the Act has been paid to the Zoning & Building Department.
- D. Annual License fee. In addition to the application fee provided for herein, the licenses shall pay the Administrative Officer of the Zoning & Building Department on or before June 30th of each year an annual fee which shall be fifty dollars (\$50.00) provided

however, that subsequent to the above date, any applicant for an original license to operate a new mobile home park constructed under a permit issued by the Zoning & Building Department shall only be required to pay one half (1/2) the annual fee.

3-4-3 DESIGN VARIANCES AND COMPLIANCE BY EXISTING
MOBILE HOME PARKS

3-4-3-30 COMPLIANCE - all existing mobile home parks shall be required to comply with this Code with the following exceptions:

- A. Changes shall not be required on items of construction that were completed in accordance with an approved permit to construct or permit to alter or were previously accepted under an original license to operate issued by the Zoning & Building Department unless such items create a significant health or safety problem including but not limited to sewage systems or water supplies, as determined by an inspection by the Zoning & Building Department or County Health Department utilizing the standards set forth in the Private Sewage Disposal Code (77 Illinois Administrative Code 905), the Department's rule for Drinking Water Systems (77 Illinois Administrative Code 900), and the Water Well Construction Code (77 Illinois Administrative Code 920) and the Water Well Pump Installation Code (77 Illinois Administrative Code 925).
- B. The Zoning & Building Department shall issue waivers allowing construction at less than the requirements set forth in this Code provided such waivers are necessary to enable the new construction to be compatible with the existing portion of the mobile home park is such waivers will not create significant health or safety problems as determined by data, calculations, plans or specifications which support the waiver request. Said waiver must first be approved by the Department of Public Health, State of Illinois, prior to requesting approval from the Zoning & Building Department of Rock Island County.

3-4-4 DESIGN AND CONSTRUCTION REQUIREMENTS

3-4-4-40 PLAN DOCUMENT - in order to obtain a permit to construct or alter or an original license to operate a mobile home park not previously licensed by the Zoning & Building Department, the

applicant shall submit to the Zoning & Building Department a written application with two (2) copies of the plan documents. The plans shall include the following design and construction criteria:

- A. Plans and specifications for all buildings, such as service buildings containing community kitchens, dining rooms, laundries, and lavatory and toilet facilities shall be included.
- B. All plumbing within a service building shall comply with the Illinois State Plumbing Code (77 Illinois Administrative Code 980). All electrical and heating installations shall be made in accordance with existing municipal and county building codes and other various codes specified in this Code.
- C. All mobile home park construction activities in flood plains under the jurisdiction of Rock Island County shall be built in accordance with the flood damage prevention standards of the County Flood Plain Regulations and the Illinois Department of Transportation, Division of Water Resources.
- D. When mobile home park construction activities are proposed in a flood plain, the applicant shall contact the Zoning & Building Department to discern if the site is a Special Flood Hazard Area. Determination of the Special Flood Hazard Area locations shall be made by utilizing the Rock Island County Flood Maps. If the site is located in such an area, plans for the project to be located in a Special Flood Hazard Area will not be approved within a statement from the Division of Water Resources' Chief Flood Plain Management Engineer that it complies with the requirements of Executive Order No. 79-4.

3-4-4-40.1 LOCATION - Sites selected for mobile home development shall be well drained and free from topographical or geographical hindrances. When natural drainage is not available, a storm drainage system shall be provided so that storm water will not endanger any water supply or surface water course.

- A. No mobile home park may be located within an identified flood way. (Refer to Section 135.075 of the Rock Island County Zoning Resolution.)

3-4-4-40.2 ROADWAYS AND PARKING

- A. All streets in every park shall be constructed and maintained in a passable and dust-proof condition at all times. All streets shall have a minimum width of 24 feet.
- B. All streets in mobile home parks shall provide vehicular traffic flow in accordance with the specifications in Table A.
- C. No portion of a mobile home shall block, in any way, the pedestrian traffic on walkways.

3-4-4-40.3 MOBILE HOME SITES AND SPACING

- A. Each mobile home site or space constructed after August 21, 1967 shall be provided with a minimum of 2,100 square feet.
- B. No mobile home shall be parked closer than five (5) feet to the side lot lines of a park, or closer than ten (10) feet to a public street, alley or building. Each individual site shall abut or face on a private or public driveway or roadway. There shall be an open space of at least ten (10) feet adjacent to the sides of every mobile home and at least ten (10) feet adjacent to the ends of every mobile home.
- C. All mobile home sites, irrespective of shape, shall have a minimum frontage of twenty-five (25) linear feet.
- D. Pads, runners, or piers of suitable construction material such as, but not limited to, concrete or cement blocks shall be provided for each lot.
- E. All sites shall be constructed to allow the mobile home to be tied down in accordance with the Illinois Mobile Home Tie down Act (Illinois Revised Statutes 1983, Chapter 111 ½ Paragraph 4401 et seq.) and the rules promulgated thereunder (77 Illinois Administrative Code 870).
- F. The exterior construction material of other than the mobile home itself, including but not limited to storage facilities, mobile home skirting, and underpinning shall be of a fire resistant material meeting ASTM E84 (American Society of Testing and Materials:

Standard Method of Test for Surface Burning Characteristics of Building Materials, 1981) surface flame spread rating of two hundred (200) or less as stated in the Manufactured Home Construction and Safety Standards, 24 CFR 3280 (June 15, 1976). ADTM E84 (1981) is available from the American Society of Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19101 and does not include any later amendments or editions.

3-4-4-40.4 POTABLE WATER SUPPLY - (requirements in Section 40.4 through 40.8 of this Article are regulated by the Illinois Department of Public Health)

- A. All mobile home parks licensed for thirteen (13) spaces or more and served by their own water supply source shall be considered to have a community public water system under the jurisdiction of the Illinois Environmental Protection Agency. Permits shall be obtained from that agency prior to constructing any portion of the water supply and/or distribution system.
- B. All water supplies for a mobile home park must be capable of providing at least two-hundred fifty (250) gallons per space per day and shall come from sources that comply with the State Department's rules for Drinking Water Systems (77 Illinois Administrative Code 900).

3-4-4-40.5 DISTRIBUTION SYSTEM

- A. Potable water distribution systems shall be designed and constructed in accordance with the State Department's regulations for Drinking Water Systems. All plumbing shall be installed in accordance with the Illinois State Plumbing Code.
- B. The inside diameter for the pipe required shall be proportional to the length of the main in accordance with Table B.
- C. The distribution system shall supply water at a minimum pressure of twenty (20) pounds per square inch (psi) during periods of peak demand and usage. When water pressure in the system exceeds eighty (80) psi, a water pressure reducing valve shall be installed. The distribution system shall be looped whenever possible and dead end mains shall be equipped with flush hydrants or equivalent.

- D. A water service connection shall not be less than 3/4 inch inside diameter and shall not serve more than one (1) mobile home at any time.
- E. All water risers shall be at least 3/4 inch in diameter and terminate at least four (4) inches above finished ground level or two (2) inches above encasement. (See Illustration A.)
- F. On new installations, water supply outlets at each mobile home site shall be separated not less than ten (10) feet horizontally from the sewer outlet.
- G. All corporation stops and valve cocks shall be approved and installed pursuant to the Illinois State Plumbing Code. Combination stop and waste valves shall not be installed in an underground service pipe.

3-4-4-40.6 SEWAGE DISPOSAL SYSTEM (State Department of Public Health and County Health)

- A. All raw or partially treated sewage within a mobile home park shall discharge into a municipal sewerage system or sewage disposal system approved by the Illinois Environmental Protection Agency or into a private sewage disposal system constructed in accordance with the Illinois Private Sewage Disposal Licensing Act (Illinois Revised Statute, 1983 Chapter 111 ½ Paragraphs 116.301 et seq.) and Sewage disposal Code (77 Illinois Administrative Code 910).
- B. A permit must be obtained from the State Department of Public Health to construct a mobile home park sewage disposal system designed to discharge to a subsurface seepage field or designed for approved surface discharge or less than 1,500 gallons per day. Permits will be granted in accordance with the standards set forth in the "Private Sewage Disposal Code". (77 Illinois Administrative Code 905.30, 905.50 and 905.60)
- C. If a mobile home park sewage disposal system is designed for surface discharge of 1,500 or more gallons per day, a permit for construction must be obtained from the Illinois Environmental Protection Agency pursuant to Section 12 of the Illinois

Environmental Protection Act (Illinois Revised Statutes 1983, Chapter 111 ½, paragraph 1012).

- D. If existing sewage disposal systems discharge partially treated sewage in mobile home parks, it shall be reconstructed in compliance with the Illinois Private Sewage Disposal Licensing Act and the Department's Private Sewage Disposal Code or meet the requirements of the Illinois Environmental Protection Act (Illinois Revised Statutes 1983 Chapter 111 ½ Paragraph 1001 et seq.).
- E. When treatment facilities are designed for a mobile home park, they shall be based on the maximum number of mobile home spaces and designed and constructed on the basis of 250 gallons per space per day.
- F. At all sewer connections, the sewer riser shall be four (4) inch diameter and extend at least four (4) inches above the ground. The connection between the riser and mobile home sewer shall be water and odor tight. (See Illustration B)
- G. Waste drain lines from the mobile home outlet to the receiving sewer shall be of a material in accordance with the Illinois State Plumbing Code and shall be installed with a minimum slope of 1/8 inch per foot toward the receiving sewer and shall be adequately supported to ensure proper drainage.

3-4-4-40.7 SEWAGE COLLECTION SYSTEM (State Department of Public Health and County Health)

- A. New or altered sewage collection systems shall be designed so as not to conflict with Section 40.4 of this Code. Distances between sewage collection systems and potable water systems shall be maintained in accordance with the Department's rules for Drinking Water Systems (77 Illinois Administrative Code 900).
- B. The minimum design and slope of new sewer installations shall be determined in accordance with Table C.
- C. On new installations, manholes shall be provided at every change in direction or grade, at the upper end of every main sewer line, at every junction of two or more branch sewers, and at intervals of not

more than four hundred (400) feet. Cleanouts extending to grade may be used instead of manholes on sewer lines no greater than eight (8) inches in diameter, and shall be at intervals of not more than one hundred (100) feet.

3-4-4-40.8 SOLID WASTE DISPOSAL (State Department of Public Health and County Health)

- A. All garbage and refuse shall be stored in fly proof and watertight containers, except when an incinerator device is used in accordance with the Illinois Environmental Protection Act (Illinois Revised Statutes 1983, Chapter 111 ½, paragraphs 1001 et seq.).
 - A. Garbage containers shall be emptied at least once a week, not filled to overflowing, or allowed to become odorous or breeding area for insects.
 - B. Garbage and rubbish shall be disposed of without creating a nuisance or menace to health.
 - C. Individual refuse containers shall be located at each space or bulk containers shall be located within 150 feet from any mobile home.
 - D. All containers shall be stored at least eight (8) inches off the ground surface or on an impervious slab.
 - E. All refuse, which includes garbage, rubbish, all tin cans, shall be stored in a durable, rust resistant, non-absorbent, water-tight and rodent proof container having a tight fitting lid. The container shall be maintained in a sanitary condition and in good repair at all times.
 - F. The minimum capacity for refuse containers shall be equivalent to forty (40) gallons per mobile home per week when a centralized collections system is utilized.
 - G. Additional containers shall be required by the Department when refuse continuously exceeds the specified capacity of forty (40) gallons per mobile home per week.
- B. Paper and plastic bags, designed and meant specifically for solid waste and that can be sealed to prevent odor and insect breeding, may be used on occasion as a supplement to basic storage containers provided they are kept properly closed and sealed to prevent entry of insects and rodents when not in use, attached to a holder, properly stored at least eight (8) inches above ground to prevent scattering by

animals or humans, and provided no evidence of rodent activity is observed.

- C. The collection of all solid waste shall be performed by a public or private disposal contractor, if the service is not performed by park personnel.

3-4-4-40.9 FIRE PROTECTION

- A. Each mobile home in a mobile home park shall be equipped with fire extinguishers in working order; one in each end of the mobile home in accordance with Section 9.9 of the Act,
- B. Bales of straw or other flammable material shall not be used for skirting or insulation of the mobile home.

3-4-4-40.10 EXTERIOR LIGHTING

- A. Electrical distribution for electrical lighting systems shall be constructed and maintained in accordance with the safety provisions of the National Fire Protection Association , National Electric Code, NFPA 70 (1984). The NFPA 70 (1984) is available from the Rock Island County Zoning & Building Department.
- B. There shall be an average illumination level at least 0.6 foot candle and a minimum illumination level of 0.3 foot candle maintained in all areas of the mobile home park. To achieve this level of illumination, the Zoning and Building Department recommends the use of a 175 watt mercury/vapor lamp or a 600 watt tungsten lamp, at an elevation of 25 feet, every 250 feet. Individual yard lights have an average equivalent illumination of a 40 watt electric light bulb per space, will be acceptable in lieu of a central lighting system.

3-4-4-40.11 VECTOR CONTROL

- A. Insect and rodent control measures shall be employed by the mobile home park owner. All buildings shall be insect and rodent proof and rodent harborages shall not be permitted to exist in the park or pathways.

- B. The mobile home park owner or manager shall maintain and supervise the park to minimize the potential for transmission of disease by vectors as a result of inspect breeding and rodent harborage. Drainage to prevent ponding of water shall be maintained. Tires, open containers or vessels subject to collecting and holding water shall not be permitted measures shall be taken to control weed and grass growth. Firewood shall be stored in stacks at least six (6) inches above the ground or directly on an impervious surface. Bales of straw or similar material shall not be used as insulation or sheathing material.
- C. Animal retention areas must be cleaned daily of excrement, food and debris.

3-4-4-40.12 ELECTRICAL DISTRIBUTION

- A. All electrical distribution systems in mobile home parks shall be designed, constructed and maintained in accordance with the safety provisions of the National Fire Protection Association, National Electrical Code (NFPA 70, 1984). Wherever the requirements of local codes and ordinances differ with these regulations, the more stringent requirements shall apply.
- B. Mobile home park electrical wiring systems shall be calculated on basis of not less than 16,000 watts (at 115/230 volts) per each mobile home service. The demand factors which are set forth in Table D shall be considered the minimum allowable demand factors which shall be permitted in calculating the load on feeder or service entrance conductor. No demand factor shall be allowed for any other load.
- C. Mobile home lot feeder circuit conductors shall have capacity for the loads supplied and shall be rated at not less than 100 amperes at 115/230 volts. The mobile home lot feeder assembly shall be connected to the mobile home service equipment by a permanent wiring method.
- D. Power outlets used as mobile home service equipment shall also be permitted to contain receptacles rated up to 50 amperes with appropriate overcurrent protection. Fifty ampere receptacles shall

conform to the configuration as approved by the National Electrical Code (1984).

- E. Additional receptacles shall be permitted for connection of electrical equipment, located outside the mobile home and all such 120-volt, single-phase 15 and 20 ampere receptacles shall be protected by approved ground-fault circuit protection for personnel.
- F. The mobile home service equipment shall be located adjacent to the mobile home. In cases of electrical service of 50 amperes or less, the power supply to the mobile home shall be by a mobile home power supply cord as approved by Article 339 of the NFPA National Electrical Code. Where the calculated load exceeds 50 amperes, the supply shall be by means of four (4) continuous, insulated, color-coded feeder conductors, one of which shall be an equipment grounding conductor.
- G. Underground electrical conductors of the direct burial type shall be an approved Type UF (Underground Feeder) Cable of the moisture resistant type which is suitable for branch circuit wiring or one which is approved for the purpose according to Article 400 of the NFPA National Electrical Code. The ampacity of the type UF Cable shall be that of 60°C (140°F) conductors. In addition to the insulated conductor, the cable shall be permitted to have an insulated or bare conductor for equipment grounding purposes only, in a size approved according to Article 400 of the NFPA National Electrical Code. The overall covering shall be flame retardant, moisture resistant, fungus resistant, corrosion resistant and suitable for direct burial in the earth.
- H. Where single conductor cables are installed, all cables of the feeder circuit, sub-feeder circuit or branch circuit, including the neutral conductor if any, shall be run together in the same trench or raceway.
- I. Direct or burial UF Cable used for main and branch feeders shall be buried in a minimum of 24 inches below ground surface. Conductors, servicing the mobile home service equipment and the mobile home shall be buried a minimum of 12 inches below ground surface. Conductors emerging from the ground shall be protected

from damage by enclosed raceways. Raceways shall be of rigid, corrosion-resistant metal conduit, PVC Schedule 80, or equivalent.

- J. A box or fitting shall be used at all conductor splice connections, junction points, service equipment and receptacles. Boxes, installed outdoors, shall be of corrosion-resistant materials and approved as “Raintight” or “Outdoor Type”. Boxes shall be secured and supported. Metal boxes shall be grounded according to the National Electric Code (NFPA 70, 1984). Conductors entering boxes and fittings shall be effectively closed to afford protection.
- K. Mobile home electrical service equipment installations and appurtenances shall be so designed to service the mobile homes in accordance with Article 550, National Electrical Code (1984) requirements for grounding and bonding.

3-4-4-40.13 FUEL SUPPLY AND STORAGE - all handling and storage of natural gas, liquefied petroleum gas (LPG), fuel oil, or other flammable liquids or gases shall be installed and maintained in accordance with applicable state and local government codes and regulations. The Illinois Fire Marshall is the regulatory agency for safe fuel storage and handling systems, and the applicable regulations are the current National Fire Protection Association Standards; NFPA 31 (1983) “Installation of Oil Burning Equipment”, NFPA 54 (1980) “National Fuel Gas Code”, and NFPA 58 (1983) Liquefied Petroleum Gases: Storage and Handling”. The placement of LPG or fuel oil containers inside or beneath any mobile home, storage cabinet, carport, or any other structure shall be governed by local or municipal ordinance. Containers of fuel shall be at least five (5) feet from any mobile home door or exits and placed on stands constructed of a noncombustible material.

3-4-4-40.14 SWIMMING POOLS AND BEACHES - if approved, shall be constructed and operated in accordance with the State Department of Public Health’s Minimum Sanitary Requirements for the Design and Operation of Swimming Pools and Bathing Beaches (77 Illinois Administrative Code 820), as prescribed under the Swimming Pool and Bathing Beach Act (Illinois Revised Statutes 1983, Chapter 111 ½ Paragraphs 1201 et seq.). Separate [plans and specifications are to be submitted to the State

Department of Public Health for approval, based upon the Swimming Pool and Bathing Beach Act and regulations promulgated thereunder, prior to construction.

3-4-4-40.15 SWIMMING POOL FENCES - no public or private swimming pool shall be erected unless the same be entirely enclosed by buildings, fences or walls not less than five (5) nor more than seven (7) feet in height and of such construction that a child may not reach the pool from the street or from any adjacent property without opening a door or gate or scaling a wall or fence. Holes or openings in the fence shall be four (4) inches or less. Such fences or walls shall be equipped with self latching gates or doors. The latching device shall be located not less than four (4) feet above the ground and shall be of a type that can be locked. All exterior doors or gates shall be kept locked at all times when not properly supervised by an adult having direct control over the activities herein. Swimming pool fences are in addition to individual site fences covered elsewhere in this Code.

3-4-5 MOBILE HOME PARK MAINTENANCE AND OPERATION REGULATIONS

3-4-5-50 RESIDENT RIGHTS AND DUTIES - Upon initial admittance to the mobile home park, the mobile home park owner or manager shall notify the mobile home residents of all applicable provisions of the Mobile Home and Mobile Home Park Act and this Code and inform them of their duties and responsibilities required therein.

3-4-5-50.1 LOCAL MOBILE HOME PARK RULES AND REGULATIONS

A. The mobile home park owner shall draft and adopt a separate set of rules and regulations governing the maintenance of the mobile home park to keep its facilities and equipment in good repair and in clean and sanitary condition as required by this Code. Under these rules and regulations, the mobile home park owner or manager shall identify the responsibilities of the management to the mobile home owner and shall further identify the responsibilities of the resident in the mobile home park as required by the Mobile Home Park Landlord and Tenant Act (Illinois Revised Statutes, 1983, Chapter 80, Paragraphs 201 et

seq.) and the Illinois Mobile Home Tiedown Act (Illinois Revised Statutes, 1983, Chapter 111 ½, Paragraphs 4401 et seq.).

- B. The local rules and regulations established by the mobile home park owner or manager shall contain, but not be limited to, the control of pets, the storage of refuse and garbage, the design and construction of auxiliary structures, acceptable material for skirting and awnings, the control of inoperable, unlicensed or abandoned automobiles, the policy of performing vehicle repairs, the control of the growth of weeds and grass, control of insects, rats and mice and all other rules and regulations necessary to maintain the mobile home park, its facilities and equipment in good repair and in a clean and sanitary condition.
- C. A copy of the Illinois Mobile Home and Mobile Home Park Act and this Code must be on file at the manager's office for the use of the residents of the park.
- D. The local rules and regulations, established by the mobile home park owner or manager, shall not relieve the owner or manager of compliance with the Illinois Mobile Home and Mobile Home Park Act and this Code.

3-4-5-50.2 ADEQUATE SUPERVISION AND INSPECTION

- A. The person to whom a license for a mobile home is issued or caretaker shall provide adequate supervision to maintain the mobile home park in compliance with the Illinois Mobile Home and Mobile Home Park Act and Mobile Home Tiedown Act (Illinois Revised Statutes, 1983, Chapter 111 ½, Paragraphs 4401 et seq.) and applicable provisions of the Mobile Home Landlord and Tenant Act (Illinois Revised Statutes, 1983, Chapter 80, Paragraphs 201 et seq.).
- B. The mobile home park owner or caretaker shall conduct inspections to insure facilities, equipment, services, and maintenance are being performed in a satisfactory manner and in compliance with aforementioned Acts and their pursuant regulations.

- C. The facilities and equipment of all service buildings shall be maintained in a sanitary condition and kept in good repair.
- D. The correction of all deficiencies noted by the mobile home park owner or caretaker must be accomplished within five (5) working days, unless specified by the owner or caretaker.

- 3-4-5-50.3 SITE NUMBERS - the mobile home park owner or caretaker shall maintain a plot plan of the park at the custodian's office, with all sites numbered or marked distinctly. All sites shall also be specifically numbered for identification purposes.
- 3-4-5-50.4 INSPECTION DOORS - when mobile home skirting is installed, a sliding or hinge type of inspection door must be provided for use by the Zoning & Building Department. The inspection door must be a minimum of 24 inches in width and be located near the sewer riser.
- 3-4-5-50.5 FENCING - fencing of individual sites, where permitted by the park owner, shall not exceed 3.5 feet in height and shall provide open space available for fire protection.
- 3-4-5-50.6 ABANDONED AUTOMOBILES OR EQUIPMENT - any abandoned automobile or piece of equipment having the appearance of being abandoned shall be removed from the park. The storage of unused or not currently licensed vehicles and the performance of major automotive repairs shall not be permitted within the mobile home park. Abandoned automobile removal shall comply with the application provisions of the Illinois Vehicle Code (Illinois Revised Statutes, 1983, Chapter 95 ½, paragraphs 4-201 et seq.)
- 3-4-5-50.7 STORAGE - Park residents shall not store household appliances, refrigerators, furniture or similar items outside the mobile home.
- 3-4-5-50.8 UNSAFE BUILDINGS OR STRUCTURES - shall be removed from the Mobile Home Park within then (10) days after notification by the Zoning & Building Department that

said unsafe building or structure is declared unsafe. A Mobile Home or accessory structure damaged by fire beyond fifty percent (50%) of its retail value prior to the fire, is for the purpose of this section, considered an unsafe building.

3-4-6 MOBILE HOMES REQUIRED TO BE TIED DOWN

- A. Every mobile home located in a licensed mobile home park in Rock Island County, Illinois on or after January 1, 1980, or which is moved from lot to another late after that date, shall be secured by the use of tie-down equipment.
- B. The rules and regulations promulgated by the Illinois Department of Public Health, pursuant to the Illinois Mobile Home Tie Down Act, shall be the minimum requirements for tie-down equipment and installation.
- C. The rules and regulations promulgated by the Illinois Department of Public Health, pursuant to the Illinois Mobile Home Tie-Down Act, are set forth in their entirety as Article VI, Section 60.1 of this Code and are specifically made a part of this Code.

3-4-6-60.1 RULES AND REGULATIONS - the following documents are from the original printing of this Ordinance in January, 1986.
The Statutory authority and rules and regulations remain in place.

- A. Statutory Authority – the Statute reprinted in this pamphlet are from the 1979 Illinois State Bar Edition, Illinois Revised Statutes, as published by West Publishing Company; St. Paul, Minnesota. The Department's appreciation is expressed to the West Publishing Company in granting permission to reprint such statutes for the convenience of the Department and the Public.

B. Certification of Rules and Publication of Same

C. Table #1 Minimum Number of Ties Required per Side

Length of MH (Ft)	Single		Double Wides	
	# Vertical Ties	# Diagonal Ties	# Diagonal Ties	# Diagonal Ties
32-50	2	2	2	2
51-75	2	3	3	3
76-	2	4	4	4

Caution - See Rule 5.02 Frost Heave

3-4-7 BUILDING PERMITS REQUIRED

3-4-7-70 BUILDING PERMIT REQUIREMENTS

3-4-7-70.1 No person, firm or corporation shall locate a mobile home in any licensed mobile home part in the unincorporated areas of Rock Island County before acquiring a building permit to locate said mobile home and make service connections thereto. A fee of fifteen dollars (\$15.00) shall be submitted with each application for a building permit.

3-4-7-70.2 No mobile home located in a licensed mobile home park in the unincorporated areas of Rock Island County shall be occupied until it is determined by the Zoning & Building Department that the mobile home is located in compliance with all applicable codes and regulations of Rock Island County.

3-4-8 PENALTIES

3-4-8-80 FINES

3-4-8-80.1 All violations of this code shall be punished by a fine not to exceed five hundred dollars (\$500.00) as authorized by Chapter 34, Section 437, Illinois Revised Statutes.

3-4-9 EFFECTIVE DATE

3-4-9-90 PUBLICATION

- 3-4-9-90.1 Pursuant to the provisions of Chapter 34, Section 422, Illinois Revised Statutes, within thirty (30) days after the adoption of this code, it shall be printed in pamphlet form, published under the authority of the County Board, and three (3) copies thereof filed in the Office of the County Clerk. This Code shall become effective ten (10) days after such publication and filing.

TABLE A
Road Width for Parking

Road Width	Parking
24 Feet	No parking on streets - two-way traffic
30 Feet	Parking one side of street
36 Feet	Parking two sides of street

TABLE B
Distribution System Piping

Size of Main (Inside Diameter)	Max # of MH that may be serviced	Max length of Main installed (feet)
2"	20	600
3"	60	1800
4"	120	3600
6"	400	12000

Note: If local requirements exceed the above sizes, the local standards will apply.

TABLE C
Minimum Size and Slope of Sewer Mains*

# of Spaces	Sewer Inside Diameter - Inches	Min. Slope per Foot
1-125	6	1/8"
more than 125	8	1/8"

*Exclusive of laterals serving individual mobile homes.

TABLE D
Demand Factors for Feeder and Service Entrance Conductors

# of Mobile Home Lots	Demand Factor (Percent)
1	100
2	55
3	44
4	39
5	33
6	29
7-9	28
10-12	27
13-15	26
16-21	25
22-40	24
41-60	23
61 and over	22

The demand factor for a given number of lots shall apply to all lots indicated.

Example: 20 lots calculated at 25% of 16,000 watts results in a permissible demand of 4,000 watts per lot or a total of 80,000 watts for 20 lots.

Illustration A

Illustration B

Chapter 5A

Pollution Control Facility

An Ordinance Providing for a Fee to Cover the Reasonable and Necessary Costs Incurred in Pollution Control Siting Review Proceedings

SECTION

3-5A-1 Preambles

3-5A-2 Filing Deposit

3-5A-1 PREAMBLES

WHEREAS, the provisions of 415 ILCS 5/39(c) provide that no permits for the development or construction of new pollution control facilities may be granted by the Environmental Protection Agency unless the locations thereof have been approved by the County Board of the County in which the proposed sites are located, if an unincorporated area of the County; and

WHEREAS, the provisions of 415 ILCS 5/39.2 set forth the criteria which must be met before local siting approval shall be granted, and provides for hearings related to approving siting; and

WHEREAS, the provisions of 415 ILCS 5/39.2(k) authorizes a County Board to charge applicants for siting review a reasonable fee to cover reasonable and necessary costs incurred in the siting review process; and

WHEREAS, the costs of processing an application could include such items as site inspection, clerical expense, copying costs, court reporter expenses, transcription costs, fees of consultants, such as engineers, planners, appraisers and environmental counsel and hearing officer compensation, among other things.

BE IT ORDAINED, by the County Board of Rock Island County, Illinois, in open meeting this 20th day of May, 1997, as follows:

3-5A-2 FILING DEPOSIT

- A. Each applicant for siting approval of a pollution control facility in Rock Island County must, at the time of filing the application for site approval, pursuant to 415 ILCS 5/39.2, deposit with the County Board a filing fee

deposit of Seventy Five Thousand dollars (\$75,000.00). If the proposed facility is intended to be a Hazardous Waste Disposal Site, the filing fee deposit shall be One Hundred Twenty Five Thousand dollars (\$125,000.00).

- B. That pursuant to the provisions of 415 ILCS 5/39.2 (e), in the event an applicant files an amended application in the manner allowed by law, such shall be accompanied by an additional filing fee in the amount of Twenty Five Thousand Dollars (\$25,000.00)
- C. The applicable filing fee is intended to defray the reasonable and necessary costs of processing the application, including but not limited to, cost of site inspection, clerical expenses, copying costs, space rental, hearing officer compensation, court reporter expenses, transcription costs, staff review expenses, Special Prosecutor expenses, and consulting fees, such as charged by Engineers, planners, appraisers and environmental counsel.
- D. That in the event there are funds remaining in the filing fee deposit after payment of the County's costs and expenses, such shall be refunded to the applicant without interest, upon final resolution of the application process including any and all types of administrative or judicial review.
- E. That in the event the County incurred additional costs in excess of the filing fee deposited, the applicant will be responsible therefore, and shall promptly pay over such amounts to the County, upon request or demand.
- F. Upon receipt any and all fees required by the provisions of this Ordinance shall be deposited in a special account in the County Treasury to be paid out by the County Treasurer upon order of the County Board. Such fees shall not be expended for any purpose not authorized by this Ordinance.
- G. This Ordinance shall become effective immediately upon its adoption and shall repeal the provisions of any and all Ordinances, or parts thereof, which conflict with the Ordinance.

Done in open meeting this 20th day of May, 1997

Chapter 5B

ORDINANCE NO. 2007-0327

AN ORDINANCE ESTABLISHING A PROCEDURE FOR NEW POLLUTION CONTROL FACILITY SITE APPROVAL REQUESTS IN ROCK ISLAND COUNTY, ILLINOIS.

Section:

3-5B-1	Definitions
3-5B-2	Application
3-5B-3	County Review
3-5B-4	Pre-hearing Filings
3-5B-5	Public Hearing
3-5B-6	Public Comment
3-5B-7	Record
3-5B-8	Site Approval Design
3-5B-9	Ex-Parte Communications Prohibited
3-5B-10	Administration of Fees and Costs
3-5B-11	Severability
3-5B-12	Effective Date

WHEREAS, the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.* (“Act”), restricts the authority of the Illinois Environmental Protection Agency (“Agency”) to issue permits for the development or construction of new pollution control facilities in unincorporated areas of counties unless the permit applicant submits proof to the Agency that the location of the new pollution control facility has been approved by the county board of the county where the facility will be located; and

WHEREAS, said Act requires an applicant to file a request for site approval with the county board of the county where the facility will be located; and

WHEREAS, said Act requires the county board to hold at least one public hearing no sooner than 90 days, but no later than 120 days from receipt of the request for site approval, such hearing to be preceded by notice as provided in the Act; and

WHEREAS, said Act provides that the public hearing shall develop a record sufficient to form the basis of appeal of any decision, and that appeals shall be based exclusively on the record; and

WHEREAS, said Act provides that any person may file written comment with the county board concerning the appropriateness of the proposed site; and that the county board shall consider any comment received or postmarked not later than 30 days after the date of the last public hearing; and

WHEREAS, decisions of the county board with respect to requests for site approval for new pollution control facilities are quasi-judicial determinations, and, therefore, are required to be based solely upon the evidence received at said public hearing and the written comments from persons received or postmarked not later than 30 days after the date of last public hearing; and

WHEREAS, decisions of the county board regarding such matters are required to be in writing, specifying reasons for the decision, and must be made within 180 days after the filing of the request for site approval has been filed; and

WHEREAS, by its terms said Act supersedes local zoning ordinances and requires the county board to evaluate requests for site location approval for a new pollution control facility only if the proposed facility meets the following criteria:

- A. The facility is necessary to accommodate the waste needs of the area it is intended to serve;
- B. The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- C. The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
- D.
 - (i) For a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year flood plain, or the site is flood-proofed;
 - (ii) For a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year flood plain, or if the new facility is an expansion beyond the boundary of a currently permitted sanitary landfill or waste disposal site as described in subsection (b)(3) of Section 22.19a of the Act, the site is flood-proofed;

- E. The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
- F. The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
- G. If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;
- H. If the facility will be located in a county where the county board has adopted a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with said plan; for purposes of this criterion, the “solid waste management plan” means the plan that is in effect as of the date the application for siting approval is filed with the County; and
- I. If the facility will be located within a regulated recharge area, any and all applicable requirements specified by the Illinois Pollution Control Board for such areas have been met; and

WHEREAS, said Act authorizes the county board to also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant (and any subsidiary or parent corporation) in the field of solid waste management when considering criteria (ii) and (v) of Section 39.2(a) of the Act (the same criteria having been set out in paragraphs B and E above); and

WHEREAS, said Act provides that the county board, in granting approval for a site, may impose such conditions as may be reasonable and necessary to satisfy the aforesaid criteria as long as said conditions are not inconsistent with those imposed and promulgated by the Illinois Pollution Control Board; and

WHEREAS, an applicant shall file as part of its request: (1) the substance of the applicant’s proposal; and (2) all documents, if any, submitted as of that date to the Illinois Environmental Protection Agency pertaining to the proposed facility, except trade secrets as determined under Section 7.1 of the Act; and

WHEREAS, the legislature authorizes the county board of a county to charge applicants for siting review to cover reasonable and necessary costs incurred by the county board in the siting review process; and

WHEREAS, in order to protect the public interest and to promote the orderly conduct of the hearing process and insure that full and complete information is made available to the county board of a county, it is necessary that procedures be established for conducting the public hearings and making decisions regarding site approval requests; and

NOW, THEREFORE, BE IT ORDAINED by this County Board of Rock Island County, Illinois, that the following procedures shall be established with respect to requests for site approval for new pollution control facilities;

3-5B-1 DEFINITIONS

- A. “Actual Cost of Reproduction” is the actual cost incurred or paid by Rock Island County to reproduce any part of the record, including the cost paid by the County to a professional copy service, or in the case of a transcript, the cost paid for copies by the County to the court reporting firm.
- B. “Applicant” is any person, firm, partnership, association, corporation, company, local government, joint action agency, entity or organization of any kind who files a request for site approval pursuant to this Ordinance.
- C. The “IPCB” is the Illinois Pollution Control Board.
- D. A “Pollution Control Facility” is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator, as defined in Section 5/3.300 of the Act. A “New Pollution Control Facility” is (1) a pollution control facility initially permitted for development or construction after July 1, 1981; or (2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or (3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

- E. “County” is Rock Island County, Illinois, a body politic and corporate, having a mailing address at 1504 3rd Avenue, Rock Island, Illinois 61201.
- F. “County Board” is the County Board of the Rock Island County.
- G. “Agency” is the Illinois Environmental Protection Agency.
- H. “County Clerk” is the Clerk of the Rock Island County, Illinois, having offices at 1504 3rd Avenue, Rock Island, Illinois 61201.
- I. “State’s Attorney” is the State’s Attorney of Rock Island County, Illinois.
- J. “PCF Committee” is the committee appointed by the County Board Chairman pursuant to Section III.A. of this Ordinance.
- K. “Application Fee” is the fee filed with the request for site approval pursuant to Section II.C.12. of this Ordinance. The application fee for a request for site approval for a landfill shall be \$150,000. The application fee for a request for site approval for all other New Pollution Control Facilities shall be \$75,000. A supplemental application fee in the amount of \$10,000 shall be paid at the time of filing of an amended request for site approval pursuant to Section II.E. of this Ordinance.
- L. “RICWMA” is the Rock Island County Waste Management Agency.
- M. “County Solid Waste Management Plan” is the Bi-State Regional Comprehensive Solid Waste Management Plan, dated February 19, 1991, the Rock Island County Five Year Update of the Bi-State Regional Comprehensive Solid Waste Management Plan, dated January 1996 and such amendments thereto approved from time to time thereafter.

In addition, all other words used in this Ordinance and defined in the Act shall have the same definitions and meanings as found in the Act.

3-5B-2 APPLICATION

- A. A minimum of fifteen (15) complete copies of requests for site approval, including copies of all site plans, exhibits, and maps, shall be filed with the County Clerk. However, only three (3) copies of large-scale engineering

drawings are required to be filed with each request, provided the Applicant files fifteen (15) copies of the engineering drawings that have been reduced onto 11" x 17" paper. Upon receipt of any such request for site approval, the application shall be date stamped. Copies of the request for site approval shall be distributed by the County Clerk to the Chairman of the County Board, the Chairman of the Solid Waste Committee of the County Board, the Chairman of the Health and Welfare Committee of the County Board, the Administrator of the County Health Department, the State's Attorney, the RICWMA and members of the PCF Committee. Upon selection of a hearing officer and technical consultant, if any, as set forth below, a copy of the request for site approval shall be provided by the County Clerk to them.

- B. One (1) copy of the request for site approval shall be made available by the County Clerk for public inspection at the office of the County Clerk. Members of the public shall be allowed to obtain a copy of the request for site approval or any part thereof from the County Clerk upon payment of the actual cost of reproduction. All copying requests shall be fulfilled by the County Clerk within a reasonable time from the time of the request.
- C. Requests for site approval shall contain and be of the form as follows:
 - 1. A written petition on 8 ½" x 11" paper that sets forth:
 - (a) the identification of the Applicant and owner, and if the proposed site is owned in a land trust, each beneficiary of such land trust by name and address and his or her defined interest therein;
 - (b) the legal description of the proposed site and a street address or some other reasonable description of where the proposed site is located;
 - (c) a description of the proposed facility, its operation and the expected longevity thereof;
 - (d) the area to be served by the proposed facility and a statement of the need for such a facility in the area;
 - (e) a list of the existing pollution control facilities located within or serving or reasonably capable of serving the area proposed to be served and, with respect to each such

facility, the following information shall be provided: location, size, owner and/or operator, type of pollution control facility, remaining capacity, probable life of the proposed facility, and types of wastes received;

- (f) the expected types, amounts and methods of treatment or storage of all wastes proposed for the site and the general origins of these wastes;
 - (g) a description of the landfill design, including the liner, the leachate collection system, the gas collection system and the final cover; and
 - (h) reasons supporting approval of the application.
- 2. All documents, if any, submitted as of the date of the request for site approval to the Agency pertaining to the proposed facility, except trade secrets determined to be such pursuant to 415 ILCS 5/7.1. NOTE: The Applicant need only provide one (1) copy of such documents; at the Applicant's option, said copy may be provided in electronic ".pdf" format on a CD-ROM.
- 3. A site plan showing details of the proposed facility including, but not limited to:
 - (a) cross sections;
 - (b) fences, buildings and other structures; and
 - (c) roads, entrances and driveways.
- 4. A topographic survey of the subject site and the surrounding area within 500 feet which indicates land use and, if applicable, the boundary of the 100-year flood plain.
- 5. A statement of the plan of operation for the proposed facility, including but not limited to the following:
 - (a) methods of storage, treatment, consolidation or transfer of waste or other processes;

- (b) hours of operation;
 - (c) personnel;
 - (d) litter, vector, dust and odor control;
 - (e) surface drainage;
 - (f) landfill gas control;
 - (g) leachate control;
 - (h) fire control; and
 - (i) corrective actions for spills and other operational accidents.
6. A statement or report of traffic information regarding the proposed site including the anticipated number of vehicles and their size, weight and direction of movement.
 7. All pertinent documentary support for the application or request including, but not limited to, studies; maps; reports; permits; or exhibits that the Applicant desires the County Board to consider at the public hearing. It is intended that the Applicant provide a full and complete disclosure of its case to facilitate early review and analysis by all parties, provided that the Applicant shall not be required to include in the request all of the detailed information required by the Agency to be included in an application for a landfill development permit. However, the Applicant shall not be precluded from introducing at the public hearing documentary support for the request that was not included in the application for site location approval, provided said documents were not reasonably available at the time the application was filed.
 8. A statement describing the past operating experience of the Applicant (and any subsidiary and parent corporation) in the field of solid waste management in Illinois within the preceding ten (10) years.
 9. A statement citing the past record of all convictions or admissions of violations of the Applicant (and any subsidiary and parent corporation) in the field of solid waste management in Illinois within the preceding ten (10) years.

10. All pre-filing notices required by Section 39.2 of the Act.
 11. Any host agreement entered into between the County and the Applicant.
 12. The applicable application fee.
- D. An application for site approval may not be filed that is substantially the same as a request that was disapproved pursuant to a finding against an Applicant by the County under any of criteria (i) through (ix) of Section 39.2 of the Act, as amended, within the preceding two (2) years.
- E. At any time prior to the completion by the Applicant of the presentation of the Applicant's factual evidence and an opportunity for cross-questioning by the County and any participants, the Applicant may file not more than one amended application upon payment of additional fees to cover the reasonable and necessary costs incurred by the County in the siting review process; in which case time limitations for final action by the governing body of the County shall be extended for an additional period of ninety (90) days.

3-5B-3 COUNTY REVIEW

- A. Within thirty five (35) days after receiving a copy of the request for site approval from the County Clerk pursuant to Section II.A. of this Ordinance, the County Board Chairman shall appoint six (6) members of the County Board to the PCF Committee. The Chairman of the County Board shall serve as the chairman of the PCF Committee ("PCF Chairman") and shall be the seventh (7th) member of the PCF Committee. In the event of the absence of the PCF Chairman at a meeting or hearing of the PCF Committee, the members shall designate one of said members as Acting Chairman during the absence of the PCF Chairman.
- B. Within a reasonable time after receipt of a request for site approval, the County Board Chairman shall appoint a hearing officer to preside over the public hearing and may retain a technical consultant to advise the County Board and the PCF Committee with respect to the application or request for site approval, evidence adduced at the public hearing, and comments received by the County Board.
- C. The technical consultant(s) retained by the County, if any, is authorized to present testimony at the public hearing as hereinafter described and to prepare reports and recommendations in response to the request for site approval and

to any written comments filed with the County Clerk. Such reports and recommendations shall be filed with the County Clerk at least ten (10) days before the public hearing commences, as hereinafter described.

3-5B-4 PRE-HEARING FILINGS

A. Public Participation

1. All reports, studies, exhibits or other evidence, other than testimony, which any person other than the County and Applicant desires to submit for the record, along with a list identifying the witnesses to be called to testify at the public hearing, must be filed with the County Clerk at least ten (10) days before the public hearing commences and shall be available for public inspection in the office of the County Clerk. Three (3) copies of each report, study, exhibit and witness list must be filed. In the event that the 10th day prior to the date set for public hearing falls on a Saturday, Sunday or holiday, the next working day shall be considered the day that reports, studies, and exhibits must be filed. The County Clerk shall date stamp any such reports, studies, exhibits or other evidence upon receipt. Members of the public shall be allowed to obtain copies of said documents and witness list from the County Clerk upon payment of the actual cost of reproduction.
2. Any person wishing to participate at the public hearing shall have the rights, obligations or opportunities as set forth below in Section V(F) and (G) of this Ordinance consistent with Section 39.2 of the Act and fundamental fairness.

B. Applicant and County Participation

1. All reports and recommendations prepared by the County's technical consultant(s), if any, and by any county department(s), if any, pursuant to Section III(C) above, and all other reports, studies, exhibits or other evidence, other than testimony, which the County desires to submit for the record, along with a list identifying the County's witnesses to be called at the public hearing, must be filed at least ten (10) days before the public hearing commences and shall be available for public inspection in the office of the County Clerk. Three (3) copies of each report, study, exhibit and witness list shall be filed. Members of the public shall be allowed to obtain copies of said documents and witness list from the County Clerk upon payment of the Actual Cost of Reproduction.

2. The Applicant shall file three (3) copies of a list identifying the Applicant's witnesses to be called to testify at the public hearing with the County Clerk at least ten (10) days before the public hearing commences. The Applicant's witness list shall be available for public inspection in the office of the County Clerk. Members of the public shall be allowed to obtain copies of said witness list from the County Clerk upon payment of the actual cost of reproduction. The request for site approval previously filed, and all reports or studies contained therein, shall be deemed evidence for admission as an exhibit at the public hearing.

C. RICWMA Participation

1. RICWMA shall file with the County Clerk any recommendations pursuant to the Rock Island County Five Year Update of the Bi-State Regional Comprehensive Solid Waste Management Plan at least ten (10) days before the public hearing commences, which recommendation shall be available for public inspection in the office of the County Clerk. Members of the public shall be allowed to obtain copies from the County Clerk of the recommendation upon payment of the actual cost of reproduction.

3-5B-5 PUBLIC HEARING

- A. The PCF Committee shall hold a public hearing on the request for site approval no sooner than 90 days but no longer than 120 days from the date of filing of the request for site approval. A transcript shall be made and retained of all portions of the public hearing.
- B. Within thirty (30) working days after a request for site approval is filed, the County Board Chairman shall determine the date, time and location of such public hearing, but in any event the initial public hearing must be scheduled no sooner than 90 days but no later than 120 days from the date the request for site approval was filed with the County Clerk.
- C. The County Board Chairman shall notify the Applicant of the date, time and location of such hearing. The Applicant shall cause notice of such hearing to be made as follows:

1. Publish legal notice in a newspaper of general circulation published in Rock Island County no later than 14 days prior to the date of such hearing.
2. Such notice shall consist of the following:
 - (a) The name and address of the Applicant.
 - (b) The owner of the site, and in case ownership is in a land trust, the names of the beneficiaries of said trust.
 - (c) The legal description of the subject site.
 - (d) The street address of the property, and if there is no street address applicable to the property, a description of the site with reference to location, ownership or occupancy or in some other manner that will reasonably identify the property to residents of the neighborhood.
 - (e) The nature and size of the proposed development.
 - (f) The nature of the activity proposed.
 - (g) The probable life of the proposed activity.
 - (h) The time and date of the public hearing.
 - (i) The location of the public hearing.
 - (j) A statement that all documentary evidence other than testimony to be submitted at the public hearing and a list identifying witnesses must be filed with the County Clerk at least ten (10) days before the public hearing commences.
 - (k) A statement that all parties, including members of the public, intending to testify or cross-examine must submit notice of said intent to the County Clerk or sign in with the hearing officer on or before the first day of public hearing.

- (l) A statement that written comment must be received by the County Clerk or postmarked not later than 30 days after the date of the last public hearing.
- 3. No later than 14 days prior to the hearing, notice shall be delivered by certified mail to all members of the General Assembly from the district in which the proposed site is located, to the Illinois Environmental Protection Agency, and to the governing authority of all municipalities contiguous to the proposed facility.
- D. The hearing officer appointed by the County Board Chairman shall preside over the public hearing and shall make any decisions concerning the admission of evidence and the manner in which the hearing is conducted subject to this Ordinance. The hearing officer shall make all decisions and rulings in accordance with fundamental fairness. The hearing officer may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence. No ruling of the hearing officer shall be appealable to the PCF Committee or the County Board.
- E. The Applicant for site location approval shall have the burden of going forward with evidence of the suitability of the site location for the proposed use. The request for site location approval previously filed, and all reports, maps or studies contained therein shall be deemed evidence and admitted as an exhibit at the public hearing.
- F. Any person appearing at such public hearing shall have the right to give testimony and comment on the suitability of the site location for the proposed use. All persons intending to participate in the hearing, including members of the public, must submit written notification of said intent to the County Clerk before the first day of public hearing or register in person with the hearing officer prior to the close or adjournment of the first day of hearing. Any person who has submitted a timely notification of intent to participate at such public hearing shall have the right to present testimony and witnesses and orally comment on the suitability of the site location for the proposed use. Any such person shall have the right to be represented by an attorney at said public hearing. Participants represented by attorneys shall have the right of reasonable cross examination, subject to the hearing officer's judgment and consistent with fundamental fairness. Participants not represented by attorneys shall be allowed to submit written cross examination questions to the hearing officer, who shall exercise discretion to direct relevant and non-duplicative cross-

questions to the applicable witness. Cross questioning of witnesses will be permitted only during that period immediately following each witness' testimony.

G. Conduct of the public hearing shall be substantially as follows:

1. Call to order.
2. Introduction of the hearing officer.
3. Recognition of the Applicant and identification of the request for site approval.
4. Recognition by the Applicant of fees, notices, and date of filing of the request for site approval.
5. Recognition of the PCF Committee and other parties wishing to testify and any other reports, exhibits, maps, or documents of record as filed pursuant to this Ordinance, as amended. All parties, including members of the public, intending to testify or cross examine must sign in or submit written notification of said intent to the County Clerk or hearing officer on or before the first day of the public hearing. Should the public hearing extend beyond one day, additional parties or members of the public, not of record as of the first day of the public hearing, will not be allowed to present testimony or cross examine, except as authorized by the hearing officer for cause shown, consistent with fundamental fairness.

Subject to Section VI.D. of this Ordinance, any person wishing to comment orally, without being subject to cross examination, may do so at the conclusion of evidence, subject to the hearing officer's discretion.

6. The Applicant, the County, and other parties represented by counsel may make an opening statement.
7. Testimony from the Applicant and/or any witnesses the Applicant may wish to call. Upon the close of the Applicant's evidence, the County and other parties may offer expert witnesses and other testimony or evidence they may wish to present. Members of the

public, of record, as set forth in Section V(F) and (G)(5) above, may then present oral comment. All members of the public who participate by providing oral comments shall do so under oath. The hearing officer shall decide the order of presentation of testimony subject to this Ordinance.

8. All witnesses shall testify under oath. Testimony may include the use of exhibits. All witnesses shall be subject to reasonable questioning as follows: direct, cross questioning, redirect, re-cross, etc. After all parties have presented testimony, reasonable rebuttal, surrebuttal, etc., may be allowed at the discretion of the hearing officer.
 9. Should any issues, facts, data, or other evidence arise during the course of the public hearing, which were not apparent or reasonably foreseeable from the request for site approval as filed with the County Clerk, such situation may constitute grounds for a recess in the public hearing for a period not to exceed five (5) working days.
 10. Summary statements by the Applicant, other parties and the County, subject to limitations as imposed by the hearing officer.
 11. Rebuttal statement, if any, by the Applicant, subject to limitations as imposed by the hearing officer.
 12. Proposed findings of fact and recommendation of the parties. Prior to the close of the hearing, the hearing officer shall fix a date after the hearing to file same with the County Clerk.
 13. Hearing closed.
- H. If, prior to making a final local siting decision, the County Board has negotiated and entered into a host agreement with the Applicant, the terms and conditions of the host agreement, whether oral or written, shall be disclosed and made a part of the hearing record for that local siting proceeding. In the case of an oral agreement, the disclosure shall be made in the form of a written summary jointly prepared and submitted by the County Board and the Applicant and shall describe the terms and conditions of the oral agreement.

- A. The County Clerk shall receive written comment from any person concerning the appropriateness of the proposed site. Upon receipt of any such written comment the County Clerk shall date stamp same and shall file the written comment and the postmarked envelope in which comment is received as part of the record in the siting proceeding.
- B. Copies of such written comments shall be made available for public inspection in the office of the County Clerk. Members of the public shall be allowed to obtain a copy of any written comment received by the County Clerk upon payment of actual cost of reproduction.
- C. Any written comment received by the County Clerk or postmarked not later than 30 days after the date of the last public hearing shall be made part of the record at the public hearing as hereinafter described and the County Board shall consider any such timely written comments in making its final determination concerning said request. In the event that the 30th day falls on a Sunday or a federal holiday, the next day on which mail is delivered shall be considered the 30th day for purposes of this paragraph.
- D. All public comment, oral or written, which is timely submitted, shall be considered by the County Board. Public comments may not be entitled to the same weight as testimony which is provided under oath and subject to cross-examination; while public comment shall be considered, it may be entitled to lesser weight.

3-5B-7 RECORD

- A. The County Clerk shall be responsible for keeping the record of said hearing.

The record shall consist of the following:

- 1. The request for site location approval as described in Section II, including proof of notice pursuant to 415 ILCS 5/39.2(b), which shall be admitted as an exhibit at public hearing.
- 2. Proof of notice as described in Section V(C).
- 3. Written comments filed by the public and received by the County Clerk or postmarked within 30 days of the close of the hearing.

4. All reports, studies, exhibits or documents received into evidence at the public hearing.
 5. The transcript of the public hearing.
 6. All written communications between the PCF Committee and the County Board.
 7. Proposed findings of fact and recommendations of the parties, if any.
 8. The Resolution containing the final decision of the County Board.
- B. The County Clerk shall be responsible for certifying all copies of the record of the public hearing.

3-5B-8 SITE APPROVAL DECISION

- A. After the public hearing and any continuation thereof, the PCF Committee shall hold a meeting for purposes of developing a written recommendation and proposed decision to the County Board on the request for site location approval. If findings of fact are made, such findings shall be supported by the record. The written recommendation and proposed decision of the PCF Committee shall be delivered to the County Board for consideration by the County Board in making its decision on the request for site location approval.
- B. The County Board's decision on the request for site location approval shall be based on the following criteria:
1. The facility is necessary to accommodate the waste needs of the area it is intended to serve;
 2. The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
 3. The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property;
 4. (a) For a facility other than a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year flood plain, or the site is flood-proofed;

- (b) For a facility that is a sanitary landfill or waste disposal site, the facility is located outside the boundary of the 100-year flood plain, or if the facility is a facility described in subsection (b) of Section 22.19a of the Act, the site is flood-proofed;
 - 5. The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills, or other operational accidents;
 - 6. The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows;
 - 7. If the facility will be treating, storing or disposing of hazardous waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release;
 - 8. If the County Board has developed a solid waste management plan consistent with the planning requirements of the Local Solid Waste Disposal Act or the Solid Waste Planning and Recycling Act, the facility is consistent with said plan; for purposes of this criterion, the “solid waste management plan” means the County Solid Waste Management Plan; and
 - 9. If the facility will be located within a regulated recharge area, any and all applicable requirements specified by the IPCB for such area have been met.
- C. The County Board may consider as evidence the previous operating experience and past record of convictions or admissions of violations of the Applicant (and any subsidiary and parent corporation) in the field of solid waste management when considering criteria B(2) and B(5) under this Section.
- D. Pursuant to Section 39.2(a) of the Act, local siting approval shall be granted only if the proposed facility meets the criteria cited above.
- E. The County Board shall make a final written decision within 180 days from the date of filing of the site approval request, specifying the reasons for the decision, which reasons shall be in conformance with Section 39.2(a) of the

Act. The County Board may conditionally approve of any request for site approval provided such conditions are not inconsistent with regulations promulgated by the IPCB. Any determination by the County Board shall be supported by the record., which record shall be made available for review by all members of the County Board.

- F. No written determination by the County Board of a site approval request may be reconsidered.

3-5B-9 EX PARTE COMMUNICATIONS PROHIBITED

In recognition of the quasi-judicial role of each Member of the County Board and the State's Attorney, ex-parte communications with persons other than Members of the County Board or the State's Attorney concerning the request for site approval are prohibited between the date of filing of the request for site approval and the date of the final decision of the County Board(or the 180th day after said date of filing). Although the Members of the County Board are encouraged not to attend meetings at which the Member knows the request for site approval may be discussed, it is inevitable that due to their regular legislative duties over the course of time during the consideration of the request for site approval they may be in attendance at such meetings (e.g. attendance at a municipality's council of governments meeting, attendance at a local chamber of commerce meeting). As such, the Member is required to obtain and file a transcript of any meeting, where such meeting has been transcribed or recorded, or otherwise disclose such meeting in the public records (such as disclosing it on the record during the transcribed public hearings or during the written comment period provided for in Section VI of this ordinance). The transcript shall not, however, be utilized by the County in reaching its decision.

3-5B-10 ADMINISTRATION OF FEES AND COSTS

- A. All expenses incurred by the County in conducting the review of the request for site approval; conducting the public hearing; making the site approval decision; and responding to any appeal thereof by a person other than the Applicant shall be paid by the Applicant, including the costs of any consultants, attorneys or hearing officer utilized by the County in connection with the request for site approval, costs of court reporting and transcripts for the public hearing, and witness fees. Said expenses shall be paid from the Application Fee.
- B. The County shall periodically submit a detailed accounting and summary of all expenditures and reimbursements, authorized pursuant to Section IX(A) above, to the Applicant for payment

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

From and after the effective date of this Ordinance, the County Board Chairman and County Clerk are hereby authorized and directed to do all things necessary and essential, including the execution of any documents and certificates necessary to carry out the provisions of this Ordinance.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

PASSED THIS 20th DAY OF March , 2007

Chapter 6

HOST COUNTY AGREEMENT

Section:

- 3-6-1 Definitions
- 3-6-2 Effective Date
- 3-6-3 Term of Agreement
- 3-6-4 Ban on Hazardous Waste
- 3-6-5 Rock Island County's Use of Facilities
- 3-6-6 Host Benefit Fee
- 3-6-7 Records
- 3-6-8 Indemnification
- 3-6-9 Insurance
- 3-6-10 Compliance with Applicable Laws, Rules and Regulations
- 3-6-11 County Duties or Responsibilities
- 3-6-12 Covenant
- 3-6-13 Assignment of Rights
- 3-6-14 Delivery of Notices
- 3-6-15 Pre-Filing Review of Siting Application
- 3-6-16 Force Majeure
- 3-6-17 Enforcement
- 3-6-18 Severability and Applicable Law
- 3-6-19 Authority to Enter into Agreement
- 3-6-20 Further Assurance
- 3-6-21 Attorneys Fees

This HOST COUNTY AGREEMENT ("Agreement") is made effective this 20th day of March, 2007 ("Effective Date") by and between Millennium Waste Incorporated (MWI), an Indiana Corporation and authorized to do business in the State of Illinois, and the Rock Island County, Illinois (the "County");

WITNESSETH:

WHEREAS, MWI owns and operates Quad Cities Landfill in Rock Island County and owns a parcel of land abutting said landfill and totaling approximately 105 acres as described and shown on Attachment A (said 105-acres parcel being referred to herein as the "Property"); and

WHEREAS, the County has adopted the Bi-State Regional Comprehensive Solid Waste Management Plan, dated February 19, 1991, and the Rock Island

County Five Year Update of the Bi-State Regional Comprehensive Solid Waste Management Plan, dated January 1996, and such amendments from time to time thereafter, as the County's Solid Waste Management Plan pursuant to the Illinois Solid Waste Planning and Recycling Act, which Plan recommends the development of a landfill in Rock Island County; and

WHEREAS, the parties to this Agreement understand the need for and desirability of locating a landfill in Rock Island County to manage the Solid Waste generated in Rock Island County and the region; and

WHEREAS, MWI intends to file an application ("Siting Application") with the County for siting Phase V of Quad Cities Landfill (the "Landfill") as a long-term solid waste management solution; and

WHEREAS, the County agrees to consider any request by MWI for the establishment and development of a landfill under the local siting process pursuant to 415 ILCS 5/39.2; and

WHEREAS, in accordance with the solid waste planning requirements of the State of Illinois, the County desires to secure, and MWI is willing to provide, disposal capacity within Rock Island County for Solid Waste generated by residents, commercial establishments, institutions and industries located within Rock Island County and the region; and

WHEREAS, MWI is desirous of earning the goodwill of the citizens of the County by demonstrating its good faith in educating the community as to the nature of its proposed operations in the County and in demonstrating that its operations will be conducted in an environmentally sound manner; and

WHEREAS, the County is desirous of protecting the health, safety and welfare of its citizens, assisting MWI with public education, insuring that factually and technically accurate information is given to the public, and collecting a host benefit fee to help meet the costs of government; and

WHEREAS, the parties hereto have determined that the terms provided for in this Agreement are in their respective best interests; and

NOW THEREFORE, in consideration of the covenants set forth in this Agreement, and for other consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto, intending to be legally bound, hereby agree as follows:

3-6-1 DEFINITIONS

“Act” is the Illinois Environmental Protection Act (415 ILCS 5/1 et seq.), including any future amendments.

“Agency” refers to the Illinois Environmental Protection Agency (IEPA) or any successor agency having jurisdiction over the subject matter hereof.

“Agreement” means this Host County Agreement.

“Application” refers to the submittal for local siting approval for a pollution control facility pursuant to Section 39.2 of the Act.

“County” refers to the County of Rock Island, an Illinois unit of local government.

“Effective Date” means the date that Millennium Waste receives non-appealable site location approval from the County for the Landfill pursuant to Section 39.2 of the Act.

“Expiration Date” means the date that the Landfill ceases to operate pursuant to a certified final closure plan filed with the Agency.

“Hazardous Waste” means hazardous waste as defined in Section 3.220 of the Act.

“Host Benefit Fee” means the per ton fee payable to the County, as more fully set forth in Section 6 herein.

“Host Benefit Fee Adjustment” means the upward adjustment of the Host Benefit Fee, as set forth in Section 7.

“Landfill” refers to existing Phase IV and proposed Phase V of the Quad Cities Landfill, including the property on which the Landfill is located, which may include some or all of the Property.

“Landscape Waste” means landscape waste as defined in Section 3.270 of the Act.

“Opening Date” means the date of the operating permit for Phase V issued by the Agency.

“Quad Cities Landfill” refers to the landfill known as Illinois Site No. 1610400018, as designated by the Agency.

“Phase IV” refers to the airspace in the Quad Cities Landfill, which airspace is described in Permit No. 1992-131-LF approved by the Agency and which is remaining or unfilled with Solid Waste after the Opening Date.

“Phase V” refers to the airspace in the Quad Cities Landfill that MWI intends to include in the Application.

“Property” means the site described and shown in Attachment A.

“Solid Waste” means municipal waste as defined in Section 3.290 of the Act, non-hazardous industrial waste, and non-hazardous special waste.

3-6-2 EFFECTIVE DATE

This Agreement shall be deemed incorporated into any Application for site location approval for the Landfill filed with the County. This Agreement shall become effective, if and only if, the County grants site location approval for the proposed Landfill pursuant to Section 39.2 of the Act, in which event this Agreement shall become a contract binding upon both the County and MWI. This Agreement shall be effective provided, however, that the County has not, by entering into this Agreement, predetermined whether it will grant or deny site location approval or whether MWI can (or cannot) establish any of the criteria related to site location approval, and the County retains all of its authority to grant, deny, or grant with conditions site location approval in accordance with Section 39.2 of the Act.

3-6-3 TERM OF AGREEMENT

This Agreement commences on the Effective Date and shall remain in force and effect until the Expiration Date.

3-6-4 BAN ON HAZARDOUS WASTE

MWI shall not knowingly accept, treat, or dispose of any waste which is defined as hazardous by the Act or the regulations adopted thereunder ("Hazardous Waste") at the Property. MWI shall comply with all regulations of the Illinois Pollution Control Board ("IPCB") relative to load checking, and shall immediately inform the County orally and in writing of any Hazardous Waste that has been accepted and disposed on the Property.

3-6-5 ROCK ISLAND COUNTY'S USE OF FACILITIES

For at least 20 years after the Opening Date or for the life of the Landfill if a longer period of time, MWI shall provide the County with disposal capacity at the Landfill for all of the Solid Waste that is generated within the County's boundaries and that is not defined as Hazardous Waste, provided, however, that MWI is permitted to receive said Solid Waste. MWI's obligation to provide the County with disposal capacity shall extend only to Solid Waste that is initially abandoned or discarded within the County, and specifically excludes such out-of-County waste that may be delivered to a waste transfer station located within the County. At all times during which the Landfill is in operation, MWI shall provide first priority to the disposal of the County's Solid Waste. The County shall provide supporting documentation to establish the origin of the Solid Waste.

Not less than sixty (60) days prior to January 1 of each calendar year, the County shall provide MWI with an estimate for the amount of non-hazardous Solid Waste it expects to be generated within the County and require disposal for that year. The estimate shall include a description of assumptions utilized and show calculations supporting the estimate. MWI shall reserve sufficient capacity to dispose the quantity of non-hazardous Solid Waste estimated by the County, provided that the estimated amount does not exceed the permitted capacity of the Landfill. The reservation of landfill capacity for the County's Solid Waste shall not be cumulative, and should the estimated capacity not be utilized by the County during any calendar year, that capacity may be utilized for other than County Solid Waste.

The County reserves the right to increase its Annual Estimate by up to 50% at any time in any one year in the event of unforeseen circumstances, including but not limited to natural disasters such as tornadoes, which render its original estimate inadequate. During the operational life of the Landfill, the Annual Estimate shall not increase more than 4% per year. For years in which the Annual Estimate was increased due to the unforeseen circumstances described above, it shall be assumed for purposes of calculating the Annual Increase for such years of unforeseen circumstances that the Annual Increase was 4%. The reservation of disposal

capacity for the County's Solid Waste shall not be cumulative, and should the estimated disposal capacity not be utilized by the County during any calendar year, the capacity may be utilized for other than County Solid Waste.

3-6-6 HOST BENEFIT FEE

Commencing on the Opening Date, MWI shall pay the County a Host Benefit Fee as follows:

TABLE 1 HOST BENEFIT FEE SCHEDULE	
Daily Waste Volume	Per Ton Fee
Phase IV (existing)	\$0.30
Phase V (future)	\$0.60

The Host Benefit Fee shall be payable to the County on a quarterly basis (1st quarter January 1 - March 30, 2nd quarter April 1 - June 30, 3rd quarter July 1 – September 30, 4th quarter October 1 – December 31), on or before the 30th day following the end of the quarter for which payment is due. The Host Benefit Fee may be used by the County for such benefits, services and facilities as are customarily and legally permitted to be funded from the County's general fund.

The Host Benefit Fee shall be payable only for Solid Waste and shall not be payable for any Recyclables, Landscape Waste, materials used for interior haul roads or materials used for alternative daily cover accepted at or removed from the Solid Waste at the Landfill even if any such Recyclables, Landscape Waste and interior haul road materials and alternative daily cover materials may now or hereafter be defined as Solid Waste for purposes of this Agreement.

3-6-7 RECORDS

MWI shall provide the County, free of charge, copies of all of the following documents in any manner connected with the Landfill, within a reasonable period and upon written request of the County:

- A. Those submitted by MWI or its agents or consultants to any state or federal environmental regulatory agency.
- B. Correspondence with any state or federal environmental regulatory

agency.

- C. Those filed with or received from any state or federal regulatory agency relevant to charges, complaints or citations or environmental violations made by any governmental authority.
- D. Those deemed reasonably adequate and sufficient by the County pertaining to the amount of non-hazardous Solid Waste received.
- E. Reports on compliance with State post-closure fund requirements.

8. INDEMNIFICATION

MWI agrees that it shall defend, indemnify and hold the County and its officers, agents and employees harmless from any and all claims, actions, costs, expenses, attorneys' fees, other fees, damages and judgments ("Liabilities") asserted against or incurred by the County and/or its officers, agents or employees by reason of any and all operations by MWI and/or its officers, agents or employees at the Property, except to the extent the Liabilities arise from acts of the County or its officers, agents or employees.

This Agreement does not create any legal relationship between MWI and the County (such as a joint venture or partnership) with regard to operation of the Landfill. Nor does the County undertake, by virtue of this Agreement, any responsibility or liability for compliance with any laws, rules or regulations relating to the operation of said Landfill or the depositing, storage or control of any Solid Waste within the area of the Landfill.

3-6-9 INSURANCE

MWI shall obtain and maintain the following minimum limits of liability insurance:

	<u>Per Occurrence / Aggregate</u>
Automobile Liability Including Broad Form	
Pollution Liability Coverage	\$1,000,000 / \$1,000,000
Workers' Compensation	Statutory
General Liability	
Premises and Operations	\$1,000,000 / \$1,000,000
Completed Operations	\$1,000,000 / \$1,000,000
Personal Injury	\$1,000,000 / \$1,000,000

Umbrella Liability	\$5,000,000
Pollution Legal Liability Insurance	\$5,000,000

Upon written request from the County, MWI shall provide certificates of insurance to the County of the insurance coverage required to be maintained hereunder.

3-6-10 COMPLIANCE WITH APPLICABLE LAWS, RULES AND REGULATIONS

MWI warrants that it will conduct its operations at the Landfill in material compliance with all of the ordinances, laws, rules and regulations of the County, the State of Illinois and the United States of America relevant thereto. The acceptance of payment of the Host Benefit Fee under this Agreement shall not be construed as a waiver by the County of material compliance by MWI with all said laws, rules and regulations; nor shall acceptance of said payment by the County otherwise restrain or prohibit the County from taking such legal action as may be necessary to protect the health safety and general welfare of the residents of the County in the event of any material violation of any said laws, rules or regulations by MWI.

MWI shall meet or exceed all State and Federal requirements pertaining to closure and post-closure care. These requirements include Title 35 Ill. Adm. Code, Subtitle G, Section 811, Subpart F and 40 CFR 258.60 and 258.61 as may be amended from time to time.

3-6-11 COUNTY DUTIES OR RESPONSIBILITIES

The terms of this Agreement shall not be construed in any manner to impose upon the County any duties or responsibilities to provide any services or facilities to MWI beyond those which the County customarily provides to residents and businesses of a similar nature within County, provided that if the Application for the Landfill is approved, the County shall utilize its best effort to assist MWI in obtaining all necessary permits from the Illinois Environmental Protection Agency for the construction and operation of the Landfill.

3-6-12 COVENANT

Except as provided for in Section 16, this Agreement shall constitute a covenant in the nature of a covenant running with the land. MWI agrees to execute all additional documents necessary for the recording of this Agreement in the chain of title of the Property.

3-6-13 ASSIGNMENT OF RIGHTS

This Agreement shall be binding upon MWI and its successors and assigns. No transfer of title to or other long-term possession of the Landfill may be made, unless to an affiliate of MWI, without the prior written approval of the County, which approval shall not be unreasonably withheld. The County shall consider in deciding whether to grant such approval the ability of the transferee, both financially and operationally, to comply with the terms of this Agreement, the terms of all licenses and permits, and all other applicable federal and state statutes and regulations, and local ordinances. The County shall have 60 days from its notification in accordance with Section 18 of the proposed transfer in which to notify MWI that the County does not approve of the transfer. The County shall state in writing its reasons for not approving the transfer. If MWI has not received such written notice within 60 days of its notification of the County of the proposed transfer, the transfer will be deemed approved. The County may require an additional written commitment by the transferee to assume and comply with the duties and obligations of this Agreement.

3-6-14 DELIVERY OF NOTICES

Any notices to be given hereunder by either party to the other shall be in writing and shall be sent by personal delivery, by overnight delivery service or by registered or certified mail, postage prepaid, return receipt requested. Such notice shall be deemed communicated when delivered or two (2) business days from the date of mailing whichever is earlier. Notices shall be addressed as set forth below, but each party may change its address by written notice to the other in accordance with this Section.

TO THE COUNTY AT: *Rock Island County Clerk*
 1504 3rd Avenue
 Rock Island, IL 61201

TO (COMPANY NAME) AT: District Manager
 Millennium Waste Incorporated
 13606 Knoxville Road
 Milan, IL 61264

3-6-15 PRE-FILING REVIEW OF SITING APPLICATION

The County and MWI agree that prior to the formal submittal of a siting application by MWI to the County pursuant to Section 39.2 of the Act, there shall be,

at MWI's option, an opportunity for a pre-filing review to be conducted. The pre-filing review shall consist of MWI submitting a final draft of Application to the County for its review and comment. The County shall have forty-five (45) days, from the date the final draft is provided to the County, to conduct its review and provide comments to the MWI. MWI and the County agree to communicate and meet as necessary in order to complete the review process within the 45-day deadline. MWI and the County agree that MWI may, at its own discretion, make changes in the siting application as may be recommended by the County during its 45-day review and comment period. MWI shall reimburse the County for up to fifteen thousand (\$15,000) dollars of costs incurred by outside consultants retained by the County in conducting the pre-filing review.

3-6-16 FORCE MAJEURE

The obligations with respect to performance of this Agreement by either party (except for the payment of money) shall be suspended and extended in the event, and during the period, that such performance is prevented, hindered, or delayed by a cause or causes beyond the reasonable control of either party including, without limitation, Acts of God, epidemic, landslide, lightning, tornado, hurricane, earthquake, fire, explosion, flood or similar occurrence; interference by third parties with any operations or duties of the parties; war, riot, blockade or restraint of government and people; civil disturbance or disobedience, sabotage or similar occurrence; strike, work slowdown or similar labor action; the order of judgment or other act of any federal, state, county or other court, administrative agency or governmental office or body; the denial, loss, suspension, termination or failure to renew any permit, license or other governmental approval which does not result from any act or omission of the party asserting Force Majeure; and the institution of a legal or administrative action or similar proceeding by any individual, agency or other entity which delays or prevents operation of the Landfill which does not result from any negligent or willful act or omission of MWI.

3-6-17 ENFORCEMENT

The parties agree that the County shall have the right to enforce this Agreement by an action in the Rock Island County Circuit Court. However, prior to commencing such action, the County agrees to give MWI written notice of any non-compliance alleged to constitute a violation of this Agreement. MWI shall have the right to correct such violation within a thirty (30) day period, or within such time as the parties may agree in writing. In the event MWI fails to correct such violation within a thirty (30) day period following the date written notice is received from the County, or, if

the violation is of such nature that it cannot reasonably be corrected within such thirty (30) day period, and MWI fails to initiate taking appropriate action to correct the violation within thirty (30) day period or within such time as the parties agree in writing, then MWI agrees to pay liquidated damages in the amount of one hundred dollars and no cents (\$100.00) per day for each day of noncompliance constituting a material violation of this Agreement. All time periods herein shall be computed counting all weekends and holidays.

If such a violation is not corrected by MWI to the reasonable satisfaction of the County, the parties agree that the County may seek any and all appropriate relief without limitation, in addition to liquidated damages.

3-6-18 SEVERABILITY AND APPLICABLE LAW

If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions of this Agreement and/or their applicability to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this Agreement that the same would have been adopted had such invalid provision, if any, not been included herein. This Agreement shall be governed by the laws of the State of Illinois.

3-6-19 AUTHORITY TO ENTER INTO AGREEMENT

MWI hereby represents and warrants that it is a valid and existing corporation authorized to do business in Illinois and that the individuals executing this Agreement have been duly authorized by the corporation to act on its behalf and enter into this Agreement. MWI agrees to provide the County with sufficient proof of said authorization which proof shall include but not be limited to an appropriate corporate resolution authorizing the execution of this Agreement. The County shall approve this Agreement by County ordinance, a certified copy of which shall be provided to MWI.

3-6-20 FURTHER ASSURANCE

Each party shall do such act and execute such further documents as are within its power in order to give full effect to the provisions of this Agreement.

3-6-21 ATTORNEYS FEES

In the event of any suit or other proceeding between the parties relating to the interpretation or enforcement of this Agreement, the prevailing party shall be entitled to reimbursement of reasonable attorneys' fees and expenses.

IN WITNESS WHEREOF, the parties hereto have caused the signatures of their legally authorized representatives to be affixed hereto on the day and year indicated on the first page of this Agreement.

Chapter 7

Nuisance

SECTION

- 3-7-1 Revocation Preamble
- 3-7-2 Preambles
- 3-7-3 Nuisance Acts
- 3-7-4 Notice/Prosecution/Fine

3-7-1 REVOCATION PREAMBLE

WHEREAS, it is proper to review an Ordinance for effectiveness; and WHEREAS, such review has been completed; and WHEREAS, such review has indicated a need for revision, therefore be it resolved that the Ordinance declaring what shall be considered nuisances in the unincorporated areas of Rock Island County, Illinois adopted in open meeting by the County Board of Rock Island County, Illinois on May 15, 1973 be stricken and replaced as follows:

3-7-2 PREAMBLE

WHEREAS, 55 ILCS 5/5-1092 (1992) Illinois Compiled Statutes, permits the County Board to declare inoperable motor vehicles to be a nuisance within the unincorporated areas of the County; and

WHEREAS, 55 ILCS 5/5-1113 (1992) Illinois Compiled Statutes, permits the County Board to pass all Ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to Counties, with such fines or penalties as may be deemed proper, no fine or penalty to exceed five hundred dollars (\$500.00); and

WHEREAS, certain acts have a tendency to render the unincorporated area of Rock Island County, Illinois, unsightly and create adverse effects upon the quality of life in the unincorporated areas of Rock Island County, Illinois.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Rock Island County, Illinois, as follows:

3-7-3 NUISANCE ACTS

- A. It shall be unlawful for any person or corporation to cause, permit or maintain the existence of any nuisance upon any property, public or private, under the ownership, leasehold or control of such person or corporation in the unincorporated area of Rock Island County, Illinois
- B. The following acts are hereby declared to be nuisances:
 - A. The storing, keeping or maintaining of inoperable motor vehicles, outside of an enclosed building, after notice has been given to a person, corporation or other such controlling agent for removal of such vehicles.
 - A. Nothing in subsection A shall apply to any motor vehicle kept within an enclosed building when not in use.
 - B. Nothing in subsection A shall apply to motor vehicles on the premises of a place of businesses properly engaged in the wrecking or junking of motor vehicles.
- C. Inoperable motor vehicles shall, for the purpose of this ordinance be defined as:
 - A. Any motor vehicle from which, for a period of not less than fifteen (15) days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under it's own motor power.
 - B. Inoperable motor vehicles shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its motor power, in order to perform ordinary and routine service or repair operations.

3-7-4 NOTICE/PROSECUTION/FINE

- A. Notice regarding violation of this ordinance shall be given to the owner, lessee or occupant of the property upon which the nuisance is alleged to exist by one or more of the following methods:
 - A. In person by the Sheriff or authorized Deputy Sheriff.
 - B. In person by the Administrative Officer or authorized representative of the Zoning & Building Department, Rock Island County, Illinois
 - C. By mail, certified return receipt requested.

- B. No prosecution shall be commenced until thirty (30) days after the defendant has been notified of the existence of the violations, and directed to abate the same.
- C. Any person or corporation who shall violate this ordinance shall be punished by a fine of not more than five hundred (\$500.00) dollars. After expiration of thirty (30) days from receipt of notice that this ordinance is being violated, each day the nuisance is permitted to continue to exist may be prosecuted as a separate violation.

Done in open meeting his 19th day of July, 1994.

TITLE 4

Health and Sanitation

Subject	Chapter
Food Sanitation	1
Health Nuisances	2
Home Health Services	3
Private Sewage Disposal	4
Solid Waste	5
Tobacco	6
Cutting Weeds	7
Fees	8
Water Supplies	9

Chapter 1

Food Sanitation

SECTION

4-1-1	Scope
4-1-2	Definitions
4-1-3	Adoption by Reference
4-1-4	Licenses
4-1-5	Notices
4-1-6	Hearing before the Health Department Administrator
4-1-7	Inspections
4-1-8	Correction of Violations
4-1-9	Examination and Condemnation of Food and/or Equipment
4-1-10	Procedure when Infection is Suspected
4-1-11	Food Handlers' Classes
4-1-12	Food Service Establishments Outside Rock Island County
4-1-13	Plan Review of Future Construction
4-1-14	Penalties
4-1-15	Injunctions
4-1-16	Conflict of Ordinance
4-1-17	Separability of Provisions
4-1-18	Effective Date

BE IT RESOLVED, by the Rock Island County of Rock Island County, Illinois, pursuant to the provisions of Chapter 34, Section 419(5) Illinois Revised Statutes, as follows:

That WHEREAS, pursuant to the powers granted County Board of Health by Chapter 111 ½, Section 20C13, Illinois Revised Statutes, and that it is necessary and proper that a Health Ordinance be adopted for the County of Rock Island in order to protect the health of the inhabitants of Rock Island County, Illinois, and it is proper that an ordinance prohibit, abate, suppress and prevent all acts, practices, conduct, uses of property, and all other things detrimental or potentially detrimental to the health of the inhabitants of Rock Island County, Illinois.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Rock Island County, Illinois that the following Ordinance, as amended, is hereby made and adopted this 21st day of April, 1987.

4-1-1 SCOPE

An Ordinance regulating food service establishments and retail food stores, the operation of such facilities, and the licensing of food service establishments and retail food stores within Rock Island County, Illinois.

WHEREAS, the Board of health of the Rock Island County Department of Public Health has deemed it necessary and desirable to regulate food sanitation for health purposes, and accordingly, has recommended the adoption of the following Ordinance.

Therefore, be it resolved by the County Board of Roc Island County, that the following Ordinance is hereby made and adopted this 21st day of April, 1987.

4-1-2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. ADULTERATED means the condition of any food
 - A. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health
 - B. If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerances if one has been established.
 - C. If it consists in whole or in part of any filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption.
 - D. If it has been processed, prepared, packed or held under unsanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health.
 - E. If it is in whole or in part the product of a diseased animal or animal which has died otherwise than by slaughter.

- F. If its containers are composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
- B. BOARD OF HEALTH shall mean the Rock Island County Board of Health or it's authorized representative(s).
- C. HEALTH AUTHORITY shall mean the Administrator of the Rock Island County Department of Public Health or his duly authorized representative(s).
- D. HEALTH DEPARTMENT shall mean the Rock Island County Department of Public Health, including its duly authorized representative(s).
- E. HEALTH DEPARTMENT ADMINISTRATOR shall mean the individual selected by the Rock Island County Board of Health to administer and enforce the policies, ordinances, resolutions or law of said Board.
- F. ORDINANCE shall mean the Rock Island County Food Sanitation Ordinance.

All other definitions shall be as contained in the "Illinois Food Service Sanitation Rules and Regulations" and the "Illinois Retail Food Store Sanitation Rules and Regulations" promulgated by the State of Illinois Department of Public Health. The term "regulatory authority" contained in said rules and regulations shall mean the "Rock Island County Department of Public Health".

4-1-3 ADOPTION BY REFERENCE

This Ordinance shall be interpreted and enforced in accordance with provisions set forth in the unabridged form of the current "Illinois Food Service Sanitation Rules and Regulations" and the "Illinois Retail Food Store Sanitation Rules and Regulations", and any subsequent amendments or revisions thereto, three copies each which shall be on file in the Office of Rock Island County Clerk, which publications are incorporated herein and adopted by reference as part of this Ordinance.

4-1-4 LICENSES

No person shall operate a food service establishment or retail food store within Rock Island County, who does not possess a valid license issued to such person by the Health Department. Only a person who complies with the requirements of this Ordinance shall be entitled to receive or retain such a license. A license is not transferable from one person to another person; nor shall a license be applicable to any locations, buildings, or places other than that for which it is issued. A valid license shall be posted in each food service establishment or retail food store.

4-1-4.1 Issuance of Licenses

- A. Any person desiring to operate a food service establishment or retail food store or to renew an expired license shall make written application for a license on forms provided by the Health Department. Such application shall include the name and address of each applicant, the location and type of proposed operation, and the signature of each applicant. If the application is for a temporary food service establishment or temporary retail food store, it shall also include the inclusive dates of the proposed operation.
- B. Licenses for food service establishments and retail food stores are valid for a period of one (1) year from the date of issuance. Licenses for temporary food service establishments or temporary retail food stores shall not exceed fourteen (14) days.
- C.
 - 1. Facilities shall be classified as either food service establishments or retail food stores and licensed accordingly. Licenses for food service establishments shall be classified by the Health Authority based upon the specific type of food service, as follows:
 - Regular Food Service Establishment - Class A
 - Limited Food Service Establishment - Class B (Tavern, bar or other operation that serves only beverages, prepackaged foods or is equipped for limited food preparation as approved by the Health Authority)

- Mobile Food Unit or Mobile Retail Food Store - Class C

- Temporary Food Service - Class D

- Seasonal Concession Stand - Class E

Food Service establishments shall operate within the limits of the specified license classifications provided in this Ordinance.

B. The annual license fee for a food service establishment or retail food store shall be based upon the type of operation or on the square footage of the building or facility or part thereof where such operation (including dining areas, retail sales area, storage areas) exist as follows:

- Operations of 2,000 square feet or less in size - \$225

- Operations of 2,001 to 3,000 square feet in size - \$300

- Operations of over 3,000 square feet in size - \$350

- Mobile Food Unit or Mobile Retail Food Store - \$125

- School or Church conducting routine food service - \$125

- Operations serving only foods prepared at an approved commissary - \$125

- Operations preparing small quantities of non-potentially hazardous foods - \$125

- Seasonal Concession Stand (serving potentially hazardous food) - \$100

- Season Concession Stand (serving non-potentially hazardous food) - \$60

- Temporary Food Service or Temporary Retail Food Store serving only prepackaged, non-potentially hazardous foods or beverages - \$25

- Commissary operating at a professional golf tournament site - \$225

- Vendor selling a single food item or beverage at a professional golf tournament site - \$25 per location

- Soup kitchen, food pantry, or similar facility operated by a not for profit organization providing food at no charge to the needy - No Fee.

*Routine food service is defined as operation of at least once per week. Season concession stands shall operate for a period of four (4) months or less. Seasonal concession stands not fully equipped as food service establishments shall be limited to prepackaged food or non-potentially hazardous food as appropriate for the facilities provided. Temporary food stands shall operate for a period of 14 days or less.

- D. Prior to approval of an application for a license, the Health Authority shall inspect the food service establishment or retail food store to determine compliance with the requirements of this Ordinance.
- E. The Health Department shall issue a license to the applicant if its inspection reveals that the applicable requirements of this Ordinance have been met and upon payment of the required fee.

4-1-4.2 RENEWAL OF LICENSE

Whenever the inspection for renewal of a license reveals serious or repeated violations of this Ordinance, the license shall not be issued and the Health Authority shall notify the applicant immediately thereof. Such notice shall state the reasons for not renewing the license. Such notice shall also state that an opportunity for a hearing shall be provided for the applicant at a time and place designated by the Health Authority. Such hearing shall be scheduled not later than ten (10) days from the date of the notice. A license which expired shall be removed from the establishment by the Health Authority.

4-1-4.3 SUSPENSION OF LICENSE

- A. Licenses may be suspended temporarily by the Health Authority for failure of the license holder to comply with the requirements of this Ordinance. Whenever a license holder or operator has failed to comply with any notice issued under the provisions of this Ordinance, the license holder or operator shall be notified in writing that the license is, upon service of a notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Department Administrator by the license

holder. Upon suspension of the license, all operations as a food service establishment or retail food store are to be discontinued at the direction of the Health Authority. The license shall be removed from the establishment by the Health Authority and returned to the Health Department.

- B. Notwithstanding the other provisions of this Ordinance, whenever the Health Authority finds unsatisfactory or other conditions in the operations of a food service establishment or retail food store which in his judgement, constitute a substantial hazard to the public health, he may without warning, notice or hearing, issue a written notice to the license holder or operator citing such condition, specifying the corrective action to be taken and specifying the time period within such action shall be taken and if deemed necessary, such order shall state that the license is immediately suspended, and all operations as a food service establishment or retail food store are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Health Authority, shall be afforded a hearing as soon as possible.

4-1-4.4 REINSTATEMENT OF SUSPENDED LICENSE

Any person whose license has been suspended may at any time make application for a reinspection for the purpose of reinstatement of the license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the license have been corrected, the Health Authority shall make a reinspection. If the applicant is found to be in compliance with the requirements of this Ordinance, the license shall be reinstated.

4-1-4.5 REVOCATION OF LICENSE

- A. For serious or repeated violations of any of the requirements of this Ordinance, or for interference with the Health Authority in the performance of his duties, the license may be permanently revoked after an opportunity for a hearing has been provided by the Health Department Administrator.

- B. Prior to such action, the Health Department Administrator shall notify the license holder in writing, stating the reasons for which the license is subject to revocation, and advising that the license shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Health Department Administrator by the license holder, within such five (5) day period. A license may be suspended for cause pending its revocation or a hearing relative thereto.

4-1-5 NOTICES

A notice provided for in this Ordinance is properly services when it is delivered to the holder of the license or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the license. A copy of the notice shall be filed in the records of the Health Department. A completed inspection report form or a letter are considered proper forms of notice.

4-1-6 HEARINGS BEFORE THE HEALTH DEPARTMENT ADMINISTRATOR

Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any Section of this Ordinance may file in the office of the Health Department a written request for a hearing before the Health Department Administrator. The Health Department Administrator shall hold a hearing at a time and place designated by him. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. Proceedings of the hearing shall be recorded. Within ten (10) days after the date of the hearing, the Health Department Administrator shall make a final finding based on the complete hearing record. The decision shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing shall be furnished to the petitioner by the Health Department. Any person aggrieved by the decision of the Heal Department Administrator may seek relief therefrom through a hearing before the Board of Health.

4-1-6.1 HEARING BEFORE THE BOARD OF HEALTH - Any person aggrieved by the decision of the Health Department Administrator, rendered as a result of a hearing held in accordance with Section 6, may file in the Office of the Health Department a written request for a hearing at a time and place designated by the Secretary of the Board of health. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. Proceedings of the hearing shall be recorded. Within ten (10) days after the date of the hearing, the Board of Health shall make a final finding based upon the complete hearing record. The decision shall sustain, modify or rescind any notice or order considered at the hearing. A written report of the hearing shall be furnished to the petitioner by the Health Department.

4-1-7 INSPECTIONS

The Health Authority shall classify each food service establishment or retail food store in one of the following three risk categories based upon the relative risks of causing foodborne illness: high risk, medium risk, low risk. Classification criteria for each group are stated in Section 7.3.

- A. High Risk facilities shall receive three (3) inspections per year, or two (2) inspections per year if one (1) of the following conditions is met:
 - A. A certified food service manager is present at all times the facility is in operation; or
 - B. Employees involved in food operations receive a HACCP training exercise, in-service training on another food service sanitation area, or attend an educational conference on food safety or sanitation.
- B. Medium Risk facilities shall receive at least one (1) inspection per year.
- C. Low Risk facilities shall receive at least one (1) inspection per year.

Additional inspections of food service establishments or retail food stores shall be performed as often as deemed necessary by the Health Authority for the enforcement of this Ordinance.

- 4-1-7.1 ACCESS - The Health Authority, after proper identification, shall be permitted to enter, at any reasonable time any food service establishment or retail food store within Rock Island County for the purpose of making inspections to determine compliance with this Ordinance. The Health Authority shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used and persons employed.
- 4-1-7.2 REPORT OF INSPECTIONS - Whenever an inspection of a food service establishment or retail food store is made, the findings shall be recorded on an inspection report form. The inspection report form shall summarize the requirements of this Ordinance and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by item number, the item violated and shall stated the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report is a pubic document that shall be made available for public disclosure to any person who requests it, according to law.
- 4-1-7.3 RISK CLASSIFICATIONS - for food service establishments or retail food stores shall be based upon the following classifications and criteria:
- A. High Risk means that a facility presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility. The following criteria shall be used to classify high risk facilities:
- A. Whenever cooling of potentially hazardous foods occurs as part of the food handling operations at the facility;

- B. When potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
- C. If potentially hazardous foods which have been previously cooked and cooled must be reheated;
- D. When preparing potentially hazardous food for off premises service for which time-temperature requirements during transportation, holding and service are relevant;
- E. Whenever complex preparation of foods, or extensive handling of raw ingredients with hand contact for ready-to-eat foods, occurs as part of the food handling operations at the facility;
- F. If vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
- G. Whenever serving immuno-compromised individuals. Where these individuals comprise the majority of the consuming population.

B. Medium Risk means that a facility presents a medium relative risk of causing foodborne illness based upon few food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify medium risk facilities:

- A. If hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service
- B. If preparing foods for service from raw ingredients uses only minimal assembly; and
- C. Foods served at an establishment that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food processing plants, (high risk) food service establishments or retail food stores.

C. Low Risk means a facility presents a low relative risk of causing foodborne illness based upon few or no food handling operations typically implicated in foodborne illness outbreaks.

The following criteria shall be used to classify low risk facilities:

- A. Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved food processing plant;
- B. Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or
- C. Only beverages (alcoholic or non-alcoholic) are served at the facility.

The Health Authority may reclassify a facility based upon its experience with such facility if, in its opinion, a health hazard will not result from such reclassification or such reclassification will provide better protection for the public. Factors to be used when considering reclassification of a facility include inspection history, number and frequency of violations and their severity and corrective actions taken.

4-1-8 CORRECTION OF VIOLATIONS

- A. The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:
 - A. If an imminent health hazard exists, including but not limited to complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service or sales operations.
 - B. All violations of 4- or 5-point weighted items shall be corrected as soon as possible, but in any event, within 10 days following inspection. Within 15 days after the inspection, the holder of the license shall notify the Health Authority stating that 4- and 5-point weighted violations have been corrected. A follow-up inspection, as deemed necessary by the Health Authority, shall be conducted to confirm correction.
 - C. All 1- or 2- point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

- D. When the rating score of the establishment is less than 60, the establishment shall initiate corrective action on all identified violations within 48 hours. One or more re-inspections will be conducted at reasonable time intervals to assure correction.
- E. In the case of temporary food service establishments, all violations shall be corrected within 24 hours. If violations are not corrected within 24 hours, the establishment shall immediately cease food service operations until authorized to resume by the Health Authority.
- B. Failure of the license holder or operator to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the Health Administrator within ten (10) days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.
- C. Whenever a food service establishment or retail food store is required under the provisions of Section 8 above to cease operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the order to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

4-1-9 EXAMINATION AND CONDEMNATION OF FOOD AND/OR EQUIPMENT

- A. FOOD - food may be examined or sampled by the Health Authority as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to move or alter a hold order notice or tag placed on food by the Health Authority. Neither such food nor the containers thereof shall be relabeled, repackaged or reprocessed, altered, disposed of, or destroyed without permission of the Health Authority, except on an order by a court of competent jurisdiction. After the owner or person

in charge has had a hearing as provided in this Ordinance, and on the basis of evidence produced at such hearing, or on the basis of examination in the event of written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order or may, by written notice, direct the owner or person in charge of food which was placed under the hold order to denature or destroy such food or bring it into compliance with the provisions of this Ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

- B. Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or unsanitary, such equipment shall be taken out of use and a hold order placed on said items by the Health Authority. Such equipment may not be put back into service until written permission is obtained from the Health Authority. It shall be unlawful for any person to move or alter a hold order notice or tag placed on equipment by the Health Authority. Such equipment shall not be altered, disposed of, or destroyed without permission of the Health Authority, except on an order in a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided in this Ordinance, and on the basis of the evidence produced at such hearing or on the basis of examination in the event of a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order or may, by written notice, direct the owner or person in charge of the equipment which was placed under the hold order to remove such equipment or bring it into compliance with the provisions of this Ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

4-1-10

PROCEDURE WHEN INFECTION IS SUSPECTED

When the Health Authority has reasonable cause to suspect possible disease transmission by an employee of a food service establishment or retail food store, it may secure a morbidity history of the suspected employee or make any other investigation as may be indicated and take appropriate action. The Health Authority may require any or all of the following measures:

- A. The immediate exclusion of the employee from employment in a food service establishment or retail food store;
- B. The immediate closing of the food service establishment or retail food store concerned until, in the opinion of the Health Authority, no further danger or disease outbreak exists;
- C. Restrictions of the employee's services to some areas of the establishment where there will be no danger of transmitting disease;
- D. Adequate medical and laboratory examinations of the employee or other employees and of his or their body discharges.

4-1-11 FOOD HANDLERS' CLASSES

The Health Authority may order any food handler to attend an immediate food handler training course when, in the judgement of the Health Authority, the work habits of said food handler constitute a hazard to public health. Fees may be charged by the Health Authority to offset any costs incurred by the Health Authority.

4-1-12 FOOD SERVICE ESTABLISHMENTS OUTSIDE OF ROCK ISLAND COUNTY

Food from establishments outside the jurisdiction of the Health Authority may be sold in Rock Island County if such food service establishments conform to the provisions of this Ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

4-1-13 PLAN REVIEW OF FUTURE CONSTRUCTION

- A. Whenever a food service establishment or retail food store is constructed or extensively remodeled, and whenever an existing structure is converted to use as a food service establishment or retail food store, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the Health Authority for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and

construction materials of work areas, and the type and model of proposed fixed equipment and facilities. All applicable food service equipment shall be of a quality as approved by the National Sanitation Foundation (NSF) or equivalent. New equipment which is approved for a certain use by NSF shall be automatically approved by the Health Authority. Other applicable equipment or used equipment shall be evaluated or otherwise approved by the Health Authority. The Health Authority shall approve the plans and specifications if they meet the requirements of this Ordinance. No food service establishment or retail food store shall be constructed, extensively remodeled or converted except in accordance with plans and specifications approved by the Health Authority.

- B. Pre-Operational Inspection - whenever plans and specifications are required by Section 13A of this Ordinance to be submitted to the Health Authority, the Health Authority shall inspect the food service establishment or retail food store prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Ordinance.
- C. A plan review fee of \$175 shall be charged for proposed operations of 2,000 square feet or less in size. A plan review fee of \$300 shall be charged for proposed operations over 2,000 square feet in size. A plan review of \$100 shall be charged for existing operations of any size where only moderate levels of remodeling are proposed. The Health Authority shall determine whether a remodeling project is considered moderate in scope. The required fee shall be submitted with the prepared plans and specifications.

4-1-14 PENALTIES

Any person who violates any provision of this Ordinance shall be guilty of a Class B misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00). Each day's violation shall constitute a separate offense.

4-1-15 INJUNCTIONS

The State's Attorney of Rock Island County may bring action for an injunction to restrain any violation of this Ordinance or to enjoin the operations of any such establishment causing such violation.

4-1-16 CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of Rock Island County existing on the effective date of this Ordinance, the provisions which, in the judgement of the Health Authority, established the higher standards for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

4-1-17 SEPARABILITY OF PROVISIONS

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of the Ordinance are hereby declared to be severable.

4-1-18 EFFECTIVE DATE

This Ordinance shall be in full force and effective immediately upon its adoption as provided by law. Previously adopted ordinances pertaining to the same subject matter are hereby repealed.

The above foregoing Ordinance was adopted on the 21st day of April, 1987 and amended August 18, 1992, March 21, 1995, December 16, 1997 and August 19, 2003.

Chapter 2

Health Nuisances

Section

- 4-2-1 Scope
- 4-2-2 Definitions
- 4-2-3 Enumeration
- 4-2-4 Investigation
- 4-2-5 Inspections
- 4-2-6 Abatement
- 4-2-7 Penalties
- 4-2-8 Conflict of Ordinance
- 4-2-9 Separability of Provisions
- 4-2-10 Effective Date

4-2-1 SCOPE

An Ordinance regulating nuisances and their abatement within Rock Island County, Illinois.

WHEREAS, the Board of Health of the Rock island County Department of Public Health has deemed it necessary and desirable to regulate nuisances for health purposes, and accordingly has recommended the adoption of the following Ordinance.

THEREFORE, be it resolved by the County Board of Rock Island County, Illinois, that the following Ordinances hereby made and adopted this 16th day of April, 1985.

4-2-2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. BOARD OF HEALTH shall mean the Rock Island County Board of Health or its authorized representative(s).
2. HEALTH AUTHORITY shall mean the Administrator of the Rock Island County Department of Public Health or his duly authorized representative(s).

3. HEALTH DEPARTMENT shall mean the Rock Island County Department of Public Health, including its duly authorized representative(s).
4. HEALTH DEPARTMENT ADMINISTRATOR shall mean the individual selected by the Rock Island County Board to administer and enforce the policies, ordinances, resolutions, or law of said Board.
5. ORDINANCE shall mean the “Rock island County Health Nuisances Ordinance.”
6. PERSON shall mean any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof or any other entity.
7. PROPERTY OWNER shall mean the person in whose name legal title to the real estate is recorded.

4-2-3 ENUMERATION

A health nuisance includes any act, omission to act, or condition of any real property which injures or threatens the health or safety of one or more persons and shall not be limited to, but shall include the following:

- A. The storage, collection, accumulation, discharge, or deposition of any offal, fecal matter, filth, refuse, weeds, vegetation, animal carcass, dead organic material, garbage, stagnant or polluted waters, combustible materials and similar materials in any place or on any property so as to threatened the health or safety of the individual or the public or to be conducive to the breeding of flies, rats or other vermin, or to the prejudice of others.
- B. The presence of rats, flies, or other vermin.
- C. To discharge or deposit any offal, liquid waste, sewage effluent, dead animal(s), or other polluting material into or upon any watercourse, stream, river, lake, pond, spring, well, abandoned well, ground surface, drainage ditch, storm sewer, field drain tile, street or public highway.
- D. To corrupt or render impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.

- E. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.
- F. To erect or continue to use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, is dangerous to the health of individuals or to the public.
- G. To collect, store, deposit, or discharge flammable refuse, liquid, or other material in any building or on any place in such manner as to constitute a hazard of fire injury to individuals or the public.
- H. To dump, abandon, deposit, dismantle, or burn upon any public or private property, right-of-way, highway, park, street, or parkway anywhere in Rock island County, any trash, garbage, ashes, junk, junked or wrecked motor vehicles or non-motorized equipment or parts thereof, or miscellaneous solid waste.
- I. The unlawful disposal of the carcasses of dead animals, fish or fowl.
- J. The exposure of any person to any communicable disease by any unlawful act or practice.
- K. To own, maintain, or keep a dwelling unit unifier for human habitation or dangerous or detrimental ro life, safety or health because of lack of repair, defects in the sewage system, plumbing facility, lighting, or ventilation, the existence of contagious diseases or unsanitary conditions likely to cause sickness among persons residing in said premises or residing in proximity thereof.
- L. Failure to secure areas, buildings, equipment or places against unauthorized access where such access threatens the safety of individuals.
- M. Whatever renders food or drink detrimental to human beings, as determined by the Health Authority.

- N. Any attractive nuisance which may prove detrimental to life, health or safety whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned well shaft, basement or excavation, motor vehicle, discarded, abandoned, unattended, or used refrigerators, iceboxes and similar containers equipped with airtight door or lid, snap lock, or other locking device which may not be released from the inside. The duties of this item are imposed alike on the owner of the nuisance and the owner or occupant of the premises where the nuisance is permitted to remain.
- O. Billboards, signboards, and advertising signs, wherever erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof.
- P. To allow weeds and grasses to grow on a parcel of property five (5) acres or less in size, without periodic cutting of the weeds and grasses.

4-2-4 INVESTIGATION

The Health Authority shall investigate, upon complaint of any person or on its own initiative, any health nuisance in Rock Island County.

4-2-5 INSPECTIONS

The Health Authority shall have the authority to enter any property at any reasonable time to inspect for health, sanitation, or safety purposes to determine compliance with the provisions of this Ordinance. In the event the Health Authority, in attempting to enter any premises for the purpose of making an inspection to carry out the provisions of this Article, shall be refused entry, an affidavit may be made under oath to any judge of the Circuit Court for a warrant authorizing the Health Authority named in the affidavit to enter upon or into such premises for the purposes of determining the existence of the conditions set forth in the affidavit.

4-2-6 ABATEMENT

A. Non-summary abatement:

1. By Owner:

A. The Health Authority may serve or cause to be served a notice, in writing, upon the owner, agent, occupant or person in possession, charge, or control of any lot, building, or premises or item of personalty in or upon which any nuisance exists, requiring said person to abate the same within a specified, reasonable time, in such manner as the notice shall direct.

B. An appeal to the Board of health from any notice shall be provided if a written request for a hearing is filed with the Health Department within the time established for the abatement of the nuisance.

2. By Health Department: if the person so served and notified does not abate the nuisance within the specified reasonable time, the Health Authority may proceed to abate the nuisance in any or all manner allowable by law, including, without limiting the generality thereof, the following:

A. Seeking to impose a monetary penalty as defined in Section 7 of this article by instituting Ordinance enforcement action.

B. Seeking to enjoin the continuation of the nuisance by filing of a lawsuit in a court of competent jurisdiction.

C. All expenses incurred thereby shall be paid by the owner, agent, occupant or person in possession of said property; said expenses shall be lien upon said property if payment is not made to the health Department after presentation of a bill and a reasonable period of time.

B. Summary Abatement: whenever, in the opinion of the Health Authority, a nuisance creates an imminent threat of serious injury to

the person(s) or real property, or if the nuisance can be abated summarily without or with only minor damage to the items or premises which are creating the nuisance, and the continuation of the nuisance poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the community, the Health Authority shall proceed to abate such nuisance; provided, further that whenever the owner, occupancy, agent, or person in possession, charge or control of the real or personal property which has become a nuisance is unknown or cannot readily be found, the Health Authority may proceed to abate such nuisance without notice. Where the abatement of the nuisance requires continuing acts by the Health Authority beyond the initial summary abatement and any other additional emergency abatements, it shall seek abatement of such nuisance on a permanent basis through judicial process as soon as readily possible. All expenses incurred thereby shall be paid by the owner, agent, occupant or person in possession of said property. Said expenses shall be a lien upon said property if payment is not made to the Health Department after presentation of a bill and a reasonable period of time.

4-2-7 PENALTIES

Any person who violates any provision of this Ordinance shall be guilty of a petty offense and shall be fined a sum not to exceed \$500.00. Each day's violation constitutes a separate offense.

4-2-8 CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, or code of Rock island County existing on the effective date of this Ordinance, the provision which, in the judgement of the Health Authority, established the higher standards for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

4-2-9 SEPARABILITY OF PROVISIONS

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall remain in full force and effect and, to this end, the provisions of Ordinance are hereby declared to be severable.

4-2-10 EFFECTIVE DATE

This Ordinance shall be in full force and effective immediately upon its adoption as provided by law. Previously adopted ordinances pertaining to the same subject matter are repealed.

The above and foregoing resolution was adopted on the 16th day of April, 1985

Chapter 3

Home Health Services

An Ordinance establishing and providing for the collection of fees for providing Home Health Services from persons receiving such services or from others who may be liable therefore

WHEREAS, the County of Rock Island, Illinois, has established a Health Department, by adopting an appropriate Resolution, pursuant to the provisions of Chapter 111 ½, Section 20C, Illinois Revised Statutes, and

WHEREAS, a Board of Health has been appointed to manage such Health Department, as required by the provisions of Chapter 111 ½ Chapter 20C12 Illinois Revised Statutes, and

WHEREAS, the provisions of Chapter 111 ½, Section 20c13, Illinois Revised Statutes authorizes the Board of Health to recommend to the County Board the adoption of ordinances providing fees for home health services when such services, in the judgement of the Illinois Department of Public Helath, are not adequately available through other services, and

WHEREAS, the Illinois Department of Public Health has certified the Rock island County Health Department as being an agency which meets all criteria necessary for providing home health services, and

WHEREAS, the Rock Island County Board of Health has recommended that the County Board adopt a fee schedule for providing home health services.

IT IS THEREFORE ORDAINED by this County Board of Rock Island County, Illinois, in open meeting this 20th day of April, 1976, as follows:

- Section 1. Definitions. For the purpose of this Ordinance, the words and phrases described in this Section have the meanings designated in this Section, except when a particular context clearly requires a different meaning.
- A. Department means the Rock Island County Health Department.

- B. Board means the Board of Health of Rock Island County, Illinois.
- C. Home Health Services means those items and services furnished to individuals, under the care of a physician, on a visiting basis in a place of residence used as the individuals' home. These services are provided by the Rock Island County Health Department under a plan for furnishing such items and services to an individual, established and periodically reviewed by the individual's physician and shall include, but not necessarily be limited to; part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse; the services of one or more of the following: Physical, occupational or speech therapy, medical social work, or intermittent services of a home health aid; and such equipment as may be needed by the individual receiving such services.

Section 2. There shall be charged by the Rock Island County Health Department for each home visit by any person providing Home Health Services as that term is defined in Section I (c) of this Ordinance, a fee not to exceed \$75. However, in those situations where in the fee is being charged to the recipient of the services, or to the spouse of such person, the Rock island County health Department si authorized to adjust the fee, taking into consideration the income and family size of the individual to whom the fees are being charged, in the manner set forth in the following schedule, as recommended by the board:

Section 3. The Board shall review the schedule of fees not less than annually and recommend such changes to the County Board as will keep such fees as close as possible to the actual cost of providing the services, such cost to be determined by applying accepted cost accounting methods.

Section 4. Such fees as are provided in this Ordinance shall be collected by the Department from the individual to whom the services were provided, from any other person who may be legally liable therefore, or from the estates of those individuals to whom the

services are provided or who may be otherwise legally liable therefore, or from any municipality, political subdivision or unit of local government which contractually agrees to be financially responsible for such fees for home health services provided to its residents under the provisions of any intergovernmental or other contract authorized by law.

Section 5. The Administrator of the Department shall be responsible for all billing procedures and the collection of fees. All fees collected shall be deposited in the Health Fund.

Section 6. The State's Attorney of Rock island County is authorized to commence appropriate legal proceedings to collect all fees owing and due under the provisions of this Ordinance, at the request of the Administrator of the Department.

Section 7. All Ordinances or Resolutions, or Sections or Paragraphs thereof, pertaining to the Department, which are in conflict with the provisions of this Ordinance be and the same hereby are repealed.

Section 8. This Ordinance shall be effective immediately upon its adoption.

Done in open meeting this 20th day of April, 1976 and amended in open meeting this 18th day of August, 1987

Chapter 4

Private Sewage Disposal

Section	
4-4-1	Scope
4-4-2	Definitions
4-4-3	Adoption of Reference
4-4-4	Sanitary Facilities Required
4-4-5	Public Sewer
4-4-6	Preliminary Plat Review
4-4-7	Permit Requires
4-4-8	Special Evaluations
4-4-9	Technical Requirements
4-4-10	Inspections
4-4-11	Revocation or Suspension of Permit
4-4-12	Unsanitary Conditions
4-4-13	Private Sewage Disposal System Installation Contractor's License Required
4-4-14	Private Sewage Disposal System Pumping Contractor's License Required
4-4-15	Suspension or Revocation of License
4-4-16	Notice of Violation
4-4-17	Hearing before the Health Department Administrator
4-4-18	Hearing before the Board of Health
4-4-19	Penalties
4-4-20	Injunctions
4-4-21	Conflict of Ordinance
4-4-22	Separability of Provisions
4-4-23	Effective Date
4-4-1	SCOPE

An Ordinance regulating private sewage disposal, the installation, construction and/or repair of private sewage disposal systems or facilities, the disposal of septage, and the licensing of private sewage disposal system installation contractors and private sewage disposal system pumping contractors within Rock Island County, Illinois.

WHEREAS, the Board of Health of the Rock Island County Department of Public Health has deemed it necessary and desirable to regulate private sewage disposal for health purposes, and accordingly has recommended adoption of the following Ordinance.

THEREFORE, be it resolved by the County board of Rock Island, Illinois, that the following Ordinance is hereby made and adopted this 16th day of June, 1992.

4-4-2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

1. BOARD OF HEALTH shall mean the Rock Island County Board of health or its representative(s).
2. EFFLUENT RECEIVING TRENCH shall mean a seepage line of gravel or gravel-less design used to receive the treated discharge from an aerobic treatment plant, sand filter, or lagoon prior to discharge to the ground surface or other location.
3. HEALTH AUTHORITY shall mean the Administrator of the Rock Island County Department of Public Health or his duly authorized representative(s).
4. HEALTH DEPARTMENT shall mean the Rock island County Department of Public Health, including its duly authorized representative(s).
5. HEALTH DEPARTMENT ADMINISTRATOR shall mean the individual selected by the Rock Island County Board of Health to administer and enforce the policies, ordinances, resolutions or law of said board.
6. ORDINANCE shall mean the “Rock Island County Private Sewage Disposal Ordinance”.

7. PERMIT shall mean a written permit issued by the Health Authority allowing the installation, construction, extension, or repair of a private sewage disposal system under this Ordinance.
8. PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR means any person constructing, installing, repairing, modifying, or maintaining private sewage disposal systems.
9. PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR means any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of wastes removed therefrom.
10. SOIL SURVEY shall mean the “Soil Survey of Rock Island County” produced by the United States Department of Agriculture, Soil Conservation Service.

4-4-3 ADOPTION BY REFERENCE

In addition to the other provisions stated herein, this Ordinance shall adopt by reference and shall be interpreted and enforced in accordance with the provisions set forth in the current, unabridged form of the State of Illinois, Department of Public health, “Private Sewage Disposal Licensing Act and Code” and any subsequent amendments or revisions thereto, three copies of which shall be on file in the office of the Rock island County Clerk.

4-4-4 SANITARY FACILITIES REQUIRED

No building, structure, area, or premises shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for the sanitary and safe disposal of all human waste and domestic sewage which could endanger the public health or create objectionable nuisance conditions. Any building, structure, area or premises which does not possess adequate sanitary facilities may be declared as unsafe or unfit for human occupancy and may be so tagged by the health Authority. Any such facility that has been tagged as unsafe or unfit for human occupancy shall be vacated within the time limit specific by the health Authority.

4-4-5 PUBLIC SEWER

The Health Authority shall refuse to grant a permit for the construction of a private sewage disposal system where a public sanitary sewer is available for connection. A public sewer shall be deemed available for connection when the subject property is located within a reasonable distance from the public sewer and connection is permitted by the controlling authority. A reasonable distance shall be considered 200 feet from a single family residential property or a commercial property discharging less than 1,500 gallons of domestic sewage per day, and 1,000 feet from a commercial property discharging 1,500 or more gallons of domestic sewage per day or a multi-family dwelling.

4-4-6 PRELIMINARY PLAT REVIEW

When private sewage disposal systems are to be used for any subdivision or re-division of any subdivision, tract, parcel, or lot of land into two (2) or more parts by means of mapping, platting, conveyance, change, or rearrangement of boundaries, the Health Authority shall review such proposal to insure that each proposed lot shall be able to contain a private sewage disposal system approved under the provisions of this Ordinance. No preliminary plat or subdivision shall be approved unless every proposed lot is considered suitable for an approved private sewage disposal system. A proposed plat of more than six (6) lots shall not be designed or situated in such a manner which will require private sewage disposal systems with surface discharges on more than 20% of the proposed lots. The adequacy of proposed subdivision lots utilizing private sewage disposal systems shall be determined in part from the results of the soil type that is identified by soil borings on each proposed lot and through utilization of the Soil Survey. Information regarding lot size and configuration along with topographic and other physical features shall also be used to determine individual lot suitability.

4-4-6.1 Application for Plat Review

Application for a plat review shall be made in writing to the Health Department in such form as prescribed by the Health Authority. Each application shall be accompanied by the plat or proposed subdivision identifying each lot and accurately depicting the property lines and dimensions of each lot. Easements, roads, and rights-of-way which are part of the proposed plat shall also be shown. Information concerning

topography, proposed wells and water supply lines shall also be provided to the Health Authority upon request.

4-4-6.2 Evaluation of Application

The site of the plat or proposed subdivision shall have corner points of each lot clearly identified prior to evaluation. At the discretion of the Health Authority, the Health Authority or a credentialed soil scientist or soil classifier shall conduct an onsite soils evaluation over the entire tract. The soil evaluation shall consist of soil borings, made a sufficient number of locations to determine major soil types and conditions present. If the information provided is insufficient to conduct an adequate evaluation, the Health Authority may require additional information, including more detailed soil or engineering studies or aerial photographs. Onsite test pits at certain locations may also be required by the health Authority. It shall be the responsibility of the applicant or an authorized agent of the applicant to obtain all requested data and to design a plat or proposed subdivision which shall meet the requirements of this Ordinance.

4-4-6.3 Plat Review Fee

When the health Authority conducts the onsite soils evaluation, a fee of \$100 for the first lot and \$75 for each additional lot shall accompany each application for plat review. When the onsite soils evaluation is conducted by a credentialed soil scientist or soil classifier, the plat review fee shall be \$100 for the first lot and \$25 for each additional lot. Soils evaluations not conducted by the Health Authority are done at the expense of the applicant.

4-4-6.4 Approval of Application

If the Health Authority, upon review of said application, determines that the plat or proposed subdivision will allow placement of an approved disposal system on each lot in accordance with this Ordinance, a report of approval shall be submitted by the Health Authority to the governmental unit charged with overall responsibility for final approval.

4-4-7 PERMIT REQUIRED

No private sewage disposal system or component thereof shall be installed, constructed, extended, or repaired in Rock island County, except in accordance with this Ordinance, and it shall be unlawful to proceed with such work unless a permit therefore shall have first been obtained from the health Authority. However, where connection is to be made to a public sewer, arrangements shall be made with the municipality owning the sewer rather than the Rock Island County Health Department. The routine cleaning of disposal system components, replacing septic tank covers, adding septic tank access risers, or rodding out the building sewer or septic tank inlet and outlet do not require a permit.

4-4-7.1 Application for Permit

Application for such a permit shall be made in writing to the Health Department in such form as prescribed by the health Authority. Each application shall be accompanied by a plan identifying the subject property and accurately depicting the property lines and dimensions of the lot. Within the site plan, all existing and proposed structures, driveways, patios, easements, and in ground swimming pools shall be located and include dimensions and distance to property lines. The location of all existing and proposed wells, sewers, septic tanks, sewage disposal systems, cisterns, water lines, underground utility lines, drainage tiles, privy vaults, waterways, lakes, ponds, streams, ravines, wooded areas, and other related entities shall also be shown along with appropriate separation distances. Similar information as listed above shall be included for neighboring property which may impact the location of the proposed private sewage disposal system.

4-4-7.2 Permit Fee

for renovation on a developed property, a fee of \$125 shall accompany each application, except as herein noted. A permit fee of \$65 shall be charged for: septic tank repair, septic tank baffle replacement, building sewer repair or replacement, repair or replacement of any solid piping, distribution box replacement, or repair of ten (10) linear feet or less of subsurface seepage fields. For construction of a new building, a fee of \$150 shall accompany each application.

4-4-7.3 Evaluation of Application

Upon submission of the application for permit, including the site plan and all necessary components, the Health Authority shall review said application prior to issuance of a permit. The addition to the information contained within the site plan, the Health Authority shall evaluate site specific soil characteristics. The absorption capabilities of the soil shall be determined from among percolation test results, soil classification information obtained from the Soil Survey, and/or onsite soil borings as determined by the health Authority on an individual basis. Soils information may be supplied to the health Authority by qualified soil scientists, consulting engineers, sanitarian, or other individuals approved by the Health Authority. If the information provided is insufficient to conduct an adequate evaluation, the Health Authority may require additional information, including more detailed soil or engineering studies or aerial photographs. Onsite test pits on the subject property may also be required by the Health Authority. It shall be the responsibility of the applicant or an authorized agent of the applicant to obtain all requested data and to design a system which shall meet the requirements of this Ordinance.

4-4-7.4 Issuance of Permit

If the Health Authority, upon review of said application, finds that such application meets the requirements of this Ordinance, and upon payment of the required fee, a permit shall be issued to the application. Such permit shall include specifications specific to each private sewage disposal system and shall include a statement as to any restrictions relating to the components, type, or a size system that shall be installed. The permit issued by the Health Authority is in addition to any required building permit and shall be obtained prior to issuance of a building permit.

4-4-7.5 Property Owner's Responsibility

It shall be the responsibility of the property owner to secure a permit before any construction or repair is begun on the owner's system. Failure of the property owner to obtain said permit before construction or repair is begun shall constitute a violation of this Ordinance, and penalty action may be taken.

4-4-7.6 Private Sewage Disposal System Installation Contractor's Responsibility

It shall be the responsibility of the private sewage disposal system installation contractor to insure that a permit has been issued before any construction or repair is begun on any system, and to follow the conditions of said permit. Failure of the private sewage disposal system installation contractor to insure said permit has been issued or to violate the conditions of said permit shall constitute a violation of this Ordinance, and penalty action may be taken.

4-4-7.7 Permit Validity

Said permit to construct is valid for a period of twelve (12) months from the date of issuance. If construction has not started within this period, the permit is void.

4-4-8 SPECIAL EVALUATIONS

The Health Department may conduct special evaluations concerning the operation of existing private sewage disposal systems or the feasibility of constructing a private sewage disposal system on undeveloped property. The evaluation of existing system is generally done for real estate transactions or mortgage refinancing, while the feasibility evaluation is done when application for a private sewage disposal system permit is not imminent or desired. Special evaluations are conducted on a consultative basis up on the request of the property owner or authorized agent. The fee for a special evaluation shall be \$120. If a person request a statement in letter form stating known conditions at a site without field inspection, the fee shall be \$50.

4-4-9 TECHNICAL REQUIREMENTS

4-4-9.1 Minimum Sub-Surface Seepage Field Sizing

The minimum equivalent trench bottom absorption area for a subsurface seepage field system serving any dwelling or building shall be 300 square feet.

4-4-9.2 Piping Under Driveways

Building sewer piping and treatment unit effluent lines which are located under driveways, parking lots or other vehicular traffic areas shall be constructed of Schedule 40 PVC or stronger and encapsulated within a second pipe of equal strength to prevent crushing and to improve insulation against freezing.

4-4-9.3 Gravel-less Seepage Fields

Where a gravel-less subsurface seepage field system or chambered leach field is to be installed, in conjunction with a septic tank, the installation contractor shall advise the property owner of this fact prior to construction. In addition, the installation contractor shall install one or more access ports within the seepage field system to facilitate inspection and cleaning.

4-4-9.4 Aerobic Treatment Plants

Aerobic treatment plants require periodic maintenance to achieve performance consistent with demonstrated capabilities. It is recognized that assured professional maintenance is imperative.

4-4-9.4.1 Continuing Service Policy Required

All aerobic treatment plants shall have in force, at all times, a service policy from either the manufacturer or distributor through the dealer, or other person or agency qualified and duly licensed to perform the necessary service for as long as the unit is in operation. This service policy shall provide:

1. For an inspection or service call, at least once every six (6) months, which includes inspection, adjustment, and servicing of the mechanical and electrical component parts to ensure proper function;
2. For an effluent quality inspection consisting of a visual check for color, turbidity, scum overflow, and an examination for odors; and a chemical test for chlorine residual;

3. For improper operation which cannot be corrected at the time, to be reported to the owner immediately. This shall be followed with a written report which includes the date for the condition to be corrected.

4-4-9.4.2 Responsibility of Manufacturer and/or Service Dealer

1. The manufacturer, distributor, or dealer shall be required to assure that continuous service policy is available to the property owner for as long as the unit is in operation.
2. The service dealer shall provide a written statement to the property owner for each inspection or service call made. The statement shall indicate the specific type of service performed.
3. The service dealer shall assure that semi-annual inspections are being conducted on a timely basis. Upon the request of the Health Authority, the service dealer shall provide the service and inspection history of each system under the dealer's care.
4. Service by the dealer shall be available within 48 hours following a request.
5. An owner's manual shall be provided by the manufacturer with each unit. The manual shall include the unit's model and serial number, warranty and service policy, detailed operation and maintenance requirements, and rated daily service flow. A clearly visible, permanently attached label or plate giving instructions for obtaining service shall be placed at the visible and audible alarm.
6. When a continuing service policy is not renewed by a property owner, the service dealer shall notify the Health Authority within thirty (30) days after expiration of the

policy. The service dealer shall identify the name of the property owner and the property address.

4-4-9.4.3 Responsibility of the Property Owner

1. The property owner shall be responsible for maintaining and operating the aerobic treatment plant in accordance with this ordinance and the manufacturer's specifications.
2. Property owners of aerobic treatment plants shall be required to obtain and maintain at all times a continuing service policy which provides qualified service.

4-4-9.4.4 Sizing of Aerobic Treatment Plant

A four (4) bedroom residential property shall be sized with an NSF listed, Class I Aerobic Treatment Plant with a minimum rated treatment capacity of 600 gallons per day

4-4-9.5 Surface Discharges

Surface discharges from buried sand filters and Class I aerobic treatments plants shall be permitted only on properties which are deemed unsuitable for a subsurface seepage field or seepage bed system based upon onsite investigation by the Health Authority. Factors which could qualify a lot as unsuitable for a subsurface seepage field or seepage bed system include: inadequate soil permeability, insufficient usable area, inadequate separation distances from wells, the presence of shallow creviced limestone formations, an excessively high seasonal groundwater table, request flooding, or poor surface draining. Other limiting factors will be considered by the Health Authority on an individual basis.

4-4-9.5.1 Effluent Receiving Trenches and Beds

If the final discharge point of the effluent from a buried sand filter or Class I aerobic treatment plant is to be ground surface or body of water with limited inflow, then an effluent receiving trench or bed shall be installed prior to discharge in order to

minimize potential adverse health or nuisance conditions. The effluent receiving trench or bed shall be designed as a conventional subsurface seepage field or bed except that the entire trench or bed shall be designed to completely fill with liquid prior to discharge. The sizing of the effluent receiving trench or bed shall be determined by the Health Authority and based up on soil and other physical site conditions.

4-4-9-5.2 Common Drains

The use of common drains for the discharge of effluent from a buried sand filter or Class I aerobic treatment plant shall be prohibited, except in cases when a variance is granted by the Health Authority. A common drain is defined as an underground, enclosed conduit designed to carry liquids. Examples of common drains include storm tiles, field tiles and village tiles.

4-4-9-6 Disinfection

The effluent from any buried sand filter or Class I aerobic treatment plant discharged to a watercourse, lake, pond or to the ground surface shall be disinfected in the manner provided in this Ordinance.

4-4-10 INSPECTIONS

The Health Authority shall have the authority to enter any property or building at any reasonable time to inspect for health and sanitation purposes to determine compliance with the provisions of this ordinance. It shall be the duty of the owner or occupant of a property to give the health Authority free access to the property upon request of the Health Authority.

4-4-10.1 Sample Collection and Testing

The Health Authority shall be permitted to collect water samples or conduct any necessary tests, including dye tests, upon any property to determine compliance with the provisions of this Ordinance.

4-4-10.2 Recover Inspections Required

The Health Advisory shall be permitted to inspect the installation of a private sewage disposal system at any stage of construction. Before backfilling is started, but after complete installation of the private sewage disposal system or portion thereof, an inspection shall be made by the Health Authority to determine compliance with the provisions of this Ordinance. Any person who shall backfill or cover any portion of a private sewage disposal system without authorization by the Health Authority shall be in violation of this Ordinance. In such case, the Health Authority may require uncovering of the covered portion, and all costs incurred by such action shall be the responsibility of the violator. The permit holder or installer shall provide advance notice of at least one working day to the Health Department for a recover inspection.

4-4-10.3 Approval of Installation

If the Health Advisory, upon inspection, finds that the specified work meets the requirements of this Ordinance, the Health Authority shall approve the installation, complete the permit form and authorizing backfilling to be done.

4-4-11 REVOCATION OR SUSPENSION OF PERMIT

Upon inspection by the Health Authority, if it is found that the permit holder or installer has violated any provisions of this Ordinance, the Health Authority shall be empowered to revoke or suspend the permit, or the Health Authority may notify the owner or installer to make such specified changes in the work to allow compliance with the provisions of this Ordinance. If such changes are not made within a reasonable time as set forth by the Health Authority, said permit shall then be revoked by the Health Authority, and it shall be unlawful to use such private sewage disposal system. A permit may also be revoked or suspended when it is issued in error or when information contained within a permit application is later found to be inaccurate.

4-4-12 UNSANITARY CONDITIONS

Each private sewage disposal system shall be maintained in proper sanitary condition and repair by the property owner. It shall be unlawful for any property owner, agent, occupant or person in control of any building or private sewage disposal system to permit or cause human wastes, excreta, untreated sewage, domestic sewage, laundry wastes, industrial wastes, or the effluent from septic tanks, septic system seepage fields, or other component of a private sewage treatment and disposal, to be discharged, directly or indirectly, onto the ground surface, into any stream, ditch river, artificial water course, lake, field drain tile, road drain tile, abandoned well, cave, tunnel or mine shaft, or to allow the contents of any privy, vault, septic tank, cesspool, seepage pit, or any other part of a private sewage disposal system to omit offensive odors or become dangerous or prejudicial to health, and all such acts or omissions are hereby declared violations of this Ordinance.

4-4-13 PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR'S LICENSE REQUIRED

No person, except as provided for in Section 4-4-13.1, shall engage in the construction, installation, extension, or repair of private sewage disposal system in Rock Island County unless such person possesses a valid Rock Island County Private Sewage Disposal System Installation Contractor's License issued by the Health Department.

4-4-13.1 Exceptions

A rock Island County Private Sewage Disposal System Installation Contractor's License shall not be required of a resident property owner or intended resident property owner who may personally work on his own single family residence; this does not apply to builders of speculative homes. However, such exception does not relieve the property owner from obtaining a permit to install and from complying with the other requirements of this Ordinance.

4-4-13.2 Application

Application for a Rock Island County Private Sewage Disposal System Installation Contractor's License shall be in writing and in such form as prescribed by the Health Department.

4-4-13.3 Issuance of License

Upon submission of the application for license, the Health Authority shall review: 1) information provided on the application, and 2) the applicant's work record with respect to previous compliance with provisions of this Ordinance (if applicable), and 3) other pertinent information regarding qualifications, experience, and equipment as deemed necessary by the Health Authority. The applicant shall also possess a valid Illinois Private Sewage Disposal System Installation Contractor's License. If the Health Authority determines that the applicant has the proper qualifications and equipment, and has previously operated in compliance with provisions of this Ordinance (if applicable), and upon payment of the required fee, a license shall be issued to the applicant. Licenses are issued annually and shall expire May 31st of each year.

4-4-13.4 License Fee

The fee for a Rock Island County Private Sewage Disposal System Installation Contractor's License shall be \$225 per year. However, if application is made after December 1st, the license fee shall be \$125.

4-4-14 PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR'S LICENSE REQUIRED

No person shall pump, clean or service septic tanks, seepage pits, cesspools or other sewage treatment or disposal units in Rock Island County unless such person possesses a valid Rock Island County Private Sewage Disposal System Pumping Contractor's License issued by the Health Department.

4-4-14.1 Application

Application for a Rock Island County Private Sewage Disposal System Pumping Contractor's License shall be in writing and in such form as prescribed by the Health Department. As part of the review process, the Health Authority shall be permitted to inspect all equipment, vehicles, and septage disposal sites utilized by the applicant.

4-4-14.2 Issuance of License

Upon submission of the application for license, the Health Authority shall review: 1) information provided on the application, and 2) the applicant's work record with respect to previous compliance with provisions of this Ordinance (if applicable) and 3) other pertinent information regarding qualifications, experience and equipment as deemed necessary by the Health Authority. The applicant shall also possess a valid Illinois Private Sewage Disposal System Pumping Contractor's License. If the Health Authority determines that the applicant has the proper qualifications and equipment, and has previously operated in compliance with provisions of this Ordinance (if applicable) and upon payment of the required fee, a license shall be issued to the applicant. Licenses are issued annually and shall expire May 31st of each year.

4-4-14.3 License Fee

The fee for a Rock Island County Private Sewage Disposal System Pumping Contractor's License shall be \$225 per year. However, if applicant is made after December 1st, the license fee shall be \$125.

4-4-15 SUSPENSION OR REVOCATION OF LICENSE

For serious or repeated violation of any of the requirements of this Ordinance, because of, but not limited to incompetency, negligence, or misrepresentation, or for interference with the Health Authority in the performance of his duties, the Rock Island County Private Sewage Disposal System Installation Contractor's License and/or Private Sewage disposal System Pumping Contractor's License for this operator may be suspended or revoked after an opportunity for a hearing has been provided by the Health Department Administrator. Prior to such action, the Health Department Administrator shall notify the operator in writing, stating the reasons for which the license or licenses are subject to suspension or revocation, and advising that such license or licenses shall be suspended or revoked at the end of five (5) days following service of notice, unless a request for a hearing is filed with the Health Department Administrator, by the license holder, within such five (5) day period. However, a Rock Island County Private Sewage Disposal System Installation Contractor's License may be suspended without warning, notice or hearing by the Health Authority if the licensee's actions pose a substantial hazard to the public health.

4-4-16

NOTICE OF VIOLATION

Whenever the Health Authority determines, through inspections or other means, that there is a violation of any provision of this Ordinance, the Health Authority shall give notice of such alleged violation. Such notice shall:

1. Be in writing
2. Include a statement of the reasons for the issuance of the notice.
3. Contain an outline of remedial action and allow a reasonable time to effect compliance with this Ordinance.
4. Be served upon the owner, operator or resident as the case may require, provided that such notice shall be deemed to have been properly served when the notice has been personally delivered or sent by registered or certified mail.

4-4-17

HEARING BEFORE THE HEALTH DEPARTMENT ADMINISTRATOR

Any person affected by any order or notice issued by the Health Department in connection with the enforcement of any Section of this Ordinance, may file in the office of the Health Department a written request for a hearing before the Health Department Administrator. The Health Department Administrator shall hold a hearing at a time and place designated by him within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If as a result of the hearing, the Health Department Administrator finds that strict compliance with the order, or notice, would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Department Administrator may modify or withdraw the order or notice and as a condition for such action may, where he deems it necessary, make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting the public health. The Health Department Administrator shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department, and a copy thereof shall be sent to the petitioner. Any person aggrieved by the decision of the Health Department Administrator may seek relief therefrom through a hearing before the Board of Health.

4-4-18

HEARING BEFORE THE BOARD OF HEALTH

Any person aggrieved by the decision of the Health Department Administrator, rendered as the result of a hearing held in accordance with Section 4-4-17, may file in the office of the Health Department a written request for a hearing at a time and place designated by the Secretary of the Board of Health within thirty (30) days of the date on which written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If as a result of the facts elicited as result of the hearing, the Board of health finds that strict compliance with the decision of the Health Department Administrator would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Department Administrator, the Board of Health may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health. The Board of Health shall render a decision with ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department, and a copy thereof shall be sent to the petitioner.

4-4-19

PENALTIES

Any person who violates any provision of this Ordinance, which violation constitutes a violation of the Private Sewage Disposal Licensing Act, or any rule, regulation, order or determination of the Department of Public Health of the State of Illinois, adopted or made by said Department pursuant to said Act, shall be guilty of a Class A misdemeanor and fined not less than \$100. Any other violation of this Ordinance shall be deemed a Petty Offense. Each day's violation constitutes a separate offense.

4-4-20

INJUNCTIONS

The State's Attorney of Rock Island County may bring action for an injunction to restrain any violation of this Ordinance or to enjoin the operations of any such establishment causing such violation.

4-4-21

CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of Rock Island County existing on the effective date of this Ordinance, the provision which, in the judgement of the Health Authority, establishes the higher standard for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

4-4-22 SEPARABILITY OF PROVISIONS

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of the Ordinance are hereby declared to be severable.

4-4-23 EFFECTIVE DATE

This Ordinance shall be in full force and effective immediately upon its adoption as provided by law. Previously adopted ordinances pertaining to the same subject are repealed.

The above foregoing resolution was adopted on the 16th day of June, 1992 and amended on March 21, 1995, December 16, 1997, December 22, 1998, and August 19, 2003.

Chapter 5

Solid Waste

Section

- 4-5-1 Scope
- 4-5-2 Definitions
- 4-5-3 Unlawful Dumping and Exceptions
- 4-5-4 Accumulation, Storage and Disposal of Refuse
- 4-5-5 Transportation of Refuse
- 4-5-6 Refuse Containers Required
- 4-5-7 Refuse Hauler's License Required
- 4-5-8 Inspections
- 4-5-9 Suspension or Revocation of Refuse Hauler's License
- 4-5-10 Penalties
- 4-5-11 Injunctions
- 4-5-12 Conflict of Ordinance
- 4-5-13 Separability of Provisions
- 4-5-14 Effective Date

4-5-1 SCOPE

An Ordinance regulating the storage and disposal of solid waste within Rock Island County, Illinois.

WHEREAS, the Board of Health of the Rock Island County Department of Public Health has deemed it necessary and desirable to regulate solid waste disposal for health purposes, and accordingly has recommended the adoption of the following Ordinance.

THEREFORE, be it resolved by the County Board of Rock Island County, Illinois, that the following Ordinance is hereby made and adopted this 16th day of April, 1985.

4-5-2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. AUTHORIZED WASTE DISPOSAL SITE shall mean a landfill or other site used for the proper disposal of solid waste or wastes as permitted and approved by the State of Illinois Environmental Protection Agency.
2. BOARD OF HEALTH shall mean the Rock Island County Board of Health or its authorized representative(s).
3. GARBAGE shall mean organic waste products resulting from the handling, storage, preparation, cooking or consumption of any food, or any matter that may decompose and become offensive or dangerous to health.
4. HEALTH AUTHORITY shall mean the Administrator of the Rock Island County Department of Public Health or his duly authorized representative(s).
5. HEALTH DEPARTMENT shall mean the Rock island County Department of Public Health, including its duly authorized representative(s).
6. HEALTH DEPARTMENT ADMINISTRATOR shall mean the individual selected by the Rock Island County Board of Health to administer and enforce the policies, ordinances, resolutions or law of said Board.
7. LICENSE shall mean a written permit issued by the Rock Island County Department of Public Health permitting the collection, transportation, and disposal of solid waste within Rock Island County, Illinois.
8. ORDINANCE shall mean the “Rock Island County Solid Waste Ordinance.”
9. PERSON shall mean any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois or any Department thereof, or any other entity.

10. PROPERTY OWNER shall mean the person in whose name legal title to the real estate is recorded.
11. REFUSE shall mean any discarded, used or consumed substance or waste material. Refuse may include but is not limited to, any garbage, trash, debris, rubbish, sticks, brush, branches, tree limbs, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging construction material, inoperative, dismantled, partially dismantled, wrecked, or abandoned motor vehicles or vehicle parts, discarded, dismantled, unusable or dilapidated appliances, furniture, equipment, machinery, or parts thereof, discarded, unusable, broken or dilapidated household articles, construction or demolition waste or materials including but not limited to wood, plaster, metals, plastics, tile, brick, concrete, and mineral, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned or otherwise disposed of improperly.
12. SOLID WASTE shall mean refuse.

4-5-3 UNLAWFUL DUMPING AND EXCEPTIONS

No person shall dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding, or leaving of refuse upon any public or private property in Rock Island County, or upon or into any river, lake, pond, or other stream or body of water in Rock Island County, unless:

- A. The property has been designated waste disposal site by the State of Illinois Environmental Protection Agency.
- B. The refuse is placed into a receptacle or other container, as prescribed in Section 4-5-6 of this Ordinance, intended by the owner or tenant in lawful possession of that property for the depositing of refuse.
- C. The person is acting under the direction of proper public officials during special cleanup days; or

- D. The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of such refuse when the emergency situation no longer exists.

No person shall transport refuse from any dwelling, residence, place or business, farm, or other site to deposit such material in, around or on top of refuse containers on any other property, public or private.

4-5-4 ACCUMULATION, STORAGE AND DISPOSAL OF REFUSE

No person shall cause or permit refuse to accumulate in any building or on any property, improved or vacant, public or private, within Rock Island County, Illinois except such properties or facilities which are zoned as authorized junkyards or salvage yards by the Rock Island County Zoning Department. The occupant, tenant, owner or his agent of any building or property shall be responsible for placing all refuse in containers, as prescribed in Section 4-5-6 of this Ordinance, and for subsequent removal from such property. No person shall remove the covers from or open refuse containers, except as permitted in the Ordinance, or to place or disturb such containers so as their contents might be spilled or scattered. Refuse shall be removed from any building or property not less than once every two weeks.

4-5-4.1 Burning of Refuse

No person shall be permitted to burn refuse in Rock Island County, Illinois, except as provided in Section 4-5-4.2 of this Ordinance.

4-5-4.2 Infected Refuse

No person shall place or cause to be placed in refuse containers any bedding, clothing, or other articles contaminated by infectious or contagious disease. All such refuse shall be burned on the premises, and the ashes shall be placed in suitable containers, or such infectious waste shall be disposed of according to law off the premises.

4-5-4.3 Highly Flammable, Explosive, or Hazardous Materials

No person shall place or cause to be placed in refuse containers highly flammable, explosive or hazardous materials. All such materials shall be disposed of according to law off the premises.

4-5-4.4 Vacated Premises

Any person occupying or controlling any property or building shall cause to be removed therefrom all refuse, before vacating the premises. In the event refuse is not removed from said building or property and the previous occupant or tenant cannot be located responsibility for removing all refuse shall become the responsibility of the building or property owner.

4-5-5 TRANSPORTATION OF REFUSE

No person shall transport or cause to be transported within Rock Island County, Illinois, any refuse except within a closed or covered container or specially constructed conveyance approved by the Health Authority. Exceptions to this Section may be granted by the Health Authority such as for transportation of certain types of refuse which will not present a health or safety hazard or create littering of properties and roadways.

4-5-6 REFUSE CONTAINERS REQUIRED

Containers as prescribed in Section 4-5-6.2; 4-5-6.2, and 4-5-6.3 of this Ordinance shall be provided at each building or property where refuse is generated or stored.

4-5-6.1 Refuse Containers for Residential Properties or Small Businesses

The occupant, tenant, owner or his agent of any house, building, apartment, or tenement where persons reside, board, lodge, or work shall provide and maintain in good repair approved containers for refuse storage and collection. A sufficient number of containers shall be provided to accommodate all refuse generated between regular collection or disposal dates. However, one (1) container of at least twenty (20) gallons capacity shall be provided for any small business or for each two (2) persons residing in any premises. All containers

shall be 1) of rigid design, 2) corrosion resistant, 3) constructed of metal or plastic, and 4) leakproof and fly-proof with tight-fitting lids and handles at the sides. All hand-emptied containers shall have a capacity of at least twenty (20) gallons, but shall not exceed a capacity of thirty (30) gallons. Plastic bags shall not be accepted for the storage and collection of refuse except as provided in Section 4-5-6.2 of this Ordinance.

4-5-6.2 Use of Plastic Bags

The use of plastic bags for refuse storage and collection shall only be permitted if such bagged and sealed refuse is stored within a relatively fly-proof or vermin-proof location such as a shed, garage, other out-building or within the dwelling. Only bags specifically designed for refuse storage which are leakproof and relatively strong shall be permitted. Bags filled with refuse shall be tied and shall be placed in the out-of-doors only on the date of collection as close to the time of pick-up as practical. The use of plastic bags for refuse storage and collection shall only be permitted for a single family dwelling or duplex apartment.

4-5-6.3 Refuse Containers for Apartments or Larger Businesses

The owner or agent of any apartment building or larger business where eight (8) or more twenty (20) gallon refuse containers are provided or needed shall provide container(s) of one (1) cubic yard capacity or larger. A sufficient amount of total refuse storage capacity shall be provided to accommodate all refuse generated between regular collection dates. Such large containers shall be: 1) stable while loaded or empty, 2) equipped with lids with hinges, or sliding doors, 3) equipped for mechanical dumping, 4) durable, 5) leakproof and relatively fly and vermin-proof, and 6) maintained in good repair.

4-5-6.4 Removal of Covers and Cleaning of Refuse Containers

The covers of refuse containers shall be removed or opened only for the purpose of depositing or collecting refuse containers shall be maintained in clean and sanitary conditions. All such containers shall

be cleaned as often as necessary to minimize the attraction of vermin or other animals or the creation of unsanitary conditions or offensive odors. Refuse containers may be cleaned by thorough scrubbing with detergent and water, followed by application of a suitable disinfectant. Refuse containers may also be steam and/or pressure cleaned with cleaning solutions. Large, mechanically dumped containers shall be cleaned at a properly designed and operated facility, or if cleaning is done on the premises, the debris and washings generated from the cleaning operations shall not be discharged onto the ground surface. In all cleaning of large mechanically dumped refuse containers, cleaning solutions, washings, and residue shall be collected and disposed of in a proper manner.

4-5-7 REFUSE HAULER'S LICENSE REQUIRED

No person, except as provided in Section 4-5-7.1 of this Ordinance, shall conduct a refuse transporting, processing, or disposal business nor conduct a refuse container cleaning business in Rock Island County unless such person possesses a valid Rock Island County Refuse Hauler's License issued by the Health Department.

4-5-7.1 Exceptions

A Rock Island County Refuse Hauler's License shall not be required of a property owner or tenant who may personally remove refuse generated on such single-family property. However, such exception does not relieve the property owner or tenant from complying with the other requirements of this Ordinance. Nor shall said license be required of a public or municipal refuse hauling business operating in Rock Island County.

4-5-7.2 Application

Application for a Rock Island County Refuse Hauler's License shall be in writing and in such form as prescribed by the Health Department.

4-5-7.3 License Fee

The annual fee for a Rock Island County Refuse Hauler’s License shall be as follows, based upon the number and type of refuse hauling vehicles and the number of container cleaning and/or refuse processing sites operating within Rock Island County as set forth in the application for license:

Enclosed packer type vehicle:	\$225 per vehicle
(Operating one or more days per week)	
Nonpacker vehicle with stationary	\$175 per vehicle
Or roll-off box	
Container cleaning or refuse	\$300 per site
Processing sites	

Licenses shall begin on December 1st and shall expire the following November 30th. A license shall apply to any vehicle described in the application and to any replacement of such vehicle up on approval of the Health Authority, but a license may not be transferred from one person to another person. A license applying to a site(s) shall not be valid for any other site(s) other than those listed onthe application.

4-5-7.4 Performance Standards

The following standards for applicable vehicles, facilities, or equipment shall be met on an ongoing basis by holders or applicants of a Rock Island County Refuse Hauler’s License.

- A. Each refuse hauling vehicle shall be in good mechanical condition.
- B. Each refuse hauling vehicle shall be maintained in a safe, clean, and sanitary condition, and shall be constructed, maintained, and operated to prevent spillage of solid waste and/or liquid waste. Each refuse hauling vehicle shall be constructed with a watertight body and cover which shall be an integral part of the vehicle, or under conditions approved by the Health Authority, there shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle. Such cover shall be secured in place whenever the vehicle is transporting refuse. For refuse haulers with a regular collection

route, only an enclosed packer type vehicle with exposed loading hopper shall be permitted. No refuse shall be transported in the loading hopper.

- C. Overnight parking of a loaded refuse hauling vehicle on public or private property is prohibited.
- D. A shovel and broom shall be kept on each refuse hauling vehicle for the purpose of cleaning up spillage.
- E. Each refuse hauling vehicle container transported to any location of use shall be properly identified with the operator's business name and of adequate letter size so as to be distinguishable at a reasonable distance. Letters should not be in any case less than four (4) inches high.
- F. Current lists of customers shall be supplied to the Health Authority upon request.
- G. Licensed refuse haulers must comply with all applicable ordinances and laws of Rock Island County and the State of Illinois regarding the operation of their business.
- H. The license or a photostatic copy of the Rock Island County Refuse Hauler's License must be kept on each vehicle.
- I. Proof of ownership or of lease of a vehicle or vehicles shall be provided at the time of application.
- J. When a complaint is received regarding noise created by the operation of refuse collection vehicles and/or crews, the Health Department Administrator may upon review of the complaint set the hours of collection so that the noise does not unduly disturb the neighborhood.
- K. Licensed refuse haulers shall be responsive to legitimate requests from the Health Department for inquiry or action of such refuse haulers regarding collection, payment by customers, etc.

4-5-7.5 Issuance of License

Upon receipt of the required application, the health Authority shall make an inspection of each vehicle or facility to ascertain whether the applicable Performance Standards of Section 7.4 of this Ordinance are being met. Each vehicle or facility shall be inspected at a mutually agreed upon time and location.

If the Health Authority, after such inspection of equipment and investigation, is satisfied that the applicant has the qualifications, or knowledge and equipment to perform the services in a manner not detrimental to public health, and upon payment of the required fee, a license shall be issued to the applicant. Such license shall expire November 30th of each year. The same license number shall be reissued yearly, unless revoked by the Health Department Administrator.

4-5-8 INSPECTIONS

The Health Authority shall have the authority to enter any property or inspect any applicable facilities at any reasonable time for health and sanitation purposes to determine compliance with the provisions of this Ordinance.

4-5-9 SUSPENSION OR REVOCATION OF REFUSE HAULER'S LICENSE

Whenever a license holder has failed to comply with any part of this Ordinance, the Health Authority may give a written notice to request compliance within a specified time. Upon failure by the License holder to comply with such notice in the time prescribed, the License may be suspended or revoked after an opportunity for a hearing has been provided by the Health Department Administrator. Prior to such action, the Health Department Administrator shall notify the operator in writing, stating the reasons for which the Rock island County Refuse Hauler's License is subject to suspension or revocation, and advising that said License shall be suspended or revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Health Department Administrator, by the License holder, within such five (5) day period. A Rock Island County Refuse Hauler's License may be suspended for a cause pending its revocation or a hearing relative thereto.

4-5-10 PENALTIES

Any person who violates any provisions of this Ordinance shall be guilty of a Petty Offense and shall be fined not more than \$500.00. Each day's violation constitutes a separate offense.

4-5-11 INJUNCTIONS

The State's Attorney of Rock island County may bring action for an injunction to restrain such violations or to enjoin the operations of any such establishment causing such violation.

4-5-12 CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of Rock island County existing on the effective date of this Ordinance, the provision which, in the judgement of the Health Authority, established the higher standards for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

4-5-13 SEPARABILITY OF PROVISIONS

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of the Ordinance which shall remain in full force and effect and, to this end, the provisions of the Ordinance are hereby declared to be severable.

4-5-14 EFFECTIVE DATE

The Ordinance shall be in full force and effective immediately upon its adoption as provided by law. Previously adopted ordinances pertaining to the same subject matter are repealed.

The above and foregoing Ordinance was adopted on the 16th day of April, 1985, and amended on April 21, 1992, March 21, 1995, December 22, 1998, and August 19, 2003.

Chapter 6

Tobacco

An Ordinance prohibiting the sale of Tobacco
to Minors and the possession of Tobacco by minors

Section

4-6-1 Regulations

WHEREAS, 55 ILCS 5/501932 allows each County Board of a County that maintains a full time Health Department to make any regulation necessary or expedient for the promotion of health; and

WHEREAS, the County Board of Rock Island County recognizes that the use of tobacco products by minors conflicts with the promotion of health.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Rock Island County, Illinois as follows:

4-6-1 REGULATIONS

- A. Possession by minors prohibited. It shall be unlawful for any person under the age of eighteen (18) years of age to possess any tobacco product or to misrepresent their age or identity for the purpose of obtaining tobacco products.
- B. Sale to minors prohibited. It shall be unlawful for any person to sell, offer for sale, give away or deliver any tobacco product to any person under the age of eighteen (18) years old.
- C. Minimum age to sell tobacco products. It shall be unlawful for any person to engage, employ or permit any person under the age of eighteen (18) years of age to sell tobacco products.
- D. Public signs. Signs informing the public of the age restriction for the purchase of tobacco products shall be posted at or near every display or tobacco products and shall read as follows:

“The sale of tobacco products to persons under the
age of 18 is prohibited by law.”

- E. Definition of tobacco products. For the purposes of this Ordinance, the term “tobacco product” shall mean any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, other smoking tobacco, snuff or chewing tobacco, or any other product made wholly or in part of tobacco irrespective of whether or not such tobacco is flavored, adulterated or mixed with any other ingredient.
- F. Penalties. Any person violating this Ordinance shall be subject to a citation. The citation may be paid at the Office of the Circuit Clerk. A fine of twenty five dollars (\$25.00) shall be assessed if the citation is paid within forty-eight(48) hours after issuance, excluding weekends and court holidays. A fine of at least fifty dollars (\$50.00) shall be assessed thereafter. In lieu of a fine for a first offense, a person who pleads or is found guilty of violating this ordinance may elect to attend a tobacco use class presented by the American Lung Association or any other organization approved by the Court at his or her own expense. Upon proof of successful completion of the class within a reasonable amount of time to be determined by the Court, the fine shall be waived.
- G. Charging violations. Only duly appointed and authorized peace officers shall have authority to sign complaints and charge violations of this Ordinance.

This Ordinance shall be in full force and effect from the date of its approval, passage and publication in a pamphlet form as provided by law.

Done in open meeting this 17th day of August, 1999.

Chapter 7

Weeds

A resolution providing for the cutting of weeds,
collecting the costs thereof from property owners and
filing notice of lien within the unincorporated areas of Rock Island County, Illinois

Section

4-7-1 Regulations

Be it Resolved by the Rock Island County Board of Supervisors of the County of Rock Island, Illinois, as follows:

4-7-1 REGULATIONS

- A. All weeds growing on private property of five (5) acres or less in area shall be kept cut by the owner, lessee or occupant of such property.
- B. In the event weeds are permitted to grow on any such property, it shall be the duty of the Health Department Administrator to give written notice to the owner, lessee, or occupant of said property. If the premises are occupied said notice may be mailed to the owner, lessee, or occupant at the address of said premises and if the property is vacant, notice may be given by posting on the property.

Said notice shall contain a description of the property sufficiently definite so that the same be identified and shall state that unless the weeds thereon are cut within 10 days from the date of said notice, the same will be cut and the cost thereof charged to the property owner and a lien for such costs filed against the property.

- C. If the weeds on any such property are not cut or destroyed within ten (10) days from the date of mailing or posting said notice, the Health Department Administrator shall proceed to have said weeds cut at the expense of the County and shall collect the reasonable costs thereof from the owner. If the owner shall fail to pay such reasonable cost within ten (10) days after the same is incurred, the Health Department Administrator in the name of the

County of Rock Island, Illinois, shall prepare and file a notice of lien in the office of the Recorder of Deeds of Rock Island County, as provided by Statute.

- D. Failure of the owner, lessee, or occupant to receive the notice provided to be given under Section 2 of this Resolution shall not impair the owner's obligation to reimburse the County for cutting weeds on his property nor invalidate the lien securing said obligation.
- E. All resolution or parts of resolutions in conflict herewith are to the extent of such conflict, hereby repealed.
- F. This resolution shall be in full force and effect 30 days after its passage, approval and publication as provided by law.

Adopted at the official meeting of the Board of Supervisors.

(Not dated)

Chapter 8

Fee's Charged by the Health Department

SECTION

4-8-1 Preambles

4-8-2 Fee Listing

4-8-1 PREAMBLES

WHEREAS, the Rock Island County Board of Health recently commissioned a fee study of vital records; and

WHEREAS, certain fees were increased to cover the actual costs to produce such services.

NOW, THEREFORE, BE IT RESOLVED by the Rock Island County Board of Rock Island County, Illinois that we hereby concur with the Board of Health regarding fee increases for Birth and Death Certificates as follows:

4-8-2 FEE LISTING

- A. Certified Birth Certificates shall now be \$12 for the first and \$6 for each additional.
- B. Certified Death Certificates shall now be \$14 for the first and \$8 for each additional
- C. Veterans shall receive one free certificate.
- D. The fee increase shall become effective April 1, 2005

Done in open meeting this 17th day of March, 2004.

Chapter 9

Water Supplies Ordinance

Section

4-9-1	Scope
4-9-2	Definitions
4-9-3	Adoption by Reference
4-9-4	Public Water Supply Use
4-9-5	Potable Water Supply Required
4-9-6	Sealing of Abandoned Water Wells
4-9-7	Water Well Permit Required
4-9-8	Inspections
4-9-9	Disinfection and Analysis
4-9-10	Registration of Non-Community Public Water Supplies
4-9-11	Hearing before the Health Department Administrator
4-9-12	Hearing before the Board of Health
4-9-13	Continuances
4-9-14	Penalties
4-9-15	Injunctions
4-9-16	Conflict of Ordinance
4-9-17	Separability of Provisions
4-9-18	Repealer
4-9-19	Effective Date

4-9-1 SCOPE

An Ordinance regulating water supplies, the construction and modification of water wells, the sealing of abandoned water wells, the inspection of water supplies and their components, and the regulation of non-community public water supplies within Rock Island County, Illinois.

WHEREAS, the Board of Health of the Rock Island County Department of Public Health has deemed it necessary and desirable to regulate water supplies for health purposes and groundwater protection, and accordingly has recommended adoption of the following Ordinance.

THEREFORE, BE IT RESOLVED by the County Board of Rock Island County, Illinois, that the following Ordinance is hereby made and adopted this 17th day of February, 1998.

4-9-2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance:

1. ABANDONED WELL means a water well or monitoring well which is: 1) no longer used to supply water, or 2) no longer in use for the purpose for which it was intended or 3) in such a state of deficient construction or disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threatens the public health or safety.
2. COMMUNITY PUBLIC WATER system means a public water system which serves at least 15 service connections used by residents, or regularly serves 25 or more residents for at least 60 days per year.
3. HEALTH AUTHORITY means that person or persons designated by the Rock Island County Board of health to enforce this Ordinance.
4. HEALTH DEPARTMENT means the Rock Island County Department of Public Health, including its duly authorized representatives.
5. HEALTH DEPARTMENT ADMINISTRATOR means the individual selected by the Rock Island County Board of Health to administer and enforce the policies, ordinances, resolutions, and laws of said Board.
6. LAWN SPRINKLER SYSTEM means any irrigation system of lawn, shrubbery, and other vegetation from all water sources, whether potable or nonpotable. Such system includes without limitation the water supply piping, valves, and sprinkler heads or other irrigation outlets. Lawn sprinkler system does not include an irrigation system used primarily for agricultural purposes.
7. MONITORING WELL means a water well intended for the purpose of determining groundwater quality or quantity.
8. NON-COMMUNITY PUBLIC WATER SYSTEM means a public water system which is not a community water system, and has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days per year.

9. NON-POTABLE WATER means water that does not meet public health standards for drinking water and is not suitable for human consumption or culinary use. The term also means water of unknown quality which may not be intended for human consumption and is therefore not tested to determine compliance with public health standards. Examples of situations where non-potable water sources may be used included commercial or industrial processing or cooling, irrigation of agricultural ground or irrigation of other vegetated areas with or without use of a lawn sprinkler system.
10. POTABLE WATER means water that is suitable for human consumption and which meets public health standards for drinking water.
11. PRIVATE WATER SYSTEM means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.
12. SEMI-PRIVATE WATER SYSTEM means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.
13. WATER WELL means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use is for the location, diversion, artificial recharge or acquisition of groundwater.

4-9-3 ADOPTION BY REFERENCE

In addition to those provisions set forth, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules, and regulations of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto, which publications are incorporated herein and adopted by reference as part of this Ordinance.

1. Illinois Water Well Construction Code
2. Illinois Water Well Pump Installation Code
3. Rules and Regulations of Sanitary Practice for Drinking Water, Sewage Disposal and Restroom Facilities
4. Drinking Water Systems Code
5. Illinois Groundwater Protection Act
6. Surface Water Treatment Code

One copy of each of the above rules and regulations shall be on file in the office of the Rock Island County Clerk.

4-9-4 PUBLIC WATER SUPPLY USE

In those locations where a public water supply is reasonably available, that supply shall be the sole source of water for drinking and culinary purposes. A public water supply shall be deemed reasonably available when the subject property is located within 200 feet of the public water supply to which connection is practical and is permitted by the controlling authority for said water supply.

4-9-5 POTABLE WATER SUPPLY REQUIRED

All premises intended for human habitation or occupancy shall be provided with a potable water supply. The potable water supply shall not be connected to non-potable water and shall be protected against back-flow and back-siphonage in accordance with the requirements of the Illinois Plumbing Code. Each potable water supply shall provide quantities of water that are sufficient for the drinking, culinary and sanitary needs of the dwelling or premises served. A minimum system pressure of 20 pounds per square inch shall be maintained throughout each potable water supply. Any premises intended for human habitation or occupancy which do not possess a potable water supply providing sufficient pressure and quantities of water maybe declared as unsafe or unfit for human occupancy and may be so tagged by the Health Authority. Any such facility that has been tagged as unsafe or unfit for human occupancy shall be vacated within the time limit specified by the Health Authority.

4-9-5.1 SURFACE WATER SUPPLIES

All water systems which receive their source of water from ponds, lakes, streams, rivers, or other surface collectors shall be designed, constructed and operated in accordance with the Surface Water Treatment Code. No surface water shall be utilized as a potable water supply unless the Health Authority has reviewed and approved the supply and its components.

4-9-5.2 CISTERNS

Cisterns shall not be used as potable water supply except where adequate groundwater resources are not available. Cistern water shall receive treatment in accordance with the Surface Water Treatment

Code. No surface water shall be utilized as a potable water supply unless the Health Authority has reviewed and approved the supply and its components.

4-9-5.3 PRE-EXISTING WATER WELLS

All water wells constructed prior to the effective date of this Ordinance shall comply with any provisions of this Ordinance deemed necessary by the Health Authority to protect groundwater and the public health. After the effective date of this Ordinance, whenever a water well is constructed or a new water source is obtained on a property, any pre-existing water wells located on said property shall be: 1) in substantial compliance with construction and/or location provisions contained within this Ordinance, or 2) renovated in order to be in substantial compliance with construction provisions contained within this Ordinance, or 3) sealed in accordance with provisions contained within this Ordinance.

4-9-5.4 BACK-FLOW PROTECTION

Where water wells are utilized to act as a non-potable water source, the groundwater supplying such wells shall be protected against back siphon age and back-flow. Each water outlet shall be protected from back siphon age and/or back-flow by having the outlet end from which the water flows spaced a distance above the flood-level rim of the receptacle or body of water into which the water flows sufficient to provide a minimum fixed air gap. The size of the air gap shall be as specified in the Illinois Plumbing Code 77 Illinois Administrative Code, Part 980, as it applies to the protection of potable water. Where it is not possible to provide a minimum fixed air gap, the water outlet shall be equipped with an accessible back-flow prevention device (e.g. a vacuum breaker or back-flow preventer) complying with either: 1) applicable standards of the Illinois Plumbing Code as it applies to the protection of potable water, or 2) applicable standards of the Illinois Water Well Pump Installation Code for agricultural irrigation as it applies to chemical injection systems. When there is question as to which type of protection device shall be utilized in a given

situation, the higher standard of protection shall apply as determined by the Health Advisory.

4-9-6 SEALING OF ABANDONED WATER WELLS

Water wells that are abandoned shall be sealed in a manner prescribed by the Health Authority and the Illinois Water Well Construction Code. In questionable cases, the Health Authority shall make the determination as to whether a water well is considered abandoned, based upon the definition of an “abandoned well” in each particular case.

4-9-6.1 Permit Required

No water well, except monitoring wells, shall be sealed within Rock Island County unless a permit has been obtained beforehand from the Health Authority. An application to seal a water well shall be submitted to the Health Authority on forms prescribed by the Health Department. Upon submission of the application for permit, the Health Authority shall review said application prior to issuance of a permit. If the Health Authority, upon review of said application, finds that such application meets the requirements of this Ordinance, and upon payment of the required fee, a permit shall be issued to the applicant.

4-9-6.2 Inspections

The person responsible for sealing an abandoned water well shall also be responsible for arranging a date and time for inspection of the well sealing in progress by the Health Authority. This inspection shall be scheduled subject to notification procedures set forth in Section 5-9-8.2 of this Ordinance and the availability of the Health Authority inspection staff. The Health Authority, at its discretion, may waive the inspection requirement based upon the type of well to be sealed and the availability of the Health Authority inspection staff. In cases when the Health Authority waives the in progress inspection requirement, the person sealing the well shall submit a site drawing which depicts the specific location of the sealed well using measurements and landmarks.

4-9-6.3 Permit Fee

A fee of \$40 shall accompany each application to seal a water well.

4-9-7 WATER WELL PERMIT REQUIRED

No water well shall be constructed, deepened, or re-cased in Rock Island County except in accordance with this Ordinance, and it shall be unlawful to proceed with such work unless a permit therefore shall have first been obtained from the Health Authority.

4-9-7.1 Application for Permit

An application for a water well permit granted under the provisions of this Ordinance shall be made in writing and in such form as prescribed by the Health Authority. Sufficient data shall be included to allow review and to determine whether the proposed application for permit meets the requirements of this Ordinance.

4-9-7.2 Issuance of Permit

Upon submission of the application for permit, including the plans and specifications of the proposed water well or component thereof, the Health Authority shall review said application prior to issuance of permit. The Health Authority may require additional information, which may include determining the location of private sewage disposal systems and/or water wells on adjacent properties. It shall be the responsibility of the applicant or an authorized agent of the application to obtain all necessary data and to design a system which shall meet the requirements of this Ordinance. If the Health Authority, upon review of said application, finds that such application meets the requirements of this Ordinance, and upon payment of the required fee, a permit shall be issued to the applicant. Such permit shall include specifications specific to each proposed water well and shall include a statement as to any restrictions relating to the location, materials, components, or type of water well to be constructed.

4-9-7.3 Property Owner's Responsibility

It shall be the responsibility of the property owner to insure that a permit has been issued before any construction or deepening of a water well is begun. Failure of the property owner to insure said permit has been issued before construction or deepening of a water well is begun shall constitute a violation of this Ordinance, and penalty action may be taken.

4-9-7.4 Water Well and/or Pump Installation Contractor's Responsibility

It shall be the responsibility of the Water Well and/or Pump Installation Contractor to obtain a permit before any construction or deepening of a water well is begun and to follow the conditions of said permit. Failure of the Water Well and/or Pump Installation Contractor to obtain said permit before construction or deepening of a water well is begun or to violate the conditions of said permit shall constitute a violation of this Ordinance, and penalty action may be taken.

4-9-7.5 Permit Validity

A permit to construct or deepen a water well is valid for a period of twelve (12) months from the date of issuance. If construction has not started within this period, the permit is void.

4-9-7.6 Permit Fee

A fee of \$100 shall accompany each application to construct or deepen a well.

4-9-7.7 Exception

A permit to construct or deepen a water well in Rock Island County may not be required by the Health Authority when such water well does or will serve a community public water system or function as a monitoring well.

4-9-8 INSPECTIONS

The Health Authority shall have the authority to enter any property at any reasonable time for inspection purposes to determine compliance with the provisions of this Ordinance. It shall be the duty of the owner or occupant of a property to allow the Health Authority free access to the property for inspection purposes to determine compliance with the provisions of this Ordinance.

4-9-8.1 Inspection of Completed Work

Work done under a water well permit shall not be considered approved until the installation of the water well and its components has been inspected to verify compliance with applicable provisions of this Ordinance and written approval has been issued by the Health Authority. To the degree practical and permitted by the Health Authority, the completed installation shall remain uncovered and/or accessible for inspection purposes until approved by the Health Authority. If the Health Authority, upon inspection of the specified installation or component thereof, finds that such work meets the provisions of this Ordinance, the Health Authority shall approve such work and complete the permit form. However, compliance with Section 4-9-9 shall be obtained prior to utilizing the water system for drinking and culinary purposes.

4-9-8.2 Notification for Inspection

The Health Authority shall be notified at least two (2) days prior to the commencing the construction or deepening of a water well or the sealing of a water well. The Health Authority shall also be notified at least two (2) days prior to the installation of the pitless adapter, pump, and pressure tank when part of the construction or deepening of well. It shall be the responsibility of the Water Well and/or Pump Installation Contractor to notify the Health Authority as required.

4-9-8.3 Suspension of Permit

Upon inspection by the Health Authority, if it is found that any provisions of this Ordinance or any permit specifications for a stated property have been violated, the Health Authority shall notify the contractor to make such specified changes in the work to allow

compliance with the provisions of this Ordinance and the permit. If such changes are not made within a period of time specified by the Health Authority, said permit shall be suspended, and penalty action may be taken. In the case of a water well permit, the water well system may be deemed unsuitable for use and the premises may be tagged by the Health Authority in accordance with Section 4-9-5 of this Ordinance.

4-9-8.4 Special Evaluations

The Health Department may conduct special evaluations concerning the operation of existing water supply systems. The evaluation on existing systems is generally done for real estate transactions or mortgage refinancing. Special evaluations are conducted on a consultative basis upon the request of the property owner or authorized agent. The fee for a special evaluation shall be \$90, if done without a private sewage disposal evaluation. If a water sample is collected upon request, an additional \$30 analysis fee shall be charged. If a person requests a statement in letter form stating known conditions at a site without a field inspection, the fee shall be \$50.

4-9-8.5 Routine Water Sampling & Shipping

The Health Department will collect a water sample from a property on a request basis for a \$40 analysis and pick-up fee, plus an \$8 shipping fee if necessary. A person may submit a water sample to the Health Department for a \$30 analysis fee, plus an \$8 shipping fee if necessary. Routine testing includes bacteriological and nitrate analysis.

4-9-9 DISINFECTION AND ANALYSIS

All components of a new water well construction and/or modification shall be thoroughly disinfected with a chlorine solution which will yield a degree of at least 100 parts per million to the water in the well. After purging the system of any chlorine residual, a water sample shall be taken and satisfactory bacteriological results, as confirmed by a certified laboratory, shall be obtained prior to utilizing the water system for drinking or culinary purposes. A certified laboratory shall

mean a laboratory operated by the Illinois Department of Public Health of a laboratory given certification approval by the aforementioned agency for the processing of official samples of water. It shall be the responsibility of the property owner to assure that a bacteriologically satisfactory water sample is obtained and to provide the Health Authority with the laboratory report upon request as documentation. This sampling requirement may be waived by the Health Authority for irrigation or non-potable water wells.

4-9-9.1 Sampling of New Water Wells

The Health Authority shall have the authority to collect water samples from new or deepened wells as provided in Section 4-9-8 of this Ordinance. The Health Department shall charge a shipping fee of \$8 for such samples collected.

4-9-10 REGISTRATION OF NON-COMMUNITY PUBLIC WATER SUPPLIES

Each non-community public water supply located and operating within Rock Island County shall be registered by the Health Authority.

4-9-10.1 Application for Registration Certificate

An application to operate a non-community public water supply shall be submitted to the Health Authority by the owner, operator, or agent for the water supply. Upon submission of the application for registration, the Health Authority shall review: 1) information provided on the application, and 2) the previous year's water sampling history, and 3) the most recent water supply facility evaluation, and 4) other pertinent information including any outstanding facility deficiencies and compliance activities, and the overall level of public health protection of the water supply. If the Health Authority determines that the water supply is in substantial compliance with applicable regulations and this Ordinance, and upon payment of the required fee, a registration certificate shall be issued for the facility. Registration certificates are issued annually and shall expire January 1st of each year.

4-9-10.2 Registration Fee

The fee for registration of a non-community public water supply in Rock Island County shall be \$40 per year.

4-9-10.3 Renewal of Registration

Failure of a non-community public water supply to comply with applicable regulations, including the Drinking Water System Code and this Ordinance, will be just cause for the Health Authority to deny renewal of a registration certificate. A non-community public water supply shall not offer water to the public for drinking and culinary purposes if such facility does not possess a valid registration certificate.

4-9-11 HEARING BEFORE THE HEALTH DEPARTMENT ADMINISTRATOR

Any person affected by any order or notice issued by the Health Department in connection with the enforcement of this Ordinance may file in the office of the Health Department a written request for a hearing before the Health Department Administrator. The Health Department Administrator shall hold a hearing at a time and place designated by him within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. As a result of the hearing, the Health Department Administrator shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and sent to the petitioner. Any person aggrieved by the decision of the Health Department Administrator may seek relief through a hearing before the Board of Health.

4-9-12 HEARING BEFORE THE BOARD OF HEALTH

Any person aggrieved by the decision of the Health Department Administrator, rendered as the result of a hearing held in accordance with Section 4-9-11, may file in the office of the Health Department a written report for a hearing before the Board of Health. The hearing shall be held at a time and place designated by the

Secretary of the Board of Health within thirty (30) days of the date on which the written report was filed or the next regularly scheduled meeting date. A request for a hearing before the Board of Health must be made within ten (10) days after the decision of the Health Department Administrator is sent to the contractor or other aggrieved party. A timely request for a hearing before the Board of Health stays the decision of the Health Department Administrator. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. As a result of the hearing, the Board of Health shall sustain, modify, or rescind the decision of the Health Department Administrator. The Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and sent to the petitioner.

4-9-13 CONTINUANCES

Any person who requests a hearing or for whom a hearing is scheduled under the provisions of this Ordinance may be granted a continuance for good cause. Such continuances shall not be for more than ten (10) days, or beyond the next regular meeting of the Board of Health. Pre-hearing suspensions shall remain in effect during the period of time any hearing scheduled before the Health Department Administrator if continued. The official or body before which a hearing is scheduled has discretion with respect to granting continuances.

4-9-14 PENALTIES

Any person who violates any provision of this Ordinance shall be guilty of a Petty Offense, punishable by a fine of not to exceed \$500.00. Each day's violation constitutes a separate offense.

4-9-15 INJUNCTIONS

The State's Attorney of Rock Island County may bring action for an injunction to restrain any violation of this Ordinance or to enjoin the operations of any such establishment causing such violation.

4-9-16 CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of Rock Island County existing on the effective date of this Ordinance, the provisions which, in the judgement of the Health Authority, establishes the higher standard for promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

4-9-17 SEPARABILITY OF PROVISIONS

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable.

4-9-18 REPEALER

This Ordinance shall be construed as a repeal of the Water Supplies Ordinance adopted by the Rock Island County Board on December 18, 1990 and the Amendment thereto, adopted by the Rock Island County Board on December 20, 1994.

4-9-19 EFFECTIVE DATE

This Ordinance shall be in full force and effective immediately upon its adoption as provided by law.

The above and foregoing Ordinance was adopted on the 17th day of February, 1998 and amended on the 19th day of August, 2003.

98-201 and 2003-821

TITLE 5

Sheriff's Department Regulations

Subject	Chapter
Animal Control	1
Supervised Public Displays of Fireworks	2
RESERVED	3
Alcohol under 21 Prohibited	4
Bicycle sales & Registration	5
Cargo Area	6
REPEALED	7
Communication with Prisoners	8
Courthouse Security	9
Emergency Telephone System Board (ETSB - E911)	10
Emergency Management Agency	11
Patrol Winding Creek Estates	12
Periodic Imprisonment	13
Vehicle Code	14

Chapter 1

Animal Control

SECTION:

- 5-1-1 General Provisions
- 5-1-2 Definitions
- 5-1-3 Vaccination of Dogs and Cats
- 5-1-4 Biting Animals
- 5-1-5 Dangerous Dogs
- 5-1-6 Vicious Dogs
- 5-1-7 At-Large/Public Nuisance
- 5-1-8 Humane Care for Animals
- 5-1-9 Violations and Penalties
- 5-1-10 Collection of Monies
- 5-1-11 Fees
- 5-1-12 Effect of Invalid Section
- 5-1-13 Repeal of Conflict Resolutions or Ordinances
- 5-1-14 Effective Date

5-1-1 GENERAL PROVISIONS:

5-1-1.1 SHORT TITLE

This article shall be known and cited as the “Animal Control Ordinance”.

5-1-1.2 POLICY AND PURPOSE

It has been found by the Rock Island County Board of Health and Rock Island County Animal Care & Control, that animals that are not controlled by responsible owners become a hazard to the safety and health of persons. It has also been established that rabies could be present in wildlife in Rock Island County and that rabies vaccination of dog and cat pets is an important barrier to preventing an epidemic of the disease in pets and thereby preventing a potential disease problem in the susceptible population of the County.

Registration provides an important means of identifying owners of biting animals and thereby establishes responsibilities for ten (10) day quarantines. The registration fees and fines provide money to pay the costs of effectuating the Animal Care and Control Program in the County.

The purpose of this ordinance is to provide harmonious relations in the interaction between person and animal by:

- 5-1-1.2.1 Protecting the citizens of Rock Island County from rabies by specifying such prevention and control measures as may be necessary.
 - 5-1-1.2.2 Providing security to residents from annoyance, intimidation and injury from dogs or other animals.
 - 5-1-1.2.3 Encouraging responsible pet ownership through education.
 - 5-1-1.2.4 Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, particularly rabies.
 - 5-1-1.2.5 Providing for the assessment of penalties for violations and for the enforcement and administration of this Ordinance; the State of Illinois Animal Control Act; Humane Care for Animals Act; Animal Welfare Act; and the State and Federal Wildlife Codes.
- 5-1-1.3 SCOPE

This article shall include the following provisions:

- 5-1-1.3.1 Duties of the owners to vaccinate dogs and cats in their custody against rabies and to register said dogs and cats with Rock Island County Animal Care & Control.
- 5-1-1.3.2 Provisions for impoundment or confinement of biting animals.
- 5-1-1.3.3 Duties of owners to responsibly control all domestic animals in their custody.

5-1-1.3.4 Duties of owners to treat humanely all domestic animals in their custody.

5-1-1.3.5 Provisions for penalties to persons who violate this Ordinance; the Illinois State Animal Control Act; Humane Care of Animals Act; Animal Welfare Act; or State or Federal Wildlife Code.

5-1-1.4 PET POPULATION CONTROL FUND

5-1-1.4.1 A County Animal Pet Population Control Fund is established and funded by \$10 of the annual unaltered pet registration. This fund shall be used to spay or neuter animals: 510 ILCS 5/3.

- (a) placed for adoption by the Rock Island County Animal Care & Control facility
- (b) dogs or cats owned by low-income county residents who qualify by state guidelines
- (c) reimbursement of \$40 differential for dogs or cats spayed or neutered within 60 days of paying the un-altered registration fee

5-1-1.5 REPORTING

5-1-1.5.1 Any person, dog dealer, kennel operator, cattery operator, animal shelter, foster home or pet shop operator, selling, adopting, or fostering dogs or cats or keeping registries of dogs or cats shall cooperate and provide information to the Administrator including sales, adoptions, source, dispositions, number of litters, microchip numbers and ownership of dogs or cats.

5-1-2 DEFINITIONS:

5-1-2.1 ABANDONED. Any animal left deserted, forsaken, or unrestrained where it may become a public charge or may suffer injury, hunger or exposure.

- 5-1-2.2 ANIMAL. Any living creature, other than human, domestic or wild.
- 5-1-2.3 ANIMAL CONTROLLED OR RESTRAINED. A dog or cat, off the premises of its owner's real property, is under control or restraint if it is controlled by a leash or lead not more than six (6) feet in length when said line is held by a competent person; when at "heel" of a competent person; when under voice control of competent person; when confined within a crate, cage or other animal carrier; when confined within a vehicle; or when utilized in the sport of hunting. A dog or cat is under restraint or control when within the premises of its owner or another person, with consent of the other person, and is prevented from leaving said premises by some suitable barrier or restriction.
- 5-1-2.4 ANIMAL CONTROL ADMINISTRATOR. A person appointed by the County Board Chairman and approved by the County Board, to perform duties and exercise police powers of enforcement in order to effectuate the purposes of this Ordinance; Illinois Animal Control Act; Humane Care for Animals Act; Animal Welfare Act; State and Federal Wildlife Codes. 510 ILCS 5/3.
- 5-1-2.5 AT LARGE. Any animal shall be deemed at large when it is off the premises of its owner's real property, or property where it has permission to be, and not restrained or controlled by a competent person. 510 ILCS 5/9 and 5/24.
- 5-1-2.6 BOARD. Board means the county board in each county, defined by Section 5-1004 of the Counties Code. 510 ILCS 5/2.04.
- 5-1-2.7 CAT. Cat means *Felis catus*. 510 ILCS 5/2.04a.
- 5-1-2.8 COMPETENT PERSON. A person of the mental and physical capability to control the animal in question and to whose command the animal is obedient.

- 5-1-2.9 **CONFINE.** The restriction of an animal at all times by the owner or his/her agent to an escape proof building, house or other enclosure away from other animals and the public. 510 ILCS 5/2.05.
- 5-1-2.10 **DOG.** (Canine) All domestic members of the family Canidae. 510 ILCS 5/2.11.
- 5-1-2.11 **DANGEROUS DOG.** “Dangerous Dog” means (i) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal or (ii) a dog that, without justification, bites a person and does not cause serious physical injury.
- 5-1-2.12 **ENCLOSURE.** A fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent the entry of other domestic animals or young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure. This should not be construed to mean cement floor only; other suitable means such as cement poured directly below or inside the perimeter or railroad ties buried or placed around the perimeter to a depth or in manner to prevent animal from escaping. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times.

- 5-1-2.13 IMPOUNDED. Animal apprehended and taken into custody of the public animal control facility located within the county.
- 5-1-2.14 OWNER. Any person having right of property in an animal or who acts, keeps or harbors an animal, or who has it in their care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. “Owner” does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program. 510 ILCS 5/2.16.
- 5-1-2.15 PERSON. Any individual, firm, corporation, partnership, society, association, or other legal entity, any public or private institution, the State of Illinois, municipal corporation or political subdivision of the State, or any other business unit. 510 ILCS 5/2.17.
- 5-1-2.1 RETURN TO OWNER (RTO) or REDEMPTION FEE. Costs incurred when impounding an animal which includes processing animal entry and exit at the shelter. This also includes boarding and transportation fees and may include vaccination fees and/or registration fee. 510 ILCS 5/10.
- 5-1-2.17 VICIOUS DOG. In order to have a dog deemed “vicious”, the Administrator, Deputy Administrator, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records, or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney’s office and the owner. The Administrator, State’s Attorney, Director or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. The Administrator shall determine where the animal shall be confined while the case is pending.

5-1-3 VACCINATION OF DOGS AND CATS:

5-1-3.1 VACCINATIONS

- 5-1-3.1.1 Every owner of a dog or cat four (4) months of age, within Rock Island County, shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian as established by regulations set forth in 510 ILCS 5/8.
- 5-1-3.1.2 Evidence of such vaccination shall be entered upon a certificate which shall be signed by the veterinarian administering the vaccine and name of clinic, hospital, or facility with which said veterinarian is affiliated.
- 5-1-3.1.3 Evidence of such rabies inoculation shall be entered on a certificate which shall be signed by the veterinarian administering the vaccine and name of clinic, hospital, or facility with which said veterinarian is affiliated. Veterinarians who inoculate a dog or cat shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. Only one dog shall be included on each certificate. The veterinarian immunizing or micro chipping an animal shall provide the Administrator with a certificate of immunization and microchip number if it has one. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog or cat inoculated against rabies by providing inoculation tags to veterinarians located within the county or by request of veterinarians outside the county. Established fees shall be collected by the veterinarians and submitted to the county animal control facility in a manner agreed upon by the Administrator and the individual veterinarians.
- 5-1-3.1.4 The vaccination Registration Certificate shall contain information pertaining to one pet only.
- 5-1-3.1.5 Further Rabies Control shall be carried out as established in Illinois Animal Control Act. Illinois Compiled Statutes, Chapter 510, Section 5/14 et seq. and Section 5/12 et seq.

5-1-3.2 REGISTRATION OF VACCINATED COUNTY DOGS AND CATS

5-1-3.2.1 Every owner of a dog or cat four (4) months or more in age shall register such dog or cat and pay an annual registration fee for said dog or cat to the Rock Island County Animal Control Office, as established in Illinois Animal Control Act; Illinois Compiled Statutes; Chapter 510, Section 5/8 et seq.

5-1-3.2.3 Three (3) year rabies vaccinations are recognized by the State of Illinois. Whenever a pet owner has a Vaccination Registration Certificate that shows a three (3) year vaccine has been administered by the veterinarian; the owner will be responsible for obtaining one (1) year Registration Tags within 30 days of each anniversary of the date of Rabies Inoculation.

5-1-3.2.4 Change of ownership information should be made to the Rock Island County Animal Control Office.

5-1-4 BITING ANIMALS:

5-1-4.1 REPORT OF BITE

5-1-4.1.1 It shall be unlawful for any person knowing that an individual has been bitten by an animal to refuse to notify, within 24 hours, the Rock Island County Animal Care & Control Office, Sheriff's Department, local Police Department, or other officer with the delegated authority who are responsible for the area in which the bite occurred.

5-1-4.1.2 A bite report shall be completed and forwarded to the Rock Island County Animal Care & Control Office within 24 hours. Bite Reports shall be furnished by the Rock Island County Animal Care & Control Office identifying required information.

5-1-4.1.3 The owner of any dog, cat or other animal, which shall have been bitten by another dog, cat or other animal, shall

immediately inform the Rock Island County Animal Care & Control Office, giving name, address, owner, registration number, description and location of such animal if known.

5-1-4.2 CONFINEMENT OF BITING ANIMALS

- 5-1-4.2.1 When Rock Island County Animal Care & Control receives information that a human being or other animal has been bitten by a dog, cat, or other animal; the Administrator or Deputy Administrator or his or her authorized representative shall have such dog, cat, or other animal confined under the observation of a veterinarian for a period of ten (10) days.
- 5-1-4.2.2 When evidence is presented that such dog, cat or other animal was vaccinated within the time prescribed by law, it may be confined in the house of its owner, or in a manner which will prohibit it from biting any human being or other animal for a period of ten (10) days, if the administrator, other licensed veterinarian or animal control officer declares such confinement satisfactory. At the end of the confinement period, such dog, cat or other animal shall be examined by the administrator or other licensed veterinarian.
- 5-1-4.2.3 The owner of a biting animal shall be provided a form, VETERINARIAN RELEASE, which must be presented to and signed/dated by the examining veterinarian. This signed release must be returned to the Rock Island County Animal Care & Control office within 24 hours of release.
- 5-1-4.2.4 When the owner of a biting dog is unknown, such dog shall be taken to the public animal control facility located within the county and placed under observation for ten (10) days or until an owner may be located.
- 5-1-4.2.5 Further enforcement of Biting Animals and Confinement may be carried out as established under Animal Control Act. Illinois Compiled Statutes, Chapter 510, Section 5/13 et seq.

5-1-4.3 LIABILITY OF OWNER

5-1-4.3.1 If a dog or other animal, without provocation, attacks, bites or injuries any person or domestic animal who is peacefully conducting themselves in any place where they may lawfully be, the owner of such dog or other animal is liable for full amount of injury and damages sustained. 510 ILCS 5/16. This liability to include death or injury to wildlife animals and birds kept under state or federal license permit.

5-1-4.3.2 The owner of a biting animal must also remit to the Department of Public Health, for deposit into the Pet Population Control Fund, a \$25 public safety fine within 30 days after notice. 510 ILCS 5/13.

5-1-4.4 SPECIAL PROCEDURE; BITING ANIMALS, UNUSUAL CIRCUMSTANCES

5-1-4.4.1 Family members bitten. Owners of animals that have bitten members of immediate family residing at the same address, are encouraged to submit the biting animal for veterinary examination. The biting animal shall be confined in a manner which will prohibit it from biting other people or animals.

5-1-4.4.2 Multiple bite reports of same family members may show need for investigation under the Humane Care for Animals Act for possible abuse or neglect.

5-1-4.4.3 Caged animals. Owners of caged rabbits, ferrets, guinea pigs, hamsters, gerbils, rats and mice that have been owned over thirty days shall not be required to obtain a veterinary examination when their caged animal has bitten a human being or other animal, but shall report the health of the biting animal by telephone or in person to the Rock Island County Animal Care & Control Office on the first and tenth days following the bite.

5-1-4.4.4 Guard dogs. Owners of guard dogs that have bitten a person in performance of guard duty and have been officially vaccinated and registered shall not be required to confinement or to obtain veterinary examination; but shall report the health of biting animal to the Rock Island County Animal Care & Control Office on the first and tenth days following the bite.

5-1-4.4.5 Large Animals. Cattle, sheep, swine, and horses that have bitten a human being or other animal shall be confined to the owner's property and examined by a veterinarian on the first and tenth days after the bite.

5-1-5 DANGEROUS DOGS:

5-1-5.1.1 After a thorough investigation including: sending, within 10 business days of the Administrator or Director becoming aware of the alleged infraction, notifications to the owner of the alleged infractions, the fact of the initiation of an investigation, and affording the owner an opportunity to meet with the Administrator or Director prior to the making of a determination; gathering of any medical or veterinary evidence; interviewing witnesses; and making a detailed written report, an animal control warden, deputy administrator, or law enforcement agent may ask the Administrator, or his or her designee, or the Director, to deem a dog to be "dangerous". No dog shall be deemed a "dangerous dog" unless shown to be a dangerous dog by a preponderance of evidence. The owner shall be sent immediate notification of the determination by registered or certified mail that includes a complete description of the appeal process.

5-1-5.2 A dog shall not be declared dangerous if the Administrator, or his or her designee, or the Director determines the conduct of the dog was justified because:

5-1-5.2.1 The threat was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of

the dog or was committing a willful trespass or other tort upon the premises or property occupied by the owner of the animal;

- 5-1-5.2.2 The threatened person was abusing, assaulting, or physically threatening the dog or its offspring;
 - 5-1-5.2.3 The injured, threatened, or killed companion animal was attacking or threatening to attack the dog or its offspring; or
 - 5-1-5.2.4 The dog was responding to pain or injury or was protecting itself, its owner, custodian, or a member of its household, kennel, or offspring.
 - 5-1-5.2.5 Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the determination of whether the dog's behavior was justified pursuant to the provisions of this Section.
- 5-1-5.3 If deemed dangerous, the Administrator, or his or her designee, or the Director shall order (i) the dog's owner to pay a \$50 public safety fine to be deposited into the Pet Population Control Fund, (ii) the dog to be spayed or neutered within 14 days at the owner's expense and micro chipped, if not already, and (iii) one or more of the following as deemed appropriate under the circumstances and necessary for the protection of the public:
- 5-1-5.3.1 Evaluation of the dog by a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert in the field and completion of training or other treatment as deemed appropriate by the expert. The owner of the dog shall be responsible for all costs associated with evaluations and training ordered under this subsection; or
 - 5-1-5.3.2 Direct supervision by an adult 18 years of age or older whenever the animal is on public premises.

- 5-1-5.3.3 The Administrator may order a dangerous dog to be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog or interfere with its vision or respiration.
- 5-1-5.3.4 Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 8 of this Act and performing duties as expected. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him or her.
- 5-1-5.3.5 The Administrator has the right to impound a dangerous dog if the owner fails to comply with the requirements of this ordinance.
- 5-1-5.4 An owner/custodian who wishes to appeal a determination may submit in writing by certified mail or in person, their intent to do so the County Administrator of Animal Care & Control within 10 days of notification that the dog has been deemed Dangerous.
- 5-1-5.4.1 The Administrator will schedule a hearing before a hearing officer appointed by the County Board.
- 5-1-5.4.2 Notification will be sent to the owner or custodian by certified mail or in person indicating the date, time and location of the hearing.

- 5-1-5.4.3 An owner or custodian may present evidence or testimony at the hearing on their behalf to support a determination that the dog not be deemed dangerous. The county Administrator may present evidence or testimony before the hearing officer to support a determination that the dog be deemed dangerous.
- 5-1-5.4.5 A determination will be provided by the hearing officer at the conclusion of all testimony.
- 5-1-5.4.6 An owner/custodian of a dog deemed dangerous must comply with any current city and county ordinances and any applicable state statutes that address dangerous dogs.

5-1-6 VICIOUS DOGS

- 5-1-6.1 In order to have a dog deemed “vicious”, the Administrator, Deputy Administrator, or law enforcement officer must give notice of the infraction that is the basis of the investigation to the owner, conduct a thorough investigation, interview any witnesses, including the owner, gather any existing medical records, veterinary medical records, or behavioral evidence, and make a detailed report recommending a finding that the dog is a vicious dog and give the report to the States Attorney’s office and the owner. The Administrator, State’s Attorney, Director or any citizen of the county in which the dog exists may file a complaint in the circuit court in the name of the People of the State of Illinois to deem a dog to be a vicious dog. Testimony of a certified applied behaviorist, a board certified veterinary behaviorist, or another recognized expert may be relevant to the court’s determination of whether the dog’s behavior was justified. The petitioner must prove the dog is a vicious dog by clear and convincing evidence. The Administrator shall determine where the animal shall be confined during the pendency of the case.

- 5-1-6.2 A dog may not be declared vicious if the court determines the conduct of the dog was justified because:
- 5-1-6.2.1 The threat, injury, or death was sustained by a person who at the time was committing a crime or offense upon the owner or custodian of the dog, or was committing a willful trespass or other tort upon the premises or property owned or occupied by the owner of the animal;
 - 5-1-6.2.2 The injured, threatened, or killed person was abusing, assaulting, or physically threatening the dog or its offspring, or has in the past abused, assaulted, or physically threatened the dog or its offspring;
 - 5-1-6.2.3 The dog was responding to pain or injury, or was protecting itself, its owner, custodian, or member of its household, kennel or offspring.
 - 5-1-6.2.4 No dog shall be deemed “vicious” if it is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in the manner that is specific as to breed.
- 5-1-6.3 If the burden of proof has been met, the court shall deem the dog to be a vicious dog.
- 5-1-6.4 If the dog is found to be a vicious dog, the owner shall pay a \$100 public safety fine to be deposited into the Pet Population Control Fund, the dog shall be spayed or neutered within 10 days of the finding at the expense of its owner and micro chipped, if not already, and the dog is subject to enclosure.
- 5-1-6.5 If an owner fails to comply with these requirements, the animal control agency shall impound the dog and the owner shall pay a \$500 fine plus impoundment fees to the animal control agency impounding the dog. The judge has the discretion to order a vicious dog be euthanized.

- 5-1-6.6 A dog found to be a vicious dog shall not be released to the owner until the Administrator, an Animal Control Warden, or the Director approves the enclosure. No owner or keeper of a vicious dog shall sell or give away the dog without approval from the Administrator or court. Whenever an owner of a vicious dog relocates, he or she shall notify both the Administrator of county Animal Control where he or she has relocated and the Administrator of County Animal Control where he or she formerly resided.
- 5-1-6.7 Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Administrator, an Animal Control Warden, or the law enforcement authority having jurisdiction in such area.
- 5-1-6.8 If the owner of the dog has not appealed the impoundment order to the circuit court in the county in which the animal was impounded within 15 working days, the dog may be euthanized.
- 5-1-6.9 Upon filing a notice of appeal, the order of euthanasia shall be automatically stayed pending the outcome of the appeal. The owner shall bear the burden of timely notification to animal control in writing.
- 5-1-6.10 Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Section 3 of this ordinance and 510 ILCS 5/8. It shall be the duty of the owner of such exempted dog to notify the Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly

notify such departments of any address changes reported to him.

- 5-1-6.11 If the animal control agency has custody of the dog, the agency may file a petition with the court requesting that the owner be ordered to post security. The security must be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the animal control agency or animal shelter in caring for and providing for the dog pending the determination. Reasonable expenses include but are not limited to, estimated medical care and boarding of the animal for 30 days. If security has been posted in accordance with this Section, the animal control agency may draw from the security the actual costs incurred by the agency in caring for the dog.
- 5-1-6.12 Upon receipt of a petition, the court must set a hearing on the petition, to be conducted within 5 business days after the petition is filed. The petitioner must serve a true copy of the petition upon the defendant.
- 5-1-6.13 If the court orders the posting of security, the security must be posted with the clerk of the court within 5 business days after the hearing. If the person ordered to post security does not do so, the dog is forfeited by operation of law and the animal control agency must dispose of the animal through adoption or humane euthanization.

5-1-7 AT LARGE / PUBLIC NUISANCE

5-1-7.1 RUNNING AT LARGE - IMPOUNDMENT

- 5-1-7.1.1 The owner of any dog, cat or other animal shall not permit such animal to run at large within Rock Island County.
- 5-1-7.1.2 No person shall cause or permit any animal owned by him/her to run at large on any public place or on any privately owned premises, other than the owners.

- 5-1-7.1.3 Whenever the Administrator or Deputy Administrator or his or her authorized representative observes or is informed that any dog, cat or domestic animal is roaming freely and not under control of the owner, it shall be considered running at large within Rock Island County and shall be deemed and considered to be a public nuisance. The animal shall immediately be apprehended and impounded.
- 5-1-7.1.4 Any person may apprehend an at large animal and inform local police or an Animal Control Officer and hold so that such animal may be impounded.
- 5-1-7.1.5 All stray/at large animals impounded shall be scanned for the presence of a microchip upon arrival, and a record of impoundment entered into a database containing but not limited to location of apprehension, time and date of impoundment, license/tag information, species, owners information, and the physical condition of the animal.
- 5-1-7.1.6 When a stray/at large animal is impounded, notice shall be made by telephone, if unattainable by phone, given by mail to the last known address of the owner. Stray/at large animals shall be held not less than seven (7) days. All unclaimed animals deemed adoptable by the animal control facility shall be offered for adoption, or made available to a licensed humane society or rescue group. If no placement is available, it shall be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.
- 5-1-7.1.7 The owner of a stray/at large animal is responsible for all costs relating to the apprehension and impoundment of the animal.
- 5-1-7.1.8 The provisions of Section 7 shall not apply to:
- (a) Dogs being used in hunting or field trials
 - (b) Dog shows while on public lands set aside for those purposes

- (c) While on private property of others with the actual, implied, customary, or constructive consent of the owner of such private premises
- (d) While going to or from a hunting, field trial, or dog show site
- (e) Dogs used in tracking in conjunction with police activities
- (f) Dogs of the Canine Corp of any law enforcement agency or Armed Forces while being used to conduct official business

5-1-7.2 PUBLIC NUISANCE

It is unlawful for any person to create a nuisance by allowing or permitting any of the following:

- 5-1-7.2.1 To allow any dog, cat or domestic animal to pass without permission upon the premises of another, thereby causing substantial damage to or interference with the premises.
- 5-1-7.2.2 To allow any dog, cat or domestic animal to cause serious annoyance or disturbance to any person or persons by frequent, habitual, excessive howling; barking; meowing; caterwauling or other noise making.
- 5-1-7.2.3 To allow unsanitary, dangerous or unreasonable offensive conditions. Every owner maintaining an animal run or yard shall keep the same clean and sanitary, and free from all refuse. Such yards shall be thoroughly cleaned at least once every twenty-four hours. It shall be unlawful to permit feces, decaying food, or refuse of any kind to remain in such yards. When swept up or collected, such refuse shall be kept in air tight containers until disposed of in accordance with ordinances of Rock Island County. It shall be unlawful to permit such refuse to remain uncovered.

- 5-1-7.2.4 To allow any animal to run after or chase persons, other animals, bicycles, or vehicles while off the premises of the owner.
- 5-1-7.2.5 To allow any animal to molest, attack, bite, interfere with, or physically intimidate persons or other animals off the premises of the owner.
- 5-1-7.2.6 To allow any dangerous or vicious animal to leave the premises of its owner when not under a recognized method of control or restraint.
- 5-1-7.2.7 It shall be unlawful for an owner or any person to direct; encourage; or knowingly allow a dog or other animal to attack or bite any person or domestic animal when that person or domestic animal is peacefully conducting themselves where they may legally be.

5-1-7.3 PROVOKING ANIMALS

- 5-1-7.3.1 It shall be unlawful for any person to intentionally provoke any animal so as to create a nuisance to the neighborhood or cause a violation of any provision of this Ordinance.

5-1-7.4 TRAPPING

- 5-1-7.4.1 No person shall set or allow to be set any trap to catch any domestic animal, (whether the trap is owned by them or not) on his/her property unless approved by the Animal Control Officer. The indoor trapping of mice and rats is permitted. Live traps which do not injure animals, will be permitted unless there is a designated trapping season which prevents its use.

5-1-7.5 DEAD ANIMALS

- 5-1-7.5.1 The owner of an animal shall be responsible for the disposal of such animal's remains upon its death, from whatever cause, and regardless of the location of the remains.

- 5-1-7.5.2 No person shall allow the body of, or any part thereof, of any dead animal to decompose and putrefy by remaining on his property.
- 5-1-7.5.3 No person shall skin, dismember, butcher, dress, or exhibit dead animals in view of the public in residentially used areas of Rock Island County.
- 5-1-7.6 DOG OR CAT IN HEAT (estrus) AND LIABILITY FOR MIS-MATING
- 5-1-7.6.1 The owner of every female dog or cat in heat shall confine such animal in a building or secure enclosure in such a manner that it cannot come into contact with another animal except for planned breeding.
- 5-1-7.6.2 The owner of any male dog or cat running at large shall be held financially responsible for miss-mating injury or other remedy determined by a veterinarian when such male dog mates with female dog or cat that is confined as required in 7.6.1. The owner of the male animal shall also be financially responsible for care and cost of adoption of resulting litter.
- 5-1-7.7 RESPONSIBILITY OF OWNER
- 5-1-7.7.1 The owner of any dog or cat running at large shall be responsible for the manual and physical clean up or pick up in a timely manner, or mess or damage done by such animal at large as well as any monetary liability.
- 5-1-7.8 COLLAR/HARNESS AND REGISTRATION TAGS
- 5-1-7.8.1 Every pet owner within Rock Island County shall provide such pet with a collar or harness to be worn when said animal is outside a secure enclosure. Collars shall be of sufficient strength to control and restrain the animal without causing injury to the animal. Animals restrained by rope or chains must have collars or harnesses.

5-1-7.8.2 No person shall, without the consent of the owner or keeper of any animal, take away or otherwise remove the registration tag, identification tag, or collar/harness from any dog or cat except in an emergency or for the welfare of the animal.

5-1-7.9 RULES/RESTRICTIONS CONTRARY TO ORDINANCE

5-1-7.9.1 No person may set rules and/or restrictions that shall cause a pet owner to be in direct violation of any Statute, Resolution, or Ordinances of the State of Illinois, County of Rock Island, or municipalities.

5-1-7.10 EXCESSIVE OR HABITUAL VIOLATIONS

5-1-7.10.1 When a pet owner has three (3) or more violations of the same type, or violations in combination, regarding one or more pets, the Administrator may have one or more such pets removed from an owner or custodian and place for adoption or otherwise dispose of such animals in a humane manner.

5-1-7.10.2 When the violation is regarding inhumane treatment of animals, the Administrator may deem the owner unfit and ban from owning or having pets in his/her care for a set period of time. After that time has elapsed, he/she will again be allowed to own or care for animals after a thorough investigation by an Animal Control Officer or State Humane Investigator.

5-1-7.10.3 When an owner has been banned from owning or having animals in his/her care; information shall be provided to all other Animal Control Officers, shelters, and Humane Investigators.

5-1-7.10.4 An owner/custodian may appeal a decision pursuant to Section 5.4 of this ordinance, to the Administrator of Rock Island County Animal Care & Control or his or her designee.

5-1-8 HUMANE CARE FOR ANIMALS:

5-1-8.1 HUMANE CARE AND TREATMENT

5-1-8.1.1 It shall be unlawful for any person to abuse or neglect or in any way treat inhumanely any animal within Rock Island County.

5-1-8.2 This Rock Island County Animal Control Ordinance shall cause all persons within Rock Island County to abide by the Humane Care for Animals Act as established in 510 ILCS 70/1 et seq.

5-1-8.2.3 Cruel Treatment. No person shall cruelly treat any animal as established under Illinois Humane Care for Animals Act; this shall include the prohibition of persons to crop any animals ears, dock an animals tail, or perform any similar surgeries except by a licensed veterinarian. 510 ILCS 70/3.01 & 3.03.

5-1-8.2.4 No owner or person shall confine any animal in a motor vehicle or enclosed trailer, kennel, dog house, or any type of container or structure used for confinement in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department Investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person.

5-1-8.2.5 No person driving a motor vehicle shall transport any animal in the back of the vehicle for any load on the vehicle unless the space is enclosed or has side and tail racks to the height of at least 46 inches extending vertically from the floor, the vehicle has installed means of preventing the animal from being discharged, or the animal is cross tethered to the vehicle, or is protected by secured container or cage in the manner which will prevent animal from being thrown, falling or jumping from the vehicle.

- 5-1-8.2.6 No person shall abandon any animal on any public or private property or roadway within Rock Island County. 510 ILCS 70/3.01.
- 5-1-8.2.7 Any person striking, injuring, or killing any dog, cat or domestic animal with a vehicle shall render assistance when possible and/or notify the owner, police or an Animal Control Officer.
- 5-1-8.3 Owner's duties as listed in the Illinois State Humane Care for Animals Act (510 ILCS 70/3) and as pertains to the Rock Island County Animal Control Ordinance, under "adequate shelter and protection for weather" shall include:
- 5-1-8.3.1 Shelter from SUNLIGHT. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals/pets kept outdoors to protect themselves from the direct rays of the sun.
- 5-1-8.3.2 Shelter from RAIN or SNOW. Animals/pets kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
- 5-1-8.3.3 Shelter from COLD WEATHER. Shelter shall be provided for all animals/pets kept outdoors to afford comfort and protection to such animals appropriate for the local climatic conditions and the animal/pet species concerned.
- 5-1-8.3.4 Shelter from EXTREME HEAT OR COLD. Shelter that is provided in an enclosed area such as enclosed porch or vehicle, shall not cause danger, distress or discomfort to the animal.
- 5-1-8.3.5 DRAINAGE. A suitable method shall be provided to rapidly eliminate excess water to prevent a damp, wet or muddy environment.
- 5-1-8.3.6 PROPER SHELTER. Shall be defined as protection from weather for a dog or cat as a moisture proof building, with dry

floor and adequate clean bedding material. A horse shall have a building of at least three (3) walls and a roof. It shall have a dry floor with clean and adequate bedding of straw, chips or other suitable material.

5-1-8.3.7 SUFFICIENT ROOM. A pen or kennel shall be of sufficient room to provide adequate exercise. Cable, lead line, tie line or any line used to secure animal in yard or pen shall be of sufficient length and placement to provide tangle free exercise.

5-1-9 VIOLATIONS AND PENALTIES:

5-1-9.1 Any person violating or aiding in the violation of any provision of this County Ordinance, or resisting, obstructing, impeding the Animal Control authority or any authorized officer in enforcing this Ordinance, shall be fined no less than fifty dollars (\$50.00) or no more than five hundred dollars (\$500.00). For the first offense, a warning citation may be issued. Each day a person fails to comply constitutes a separate offense. Violators may also be charged with a Class C Misdemeanor.

5-1-9.1.1 As an alternative remedy the Administrator in this ordinance, or in any Statute, the Administrator may issue a ticket in those instances where an owner violates this Ordinance.

5-1-10 COLLECTION OF MONIES:

5-1-10.1 The Office of Rock Island County Animal Care & Control shall have and perform the following duties enumerated in this Section, in cases involving violations of Sections 4,5,6,7,9 & 11 of this Ordinance:

5-1-10.1.1 Accept payments for registration and issue tag.

5-1-10.1.2 Accept and collect registrations fees collected by veterinarian clinics issuing registration tags.

5-1-10.1.3 Maintain records of all violations of the provisions of this Ordinance of which each person has been guilty during the preceding twenty four months; whether such guilt was established in court or by payment of fine.

5-1-10.1.4 Any person charged with an offense requiring payment of a fine, shall pay such fine at the Rock Island County Circuit Clerk's Office. Whenever any person charged with an offense requiring payment of a fine fails to appear and pay his/her fine in seven working days, a formal County Ordinance violation complaint shall be initiated in the Circuit Court. All fines, forfeitures, penalties and fees collected as a result of the enforcement of this Ordinance shall be paid into the Animal Control Fund per 510 ILCS 5/7.

5-1-11 FEES:

5-1-11.1 REGISTRATION FEES

5-1-11.1.1 Pursuant to the provisions of 510 ILCS 5/3; the following license fees shall be charged by Rock Island County as an annual fee:

- | | | |
|-----|--------------------------|----------|
| (a) | Altered Dog or Cat | \$ 10.00 |
| (b) | Unaltered Dog or Cat | \$ 50.00 |
| (c) | Police Canine | \$ 0.00 |
| (d) | Service/Guide Dog | \$ 0.00 |
| (e) | Late Fee (after 30 days) | \$ 5.00 |

5-1-11.1.2 Fees shall be due within thirty (30) days of the anniversary date of the rabies inoculation.

5-1-11.2 REDEMPTION FEES

5-1-11.2.1 Pursuant to the provisions of 510 ILCS 5/10; the following redemption fees shall be charged by Rock Island County:

- | | |
|------------------------------------|----------|
| (a) Impoundment Fee (Licensed) | \$ 25.00 |
| (b) Impoundment Fee (Not Licensed) | \$ 50.00 |
| (c) Boarding (Per Day) | \$ 10.00 |
| (d) Rabies Vaccination | \$ 15.00 |
| (e) Microchip | \$ 15.00 |

5-1-11.2.2 If an owner's dog is required to be quarantined for a 10-day rabies observation, the owner shall pay a rabies observation fee of \$150 in addition to any other fees that may be required.

5-1-11.2.3 If an owner's dog is required to be surrendered or euthanized per the owner's request for any reason, the owner shall pay a release fee of \$20 or euthanasia fee of \$20.

5-1-11.3 If an owner's dog is found running at large, the dog's owner shall pay a \$25 public safety fine, \$20 of which shall be deposited into the Pet Population Control Fund and \$5 of which shall be retained by the county. 510 ILCS 5/9.

5-1-11.4 The owner of any impounded dog or cat who desires to make redemption thereof shall pay a \$25 public safety fine to be deposited into the Pet Population Control Fund; the fine shall be waived if it is the dog's or cat's first impoundment and the owner has the animal spayed or neutered within 14 days. 510 ILCS 5/10.

5-1-12 EFFECT OF INVALID SECTION:

5-1-12.1 The sections of this Ordinance are severable, and if any section herein or any portion thereof is held to be invalid, such invalidity shall not affect any other section or portion of any section herein, or any rule or regulation.

5-1-13 REPEAL OF CONFLICT RESOLUTIONS OR ORDINANCES:

5-1-13.1 Any portion of any other resolution or ordinance of the Rock Island County Board to the extent that such portion conflicts with the provisions of this Ordinance, are hereby repealed.

5-1-14 EFFECTIVE DATE OF ORDINANCE:

5-1-14.1 This amendatory Ordinance shall become effective upon passage and approval.

DONE IN OPEN MEETING THIS 15thDAY OF NOVEMBER, 2005.

(Ordinance #2005-1116)

Chapter 2

Supervised Public Displays of Fireworks

5-2-1	Preambles
5-2-2	Definitions
5-2-3	Sale, Use or Explosion of Fireworks
5-2-4	Chairperson Authorized to Issue Permits
5-2-5	Issuance of Permits
5-2-6	Permit Requirements
5-2-7	Bond
5-2-8	Display of Fireworks
5-2-9	Protected Areas
5-2-10	Penalty, violations and punishment

5-2-1 PREAMBLES

WHEREAS, the sale, possession and use of fireworks in the State of Illinois is governed by the Fireworks Use Act at 425 ILCS 35/1 et seq., the Fireworks Regulation Act at 435 ILCS 30/1 et seq., and the Illinois Explosives Act at 225 ILCS 210/1 et seq.

WHEREAS, Section 2 of the Fireworks Use Act at 425 ILCS 35/1 et seq., is a general prohibition against the sale and use of fireworks in the State of Illinois, with three specific exceptions: 1) persons who hold permits issued by local governmental units for supervised public displays; 2) parties holding certificates of registration for a fireworks plant; and 3) public displays by state or county fair associations; and

WHEREAS, Rock Island County, Illinois, wishes to eliminate the harm to health and property within the unincorporated areas of the County. The purpose of this Ordinance is designed to safeguard the health, safety, and welfare of the citizens and protect property, and at the same time, allow Supervised Public Displays of Fireworks in Unincorporated Rock Island County, Illinois, pursuant to the laws of the State of Illinois.

5-2-2 DEFINITIONS

- A. FIREWORKS shall mean and include any explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect of a temporary exhibitional nature by explosion, combustion, deflagration or detonation, and shall include blank cartridges, toy cannons in which explosions are used, the types of balloons which require fire under need to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, or other fireworks of like construction and any fireworks containing any explosive compound, or any tablets or other device containing any explosive substance, or contain combustible substances visual effects.
- B. FIREWORKS, however, shall not include snake or glow worm pellets; smoke devices; trick noisemakers known as “party poppers”, “booby traps”, “snappers”, “trick matches”, “cigarette loads”, and “auto burglar alarms”, sparklers, toy pistols, toy canes, toy guns, or other devices in which paper or plastic caps containing 25/100 grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps which contain less than 20/100 grains of explosive mixture; the sale and use of which shall be permitted at all times. *(425 ILCS 35/1)*

5-2-3 SALE, USE OR EXPLOSION OF FIREWORKS PROHIBITED

Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the County board shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks. *(425 ILCS 35/2)*

5-2-4 CHAIRPERSON AUTHORIZED TO ISSUE PERMITS

The County Board Chairperson is authorized and empowered to grant and issue permits for supervised public displays of fireworks in the County outside the corporate limits of any city, village or incorporated town upon a proper application therefore by any group of three or more adult individuals, residents in the territory, being filed with the County Board Office pursuant to the terms and provisions of state law. This permit shall be issued only after inspection of the display site by the Rock Island County Sheriff’s Department or his/her representative to determine

that the display shall not be hazardous to property or endanger any person or persons. (425 ILCS 35/2)

5-2-5 PERMIT TO BE ISSUED

The application for the permit shall be filed in writing with the County Board at least 15 days in advance of the date of the display, and shall name and submit therein the name of a qualified and competent individual or company experienced in the handling of fireworks displays and dismantling who will be responsible for the proposed display. Action shall be taken on the application within 48 hours after the application is made, provided the inspection has been made as set forth in section 5-2-4 of this Ordinance. All applicants must comply with Illinois Statutes with respect to displays of fireworks, including but not limited to the Fireworks Use Act, the Fireworks Regulation Act and the Illinois Explosives Act. (425 ILCS 35/2 and 425 ILCS 30 et seq., and 225 ILCS 210/1 et seq.)

5-2-6 PERMIT REQUIREMENTS

- A. A permit shall be issued only after inspection of the display site by the Rock Island County Sheriff's Department, to determine that such display shall not be hazardous to property or endanger any person or persons. Forms and a Checklist for the application and permit may be obtained from the County Board Office. One copy of the permit shall be on file with the issuing officer, and one copy forward to the Sheriff's Department.
- B. The permit when issued shall name the individual/company selected and designated by the Chairperson of the County board to handle the display/explosives, and dismantling of the display, and no person other than the individual/company so designated shall be permitted to handle the display. The County Board Chairperson shall also appoint one of the three applicants to supervise the display and carry the permit at the time of the display. The permit, when the application has been approved, shall be signed by the Chairperson of the County Board and countersigned by the County Clerk. The permit shall be subject to all applicable provisions of the State law. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for display shall be lawful for the purpose only. No permit granted hereunder shall be transferable.
- C. Possession by any party holding a certificate for registration under the "Fireworks Regulation Act of Illinois", (425 ILCS 30/1 et seq.) or by any

employee or agent of such party or by any person transporting fireworks for such party, shall not be a violation, provided that possession is within the scope of business of the fireworks plant registered under that Act. *(425 ILCS 30/1 et seq)*

5-2-7 BOND

- A. At the time of filing an application for a fireworks permit and upon the payment of all applicable permit fees, the applicant must produce one of the following:
 - 1. A policy of liability insurance in a solvent and responsible company authorized to do business in the state insuring said licensee against liability for any injury, death or property loss or damage which said licensee may incur while operating under the provisions of this chapter; or
 - 2. A bond for a sum not less than \$1,000,000 in a form deemed acceptable by the Clerk and approved by same.
- B. Said policy if liability insurance must be in the amounts of \$100,000 per person, \$300,000 per occurrence for bodily injury liability and \$100,000 for loss of means of support, and must be for a term of at least co-extensive with the period of the license.
- C. No municipality shall be required to produce a policy of liability insurance or to file a bond.
- D. Issuance of the permit is conditioned on compliance with the provisions of this Ordinance, Illinois Law, and the regulations of the Illinois Department of Natural Resources with relating to explosives/fireworks.
- E. Issuance of the permit is conditioned upon payment of a \$150.00 application fee and signature by the applicant(s) and those individuals/companies who will be handling the display/explosives, and dismantling the display on a hold harmless agreement. *(425 ILCS 35/2 and 225 ILCS 210)*

5-2-8 DISPLAY OF FIREWORKS

Every public display of fireworks shall be handled by a competent individual designated by the local authorities herein specified and shall be of such a character and so located, discharged or fired, as not to be hazardous to property or endanger any person or persons. *(425 ILCS 35/2)*

5-2-9

PROTECTED AREAS

No firework shall be discharged, ignited, or exploded at any point in the state within 600 feet of any hospital, asylum or infirmary. *(425 ILCS 35/3.1)*

5-2-10

PENALTY, VIOLATIONS, PUNISHMENT

- A. In the case of a Court finding that a person possessing fireworks or combustibles seized by any officer or employee of the Office of the State Fire Marshall, the Department of State Police, Sheriff or Deputy Sheriff was in possession of these items in violation of the provisions of this chapter, judgement shall be entered confiscating and forfeiting the property and ordering its destruction;
- B. Any person, firm co-partnership, or corporation violating the provisions of this chapter, except as provided in division C of this section, shall be guilty of a Class B misdemeanor;
- C. The possession, offering for sale, exposing for sale, or selling at retail of fireworks in violation of this chapter is:
 - 1. A petty offense if involving an amount up to one pound of fireworks, exclusive of external packaging; or
 - 2. A Class B misdemeanor if involving an amount greater than one pound but up to three pounds of fireworks, exclusive of external packaging; or
 - 3. A Class A misdemeanor if involving an amount greater than three pounds of fireworks, exclusive of external packaging. Note: for a violation to be charged as a Class A misdemeanor, it must be filed as a state violation.

(425 ILCS 35/1)

Done in Open Meeting this 16th day of November, 1999

Original #99-1110

Chapter 4

Re: An Ordinance Prohibiting the Illegal Possession or Consumption of Alcohol by Persons Under 21

Section:

5-4-1 Regulations

WHEREAS, the County Board of Rock Island County recognizes that the sale, gift, delivery, or consumption of alcohol to persons under 21 is governed by the LIQUOR CONTROL ACT at 235 ILCS 5/6 - 16 & 5/6 -20; and

WHEREAS, the County Board of Rock Island County recognizes that the use, possession and consumption of alcohol by persons under 21 shall be prohibited within Rock Island County.

NOW, THEREFORE, BE IT *ORDAINED* by the County Board of Rock Island County, Illinois as follows:

5-4-1 REGULATIONS

- A. POSSESSION OF ALCOHOLIC LIQUOR BY PERSONS UNDER 21. It shall be unlawful for any person under 21 years of age to purchase, accept delivery or have possession of any alcoholic liquor.
- B. CONSUMPTION OF ALCOHOLIC LIQUOR BY PERSONS UNDER 21. It shall be unlawful for any person under 21 years of age to consume alcoholic liquor.
- C. EXCEPTION. The possession and dispensing, or consumption by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited under this *Ordinance*.

- D. DEFINITION OF ALCOHOLIC LIQUOR. For the purpose of this *Ordinance*, the term “Alcoholic Liquor” (alcoholic, spiritous and malt liquors) shall mean any intoxicating liquors which can be used as a beverage, and which, when drunk to excess, will produce intoxication.
- E. PENALTIES. Any person violating this *Ordinance* shall be subject to a citation. The citation shall be paid at the Office of the Circuit Clerk. A fine of fifty dollars (\$50.00) shall be assessed for the first such violation of this *Ordinance*. A fine of at least seventy-five (\$75.00) shall be assessed thereafter. In lieu of a fine in the first offense, a person who pleads or is found guilty of violating this *Ordinance* may elect to attend an alcohol prevention class presented by an acceptable organization approved by the Court at his/her own expense.
- F. CHARGING VIOLATIONS. Only duly appointed and authorized peace officers shall have the authority to sign complaints and charge violations of this *Ordinance*.

This *Ordinance* shall be in full force and effect from the date of its approval, passage, and publication, as by Statute in such cases made and as provided.

Done in open meeting this 20th day of May, 2003

Chapter 5

Bicycle Sales and Registration Bicycle Sales and Registration

Section:

5-5-1

Regulations

WHEREAS, the Rock Island County Sheriff's Department does wish to enact a Bicycle Sales and Registration Ordinance; and

WHEREAS, such Bicycle Sales and Registration Ordinance will allow for the Sheriff's Department to return when possible, those bicycles that have been lost or stolen.

NOW, THEREFORE, BE IT ORDAINED, by the Rock Island County Board that the following sections comprise the Rock Island County Bicycle Sales and Registration Ordinance.

5-5-1 REGULATIONS

- A. Bicycle Dealers License - it shall be unlawful to deal in sales of three (3) or more bicycles within any calendar year without a bicycle dealer's license. "Bicycle" for the purpose of this ordinance is any bicycle twenty inches (20") or more in size.
- B. License Procedure
 - A. License Application - the application for a license hereunder shall be made in writing to the County Clerk on a form provided by the office of the Sheriff's Department of Rock Island County. Licenses are non-transferrable.
 - B. License Fee - the license fee for a Bicycle Dealers License shall be free and the license shall remain in effect from the date of issue until the business is closed, sold or ownership is transferred.
- C. Mandatory Registration of Bicycles - it shall be mandatory for all Bicycle Dealers dealing in the retail sales of bicycles within the County of Rock Island, to register all bicycles size twenty inches (20") and over at the time of sale. The registration forms and bicycles license plates

shall be made available to the businesses at no cost through the Sheriff's Department. The completed registration forms shall be picked up twice a month by a member of the Sheriff's Department. It shall be the responsibility of the business owner and/or manager to notify the Sheriff's Department if they are in need of additional registration forms and/or license plates. Persons registering bicycles at a Bicycle Dealer or at the Sheriff's Department shall not be charged a fee.

- D. Any person, firm or corporation violating any of the provisions of these ordinances relating to bicycle dealers license and procedures shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).
- E. Registration Procedures - that in the event a bicycle has been purchased outside the unincorporated limits of the County of Rock Island or was sold within the unincorporated limits of the County and has not been processed for a license plate as set forth above, the bicycle shall be licensed through the procedures set below:
 - A. Registration Agency - applications for registrations should be issued by the Sheriff.
 - B. Application Form - the application for a bicycle license shall be on a form provided by the County.
 - C. Proof of Ownership - the Sheriff of Rock Island County shall refuse to issue a license where he has reason to believe the applicant is not the owner of, or entitled to possession of, the bicycle.
 - D. Inspection - the Sheriff or an officer assigned such responsibility shall inspect such bicycle before licensing the same, and shall refuse a license for any bicycle which he determines is in unsafe mechanical condition.
 - E. Registration Plate or Tag - upon issuing a bicycle license, the Sheriff must also issue a plate or tag, which shall be firmly attached to the bicycle in a manner as to be plainly visible from the rear.
 - F. Records - the Sheriff shall keep a record of the number of each license, the date issued, the name and address of the person to

whom issued and the number on the frame of the bicycle for which issued.

- G. Duration - transfer of ownership; renewal, a bicycle license shall remain valid as long as it remains the property of the initial owner. If sold, traded, given away, etc., the new owner shall re-register the bicycle in their name.
- H. Penalty - any person violating the provisions of this Section shall be subject to a fine of not less than Twenty-Five dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). In the event a person accused with a violation of this Section who does not wish to contest the allegation prior to the time that complaint is issued for said violation, said person may pay to the County of Rock Island Sheriff's Department a penalty in the sum of Fifteen Dollars (\$15.00) for an in full satisfaction of said violation. In the event a person is found guilty of violating the provisions of this Section a second or more time, he or she shall be fined in an amount equal the minimum fine.

Done in open meeting this 20th day of October, 1998

Chapter 6

Prohibiting riding in Cargo Area's of Motor Vehicles on County Roads

Section

5-6-1

Regulations

WHEREAS, cargo area's of motor vehicles are not intended to carry human cargo, a fact presented by the manufacturers; and

WHEREAS, injuries sustained from riding in the cargo area's can be severe or life-threatening, however, they are preventable; and

WHEREAS, in an effort to make all Rock Island County residents safe;

BE IT HEREBY ORDAINED by the County Board of Rock Island County, Illinois as follows:

5-6-1

REGULATIONS

Section 1. No person shall ride in or on any portion of a vehicle that was not primarily designed, manufactured and intended for use by motor vehicle passengers. This section shall preclude persons from riding within truck bodies in space designed, manufactured or intended for hauling goods or merchandise, enclosed or unenclosed pick up truck beds, luggage racks, and similar devices are areas. This section shall not apply to employees, eighteen (18) years of age or older, actively engaged in the necessary discharge of a duty that requires the employee to ride within the unenclosed body of a truck or an enclosed bed of a pick up truck; or upon private property within the County; or while such vehicle is participating in an organized and permitted parade or special event within the County.

Section 2. A driver who operates a motor vehicle while any passenger of said vehicle is riding the vehicle in violation of Section 1 is guilty of reckless driving.

Section 3. The Rock Island County Sheriff's Department is hereby authorized and directed to enforce this Ordinance to the fullest extent. Violation of this Ordinance is punishable by a fine of \$50.00 per passenger.

Section 4. This Ordinance shall be in full force and effect immediately after adoption.

Done in Open Meeting, this 17th Day of October, 2000

2000-10

Chapter 7

Civil Defense

Chapter 8

Communication with Prisoners

An Ordinance Prohibiting Communicating with Prisoners Confined in the Rock Island County Jail by Persons Outside the Facility

Section

5-8-1 Regulations

WHEREAS, pursuant to the provisions of 55 ILCS 5/5-1106, it is the duty of the County to provide a jail; and

WHEREAS, the County of Rock Island maintains a County jail facility, located at 1317 Third Avenue, Rock Island, Illinois; and

WHEREAS, pursuant to 55 ILCS 5/5-1015, the County Board of Rock Island County has the care and custody of all personal and real estate owned by the County; and

WHEREAS, pursuant to 55 ILCS 5/5-1113, the County Board may pass all ordinance necessary to carry into effect the powers granted to Counties, with such fines or penalties as may be appropriate; and

WHEREAS, the institutional security of the Rock Island County Jail is being compromised by persons who stand on public or private property, adjacent to or across a street or alley, from the Rock Island County Jail.

BE IT THEREFORE RESOLVED by the County Board of Rock Island County, Illinois, in open meeting this 15th day of February, 1994, as follows:

5-8-1 REGULATIONS

- A. That it shall be unlawful for any person to communicate with persons confined in the Rock Island County Jail from property, public or private, adjacent to or across a street or alley from the Rock Island County Jail.

- B. As used in this Ordinance, the term “communicate” shall mean oral or visual means of communication.
- C. In order for conduct to be prohibited by the provisions of this Ordinance, it is not necessary that it be directed toward a specific individual.
- D. That within thirty (30) days of the adoption of this Ordinance, the Sheriff of Rock Island County shall conspicuously post signs on or about the jail facility, advising the public that communicating with, or attempting to communicate with persons confined in the jail is prohibited.
- E. Persons found guilty of violating this Ordinance shall be fined in amount not to exceed \$500.00.
- F. This Ordinance shall be effective 30 days after its adoption.

Done in open meeting this 15th day of February, 1994

Chapter 9

Courthouse Security

Chapter 10

Emergency Telephone System Board

An Ordinance Creating the Emergency Telephone System Board (ETSB) of Rock Island County, Illinois

Section

5-10-1 Regulations

WHEREAS, the provisions of Chapter 134, Section 45.4 Illinois Revised Statutes, as amended by PA 85-978, require that the corporate authorities of any County which impose a surcharge under the provisions of Chapter 134, Section 45.3, Illinois Revised Statutes, to establish an Emergency Telephone System Board; and

WHEREAS, the County of Rock Island has imposed such a surcharge.

BE IT ORDAINED by the County Board of Rock Island County, Illinois, in open meeting this 16th day of February, 1988, as follows:

5-10-1 REGULATIONS

That the Emergency Telephone System Board of Rock Island County, Illinois, be and hereby is established.

- A. That the Emergency Telephone System Board of Rock Island County, shall consist of nine (9) members, appointed on the basis of their experience and ability. The members of the Emergency Telephone System board of Rock Island County, Illinois, shall serve without compensation, but shall be reimbursed for actual and necessary expenses.
- B. That six (6) members of the Emergency Telephone System Board of Rock Island County, Illinois, shall be representatives of the governmental entities in Rock Island County, Illinois, including:

- A. The County of Rock Island, Illinois
- B. The City of Rock Island, Illinois
- C. The City of Moline, Illinois
- D. The City of East Moline, Illinois
- E. The City of Silvis, Illinois
- F. The Village of Milan, Illinois

A member representing a municipality shall be appointed by the Chairman of the County Board upon recommendation of the Mayor or President of the Board of Trustees of the municipality. The County representative shall be appointed by the Chairman of the County Board with the advise and consent of the County Board.

All emergency telephone equipment and dispatch services between the City of East Moline, Illinois and Moline, Illinois, pursuant to 50 ILCS 750/1 et seq., and specifically 50 ILCS 750/3 are combined, centralized and located at the 911 Centre' Communications, 1200 River Drive, Moline, Rock Island County, Illinois.

- C. That two (2) members of the Emergency Telephone System Board of Rock Island County, Illinois, shall be appointed based upon their residence in areas of Rock Island County which provide emergency services but which are not set forth in Section Three (3) of this Ordinance, to wit: Upper Rock Island County and Lower Rock Island County; and one (1) member of the Emergency Telephone System Board of Rock Island County, Illinois, shall have no residence qualifications other than being a resident of Rock Island County, Illinois. These appointments shall be made by the Chairman of the County Board, with the advise and consent of the County Board.
- D. The powers and duties of the Emergency Telephone System Board of Rock Island County, Illinois, shall be as follows:
 - A. Planning a 911 system for Rock Island County, Illinois.
 - B. Coordinating and supervising the implementation, upgrading, or maintenance of the system, including the establishment of equipment specifications and coding systems.

- C. Receiving monies from the surcharge imposed under Chapter 134, Section 45.3, Illinois Revised Statutes, and from any other source, for deposit into the Emergency Telephone System Fund.
 - D. Authorizing all disbursements from such fund, by means of resolutions adopted by a majority of all the members of the Emergency Telephone System Board, for purposes authorized by law.
 - E. Hiring, on a temporary basis, any staff necessary for the implementation or upgrade of the system, and providing for the compensation for such staff.
 - F. To adopt rules providing for it's procedures, organization and officers. Provided: that the County Treasurer of Rock Island County shall be the treasurer of the Emergency Telephone System Board.
 - G. To do all things related to the purposes for which it was created not prohibited by law.
- E. The terms of office of all persons appointed to the Emergency Telephone System Board of Rock Island County, Illinois, shall be two (2) years. The term of office of original appointees shall commence on April 1, 1988 and end at Midnight, March 31, 1990. Successor appointees shall be appointed for terms of similar duration. There shall be no limit in the number of terms a members may serve.
- F. A vacancy on the Emergency Telephone System Board of Rock Island County, Illinois may be occasioned by the resignation, death, removal from an appropriate geographical area, physical or mental incapacity or continual refusal to attend scheduled meetings of or by a member. The appointing authority shall have the power to determine the existence of a vacancy. All vacancies shall be filled within sixty (60) days from the date the appointing authority determines a vacancy to exist.
- G. There shall be an annual meeting of the Emergency Telephone System Board in the month of April of each calendar year. The original Emergency Telephone System Board, and such successor Emergency Telephone System Board, shall conduct its organizational activities at such meeting. Other regular and special meetings shall be held and convened as the Emergency Telephone System Board may provide in its

rules. The Chairman of the County Board of Rock Island County has the authority to call the ETSB into service by giving such member thereof telephone notice at least 24 hours in advance of the time the meeting is to begin. The regular meeting place of the ETSB shall be the County Office Building, 1504 Third Avenue, Rock Island, Illinois, but the ETSB may schedule meetings at other accessible locations in Rock Island County, Illinois.

- H. Whenever a power of appointment to the ETSB is exercised, the appointing authority shall immediately notify the Chairman of the County Board of Rock Island County, who shall in turn notify the ETSB.
- I. This ordinance shall become effective immediately upon its adoption and appointments to the ETSB may be made at any time hereafter by appropriate appointing authorities.

Done in Open Meeting this 16th day of February, 1988 and amended this 19th day of January, 1999.

Chapter 11

Emergency Management Agency

Implementing the Provisions of the Emergency Management Agency Act in Rock Island County, Illinois

WHEREAS, the General Assembly has enacted the Illinois Emergency Management Agency Act (20 ILCS 3305/1 et. seq.) as a successor to the Illinois Emergency Services Act and Disaster Agency Act of 1975; and

WHEREAS, Section 10 thereof (20 ILCS 3305/10) provides that each County shall maintain an Emergency Services and Disaster Agency (ESDA) that has jurisdiction over and serves the entire County, except as otherwise provided under this Act, and

WHEREAS, there is no other local or Inter-jurisdictional Emergency Services and Disaster Agency (ESDA) which has jurisdiction and serves the entire County.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Rock Island County, Illinois, in open meeting this 15th day of July, 2003 as follows:

- Section 1. That pursuant to the provisions of Section 10(b) of the Emergency Management Agency Act, Rock Island County Emergency Services and Disaster Agency is hereby created, to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotages or other hostile action, or from any natural or man-made disaster, in accordance with the provisions of the Emergency Management Agency Act (20 ILCS 3305/5). The Rock Island County Emergency Services and Disaster Agency shall consist of a Coordinator and such additional members as may be selected by the Coordinator.
- Section 2. The Coordinator of the Rock Island County Emergency Services and Disaster Agency shall be appointed by the Chairman of the County Board with the consent of the County Board and shall serve until removed by the same.

The Coordinator shall have direct responsibility for the organization, administration, training and operation of the Emergency Services and disaster Agency, subject to the direction and control of the Chairman of the County Board, as provided by 20 ILCS 3305/10(I).

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

Section 3. The Rock Island County Emergency Services and Disaster Agency shall coordinate and may perform such emergency management functions within the County as are prescribed in and by the State Emergency Operations Plan, and programs, orders, rules and regulations as may be promulgated by the Illinois Emergency management Agency and by local ordinance and in addition, shall conduct such functions outside the territorial limits of the County as may be required under mutual aid agreements and compacts entered into pursuant to 20 ILCS 3305/6(c)(5).

Section 4. All or any members of the County organization may be designated as members of a Mobile Support Team, created by the Governor or Director of the Emergency Management Agency, pursuant to the provisions of 20 ILCS 3305/8.

The leaders of such Mobile Support Team shall be designated by the Coordinator of the Rock Island County Emergency Services and Disaster Agency, unless the Director of the State Emergency Management Agency selects another person.

Any member of a Mobile Support Team who is a County officer or employee while serving a call to duty by the Governor or the Director of State Emergency Management Agency, whether serving within or without Rock Island County, have the powers, duties, rights, privileges and immunities incident to such employment or office and shall receive the compensation incidental to such employment or office. Any such member who

is not a paid officer or employee of Rock island County, while so serving, shall receive such compensation as provided by law.

- Section 5. The Coordinator of the Rock Island County Emergency Services and Disaster Agency may negotiate mutual aid agreements with other political subdivisions, municipal corporations or bodies politic within this State pursuant to the provisions of 20 ILCS 3305/13. No such agreement shall be effective unless approved by the County Board and by the Director of the State Emergency Management Agency.
- Section 6. 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 Rock Island County Emergency Services and Disaster Agency to cooperate fully with the State Emergency Management Agency and with the Governor in the exercise of emergency powers and provided by law.
- Section 7. Members of the Rock Island County Emergency Services and Disaster Agency who are paid employees or officers of the County, if called for training by the Director of the State Emergency Management Agency, shall receive for time spent in such training the same rate of pay as is incident to such employment or office. Members who are not County employees or officers shall receive for such training time such compensation as may be established by the County Board.
- Section 8. The County Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to Rock Island County for expenses incident to training members of the Rock Island County Emergency Services and Disaster Agency, compensation for services and expenses of a Mobile Support Team while serving outside the County in response to a call by the Governor or the Director of the State Emergency management Agency, as provided by law, and any other reimbursement made by the State

incident to Emergency Management Agency activities as provided by law.

- Section 9. The County Board may, upon recommendation of the Coordinator of the Rock Island County Emergency Services and Disaster Agency, authorize any purchase or contracts necessary to place the County in a position to combat effectively any disaster resulting from, the explosion of any nuclear or other bomb or missile, and to protect property, and provide emergency assistance to victims in the case of such disaster, or from man made or natural disaster.
- Section 10. Every person appointed to serve in any capacity in the Rock Island County Emergency Services and Disaster Agency shall before entering upon such duties, subscribe to the oath set forth in 20 ILCS 3305/20 of the Emergency Management Agency Act.
- Section 11. The Chairman of the County Board is authorized to designate space in a County building or elsewhere; as may be provided by the County Board, for the Rock Island County Emergency Services and Disaster Agency as its office.
- Section 12. The County Board shall make appropriations for Emergency Services and Disaster Agency Operations in the manner prescribed by law and levy taxes therefore, in the manner provided by law for the ordinary expenses of the County.
- Section 13. This Ordinance shall take effect immediately upon its adoption and shall replace the previous version adopted in 1975.

Done in open meeting this 15th day of July, 2003

2003-713A

Chapter 12

Winding Creek Estates

Authorizing the Rock Island County Sheriff's Department to enforce the provisions of 625 ILCS 5/11 in the area known as Winding Creek Estates, Taylor Ridge, Illinois

Section

5-12-1 Regulations

WHEREAS, the homeowners association of Winding Creek Estates, located within Rock Island County, Taylor Ridge, Illinois, voted to request Rock Island County to enact an Ordinance that would allow the Rock Island County Sheriff's Department to enforce the Illinois Vehicle Code; and

WHEREAS, the provisions of 625 ILCS 5/11-209.1 allows the County Board to adopt such Ordinance to consider all such private streets or roads within the area to be considered "highways" only for the enforcement of this Code; and

WHEREAS, as per the provisions of 625 ILCS 5/11-209.1 (b); all regulations adopted and traffic control devices employed shall be consistent with the provisions of this Code and shall conform to the Illinois Manual on Uniform Traffic Control Devices, any person who files a request for the installation of traffic signs shall pay for the cost of such traffic signs. All such traffic signs shall be in conformity with 625 ILCS 5/11-604 of the Vehicle Code.

5-12-1 REGULATIONS

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County that the Rock Island County Sheriff's Department is hereby authorized and directed to enforce the Illinois Vehicle Code in the area known as Winding Creek Estates, located in Taylor Ridge, Illinois.

Adopted this 17th Day of October, 2000

Chapter 13

Periodic Imprisonment

Establishing a rate at which gainfully employed offenders
sentenced to periodic imprisonment must
reimburse Rock Island County for board at the
Rock Island County Jail

Section

5-13-1

Regulations

WHEREAS, effective July 1, 1995, the provisions of 730 ILCS 5/5-7-6 authorize the County Board to establish, by ordinance, a rate at which gainfully employed offenders sentenced to periodic imprisonment for weekends only, must reimburse the County for the cost of imprisonment; and

WHEREAS, such offenders must make appropriate payments to the Clerk of the Circuit Court on a weekly basis, on a day to be determined by the Clerk of the Circuit Court,

BE IT THEREFORE ORDAINED by the County Board of Rock Island County, Illinois, in open meeting this 21st day of November, 1995, as follows:

5-13-1

REGULATIONS

- A. That the rate for cost of board of persons sentenced to periodic imprisonment at the Rock Island County Jail, who are gainfully employed, shall be \$25.00 per day.
- B. That persons sentenced to periodic imprisonment in the Rock Island County Jail, who are gainfully employed, shall pay their board on a weekly basis to the Clerk of the Circuit Court.
- C. That the Clerk of the Circuit Court shall keep individual accounts with respect to money collected pursuant to the provisions of this ordinance, and shall remit the same to the County Treasurer, who shall consider such money as

being General Fund Money, to be held and paid out in the manner provided by law.

- D. That the Sheriff of Rock Island County shall inform those persons obligated by the provisions hereof to pay for their board, of such obligations and the day upon which payments are to be made.
- E. That in the event the Court orders that all or a portion of an offender's earnings be turned over to the Clerk of the Circuit Court, the Clerk shall deposit and distribute said money in accordance with the provisions of 730 ILCS 5/5-7-6(a)(b)&(c).
- F. That in the event the Sheriff of Rock Island County desires to collect money owing and due for board which has not been ordered by the Court, certification of this fact shall be given to the Clerk of the Circuit Court, and thereafter, the Sheriff shall collect and remit such fees in accordance with the provisions of this ordinance.
- G. That this ordinance shall become effective immediately upon its adoption.

Done in open meeting this 21st day of November, 1995

95-1113

Chapter 14

Vehicle Code

A resolution providing for a fee to be added to fines imposed for violations of Section 11-501 of the Illinois Vehicle Code or similar provisions of County or Municipal Ordinances

Section

5-14-1

Regulations

WHEREAS, PA 84-1394, effective September 18, 1986, has amended the provisions of Chapter 34, Section 429.29, Illinois Revised Statutes, in such a manner as to permit the County Board to provide by ordinance or resolution a fee of up to \$30.00 to be added to all fines imposed for violations of Section 11-501 of the Illinois Vehicle Code or similar provisions contained in County or Municipal ordinances, committed in the County, such fees to be used to finance the Court system.

BE IT THEREFORE RESOLVED, by the County Board of Rock Island County, Illinois, in open meeting this 21st day of October, 1986, as follows:

5-14-1

REGULATIONS

- A. That a fee of \$30.00 shall be added to all fines imposed for violations of Section 11-501 of the Illinois Vehicle Code or the similar provisions of County or Municipal ordinances, committed in Rock Island County.
- B. That the proceeds of such fees shall be used to finance the court system.
- C. That this resolution shall become effective immediately upon its adoption.

Done in open meeting this 21st day of October, 1986

TITLE 6

Fee's & Fines

Subject	Chapter
Automation fee for MH Delinquent Tax Purchasers	1
Automation fee for Real Estate Property Delinquent Tax Purchasers	2
Child Support Payments	3
Circuit Clerk Exempt from Provisions 27.5 and 27.6	4A/B
Circuit Clerk Fee's	5
Court Security Fee	6
Court Document	7
Duplicate Tax Bill Fee	8
Fee's to Vehicle Code	9
GIS/Recorder Fee's	10A/B
County Clerk Fees	11
Recorder Fees	12A/B
Sheriff Fees	13
Public Works Oversize Fee	14
Zoning Fees	15
County Highway Fee Schedule	16
Collection of Court Automation Fee	17
Arrestee Medical to IDPA Rates	18

Arrestee Inmate Medical Costs	19
Amending Arrestee Medical IDPA Rates	20

Chapter 1

Automation Fees for Mobile Home Delinquent Tax Purchasers

Section

6-1-1 Regulations

WHEREAS, 35 ILCS 516/180 provides that the County Collector may assess to the purchaser of a mobile home for delinquent taxes an automation fee per mobile home; and

WHEREAS, 35 ILCS 516/180 provides for the collection of the automation fee to mobile home delinquent tax purchasers if the record keeping system used for processing the delinquent mobile home tax sale is automated; and

WHEREAS, the record keeping system used for processing the delinquent mobile home tax sales is automated; and

WHEREAS, the County Board recommends that the County Collector assess an automation fee for processing the delinquent mobile home tax sales per mobile home.

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County, Illinois, that the County Collector assess an automation fee to the purchaser of a mobile home for delinquent tax per mobile home as follows:

6-1-1 REGULATIONS

- A. The County Collector shall assess to the purchaser of a mobile home for delinquent taxes an automation fee of not more than \$10.00 per mobile home.
- B. That the fee shall be paid at the time of purchase since the record keeping system used for processing the delinquent mobile home tax sales is automated.

- C. That the fees collected shall be retained by the County Treasurer in a fund designated as the Tax Sale Automation Fund. That the fund shall be audited by the County Auditor.
- D. That the County Board shall make expenditures from the fund to pay any costs related to the cost of hardware, software, resource and development, and personnel.

Done in open meeting this 15th day of April, 2003

Chapter 2

Automation Fees for Delinquent Tax Purchasers

Section

6-2-1 Regulations

WHEREAS, 35 ILCS 200/21-245 provides that the County Collector in all Counties may assess to the purchaser of delinquent taxes an automation fee per parcel; and

WHEREAS, 35 ILCS 200/21-245 provides for the collection of the automation fee to purchasers of property for delinquent taxes if the record keeping system is automated or has been approved for automation by the County Board; and

WHEREAS, the record keeping system used by the County Collector for processing the delinquent property tax sales is automated; and

WHEREAS, the County Board recommends that the County Collector assess an automation fee to purchasers of property for delinquent mobile home tax sales per parcel.

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County, Illinois, that the County Collector assess an automation fee to the purchaser of property for delinquent tax per parcel as follows:

6-2-1 REGULATIONS

- A. The County Collector shall assess to the purchaser of property for delinquent taxes an automation fee of not more than \$10.00 per parcel.
- B. That the fee shall be paid at the time of purchase since the record keeping system used for processing the delinquent property tax sales is automated.

- C. That the fees collected shall be retained by the County Treasurer in a fund designated as the Tax Sale Automation Fund. That the fund shall be audited by the County Auditor.
- D. That the County Board shall make expenditures from the fund to pay any costs related to the automation of property tax collections and delinquent property sales, including the cost of hardware, software, resource and development, and personnel.

Done in open meeting this 15th day of April, 2003

Chapter 3

An Ordinance Authorizing the Circuit Clerk to Charge and Collect a Fee for Administering, Collection and Distribution of Maintenance and Child Support Payments

Section

6-3-1 Regulations

WHEREAS, PA 84-1354 amends the Clerks of Courts Act, effective January 1, 1987, by permitting the Circuit Clerk to collect an annual fee of up to \$36 from persons making maintenance and/or child support payments, if so authorized ordinance of the County Board, in counties having a population of less than 1,00,000; and

WHEREAS, Rock Island County has less than 1,000,000 inhabitants.

BE IT ORDAINED by the County Board of Rock Island County, Illinois, in open meeting this 20th day of January, 1987, as follows:

6-3-1 REGULATIONS

- A. That pursuant to the provisions of Chapter 25, Section 27.1(u) Illinois Revised Statutes, as amended by PA 84-1354, the Circuit Clerk of Rock Island County be and hereby is authorized to collect an annual fee of \$36 from persons making maintenance or child support payments.
- B. That such fees, when collected, shall be deposited in a separate Maintenance and Child Support Collection Fund, of which the Circuit Clerk shall be the custodian, ex-officio, to be used by the Clerk to further maintenance and child support collection efforts in his office.
- C. That such fees shall be separate from amounts ordered to be paid as maintenance or child support.
- D. That this Ordinance shall become effective January 1, 1987, or the date this ordinance is adopted, whichever occurs later.

Done in open meeting this 20th day of January, 1987.

Chapter 4A

An Ordinance Exempting the Circuit Clerk of Rock Island County from Certain Provisions of the Clerks of the Courts Act

Section

6-4A-1 Regulation

WHEREAS, in Public Act 87-670, the Legislature of the State of Illinois has amended the Clerks of the Courts Act, Illinois Revised Statutes, Chapter 25, by adding a new paragraph 27.5; and

WHEREAS, that statutory amendment calls upon the Circuit Clerk to disburse all fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the Circuit Clerk, with some exceptions, pursuant to a lump-sum percentage formula; and

WHEREAS, current law provides that the Circuit Clerk disburse these funds to the State, municipalities, and the County upon a designated fee or fund basis; and

WHEREAS, Public Act 87-670 further provides that counties with a population under 2,000,000 may by Ordinance, elect not to be subject to the new amendment; and

WHEREAS, the Rock Island County Circuit Clerk requests that such an Ordinance be adopted due to the difficulties and uncertainties that would result in trying to modify the disbursement system at this time.

6-4A-1 REGULATION

NOW, THEREFORE, BE IT ORDAINED, by the County Board of Rock Island County, pursuant to the Clerks of the Courts Act, Illinois Revised Statutes, Chapter 25 as amended by Public Act 87-670, Section 27.5, that the County of Rock Island elects not to be subject to the provisions of the aforesaid Section 27.5 of the Clerks of Courts Act.

Done in open meeting this 17th day of December, 1991

Chapter 4B

An Ordinance Electing Not to Subject the Circuit Clerk to the Distribution Formula Provided by Section 27.6 of the Clerk of Courts Act

Section

6-4B-1

Regulation

WHEREAS, the County Board of Rock Island County, Illinois, had previously adopted an Ordinance, pursuant to the provisions of Section 27.5 of the Clerks of Court Act (705 ILCS 105/27.5) electing not to be subject to the distribution formula set forth therein with respect to amounts less than \$55.00 collected by the Circuit Clerk as fees, fines, costs, additional penalties, bail balances assessed or forfeitures, except as otherwise provided therein; and

WHEREAS, the General Assembly has enacted PA 87-1229, effective January 1m 1993, adding paragraph 27.6 to the Clerks of the Courts Act (705 ILCS 105/27.6), providing for distribution of fees, fines, costs, etc., collected by the Circuit Clerk, with respect to amounts in excess of \$55.00, according to a formula set forth therein, and

WHEREAS, Section 27.6 of the Clerks of Courts Act permits Counties having a population of less than 2,000,000 to elect not to be subject to that section; and

WHEREAS, since the County of Rock Island has elected not to be subject to the provisions of Section 27.5 of the Clerks of Courts Act, and being to subject to Section 27.6 would present the Circuit Clerk with the same compliance problems, and since Rock Island County has fewer than 2,000,000 in habitants;

6-4B-1

REGULATION

BE IT THEREFORE RESOLVED by the County Board of Rock Island County in open meeting this 21st day of April, 1993, as follows:

- A. That the provisions of Section 27.6 of the Clerks of Courts Act (705 ILCS 105/27.6) setting forth a distribution formula for certain amounts collected by

the Circuit Clerk, in excess of \$55.00 shall not apply to the Circuit Clerk of Rock Island County.

- B. The Circuit Clerk shall continue to collect any and all fees provided by law or ordinance and make appropriate disbursement of the same.
- C. This ordinance shall become effective immediately.

Done in open meeting this 21st day of April, 1993

Chapter 5

Regarding: Setting the Fees to Be Charged by the Rock Island County Circuit Clerk

WHEREAS, The Clerks of Courts Act 705 ILCS 105/27.1a which regulates the setting of fees in counties with less than 500,000 inhabitants; sets the minimum and maximum fees a circuit clerk is permitted to charge for specific services; and

WHEREAS, Section 27.1a requires that in those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the County Board has by resolution increased the fee; and

NOW, THEREFORE, BE IT *ORDAINED* by the Rock Island County Board as follows:

The fees by the Circuit Clerk for the following services shall be established and set in accordance with the following schedule.

I. Civil Cases:

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exception, shall be \$150.00.

- A. When the amount of money or damages or the value of personal property claimed does not exceed \$250.00, \$10.00.
- B. When that amount exceeds \$250.00 but does not exceed \$500.00, \$20.00.
- C. When that amount exceeds \$500.00 but does not exceed \$2,500.00, \$40.00.
- D. When that amount exceeds \$2,500.00 but does not exceed \$15,000.00, \$75.00.

E. For the exercise of eminent domain, \$125.00. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, \$125.00.

F. Family Cases.

1. For filing a petition under the Juvenile Court Act of 1987, \$25.00.
2. For filing a petition for a marriage license, \$10.00.
3. For performing a marriage in court, \$10.00.
4. For filing a petition under the Illinois Parentage Act of 1984, \$40.00.

II. Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of \$15,000.00 or less, \$50.00. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding \$15,000.00, \$125.00.

III. Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

IV. Confession of Judgment.

In a confession of judgment when the amount does not exceed \$1,500.00, \$50.00. When the amount exceeds \$1,500.00, but does not exceed \$15,000.00, \$115.00. When the amount exceeds \$15,000.00, \$115.00.

V. Appearance.

The fee for filing an appearance in each civil case shall be \$60.00, except as follows:

- A. When the plaintiff in a forcible entry and detainer case seeks possession only, \$50.00.
- B. When the amount in the case does not exceed \$1,500.00, \$30.00.
- C. When that amount exceeds \$1,500.00 but does not exceed \$15,000.00, \$60.00.

VI. Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000.00, \$15.00; when the amount exceeds \$1,000.00 but does not exceed \$5,000.00, \$30.00; and when the amount exceeds \$5,000.00, \$50.00.

VII. Petition to Vacate or Modify.

- A. Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, \$50.00.
- B. Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or

terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, \$75.00.

C. Petition to vacate order of bond forfeiture, \$40.00.

VIII. Mailing.

When the clerk is required to mail, the fee will be \$10.00, plus the cost of postage.

IX. Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, \$10.00.

X. Habeas Corpus.

For filing a petition for relief by habeas corpus, \$100.00.

XI. Certification, Authentication, and Reproduction.

A. Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, \$6.00.

B. Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, \$60.00.

C. Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, \$150.00

D. Court appeals when original documents are forwarded, over 200 pages, an additional fee of .25 cents per page.

E. For reproduction of any document contained in the clerk's files:

1. First page, \$2.00.
2. Next 19 pages, .50 cents per page.

3. All remaining pages, .25 cents per page.

XII. Remands.

In any cases remanded to the circuit court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

XIII. Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of \$6.00 for each year searched.

XIV. Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of \$6.00.

XV. Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the chief judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

XVI. Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code and for filing a transcript of commitment proceedings held in another county, \$50.00.

XVII. Alias Summons.

For each alias summons or citation issued by the clerk, \$5.00.

XVIII. Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the circuit court with the approval of the Administrative Office of the Illinois Courts. The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

XIX. Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of \$175.00, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

XX. Voluntary Assignment.

For filing each deed of voluntary assignment, \$20.00; for recording the same, .50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated,

for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

XXI. Expungement Petition.

The clerk shall be entitled to receive a fee of \$60.00 for each expungement petition filed and an additional fee of \$4.00 for each certified copy of an order to expunge arrest records.

XXII. Probate.

The clerk is entitled to receive the fees specified in this subsection (XXII), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection.

- A. For administration of the estate of a decedent (whether testate or intestate) or of a missing person, \$125.00, plus the fees specified in subsection (XXII)(C), except:
 - 1. When the value of the real and personal property does not exceed \$15,000.00, the fee shall be \$40.00.
 - 2. When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be \$40.00.
 - 3. For filing a petition to sell Real Estate, \$50.00.
- B. For administration of the estate of a ward, \$75.00, plus the fees specified in subsection (XXII)(C), except:
 - 1. When the value of the real and personal property does not exceed \$15,000.00, the fee shall be \$40.00.

2. When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be \$20.00.
3. For filing a Petition to sell Real Estate, \$50.00.

C. In addition to the fees payable under subsection (XXII)(A) or (XXII)(B) of this Section, the following fees are payable:

1. For each account (other than one final account) filed in the estate of a decedent, or ward, \$25.00.
2. For filing a claim in an estate when the amount claimed is \$150.00 or more but less than \$500.00, \$25.00; when the amount claimed is \$500.00 or more but less than \$10,000.00, \$40.00; when the amount claimed is \$10,000.00 or more; \$60.00; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.
3. For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, \$60.00.
4. For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.
5. Except as provided in subsection (XXII)(C)(4), for filing the appearance of any person or persons, \$30.00.
6. For each jury demand, \$137.50.

7. For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, \$50.00, less any amount paid under subsection (XXII)(A)(2) or (XXII)(B)(2) except that if the amount involved does not exceed \$5,000.00, the fee, including any amount paid under subsection (XXII)(A)(2) or (XXII)(B)(2), shall be \$20.00.
 8. For each certified copy of letters of office, of court order or other certification, \$2.00, plus \$1.00 per page in excess of three pages for the document certified.
 9. For each exemplification \$2.00, plus the fee for certification.
- D. The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.
- E. The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.
- F. The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

XXIII. Criminal and Quasi-Criminal Costs and Fees.

- A. The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:
1. Felony complaints, \$100.00.
 2. Misdemeanor complaints, \$75.00.
 3. Business offense complaints, \$75.00.

4. Petty offense complaints, \$75.00.
 5. Minor traffic or ordinance violations, \$10.00.
 6. When court appearance required, \$15.00.
 7. Motions to vacate or amend final orders, \$40.00.
 8. Motions to vacate bond forfeiture orders, \$40.00.
 9. Motions to vacate ex parte judgments, whenever filed, \$40.00.
 10. Motions to vacate judgment on forfeitures, whenever filed, \$40.00.
 11. Motions to vacate “failure to appear” or “failure to comply” notices sent to the Secretary of State, \$40.00.
- B. When the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:
1. Minor traffic or ordinance violations, \$10.00.
 2. When court appearance required, \$15.00.
- C. In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of \$137.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

XXIV. Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

XXV. Change of Venue.

- A. For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

- B. The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, \$40.00.

XXVI. Tax Objection Complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, \$50.00.

XXVII. Tax Deeds.

- A. Petition for tax deed, if only one parcel is involved, \$200.00.
- B. For each additional parcel, add a fee of \$60.00.

XXVIII. Collections.

- A. For all collections made of others, except the State and county and except in maintenance or child support cases, 2.5% of the amount collected and turned over.
- B. Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.
- C. For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.00.
- D. In child support and maintenance cases, the clerk, if authorized by an ordinance of the court board, may collect an annual fee of up to \$36.00 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders

and record all payments issued by the State Disbursement Unit for the official record of the court. The clerk may recover from the person making the maintenance or child support payment any additional costs incurred in the collection of this annual fee. The clerk shall also be entitled to a fee of \$5.00 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

XXIX. Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, \$25.00.

XXX. Exceptions.

- A. The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.
- B. No fee provided herein shall be charged to any unit of local government or school district.
- C. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

XXXI. Adoptions.

- A. For an adoption, \$65.00.

- B. Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term “special needs adoption” shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

XXXII. Adoption Exemptions.

No fee other than that set forth in subsection (XXXI) shall be charged to any person in connection with an adoption proceeding. (Source: P.A. 93-39, P.A. 91-321, eff. 01-01-00; 91-612, eff. 10-01-99; 92-16, eff. 06-28-01; 92-521, eff. 06-01-02.)

AND BE IT FURTHER *ORDAINED*, that this Ordinance shall not supersede any other Ordinance enacted by the Rock Island County Board, which established and sets fees to be charged for other services not listed in this ordinance and provided by the circuit clerk.

This *Ordinance* shall be in full force and effect from and after its passage, approval and publication, as provided by law, and shall repeal the provisions of any and all previously adopted Ordinances, or parts thereof, which conflict with this Ordinance.

ADOPTED by the Rock Island County Board this _____ day of _____, 2006.

Chapter 6

A resolution establishing fees to defray costs incurred by the Sheriff in providing Court Security

Be it Resolved by the County Board of Rock Island County, Illinois, in open meeting the 21st day of March, 1989, as follows:

1. Pursuant to the enabling authority set forth in Chapter 34, Section 429.31, Illinois revised Statutes, a Court services fee be and hereby is enacted for purposes of defraying the expenses incurred by the Sheriff in providing Court Security, as required by the provisions of Chapter 125, Section 19, Illinois Revised Statutes.
2. That the fee, which may not exceed \$15.00, shall be assessed against each party in civil cases at the time of filing the first pleading, paper or other appearances. No additional fee may be charged if more than one party is represented in a pleading, paper or other appearance.
3. That the fee shall be assessed against defendants in criminal cases, local or County Ordinance violation cases, traffic and conservation cases up on pleas of guilty, stipulation of facts or findings of guilty, resulting in judgements of conviction, or orders of supervision, or sentence of probation without entry of judgement, pursuant to Section 10 of the Cannabis Control Act or Section 410 of the Controlled Substances Act. No fee may be imposed on traffic, conservation or ordinance cases in which fines may be imposed without a court appearance.
4. The fees imposed by this resolution shall be as follows:

Civil Cases (except small claims)	\$10.00
Small Claims Cases	\$5.00
Criminal Felonies	\$10.00
Criminal Misdemeanors (other than traffic, conservation, & Ordinance violations)	\$10.00
Traffic, Conservation & Ordinance Violations	\$5.00

5. The fee imposed by this Resolution shall be collected in the same manner as all other Court fees or costs, and shall be deposited in the County general fund

for payment solely of costs incurred by the Sheriff in providing Court Security.

6. This Resolution shall become effective from and after the date of its adoption, upon the concurrence of the Chief Judge of the Fourteenth Judicial Circuit of Illinois, evidenced by the entry of an Administrative Order, approving the fees herein provided.

Done in open meeting this 21st day of March, 1989.

A Resolution amending the Resolution establishing fees to defray
costs incurred by the Sheriff in providing Court Security

Section

6-6-1

Regulations

WHEREAS, on March 21, 1989, the County Board adopted a Resolution, pursuant to the enabling authority presently set forth in 55 ILCS 5/5-1103; and

WHEREAS, such Resolution established a fee schedule for various types of civil and criminal cases for purposes of defraying the costs incurred by the Sheriff in providing Court Security; and

WHEREAS, the Chief Judge of the Fourteenth Judicial Circuit approved said Resolution and entered an appropriate Administrative Order on August 16, 1989; and

WHEREAS, said Resolution did not impose fees in the maximum amount allowed by law; and

WHEREAS, the restructuring of the Court System in Rock Island County has imposed additional burdens upon the Sheriff with respect to providing Court Security.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Rock Island County, Illinois, in open meeting this 16th day of September, 2003 as follows:

6-6-1

REGULATIONS

Section 1. That section 4 of the hereinabove referenced Resolution, adopted on March 21, 1989, shall be amended to state as follows:

D. That in any case in which a fee may be imposed by the provisions of this Resolution, the fee shall be \$25.00.

Section 2. That upon the effective date of this Amendatory Resolution, the conflicting provisions of any and all Resolutions previously adopted by the County Board of Rock Island County shall be repealed.

Section 3. That this Amendatory Resolution shall become effective December 1, 2003 and upon the concurrence of the Chief Judge of the Fourteenth Judicial Circuit of Illinois, evidenced by entry of an Administrative Order, approving the fees herein provided.

Done in open meeting this 16th Day of September, 2003

Chapter 7

Amending a Previously Adopted Resolution Providing Collection of a Court Document Storage Fee

Section

6-7-1 Regulations

WHEREAS, the County Board of Rock Island County, Illinois, has previously adopted a Resolution providing for the Collection of a fee for a Document Storage System and the instances in which that fee is to be collected, Resolution No. 98-209; and

WHEREAS, a Document Storage System has been established and is in place; and

WHEREAS, 705 ILCS 105/27.3c authorizes the County Board to require the Clerk of the Circuit Court to charge and collect a Court Document Storage Fee for the establishment and maintenance of a document storage system; and

WHEREAS 705 ILCS 105/27.3c has been amended by Public Act 94-0596 to increase the maximum allowable Court Document Storage Fee from \$5.00 to \$15.00.

BE IT *RESOLVED*, by the County Board of Rock Island County, Illinois, in open meeting this 17th day of January, 2006, as follows:

6-7-1 REGULATIONS

- 1.) That the expenses of establishing and maintaining the document storage system in the office of the Circuit Clerk of Rock Island County, Illinois, shall be defrayed by collection of a Document Storage Fee in the amount of \$15.00 by the Circuit Clerk of Rock Island County.
- 2.) Such fee shall be paid at the time of filing the first pleading, paper, or appearance filed by each party in all civil cases, or by the defendant in any felony, traffic, misdemeanor, municipal ordinance or conservation case upon a judgment of guilty or grant of supervision. No additional fee shall be charged if more than

one party is represented in a single pleading, paper or other appearance. This fee shall be collected in the same manner in which all other fees and costs are collected.

- 3.) The Circuit Clerk shall charge and collect a Document Storage Fee of \$5.00 on any traffic case satisfied without a court appearance pursuant to Supreme Court Rule 529.
- 4.) The Circuit Clerk of Rock Island County shall commence collecting such fee under the provisions of this Resolution upon receipt of written notice from the Chairman of the County Board, along with a certified copy of this Resolution.
- 5.) The fee authorized herein shall be in addition to all other fees and charges of the Circuit Clerk and may be waived only if a judge specifically provides for such waiver.
- 6.) The fee shall be remitted monthly by the Circuit Clerk to the County Treasurer, to be retained in a special fund, designated as the Court Document Storage Fund. This fund shall be subject to audit by the County Auditor, and the County Board may make expenditures therefrom in payment of costs related to the storage of court records, including hardware, software, research and development costs, and the cost of personnel related thereto, provided such expenditure is approved by the Circuit Clerk. The fee shall not be charged in any matter coming on a change of venue, nor in an administrative review proceeding.
- 7.) This Resolution shall be in full force and effect from and after its adoption and distribution, and shall repeal the provisions of any and all previously adopted Resolutions, or parts thereof, which conflict with this Resolution.
- 8.) This Resolution shall become effective immediately upon its adoption and distribution to the Circuit Clerk.

DONE IN OPEN MEETING THIS 17TH DAY OF JANUARY, 2006

Chapter 8

Establishing a rate for duplicate tax bills to any
mortgage lender who is not the property owner of record

Section

6-8-1

Regulation

WHEREAS, effective August 14, 1999, the provisions of House Bill 1695 at 35 ILCS 200/20-12 amending the Property Tax Code, authorizes the County Treasurer, with approval from the County Board to establish a rate of up to \$5.00 for duplicate tax bills for any mortgage lender as defined in 35 ILCS 200/1-90 who is not the property owner of record; and

WHEREAS, 35 ILCS 200/20-12 provides that the fees collected shall be deposited into the Treasurer's Automation Fund as authorized pursuant to 35 ILCS 20//21-245 and shall be used to pay the costs related to the automation of property tax collections and delinquent property tax sales, including the cost of hardware, software, research and development, and personnel.

6-8-1

REGULATION

NOW, THEREFORE, BE IT RESOLVED by the County Board of Rock Island County, that effective January 1, 2000, a fee of \$5.00 for each duplicate tax bill be charged to any mortgage lender who is not the property owner of record; and that such fees collected shall be deposited into the Treasurer's Automation Fund to be disbursed according to law.

Done in open meeting this 19th day of October, 1999

Chapter 10A

Establishing a rate for Recorders of Deeds GIS Fund

Section

6-10A-1 Regulation

WHEREAS, effective June 9, 2000, the provisions of Senate Bill 1582 at 55ILCS 5/3-5018 amending the Recorder's Imaging Fee, authorizes the County Recorder, with the approval from the County Board to establish an additional charge up to \$3.00 for the filing every instrument, paper, or notice for record; and

WHEREAS, 55ILCS 5/3-5018 provides that the fees collected shall be deposited into a special fund set up by the treasurer of the county, as authorized pursuant to 55ILCS 5/3-5018 and shall be used to solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a GIS; and \$1.00 of the \$3.00 shall be deposited into the recorder's special funds created under Section 3-5005.4 which may be used to defray the cost of implementing or maintaining the county's GIS.

6-10A-1 REGULATION

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County, that effective July 1, 2000 a fee of \$3.00 will be charged for the filing every instrument, paper, or notice for record; and that such fees collected shall be deposited into the GIS Automation Fund with \$1.00 of each transaction being retained by the Recorder to offset costs and the remaining \$2.00 of each transaction to be disbursed according to law for advancement of the County-Wide GIS System.

Done this Open Meeting; this 20th Day of June, 2000.

2000-610

Chapter 10B

Amending a rate for Recorders of Deeds GIS Fund; As adopted through Ordinance 2000-610; June 20, 2000

Section 6-10B-1 Regulation

WHEREAS, effective June 9, 2000, the provisions of Senate Bill 1582 at 55ILCS 5/3-5018 amending the Recorder's Imaging Fee, authorizes the County Recorder, with the approval from the County Board to establish an additional charge up to \$3.00 for the filing every instrument, paper, or notice for record; and

WHEREAS, 55ILCS 5/3-5018 provides that the fees collected shall be deposited into a special fund set up by the treasurer of the county, as authorized pursuant to 55ILCS 5/3-5018 and shall be used to solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a GIS; and \$1.00 of the \$3.00 shall be deposited into the recorder's special funds created under Section 3-5005.4 which may be used to defray the cost of implementing or maintaining the county's GIS; and

WHEREAS, pursuant to 55 ILCS 5/3-5018, "the County Board may, however, by Ordinance, increase the fees allowed by this Section and collect such increased fees from all persons and entities other than officers, agencies, departments, and other instrumentalities of the State if the increased fee is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service", and;

WHEREAS, the County Board of Rock Island County, Illinois, has completed a study of the direct and indirect costs associated with the development and maintenance of GIS in Rock Island County and the conclusion shows that the fee should be increased to cover such costs, and;

WHEREAS, pursuant to 55 ILCS 5/3-5018, allows the County Board to increase the fees allowed in that section and collect the increased fees from all persons and entities other than officers, agencies, departments and other instrumentalities of the State if the increase is justified by an acceptable cost study showing that the fees allowed in the statute section are not sufficient to cover the costs of providing the service, and that any such supporting documents shall be public records and subject to public examination and audit, and;

WHEREAS, Rock Island County has determined that increasing the fee in the amount of \$4.00 (four dollars) is necessary to cover the cost of providing the GIS system, and that the increase is justified by an acceptable cost study showing the same. The cost study is attached to this Ordinance as Exhibit A.

6-10B-1 REGULATION

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County, that effective July 1, 2001, the fee of \$3.00 will be increased by \$4.00 for a total to be charged of \$7.00 for the filing of every instrument, paper, or notice for record; and that such fees collected shall be deposited into the GIS Automation Fund #140 to be disbursed according to law for advancement of the County-Wide GIS System.

Done this Open Meeting; this 15th Day of May, 2001

2001-5

Chapter 11

Increase Fee's for County Clerk

Section

6-11-1

Fees

WHEREAS, 55 ILCS 5/4-4001 provides that the statutory County Clerk fees may be increased by the County Board if an increase is “justified by an acceptable cost study showing that the fees allowed by this Section (55 ILCS 5/4-4001) are not sufficient to cover the costs of providing the services”; and

WHEREAS, 55 ILCS 5/4-4001 requires a statement of the costs of providing each service, program and activity shall be prepared and be part of the public record; and

WHEREAS, a statement of cost (attached hereto and made a part hereof) and cost analysis by MAXIMUS has been prepared; and

WHEREAS, based on the MAXIMUS study, the County Board recommends the County Code be amended to increase the County Clerk's fees.

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County, Illinois that the Counties Code is amended as follows:

6-12-1

FEES

- A. For issuance of liquor licenses the fee shall be increased from the Statutory fee of \$5.00 to the actual cost of \$61.94 per license application
- B. For issuing marriage license, the certificate thereof, and for recording the same, including the recording of the parent's or guardian's consent where indicated from the Statutory fee of \$15.00 to the actual cost of \$20.00
- C. For canceling tax sale and issuing and sealing certificates of redemption from the Statutory fee of \$3.00 to the actual cost of \$49.50
- D. For officially certifying and sealing each copy of any process, file, record or other instrument of and pertaining to the Office of the County

Clerk, from the Statutory fee of \$5.00 to the fee allowed under 410 ILCS 535/25 which allows the local registrar or county clerk to charge fees for providing these services for which the State Registrar may charge fees under this Section of \$10.00

- E. The above increase in fee's to be effective February 1, 2003
- F. That a copy of this Ordinance be provided to the County Clerk of Rock Island County immediately following all signatures being affixed.

Done in open meeting this 21st day of January, 2003

Ordinance 2003-0101B

Chapter 12

Increase Fee's for Recorder

Section 6-12A-1 Fees

WHEREAS, 55 ILCS 5/3-5018 provides that the statutory Recorder fee's may be increased by the County Board if an increase is "justified by an acceptable cost study showing that the fees allowed by this Section (55 ILCS 5/3-5018) are not sufficient to cover the costs of providing the services"; and

WHEREAS, 55 ILCS 5/3-5018 requires a statement of the costs of providing each service, program and activity shall be prepared and be part of the public record; and

WHEREAS, a statement of cost (attached hereto and made a part thereof) and cost analysis by MAXIMUS has been prepared; and

WHEREAS, based on the MAXIMUS study, the County Board recommends the County Code be amended to increase the Recorder's fees.

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County, Illinois that the Counties Code is amended as follows:

6-12A-1 FEES

- A. For recording deeds, assignments, leases, liens or other instruments from the Statutory fee of \$12 for up to 4 pages to the actual cost of \$14.00 for up to 4 pages plus \$1 for each additional document number therein noted.
- B. For certified copies of records from the Statutory fee of \$12 to the actual cost of \$35.00.
- C. The above increase in fee's to be effective May 1, 2003
- D. That a copy of this Ordinance be provided to the Recorder of Rock Island County immediately following all signatures being affixed.

Done in open meeting this 18th day of March, 2003

Ordinance 2003-0305B

Chapter 12B

Increase Fee's for Recorder

Section
6-12B-1 FEES

WHEREAS, 55 ILCS 5/3-5018 provides that the statutory Recorder fee's may be increased by the County Board if an increase is "justified by an acceptable cost study showing that the fees allowed by this Section (55 ILCS 5/3-5018) are not sufficient to cover the costs of providing the services"; and

WHEREAS, 55 ILCS 5/3-5018 requires a statement of the costs of providing each service, program and activity shall be prepared and be part of the public record; and

WHEREAS, a statement of cost (attached hereto and made a part thereof) and cost analysis by MAXIMUS has been prepared; and

WHEREAS, based on the MAXIMUS study, the County Board recommends the County Code be amended to increase the Recorder's fees.

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County, Illinois that the Counties Code is amended as follows:

6-12B-1 FEES

- A. For certified copies of records from the Statutory fee of \$12 to the actual cost of \$49.00.
- B. The above increase in fee's to be effective October 1, 2005.
- C. That a copy of this Ordinance be provided to the Recorder of Rock Island County immediately following all signatures being affixed.

Done in open meeting this 20th day of September, 2005

Ordinance 2005-08

Chapter 13 Increase Fee's for Sheriff

Section 6-13-1 Fees

WHEREAS, 55 ILCS 5/4-5001 provides that the statutory Sheriff fees may be increased by the County Board if an increase is “justified by an acceptable cost study showing that the fees allowed by this Section (55 ILCS 5/4-5001) are not sufficient to cover the costs of providing the services”; and

WHEREAS, 55 ILCS 5/4-5001 requires a statement of the costs of providing each service, program and activity shall be prepared and be part of the public record; and

WHEREAS, a statement of cost (attached hereto and made a part hereof) and cost analysis by MAXIMUS has been prepared; and

WHEREAS, based on the MAXIMUS study, the County Board recommends the County Code be amended to increase the Sheriff's fees.

NOW, THEREFORE, BE IT *ORDAINED*, by the County Board of Rock Island County, Illinois that the Counties Code is amended as follows:

6-13-1 FEES

- A. For serving or attempting to serve summons on each defendant, and/or an order of judgement granting injunctional relief, and/or each garnishee, and/or an order of replevin, and/or an attachment on each defendant in each County the fee shall be increased from the Statutory fee of \$10.00 to the actual cost of \$34.33 per civil process - service
- B. For serving or attempting to serve a warrant of arrest, to be paid upon conviction, the fee shall be increased from the Statutory fee of \$8.00 to the actual cost of \$42.14 per case
- C. For taking special bail the fee shall be increased from the Statutory fee of \$1.00 to the actual cost of \$16.57 per case
- D. For serving or attempting to serve notice of judgements or levying to enforce judgement the fee shall be increased from \$3.00 with \$0.50 mileage each way to the actual cost of \$40.29 plus mileage of \$0.50 each way

- E. The above increase in fee's to be effective February 1, 2003.
- F. That a copy of this Ordinance be provided to the Sheriff of Rock Island County immediately following all signatures being affixed.

Done in open meeting this 21st day of January, 2003

Ordinance 2003-0101A

Chapter 14

Oversize/Overweight Vehicle Permit Fees

WHEREAS, the County Board of Rock Island County, Illinois, does hereby request to set access fees for oversize and overweight vehicle permits for County Highways in accordance with Section 625, 5/15-101 and 625, 5/15-102 of the Illinois Highway Code.

NOW, THEREFORE, BE IT *RESOLVED* that permit fee's will be based upon the fee schedules of the issued Illinois Department of Transportation permit; and

if the Illinois Department of Transportation is not required to issue permit, fee scheduled will be based on per axle rate of Three and no/100 dollars (\$3.00) per axle; and

if Rock Island County oversize/overweight vehicle permit is a general permit for all oversize/overweight loads as follows:

- A. Single trip permit
- B. Round trip permit - not to exceed fourteen (14) days. A fourteen (14) day round trip for movement to a site is valid only for the first day the permit is valid. The return trip must be made on the same designated route on any of the remaining (13) days.

BE IT FURTHER *RESOLVED*, that the County Board of Rock Island County, Illinois, establish said fees for oversize/overweight vehicle permits to be effective May 1, 2003.

Passed by the County Board of Rock Island County,
Illinois, this 15th day of April, A.D. 2003

#2003-410

Chapter 15

Zoning Fee Amendment

Section

6-15-1

Fees

WHEREAS, The Rock Island County Zoning Board of Appeals held a hearing on March 5, 1997 and recommended an amendment to the Rock Island County Zoning Resolution that would allow the County Board to amend zoning fees as needed, and;

WHEREAS, on March 18th, 1997, the Rock Island County Board granted the amendment allowing the County Board to amend zoning fees as needed, and;

WHEREAS, zoning fees have not been amended since March of 1997, and;

WHEREAS, it has become necessary to amend zoning fees so that zoning requests are not being subsidized by the common taxpayer;

WHEREAS, the Rock Island County Zoning and Building Department is recommending the following fee structure:

6-15-1

FEES

Rezoning to AG-1, AG-2, SE-1, SE-2, R-1 or PUD, and any Special Use within these Districts:

5 Acres or less	\$400.00
5+ acres to 20 acres	\$400.00 plus \$20.00 per acre for acres 6-20
Greater than 20	\$700.00 plus \$15.00 per acre for all acres over 20
Maximum Fee	\$3,400.00

Rezoning to any U, C, O, B, I or ORT, and any Special Use within these districts:

5 acres or less	\$600.00
5+ to 20 Acres	\$600.00 plus \$20.00 per acre for acres 6-20
Greater than 20	\$900.00 plus \$15.00 per acre for all acres over 20
Maximum Fee	\$5,400.00

Variances: \$300.00

ALL Others Not Listed:

5 Acres or less	\$400.00
5+ acres to 20 acres	\$400.00 plus \$20.00 per acre for acres 6-20
Greater than 20	\$700.00 plus \$15.00 per acre for all acres over 20
Maximum Fee	\$3,400.00

Fees effective for all hearings requested for the June 1st, 2005, Zoning Board of Appeals and subsequent hearings as scheduled.

NOW, THEREFORE, BE IT *RESOLVED* by the Rock Island County Board that the fees for Zoning requests as herein described is and the same is approved.

DONE IN OPEN MEETING THIS 19th DAY OF APRIL 2005

Chapter 16

An Ordinance Establishing a Fee Schedule for Location, Placement and Construction of Ditches, Drains, Track, Rails, Poles, Wires, Pipe Lines or Other Equipment Under or Along County Highways

Section

6-16-1

Enumerations

WHEREAS, the provisions of Chapter 121, Section 9-113(a) Illinois Revised Statutes, state that no ditches, drains, track, rails, poles, wires, pipe line or other equipment may be located, placed or constructed along or under Highway without the written consent of the appropriate Highway authority; and

WHEREAS, with respect to County Highways, the County Board is the appropriate Highway Authority, as provided by Chapter 121, Section 9-113(i), Illinois Revised Statutes; and

WHEREAS, the provisions of Chapter 121, Section 9-113(a) Illinois Revised Statutes, are applicable to public utilities, municipal corporations, and other private corporations, associations and persons; and

WHEREAS, there are a number of individuals or entities which at present are, or in the future will be, engaging in the location, placement or construction of ditches, drains, track, rails, poles, wires, pipe lines or other equipment along or under County Highways; and

WHEREAS, at present, Rock Island County does not have a fee schedule pertaining to amounts to be charged to persons or entities seeking consent to engage in the activities herein above described; and

WHEREAS, such a fee schedule should be uniform with respect to any and all persons or entities seeking permission to locate, place or construct ditches, drains, track, rails, poles, wires, pipe lines or other equipment under or along County Highways.

BE IT THEREFORE ORDAINED by the County Board of Rock Island County, this 20th day of September, 1988, as follows:

- A. That any public utility, municipal corporation, private corporation, associations or persons who desire to locate, place or construct ditches, drains, track, rails, poles, wires, pipe lines or other equipment along or under County Highways must obtain permission for such activity from the County Board of Rock Island County, Illinois.
- B. That a condition of obtaining permission from the County Board of Rock Island County for the location, placement or construction of ditches, drains, track, rails, poles, wires, pipe lines or other equipment along or under County Highways shall be payment to Rock Island County of an annual fee, which fee shall be in the amount of one dollar (\$1) per linear foot. Said fee shall be charged with respect to each linear foot of each and every ditch, drain, track, rail, pole, wire, pipe line or other equipment located, placed or constructed under or along County Highways, and shall be imposed upon each public utility, municipal corporation, or private corporation or individual utilizing ditches, drains, track, rails, poles, wires, pipe lines or other equipment along or under County Highways. It is the specific intent of this Ordinance to impose the fee upon each linear foot of wire or cable installed or located within any pipe line, conduit, or other excavation, and upon each linear foot of wire, cable or other device capable of transmitting energy or impulse which is attached to poles or other aboveground devices.
- C. The first annual payment of the fee provided by this Ordinance shall be made within 30 days after written permission to engage in location of construction is granted by the County Board of Rock Island County, and annually thereafter on or before the 1st day of December of each calendar year.
- D. Public utilities, municipal corporations, and private corporations, associations, or individuals which are presently utilizing the type of improvements or equipment described in this ordinance and which do not have current written permission from the County Board of Rock Island County therefore shall pay the fee for the calendar year 1988 on or before December 31, 1988 and annually thereafter on or before the first day of December of each calendar year.
- E. The fee provided by this Ordinance shall not limit the power of the County Board of Rock Island County, Illinois, to impose other conditions upon

persons or entities who seek written permission from the County Board with respect to engaging in the activities which are the subject of this ordinance, and shall not relieve any such persons or entities from complying with any and all other obligations imposed by law.

- F. This ordinance shall in no way hinder or impair the rights of private landowners.
- G. This ordinance shall become effective upon its adoption.

Done in open meeting this 20th day of September, 1988

Chapter 17

Amending a Previously Adopted Resolution Providing for Collection of Court Automation Fee

6-17-1 Preambles

6-17-2 Fees

6-17-1 PREAMBLES

WHEREAS, the County Board of Rock Island County, Illinois, has previously adopted a Resolution providing for the Collection of a fee for Automated Record Keeping and the instances in which that fee is to be collected, Resolution No. 98-208; and

WHEREAS, the Circuit Clerk for Rock Island County maintains an automated record keeping system; and

WHEREAS 705 ILCS 105/27.3a authorizes the County Board to require the Clerk of the Circuit Court to charge and collect a fee for the establishment and maintenance of an automated record keeping system; and

WHEREAS 705 ILCS 105/27.3a has been amended by Public Act 94-595 to increase the maximum allowable Court Automation Fee from \$5.00 to \$15.00.

BE IT *RESOLVED*, by the County Board of Rock Island County, Illinois, in open meeting this 17th day of January, 2006 as follows:

6-17-2 FEES

- 1.) That the expenses of establishing and maintaining the automated record keeping system in the office of the Circuit Clerk of Rock Island County, Illinois shall be defrayed by collection of a Court Automation Fee in the amount of \$15.00 by the Circuit Clerk of Rock Island County.
- 2.) Such fee shall be paid at the time of filing the first pleading, paper, or appearance filed by each party in all civil cases, or by the defendant in any felony, traffic, misdemeanor, municipal ordinance or conservation case upon a judgment of guilty or grant of supervision. No additional fee shall be charged if more than one party is represented in a single pleading, paper or other appearance. This fee shall be collected in the same manner in which all other fees and costs are collected.

- 3.) The Circuit Clerk shall charge and collect a Court Automation Fee of \$5.00 on any traffic case satisfied without a court appearance pursuant to Supreme Court Rule 529.
- 4.) The Circuit Clerk of Rock Island County shall commence collecting such fee under the provisions of this Resolution upon receipt of written notice from the Chairman of the County Board, along with a certified copy of this Resolution.
- 5.) The fee authorized herein shall be in addition to all other fees and charges of the Circuit Clerk and may be waived only if a judge specifically provides for such waiver.
- 6.) The fee shall be remitted monthly by the Circuit Clerk to the County Treasurer, to be retained in a special fund, designated as the Court Automation Fund. This fund shall be subject to audit by the County Auditor, and the County Board may make expenditures therefrom in payment of costs related to the automation of court records, including hardware, software, research and development costs, and the cost of personnel related thereto, provided such expenditure is approved by the Circuit Clerk and by the Chief Judge of the Circuit Court, or his or her designate. The fee shall not be charged in any matter coming on a change of venue, nor in an administrative review proceeding.
- 7.) This Resolution shall be in full force and effect from and after its adoption and distribution, and shall repeal the provisions of any and all previously adopted Resolutions, or parts thereof, which conflict with this Resolution.
- 8.) This Resolution shall become effective immediately upon its adoption and distribution to the Circuit Clerk.

DONE IN OPEN MEETING THIS 17TH DAY OF JANUARY, 2006

Chapter 18

A Resolution requesting the Rock Island County Board to establish an Arrestee's Medical Costs Funds and reimbursement for inmate medical costs at Department of Public Aid rates

WHEREAS, 730 ILCS 125/17 provides, in part, that the Rock Island County Sheriff shall furnish necessary medical aid for all prisoners under his charge; and

WHEREAS, 730 ILCS 125/5 provides, in part, that all costs of maintaining persons committed to the Rock Island County Jail shall be the responsibility of the County; and

WHEREAS, 730 ILCS 120/17, provides, in part, that the County shall be entitled to reimbursement from the Arrestee's Medical Costs Fund to the extent that funds are available for the cost of such services; and

WHEREAS, it is in the best interest of the citizens of Rock Island County, Illinois, for the County to seek to defray the cost of providing medical care to inmates incarcerated in the Rock Island County Jail by establishing an Arrestee's Medical Costs Fund and by requesting reimbursement for the cost of medical services to inmates at Department of Public Aid rates.

NOW, THEREFORE, BE IT *RESOLVED*, by the County Board of the County of Rock Island, Illinois, that the Rock Island County Board is hereby requested to establish an Arrestee's Medical Costs Fund solely for reimbursement of costs for medical expenses relating to the arrestee and administration of the Fund.

BE IT FURTHER *RESOLVED*, that funds deposited into the Arrestee's Medical Costs Fund shall be according to 730 ILCS 125/7, in that the County is entitled to a \$10 fee for each conviction or order of supervision for a criminal violation, other than a petty offense or business offense. That the fee shall be taxed as costs to be collected from the defendant, if possible, upon conviction or entry of an order of supervision.

BE IT FURTHER *RESOLVED*, that the County may seek reimbursement for the cost of medical services to inmates at the Department of Public Aid rates for medical assistance.

BE IT FURTHER *RESOLVED*, that if an inmate has already been determined eligible for medical assistance under the Illinois Public Aid Code, 305 ILCS 5/1-1 et seq., the cost of such medical services, to the extent such cost exceeds \$2,500, shall be reimbursed by the Department of Public Aid under that Code.

BE IT FURTHER *RESOLVED*, that to the extent that such person is reasonably able to pay for such medical services, including reimbursement from any insurance program or from other medical benefit programs available to such person, he or she shall reimburse the county.

BE IT FURTHER *RESOLVED*, that this *Resolution* shall be in full force and effect immediately upon its adoption.

BE IT FURTHER *RESOLVED*, that the Clerk of the County Board is hereby directed to prepare and deliver certified copies of this *Resolution* to the Rock Island County Sheriff Michael Grchan and the Rock Island County Auditor.

The above and foregoing *Resolution* was adopted by the
County Board of Rock Island County, Illinois, this 21st day of January, 2003

Resolution #2003-0130

Chapter 19

A Resolution requesting the Rock Island County Sheriff to establish by regulation criteria for a reasonable deduction from money credited to the account on an inmate to defray the costs to the County of that inmate's medical care

WHEREAS, 730 ILCS 125/17 provides, in part, that the Rock Island County Sheriff shall furnish necessary medical aid for all prisoners under his charge; and

WHEREAS, 730 ILCS 125/5 provides, in part, that all costs of maintaining persons committed to the Rock Island County Jail shall be the responsibility of the County; and

WHEREAS, 730 ILCS 120/20 provides, in part, that the Rock Island County Sheriff can establish by regulation criteria for a reasonable deduction for money credited to any account of an inmate to defray the cost to the County for that inmate's medical care; and

WHEREAS, the Rock Island County Sheriff has recommended the County seek to defray its costs of providing medical care to inmates of the Rock Island County Jail by charging inmates \$10 for each initial sick call appointment initiated by an inmate, and having the Sheriff deduct that amount from the respective inmate's cash account; and

WHEREAS, it is in the best interest of the citizens of Rock Island County, Illinois, for the County to seek to defray the cost of providing medical care to inmates incarcerated in the Rock Island County Jail by having reasonable deductions made from the cash accounts of inmates receiving medical assistance in the Rock Island County Jail.

NOW, THEREFORE, BE IT *RESOLVED*, by the County Board of the County of Rock Island, Illinois, that the Rock Island County Sheriff is hereby requested to establish by regulation criteria providing for a reasonable deduction from money held by the Sheriff and credited to any account of an inmate, to defray the cost to the County for that inmate's medical care.

BE IT FURTHER *RESOLVED*, that deduction from inmate's cash accounts should be limited to \$10 per each initial sick call appointment initiated by an inmate for each separate medical complaint; \$20 for each appointment with a medical professional outside of the Rock Island County Jail; and \$0.50 per dose of over the counter medication dispensed at the Rock Island County Jail.

BE IT FURTHER *RESOLVED*, that this *Resolution* shall be in full force and effect immediately upon its adoption.

BE IT FURTHER *RESOLVED*, that the Clerk of the County Board is hereby directed to prepare and deliver certified copies of this *Resolution* to the Rock Island County Sheriff Michael Grchan and the Rock Island County Auditor.

The above and foregoing *Resolution* was adopted by the
County Board of Rock Island County, Illinois, this 21st day of January, 2003

Resolution #2003-0129

Previously 98-9

Chapter 20

Amending a Previously Adopted Resolution Establishing an Arrestee's Medical Costs Fund and Setting Reimbursement for Inmate Medical Costs at Department of Public Aid Rates

6-20-1	Preambles
6-20-2	Enumerations
6-20-1	PREAMBLES

WHEREAS, on January 21, 2003 the County Board of Rock Island County, Illinois, adopted a resolution establishing an Arrestee's Medical Fund and setting reimbursement for inmate medical costs at Department of Public Aid rates, pursuant to 730 ILCS 125/17, Resolution No 03-130 (Ordinance 6-18); and

WHEREAS, 730 ILCS 125/17 has been amended to provide that if an inmate has been determined eligible for medical assistance under the Illinois Public Aid Code, 305 ILCS 5/1-1 et. seq., the cost of such medical assistance, to the extent the cost exceeds \$500 shall be reimbursed by the Department of Public Aid; and

WHEREAS, the statute prior to it's amendment allowed for reimbursement only to the extent that costs exceeded \$2500; and

WHEREAS, Resolution 03-130 (Ordinance 6-18) adopted the language of the statute prior to its amendment; and

WHEREAS, 730 ILCS 125/17 further provides that the County Board may, by resolution, limit the reimbursement to hospitals and physicians for services furnished to inmates to the rates set by the Illinois Department of Public Aid for medical assistance; and

WHEREAS, it is in the best interest of the citizens of Rock Island County, Illinois, for the County board to request reimbursement by the Department of Public Aid at the maximum extent allowable, and to limit the rate paid to physicians and hospitals providing services to inmates in the Rock Island County Jail to those rates established by the Illinois Department of Public Aid for medical assistance.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Rock Island County, Illinois, that pursuant to 730 ILCS 125/17 that if an inmate has been determined to be eligible for medical assistance under the Public Aid Code, the cost of such medical services, to the extent that they exceed \$500, shall be reimbursed by the Department of Public Aid.

BE IT FURTHER RESOLVED by the County Board that reimbursement by Rock Island County for the cost of physician or hospital services provided to inmates in the custody of Rock Island County Sheriff shall be at the Illinois Department of Public Aid's rates for medical assistance patients.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately and shall repeal any provision of Resolution 03-0130 (Ordinance 6-18) which conflicts with this Resolution. All other provisions of Resolution 03-130 (Ordinance 6-18) shall remain in full force and effect.

TITLE 7

Parking

Subject	Chapter
Parking	1
Parking 140 th Street W (Il Rte 92 & CH 9)	2
Parking County Building	3
Parking Courthouse Lot	4
Parking - Hubbards Road (CH79)	5
Parking - Two Rivers Eatery	6
Parking - Sherrard High School	7
Parking & U-Turn - Turkey Hollow Road (CH10)	8

Chapter 1

Parking Ordinance Stopping, Standing, or Parking Prohibited in Specific Places

Section

7-1-1 ENUMERATIONS

Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

7-1-1 ENUMERATIONS

1. Stop, stand or park a vehicle:
 - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - b. On a sidewalk.
 - c. Within an intersection.
 - d. On a crosswalk.
 - e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by signs or markings.
 - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - h. On any railroad tracks.
 - i. At any place where official signs prohibit stopping.
 - j. On any controlled-access highway.
 - k. In the area between roadways of a divided highway, including crossovers.
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
 - a. In front of a public or private driveway.
 - b. Within fifteen (15) feet of a fire hydrant.
 - c. Within twenty (20) feet of a crosswalk at an intersection.
 - d. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway.
 - e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance (when properly sign posted).
 - f. At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
 - a. Within fifty (50) feet of the nearest rail of a railroad crossing.
 - b. At any place where official signs prohibit parking.
4. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as it unlawful.
5. Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
6. Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.
7. Local authorities may permit angle parking on any roadway except the angle parking shall not be permitted on any federal-aid or State highway unless the Department has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
8. The Department with respect to highways under its jurisdiction may place signs prohibiting, limiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand or park any vehicle in violation of the restrictions indicated by such devices.
9. Any person violating any of the provisions of the Parking Ordinance Sections shall be fined five dollars (\$5.00) if the fine is paid within seventy-two (72) hours from the issuance of the ticket, and if not paid within seventy-two(72) hours, the fine will be increased to twenty dollars (\$20.00). Unless you pay the fine as notified, application will be made to the Court for a warrant for your arrest. All parking violations must be made to or brought to the Rock Island County Sheriffs Office at 1317 Third Avenue, Rock Island, IL 61201.

Adopted by the County Board of Rock Island County, Illinois, this 19th day of November, 1991.

Chapter 2

Parking Ordinance County Highway 9

BE IT ORDAINED by the County Board of Rock Island County, Illinois, that:

- A. Automobiles, trucks and other vehicles shall be prohibited from parking from 7:30 A.M. to 8:30 A.M., Monday thru Friday long the west side of that portion of County Highway 9, (140th Street West), that lies within the area from the intersection of Illinois Route 92 and County Highway 9 (140th Street West) southerly to the entrance to the Fire Station, a distance of approximately 200 feet.
- B. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be fined Twenty Five dollars (\$25.00) for each offense.
- C. This ordinance shall go into full force and effect on January 1, 1996.

Done in open meeting this 19th day of December, 1995.

Chapter 3

An Ordinance Providing for the Regulation and Control of Parking at the Rock Island County Office Building Parking Lot and Providing Penalties for Violations of the Provisions Thereof

Section

- 7-3-1 Amended Legal Description
- 7-3-2 Enumerations as Amended

WHEREAS, the provisions of Chapter 34, Section 3501, Illinois Revised Statutes, authorizes the County to own, equip, manage, control and operate motor vehicle parking lots; and

WHEREAS, the provisions of Chapter 34, Section 3507, Illinois Revised Statutes, authorizes the County Board to make all reasonable rules and regulations of the County regarding the management and control and use of parking facilities; and

WHEREAS, the County does at present own and operate a parking lot, southerly of the County Building, in Rock Island, Illinois, on the following tracts hereinafter called "County Building Parking Lot:

7-3-1 AMENDED LEGAL DESCRIPTION

The South one half of Block 15 Old Town, Town of Rock Island, excepting the following: the south 98 feet of lot 8 block 15 and except the West 30 feet of Sub Lot 2 and except the West 30 feet of the South 20 feet Out Lot 1 Block 15, also excepting the East 43 feet of Sub Lot 2 and excepting the East 50 feet of the South 20 feet of Out Lot 1 Block 15.

WHEREAS, at present, there are no rules and regulations pertaining to the control and use of said facility; and

WHEREAS, as a result thereof, the parking lot facilities at the County Building are frequently utilized by persons who are not conducting legitimate business at the Courthouse and/or County Office Building, and county employees, or citizens who have legitimate business at the Courthouse and/or County Office Building cannot find available parking space.

WHEREAS, on the 16th day of January, 1979, an ordinance pertaining to the subject matter hereof was adopted and it appears that the ordinance previously adopted should be amended.

BE IT THEREFORE ORDAINED by the County Board of Rock Island County, Illinois, in open meeting this 20th day of August, 1991 that the provisions of the ordinance adopted on the

16th day of January, 1979, pertaining to the parking at the County Office Building parking lot, be amended to state as follows:

7-3-2 ENUMERATIONS AS AMENDED

- A. That the provisions of this Ordinance shall be applicable to the County Building parking lot, described in the preamble hereof, located southerly of the County Building, bordered on the West by 15th Street, on the North by an alley adjacent to the County Building, and on the South by 4th Avenue, all of which is located in the City of Rock Island, State of Illinois. The provisions of this Ordinance are limited to property owned by Rock Island County, Illinois.
- B. That the provisions of this Ordinance shall be enforced by the Sheriff of Rock Island County, Illinois, between the hours of 7:00 AM and 5:00 PM Monday through Friday, except on those days when the Courthouse and County Office Building are not open for the transaction of public business.
- C. Certain parking spaces in the County Office Building parking lot shall be individually reserved for elected county officers, department heads, designated employees, handicapped persons and designated county offices.
- D. All parking spaces in the County Office Building parking lot which are not individually reserved may be used by County employees whose regular place of employment is the County Office Building or the County Courthouse and individuals employed by agencies and/or governmental entities which lease space in the County Office Building, whose regular place of employment is the County Office Building. For the purposes of this Ordinance, members of the County Board, other than the Chairman, shall be considered county employees. The Chairman of the County Board shall be entitled to an individually reserved space and shall be the only member of the County Board for whom a space shall be individually reserved. Employees of agencies and/or governmental entities which lease space in the County Office Building whose regular place of employment is not the County Office Building are not entitled to use the County Office Building parking lot.
- E. Signs shall be erected at each entrance to the County Office Building parking lot indicating that all parking therein is assigned or reserved for county employees and tenants of the County Office Building, and that violators will be ticketed, or towed at owner's expense. Individually reserved spaces shall be marked with a sign which clearly designates the person or category of persons for whom the space is reserved.
- F. All persons authorized to park in the County Office Building parking lot by the provisions of Section 7-3-2 of this Ordinance shall be provided with a decal which can be affixed to the window of a motor vehicle, indicating their status as such. Such decals shall be available in the Office of the Sheriff. Any such person temporarily using a vehicle which is not so identified has the responsibility of notifying the Sheriff's Office of this fact.

- G. Each parking space in the County Office Building parking lot shall be designated by clearly visible lines painted on the improved surface of the parking lot. All motor vehicles must be parked within the lines indicating a parking space.
- H. No motor vehicle shall be parked in the parking lot in such a manner as to prevent entry or departure from a parking space.
- I. No motor vehicle shall be parked in any area which is designated as a “no parking” area in the parking lot. Such areas shall be clearly designated as such by visible signs and/or markings on the improved surface of the parking lot.
- J. The provisions of this Ordinance shall be applicable to the parking lot or motor vehicles and motorcycles in the County Office Building parking lot. The terms “motor vehicle” and “motorcycle” shall be defined in the manner set forth in the Illinois Vehicle Code (Chapter 95 ½, Section 1-146 and 1-147, Illinois Revised Statutes).
- K. The following acts shall be deemed to be violations of this Ordinance.
 - A. Unauthorized parking in a space reserved pursuant to paragraphs 3 and 4 of this Ordinance.
 - B. Improper parking - not within lines designating parking space, as required by paragraph 7 of this Ordinance.
 - C. Improper parking - blocking parking spaces, as prohibited by Paragraph 8 of this Ordinance.
 - D. Improper parking - no parking area, prohibited by paragraph 9 of this Ordinance.
- L. The term “unauthorized” as used in Paragraph 12(a) of this Ordinance, shall be construed as meaning that the motor vehicle or motorcycle is not that of an individual or class of individuals for whom a space or area is designated for purposes of parking.
- M. The Sheriff, of the Sheriff’s designee, who observes a motor vehicle or motorcycle parked in violation of the provisions of the Ordinance shall issue a notice, which shall be placed upon the windshield of such motor vehicle or motorcycle in such a manner as to be plainly visible to the driver thereof, such notice stating that the motor vehicle or motorcycle has been illegally parked. The Sheriff is authorized to arrange for the removal of motor vehicles or motorcycles parked in violation of this Ordinance. The expenses thereof shall be paid by the owner of the offending vehicle.
- N. Violations of this Ordinance shall be punished by a fine of \$20.00. However, in the event that the violator appears in person at the Office of the Sheriff of Rock Island County, Illinois, in response to notice, within 72 hours after the issuance thereof, the fine shall be \$5.00. In the event that an appearance is made after the expiration of 72 hours from the issuance of the notice, or in the event that it becomes necessary to mail additional notices, the full amount of the fine shall be paid.
- O. The provisions of this Ordinance shall not be applicable emergency vehicles. Motor vehicles or motorcycles owned by the United States, a State or any unit of local government of any State may be parked in any available parking space, except an individually reserved space.
- P. The Sheriff is authorized to adopt appropriate enforcement policies when snow accumulation or other conditions render literal compliance with the provisions of this Ordinance impossible.

- Q. This Ordinance shall not be interpreted in any manner which conflicts with any law of the State of Illinois or applicable Ordinance of the City of Rock Island.
- R. This Ordinance shall become effective 30 days after three (3) copies thereof have been filed with the County Clerk and made available for public inspection.
- S. The conflicting provisions of other Ordinances of Rock Island County shall be repealed as of the effective date of this Ordinance.

Done in open meeting this 20th day of August, 1991.

Chapter 4

An Ordinance Providing for the Regulation and Control of Parking at the Rock Island County Courthouse Parking Lot and Providing Penalties for Violations of the Provisions Thereof

Section

7-4-1 Enumerations as Amended

WHEREAS, the provisions of Chapter 34, Section 3501, Illinois Revised Statutes, authorizes the County to own, equip, manage, control and operate motor vehicle parking lots; and

WHEREAS, the provisions of Chapter 34, Section 3507, Illinois Revised Statutes, authorizes the County Board to make all reasonable rules and regulations of the County regarding the management and control and use of parking facilities; and

WHEREAS, the County does at present own and operate a parking lot, located immediately West of the Courthouse in Rock Island, Illinois, and

WHEREAS, at present, there are no rules and regulations pertaining to the control and use of said facility; and

WHEREAS, as a result thereof, the parking lot facilities at the County Building are frequently utilized by persons who are not conducting legitimate business at the Courthouse and/or County Office Building, and county employees, or citizens who have legitimate business at the Courthouse and/or County Office Building cannot find available parking space.

WHEREAS, on the 16th day of January, 1979, an ordinance pertaining to the subject matter hereof was adopted and it appears that the ordinance previously adopted should be amended.

BE IT THEREFORE ORDAINED by the County Board of Rock Island County, Illinois, in open meeting this 20th day of August, 1991 that the provisions of the ordinance adopted on the 16th day of January, 1979, pertaining to the parking at the County Office Building parking lot, be amended to state as follows:

7-4-1 ENUMERATIONS AS AMENDED

- A. That the provisions of this Ordinance shall be applicable to the parking lot, located immediately West of the Rock Island County Courthouse bordered on the West by 14th Street, on the North by 2nd Avenue, and on the South by 3rd Avenue, including property owned by Rock Island County adjacent to 14th Street on its East side, all of which is located in the City of Rock Island, County of Rock Island, State of Illinois. The

provisions of this Ordinance are limited to property owned by Rock Island County, Illinois.

- B. That the provisions of this Ordinance shall be enforced by the Sheriff of Rock Island County, Illinois, between the hours of 7:00 AM and 5:00 PM Monday through Friday, except on those days when the Courthouse and County Office Building are not open for the transaction of public business.
- C. The parking spaces on the Aisle located on the East side of the parking lot, adjacent to the Courthouse, shall be individually reserved for the following: A) members of the judiciary, B) Elected County Officials and County Department Heads; C) Employees of designated County offices and departments; and D) handicapped persons.
- D. Each parking space in the parking area described in Paragraph 3 hereof shall be marked with a sign which designates the category of personnel for which this space is reserved.
- E. The parking area of each side of the center divider of the parking lot shall be reserved for individuals or categories of persons.
- F. Signs shall be erected at each parking space along the center divider indicating the category of persons for whom the space is reserved. Signs shall be erected at each entrance to the parking lot stating that use thereof is restricted and violators are subject to fine.
- G. The parking area adjacent to the East side of 14th Street and the area on the East side of the West divider of the parking lot shall be reserved for County employees. Signs so indicating shall be placed at each end of the West divider of the parking lot, and signs so indicating shall be placed every ___ Feet along the West divider. Individual spaces shall not be assigned to individual employees.
- H. All employees of Rock Island County, whose regular place of employment is the Courthouse or the County Office building, shall be provided with a decal which shall be affixed to the upper left hand corner of the rear window of the motor vehicle, indicating their status as such. Such decals shall be available in the Office of the Sheriff. Any such person temporarily using a vehicle which is not so identified has the responsibility of notifying the Sheriff's Office of this fact.
- I. Only angle parking shall be permitted in the Courthouse parking lot. Each parking space shall be designated by clearly visible lines painted on the improved surface of the parking lot. All motor vehicles must be parked within the lines indicating a parking space.
- J. No motor vehicle shall be parked in the parking lot in such a manner as to prevent entry or departure from a parking space.
- K. No motor vehicle shall be parked in any area which is designated as a "no parking" area in the parking lot. Such areas shall be clearly designated as such by visible signs and/or markings on the improved surface of the parking lot.
- L. For purposes of this Ordinance, the term "visitors" shall be construed to mean all persons who have public business to conduct at the Courthouse or County Office Building, including witnesses and parties to legal proceedings, grand and petit jurors, attorneys, representatives of the news media, and County Officials and employees who are not employed at the Courthouse or County Office Building. County employees whose place

of employment is the Courthouse or the County Office Building shall not park in an area reserved for “visitors”.

- M. The provisions of this Ordinance shall be applicable to the parking lot or motor vehicles and motorcycles in the County Office Building parking lot. The terms “motor vehicle” and “motorcycle” shall be defined in the manner set forth in the Illinois Vehicle Code (Chapter 95 ½, Section 1-146 and 1-147, Illinois Revised Statutes).
- N. The following acts shall be deemed to be violations of this Ordinance.
 - A. Unauthorized parking in a space reserved pursuant to paragraph 3 of this Ordinance.
 - B. Unauthorized parking in an area designated as being reserved for parking for specified classes of persons by Paragraphs 4 and 5 of this Ordinance.
 - C. Improper parking - not within lines designating parking space, as required by paragraph 9 of this Ordinance.
 - D. Improper parking - blocking parking spaces, as prohibited by Paragraph 10 of this Ordinance.
 - E. Improper parking - no parking area, prohibited by paragraph 11 of this Ordinance.
- O. The term “unauthorized” as used in Paragraph 14(a) and 14(b) of this Ordinance, shall be construed as meaning that the motor vehicle or motorcycle is not that of an individual or class of individuals for whom a space or area is designated for purposes of parking.
- P. The Sheriff, of the Sheriff’s designee, who observes a motor vehicle or motorcycle parked in violation of the provisions of the Ordinance shall issue a notice, which shall be placed upon the windshield of such motor vehicle or motorcycle in such a manner as to be plainly visible to the driver thereof, such notice stating that the motor vehicle or motorcycle has been illegally parked. The Sheriff is authorized to arrange for the removal of motor vehicles or motorcycles parked in violation of this Ordinance. The expenses thereof shall be paid by the owner of the offending vehicle.
- Q. Violations of this Ordinance shall be punished by a fine of \$20.00. However, in the event that the violator appears in person at the Office of the Sheriff of Rock Island County, Illinois, in response to notice, within 72 hours after the issuance thereof, the fine shall be \$5.00. In the event that an appearance is made after the expiration of 72 hours from the issuance of the notice, or in the event that it becomes necessary to mail additional notices, the full amount of the fine shall be paid. The fine for parking a vehicle not bearing plates or a decal or devise authorized by Chapter 95 ½ Section 3-616, Illinois Revised Statutes, pertaining to such for handicapped persons, in a space so reserved, shall in all cases be \$50.00.
- R. Each County Office and department shall be supplied with forms which stat that an individual appeared at that office or department for the purpose of conducting public business, and the time during which such business was conducted. If such person’s motor vehicle or motorcycle was parked in the Courthouse parking lot, in the area reserved for visitors, during that period of time, and for the 30 minutes immediately before and after the period of time such business was being conducted, and if a notice as issued by the Sheriff for violation of the provisions of this Ordinance relating to parking in an area reserved for visitors, such individual may present the executed form to the

Sheriff or his representative, with the notice and no fine need be paid and no further proceedings with respect to the violations will be commenced.

- S. Individuals serving on grand or petit juries, or who are parties to or witnesses noticed or subpoenaed with respect to matters being litigated shall be excused from paying any fine with respect to notices issued for violations of the provisions of this Ordinance relating to parking in the area reserved for visitors. Such individuals may present to the Sheriff or his representative a copy of their notice or subpoena, a statement by the Clerk of the Court, or any statement of an attorney with respect to the above.
- T. The provisions of this Ordinance shall not be applicable emergency vehicles. Motor vehicles or motorcycles owned by the United States, a State or any unit of local government of any State may be parked in any available parking space, except an individually reserved space.
- U. The Sheriff is authorized to adopt appropriate enforcement policies when snow accumulation or other conditions render literal compliance with the provisions of this Ordinance impossible.
- V. This Ordinance shall not be interpreted in any manner which conflicts with any law of the State of Illinois or applicable Ordinance of the City of Rock Island.
- W. This Ordinance shall become effective 30 days after three (3) copies thereof have been filed with the County Clerk and made available for public inspection.
- X. The conflicting provisions of other Ordinances of Rock Island County shall be repealed as of the effective date of this Ordinance.

Done in open meeting this 20th day of August, 1991.

Chapter 5

Parking Ordinance County Highway 79

BE IT ORDAINED by the County Board of Rock Island County, Illinois, that:

- A. Automobiles, trucks and other vehicles shall be prohibited from parking along either side of that portion of Hubbard Road (County Highway 79), that lies within the area from Illinois Route 84 easterly to 15th Avenue, within the Village of Hampton, Illinois
- B. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be fined Twenty Five dollars (\$25.00) for each offense.
- C. This ordinance shall go into full force and effect on April 1, 1997.

Done in open meeting this 18th day of March, 1997.

Chapter 6

Parking Ordinance

Section

7-6-1 Regulation

BE IT ORDAINED, by the County Board of Rock Island County, Illinois, that:

7-6-2 REGULATION

Section 1: Automobiles, trucks and other vehicles shall be prohibited from parking along the west side of that portion of the frontage road which runs parallel to Routes 2 and 92 within the unincorporated area of Rock Island County; near the Quad City Downs and in front of the establishment known as Two Rivers Eatery.

Section 2: Any person, firm or corporation violating any of the provisions of this Ordinance shall be fined Twenty-Five (\$25.00) for each offense.

Section 3: This Ordinance shall go into full force and effect on May 1, 2002.

Done in Open Meeting this 16th day of April, 2002

Chapter 7

Parking Ordinance County Highway 18

BE IT ORDAINED by the County Board of Rock Island County, Illinois, that:

- A. Automobiles, trucks and other vehicles shall be prohibited from parking along that portion of 176th Avenue, (County Highway 18) that lies between 500 feet east of the east entrance into the Sherrard Community Unit 200 High School and westerly to 45th Street.
- B. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be fined Twenty Five dollars (\$25.00) for each offense.
- C. This ordinance shall go into full force and effect on July 1m 1993.

Done in open meeting this 15th day of June, 1993.

Chapter 8

Parking and U-Turn Ordinance Turkey Hollow Road (CH10)

Be it Ordained, by the County Board of Rock Island, Illinois, that:

- Section 1: Automobiles, trucks and other vehicles shall be prohibited from parking along the west side of that portion of County Highway 10 (Turkey Hollow Road) that lies within the area from the intersection of Illinois Route 192 and County Highway 10 (Turkey Hollow Road), northerly a distance of approximately 700 feet.
- Section 2: Automobiles, trucks and other vehicles shall be prohibited from making U-turns on the section of County Highway 10 (Turkey Hollow Road) that lies within the area from the intersection of Illinois Route 192 and County Highway 10 (Turkey Hollow Road) northerly a distance of approximately 700 feet.
- Section 3: Any person, firm or corporation violating any of the provisions of this Ordinance shall be fined Twenty-Five (\$25.00) dollars for each offense.
- Section 4: This Ordinance shall go into full force and effect on January 1, 2004.

Done in open meeting this 17th day of December, 2003

TITLE 8

Forest Preserve

Subject	Chapter
General Use Regulations	1

Chapter 1

General Use Regulation of the Forest Preserve District

- 8-1-1 Public Use
- 8-1-2 Protection of Property Structures and Natural Resources
- 8-1-3 Regulation of Sports and Games
- 8-1-4 Regulation of Motorized Vehicles, Traffic and Parking
- 8-1-5 Regulation of Personal Conduct and Behavior
- 8-1-6 Enforcement
- 8-1-7 Construction of Words and Definitions
- 8-1-8 Miscellaneous
- 8-1-9 Amendments

WHEREAS, it is reasonable, necessary and desirable for the FOREST PRESERVE DISTRICT OF ROCK ISLAND COUNTY, ILLINOIS, herein after called “District” to establish a General Use Ordinance governing the use of the Forest Preserves of the District; and

WHEREAS, Chapter 96 ½, Section 6312, of the Illinois Revised Statutes provides as follows:

“The Board of any Forest Preserve District organized hereunder may by ordinance regulate and control the speed of travel on all paths, driveways and roadways within forest preserves and prohibit the use of such paths, driveways, and roadways for racing or speeding purposes, and may for the violation of their ordinances as cities and villages are allowed to prescribe for the violation of their ordinances” and

WHEREAS, Chapter 96 ½, Section 6313, of the Illinois Revised Statutes provides as follows:

“The Board of any Forest Preserve District organized hereunder may by ordinance regulate, control and license equestrian travel on paths, driveways and roadways within the Forest Preserve District,” and

WHEREAS Chapter 96 ½, Section 6314, of the Illinois Revised Statutes provides as follows:

“The Board of any Forest Preserve District organized under this Act may by ordinance issue licenses for any activity reasonably connected with the purpose for which the Forest Preserve District has been created,” and

WHEREAS, Chapter 96 ½, Section 6315, of the Illinois Revised Statutes provides in part as follows:

“The Board shall be the corporate authority of such Forest Preserve District and shall have power to pass and enforce all necessary ordinances, rules and regulations in order to provide: for the safe and peaceful use of the Forest Preserves; for the education and recreation of the public; for the protection and preservation of the property, facilities, flora and fauna of the Forest Preserves; and for the safety and general welfare of the public; and

WHEREAS, the District has the authority and the power to establish this General Use Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Commissioners of the District as follows:

8-1-1 PUBLIC USE

8-1-1.1 PUBLIC USE AND PURPOSE OF THE DISTRICT. Forest Preserves are for the use by the general public. One of the functions of the District is to acquire, protect, restore, restock, develop and interpret a well-balanced system of areas with scenic, ecological, recreational and historic values for the inspiration, education, use and enjoyment by the public. This ordinance is intended to help carry out this function.

8-1-1.2 HOURS OF USE. Forest Preserves shall be open to the public from sunrise to 10:00 PM local time. No person shall remain in the Forest Preserves when the Forest Preserves are not open to the public without written permission of the District.

8-1-1.3 PERMITS

A. No person shall conduct, operate, present, manage, or take part in the following activities in a Forest Preserve unless a permit is obtained from the District or Board prior to the start of the activity.

1. Any contest, show, exhibit, dramatic performance, play, act, motion picture, acrobatic feat, bazaar, sporting event, musical event, ceremony, children's day camp or any public meeting, assembly or parade including but not limited to, drills or maneuvers, rallies, picketing, speeches and addresses, marches or political meetings.
2. Any use of any preserve area or facility by a certain person or group of persons to the exclusion of others.

3. Camping on lands of the District or inhabiting any structure or facility overnight.

B. Persons desiring the above activity may apply to the District for a written permit under the following categories and subject to fees set by the Board.

1. PICNIC. No permit is required to have a picnic, however, if a person desires to reserve a designated area or areas to the exclusion of others or desires to conduct, in conjunction with the public, related controlled activities such as, but not limited to, sound amplification, special vehicle access, animal rides and the like, then a picnic permit, valid for one day, is required.
2. CAMPING. A permit is required. The permit reserves a designates area of areas to the exclusion of others and allows permitted to remain the in the Preserve overnight.
3. SPECIAL EVENT. A permit is required for any of the other activities listed in Section 8-1-1.3A, Paragraph 1 above. The permit may provide for use of an area or areas to the exclusion of others and for other permit controlled activities pursuant to this ordinance.

C. Permits in General. Permits are not transferable and fees paid are not refundable. Permits must be applied for at least twenty-four (24) hours in advance of the event. Minor changes in the permit may be made upon written permission of the District for no additional fee providing that the specific Forest Preserve designated is not changed, the date or dates involved are not changed, the number of the designated areas is not increased and the request for change is made at least twenty-four (24) hours prior to the event. Permits may also be required for other activities.

8-1-2 PROTECTION OF PROPERTY, STRUCTURES AND NATURAL RESOURCES

8-1-2.1 DESTRUCTION OR MISUSE OF PROPERTY AND STRUCTURES. No person shall upon or in connection with any property of the District:

- A. Remove, take, deface, mutilate or destroy any property, equipment, improvement, sign, building or other construction owned by the District in or upon any land owned by the District;
- B. Take, appropriate, excavate, injure, destroy or remove any historical or prehistorical ruin or parts thereof, or any object of antiquity, without written permission of the District;
- C. Throw, carry, cast, drag, push or deposit any refuse container, picnic table, barricade or any other moveable or non-moveable property into any lake, pond, slough, stream or lagoon or upon frozen waters thereof or to otherwise move, stack, or hide such property in such a way as to render it unavailable to the general public for its intended use, to cause a hazard to public safety or to damage or destroy such property;
- D. Occupy or inhabit, or cause to be occupied or inhabited any house, barn, shelter, shed or other structure or use for any storage or cause to be used for the staroage of any goods, any house, barn, shelter, shed or other structure without approval of the Board and written permission of the District;

- E. Enter into or upon any preserves or waters or areas thereof or structure closed or posted against trespass, without written permission of the District; these structures or areas may be, but not limited to, employee residences or their immediately surrounding area, construction areas, work safety zones, equipment or material storage structures or areas, workshops or stations, tree nurseries or areas under going intensive reforestation or other soil vegetative treatment or areas hazardous to public safety or health;
- F. Tamper with in any way, climb or enter upon, damage or remove anything from, any District vehicle, water craft, machine or implement without written permission of the District;
- G. Misuse any refuse container or receptacle by depositing into it any hot coals or any other hot or burning substances; or by depositing into it any garbage, trash, refuse or other unwanted material that was not generated on the site in the course of normal, lawful use of Forest Preserve facilities.

8-1-2.2 **DESTRUCTION OR MISUSE OF NATURAL RESOURCES.** No person shall upon or in connection with any property of the District.

- A. Cut, remove, uproot or wantonly destroy any tree, sapling, seedling, bush, shrub, flower or plant, whether alive or dead or chip, blaze, box, girdle, trim or otherwise deface or injure any tree, shrub or bush or break or remove any branch or foliage thereof or pick or gather any seed of any tree or other plant without written permission of the District;
- B. Remove or cause to be removed, any sod, humus, downed timber, wood chips, peat, rock, sand or gravel or remove or cause to be removed any other natural material of the forest floor or earth without written permission of the District;
- C. Hunt, pursue, trap, capture, catch, molest, poison, wound or kill or attempt to hunt, trap, capture, catch, molest, poison, wound or kill any invertebrate animal, mammal or bird, reptile or amphibian without written permission of the District;
- D. Fish in any waters of the District posted against fishing or by using a bow and arrow, spear or sling-shot; or with any device using more than two hooks per line, or any net seine or trap, or with attended or unattended lines during the hours that Forest Preserves are closed as defined by provisions of this ordinance or in violation of any applicable laws of the State of Illinois as administered by the Conservation Department thereof or in violation of any regulations or restrictions posted by the District controlling the size, species and number of fish that can be taken from a designated body of water;
- E. Release or cause to be released, any wild, domestic or pet animal, bird, fish or reptile or bring in or plant or distribute the seeds or spores of any flowering or non-flowering plant brought into or upon District lands, or waters from any outside source whatsoever, without written permission of the District;
- F. Use or cause to be used any chemical or biological pesticide or any other substance, measure or process designed to alter the anatomy or physiology of any organism for the purpose of directly manipulating their populations, without written permission of the District and the only in compliance with all applicable laws of the State of Illinois and the United States;

- G. Drive or cause to be driven or allow to enter on District property, any livestock to graze or browse, without written permission of the District;
- H. Deposit, dump, throw, case, law or place, nor cause to be deposited, dumped, thrown, cast, laid or placed any ashes, trash, rubbish, paper, garbage, refuse, debris or junk.

8-1-2.3 CONTRABAND. All animals, plants, birds, fish or reptiles, or parts thereof, killed, captured, trapped or taken or brought, sold or bartered or had in possession contrary to any provision of this ordinance or applicable laws of the State of Illinois shall be, and are hereby declared contraband and as such, shall be subject to seizure by any ranger, ranger police, caretaker, or employee of the District or by any duly sworn peace officer.

8-1-2.4 DESTRUCTION BY OR MISUSE OF FIRE. No person shall upon or in connection with any property of the District:

1. Set fires, or cause to be set on fire, any tree, forest, brush land, grassland, meadow, prairie, marsh, slash, refuse, refuse container or structure;
2. Build a fire anywhere, for any purpose, except in provided fireplaces or provided or privately owned fire receptacles without written permission from the District;
3. Build a fire or cause a fire to start in or out of a receptacle close to or in any structure whatsoever or close to any tree or other plants in such a way as to deface, damage or destroy that structure or scar, injure or destroy any tree or plants or their foliage;
4. Drop, throw away or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, firecracker or match;
5. Build any fire whatsoever for any purpose in or out of a receptacle or fireplace and leave it unattended, unless such fire is properly extinguished. For the purpose of this ordinance, a fire shall be deemed properly extinguished when its ashes, residue, coals and unburned substance is cold to human touch.

8-1-3 REGULATIONS OF SPORTS AND GAMES

No person shall upon or in connection with any property of the District:

8-1-3.1 SWIMMING. Swim, wade or bodily enter the water at any time in any lakes, ponds, streams, sloughs, or watercourses except at such places or places as may be designated by the District and then only in accordance with the rules, regulations and restrictions promulgated and posted.

8-1-3.2 WATERCRAFT. Bring into, attempt to launch or use or navigate any boar, yacht, canoe, raft or other watercraft upon the waters of any watercourse, lake, lagoon, pond or slough, except at such place or places as may be designated by the District. Where allowed, watercraft shall be used in accordance with District rules, regulations and restrictions dule set forth and

posted as well as all applicable statutes of the State of Illinois and the United States. Lake George is restricted to electric trolling motors only. However, District employees operating watercraft in carrying out official duties and personnel of cooperating agents or agencies operating watercraft as authorized by the District or the Department of Conservation maybe exempt from boating regulations in this Section.

8-1-3.3 ENGINE POWERED MODELS OR TOYS. Start, fly or use any fuel-powered engine or jet type or electric-powered model aircraft, boat or rocket or like power toys or model, except at those areas or waters designated by the District for such use and then only in accordance with such rules, regulations and restrictions promulgated and posted by the District.

8-1-3.4 HORSEBACK RIDING. Bring into, unload, use or ride any horse except on those fields, lots, arenas, areas, trails, paths or roadways designated by the District for horse use. Where allowed, horses shall be used in accordance with the rules, regulations and restrictions duly set forth as part of such permit or posted.

8-1-3.5 BICYCLING.

- A. Ride a bicycle on any path, trail, roadway or other area designated and posted prohibiting bicycles or on any path, trail or area designated and posted as being a horse or equestrian trail or area by the District;
- B. Fail to ride a bicycle as closely as possible to the right hand side of any road, trail, path as conditions shall permit;
- C. Carry another on the handlebars, frame, fender or so ride on a bicycle except on a suitable seat attached to such bicycle for such purpose or to operate a bicycle in such a manner as to be reckless or to endanger pedestrians;
- D. Ride a bicycle on any path or trail more than two abreast or on any roadway or road used by the public for regular motor vehicle access in any other manner than single file.

8-1-3.6 SOUND OR ENERGY AMPLIFICATION. Play or operate any sound amplification devised including radio's, television sets, public address systems, musical instruments and the like or operate any other energy amplification device in such a way as to be audible beyond the immediate vicinity of such device or musical instrument or in such a manner as to disturb the quiet of camps, picnic areas or other public gathering places without written permission of the District.

8-1-3.7 WINTER SPORTS.

- A. Sled, toboggan, ski or slide on any area posted by the District as being unsafe or hazardous or as being closed due to inadequate snow cover or other environmental conditions or upon being duly notified of such by the District;
- B. Enter on or upon any frozen waters to skate, fish, slide or walk or for any purpose whatsoever when such waters are posted “closed” or “unsafe” or “hazardous” by the District or when notified of such conditions by the District;
- C. Bring onto or upon the frozen waters of any lake, pond or watercourse any iceboat or wind-driven-like device or other vehicle.

8-1-3.8 FIELD AND TEAM SPORTS. Play or engage in any team sport or game such as but not limited to; baseball, football, field hockey, volleyball, lacrosse or horseshoes except in those areas designated by the District as athletic fields or, if none are available, only on those areas and for such period of time determined by, and permitted by, the ranger in charge of the area or preserve involved in order to insure the safe and equal use of the preserve by others.

8-1-3.9 AMUSEMENT CONTRAPTIONS. Bring in, set up, construct,, manage or operate any amusement or entertainment contraption, devise or gadget, without written permission of the District.

8-1-3.10 AVIATION. Make any ascent in a balloon, airplane, glider, hang glider, kite or any descent in or from any balloon, airplane, glider, hang glider, kite or parachute, without written permission of the Board of Commissioners.

8-1-3.11 GAMBLING.

- A. Manage, operate, or engage in gambling of any form;
- B. Have in their possession, any clock, wheel, tape machine, slot machine, pin machine or other machine or device for the reception of money or other thing of value on chance or skill or upon the action of which money is skated, bet, hazarded, won or lost. Any such machine or device shall be subject to seizure, confiscation and destruction by any duly sworn peace officer.

8-1-3.12 CAMPING REGULATIONS AND RESTRICTIONS.

- A. Camping will be permitted only in designated campgrounds in Preserves where camping is allowed. Camping is prohibited in any other area;
- B. A written permit is required to camp in any Preserve. Fees and regulations vary in campgrounds according to the facilities available. A responsible person from the camping part must register for the party and thereby acknowledge compliance to the rules and restrictions of the Preserve;
- C. Visitors and guests of registered campers must leave the preserve by the 10:00 PM closing time;

- D. Time limits vary between Preserves. No camper or his equipment is allowed to exceed the camping time limit. In addition, tent campers must move their tent after a period of one week in order to prevent grass kill;
- E. Campgrounds are not provided as locations for large group gatherings or parties which are disruptive to the normal atmosphere of the campground. Such activities will not be permitted and violators who persist will be evicted;
- F. Quiet hours shall prevail in campgrounds between the hours of 10:00 PM and 7:00 AM. No person shall allow music or any sound from any mechanical device or person to emit outside the individuals immediate campsite between the above hours that would be disturbing to other campers.

8-1-4 REGULATION OF MOTORIZED VEHICLES, TRAFFIC AND PARKING

No person shall upon or in connection with any property of the District:

8-1-4.1 VEHICLE OPERATION AND EQUIPMENT. Operate or cause to be operated, any motor vehicle that does not comply with or in a manner that does not comply with the Vehicle Code of the State of Illinois or other laws or laws of the State of Illinois having to do with the equipment, control, licensing, registering and use of motorized vehicles and/or the licensing of operators of such vehicles.

8-1-4.2 VEHICLE TYPES AND ACCESS ALLOWED.

- A. Operate or case to be operated, any motorized vehicle anywhere except on the roads, drives and parking areas provided, without written permission of the District and the noly in compliance with the directions and restrictions of the ranger in charge of the area or ranger police;
- B. Operate or cause to be operated any motor vehicle anywhere that is not licensed or permitted to be operated on the roads, streets and highways of the State of Illinois without written permission of the District. Vehicles not so licensed and therefore subject to the provisions of this sub-section include, but are not limited to, snowmobiles, go carts, trail bikes, mini bikes and such other all terrain off-the-road vehicles;
- C. Operate or move or cause to be operated or moved, any motor vehicle locked in as a result of the closing of the Forest Preserves at the proper posted time, without written permission of the District or until such time that the preserve is officially opened;
- D. Operate a motorized vehicle on any road, drive or parking area posted, gated or barricaded as closed to public traffic;
- E. At Indian Bluff Golf Course, only golf carts that are authorized by the District and are furnished and provided by the Golf Pro are allowed.

8-1-4.3 RIGHT OF WAY. Operate a motor vehicle in such a manner as to fail to yield right of way to pedestrians and equestrians.

8-1-4.4 PARKING.

- A. Park a vehicle overnight, without written permission of the District;
- B. Park a vehicle in such a way as to block in another parked vehicle;
- C. Park a vehicle in such a way as to block, restrict or impede the normal flow of traffic;
- D. Park a vehicle in a zone or area posted prohibiting parking;
- E. Park a vehicle on turf, meadow, prairie, marsh, field in a woodland or on the exposed roots of any tree or shrub, except in an emergency or when directed to do so by the ranger police or a matter of public safety;
- F. Park a vehicle for the purpose of washing it or for the marking of any repairs or alterations to any vehicle except those of an emergency nature;
- G. Vehicles in violation of any of the above subject to towing at owner's expense.

8-1-4.5 SPEED LIMIT. Operate or propel a vehicle or cause a vehicle to be propelled on any road, drive or parking area at a speed greater than the speed limit posted along the right of way or in the absence of such posted limit, at a speed in excess of ten (10) miles per hour.

8-1-5 REGULATION OF PERSON CONDUCT AND BEHAVIOR

No person shall upon or in connection with any property of the District:

8-1-5.1 VENDING AND ADVERTISING.

- A. Expose or offer for sale to the general public, any articles or things, or conduct or solicit any business trade or occupation or profession without a valid concession contract agreement approved by the Board and then only in accordance with the terms and conditions thereof, it being the intention to control commercial enterprises or sales on District lands;
- B. Display, distribute, post or fix any placard, sign, handbill, pamphlet, circular or any other writing or printed material or objects containing advertising matter or announcements or any kind whatsoever without written permission of the Board and then only in compliance with the terms of such permit or in compliance with the terms of a valid concession contract approved by the board except those groups holding a valid picnic. Camping or special event permit may display signs to identify their location or direct others to it, providing such signs are temporary and are removed by the permitted at the termination of the activity and providing that such signs are no larger than 24" x 30" and are not attached to any tree or shrub or any post, building, District sign, gate or other structure.

8-1-5.2 UNLAWFUL OBSTRUCTIONS.

- A. Set or place or cause to be set or placed any goods, wares, or merchandise or any stand, cart or vehicle for the transportation or vending of such goods, wares, or merchandise or any other article upon any property of the District to the obstruction of use of any preserve or to the detriment of the appearance of any preserve;

- B. By force, threats, intimidations or by any unlawful fencing or enclosing or any other unlawful means prevent or obstruct or combine and confederate with others to prevent or obstruct any person from peacefully entering up on any property of the District or preventing or obstructing free passage or transit over or through any lands or waters of the District or obstruct the entrance of any enclosure with the District, except that nothing in this section shall be construed to deny lawful enforcement of a valid permit granting a certain person or persons use to the exclusion of others as defined and provided for in this Ordinance;
- C. For groups of 15 or more minor persons under the age 18 to gather in any area of the District unless at least one responsible adult accompanies each such group of 15 individuals.

8-1-5.3 UNLAWFUL CONSTRUCTION OR MAINTENANCE. Erect, construct, install or perform any maintenance on below, over or across a preserve except by proper authorization of the District authorizing such activity and then only in accordance with written permission of the District specifying the detail the work to be done and the conditions to be fulfilled pursuant to the terms of such authorization.

8-1-5.4 DRUG OR ALCOHOL ABUSE.

- A. Be present in an intoxicated state, condition or under the influence of any liquor, beer, drug or narcotic to the extent of being unable to perform normal body functions, such as maintaining balance and coherent speech, or because the influence of such or like substances engage in behavior or speech that intimidated others or interferes with or unreasonably disrupts others in the normal, safe use of the forest preserves or any facility thereof;
- B. No person shall bring intoxicating beverages of any kind for sale into any of the preserves provided however, nothing contained herein shall prevent the possession and transportation of alcoholic liquors for the personal use of the possessor, his family and guests, in Forest Preserves lying within the territorial limits of towns, townships, villages, municipalities or precincts wherein the sale of beverages is, by law, permitted.
- C. That the dispensation of alcoholic liquor from the type of container commonly referred to as a “keg” is prohibited on the lands of any Preserve unless in conjunction with an organized picnic or group outing for which a permit has been issued.

8-1-5.5 WEAPONS AND HARMFUL SUBSTANCES. At any time have in their possession or on or about their person concealed or otherwise, any firearm, pistol, revolver, rifle, shotgun, bow and arrow, slingshot, crossbow, spear, spear gun, switchblade knife, stiletto, sword, blackjack, billy club, any weapon capable of discharging a projectile by air, spirit, gas or explosive, any explosive substance or harmful solid, liquid, gaseous substance or any other dangerous weapon except at such ranges or areas designated for their use by the District and then only in accordance with the rules and restrictions

duly set forth for the proper use of such ranges or areas. Nothing contained herein shall be construed to prevent any ranger police, deputy sheriff, coroner, game warden, state policeman or any other duly sworn peace officer from carrying such weapons as may be authorized and necessary in the discharge of their duties nor shall it apply to any persons summoned by any such officer to assist in making arrests or preserving the peace while such person is engaged in assisting.

8-1-5.6 HINDERING OR BRIBING EMPLOYEES.

- A. Interfere with, unreasonable disrupt or delay or in any manner hinder any employee engaged in the performance of his duties.
- B. Give or offer to give any employee any money, gift, privilege or article of value on or off District property in order to violate the provisions of this Ordinance, contract, permit or statute of the State of Illinois and the United States or in order to gain or receive special consideration in applying for any use or privilege or to gain special consideration and treatment in the use of any District property or facility.

8-1-5.7 CONTROL AND TREATMENT OF ANIMALS.

- A. That no person shall allow, keep or otherwise permit any unleashed dog, cat or other domesticated animal in any area of any preserve. All leashed animals should be at all times under the direct physical control of a responsible person;
- B. That no person shall torture, whip, beat or cruelly treat or neglect any animal;
- C. That no person shall keep a noisy, vicious or dangerous dog or other animal or one which is disturbing to other persons on District owned property and to remain therein after being asked to leave by an employee of the District;
- D. That no person shall cause or permit any horse or other animal to stand in any Preserve unless securely hitched or in charge of some competent person and that no horse or other animal shall be hitched to any tree or shrub in any Preserve;
- E. That no person shall ride, lead or allow any animal in any public building within any Preserve;
- F. Nothing in this Ordinance shall be construed to prohibit the controlled use of certain animals approved by the District for purposes of public safety, such as, but not limited to, the protection of District property or the protection of employees in the performance of their duties or search and rescue.

8-1-5.8 COMMERCIAL PHOTOGRAPHY. Take or cause to be taken any still or motion pictures, make sketches or paintings for commercial purposes or for use in commercial advertising without written permission from the District and the only in accordance with the rules and restrictions duly set forth as part of such permit.

8-1-5.9 HONORING PERMITS. By act or speech willfully unreasonable hinder, interrupt or interfere with any duly permitted activity or unreasonably or

willfully intrude on any area or into any structures designated for the use of a certain person or persons to the exclusion of others by the written permission of the District.

8-1-5.10 PYROTECHNICS. Set off or attempt to set off or ignite any firecracker, fireworks, smoke bombs, rockets, black powder guns or other pyrotechnics without the written permission of the Board.

8-1-6 ENFORCEMENT

8-1-6.1 POLICE.

- A. Law enforcement officers have the power and are authorized to arrest, with or without process, any persons found in the act of violating any ordinance of the District or law of the State of Illinois;
- B. District Rangers are authorized to enforce the regulations of the District.

8-1-6.2 TWO PENALTIES - ONE JUDGEMENT. In all cases where the same offense shall be made punishable or shall be created by different clauses or section of this or any other ordinance or statute, the duly sworn peace officer or person prosecuting may elect under which to proceed but not more than one judgement shall be had against the same person for the same offense.

8-1-6.3 FINES AND PENALTIES. Any person found guilty of violating any provision of this ordinance shall be fined an amount not less than \$25.00 but not more than \$200.00 for each offense. Restitution may also be asked for in addition to the fine in the case of damage to District properties.

8-1-6.4 AUTHORITY OF OTHER AGENCIES. Nothing in this Ordinance shall be construed to prevent other officers from carrying out their sworn duties within the territories of the District as defined by applicable laws of the State of Illinois and the United States or Ordinances of Rock Island County, Illinois, or in accord with any other policing agreement approved by the board.

8-1-6.5 EVICTION. For violation of any of these rules and regulations, a person or persons is subject to a fine and/or immediate eviction whether or not a permit has been granted or fee paid. No refunds will be granted in such cases.

8-1-6.6 PERMITS AND DESIGNATED AREAS - AUTHORITY. To carry out the terms of this Ordinance, the Director is hereby given authority to issue the permits, post notices or to take the other action as called for herein, subject to the guidelines herein set forth.

- A. The Director shall have the authority to designate areas, facilities or waters suitable for various activities or use, to close preserves or parts thereof, in the interest of public health, safety or general welfare or in order to protect the natural resources from unreasonable harm and to promulgate and issue permits where required by this ordinances and collect such fees as established by the District in accordance with the following guidelines:
1. That no person be discriminated against because of race, sex, creed, color or national origin;
 2. That the proposed use or activity will not unreasonably interfere with or detract from the general public's use and enjoyment of the preserve and surrounding property or facilities;
 3. That the proposed use or activity is not reasonably likely to result in violence or in serious harm to property or persons;
 4. That the proposed use or activity will not entail extraordinary expense of operation costs by the District or expose it to unusably or extreme liability;
 5. That the area desired has not been reserved for another activity at the same time;
 6. That the proposed activity is reasonably expected to detract from the promotion of public health;
 7. That the proposed activity is reasonable compatible with the type of preserve, the size and character of the area or waters involved and the facilities available and that it is not reasonably expected to cause irreparable harm or extreme damage to the natural environment of the preserve.
- B. The Director may impose reasonable restrictions on the granting of a permit including, but not limited to, any of the following:
1. Restricting the open dates for reserved area use, the length of time an area will be held for reserved use, the use of ground fires, sound and energy amplification devices, amusement devices, off-the-road vehicle access, the number of persons present, location and type of any tents, bandstands, stages or temporary structures, the use of domestic, pet or trained animals, the use of shelters or structures, the collecting for any purpose of any water, soils, minerals, flora or fauna, the type and location of sports and games or any other activity which appears likely to create a risk of unreasonable harm to the use and enjoyment of the preserve by others or of damage to District property;
 2. Requiring proof of and establishing the amount of liability insurance required and/or requiring a hold harmless agreement, or requiring a certificate of insurance naming the District as an additional insured when the activity is deemed by the Director to require such;
 3. Requiring the name, address, telephone number and driver license number of a legal adult responsible for the use and activity requested, as well as the name, address and telephone number of the group represented by the applicant;
 4. Requiring that the applicant furnish additional security forces at the applicant's expense, such forces to act under District supervision.

- C. All permits required by this ordinance and issued by the Director shall be issued at the District Headquarters at the Rock Island County Building, Rock Island, Illinois, on a first-come, first-served basis beginning the first working day of each calendar year for open dates or for such total number allowed during that calendar year. All applications for permits shall be submitted at least 72 hours in advance of the earliest requested date, provided that the Director may waive the 72 hour period in the interest of public health or safety or for such events that are of a significant civic nature;
- D. The Director is authorized to seek reasonable information regarding any proposed use, activity, or privilege and require a record of such information on a permit application;
- E. No person shall misrepresent, falsify, or withhold such required information;
- F. No person granted a permit shall violate the requirements, terms, conditions, restrictions or rules duly set forth under the authority of this ordinance as part of any granted permit or registration;
- G. The Board of Commissioners of the District may set forth in other ordinances such permit or registration fees as it deems proper and may change them from time to time;
- H. No person shall obtain or use any permit without first having paid the fee established by ordinance for such permit;
- I. All designated areas, waters and facilities and all permit restrictions, rules, regulations or conditions are subject to review at any time by the Board of Forest Preserve Commissioners. Any aggrieved person shall have the right to petition the Board, in writing, regarding denial or restriction of use or activity and be properly heard by the Board as the President shall direct.

8-1-6.7 CIVIL SUITS. Nothing in this ordinance shall be construed to prevent or preclude the lawful use by the District of a civil remedy at law, to correct an abuse or loss suffered by the District as a result of a violation of this ordinance or any law of the State of Illinois.

8-1-6.8 STATE, UNITED STATES AND LOCAL LAWS. All persons within the Forest Preserves of Rock Island County, Illinois, are subject to all ordinances, rules and regulations of the District as well as all applicable laws of the United States, State of Illinois and local statutes and ordinances, as amended and changed from time to time. These laws include, but are not limited to, the Forest Preserve District Act for the State of Illinois, the Illinois Vehicle Code, the Criminal Code of the State of Illinois, and the Game and Fish Codes of the State of Illinois, as amended and changed from time to time.

8-1-7 CONSTRUCTION OF WORDS AND DEFINITIONS

8-1-7.1 CONSTRUCTION OF WORDS. Whenever any words in any ordinance importing the plural number shall be used in describing or referring to any matters, parties, or persons, any single matter, party or person shall be

referred to in any ordinance by words importing the singular number only or in the masculine gender, several matters, parties or persons and female as well as males and bodies corporate shall be deemed to be included; provided, however, that these rules of construction shall not be applied to any ordinance which shall contain any express provision excluding such construction.

8-1-7.2 DEFINITIONS.

- A. DISTRICT wherever used means the Forest Preserve District of Rock Island County, Illinois;
- B. BOARD wherever used means the Board of Commissioners of the District;
- C. DIRECTOR wherever used means the Director of the District
- D. PERSON or PERSONS wherever used means individuals, firms, corporations, societies or any group or gathering whatsoever;
- E. PERMIT wherever used means the written permission that must be obtained from the Director to carry out a given activity;
- F. FOREST PRESERVE or PRESERVE wherever used means lands and waters or property holdings of the District;
- G. WATERS where used means waters within the jurisdiction of the District;
- H. EMPLOYEE where used means any full or part time, regular or temporary worker in the employ of the District under the supervision of the District;
- I. WATERCRAFT where used means any device of conveyance on the water whether propelled by motor, engine, wind or human power;
- J. VEHICLE where used means any device of conveyance on the land using wheels or belt type track or tracks, skids or skis and propelled by an engine or motor and includes such land conveyances that are able to float and operate on water;
- K. SOUND AND ENERGY AMPLIFICATION where used means music, speech or any sound or noise transmitted by artificial means, including but not limited to amplifiers, loudspeakers, radio's and any similar devices or lights, rays lenses, mirrors or laser beams or the like;
- L. AMUSEMENT CONTRAPTIONS where used means any contrivance, device, gadget, machine or structure designed to test the skill or strength of the user with any sort of ride, lift, swing or fall experience including but not limited to ball throwing contest devices, pinball-type devices, animal ride devices, ball and hammer devices, trampoline devices and the like;
- M. LEGAL ADULT where used means one who has reached the age of majority as designated by the laws of the State of Illinois;
- N. AREA(S) where used means a specific place within a Forest Preserve;
- O. EXCLUSION OF OTHERS where used refers to prohibiting use or behavior by others which disrupts or prevents the authorized and lawful use of designated area or structure in a preserve by a person or persons holding a valid permit for such area or structure and activity;

- P. PROPERTY where used means any lands, waters, facilities, or possessions of the District;
- Q. PRESIDENT where used means the President of the Forest Preserve Commissioners;
- R. WRITTEN PERMISSION OF THE DIRECTOR where used is intended to permit written permission being granted by authorized agents of the Director;
- S. POSTED where used means that a notice is posted, either by a sign in a forest preserve, at the entrance to a forest preserve, or at a headquarters, the location being at the discretion of the Director.

8-1-8 MISCELLANEOUS

8-1-8.1 CONFLICT. All District ordinances and parts of ordinances and all resolutions and orders, or any parts thereof, in conflict with this ordinance, or any parts thereof, are hereby repealed.

8-1-8.2 ENACTMENT. This Ordinance shall be in full force and effect from and after its passage, approval and publication, as by statute in such cases made and provided.

8-1-8.3 CAPTIONS AND HEADINGS. The captions and headings used herein are for convenience of reference only and do not define or limit the contents of each paragraph.

8-1-8.4 SEVERABILITY. The provisions of this Ordinance shall be deemed to be severable and the invalidity and enforce ability of any provisions shall not affect the validity and enforce ability of the other provisions hereof.

8-1-8.5 COPIES. The Secretary of the Commission shall transmit a copy of this Ordinance to the Director and the Attorney of the District, respectively.

8-1-9 AMENDMENTS. This ordinance may be amended from time to time by the District and such amendment may be shown by either marking the section or attaching the amendment to this ordinance. This ordinance shall repeal all previous ordinances pertaining to the rules and regulations pertaining to the use of the lands and facilities of the Rock Island County Forest Preserve District.

Passed and approved by the President and Board of Commissioners of the District this 20th day of April, 1982.