

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 20 - 9

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE
CODE OF ORDINANCES FOR THE VILLAGE OF CHATHAM, ILLINOIS**

DAVE KIMSEY, Village President
AMY DAHLKAMP, Village Clerk

KRISTEN CHIARO
ANDREW DETMERS
BRETT GERGER
RYAN MANN
MATT MAU
PAUL SCHERSCHEL
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Chatham

on March 10th, 2020

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, P.O. Box 5131, Springfield, IL
62705

AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES FOR THE VILLAGE OF CHATHAM, ILLINOIS

WHEREAS, the Village of Chatham (“Village”), Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code; and

WHEREAS, the Village has engaged with American Legal Publishing Corporation of Cincinnati, Ohio to update its Code of Ordinances; and,

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the S-24 supplement to the Code of Ordinances of the Village of Chatham, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the Village of Chatham; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or refer to sections of the Illinois code; and,

WHEREAS, it is the intent of the Village of Chatham Board to accept these updated sections in accordance with the changes of the law of the State of Illinois; and

WHEREAS, the President and Village Board believe it to be in the best interest of the Village to approve the S-24 supplement to the Code of Ordinances of the Village of Chatham.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Chatham, County of Sangamon, as follows:

Section 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

Section 2: Approval of Supplement. That the S-24 supplement to the Code of Ordinances of the Village of Chatham as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety. Such supplement shall be deemed published as of the day of its adoption and approval by the Village of Chatham Board and the Clerk of the Village of Chatham is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.

Section 3. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 10th day of March, 2020, at Chatham, Sangamon County, Illinois.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	X			
ANDREW DETMERS	X			
BRETT GERGER				X
RYAN MANN				X
MATT MAU	X			
PAUL SCHERSCHEL	X			

DAVE KIMSEY				
TOTAL	4	0	X	2

APPROVED by the President of the Village of Chatham, Illinois this 10th day of March, 2020.


 Dave Kimsey, Village President

Attest:


 Amy Dahlkamp, Village Clerk

**AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE
CODE OF ORDINANCES FOR THE VILLAGE OF CHATHAM, ILLINOIS**

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio, has completed the S-24 supplement to the Code of Ordinances of the Village of Chatham, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the Code of Ordinances of the Village of Chatham; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or refer to sections of the Illinois code; and

WHEREAS, it is the intent of the Village of Chatham Board to accept these updated sections in accordance with the changes of the law of the State of Illinois; and

WHEREAS, it is necessary to provide for the usual daily operation of the Village of Chatham and for the immediate preservation of the public peace, health, safety, and general welfare of the Village of Chatham that this ordinance take effect at an early date;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE OF CHATHAM BOARD:

- Section 1. That the S-24 supplement to the Code of Ordinances of the Village of Chatham as submitted by American Legal Publishing Corporation of Cincinnati, Ohio, and as attached hereto, be and the same is hereby adopted by reference as if set out in its entirety.
- Section 2. Such supplement shall be deemed published as of the day of its adoption and approval by the Village of Chatham Board and the Clerk of the Village of Chatham is hereby authorized and ordered to insert such supplement into the copy of the Code of Ordinances kept on file in the Office of the Clerk.
- Section 3. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety, and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

PASSED AND ADOPTED by the Village of Chatham Board on this 10th day of March 2020.

ATTEST:

VILLAGE OF CHATHAM

VILLAGE OFFICIALS

2020

Officials

Village President
Village Clerk
Village Treasurer
Village Manager
Village Attorney
Police Chief

David C. Kimsey
Amy Dahlkamp
Sherry Dierking
Patrick M. McCarthy
Greg Moredock
Vernon Foli

Village Trustees

Kristen Chiaro
Andrew Detmers
Brett Gerger

Ryan Mann
Matthew Mau
Paul Scherschel

Chatham Village Hall
116 East Mulberry
Chatham, IL 62629
www.chathamil.net

Phone Number: (217) 483-2451
Fax Number: (217) 483-3422

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MEETINGS

§ 30.01 REGULAR MEETINGS.

There shall be two regular meetings of the Village Board as set forth in this section and one Committee of the Whole Meeting. The regular meetings of the Board of Trustees shall be held on the second and fourth Tuesday of each month beginning at 6:00 p.m. The Committee of the Whole Meeting shall be held each month on the second Tuesday of the month, following the regular Village Board meeting, scheduled to start at 6:15 p.m. (or immediately following the regular Village Board meeting if it has not adjourned prior to 6:15 p.m.). Public notice shall be given as provided by statute. If a meeting date should fall on a legal holiday or if there is no quorum present, the meeting shall be held on the next secular day.

(Ord. 83-27, passed 9-27-83; Am. Ord. 15-50, passed 12-8-15; Am. Ord. 17-10, passed 2-28-17; Am. Ord. 17-10, passed 2-28-17; Am. Ord. 17-16, passed 3-28-17)

Cross-reference:

Committee of the Whole, see §§ 33.30 et seq.

§ 30.02 SPECIAL MEETINGS.

Special meetings of the Board of Trustees may be called by the President of the village or any three Trustees upon at least 24 hours written notice to all Board members and the President. If all the Trustees are present at a special meeting, no notice of the meeting shall be necessary and that notice shall be deemed waived. Public notice shall be given as provided by statute.
(Ord. 83-27, passed 9-27-83)

§ 30.03 PLACE OF MEETINGS.

The meeting place of the Board of Trustees shall be the Chatham Municipal Building, unless otherwise ordered by the Board.
(Ord. 83-27, passed 9-27-83)

§ 30.04 PRESIDING OFFICER.

The Village President shall be the presiding officer of all regular and special meetings of the Board of Trustees.
(Ord. 83-27, passed 9-27-83)

§ 30.05 QUORUM.

The majority of the Trustees shall constitute a quorum, but no ordinance shall be passed except on a favorable vote of the majority of the elected members, as is provided by statute.
(Ord. 83-27, passed 9-27-83)

§ 30.06 CITIZEN PARTICIPATION IN MEETINGS.

The following rules shall govern citizen participation in meetings.

(A) The Village recognizes the Illinois Open Meetings Act provides that any person shall be permitted an opportunity to address public officials under rules established by the village. The Village Board, by majority vote of its members then holding office, may suspend the public comment rules herein established as deemed prudent and in accordance with the law. These rules shall apply to all committees, commissions and other subsidiary bodies of the Village Board unless otherwise noted and specific to the Village Board.

(B) Persons desiring to be recognized and speak at open meetings of the Village Board or other public bodies of the village are encouraged, but are not required, to notify the Village Board or other public body at least one working day prior to the meeting of the subject matter upon which they wish to speak so that the village and its staff can better respond to the person's concerns. However, anyone desiring to address the Village Board must sign the public comment sheet prior to the start of the meeting. The speaker must include their name, agenda topic/village concern, and optionally any contact information that they desire to provide. Although not required, speakers are encouraged to provide contact information so that the village can be more responsive, including following up on concerns or questions raised.

(D) Adequate equipment required. The member participating electronically and other members of the Village Board must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the Village Board shall provide equipment adequate to accomplish this objective at the meeting site.

(E) Minutes. Any member attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting if the member is allowed to attend. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

(F) Rights of a remote member. A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded by the Clerk and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.

(G) Committees, boards and commissions. These rules shall apply to all committees, boards and commissions established by authority of the Village Board.

(H) Participation while driving prohibited. Members permitted to attend a meeting electronically may not participate while driving, unless they are in compliance with all state driving laws regarding cell phone use.

(I) Limited participation rights. Nothing herein shall prohibit an official who does not meet the prerequisites of division (B) from participating in the meeting remotely, without voting rights, if the audio or video equipment is available and a majority of those present do not vote against the participation. Costs in such circumstances shall not be reimbursable.

(Ord. 15-38, passed 9-8-15)

§ 30.08 RULES FOR CONDUCT OF MEETINGS.

(A) The following rules shall govern the Village Board in its deliberations:

(1) The President, while present, shall preside as Chairperson at all meetings of the Village Board. In the President's absence from the meeting, the President Pro Tem shall serve as the Chairperson, or if none, the Board members present shall designate by vote another Board member to serve as Chairperson. The meetings of the Village Board shall be called to order and conducted by the Chairperson.

(2) A majority of the members of the Board shall constitute a quorum to do business.

(3) The Chairperson's powers include, but are not limited to, the following:

(a) To rule motions in or out of order. In doing so, he or she may consult with legal counsel who shall serve as the parliamentarian.

(b) To regulate the course of the meeting in accordance with these rules and applicable laws and ordinances. This includes the responsibility to regulate speakers and attendees.

(c) To entertain and answer questions of parliamentary law or procedure. In doing so, he or she may consult with legal counsel who shall serve as parliamentarian.

(d) To call a brief recess at any time.

(e) To adjourn in an emergency.

(4) The separate yes, no, and abstain votes of each Board member shall be taken by roll call upon the consideration of all ordinances, and all propositions to create any liability against the Village, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the minutes.

(5) Questions of parliamentary law at the meetings of the Board shall be addressed as provided below. To the extent not provided for in these rules, and to the extent it does not conflict with Illinois law, Village ordinances, or with the spirit of these rules, the Board shall refer to Robert's Rules of Order Newly Revised, and specifically the rules for small boards, to answer unresolved procedural questions.

(a) *Substantive motion.* A substantive motion may deal with any subject within the Board's legal powers, duties and responsibilities. A substantive motion is out of order while another substantive motion is pending.

(b) *Procedural motion.* The following enumeration of procedural motions are in order. Unless otherwise noted each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending. The following is an exhaustive list; if a procedural motion is not on the list, then it is not available. In order of priority, if applicable, the procedural motions are:

1. Motion to appeal a procedural ruling of the chairperson. A decision of the Chairperson ruling a motion in or out of order, entertaining and answering a question of parliamentary law or procedure may be appealed to the Board. This appeal is in order immediately after such decision is announced and at no other time. The Board member making the motion need not be recognized by the Chairperson and the motion, if timely made, may not be ruled out of order. If the appeal is seconded, the Board member making the appeal may briefly explain the ruling, but there shall be no debate on the appeal, and no other Board member shall participate in the discussion. The Chairperson shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote "Aye," the ruling of the Chair is sustained; otherwise, it is overruled.

2. Motion to adjourn. This motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. This motion, if passed, requires the Board to immediately adjourn to its next regularly scheduled meeting. A motion to adjourn shall always be in order, except:

A. When a Board member is in possession of the floor;

B. When the Board members are voting;

C. When adjournment was the last preceding motion; and

D. When it has been decided that the previous question shall be taken.

3. Motion to recess. Board members may propose a brief recess during its proceedings. This motion, if passed, requires the Board to immediately take a recess. Normally, the Chairperson determines the length of the recess, which may range from a few minutes to an hour.

4. Motion to call to follow the agenda. This motion, if passed, requires the Board to conform to its agenda or order of business. This motion must be made at the first reasonable opportunity (when the item of business that deviates from the agenda is proposed) or the right to make it is waived for the out-of-order item in question.

5. Motion to suspend rules. This motion, if passed, allows the body to suspend its own rules of order, conduct or procedure for a particular purpose. The motion should specifically state the portion of the rules that are being suspended. This motion requires a two-thirds vote. This motion must be specific and state the reason for suspending the rules.

6. Motion to go into closed session (executive session). The Board may go into closed session only for one or more of the permissible purposes listed under Section 2 of the Illinois Open Meetings Act (5 ILCS 120/1). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting.

7. Motion to leave closed session (executive session). This motion provides a procedural mechanism for returning from closed session to an open meeting.

8. Motion to divide a complex motion (question) and consider it by paragraph. This motion is in order whenever a Board member wishes to consider and vote on subparts of a complex motion separately.

9. Motion to defer consideration (table). The Board may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending. A Board member who wishes to revisit the matter during that time must take action to revive consideration of the original motion, or else move to suspend the rules.

10. Motion to move the previous question (limit debate). This motion may be made at any time after a substantive motion is made and a minimum of ten minutes of debate time has passed. If made after ten minutes but before 20 minutes of debate, each Board member shall have up to two minutes to give a final statement; and, after each Board member has been given an opportunity to give his/her final statement, the motion requires a two-thirds vote. If made after at least 20 minutes of debate, upon the motion, each Board member shall have up to two minutes to give a final statement; and, after each Board member has been given an opportunity to give his/her final statement, the motion requires a majority vote.

11. Motion to postpone to a certain time or day. This motion allows the Board to postpone consideration of an item to a specified day. If consideration of a motion has been

Chatham - Administration

postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A Board member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules.

12. Motion to amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last offered amendment is disposed of by a vote.

13. Motion to revive consideration. The Board may vote to revive consideration of any substantive motion earlier deferred by adoption of a motion to defer consideration (table). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

14. Motion to reconsider.

A. The Board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority) and:

i. At the meeting during which the original vote was taken, including any continuation of that meeting through recess or adjournment to a time and place certain; or

ii. At the next regularly scheduled Board meeting following the meeting during which the original vote was taken.

B. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting.

15. Motion to rescind or repeal. The Board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. This motion is used at a later meeting and has the purpose of canceling the action the Board took at a previous meeting. This motion can be made by any Board member, no matter how he or she voted on the original motion. The motion requires a majority vote if a Board member provides notice to the Board, prior to the meeting, that the motion will be made, or a two-thirds vote if such notice is not provided.

16. Motion to prevent reintroduction for six months. This motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires, for adoption, a two-thirds vote. If adopted, the restriction imposed by the motion remains in effect for six months.

(B) These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with generally accepted principles of parliamentary procedure.

(C) The failure to strictly adhere to these rules shall not invalidate any action taken at a properly noticed meeting.

(Ord. 19-34, passed 11-26-19)

COMMITTEES

§ 30.20 ESTABLISHMENT OF COMMITTEES.

The Village Board of Trustees may from time to time establish such committees of the Board of Trustees as are or may be necessary and convenient for the conduct of village business. Such committees shall be established by ordinance, which shall delineate the powers, duties and functions of the committees so established.

(Ord. 93-26, passed 5-11-93)

ORDINANCES AND RESOLUTIONS

§ 30.50 FILED IN WRITING; COPIES TO EACH BOARD MEMBER.

(A) All ordinances and resolutions to be presented to the Board of Trustees for action at a regular meeting shall be filed in writing with the Village Clerk or Deputy Clerk on or before 3:00 p.m. of the date of the meeting at which they are to be acted on.

(B) The Village Clerk shall cause copies thereof to be made and delivered to each member of the Board on or before such meeting begins.

(Ord. 90-13, passed 4-10-90)

§ 30.51 PROCEDURE WHEN ORDINANCE IS PRESENTED LESS THAN FIVE DAYS BEFORE ACTION IS TO BE TAKEN OR THREE DAYS PRIOR TO MEETING.

If an ordinance or resolution is first presented to the Clerk less than five days before the ordinance or written resolution is to be first acted upon by the Board of Trustees, or if such ordinance or written resolution is delivered to Board members less than three days prior to such meeting, then any two members of the Board of Trustees may by written request or by oral request reflected in the minutes of the meeting, request that final action on such ordinance or written resolution be tabled until the next regular meeting of the Board or until a special meeting called for the purpose of considering such ordinance or written resolution, whichever comes first. In the event of such a request, the ordinance or written resolution shall be tabled unless two-thirds of the corporate authorities of the village vote for immediate consideration of such ordinance or written resolution.

(Ord. 90-13, passed 4-10-90)

§ 30.52 CONSENT CALENDAR.

(A) In advance of every regular meeting of the Board of Trustees, the Village Clerk shall prepare a document entitled "Consent Calendar" which shall contain a list of all ordinances, resolutions or motions which, in the judgment of the President or any Trustee requesting placement of the Consent Calendar, are likely to be uncontested. The Consent Calendar shall be distributed to the president and all Trustees at least 24 hours in advance of any regular meeting of the Board. During the regular meeting of the Board, any item may be added to or deleted from the Consent Calendar by motion of any Trustee which is fully seconded and passed.

(B) The corporate authorities may by unanimous consent, take a single vote by yeas and nays on the several questions of the passage of any two or more of the designated ordinances, orders, resolutions or motions placed together for voting purposes on the Consent Calendar. In the journal, the Clerk shall designate such a vote on the Consent Calendar as a "Omnibus Vote" and may enter the words "omnibus vote" in the journal in lieu of entering the names of the members of the Village Board voting "yeah" and those voting "nay" on the passage of the designated ordinances, orders, resolutions and motions included in the group. The taking of such single or omnibus vote and such entries of the words "omnibus vote" in the journal shall be a sufficient compliance with the requirements of this chapter and with 65 ILCS 5/3.1-40-40, to all intents and purposes and with like affect as if the vote in each case had been taken separately by yeas and nays on the question of the passage of each ordinance, order, resolution and motion included in such omnibus group and separately recorded in the journal. Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion or ordinance at the request of any trustee and shall be recorded in the journal.

(Ord. 90-13, passed 4-10-90)

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(B) *Application for nonresidential service.*

(1) An applicant for village water or electric service must either be at least 18 years of age or present proof of his or her emancipation or marriage.

(2) Each applicant for nonresidential service must complete a written application for service, including:

(a) The location where service is to be provided (service address);

(b) The legal name of the entity;

(c) Local and home office telephone numbers of the entity;

(d) The name, address and telephone number of the property owner, if other than the applicant; and

(e) The signature of a principal of the entity.

(3) Existing nonresidential customers with a good credit history reapplying for service at a new location who have a deposit on file will have their deposit transferred to their new service account for the remainder of the 18 months holding period. Existing customers who do not have a good credit history and have a past due balance on their existing utility account will be required to pay their past due balance before the new service is established. The customer's deposit will be transferred to their new service account and will be held for a period of 18 months from the date the new service is connected.

(4) If the applicant is not the owner of the service address, he or she must provide the lease agreement to the property listing the applicant as the leasee. If the applicant owns the service address, proof of ownership must be provided. The village reserves the right to verify any and all information provided by the applicant prior to initiating service. Any applicant who has failed to pay for previous utility services from the village will be required to pay all past due amounts and a service deposit before service will be initiated.

(5) Once service has been granted, the customer is responsible for informing village customer service representatives of any changes in the information supplied on the application for service.

(Ord. 80-34, passed 12-16-80; Am. Ord. 16-15, passed 4-26-16)

§ 50.021 PERMITTED USE OF WATER AND ELECTRIC SERVICES.

No person shall take any water from any main, hydrant, or other portion of the village's water system, or electricity from any transmission line or other portion of the village's electrical plant, other than by the usual use of the village's public fountains and troughs, except upon application to the village and the issuance by the village of a permit in accordance with the provisions of ordinances, rules, or regulations heretofore or hereafter adopted by the village.

(Ord. 72-8, passed - - ; Am. Ord. 16-15, passed 4-26-16)

§ 50.022 APPLICATION.

Each applicant for water or electrical supply or service shall file with the village an application therefor, in writing, setting forth the name of the applicant, the location of the premises for which such supply or service is sought, the name of the owner of the premises, if other than the applicant, the nature and size of such service or the extent of such supply and proposed use thereof.
(Ord. 72-8, passed - - ; Am. Ord. 16-15, passed 4-26-16)

§ 50.023 PERMIT.

Upon receipt of an application, as provided in § 50.022, a permit may be issued by the village for the installation of water service or electrical service or the supplying of water or electrical service in accordance with the provisions of this chapter or any ordinance, rule, or regulation heretofore or hereafter adopted by the village; provided, that no permit shall be issued to any applicant while in default through nonpayment of any past amount owing to the village for any water or electrical supply, service, or installation theretofore rendered or made.
(Ord. 72-8, passed - - ; Am. Ord. 16-15, passed 4-26-16)

§ 50.024 INTERFERENCE WITH EQUIPMENT.

It shall be unlawful for any person to interfere in any manner with any water main, fire hydrant, service pipe, water meter, buffalo or shut-off box, water pipe connected with the village water distribution system, or any transmission line, transformer, or portion of the village electrical distribution system without a permit therefor obtained as provided in this chapter.
(Ord. 72-8, passed - - ; Am. Ord. 16-15, passed 4-26-16)

§ 50.025 CONNECTION OF EQUIPMENT.

No person shall, without the consent in writing from the village or a designated village official, connect water pipes or power transmission lines or conduct water or electricity to any two distinct premises or tenements, unless separate and distinct; nor shall any such pipe or transmission line be allowed to cross lots into adjoining premises.
(Ord. 72-8, passed - - ; Am. Ord. 16-15, passed 4-26-16)

§ 50.026 METERS; TESTING.

(A) Any person or organization receiving electric, water, or other public utility service furnished by the village, the use of which is measured by a recording meter, may make application in writing to the Village Administrator, or his or her designee, for such meter to be tested for accuracy. The application shall be accompanied by payment of the applicable service charge deposit hereinafter established.

(B) The service charge for meter testing shall be as follows:

(1) For testing of water meters by such meter testing organization shall be the actual cost charged to the village by the testing organization.

(2) For testing conducted of electric meters on the premises by a village employee during regular working hours shall cost \$35.

(Ord. 81-15, passed - - ; Am. Ord. 16-15, passed 4-26-16; Am. Ord. 19-24, passed 8-27-19)

§ 50.027 METER READING SCHEDULE.

(A) Customer water and electric meters are read on or about the same date each month.

(B) Monthly bills occasionally might be estimated at the discretion of the village when circumstances beyond its control, including but not limited to constraints caused by weather, make it difficult or impossible to obtain an actual meter reading.

(C) Monthly bills might also be estimated if village meter readers do not have access to the water or electric meter when the meter is scheduled to be read.

(Ord. 16-15, passed 4-26-16)

§ 50.028 ACCESS TO METERS.

(A) Village Code requires customers to provide safe and unimpeded access to village equipment, including water and electric meters that are on or inside their property. Failure to provide access will result in estimated utility bills. Failure to provide access for six consecutive months could result in an interruption of service until access to the meter has been facilitated. If service has been interrupted due to failure to provide access, all past due amounts must be paid before service will be restored.

(B) Pets, whether inside or outside, must be restrained in such a manner that they cannot harass village personnel attempting to gain access to utility equipment. For details on village access to easements refer to Ordinance 95-16 and 70-7.

(Ord. 16-15, passed 4-26-16)

§ 50.029 RELOCATING METERS.

(A) The village can move an indoor water meter to an external pit at any time at their discretion.

(B) Indoor electric meters may also be relocated to the outdoors. The customer must first have the meter base relocated by an independent, licensed electrician. Contact the Utility Office to schedule an interruption of service prior to moving the meter base. Once the meter base has been relocated, the village will move the meter.

(Ord. 16-15, passed 4-26-16)

§ 50.030 IDENTIFYING METERS.

(A) Landlords/owners are responsible for clearly and permanently identifying, by stencil or other means, the apartment, mobile home or area served by each meter. Once meters have been installed and identified, the landlord/owner is responsible for meeting with a village representative to verify that each meter services the correct unit and is accurately, clearly and permanently identified.

(B) When incorrect billing results from incorrectly identified meters, the village is not responsible for credit adjustments to bills issued prior to being notified the meters were incorrectly identified. Upon notification from the landlord/owner of incorrectly identified meters, the village will correct all future billing records to reflect the correct meter identification for the units/areas they service.

(Ord. 16-15, passed 4-26-16)

§ 50.031 INTERRUPTION OF SERVICE.

(A) *Interruption without notice.*

(1) If any village service has been tampered with, the service will be disconnected and removed without notice. Service will not be reinstalled or activated until all damages to village equipment, all consumption charges, including those for estimated lost consumption; a service deposit; and a reconnection charge(s) have all been paid in full.

(2) The village routinely reports tampering to the Village Police Department and reserves the right to prosecute for tampering under the Illinois Criminal Code 5/16-14, *Unlawful Interference with Public Utility Services*.

(B) *Interruption with notice.*

(1) The village may disconnect service with notice when a customer fails to do any of the following;

(a) Pay a past-due bill owed to the village for service furnished at the same or another location;

(b) Make payment in accordance with the terms of a Payment Arrangement;

(c) Redeem a returned check within seven village business days;

(d) Comply with relevant Village of Chatham Code of Ordinances and/or the conditions agreed to in the application for service;

(e) Repair a water leak(s) within a timely manner following notice from the village;

(f) Provide village representatives with access to the customer's meter(s); or

(g) Repair electric equipment hazards within a timely manner following notice from the village.

(2) The customer will be notified of an impending disconnection either by phone or by mail. The notification will include the date on which the disconnection amount is due to avoid interruption of service. Disconnection can occur up to 21 days after the notice is mailed.

(Ord. 16-15, passed 4-26-16)

(E) *24-hour Payment Drop-Off Box.* The village has a 24-hour payment drop-off box located in drive-through on the east side of the Utility office located at 116 E. Mulberry St., Chatham, IL 62629. When using the drop-off box, be sure to use the payment-return envelope provided with your bill and make your payment using only a check or money order. Do not use cash.
(Ord. 16-15, passed 4-26-16)

COMBINED WATERWORKS AND SEWER SYSTEM

GENERAL PROVISIONS

§ 50.101 DECLARATION AS COMBINED SYSTEM.

The village waterworks system in its entirety, together with all additions, improvements, and extensions thereto that may hereafter be made and the village sewerage system in its entirety, together with all additions, improvements, and extensions thereto that may hereafter be made, of the village are declared to be a combined system. Said combined waterworks and sewerage system shall be maintained and operated as a single utility. A charge or rate shall be established for the use of such combined system, which shall be reasonable and commensurate with the service performed by said combined system, and shall be sufficient to pay the cost of operation and maintenance of said system, to provide an adequate depreciation fund and to pay the principal of and interest upon all revenue bonds that are payable from the revenues of said combined system.
(Ord. 78-28, passed 11-14-78; Am. Ord. 16-15, passed 4-26-16)

§ 50.102 PROPERTY OF THE COMBINED SYSTEM.

All property, real, personal, and mixed, comprising the village waterworks system and the sewerage system, be and the same is found, determined, and declared to constitute the properties of the combined waterworks and sewerage system of the village.
(Ord. 78-28, passed 11-14-78; Am. Ord. 16-15, passed 4-26-16)

§ 50.103 SYSTEM OWNED AND OPERATED BY VILLAGE.

The waterworks system and the sanitary sewerage system shall be owned and operated by the village as a combined utility, known as the combined waterworks and sewerage system of the village, and all improvements and extensions to said waterworks or sewerage system, either or both, shall be considered as improvements and extensions to said combined utility. All the properties, assets, obligations, and liabilities, of all kinds, of said waterworks system and of said sewerage system, existing, outstanding, and accruing or to accrue, shall be held, used, confessed, and acknowledged as the properties, assets, obligations, and liabilities of said combined utility.
(Ord. 78-28, passed 11-14-78; Am. Ord. 16-15, passed 4-26-16)

§ 50.104 DAMAGE TO SEWER WORKS UNLAWFUL.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is a part of the combined waterworks and sewerage system.

(Ord. 79-11, passed 4-10-79; Am. Ord. 16-15, passed 4-26-16)

§ 50.105 CONNECTION OF SEWERS TO STORM WATER DRAINAGE SYSTEMS ON GORDON DRIVE PROHIBITED.

(A) It shall be unlawful for any person, firm or corporation to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial water, or any fixture or device discharging polluting substances, to any storm water drainage system in the village, constructed as part of the improvement set forth in Ordinance 91-4.

(B) This section is intended to and shall be in addition to all other ordinances, rules and regulations concerning sewers and shall not be construed as repealing or rescinding any other ordinance or part of any ordinance, unless in direct conflict therewith.

(Ord. 91-4, passed 3-12-91; Am. Ord. 16-15, passed 4-26-16) Penalty, see § 50.999

§ 50.106 PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS.

(A) *Recitals.* The foregoing recitals shall be and are hereby incorporated into and made a part of this section as if fully set forth in this division (A).

(B) *Use of groundwater as a potable water supply prohibited.* Except for such uses or methods in existence before the effective date of this section, the use of, or attempted use to use as a potable water supply groundwater from within certain portions of the Village of Chatham, as set forth herein, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. The portions of the Village where it is prohibited to use or attempt to use as a potable water supply groundwater is identified in Exhibit A of Ord. 19-14 and includes the following area:

(1) Bound to the north by Kirkwood Street, extending eastward to a northern extension of North East Street, and extending westward to a northern extension of North Church Street.

(2) Bound to the east by North East Street, extending northward to an eastern extension of Kirkwood Street, and extending southward to East Chestnut Street.

(3) Bound to the south by East Chestnut Street, between North Church Street and North East Street.

(4) Bound to the west by North Church Street, extending northward to a western extension of Kirkwood Street, and extending southward to East Chestnut Street.

(C) *Penalties.* Any person violating the provisions of this ordinance shall be subject to a fine of not less than \$250 or more than \$500 for each violation. Each day a violation continues shall be considered a separate offense.

(D) *Definitions.* The following terms as used in this section shall have the meanings, respectively, ascribed to them below:

PERSON. Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

POTABLE WATER. Any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.
(Ord. 19-14, passed 6-11-19)

WATER REGULATIONS

§ 50.110 WATER DEPARTMENT.

There is hereby established an administrative department of the village to be known as the Water Department. The head of the Water Department shall be an employee of the village who shall be known as the Water Department Lead Worker. The Water Department shall operate and maintain the combined waterworks and sewer system of the village subject to all ordinances and resolutions adopted by the President and Board of Trustees of the village. The Water Department Lead Worker shall be supervised by the General Foreman.
(Ord. 70-7, passed 5-7-70; Am. Ord. 16-15, passed 4-26-16)

§ 50.111 RESERVED.

§ 50.112 RESERVED.

§ 50.113 RESERVED.

APPENDIX: CROSS-CONNECTION CONTROL REGULATIONS

Section

1. Purpose, application and policy
2. Definitions
3. Water system
4. Cross-connection prohibited
5. Surveys and investigations
6. Where protection is required
7. Type of protection required
8. Backflow prevention devices
9. Inspection and maintenance
10. Booster pumps
11. Violations; penalty

§ 1 PURPOSE, APPLICATION AND POLICY.

(A) Purpose. The purpose of these rules and regulations is:

(1) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(2) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(3) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

(B) Application. These rules and regulations shall apply to all premises served by the public potable water supply system of the village. These regulations are applicable to all water systems as long as such are physically connected to the public potable water supply system of the village, regardless of whether such system is actually in use. The consumer shall bear the ultimate responsibility of ensuring compliance with this appendix.

(C) Policy. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or backsiphonage of contaminants through the customer's water service connection. If, in the judgment of the Water Department Foreman or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Water Department Foreman shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure,

refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in § 5(D)(4) of this appendix for a period of at least five years.
(Am. Ord. 19-01, passed 1-22-19)

§ 2 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENCY. Illinois Environmental Protection Agency.

APPROVED. Backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

AUXILIARY WATER SYSTEM. Any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes or streams or process fluids or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

BACKFLOW. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

BACKFLOW PREVENTION DEVICE. Any device, method or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Environmental Protection Agency.

CONSUMER or CUSTOMER. The owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

CONSUMER'S WATER SYSTEM. Any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

CONTAMINATION. An impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

CROSS-CONNECTION. Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into another.

(1) **DIRECT CROSS-CONNECTION.** A cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

(2) **INDIRECT CROSS-CONNECTION.** A cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

DOUBLE CHECK VALVE ASSEMBLY. An assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve.

FIXED PROPER AIR GAP. The unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

HEALTH HAZARD. Any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

INSPECTION. A plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Illinois Administrative Code 890.

NON-POTABLE WATER. Water not safe for drinking, personal or culinary use as determined by the requirements of Illinois Administrative Code 604.

PLUMBING. The actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

POLLUTION. The presence of any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

POTABLE WATER. Water which meets the requirements of 35 Illinois Administrative Code 604 for drinking, culinary and domestic purposes.

POTENTIAL CROSS-CONNECTION. A fixture or appurtenance with threaded hose connection, tapered spout or other connection which would facilitate extension of the water supply line beyond its legal termination point.

PROCESS FLUID(S). Any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- (1) Polluted or contaminated waters;
- (2) Process waters;
- (3) Used water originating from the public water supply system which may have deteriorated in sanitary quality;
- (4) Cooling waters;
- (5) Questionable or contaminated natural waters taken from wells, lakes, streams or irrigation systems;
- (6) Chemicals in solution or suspension; and
- (7) Oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes or for fire fighting purposes.

PUBLIC WATER SUPPLY. All mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 50 days per year. A public water supply is either a "community water supply" or a "non-community water supply."

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION DEVICE. A device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valve at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device and each device shall be fitted with properly located test cocks.

SERVICE CONNECTION. The opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

SURVEY. The collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form and should not be an actual plumbing inspection.

SYSTEM HAZARD. A condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

USED WATER. Any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

WATER PURVEYOR. The owner or official custodian of a public water system.

§ 3 WATER SYSTEM.

(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B) The public water supply shall consist of the source facilities and the distribution system and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins.

(C) The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the public water supply distribution system.

(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

§ 4 CROSS-CONNECTION PROHIBITED.

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

§ 5 SURVEYS AND INVESTIGATIONS.

(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B) On request by the Water Department Foreman or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the

customer's premises. The consumer's premises shall be open at all reasonable times to the Water Department Foreman for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

(C) It shall be the responsibility of the water consumer to arrange annual inspections through a licensed Cross-Connection Control Device Inspector ("CCCDI") of water use practices on his premises to determine whether there are actual or potential cross-connections to his or her water system through which contaminants or pollutants could backflow into his or her water system or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 ILCS 320/3 (1).

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

(1) All cross-connections are removed or approved cross-connection control devices are installed for control of backflow and backsiphonage.

(2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

(3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a Cross-Connection Control Device Inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

(4) All inspection and maintenance requirements under this appendix are met.
(Am. Ord. 19-01, passed 1-22-19)

§ 6 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections made after the effective date of these regulations to the public water supply as described in the Plumbing Code, 77 Illinois Administrative Code 890; and the Agency's regulations, 35 Illinois Administrative Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent of Water, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

(1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Water Department Foreman and the source is approved by the Illinois Environmental Protection Agency.

(2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources of systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Water Department Foreman.

(3) Premises having internal cross-connections that, in the judgment of the Superintendent of Water and the Cross-Connection Control Device Inspector, are not correctable or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist.

(4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

(5) Premises having a repeated history of cross-connections being established or re-established.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Illinois Administrative Code 890; and the Agency's regulations, 35 Illinois Administrative Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Water Department Foreman determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverage processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

(Am. Ord. 19-01, passed 1-22-19)

§ 7 TYPE OF PROTECTION REQUIRED.

(A) The type of protection required under § 6 of this appendix shall depend on the degree of hazard which exists as follows:

(1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.

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(2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.

(3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B) The type of protection required under § 6(B)(4) of this appendix shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

(1) The fire safety system contains antifreeze, fire retardant or other chemicals.

(2) Water is pumped into the system from another source.

(3) Water flows by gravity from a non-potable source, or water can be pumped into the fire safety system from any other source.

(4) There is a connection whereby another source can be connected to the fire safety system.

§ 8 BACKFLOW PREVENTION DEVICES.

(A) All backflow prevention devices or methods required by this appendix shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with 35 Illinois Administrative Code 653.802 and only as specified by the Research Foundation for Cross-Connection Control of the University of Southern California or applicable industry specifications. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

§ 9 INSPECTION AND MAINTENANCE.

(A) (1) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions. Beginning on February 1, 2019, the Village of Chatham will provide or contract for services to coordinate, facilitate and organize testing records for all cross-connection assemblies that are connected to the Village of Chatham's water distribution

system. The Village of Chatham or its vendor will make the back-flow testing data available 24 hours a day, seven days a week to Village of Chatham personnel, who in turn can produce and submit required back-flow testing reports to the Illinois Environmental Protection Agency thereby closely following the established requirements outlined in the IEPA's Illinois Cross-Connection Control Program. The annual fee to the Village of Chatham for data collection and mailing service will be a \$495. There will also be will a charge \$12.95 for each back-flow test submittal by any accredited CCCDI tester licensed in the State of Illinois. It is also required that any CCCDI licensed tester be registered with the Village of Chatham at no additional charge for registration. Any homeowner or business owner can access a list of certified CCCDI testers through the Environmental Resources Training Center (ERTC) website at <http://www.siu.edu/ertc/> or Village of Chatham's website at www.chathamil.net.

(2) Each backflow testing company performing backflow testing within the village shall set up an account in the online system, supplying and maintaining required information pertaining to the testing company, testers, test kits and licenses. Each testing company shall adhere to all procedural policies and agree to all terms specified in the online system.

(3) For each backflow test report submitted by the backflow testing company via the online system, the testing company will be required to pay a filing fee due at the time of submittal. All backflow test reports must be submitted electronically via the online system. The filing fee shall be paid directly to the firm acting as the village's authorized online system provider. The tester may elect to absorb the filing fee for competitive marketing purposes or pass it along to the device owner when invoicing for the test.

(4) All test/maintenance reports must include the following information:

(a) *Administrative information.*

1. Water customer or facility name;
2. Contact name and telephone number;
3. Complete service address (physical address);
4. Complete mailing address;
5. Physical location of backflow prevention assembly/device within facility or on the property (room number, room name, landmarks);
6. Type of assembly/device (RP, RPDA, DCVA, DCDA, etc.);
7. Assembly make, model, size and serial number;
8. CCCDI printed name, signature, and CCCDI license number; and
9. Date and time of test.

(b) *Test information.*

1. Whether the valve passed or failed the test;

2. Gauge readings for each component tested (check valves, relief valve opening point, air inlet opening point, etc.); and

3. Repair Information (any new parts used, components cleaned and replaced, etc.).

(c) *Other information.*

1. Notations of any unsafe conditions or safety issues; and

2. Notations of any installation abnormalities or deficiencies.

(5) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter.

(6) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter and required service performed within 15 days.

(7) Reduced pressure principle backflow prevention devices shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer and required service performed within five days.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester and type and date of repairs.

(D) A maintenance log shall be maintained and include:

(1) Date of each test or visual inspection;

(2) Name and approval number of person performing the test or visual inspection;

(3) Test results;

(4) Repairs or servicing required;

(5) Repairs and date completed; and

(6) Servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Water.
(Am. Ord. 19-01, passed 1-22-19)

§ 10 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent of Water, at least once a year, that the device is operable.

§ 11 VIOLATIONS.

(A) Discontinuance of water service. The Water Department Foreman shall deny or discontinue, after reasonable notice to the occupants thereof, the water service, or shall ensure the auxiliary water system is disabled to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Water Department Foreman or if it is found that the backflow prevention device has been removed or bypassed or if an unprotected cross-connection exists on the premises or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Correction of prohibited conditions. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Water Department Foreman and the required reconnection fee is paid.

(Am. Ord. 19-01, passed 1-22-19)

CHAPTER 53: SOLID WASTE DISPOSAL

Section

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LICENSING PROVISIONS**§ 53.001 LICENSE REQUIRED FOR ENGAGING IN THE BUSINESS OF SOLID WASTE HAULING AND DISPOSAL.**

After the effective date of this chapter and subject to § 53.018, no person, firm or corporation shall engage in the business of solid waste hauling or disposal within the corporate limits of the village unless licensed in accordance with the provisions of this chapter.
(Ord. 91-26, passed 6-11-91) Penalty, see § 53.999

§ 53.002 INFORMATION REQUIRED TO OBTAIN LICENSE.

Any person, firm or corporation may obtain a license to collect solid waste within the village by submitting an application for license to the Village Clerk and paying an annual license fee as set forth in § 53.005. The applications shall be on forms prescribed by the Village Administrator, and shall contain the following information about and agreements of the waste hauler:

(A) The name, business address, and telephone number of the person, firm or corporation;

(B) If the waste hauler is a corporation, the corporation shall provide a certificate of good standing and the name, address and telephone number of the corporation's president and of its registered agent.

(C) If the applicant is a partnership, the applicant shall provide the names, addresses and phone numbers of all partners holding greater than a 5% interest.

(D) If the applicant is doing business under an assumed name, the applicant shall provide a copy of the assumed name certificate filed with the County Clerk, if a natural person, and of the assumed name certificate filed with the Secretary of State, if a corporation.

(E) The applicant shall provide proof of liability insurance in the amount of \$1 million per occurrence, including insurance for each vehicle, and shall agree to keep such insurance in force during the term of the license.

(F) The applicant shall provide proof of workers' compensation insurance covering its employees in the statutory amount, and shall agree to keep such insurance in force during the term of its license.

(G) The applicant shall attach a schedule of rates which it will charge upon the license being granted, and shall agree to provide the village with written notice of any rate changes at least 30 days in advance of rate changes.

(H) The applicant shall agree to observe all provisions and conditions of this chapter during the term of its license.

(I) If in accordance with § 53.016, the applicant proposes not to recycle a class of recyclable materials due to the unavailability of markets, the applicant shall include with the application, or may submit under separate cover, proof of the unavailability of the market.

(J) The application shall be signed by the applicant or a responsible officer of the applicant.

(K) The applicant shall agree to clearly mark each vehicle used for solid waste collection with the applicant's name.

(Ord. 91-26, passed 6-11-91)

§ 53.003 PROCEDURES FOR GRANTING OR DENYING LICENSE; APPEALS.

(A) Applications for solid waste hauling licenses shall be submitted to the Village Clerk, who shall give the applications to the Village Administrator for processing. The Village Administrator shall, within seven working days of receipt of the application by the Clerk, grant or deny the license. If the license is denied, the Village Administrator shall state the reasons for the denial in writing. Thereupon, the applicant may appeal in accordance with division (B) of this section; or may within ten days resubmit a license application curing any deficiencies, without having to pay an additional license fee. The Village Administrator shall grant the license or render a final decision denying the license, within seven working days of resubmission.

(B) In the event a license is denied, the applicant may appeal the denial of the application to the administrative committee of the Village Board within seven working days of the final denial, and may request a hearing before the Administrative Committee, which will be held within seven working days of the request. The administrative committee's determination shall be reviewable in accordance with state statutes pertaining to administrative review.

(Ord. 91-26, passed 6-11-91)

§ 53.004 CONDITIONS OF LICENSURE.

A licensee under this chapter shall, as a condition of licensure do the following things:

(A) The licensee shall pick up and segregate by class the following classes of solid waste:

(1) Unseparated solid waste, which shall consist of solid waste of all descriptions other than yard waste, including recyclable materials that have not been segregated by the customer.

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(2) Recyclable materials, which shall include aluminum cans; steel cans; tin-coated cans; bi-metal cans; glass bottles and jars of all colors; No. 1 plastic; No. 2 plastic; and newspapers, when such recyclable materials are separated by the customer from other classes of solid waste and placed in separate marked bins, or in the case of newspapers, placed in paper bags or baled with twine; or, in the case of plastic bottles, tied together with twine. The village reserves the right to expand the definition of recyclable materials due to changing market conditions, without affecting the validity of the license.

(3) Yard waste, which shall include leaves, grass clippings, wood chips, twigs, and garden waste such as weeds and stalks, when segregated and bagged in accordance with the regulations of the facility which accepts such yard waste from the solid waste hauler.

(B) The licensee shall transport and dispose of unseparated solid waste in landfills or by any other method permitted by state and federal law.

(C) The licensee shall transport and dispose of recyclable materials by selling or giving such materials to dealers in recyclable materials.

(D) The licensee shall transport yard waste to composting centers or other facilities which accept yard waste only.

(E) Each licensee shall be responsible for handling the recyclable materials and yard waste of its own customers; however, licensees may agree among themselves to handle the recyclable materials and yard waste of another licensee.

(F) The licensee shall comply with this chapter and all other ordinances of the village and with state, county and federal laws and regulations pertaining to solid waste management.

(G) On or before the 15th day of each month the licensee shall provide the village with data regarding the volume of solid waste, broken down by categories, disposed of or sold in the previous month, and shall provide any other data the village may reasonably require.
(Ord. 91-26, passed 6-11-91) Penalty, see § 53.99

§ 53.005 DURATION OF LICENSE; FEE; CONTRACTUAL OBLIGATIONS.

(A) The annual license fee shall be \$ 250. A license shall be effective from August 1 of any year through and including July 31 of the following year. The license fee for applications received after August 1 of any year or before July 31 of any year will not be prorated.

(B) A license granted hereunder shall constitute a contract pursuant to Section 11-19-1 of the Illinois Municipal Code for the duration of the license.
(Ord. 91-26, passed 6-11-91; Am. Ord. 91-27, passed 6-11-91)

§ 53.006 RECORDS.

The Village Administrator shall design and obtain license and data collection forms for issuance to each licensee hereunder and shall maintain records of all licenses granted and denied hereunder.

The licenses granted hereunder shall be serial numbered. All license applications and records pertaining to grants and denials of licenses shall be subject to disclosure to the public under the Freedom of Information Act and village policies implementing that Act. (Ord. 91-26, passed 6-11-91)

REGULATIONS FOR OPERATION

§ 53.015 RATE STRUCTURES.

A licensee may set its own rates, subject only to the following restrictions:

(A) The licensee shall set volume-based rates for commercial and industrial customers for collection of unseparated solid waste, and shall dispose of recyclable materials from such customers free of charge. The licensee may agree with such customers on any frequency of pickup of solid waste, provided that all waste is picked up at least once per week. Because the needs of commercial and industrial customers vary so greatly from customer to customer, the licensee need not announce a rate of general applicability, and is free, subject to state and federal law, to discriminate among commercial and industrial customers in the matter of rates.

(B) For residential customers, each licensee shall charge a basic fee, which will entitle each customer to a once weekly pickup and disposal of one 32-gallon garbage can or a 33-gallon bag of unseparated solid waste, not to exceed 60 pounds. For unseparated solid waste in excess of the basic service, the licensee shall charge a per 32-gallon can or 33-gallon bag fee. The customer shall purchase stickers for such additional cans and bags from the licensee, and shall affix a sticker to each additional can or bag to be picked up in addition to the basic service. The rates for residential customers shall be of general applicability, and there shall be no discrimination among residential customers as to rates; however, senior citizen discounts are permissible.

(C) Recyclable materials shall be picked up from residential customers free of charge.

(D) Rates for disposal of yard waste shall be volume-based. The licensee shall charge separately for each 32-gallon can or 33-gallon bag of yard waste. The customer shall purchase stickers from the licensees and shall affix a sticker to each can or bag of yard waste. A yard waste sticker shall cost no less than a sticker for unseparated solid waste.

(E) A licensee may change its rates from time to time in its discretion. The licensee shall provide the Village Administrator with a copy of any rate change for residential customers at least 30 days in advance of the rate change, and shall inform each residential customer of the rate change in writing at least 30 days in advance of its effective date. Notice to customers may, in the discretion of the licensee, be made by an insert in the monthly bill. No rate change shall be effective unless these notice provisions are complied with. (Ord. 91-26, passed 6-11-91)

§ 53.016 PROCEDURES IN THE EVENT OF UNMARKETABILITY OF RECYCLABLES.

A licensee may relieve itself of the obligation to pick up and dispose of any class of recyclable materials by submitting to the Village Administrator proof of the lack of a reasonable market for such

recyclable material. Proof shall consist of a written statement detailing the efforts the licensee has made to seek a market for that class of recyclable material and any other written material the licensee may have in its possession regarding market trends. Upon receipt of such material, the Village Administrator shall have 15 working days in which to verify the validity of the licensee's statement and to seek a market for the class of recyclable materials. If the Village Administrator finds the licensee's statement is correct and is unable to find a market, the licensee may upon 14 calendar days notice to its customers, require the customers to place the unmarketable class of recyclable material with the unseparated solid waste for pickup. With any subsequent license application, the licensee shall submit written information substantiating the continued unavailability of a market for that class of recyclable materials.

(Ord. 91-26, passed 6-11-91)

§ 53.017 UNLICENSED WASTE COLLECTION PROHIBITED.

No person, firm or corporation not licensed hereunder may collect or transport solid waste within the corporate limits of the village. No person other than a licensee hereunder may remove recyclable materials from any premises located within the corporate limits of the village. This section shall not be a limitation on the right of any bona fide nonprofit, religious, charitable or educational organization to collect recyclable materials on the premises of such organization, or on the right of any person to give recyclable materials to such organizations or to sell or give his own recyclable materials to a recyclable dealer.

(Ord. 91-26, passed 6-11-91) Penalty, see § 53.999

§ 53.018 COLLECTION OF OVER-SIZED SOLID WASTE.

A licensee under this chapter shall have no obligation to collect, but may collect for a fee set forth in the licensee's rate structure, solid waste materials, including but not limited to appliances, furniture, carpets, trees, and the like, which do not fit into a 32-gallon container or 33-gallon bag or weigh in excess of 60 pounds per item. From time to time, the Village Administrator shall make arrangements for the pickup, disposal, and where appropriate, recycling, of such materials. Residents of and commercial and industrial establishments in the village may themselves remove and dispose of such materials or contract with non-licensees hereunder for the removal of such materials.

(Ord. 91-26, passed 6-11-91)

§ 53.019 CUSTOMER'S RESPONSIBILITIES.

(A) No residential customer of a license shall:

(1) Place unseparated and unbagged solid waste or yard waste for collection in any can larger than 32 gallons, or place unseparated solid waste or yard waste in any bag larger than 33 gallons;

(2) Place more than 60 pounds of unseparated solid waste or yard waste in any 32-gallon can or 33-gallon bag;

(3) Place a can of solid waste for collection which is not firmly covered with a lid, or a bag which is not tied.

(B) No licensee is required to pick up any can or bag of solid waste which is in violation of this section.

(Ord. 91-26, passed 6-11-91) Penalty, see § 53.999

ADMINISTRATION AND ENFORCEMENT

§ 53.030 ENFORCEMENT OF PROVISIONS.

The Village Police Department, Public Works Department and Village Administrator are hereby authorized and directed to enforce all provisions of this chapter.

(Ord. 91-26, passed 6-11-91)

§ 53.031 REVOCATION OF LICENSE FOR NONCOMPLIANCE OF PROVISIONS.

The Village Administrator may revoke the license of any licensee who fails to comply with the conditions of licensure set forth in § 53.004. The Administrator shall, before revoking a license, order a licensee to show cause why the license should not be revoked, and shall specify the deficiencies which the Administrator believes exist. The licensee shall, within ten days of the date of the notice, provide the Administrator with written reasons and evidence why the license should not be revoked. Within five days of receipt of such evidence, the Administrator shall render a decision, which may be appealed by the licensee in the same manner as denial of licenses in accordance with § 53.003(B).

(Ord. 91-26, passed 6-11-91)

§ 53.032 MORE STRINGENT LAW TO APPLY.

If state, federal or county law changes to mandate conditions of licensure more stringent than those set forth in this chapter, such changes shall be deemed incorporated in this chapter and in all licenses granted hereunder.

(Ord. 91-26, passed 6-11-91)

§ 53.033 EFFECTIVE DATE; PUBLICATION.

This chapter is effective August 1, 1991; the Administrator shall begin accepting and processing license applications on July 1, 1991. The Clerk shall forthwith publish this chapter in pamphlet form and in the *Chatham Clarion*, and shall mail a copy to all waste haulers known to the Clerk to be doing business in the village.

(Ord. 91-26, passed 6-11-91; Am. Ord. 91-27, passed 6-11-91)

VILLAGE GREEN PROGRAM**§ 53.045 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

RESIDENTIAL DWELLING UNIT (RDV). A residential unit shall include a single-family dwelling, multi-family dwelling unit, and mobile home not in a mobile home park whether on public or private streets. A dwelling in a residential area which contains a "home-type" business enterprise, such as a small beauty parlor, etc., shall be considered a dwelling unit and receive collection service.

UTILITY CUSTOMER. Any resident of any household which has an electric, water or sewer utility account with the village, or any authorized agent of any person, firm or corporation having a nonresidential electric, water or sewer utility account with the village.

(Ord. 19-16, passed 6-25-19)

§ 53.046 GREEN PROGRAM.

The Village Green program shall refer to collection and disposal of residential solid waste, yard waste and the collection of tree limbs and branches and activities necessary to keep streets and alleyways clear of yard waste and debris. It shall be the responsibility of each residential dwelling unit, at the unit's sole cost and expense, to contract with a licensed waste hauler for the collection of solid waste. The village shall contract for the at least semi-annual pick up of yard waste and the monthly collection of tree limbs and branches. The cost of the semi-annual yard waste and collection of tree limbs and branches, as set forth herein, shall be covered by the green program service charge set forth in § 53.047. The Green Program shall also include the annual village clean-up and other green/recycling projects, including necessary equipment purchases for street sweeping and other Green Program projects as may be approved by the corporate authorities of the village.

(Ord. 19-16, passed 6-25-19)

§ 53.047 GREEN PROGRAM SERVICE CHARGE.

Each utility customer in the village shall be assessed a monthly service charge of \$4 for each month of the year to defray the cost of collection and disposal of yard waste pursuant to § 53.062, authorized tree waste pursuant to § 53.091, the annual village clean-up program and other recycling/clean-up projects of the village and related equipment for street cleaning/clearing. The service charge shall be charged and collected along with the monthly utility bill to each customer. The service charges shall be placed in a special fund in the village treasury and used only to defray the cost of the above described services in § 53.046.

(Ord. 19-16, passed 6-25-19)

RESIDENTIAL YARD WASTE COLLECTION AND DISPOSAL SYSTEM

§ 53.060 ESTABLISHMENT OF SYSTEM.

The village hereby establishes a yard waste collection and disposal system.
(Ord. 19-16, passed 6-25-19)

§ 53.061 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMPOST YARD WASTE BAGS. Biodegradable sacks designed to store yard waste with sufficient wall strength to maintain physical integrity when lifted. Bags must be easily identified and distinguishable from regular solid waste containers.

RESIDENTIAL YARD WASTE. Household generated yard material such as grass clippings, garden debris, leaves, shrubbery or brush or tree trimmings less than four feet in length and two inches in diameter. Each household must place this material in a separate, identifiable container or compost yard waste bags or bundled.

YARD WASTE CONTAINER. Households must provide their own separate yard waste container or compost yard waste paper bags. Yard waste containers must be prominently marked so that they may be identified by a passing truck and must be placed at the curb. Containers may not exceed 90-gallon bins and cannot exceed 50 lbs. in weight.
(Ord. 19-16, passed 6-25-19)

§ 53.062 YARD WASTE COLLECTION.

(A) Collection of yard waste will be for each residential dwelling unit and shall be performed by the village or its contractor a total of four times, twice per year for a duration of five weeks (spring and fall) with two trips through the village per five-week period. Collection of the yard waste outside these designated collection periods must be performed by each residential dwelling unit's designated waste hauler with appropriate stickers affixed to bags or containers as required.

(B) Containers for yard waste may be either a reusable container clearly marked "Yard Waste" or a paper or other biodegradable bag with a capacity not to exceed 30 gallons.

(C) The Village's Contractor will pick up an unlimited-number containers at curbsides. For curbside pickup, all containers shall be placed near the street in front of the residential unit or in an alley adjacent to the property. It shall be the responsibility of each resident to see the container are placed curbside or as close as practicable to collection vehicle routes by 6:00 a.m. on the designated collection day. Curbside refers to that portion of the right-of-way adjacent to paved or traveled roadways (including alleys).

(D) Nothing herein shall limit residents of the village from disposing of yard waste at their own expense in accordance with their respective waste haulers' rates and procedures.
(Ord. 19-16, passed 6-25-19)

SOLID WASTE (GARBAGE) RESPONSIBILITY

§ 53.075 RESPONSIBILITY OF OWNERS AND OCCUPIERS OF LAND TO REMOVE SOLID WASTE (GARBAGE).

(A) All owners and occupiers of land within the village shall remove or cause to be removed by a licensed solid waste hauler all solid waste (garbage) other than yard waste, as defined in this chapter, produced or otherwise accumulated on any premises in the village, at least once weekly.

(B) The accumulation of solid waste (garbage) on a premises in violation of division (A) of this section is hereby declared a nuisance.

(C) All leases of real property in the village shall specify, as between the landlord and the tenant, who is responsible for waste removal from the premises. However, the failure of the party responsible to remove the waste pursuant to the lease shall not be a defense for the other party in the event the village brings an action to enforce division (A) of this section.
(Ord. 19-16, passed 6-25-19)

TREE WASTE COLLECTION AND DISPOSAL SYSTEM

§ 53.090 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

RESIDENTIAL LIMB AND BRANCHES. Household generated shrubbery or brush or tree trimmings less than four feet in length and eight inches in diameter. Each household must place this material at the curb for pickup.
(Ord. 19-16, passed 6-25-19)

§ 53.091 LIMB AND BRANCH COLLECTION.

(A) Collection of limb and branches will be for each residential dwelling unit and shall be performed 12 times per year with one trip thru the village per month.

(B) For pickup, all branches and limbs shall be placed near the street in front of the residential unit. It shall be the responsibility of each resident to see the branches and limbs are placed curbside or as close as practicable to collection vehicle routes by 6:00 a.m. on the designated collection day. Curbside refers to that portion of the right-of-way adjacent to paved or traveled roadways.
(Ord. 19-16, passed 6-25-19)

VILLAGE BURN PILE

§ 53.105 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED TREE WASTE. Tree limbs, branches and trimmings, and leaves attached thereto, and discarded Christmas trees and wreaths, generated within the corporate limits of the village.

AUTHORIZED TREE WASTE. Does not include **RESIDENTIAL YARD WASTE** as defined in § 53.061, nor any material generated outside the corporate limits of the village.

BURN PILE. A village-owned and operated facility for disposing of authorized tree waste by burning. The burn pile shall be located at 9507 South Main Street, Chatham, Illinois.

COMMERCIAL OPERATOR. Any person, firm or corporation which for a consideration, generates or disposes of authorized tree waste, including but not limited to persons in the businesses of landscaping, tree removal, tree surgery and general hauling.
(Ord. 19-16, passed 6-25-19)

§ 53.106 HOURS OF OPERATION.

The days and hours of operation of the burn pile shall be 8:00 a.m. through 3:00 p.m. Monday through Friday. However, the Village Manager, Manager of Public Utilities, or the Manager of Public Works may in their sole discretion open or close the burn pile at any time and for any reason and without notice.
(Ord. 19-16, passed 6-25-19)

§ 53.107 BURN PILE REGULATIONS.

The following regulations shall govern the burn pile:

(A) No person shall deposit any materials other than authorized tree waste at the burn pile and shall display a valid permit.

(B) All authorized tree waste deposited at the burn pile shall be placed inside the areas specifically identified by signage erected by the village. No person shall deposit any materials at the burn pile outside the designated areas.

(C) Residents of the village may deposit authorized tree waste at no charge after obtaining a free permit, valid for seven days, from the Village's Utility Office.

(D) Commercial operators may not deposit any tree waste at the burn pile.

(E) Residents depositing authorized tree waste shall provide evidence of residency upon request.

(F) No person shall be found in or shall deposit any materials in the burn pile at times other than the hours set forth in § 53.107, or when the burn pile is closed. Any person violating this rule is deemed a trespasser.
(Ord. 19-16, passed 6-25-19)

§ 53.108 SIGNAGE.

The Village Manager shall cause signage to be erected at the burn pile indicating:

(A) The days and hours of operation; and

(B) A summary of the rules as set forth in § 53.107.
(Ord. 19-16, passed 6-25-19)

§ 53.109 BURNING.

From time to time and in accordance with applicable EPA regulations, the Manager of Utilities or the Manger of Public Works shall arrange for the burning of materials deposited in the burn pile.
(Ord. 19-16, passed 6-25-19)

§ 53.110 ADDITIONAL REGULATIONS PERTAINING TO COMMERCIAL OPERATORS.

All tree waste generated by a commercial operator shall be removed from the corporate limits of the village and disposed of by the commercial operator.
(Ord. 19-16, passed 6-25-19)

§ 53.999 PENALTY.

(A) Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a monetary fine not less than \$100 nor to exceed \$750. Each and every day that a violation continues shall be considered a separate offense.

(B) In addition to the penalty as prescribed in division (A) of this section, the village may apply to the court for equitable relief compelling an owner or occupier of land to abate a nuisance created by violation of § 53.075 of this chapter.
(Ord. 19-16, passed 6-25-19)

§ 91.06 HOLIDAYS AND SUNDAYS.

No grave shall be opened or funerals conducted on holidays or Sundays, except in case of contagious disease and when immediate burial is required by law, and then only at the direction of the Health Department.

(Ord. passed - -)

§ 91.07 STANDARDS OF PROCEDURE; MAINTENANCE.

The employees of the Cemetery Department shall cause all graves to be opened, filled, trimmed, kept, and preserved in good order. The depth of each grave shall be in accordance with currently accepted practice and standards generally in use in recognized, reputable cemeteries and as required by law.

(Ord. 80-17, passed 6-24-80)

§ 91.08 FEES AND CHARGES.

(A) The following schedule of fees and charges is established with respect to acquisition of burial plots from and with respect to grave openings and closings by the village in Chatham Memorial and Chatham Community Cemetery:

(1) Effective upon the passage of this section, the "phase-in" schedule of fees for the purchase of a burial plot in issuance of a deed will be as follows:

(a) \$ 25 if purchased on or before July 19, 1990.

(b) \$ 100 if purchased on or after July 20, 1990 and on or before August 19, 1990.

(c) \$ 200 if purchased on or after August 20, 1990 and on or before October 19, 1990.

(d) If purchased on or after October 20, 1990 the sum of \$ 400 per burial plot (grave).

(2) For a grave opening or closing there shall be charged the sum of \$650, including weekends and holidays.

(3) Opening and closing for a cremation, there shall be a charge of \$125, including weekends and holidays.

(4) For each set of corner stones, there shall be a charge of \$60.

(B) The Village Treasurer shall keep a cemetery account into which all money received or paid out on account of Chatham Memorial and Chatham Cemetery shall be credited or charged. The Treasurer shall report such receipts and expenditures to the Board of Trustees.

(C) Upon receipt of funds for the purchase of a burial plot in the Chatham Memorial or the Chatham Community Cemetery, the Treasurer shall deposit such funds into the perpetual care fund heretofore established for the continuing maintenance and care of the two cemeteries.

(D) Upon receipt of funds for a grave opening and closing, the Treasurer shall deposit the proceeds received into the operating account of the General Fund. Payment of the ordinary expenses

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in connection with the operation of the Chatham Memorial and the Chatham Community Cemetery shall be paid from the General Fund.

(Ord. 90-20, passed 6-19-90; Am. Ord. 01-13, passed 3-27-01; Am. Ord. 05-54, passed 10-25-05; Am. Ord. 09-06, passed 2-24-09 Am. Ord. 12-08, passed 2-28-12; Am. Ord. 18-38, passed 7-10-18; Am. Ord. 19-24, passed 8-27-19)

§ 91.09 CEMETERY ACCOUNT.

(A) The Treasurer of the village shall keep a cemetery account into which all money received or paid out on account of the cemetery shall be credited or charged. The Treasurer shall report such receipts and expenditures to the Board of Trustees.

(B) The Board of Trustees shall make appropriations from the cemetery account for the care, maintenance, and operation of the cemetery and the graves therein, and to the extent that the cemetery account may be insufficient therefor, may, pursuant to appropriation, expend any other general funds for those purposes that are not otherwise appropriated.

(Ord. 80-17, passed 6-24-80)

§ 91.10 CARE AND IMPROVEMENT FUND; CEMETERY ACCOUNT.

All funds received for the purpose of income care shall be set apart by the Board of Trustees as the lot and grave owners care and improvement fund. Money in this fund shall, as soon as practical, be invested in interest bearing bonds and securities as determined by the Board of Trustees. The bond shall be plainly endorsed "Care and Improvement Fund of Chatham Cemetery," and shall be placed in the custody of the Treasurer who shall account for same and upon retiring from office shall deliver the same to his successor together with all moneys on hand not invested.

(Ord. passed - -)

§ 91.11 MARKERS AND MONUMENTS.

No markers or monuments shall be permitted which exceed six feet in length.

(Ord. passed - -) Penalty, see § 91.99

§ 91.12 ALTERATIONS.

The Cemetery Department reserves to itself the right to alter or change any walk, entrance, fence, drive, street, alley, grade, drain, lake, or unsold vacant lot.

(Ord. passed - -)

§ 91.13 EASEMENTS.

(A) No easement or right of interment is granted to any lot owner in any road, drive, alley, or walk within the cemetery, but such road, drive, alley, or walk may be used as a means of access to the cemetery, or to private lots or buildings as long as the management devotes it to that purpose.

(B) The Cemetery Department reserves to itself and to those lawfully entitled thereto, a perpetual right of ingress and egress over all lots for the purpose of passage to and from other lots.

(Ord. passed - -)

(2) A multiple use request may not exceed more than three days without the consent of the Village Board as in, for example, a festival such as the Sweet Corn Festival. Some activities may be determined to be not appropriate for specific parks due to location, use, or overall function of the park.

(3) The requesting party shall include all activities or uses of the park when making the request, sufficient for the Park Administrator to determine priorities.

(4) At the time of application, all special requests must be indicated in detail on the reservation form. These include, but are not limited to, bringing in tables and chairs, inflatable amusement equipment, selling concessions (including items to be sold), selling of miscellaneous items for fund raising or profit, extended park hours use, use of a public address system, admission charges, additional maintenance, use of snow fence, and water or electrical access.

(5) Applicants shall state in writing that they have reviewed and will comply at all times with the regulations for use of the parks, § 94.09 of this Code.

(6) Events attracting more than 100 participants may present public safety issues and may otherwise disproportionately impact the parks. As a part of confirming the reservation for use the police will be consulted regarding potential impacts to the parks and village public safety.

(7) Fees for large events are subject to a surcharge based on anticipated costs of cleanup by village personnel. Fees will be estimated in advance by Park Administrator. Large group events may be subject to additional fees for public safety and traffic control.
(Ord. 13-49, passed 12-10-13)

§ 94.08 PARK RESERVATION AND USE FEES.

(A) *Establishment.* Groups or individuals reserving parks or park amenities on a single or multiple use bases shall be required to pay the established fee at least one week prior to the date reserved. A reservation shall be recorded upon payment of the fee and the security deposit. Payment of fees shall be made at the Chatham Village Hall. If a park or park amenity is damaged and requires more than normal maintenance and/or repair to be restored to its original condition, the group or individual shall be charged the amount necessary to cover the cost of the required maintenance and/or repair. Fees for use of the parks are as follows, and are subject to change without notice.

<i>Facility</i>	<i>Cost per Hour Rental</i>	
	<i>Residents</i>	<i>Non-residents</i>
Covered Bridge Park	\$50	\$65
Jaycee Park (entire park)	N/a	N/a
Jaycee Park Baseball Field	\$30	\$40
Jaycee Park Pavilion	\$20	\$30
Jaycee Park Basketball Court North/South	N/a	N/a
South Park (entire park)	N/a	N/a

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<i>Facility</i>	<i>Cost per Hour Rental</i>	
	<i>Residents</i>	<i>Non-residents</i>
South Park Baseball Fields	\$40	\$50
Bob Erickson Field	\$60	\$75
South Park Terry Burke Amphitheater	\$50	\$75
South Park Football Field East/West	\$60	\$75
South Park Pavilion	\$10	\$15
South Park Soccer Field	\$30	\$40
South Park Soccer Field (All)	N/a	N/a
South Park Tennis Court	\$20	\$30
South Park Tennis Courts (All)	N/a	N/a
Pickleball Court	\$20	\$30
Pickleball Courts (All)	N/a	N/a
Village Square Entire Park	N/a	N/a
Village Square Gazebo	\$10	\$15
Village Square Pavilion	\$10	\$15
West Park All	N/a	N/a
West Park Baseball Field	\$20	\$25
West Park Pavilion	\$10	\$15
West Park Volleyball Pit	\$10	\$15

(B) *Resident vs non-resident users.* To qualify for resident fees, a group shall consist of 80% or more residents of the village, village boundaries. The 80% residency requirement shall be calculated based on the total number of individuals using the park. Residency shall be determined based on the home address of the individuals as opposed to the business address or the address of other family members. The Park Administrator may waive the residency requirement if it is considered in the best interest of the village.

(C) *Commercial users.* No individual or group may reserve a park or park amenity for commercial purposes. Company picnics, softball leagues, and the like, and other uses by for-profit entities, where no products or services are advertised or sold, are not deemed "commercial purposes" within the meaning of this paragraph.

(D) *Waiver of fees.* The village may waive or reduce fees to schools, private groups or organization in exchange of services or pursuant to other agreed-on arrangements. A waiver or reduction of fees over \$250 shall be approved by the Village Board.

(E) *Refund of fees.* A refund of a reservation fee may be granted for the following reasons:

(1) If the Park Administrator determines that the determines that the park is in an unusable condition or subject to damage due to weather conditions.

(2) If the group or individual provides written notification of cancellation to the Park Administrator at least one week prior to the date reserved.
(Ord. 13-49, passed 12-10-13; Am. Ord. 19-24, passed 8-27-19)

§ 94.09 REGULATIONS PERTAINING TO USE OF THE PARKS.

(A) The following regulations shall govern the use of the parks.

(1) Each party using a park shall report any damage, accidents and or maintenance concerns to the Park Administrator immediately.

(2) Other than in designated parking areas and on roads, vehicles are not allowed in the parks without the specific and advance permission of the Park Administrator.

(3) Due to the scheduling or early setups for the other functions, all groups and organizations are requested to use only the area, field, or park that has been assigned to them.

(4) No park may be reserved or used for partisan political activities or electioneering, except that political candidates may hand out literature at festivals and events. Non-partisan public meetings and information forums are permitted.

(5) Groups using the village parks, fields, buildings or facilities are responsible for litter control and pick up. The park should be left in equal or better condition that it was found. Please dispose of all trash and recyclables in the proper containers. Damage or excessive litter may result in a loss of privileges and fees for cleanup.

(6) Individuals are responsible for repair or replacement of damage as a result of misuse of the park, equipment or park amenities. Groups and organization assume all responsibility for the repair or replacement of damage as a result of misuse of the park, equipment or park amenities by their members.

(7) Groups may not use the fields or parks when the weather conditions are dangerous or when the field conditions are not acceptable. All groups must adhere to the inclement weather practice for field conditions; (no standing water, saturated turf conditions, or times when safety is a concern).

(8) Groups shall adhere to all village ordinances, policies and procedures when using the facilities, parks and fields, as well as Sangamon County of Public Health regulations for food and beverage vendors.

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(9) All village playground areas shall remain open for public access. Public pathways located within any village park shall remain open to the public at all times.

(10) All animals shall be on a leash or subject owner commands and control.

(11) Vendors are allowed in the parks only if they are:

(a) Licensed by the village pursuant to Chapter 110 of this Code; or

(b) Sponsored by an event that has been issued a permit by the Village Park and Recreation Department.

(12) Activities including sound amplification should not unreasonably interfere in any way with other park users or adjacent property owners. Amplification and special lighting are allowed only if a permit is issued at the time of the reservation request.

(13) When portable bathrooms are needed, the user must make arrangements to obtain and remove them from the park no later than 3:00 pm the day after the event.

(14) Unauthorized use of pyrotechnics and fireworks are not allowed on park property.

(15) Some parks and activities may be excluded from park reservations in the discretion of the village.

(B) Violation of these rules may result in revocation of park reservation privileges, in addition to any other action the village may have for fines.

(Ord. 13-49, passed 12-10-13)

§ 94.10 SATS TRAILHEADS, ACCESS POINTS, AND AMENITIES PLAN.

The Village Board hereby approves the SATS Trailheads, Access Points, and Amenities Plan.
(Ord. 16-47, passed 9-27-16)

TITLE XI: BUSINESS REGULATIONS

Chapter

- 110. **BUSINESS LICENSES**
- 111. **ALCOHOLIC BEVERAGES**
- 112. **AMBULANCE SERVICES**
APPENDIX A: REQUIRED TRAINING
APPENDIX B: LIST OF REQUIRED EQUIPMENT
- 113. **CABLE TELEVISION**
- 114. **DISCONTINUING BUSINESS SALES**
- 115. **TAXATION**
- 116. **SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX**
- 117. **CONSTRUCTION OF UTILITY FACILITIES**
IN THE PUBLIC RIGHTS-OF-WAY
- 118. **VIDEO GAMING**
- 119. **PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS**

CHAPTER 110: BUSINESS LICENSES

Section

Itinerant Food Vendors on Public Property

- 110.01 Definitions
- 110.02 License requirements
- 110.03 Application for license
- 110.04 Fee
- 110.05 Processing of license application
- 110.06 Display; location
- 110.07 Conditions of licensure
- 110.08 Suspension and revocation of license

Massage Establishments

- 110.15 Definitions
 - 110.16 License required
 - 110.17 Filing of application and fee provision
 - 110.18 Application for massage establishment
 - 110.19 Limitation on location
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 - 110.22 Operating requirements
 - 110.23 Advertising
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 - 110.27 Display of license
 - 110.28 Employment of massage therapists
 - 110.29 Revocation or suspension of license for massage establishment
 - 110.30 Renewal of license
 - 110.31 Violation and penalty
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ITINERANT FOOD VENDORS ON PUBLIC PROPERTY

§ 110.01 DEFINITIONS.

For purposes of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ITINERANT FOOD VENDOR. A natural person selling or offering for sale, food or beverages or both for human consumption on property belonging to the Village of Chatham, including but not limited to a bicycle path, the village square and parks. **ITINERANT FOOD VENDOR** does not include a vendor who sets up for business for a period of less than five days in connection with a fair, carnival, festival or similar gathering. Nor does **ITINERANT FOOD VENDOR** include a vendor whose business is located on private property or property belonging to some unit of government other than the village.

(Ord. 12-16, passed 5-22-12)

§ 110.02 LICENSE REQUIREMENTS.

Each itinerant food vendor shall have a current itinerant food vendor's license from the village and a current certificate of inspection from the Sangamon County Health Department.

(Ord. 12-16, passed 5-22-12) Penalty, see § 110.99

§ 110.03 APPLICATION FOR LICENSE.

An application for an itinerant food vendor license shall be made through the Village of Chatham on forms specified by the Village Manager. The applicant shall designate the location or locations preferred by the applicant and applicable dates, and the applicant shall provide the following information and documents:

(A) Name, residential address and social security number;

(B) Copy of current state photo identification or driver's license;

(C) Description of the food and beverages to be sold by the vendor;

(D) Whether the applicant seeks an annual license or a ten-day license;

(E) The date, or approximate date, of the applicant's latest previous application for a license under this subchapter, if any;

(F) Whether the applicant has ever been convicted, whether in the Code Enforcement Department of the village or otherwise, of a violation of any of the provisions of this subchapter, and whether the applicant's license has ever been revoked;

(G) Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States or is a registered sex offender;

(H) The applicant's Illinois Department of Revenue identification number for retailers' occupation tax.

(Ord. 12-16, passed 5-22-12) Penalty, see § 110.99

§ 110.04 FEE.

The license application shall be accompanied by the following fees:

(A) Two hundred dollars for an annual license good one year from the date of issuance; or

(B) Forty dollars for license good for one day; plus

(C) A \$25 background check fee for the applicant's first application in any single calendar year.
(Ord. 12-16, passed 5-22-12)

§ 110.05 PROCESSING OF LICENSE APPLICATION.

(A) The Village Manager shall process the license application and, in conjunction therewith, the Chief of Police shall perform a background check on the applicant.

(B) No license shall be issued to any person who has been convicted of a felony under the laws of the State of Illinois or any other state or federal law of the United States, within five years of the date of the application; nor to any person who is a registered sex offender, nor to a person who has been twice convicted in the previous five years of a violation of any of the provisions of this subchapter, nor to a person whose license pursuant to this subchapter has been revoked in the previous five years, nor to a person lacking a Sangamon County Health Department certificate and an Illinois Department of Revenue tax identification number.
(Ord. 12-16, passed 5-22-12)

§ 110.06 DISPLAY; LOCATION.

The Village Manager shall designate all locations for itinerant food vendors within the village, and shall not issue more licenses than there are designated locations. An itinerant food vendor shall notify the village 24 hours prior to opening for business. All locations for itinerant food vendors shall be reserved on a first come, first served basis, and licensees shall contact the village office to reserve location. Vendors may not open for business unless the location has been reserved.
(Ord. 12-16, passed 5-22-12)

§ 110.07 CONDITIONS OF LICENSURE.

The following shall be conditions of licensure:

(A) The licensee shall at all times maintain a Sangamon County Health Department certificate of inspection and shall prominently display such certificate and the village itinerant food vendor's license.

(B) The interior and the exterior of every food vending vehicle and all equipment therein shall have smooth washable surfaces and shall be maintained in good repair and in a sanitary manner. All trash and any other waste must be placed in a trash receptacle or removed from the property.

(C) Hours of operation are limited to one-half hour after sunrise to one-half hour before sunset and to a maximum of 12 hours in any 24-hour period.

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(D) The licensee shall be limited to one vehicle or one pushcart, which shall not be stored on public property during hours when the licensee is not open for business. The licensee shall not advertise on public property except for signage on the vendor's vehicle or pushcart.

(E) The licensee shall not utilize village utilities.

(F) The licensee may use employees and agents but shall have workers compensation insurance coverage for any employees and shall be personally present at all times sales or offers for sales are being made.

(G) The licensee shall faithfully make retailers occupation tax returns and pay retailers occupation taxes.

(Ord. 12-16, passed 5-22-12) Penalty, see § 110.99

§ 110.08 SUSPENSION AND REVOCATION OF LICENSE.

(A) The Village Code Enforcement Official is charged with enforcing this subchapter. In the event of a minor violation of licensing conditions that does not present an imminent threat to public health or safety, the Code Enforcement Official may bring an enforcement action in the Village Code Hearing Department.

(B) In event of a violation of the license conditions that in the opinion of the Code Enforcement Official, poses an imminent threat to public health or safety, the Code Enforcement Official may suspend the licensee's license pending correction of the condition to the satisfaction of the Code Enforcement Official, or at the licensee's option, pending hearing in the Code Hearing Department.

(C) In the event the Code Enforcement Official discovers that a licensee has become ineligible for license, the Code Enforcement Official may revoke the license, subject to administrative review in the Circuit Court pursuant to the Administrative Review Law.

(Ord. 12-16, passed 5-22-12) Penalty, see § 110.99

MASSAGE ESTABLISHMENTS**§ 110.15 DEFINITIONS.**

For the purposes of this subchapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ADVERTISE OR ADVERTISING MATERIALS. The issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle, or other structure; or any printed, audio, or video material published in or broadcast by any newspaper, magazine, television, radio, internet, internet streaming device, blog, chat room, website, or social media.

APPLICANT. Any person that applies for a massage establishment license.

BODYWORK OR BODYWORK SERVICES. Any method of applying pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, touching or stimulating, the external parts of the body, by another individual, with the hands, any body part, or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or similar preparations, for compensation. The definition of bodywork or bodywork services for the purposes of this chapter is intentionally not the same and is broader than the definition of massage in this chapter, and is intended to cover massage, bodywork services provided by bodywork practitioners, and other similar services that fit the general definition, regardless of what the services or the person providing the services is called, unless expressly excluded by this chapter.

BODYWORK PRACTITIONER OR BODYWORK PROVIDER. Any person who provides bodywork services, including massage therapists.

EMPLOYEE. Any and all persons other than massage therapists, who render any service to the licensee, who receive compensation directly from the licensee, and who have no physical contact with customers and clients.

HEALTH OFFICER. Health officer shall mean the Director of the Department of Health of the County of Sangamon or his authorized representative.

LICENSEE. An applicant who has received a license from the Village to operate a massage establishment.

MASSAGE, MASSAGE SERVICES OR MASSAGE THERAPY. Any system of structured palpitation or movement of the soft tissue of the body, including, but not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, tapping, pounding, friction, vibration, compression, touching, stimulating, and stretching the external parts of the body with or without the aid of lubricants, rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, salt or herbal preparations, hydromassage, thermal massage, a massage device that mimics or enhances the actions typically performed by human hands, or any other similar preparations commonly used in this practice. **MASSAGE** for the purposes of this chapter is intended to cover massage and bodywork services provided by massage therapists, bodywork practitioners, and other similar services that fit the definition, regardless of what the services or the person providing the services is called, unless expressly excluded by this chapter.

MASSAGE ESTABLISHMENT. Except as otherwise provided in this chapter, any establishment having a fixed place of business within the village that advertises or offers massage services, or where any person for any consideration whatsoever, engages in the practice of massage, or carries on, or permits to be engaged or carried on any massage services as defined in this chapter.

MASSAGE THERAPIST. Any person who, for any consideration whatsoever, engages in the practice of massage as defined in this chapter, and who holds a valid license from the Illinois Department of Finance and Professional Regulation, or possesses written documentation of exemption from licensing or certification under the Illinois Massage Licensing Act (225 ILCS 57/1 et seq.) to perform massage services. For the purposes of this chapter, "massage therapist" shall include practitioners of Asian bodywork approaches and other similar practitioners exempt from licensing under the Illinois Massage Licensing Act (225 ILCS 57/25).

PERSON. Any individual, partnership, firm, association, limited liability company, joint venture, joint stock company, corporation or combination thereof in whatever form or character.

SEXUAL OR GENITAL AREA. The male or female genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.
(Ord. 19-33, passed 11-12-19)

§ 110.16 LICENSE REQUIRED.

It shall be unlawful for any person to advertise, offer, engage in, conduct or carry on, or to permit to be advertised, offered, engaged in, conducted or carried on, in or upon any premises in the village, the operation of a massage establishment as herein defined, without first having obtained a license from the village pursuant to the provisions of this chapter, with the exception of the following:

(A) Hospitals, nursing homes, medical facilities, or offices at which physicians, surgeons, chiropractors, osteopaths, podiatrists, naprapaths, occupational therapists, physical therapists, or other health care workers duly licensed by the State of Illinois to provide, on an ongoing basis, professional health services to individuals including, but not limited to, services permitted by the Illinois Occupational Therapy Practices Act (335 ILCS 75/1 et seq.); the Illinois Physical Therapy Act (225 ILCS 90/1 et seq.); or the Illinois Naprapathic Practices Act (225 ILCS 63/1 et seq.);

(B) Athletic trainers for any athletic program of a private or public school, college, or any athletic team regularly organized or engaging in competition;

(C) Barbers, estheticians, and cosmetologists who are duly licensed by the State of Illinois, and who only provide massage services of the neck, back, face, scalp, hair, hands, and feet of a patron who is fully clothed;

(D) Any school or educational institution licensed to do business as a school or educational institution in the State of Illinois, or any school recognized by or approved by or affiliated with the American Massage Therapy Association, the National Certification Board for Therapeutic Massage and Bodywork, or the Federation of State Massage Therapy Boards, and which has for its purpose or offers courses in the teaching of the theory, method, profession, or work of bodywork or massage, including clinical externships, practicums or community services;

(E) Home-based massage services provided by a person who is duly licensed by the State of Illinois, provided that such person is otherwise in compliance with the village Code pertaining to home occupations; and

(F) Massage services offered or conducted by a licensed massage establishment and which are performed at a location other than a massage establishment, provided that such massage services are performed in accordance with this chapter.

(Ord. 19-33, passed 11-12-19)

§ 110.17 FILING OF APPLICATION AND FEE PROVISION.

(A) Every applicant for a license to maintain, operate, or conduct a massage establishment shall file an application under oath with the chief of police or his designee as provided herein and pay a non-refundable fee of \$100 plus the cost of all background checks conducted under § 110.18(B)(5). The application shall be in the form provided by the Village Clerk or the Chief of Police or his designee.

(B) The Chief of Police or his designee shall, within five days of the receipt of an application for a massage establishment license, forward copies of such application to the Village Clerk, the department of buildings and inspections, the fire department, the county department of health, and the department of planning and community development. The police department, the department of buildings and inspections, the fire department, the county department of health, and the department of planning and community development shall, within 30 days of the receipt of a copy of the application, inspect the premises proposed to be operated as a massage establishment and make written recommendations to the Chief of Police or his designee concerning compliance with the codes, laws, regulations, and ordinances that each respective department administers. The chief of police or his designee shall thereafter forward his recommendation to the mayor for review and final determination whether to grant or deny the application for a license under this chapter, and shall also provide a copy of his recommendation to the Village Clerk.

(C) Within ten days of receipt of the recommendation from the chief of police or his designee, the mayor shall determine whether to grant, deny or hold an application for further investigation, and the village clerk shall notify the applicant that his or her application is granted, denied, or held for further investigation by the mayor. The period of any such additional investigation shall not exceed 30 days unless otherwise agreed to by the applicant in writing. Upon the conclusion of such additional investigation, the mayor shall determine whether to grant or deny, and the Village Clerk shall advise the applicant in writing whether the application is granted or denied by the Mayor.

(D) Whenever an application is denied or held for further investigation, the mayor shall direct the village clerk to advise the applicant in writing of the reasons for such action. The failure or refusal of the applicant to promptly give any information relevant to the investigation of the application; the submission of false, misleading or incomplete information; the refusal or failure of the applicant to appear at any reasonable time and place for examination under oath regarding the application; or the refusal of the applicant to submit or to cooperate with any inspection required by this chapter shall be grounds for denial thereof by the Mayor.
(Ord. 19-33, passed 11-12-19)

§ 110.18 APPLICATION FOR MASSAGE ESTABLISHMENT.

(A) The application for a license to operate a massage establishment shall set forth the exact nature of the massage services to be administered, and the proposed place of business and facilities therefor.

(B) The application for a license shall contain the following information:

(1) The applicant's name, current address, telephone number, and date of birth.

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(2) The name, address, and date of birth of all employees, massage therapists, managers, and persons with supervisory authority that have been or are intended to be employed by the applicant or provide massage services.

(3) Whether the applicant has had any license denied, revoked or suspended in the Village of Chatham, State of Illinois, or any other state or municipality for a massage establishment, and the reasons therefor.

(4) Whether the applicant, or any employee, massage therapist, manager, or person with supervisory authority has had any criminal or municipal ordinance violation convictions, forfeiture of bond, and pleadings of nolo contendere on all charges, except minor traffic violations, within the last five years.

(5) Authorization for the chief of police or his designee to conduct a background check and take fingerprints on the applicant, and any manager or person with supervisory authority.

(6) A copy of the State of Illinois issued massage license for each massage therapist that has been or is intended to be employed by the applicant to provide massage services, or a copy of the certification or other written documentation or proof of exemption for licensing as required by the Massage Licensing Act (225 ILCS 57/25). For example, practitioners of Asian bodywork services must provide proof of certification from the American Organization of Bodywork Therapies of Asia or documentation from another Asian bodywork organization that he or she is approved by such organization based on a minimum level of training, demonstration of competency, and adherence to ethical standards set by the governing board (225 ILCS 57/25(g)).

(7) A drawing or floor plan of the premises designating each room by its purpose or the activity that will take place in each room.

(8) If the premises is leased:

(a) A copy of the lease, and any subleases, assignments or acceptances in effect at the time of application;

(b) The name, address and telephone number of the legal owner of the premises;

(c) If the legal owner is not an individual, the name, address and telephone number of a representative or agent authorized to act on behalf of the legal owner; and

(d) If the premises is managed or supervised by someone other than the legal owner thereof, the name, address and telephone number of the person, business or entity who manages or supervises the premises.

(9) If the applicant is a business:

(a) The type of business or entity (i.e., sole proprietorship, corporation, limited liability company, partnership, etc.);

(b) The name of the business or entity, and all assumed names under which the business or entity is conducted; and

(c) The names, addresses, telephone numbers, and dates of birth of all persons with management and supervisory authority of the business or entity.

(10) The information requested in divisions (B)(1), (3), (4) and (5) shall also include information for the following persons:

(a) If the applicant is a sole proprietorship, the information sought to be provided shall be for the individual.

(b) If the applicant is a partnership, the information sought to be provided shall be for each general and limited partner, for each individual who is a general partner of such general or limited partnership, and for each individual who owns more than five percent (5%) of such limited partnership.

(c) If the applicant is a joint venture, the information sought to be provided shall be for each joint venturer and each individual who owns more than 5% of such joint venture.

(d) If the applicant is a corporation, the information sought to be provided shall be for each officer and director, and if the corporation's stock is publicly traded, each shareholder owning more than 5% of the outstanding stock in said corporation.

(e) If the applicant is a limited liability company, the information sought to be provided shall be for each manager and member owning or holding more than a 5% membership interest.

(C) If a change in any information required under this section occurs at any time during a license period, the licensee shall file a written statement with the village clerk indicating the nature and effective date of the change. The change in information statement shall be filed no later than ten days after the change(s) take effect.

(Ord. 19-33, passed 11-12-19)

§ 110.19 LIMITATION ON LOCATION.

Massage establishments shall be located only in B-2 (General Business District), I-1 (Restricted Performance Manufacturing), and I-2 (General Performance Manufacturing) districts, and within such districts, a massage establishment shall not be located within 750 feet of another massage establishment or in a building or structure which contains a business that sells or dispenses alcoholic beverages in any manner.

(Ord. 19-33, passed 11-12-19)

§ 110.20 ISSUANCE OF LICENSE FOR MASSAGE ESTABLISHMENT.

(A) Upon receipt of the mayor's determination as referred to in this chapter, the Village Clerk shall issue a license to maintain, operate or conduct a massage establishment, unless the mayor finds:

(1) That the operation of the massage establishment, as proposed by the applicant, would not comply with all applicable laws, including but not limited to, the building, health, planning, housing, zoning, and fire codes of the Village of Chatham; or

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(2) That the applicant and any other person who will be directly or indirectly engaged in the management and operation of a massage establishment has been convicted of or pled guilty to:

(a) A felony;

(b) An offense involving sexual misconduct with children; or

(c) Prostitution, soliciting for a prostitute, keeping a place of prostitution, pimping, or other similar offense opposed to decency and morality; or

(3) That the applicant has failed or refused to give information relevant to the investigation of the application; submitted false, misleading or incomplete information; or has refused to submit to or cooperate with any inspection required by this chapter; or

(4) That the operation of the massage establishment, as proposed by the applicant, would violate the provisions of this chapter.

(B) The mayor, at his discretion, may issue a license to any person convicted of or who has pled guilty to any felony, if he finds that such conviction occurred at least five years prior to the date of application, the applicant has had no subsequent convictions, and the applicant has shown evidence of rehabilitation sufficient to warrant the public trust.

(C) Every massage establishment license issued pursuant to this chapter shall expire on April 30 of each year, unless sooner suspended or revoked in accordance with this chapter.

(Ord. 19-33, passed 11-12-19)

§ 110.21 FACILITIES NECESSARY.

(A) No massage establishment shall be issued a license, nor be operated, established or maintained within the village, unless said establishment complies with each of the following minimum requirements:

(1) Construction of room used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the building code of the Village of Chatham.

(2) All massage tables, bathtubs, shower stalls, steam or bath areas, lavatories, and floors shall have surfaces which may be readily disinfected.

(3) Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker, toilet, and massage room facilities shall be provided. Separate toilet and lavatory facilities shall be maintained for personnel.

(4) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.

(5) Closed cabinets shall be provided and used for the storage of clean linen, towels, and other materials used in connection with administering massages. All soiled linens, towels, and other materials shall be kept in properly covered containers or cabinets, which shall be kept separate from the clean storage areas.

(6) Toilet facilities shall be provided within the massage establishment in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilet facilities shall be designated as to the sex accommodated therein.

(7) Lavatories or washbasins shall provide both hot and cold running water and shall be installed in the toilet room. Lavatories or washbasins shall be provided with a soap dispenser and sanitary towels.

(8) The premises shall be equipped with a service sink for custodial service.

(B) The department of buildings and inspections, the fire department, the county department of health, and the department of planning and community development shall certify that the proposed massage establishment complies with all the requirements of the village Code with respect to the provisions that each respective department administers, and shall send such certification to the chief of police or his designee, who shall then provide such certification together with the recommendation to the mayor for review and final determination whether to grant or deny the application for a license under this chapter. The chief of police or his designee shall also provide a copy of the certification and recommendation to the Village Clerk.

(Ord. 19-33, passed 11-12-19)

§ 110.22 OPERATING REQUIREMENTS.

(A) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(B) Price rates for all services shall be prominently posted in the reception area in a location available to all patrons and prospective customers or provided to all patrons and prospective customers as a written price list.

(C) All employees, managers, persons with supervisory authority, massage therapists, agents, and independent contractors shall wear clean, non-transparent outer garments, which cover the sexual and genital areas while on the licensed premises. Employees, massage therapists, agents, and independent contractors shall not disrobe, or offer or agree to disrobe, either wholly or partially while in the presence of any patron receiving massage services. A separate dressing room for each sex must be available on the premises with individual lockers for each employee and massage therapist. Doors to such dressing rooms shall open inward and shall be self-closing.

(D) All massage establishments shall maintain clean, laundered sheets and towels in sufficient quantity, and shall be laundered after each use thereof and stored in a sanitary manner.

(E) The sexual or genital area of patrons must be covered by towels, cloths, or undergarments when in the presence of an employee, manager, person with supervisory authority, massage therapist, agent, or independent contractor.

(F) It shall be unlawful for any employee, manager, person with supervisory authority, massage therapist, agent, or independent contractor, to place his or her hand upon, to touch with any part of his or her body, to fondle in any manner, or to massage a sexual or genital area of any person while on the licensed premises.

(G) No employee, manager, person with supervisory authority, massage therapist, agent or independent contractor shall perform, or offer or agree to perform any act which would require the touching of the patrons' genital area.

(H) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

(I) Oils, creams, lotions, or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.

(J) No massage therapist shall administer a massage to a patron impaired by intoxicating liquor or drugs, nor shall any massage therapist administer a massage to a patron while impaired by intoxicating liquor or drugs.

(K) No massage therapist shall administer a massage to a patron exhibiting any skin fungus, skin infection, skin inflammation, or skin eruption, unless a physician or nurse practitioner duly licensed by the State of Illinois certifies in writing that such person may be safely massaged and prescribing the conditions thereof.

(L) Each massage therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage to each patron.

(M) (1) All licensees shall maintain, as a business record of the licensed massage establishment, a record of:

- (a) The date and time of all massage services performed at the licensed premises;
- (b) The name of the massage therapist administering massage services; and
- (c) The amounts received for massage services.

(2) The record of the date, time, and service provided must be made before services are initiated, and the record of the amount received for services must be made at the time payment is rendered. All records shall be kept for a period of at least one year and shall be made available in a format that can be inspected at any reasonable time upon request by the mayor or the chief of police or their designees.

(N) The main entrance to the massage establishment where patrons and potential customers are greeted shall be clearly visible from the outside and shall have and maintain clear glass that is not painted over, darkened, or otherwise blocked by cloth or any other obstruction.

(O) A sign shall be posted in a prominent location near the main entrance of the massage establishment identifying the establishment as a massage establishment and state the trade or business name as it appears on the massage establishment's license.

(P) Prospective customers and patrons shall be provided with written notice which states the following:

“State law prohibits soliciting another for the purpose of a sexual act. Solicitation can be punishable as a Class 4 felony, subject an offender to fines and imprisonment, and impoundment of any vehicle used by the offender to commit the offense. Offers or requests to buy or purchase sexual services or acts shall be immediately reported to law enforcement.”

(Q) Written notice shall be posted in a conspicuous location accessible to all employees and massage therapists which states the following:

“State law prohibits soliciting another for the purpose of a sexual act. Solicitation can be punishable as a Class 4 felony, subject an offender to fines and imprisonment, and impoundment of any vehicle used by the offender to commit the offense. Offers or requests to buy or purchase sexual services or acts should be immediately reported to the Village of Chatham Police Department by calling 911.”

(R) The hours of operation for massage establishments shall be limited to the hours between 8:00 a.m. and 9:00 p.m.

(S) There shall be not be placed, published, or distributed any advertisement, picture, or statement in any manner or medium which is false, deceptive, or misleading in order to induce any person to purchase or utilize any massage services, or which reasonably appears to suggest or imply any sexual activity in connection with massage services.

(T) No person shall reside or be allowed to remain overnight in the licensed premises; provided, however, that if the licensed premises contains living quarters that are properly zoned and authorized for such residential use above the massage establishment, the entrance to such living quarters shall be separate from the entrance to the massage establishment and shall not be accessible in any manner from the interior of the massage establishment.

(Ord. 19-33, passed 11-12-19)

§ 110.23 ADVERTISING.

No massage establishment granted a license under provisions of this chapter shall place, publish or distribute or cause to be placed, published, or distributed any advertising material that depicts any portion of the human body that would reasonably suggest or imply to prospective customers that

any sexual activity is available or will be performed in connection with massage services, or that employees, managers, persons with supervisory authority, or massage therapists are dressed in any manner other than prescribed in this chapter, nor shall any massage establishment suggest or imply in the text of such advertising that any sexual activity is available or will be performed in connection with massage services.

(Ord. 19-33, passed 11-12-19)

§ 110.24 INSPECTIONS.

The Police Department and the department of buildings and inspections shall from time to time, and at least once a year, make an inspection of each massage establishment granted a license under the provisions of this chapter for the purposes of determining whether the provisions of this chapter are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. As a condition of the issuance of a license under this chapter, the licensee consents to walk-through inspections by authorized village employees, without notice, at any time during business hours. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

(Ord. 19-33, passed 11-12-19)

§ 110.25 EMPLOYMENT OF PERSON UNDER AGE 18 PROHIBITED.

It shall be unlawful for any licensee, owner, manager, or person with supervisory authority to employ any person who is not at least 18 years of age.

(Ord. 19-33, passed 11-12-19)

§ 110.26 TRANSFER OF LICENSE.

No license for the operation of a massage establishment issued pursuant to the provisions of this chapter shall be transferable; provided, however, that upon the death or incapacity of a licensee, the massage establishment may continue in business for a reasonable period of time, not to exceed 90 days, to allow for the approval of a new license.

(Ord. 19-33, passed 11-12-19)

§ 110.27 DISPLAY OF LICENSE.

Every licensee shall display a valid license in a conspicuous place within the massage establishment so that the same may be readily seen by patrons or prospective customers entering the premises.

(Ord. 19-33, passed 11-12-19)

§ 110.28 EMPLOYMENT OF MASSAGE THERAPISTS.

(A) Massage establishments shall not employ or contract with any person as a massage therapist unless he or she holds a current, valid license issued by the Illinois Department of Financial and

Professional Regulation or written proof of exemption from said license, as required by the Massage Licensing Act (225 ILCS 57/1 et seq.). Upon receiving notice or constructive notice that a massage therapist has been disciplined or subject to investigation by the department, the licensee shall be responsible for obtaining information as to the status of said massage therapist's license.

(B) Each massage establishment shall maintain a current list of all licensed massage therapists who perform massage services and proof of their current, valid license or written proof of exemption from said license as required by the Massage Licensing Act (225 ILCS 57/1 et seq.). The licensee shall allow inspection of such records at any reasonable time upon request by the village.

(C) No student or non-licensed person, other than a person with written proof of exemption from licensure as required by the Massage Licensing Act (225 ILCS 57/1 et seq.), shall be allowed in a massage therapy room with a patron unless accompanied by a licensed massage therapist at all times.

(Ord. 19-33, passed 11-12-19)

§ 110.29 REVOCATION OR SUSPENSION OF LICENSE FOR MASSAGE ESTABLISHMENT.

(A) Any license issued for a massage establishment under this chapter may be revoked or suspended by the mayor after a hearing for good cause or where any provision of this chapter, the village code, or any criminal law is violated by the licensee or any massage therapist, employee, manager, person with supervisory authority, agent, or independent contractor of the licensee while at the massage establishment. For purposes of license revocation or suspension, the licensee shall be strictly liable for such violations, regardless of actual or constructive knowledge of such violations. It shall also be cause for revocation or suspension that the licensee has made a false statement on an application for a license or renewal thereof under this chapter, or in any case where the licensee refused to permit any duly authorized police officer, village inspector, or health inspector of the County of Sangamon to inspect the licensed premises or the operations therein. Such license may also be revoked or suspended by the mayor after hearing upon the recommendations of a duly authorized police officer, village inspector, or the health inspector that such business is being managed, conducted, or maintained without regard for the public health or health of patrons or prospective customers, or without due regard to proper sanitation or hygiene.

(B) Any violation of this chapter by any employee, agent or independent contractor of the licensee, including a massage therapist, shall be cause for suspension of the license for not more than 30 days in the first instance. Any subsequent violation of this chapter by any employee, manager, person with supervisory authority, agent, or independent contractor of the licensee, including a massage therapist, shall be cause for further suspension or revocation of the license.

(C) The mayor, before revoking or suspending any license, shall give the licensee at least ten days' written notice of the reasons for said revocation or suspension, and the opportunity for a public hearing before the mayor, at which time the licensee may present evidence bearing upon the question.

(Ord. 19-33, passed 11-12-19)

§ 110.30 RENEWAL OF LICENSE.

Any licensee may renew his or her license prior to the expiration thereof on April 30 of each year, provided that he or she is qualified to receive a license and the massage establishment complies with all of the requirements in this chapter. Applications for renewal of license must be made in writing to the chief of police or his designee not more than two months and not less than one month prior to expiration of an existing license and accompanied by the applicable license fee. (Ord. 19-33, passed 11-12-19)

§ 110.31 VIOLATION AND PENALTY.

Any person, except those persons who are specifically exempted by this chapter, who operates, maintains, or conducts a massage establishment without first obtaining a license and paying a license fee to do so from the Village of Chatham, or otherwise violates any of the provisions of this chapter, shall be punished by a fine not less than \$100 nor more than \$750. Each day in which a violation continues shall constitute a separate offense.

(Ord. 19-33, passed 11-12-19)

§ 110.32 MAINTAINING PUBLIC NUISANCE.

Any building used, operated, or maintained as a massage establishment in violation of this chapter with the intentional, knowing, reckless or negligent permission of the owner, licensee, or person managing or supervising the building, together with all fixtures and other property used in violation of this chapter, are hereby declared to be a nuisance.

(Ord. 19-33, passed 11-12-19)

§ 110.99 PENALTY.

(A) Any person operating as an itinerant food vendor within the village without an itinerant food vendor license shall, upon conviction thereof, be subject to a fine of \$750. Each day the violation continues shall be a separate offense.

(B) Any holder of an itinerant food vendor license who violates any term of this §§ 110.01 through 110.08 shall be subject to a fine of not less than \$250 nor more than \$750 for each offense. In addition, the holder's license may be suspended for up to ten days for a first offense, and up to 30 days for any subsequent offense, by the Administrative Hearing Officer of the Code Hearing Department. Each day a violation continues shall be considered a separate offense.

(Ord. 12-16, passed 5-22-12)

(H) Whether the applicant has ever had any previous liquor license suspended or revoked, and if so, the specific reasons thereof;

(I) Whether the applicant has ever been convicted of any criminal misdemeanor or felony, and if so, the particulars thereof;

(J) Whether the applicant possesses a current Federal Wagering Stamp, and if so, the reasons therefor;

(K) Whether the applicant or any other person with an interest in the applicant's place of business is a public official, and if so, the particulars thereof;

(L) The applicant's name, sex, date of birth, social security number, position and percentage of ownership in the business; and the name, sex, date of birth, social security number, position and percentage of ownership in the business of every owner, partner, corporate officer, director, manager and any person who owns 5% or more of the shares of the applicant's business entity or parent corporations of the applicant business entity;

(M) In addition to any other requirement of this section, an applicant for a special event retailer's license shall also submit proof of adequate dram shop insurance for the special event prior to being issued a license.

(N) If the application is made in behalf of a partnership, firm, association, club or corporation, then the same shall be signed by at least two members of such partnership or the president and secretary of such corporation or two authorized agents of the partnership or corporation.

(Ord. 94-23, passed 5-24-94)

§ 111.12 DISPOSITION OF LICENSE APPLICATION.

(A) The Liquor Commissioner may, in the exercise of his or her discretion, require any applicant for a new village liquor license, or any applicant for a renewal of a village liquor license, to be fingerprinted, whether said applicant be an individual or a partnership. Should the applicant be a corporation, the Liquor Commissioner may, within his or her discretion, require the following to be fingerprinted:

(1) The officers, manager or director of said corporation; or

(2) Any stockholder or stockholders owning in the aggregate more than 5% of the capital stock of said corporation.

(B) All such fingerprinting shall be done by the Police Department. The fingerprints shall be submitted to the appropriate state and federal agencies for processing as available. The cost of fingerprinting shall be paid by the applicant.

(C) The Liquor Commissioner may, after examination of the application, require the submission of further information needed for a determination under § 111.13 or conduct further investigations as set forth in § 111.50(B)(5).

(D) The Commissioner shall issue a written acceptance or rejection of an application within 60 days of its receipt by the Commissioner or Village Clerk; or shall notify an applicant of the reasons for further time being necessary to complete the investigation or processing.

(Ord. 94-23, passed 5-24-94)

§ 111.13 RESTRICTION ON LICENSES.

No liquor license shall be issued to:

(A) A person who is not a resident of the village or, if a corporation, which does not employ a resident manager who resides within Sangamon County;

(B) A natural person who is not of good character and reputation in the community in which such person resides;

(C) A natural 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 State of Illinois Liquor Control 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 State Commission's investigation.

(E) A natural person who has been convicted of being the keeper or is keeping a house of ill fame;

(F) A natural person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality;

(G) A natural person whose license under this Ordinance or under the Liquor Control Act has been revoked for cause;

(H) A natural person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(I) A copartnership, if any general partnership thereof or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership, would not be eligible to receive a license hereunder for any reason other than residence.

(J) A corporation, if any officer, manager, assistant manager, or director 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 hereunder for any reason other than citizenship and residence.

(K) A corporation, unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under the Business Corporation Act to transact business in the state.

(L) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required by the licensee.

(M) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor, or who shall have forfeited a bond to appear in court to answer charges for any such violation.

(N) A person who does not actually or 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 a 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 Commission.

(P) Any person, firm or corporation not eligible for or who has failed to obtain a state retail liquor dealer's license.

(Q) A person who is not a beneficial owner of the business to be operated by the licensee.

(R) A person who has been convicted of a gambling offense as proscribed by 805 ILCS 5/28-1(a)(3) through (a)(10) or by 805 ILCS 5/28-3, or as proscribed by a statute replacing any of the aforesaid statutory provisions.

(S) A natural person to whom a federal gaming device or a federal wagering stamp has been issued by the federal government for the current tax period.

(T) A copartnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period.

(U) A corporation, if any officer, manager, or director thereof, of any stockholder owning in the aggregate more than 5% of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

(V) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period.
(Ord. 94-23, passed 5-24-94; Am. Ord. 19-7, passed 2-26-19)

§ 111.14 RECORD OF LICENSES.

The Village Administrator shall keep a complete record of all such licenses issued and shall furnish the Chief of Police with a copy thereof. Upon revocation or suspension of any license, the Village Administrator shall immediately give written notice thereof to the Chief.
(Ord. 94-23, passed 5-24-94)

§ 111.15 INSURANCE REQUIREMENTS.

No license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the Local Commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the state insuring such applicant against liability which such applicant may incur under the Liquor Control Act. The evidence of the insurance policy shall indicate that the term of the insurance is of sufficient length to encompass the period of the license sought.
(Ord. 94-23, passed 5-24-94)

§ 111.16 INITIAL LICENSE APPLICATIONS; FEES.

(A) The first and initial license fee for new licenses applied for between January 1 and June 30 of any year shall be in an amount equal to the annual fee described in § 111.18 plus a non-refundable fee of \$ 200 to defray the costs of investigation of the applicant as provided for and pursuant to the provisions of this section, payable in one installment. The first and initial license fee for new licenses applied for between July 1 and December 31 for any year shall be in an amount equal to one-half the annual fee plus the non-refundable fee of \$ 200 to defray the costs of investigation of applicant as provided for and pursuant to the provisions of this section payable in one installment.

(B) Any sale, transfer, or assignment of more than 50% of the shares of a corporation shall terminate said license for the purpose of payment of a fee for a first and initial license.

(C) Any bankruptcy, insolvency of a license, or any sale, transfer, or assignment of any copartner or copartnership or copartnership interest in a license held by a copartnership shall terminate and said license for the purpose of payment of a fee for a first and initial license.
(Ord. 94-23, passed 5-24-94)

§ 111.17 CLASSIFICATION AND FEES.

(A) A Class B "Banquet Hall" license shall authorize the service or sale of alcoholic liquor at retail, to be sold and served by the drink or pitcher only, although beer may be sold by the keg, and wine may be sold by the bottle, so long as beer and wine are served by the drink or by the pitcher, for consumption on the premises only, in the course of banquet hall business. In the course of this business, the licensee is responsible for control of patrons in the business premises, and at no time may patrons be allowed to act as bartenders or otherwise dispense liquor. At all times that the premises are used for the sale of alcoholic liquor, the licensee or a manager acting for the licensee must be on the premises. The annual fee for the license shall be \$800 payable in two installments, \$400 on December 31 of each year and \$400 on June 30 of each year.

(B) A Class C "Convenience" license shall be issued only to a convenience store, and shall entitle the licensee to sell beer and wine only, in the original package only and in not more than case lots, in bottles and cans only, for consumption off the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

(C) A Class G "Grocery" license shall be issued to a grocery store, and shall entitle the licensee to sell alcoholic liquor, in the original package only and in not more than case lots, in bottles or cans only, for consumption off the premises where sold. The annual fee for such license shall be \$600. The annual fee shall be payable in two installments, namely, \$300 on December 31 of each year and \$300 on June 30 of each year.

(D) A Class N "Not for Profit" license may be granted only to a club, and shall entitle the licensee to sell at retail alcoholic liquor for consumption, but not in the original package on the premises specified in the license. The annual fee for such license shall be \$300. The annual fee shall be payable in two installments, namely, \$150 on December 31 of each year and \$150 on June 30 of each year.

(E) A Class P "Package" license shall be issued to a package liquor store, and shall entitle the licensee to sell at retail alcoholic liquor, in the original package only for consumption off the

premises where sold. Sales through a drive-up window are allowed in accordance with the law and applicable zoning regulations. The annual fee for such license shall be \$800. The annual fee shall be payable in two installments, namely, \$400 on December 31 of each year and \$400 on June 30 of each year.

(F) A Class LP "Limited Package" license shall be issued only to a retail business, the principal business of which is other than the sale of alcoholic liquor, and shall entitle the licensee to sell at retail beer and wine only, in the original package only, for consumption off the premises where sold. Sales of single cans or bottles of beer are prohibited. Sales of beer and wine through a drive-up window are prohibited. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

(G) A Class R-1 "Restaurant 1" license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine only, by the glass, in bottles, or in cans, for consumption on the premises where sold. The annual fee for such license shall be \$600. The annual fee shall be payable in two installments, namely, \$300 on December 31 of each year and \$300 on June 30 of each year.

(H) A Class R-2 "Restaurant 2" license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine by the glass, in bottles, or in cans, or other alcoholic liquor not in the original package, for consumption on the premises where sold. A restaurant holding a Class R-2 license must be located in an area zoned for restaurants and is not to be considered a "tavern" under the Zoning Ordinance of the village. The annual fee for such license shall be \$800. The annual fee shall be payable in two installments, namely, \$400 on December 31 of each year and \$400 on June 30 of each year.

(I) A Class RE "Recreational" license shall be issued to a recreational business and shall entitle the licensee to sell at retail, on the premises specified, for consumption on said premises, of alcoholic liquor by the drink or vinous beverages by the bottle or carafe, or beer if by the pitcher of a capacity not to exceed 60 ounces or by the bottle or glass of a capacity not to exceed 16 ounces. The annual fee shall be \$800 payable in two installments, namely, \$400 on December 31 of each year and \$400 on June 30 of each year.

(1) Service of alcoholic liquor shall be only during the time that the athletic or sports portions of the premises are open and available for use.

(2) Food may be served for the convenience of the patrons, so long as such food service complies with all applicable health regulations and licensing requirements.

(3) A certified record of annual revenue shall be included with the liquor license renewal application and shall be considered by the local Liquor Control Commissioner as a basis of nonrenewal of the liquor license.

(4) A recreational license issued for a golf course or sports complex may also authorize the retail sale of alcoholic liquor for consumption outside the physical structure of the premises but adjacent to and within the property lines of the facility, excluding public parking lots, sidewalks, and roadways, subject to the following provisions:

(a) All alcoholic liquor shall be purchased from the recreational premises. No outside alcoholic liquor shall be permitted on the premises; and

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(b) A policy of dram shop insurance shall be required for the outside premises and shall comply with all the insurance requirements as provided for in this chapter and 235 ILCS 5/6-21; and

(c) A trained employee shall be responsible for the service of alcohol at the outside recreational activity.

(J) A Class SE "Special Event" license shall authorize the sale at retail during a special event on the premises specified, and during the time specified therein, of alcoholic liquor by a special event retailer. The term of the license shall not exceed five days. The license application shall set forth whether or not the event is open to the public and shall contain an estimate of the largest number of adult persons expected to be in attendance at any time during the event. The estimate shall be based on historical attendance experiences for similar events after consultation by the license applicant with the Chief of Police. The fee for the license shall be as follows:

(1) If the special event is not open to the public, or if it is open to the public and less than 250 adult persons are expected to be in attendance at the event at any time: \$50 per day or portion of a day;

(2) If the special event is open to the public and 250 adult persons or more are expected to be in attendance at any time: \$100 per day or portion of a day.

(K) A Class T "Tavern" license shall entitle the licensee to sell at retail alcoholic liquor for consumption on the premises specified and to sell at retail alcoholic liquor in the original package only for consumption off the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year.

(L) The number of licenses issued by the village shall be as follows:

- (1) There may be one Class B license;
- (2) There may be five Class C licenses;
- (3) There may be one Class G license;
- (4) There may be two Class N licenses;
- (5) There may be one Class P license;
- (6) There may be one Class LP license;
- (7) There may be zero Class R-1 licenses;
- (8) There may be zero Class R-2 licenses;
- (9) There may be one Class RE license;
- (10) There may be one Class SE license outstanding at any time;
- (11) There may be zero Class T licenses;

- (12) There may be one Class R-1G license;
- (13) There may be three Class R-2G licenses;
- (14) There may be seven Class TG licenses.

(M) A Class CR "Caterer Retailer" license shall authorize the holder to operate as a Caterer Retailer within the corporate limits of the village. A CR license is subject in all respects to all restrictions, conditions and licensing procedures set forth in this chapter, except as specifically modified as follows:

(1) A CR license is not a license to sell, offer to sell or dispense alcoholic liquor at a specific location: therefore location restrictions set forth on this chapter, and the provisions of § 111.13(B), (N) and (Q) do not apply.

(2) A CR license holder is not prohibited from holding another retail liquor license issued by the village; however, the restriction of such other license shall apply at the location which is licensed pursuant to the other license.

(3) A CR license holder shall not sell, offer to sell or dispense alcoholic liquor in the village during the following hours:

- (a) Monday through Saturday: 12:00 a.m. through 8:00 a.m.
- (b) Sunday: 12:00 a.m. through 12:00 p.m., and after 10:00 p.m.

(4) A CR license holder shall not sell, offer to sell or dispense alcoholic liquor on more than two days per year at anyone location zoned residential under the Zoning Ordinance of the village, nor on more than ten days per year at anyone location zoned business under the Zoning Ordinance of the village.

(5) A village CR license does not prohibit the licensee from selling, offering to sell or dispensing alcoholic liquor outside the corporate limits of the village in conformity with the State Liquor Control Act and with the laws, ordinances, rules and regulations of other jurisdictions.

(6) A CR licensee shall at all times, and as a condition of its license, observe state, county, and local laws, rules and regulations pertaining to the handling of food.

(7) A CR licensee shall not sell, offer for sale, or dispense alcohol other than in conjunction with the sale, offer for sale, or service of prepared meals.

(8) A CR license holder shall have, as a condition of its license, a valid Caterer Retail license issued by the state.

(9) A CR license holder shall maintain records showing all occasions on which it has sold, offered for sale, or dispensed alcoholic liquor, including the location and dates of such occasions, and the persons with whom the license holder has contracted. These records shall be maintained for two years and shall be open to inspection by the Liquor Commissioner or his or her designee.

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(N) (1) A Class R-1G "Restaurant 1 Gaming" license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine only, by the glass, in bottles, or in cans, for consumption on the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "R-1G" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the R-1G license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

(2) To be eligible for a Class R-1G license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic beverages must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class R-1G license shall submit a projection of expected receipts from sales of food and non-alcoholic beverages, from sales of beer and wine, and from video gaming. Upon application for renewal of a Class "R-1G" liquor license, licensees shall submit information on actual receipts from sales of food and non-alcoholic beverages, from sales of beer and wine, and from video gaming for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.

(O) (1) A Class R-2G "Restaurant 2 Gaming" license shall be issued to a restaurant and shall entitle the licensee to sell at retail beer and wine by the glass, in bottles, or in cans, or other alcoholic liquor not in the original package, for consumption on the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "R-2G" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the R-2G license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

(2) To be eligible for a Class R-2G license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic beverages must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class R-2G license shall submit a projection of expected receipts from sales of food, non-alcoholic beverages or beer, wine or other alcoholic liquor and video gaming. Upon application for renewal of a Class "G" liquor license, licensees shall submit information on actual receipts from sales food, non-alcoholic beverages or beer, wine or other alcoholic liquor and video gaming, for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.

(P) (1) A Class TG "Tavern Gaming" license shall be issued to a tavern and shall entitle the licensees to sell at retail alcoholic liquor for consumption on the premises specified and to sell at retail alcoholic liquor in the original package only for consumption off the premises where sold. The annual fee for such license shall be \$1,000. The annual fee shall be payable in two installments, namely, \$500 on December 31 of each year and \$500 on June 30 of each year. Holders of a Class "TG" License may conduct video gaming on the premises where licensed, in addition to the service of alcohol, upon issuance of a video gaming license from the Illinois Gaming Board and in compliance

with the Video Gaming Act and any and all other rules and regulations. The village reserves the right to revoke a license if video gaming is not active on the premises within 60 days after issuance of the TG license and/or video gaming otherwise ceases on the premises for a period of 30 consecutive days.

(2) To be eligible for a TG license, the gross receipts of the sale of food, non-alcoholic beverages and alcoholic liquor must be more than 25% of the net terminal income for the prior 12-month period. In addition to the information requested of all applicants for village liquor licenses pursuant to § 111.11, applicants for a Class TG license shall submit a projection of expected receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming. Upon application for renewal of a Class "TG" liquor license, licensees shall submit information on actual receipts from sales of food, non-alcoholic beverages, alcoholic liquor, tobacco and video gaming, for the 12 calendar months prior to application for renewal or, if in operation for less than 12 calendar months at the time of application for renewal, for such amount of time as the licensee has been in operation in the village.

(Ord. 94-23, passed 5-24-94; Am. Ord. 98-57, passed 9-8-98; Am. Ord. 99-40, passed 7-27-99; Am. Ord. 99-62, passed 11-23-99; Am. Ord. 99-66, passed 1-11-00; Am. Ord. 00-20, passed 4-11-00; Am. Ord. 01-27, passed 5-8-01; Am. Ord. 01-70, passed 11-13-01; Am. Ord. 03-49, passed 10-28-03; Am. Ord. 04-66, passed 11-9-04; Am. Ord. 05-38, passed 8-23-05; Am. Ord. 07-69, passed 11-13-07; Am. Ord. 08-16, passed 4-22-08; Am. Ord. 09-07, passed 3-10-09; Am. Ord. 10-06, passed 2-9-10; Am. Ord. 10-51, passed 8-24-10; Am. Ord. 12-11, passed 3-27-12; Am. Ord. 13-13, passed 5-14-13; Am. Ord. 13-36, passed 9-24-13; Am. Ord. 14-07, passed 2-11-14; Am. Ord. 15-40, passed 9-22-15; Am. Ord. 15-41, passed 9-22-15; Am. Ord. 16-20, passed 5-24-16; Am. Ord. 16-26, passed 5-24-16; Am. Ord. 17-25, passed 6-13-17; Am. Ord. 18-34, passed 6-12-18; Am. Ord. 19-6, passed 2-26-19; Am. Ord. 19-15, passed 6-11-19)

§ 111.21 DISPOSITION OF FEES.

All such fees shall be paid to the Village Treasurer at the time application is made. In the event the license applied for is denied, the fee shall be returned to the applicant, except for the non-refundable fee set forth in § 111.19. If the license is granted, then the fee shall be deposited as set forth above, and no portion thereof shall be refunded.

(Ord. 94-23, passed 5-24-94)

§ 111.22 CONDITIONS OF LICENSE.**(A) Closing hours.**

(1) Except as provided in divisions (A)(2), (A)(3) and (A)(4) of this section, it shall be unlawful for the holder of any license issued under this subchapter to sell or offer for sale at retail any alcoholic liquor in the village during the hours of 12:00 midnight to 8:00 a.m.

(2) It shall be unlawful for the holder of an R-1 or R-2 license located in an area zoned B-1 under the Chatham Zoning Ordinance, to sell or offer for sale at retail any alcoholic liquor in the village during the following hours:

(a) Monday through Thursday: 12:00 midnight to 8:00 a.m. and after 10:00 p.m.

(b) Friday and Saturday: 12:00 midnight to 8:00 a.m.

(c) Sunday: 12:00 midnight to 12:00 noon.

(3) It shall be unlawful for the holder of a Class "T" license issued under this subchapter to sell or offer for sale at retail any alcoholic liquor in the village during the following hours:

(a) Monday through Friday: 12:00 midnight to 8:00 a.m.

(b) Saturday: 1:00 a.m. to 8:00 a.m.

(c) Sunday: 1:00 a.m. to 12:00 noon.

(4) It shall be unlawful for the holder of a Class "B" license to sell or offer for sale at retail any alcoholic liquor in the village during the following hours:

(a) Monday through Friday: 12:00 midnight to 8:00 a.m. and after 11:00 p.m.

(b) Friday: 12:00 midnight to 8:00 a.m.

(c) Saturday: 1:00 a.m. to 8:00 a.m.

(d) Sunday: 1:00 a.m. to 12:00 noon.

(5) Class "P" (Package) licensees and Class "T" (Tavern) licensees shall cause the premises to be vacated within one-half hour after the time at which sales of alcohol are required by this section to be terminated and until the time the licensee may resume sales under this section. All other licensees electing to remain open for other business during periods of time when the sales of alcoholic liquor are prohibited by this section shall conspicuously post a notice stating that alcoholic liquor is not available for sale during such periods of time.

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(6) In addition, the holder of any license, regardless of classification, shall be permitted to sell or offer for sale at retail alcoholic liquor in the village from the closing time established above for December 31 until the hour of 1:00 a.m. on January 1 in any year, until 1:00 a.m. on Thanksgiving Day, and as allowed by special permit issued under § 111.50(B)(8).

(B) Election days. Subject to division (A) of this section, licensees may sell at retail any alcoholic liquor on the day of any national, state, county, or village election, including primary elections, during the hours the polls are open, within the political area in which such election is being held.

(C) Refilling original packages. No person licensed under this chapter shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor; and it shall be unlawful for any person to have in his or her possession for sale at retail any bottles, casks or other containers, containing alcoholic liquor, unless in original packages, except vinous beverages and pitchers of beer as permitted elsewhere herein.

(D) Quantity sales for on-premises consumption. It shall be unlawful for any licensee, to sell, give away, or permit to be sold, served, or given away for consumption on the licensed premises any distilled spirits except by the glass, in individual servings not exceeding three fluid ounces.

(E) Displaying license. Every licensee shall cause the license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises.

(Ord. 94-23, passed 5-24-94; Am. Ord. 96-90, passed 5-14-96; Am. Ord. 99-27, passed 6-8-99; Am. Ord. 00-12, passed 1-25-00; Am. Ord. 03-49, passed 10-28-03; Am. Ord. 08-06, passed 1-22-08; Am. Ord. 10-29, passed 5-11-10; Am. Ord. 17-52, passed 12-26-17; Am. Ord. 19-18, passed 6-25-19) Penalty, see § 111.99

§ 111.23 BASSET TRAINING.

(A) (1) All original license applications and renewals for liquor license after July 1, 2017, shall be accompanied with proof of completion within the last three years of a state certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program or other State of Illinois Liquor Control Commission (ILCC) approved program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking of identification for the purchases of alcoholic beverages, pursuant to that license.

(2) All original license applications and renewals for a liquor license after January 1, 2018, by any governmental, not for profit, service club, or religious organizations who utilize unpaid volunteers for the activities described in the preceding paragraph are subject to the following rules:

(a) Unpaid volunteers are not required to have completed a state certified BASSET program or other ILCC approved program as long as their activities at all times are within the presence of another person who has completed BASSET or other approved seller and server training.

(b) Compliance is required with all other provisions of this division (A). In addition, the production requirement in division (D) of this section shall be construed to require any governmental, not for profit, service club, or religious organization to maintain on the premises or at the function in question to provide a photocopy of all certificates of completion of BASSET or other approved seller and server training, including certificates of those individuals under which unpaid volunteers are claimed to be lawfully acting.

(B) Beginning July 1, 2017, any new owner, new manager, new employee, or new agent required by this section to complete alcohol seller and server training, shall within 90 days from the beginning

§ 111.37 PURCHASE OR ACCEPTANCE OF GIFT BY MINORS; IDENTIFICATION CARDS.

(A) Purchase or possession of alcoholic liquor by a person under 21 years of age.

(1) Any person to whom the sale, gift or delivery of alcoholic liquor is prohibited because of age shall not purchase or attempt to purchase or accept a gift of alcoholic liquor or have alcoholic liquor in his or her possession.

(2) If a licensee or such licensee's agent or employee believes, has reason to believe, or should have reason to believe that a sale or delivery of alcoholic liquor is prohibited because of the age of the prospective recipient, such licensee, agent or employee shall, before making such sale or delivery, demand presentation of some form of positive identification (containing proof of age) issued by a public officer in the performance of his official duties. Reasonable care in compliance with the provisions of this division (A)(2) shall be competent evidence and may be considered in prosecution, revocation, or suspension for the violation of any section of this chapter relating to revocation or suspension for the violation of any other provision of this chapter.

(3) No person shall transfer, alter or deface such an identification card, use the identification card of another, carry or use a false or forged identification card, or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this section.

(4) The consumption of alcoholic liquor by any person under the age of 21 years is forbidden.

(B) Nothing in this section shall be construed to prohibit the possession and dispensing, or consumption by a person under the age of 21 years of alcoholic liquor in the performance of a religious service or ceremony.

(Ord. 94-23, passed 5-24-94) Penalty, see § 111.99

§ 111.38 NOISE FROM LICENSED PREMISES.

(A) No licensee other than a Class SE licensee, or officer, associate, member, representative, agent or employee of such a licensee, shall operate a licensed premises, or permit the operation of a licensed premises, so as to cause a violation of the Illinois Pollution Control Board regulations pertaining to noise, including but not limited to the General Provisions found at 35 Illinois Administrative Code 900, 5 Illinois Administrative Code 900 et seq., and the rules specifically pertaining to Property-Line-Noise-Sources found at 35 Illinois Administrative Code 901, and 5 Illinois Administrative Code 901 et seq., which are incorporated herein by reference.

(B) In any hearing conducted by the Liquor Commissioner, an official report from the Illinois Environmental Protection Agency that a licensee has violated the Pollution Control Board rules pertaining to noise shall be prima facie evidence of a violation of this section.

(C) This section does not apply to a Class SE license or licensee.
(Ord. 01-41, passed 7-10-01)

ADMINISTRATION AND ENFORCEMENT**§ 111.50 LIQUOR COMMISSIONER.**

(A) The Village President is hereby designated as the Liquor Commissioner and shall be charged with the administration of the Liquor Control Act and of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The President may appoint a person or persons to assist in the exercise of the powers and the performance of the duties provided for in division (B) of this section.

(B) The Liquor Commissioner shall have all the powers, functions, and duties with respect to local liquor licenses granted by the Liquor Control Act, including:

(1) Grant and/or suspend for not more than 30 days or revoke for cause all local licenses issued to persons or entities for premises within the village and to impose fines as set forth herein.

(2) Enter or to authorize any law enforcement officer to enter, at any time, upon the premises licensed hereunder to determine whether any of the provisions of the Liquor Control Act or this chapter, or any rules or regulations adopted by the Liquor Commissioner or by the State Commission, have been or are being violated, and at such time to examine the premises of the licensee in connection therewith.

(3) Receive complaints from any citizen with the village that any of the provisions of the Liquor Control Act or of this chapter have been or are being violated, and to act upon such complaints in the manner provided by the Liquor Control Act or this chapter.

(4) Receive local license fees and pay same to the Village Treasurer.

(5) Examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, of any licensee upon whom notice of revocation or suspension has been served, or any licensee against whom a citation proceeding has been instituted by the State Commission; to examine, or cause to be examined, the books and records of any such applicant or licensee or respondent; and to hear testimony and take proof for information in the performance of the Liquor Commissioner's duties; and for such purposes, to issue subpoenas which shall be effective in any part of the state. For the purpose of obtaining any of the information desired by the Liquor Commissioner under this section, the Commissioner may authorize an agent to act on his or her behalf.

(6) Notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this state under a certificate of authority issued under that Act has violated the Liquor Control Act by selling or offering for sale at retail alcoholic liquors without a retailer's license.

(7) Revoke and suspend licenses, and levy fines, in accordance with § 111.52.

(8) To grant a permit to the holder of any license, regardless of classification, to extend their hours of business to 1:00 a.m. for specific events, but no more than three times per year per licensee. Such a request must be made in writing no less than 48 hours prior to the event. No permit shall be granted unless it is tied to an event associated with a nationally recognized holiday or a community-wide event.

(Ord. 94-23, passed 5-24-94; Am. Ord. 19-18, passed 6-25-19)

CHAPTER 119: PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS

Section

- 119.01 Definitions
- 119.02 Cannabis business establishments prohibited
- 119.03 Public nuisance declared

- 119.99 Violations

§ 119.01 DEFINITIONS.

The following words and phrases shall, for the purposes of this chapter, have the meanings respectively ascribed to them by this section, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT. An adult-use cannabis craft grower, adult-use cannabis cultivation center, adult-use cannabis dispensing organization, adult-use cannabis infuser organization or infuser, adult-use cannabis processing organization or processor, or adult-use cannabis transporting organization or transporter.

ADULT-USE CANNABIS CRAFT GROWER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION. A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR. A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either

extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER. An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON. Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.
(Ord. 19-30, passed 9-24-19)

§ 119.02 CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED.

The following adult-use cannabis business establishments are prohibited in the Village of Chatham. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation of within the Village of Chatham any of the following:

- (A) Adult-use cannabis craft grower;
- (B) Adult-use cannabis cultivation center;
- (C) Adult-use cannabis dispensing organization;
- (D) Adult-use cannabis infuser organization or infuser;
- (E) Adult-use cannabis processing organization or processor; and
- (F) Adult-use cannabis transporting organization or transporter.

(Ord. 19-30, passed 9-24-19)

§ 119.03 PUBLIC NUISANCE DECLARED.

Operation of any prohibited cannabis business establishment within the Village of Chatham in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

(Ord. 19-30, passed 9-24-19)

§ 119.99 VIOLATIONS.

Any person, firm or corporation who violates any provision of this chapter shall, upon conviction, be subject to a fine not exceeding \$750 nor less than \$500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(Ord. 19-30, passed 9-24-19)

CHAPTER 130: GENERAL OFFENSES

Section

Weapons

- 130.01 Concealed weapons
- 130.02 Firing and discharge of weapons

Cannabis

- 130.15 Definitions
- 130.16 Possession of cannabis
- 130.17 Possession of drug paraphernalia prohibited
- 130.18 Possession of cannabis paraphernalia by minors prohibited

Morals

- 130.30 Illinois Obscenity Law
- 130.99 Penalty

WEAPONS

§ 130.01 CONCEALED WEAPONS.

(A) Whoever shall within the village wear or carry concealed about the person any pistol or revolver (without permit), slingshot, metallic knuckles, Bowie knife, dirk, razor, or other dangerous or deadly weapon, or whoever shall display any such weapon in a boisterous or threatening manner shall on conviction be fined as provided in § 130.99.

(B) This section shall not be held to apply to any peace officer while in the discharge of the officer's duties, nor any person summoned by the officer to aid in making an arrest or preserving the peace, nor any person permitted by the State of Illinois to carry a concealed weapon. (Ord. 31, passed 10-13-13; Am. Ord. 14-22, passed 5-13-14) Penalty, see § 130.99

§ 130.02 FIRING AND DISCHARGE OF WEAPONS.

(A) For the purposes of this section **FIREARM** means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

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(2) Any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition.

(B) It shall be unlawful for any person to fire or discharge any gun, pistol, or other firearm within the village; provided, that this section shall not apply to police officers and special commissioned officers in the proper performance of their lawful duties.
(Ord. 79-31, passed 8-14-79) Penalty, see § 130.99

CANNABIS**§ 130.15 DEFINITIONS.**

As used in §§ 130.16, 130.17, and 130.18, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

CANNABIS. Includes marijuana, hashish and other substances which are identified as including any parts of the plant *Cannabis Sativa*, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

CANNABIS PARAPHERNALIA. Equipment, products, or materials intended to be used for planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or otherwise introducing cannabis into the human body.

CONTROLLED SUBSTANCE. Any substance as defined in Article II of the Illinois Controlled Substances Act, 720 ILCS 570/201 et seq.

DELIVER OR DELIVERY. Actual, constructive or attempted transfer of possession of cannabis, with or without consideration, whether or not there is an agency relationship.

DRUG PARAPHERNALIA. All equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act and cannabis paraphernalia as defined in Section 1-10 of the Cannabis Regulation and Tax Act, which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act. It includes, but is not limited to:

(1) Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

(2) Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is a controlled substance;

(3) Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(4) Diluents and adulterants intended to be used unlawfully for cutting a controlled substance by private persons;

(5) Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cocaine or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act into the human body including, where applicable, the following items:

- (a) Water pipes;
- (b) Carburetion tubes and devices;
- (c) Smoking and carburetion masks;
- (d) Miniature cocaine spoons and cocaine vials;
- (e) Carburetor pipes;
- (f) Electric pipes;
- (g) Air-driven pipes;
- (h) Chillums;
- (i) Bonges; and
- (j) Ice pipes or chillers;

(6) Any items whose purpose, as announced or described by the seller, is for use in violation of this Act.

KNOWLEDGE. Knows, acts knowingly or with knowledge:

(1) The nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that such fact exists.

(2) The result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.

(3) Knowledge may be inferred from the surrounding circumstances.

MANUFACTURE. The production, preparation, propagation, compounding, conversion or processing of cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of cannabis as an incident to lawful research, teaching, chemical analysis, or sold and possessed as provided in the Compassionate Use of Medical Cannabis Program Act, as amended, and the Cannabis Regulation and Tax Act, as amended.

NITROUS OXIDE (N₂O). A colorless flammable gas used as an anesthetic and in aerosols.

NITROUS OXIDE CARTRIDGE. Any cartridge containing less than 20 ounces of compressed nitrous oxide (N₂O).

Chatham - General Offenses

ORDINARY PUBLIC VIEW. Within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property.

PERSON. Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

POSSESSION. Possession may be either actual or constructive.

(1) Actual possession means exercising physical dominion.

(2) Constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis, drug paraphernalia or cannabis paraphernalia.

PRODUCE OR PRODUCTION. Planting, cultivating, tending or harvesting.

PUBLIC PLACE. Any place where a person could reasonably be expected to be observed by others. This included, but is not limited to, all parts of buildings owned in whole or in part, or leased, by the state or a unit of local government and all areas in a park, recreation area, wildlife area, or playground owned in whole or in part, leased, or managed by the State or a unit of local government. The term **PUBLIC PLACE** does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. (Ord. 19-39, passed 12-23-19)

§ 130.16 POSSESSION OF CANNABIS.

(A) *Possession, exceeding state limits.* It shall be unlawful for and no person shall possess more than 30 grams of raw cannabis, cannabis-infused products containing more than 500 milligrams of THC, or five grams of cannabis product in concentrated form. It shall further be unlawful for and no person shall possess cannabis at the following locations:

(1) In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(2) On the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(3) In any correctional facility;

(4) In a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving; or

(5) In a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

(B) *Possession, sale or providing to minors prohibited.*

(1) It shall be unlawful for and no person under the age of 21 shall possess, consume, or use any substance containing cannabis or THC, except as allowed by the Compassionate Use of Medical Cannabis Program Act, as amended.

(2) It shall be unlawful for and no person, after purchasing or otherwise obtaining any substance containing cannabis or THC shall sell, give or deliver such substance to a person under the age of 21, except as allowed by the Compassionate Use of Medical Cannabis Program Act, as amended.

(C) *Unlawful consumption of cannabis.* It shall be unlawful for and no person shall use cannabis or cannabis-infused products at the following locations:

(1) In a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(2) On the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act;

(3) In any correctional facility;

(4) In any motor vehicle;

(5) In a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

(6) In any public place; or

(7) Knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act; or in any place where smoking is prohibited under the Smoke Free Illinois Act.

(D) *Unlawful possession of cannabis plant.* It shall be unlawful for any person to possess a cannabis sativa plant, except as provided by the Cannabis Regulation and Tax Act, as may be amended. It shall further be unlawful to have a cannabis sativa plant in ordinary public view.

(E) *Penalty.* Any person who pleads guilty or liable or is found guilty or liable by a court of law or administrative tribunal for a violation of this section shall be fined as follows:

(1) Divisions (A) through (C) shall be punished by a fine of \$250.

(2) Division (D) shall be punished by a fine of \$250 per cannabis sativa plant.

(F) *Exceptions.*

(1) Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance for research purposes, pursuant to 720 ILCS 550/11, as hereafter amended, shall be exempt from the provisions of this section.

(2) Any person in possession of a compassionate use of medical cannabis card, as provided by the Compassionate Use of Medical Cannabis Program Act, as amended, may grow up to five cannabis plants within a secured enclosed facility.

(3) Possession and/or consumption by any person in possession of a compassionate use of medical cannabis card, as provided by the Compassionate Use of Medical Cannabis Program Act, as may be amended, where said possession and/or consumption is authorized by and in accordance with said Act:

(4) Any person who is licensed and authorized by the State of Illinois to dispense, cultivate, grow, infuse or deliver cannabis or substances containing THC to the extent it is permitted and authorized by state law.

(G) *Admissibility of cannabis.* In a prosecution for a violation of this section, evidence of cannabis shall only be admitted into evidence based upon:

(1) A properly administered field test; or

(2) Opinion testimony of a peace officer based on the officer's training and experience as qualified by the court.

(H) *Relationship to state laws.* Except as provided herein, violations of this section shall be considered civil in nature and prosecuted as local ordinance violations. The village may however, in its discretion, refer violations involving the possession or consumption of cannabis under the Cannabis Control Act, or other applicable law, to the State's Attorney for charges pursuant to state law instead of bringing charges pursuant to this section, but no person shall be charged both pursuant to this chapter and State law for the same offense. If the law requires a charge involving the possession or consumption of cannabis to be referred to the state's attorney to be charged criminally pursuant to state law, the village shall make such a referral and shall not prosecute the violation as a local ordinance violation.

(Ord. 19-39, passed 12-23-19)

§ 130.17 POSSESSION OF DRUG PARAPHERNALIA PROHIBITED.

(A) *Violation for possession of drug paraphernalia.* No person shall knowingly possess any item of drug paraphernalia, as defined in § 130.15, where it is evident the purpose is for unlawfully ingesting, inhaling, or otherwise introducing a controlled substance into the human body, or in preparing a controlled substance for that use within the corporate limits of the Village of Chatham. In determining evidence or intent of an unlawful purpose, the trier of fact may take into consideration the proximity of the controlled substances to the drug paraphernalia or the presence of a controlled substance on the drug paraphernalia.

(B) *Penalty.* Any person who pleads guilty or liable or is found guilty or liable by a court of law or administrative tribunal shall be punished by a fine of \$250.

(C) *Forfeiture.* **DRUG PARAPHERNALIA** as defined in § 130.15 seized by police officers pursuant to an arrest or issuance of a notice to appear for a violation of this section, shall be forfeited to the village upon a plea of guilty or liability, a finding of guilt or liable and/or a disposition of court supervision or probation by a court of law or upon the individual utilizing any administrative remedy allowed by the Village without further order of the court. Any other items which may be seized or forfeited pursuant to 720 ILCS 600/5, may be forfeited in the same manner as described therein for a violation of this section.

(D) *Exemptions.* This section does not apply to:

(1) Items used in the preparation, compounding, packaging, labeling, or other use of a controlled substance as an incident to lawful sale, use, research, teaching or chemical analysis and not for sale.

(2) Items historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance unless such item has the presence of a controlled substance. Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette rolling papers.

(3) Items listed in the definition of **DRUG PARAPHERNALIA** in § 130.15 if said items are used solely for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purposes prohibited by this chapter.

(4) A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act, 720 ILCS 635/0.01 et seq.

(E) *Relationship to state laws.* Except as provided herein, violations of this section shall be considered civil in nature and prosecuted as local ordinance violations. The village may however, in its discretion, refer violations involving the possession or use of drug paraphernalia under the Drug Paraphernalia Control Act, or other applicable law, to the State's Attorney for charges instead of bringing charges pursuant to this section, but no person shall be charged both pursuant to this chapter and State law for the same offense. If the law requires a charge involving drug paraphernalia to be referred to the State's Attorney to be charged criminally pursuant to state law, the village shall make such a referral and shall not prosecute the violation as a local ordinance violation.
(Ord. 19-39, passed 12-23-19)

§ 130.18 POSSESSION OF CANNABIS PARAPHERNALIA BY MINORS PROHIBITED.

(A) *Violation for possession of cannabis paraphernalia by minors.* No person under the age of 21 shall knowingly possess any item of Cannabis Paraphernalia where it is evident the purpose is for unlawfully ingesting, inhaling, or otherwise introducing cannabis into the human body, or in preparing cannabis for that use within the corporate limits of the Village of Chatham. In determining evidence or intent of an unlawful purpose, the trier of fact may take into consideration the proximity of the controlled substances to the cannabis paraphernalia or the presence of a controlled substance on the cannabis paraphernalia.

(B) *Penalty.* Any person who pleads guilty or liable or is found guilty or liable by a court of law or administrative tribunal shall be punished by a fine of \$250.

(C) *Forfeiture.* **CANNABIS PARAPHERNALIA** as defined in § 130.15, seized by police officers pursuant to an arrest or issuance of a notice to appear for a violation of this section, shall be forfeited to the village upon a plea of guilty or liability, a finding of guilt or liable and/or a disposition of court supervision or probation by a court of law or upon the individual utilizing any administrative remedy allowed by the village without further order of the court. Any other items which may be seized or forfeited pursuant to 720 ILCS 600/5, may be forfeited in the same manner as described therein for a violation of this section.
(Ord. 19-39, passed 12-23-19)

MORALS

§ 130.30 ILLINOIS OBSCENITY LAW.

It shall be the duty of the Village Police Force to be alert to complaints by citizens of possible violations of 720 ILCS 5/11-20 and 11-21 and enforce the laws of the state regarding such matters, as they may be amended from time to time.
(Res. 13M85, passed 9-10-85)

§ 130.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided shall be fined not more than \$ 500.

(B) Any person who violates any provision of § 130.01 shall be fined not less than \$ 10 and not exceeding \$ 100. (Ord. 31, passed 10-13-31)

(C) Any person found guilty of violating any provision of § 130.02 shall be punished by a fine of not less than \$ 25 and not exceeding \$ 500.
(Ord. 79-31, passed 8-14-79)

Acceptances and Dedications

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
19-10	3-12-19	Approving the final plat of Glendale Subdivision - Fourth Addition.

Contracts and Agreements

19

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
94-16	3-22-94	Approving an intergovernmental agreement on mutual aid in connection with electric service between the village and the Village of Riverton.
94-20	4-26-94	Approving an agreement between the village and Tonya Nantkes to sell food items and Pepsi-Cola beverages at the concession stand at the Chatham Community Park for the period May 1 through September 1, 1994.
94-21	4-26-94	Approving an agreement with Clark Dietz, Inc. for electrical engineering services.
94-31	8-9-94	Approving an intergovernmental agreement between the village and the City of Springfield.
94-39	7-12-94	Retaining Lin Engineering, Ltd., for certain consulting engineering work for the village.
99-04	1-26-99	Approving an amendment to the agreement of April 13, 1976, agreement between the village and the Springfield Metro Sanitary District.
99-34	7-13-99	Approving an intergovernmental agreement between the village and the Chatham Fire Protection District, relating to health insurance coverage for district employees.
00-42	7-25-00	Authorizing execution of a contract between village and International Union of Operating Engineers, Local 965, AFL-CIO, pertaining to terms and conditions of employment.
01-30	6-26-01	Approving an Electronic Interconnection Agreement, dated June 20, 2001, between the Village of Chatham and the City of Springfield.
15-06	2-24-15	Approving an amendment to the Electronic Interconnection Agreement, dated June 20, 2001, between the Village of Chatham and the City of Springfield.
19-08	3-12-19	Authorizing a contract with All Weather Courts for the conversion of three tennis courts into eight pickle ball courts.
19-9	3-12-19	Authorizing a contract with Massie, Massie and Associates for the Chatham Parks Master Plan Update 2019.

Chatham - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
19-38	12-23-19	Approving a settlement agreement with Citizens Equity First Credit Union (CEFCU).

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
		Construction Easement. Part of the southwest quarter, of section 6, and part of the northwest quarter, of section 7, township 14 north, range 5 west of the 3rd principal meridian, Sangamon County, Illinois.
		Tract H-35: Permanent Easement. The north 10' of lot 30 in Walnut Park Estates plat II.
		Tract H-42: Construction Easement. The south 20' of the east 75' of lot 40 in Walnut Park Estates plat II.
		Tract H-43: Permanent Easement. The north 10' of lot 34 and the north 10' of the west 5' of lot 33 in Walnut Park Estates plat II.
		Tract H-53: Permanent Easement. The south 15 feet of lot 16 in Walnut Park Estates plat I.
		Construction Easement. The south 30 feet of lot 16 in Walnut Park Estates Plat I.
		Tract H-62: Permanent Easement. The south 15' of lot 100 in Walnut Park Estates Plat IV.
		Tract H-67: Permanent Easement. The south 15' of lot 105 in Walnut Park Estates Plat IV.
		Tract H-71: Permanent Easement. South 15' of lot 109 and the south 15' of the east 2' of lot 110 in Walnut Park Estates Plat IV.
		Tract H-87: Permanent Easement. The west 30 feet of lot 81 in Walnut Park Estates Plat II.
83-24	9-13-83	Relocation of easement at lots 156 and 158, Quail Meadows 5th addition, township 14 north, range 6 west, 3rd principal meridian.
85-4	2-12-85	Permanent and temporary construction easement to construct and maintain a sanitary sewer system.
91-9	3-19-91	Temporary construction easement purchased from Donald W. and Arlene Johnson.

Chatham - Table of Special Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
94-11	2-8-94	Approving the purchase of bicycle path easements.
19-11	4-9-19	Approving a water main easement with the Hindu Temple of Greater Springfield.

REFERENCES TO ILLINOIS COMPILED STATUTES

<i>ILCS Cite</i>	<i>Code Section</i>
5 ILCS 120/1	30.08
5 ILCS 120/1 et seq.	33.50
5 ILCS 140/1 et seq.	33.50
5 ILCS 140/1.1 et seq.	36.40
5 ILCS 140/7	36.40
5 ILCS 140/11.5	36.52
5 ILCS 275/1	92.06
5 ILCS 315/3	37.01
5 ILCS 385	35.199
5 ILCS 425/1 et seq.	37.01
5 ILCS 430	31.03
5 ILCS 430/1-1 et seq.	Ch. 36, App. A
10 ILCS 5/1-3	37.01
10 ILCS 5/9 - 1.4	37.01
10 ILCS 5/9-3	37.01
15 ILCS 205/7	36.40
20 ILCS 700/4002	Ch. 36, App. A
30 ILCS 535/55	Ch. 36, App. A
35 ILCS 120/2-27	116.01
35 ILCS 200/18-50	31.53
35 ILCS 205/35	155.006
35 ILCS 635/1 et seq.	117.02
35 ILCS 636/5-50	116.04
40 ILCS 5/3 - 101 et seq.	32.24
40 ILCS 5/3 - 125	32.23
40 ILCS 5/3-128—130	32.21
50 ILCS 45/1 et seq.	38.02
50 ILCS 751/1 et seq.	Ch. 36, App. A
65 ILCS 5	35.003
65 ILCS 5/1-2-1	152.01
65 ILCS 5/1-2.2-1	39.01
65 ILCS 5/1-2.2-1 et seq.	39.12
65 ILCS 5/3.1-35-10	31.54
65 ILCS 5/3.1 -35-40 - 3.1-35-85	31.50
65 ILCS 5/3.1-35-95	31.20
65 ILCS 5/3.1-40-40	30.52
65 ILCS 5/6-204	39.01
65 ILCS 5/8-11-1	115.02
65 ILCS 5/8-11-5	115.01
65 ILCS 5/10-2.1-1 et seq.	32.43, 32.44
65 ILCS 5/10-2.1-3	32.42
65 ILCS 5/10-2.1-4	32.10, 32.43
65 ILCS 5/11-5-1.5	161.01, 161.03, 161.15
65 ILCS 5/11-12-4 et seq.	Ch. 158, App. A, Art. VII
65 ILCS 5/11-12-12	152.01

Chatham - Parallel References

<i>ILCS Cite</i>	<i>Code Section</i>
65 ILCS 5/11-21.5-5	Ch. 36, App. A
65 ILCS 5/11-30-2	152.01
65 ILCS 5/11-30-8	152.01
65 ILCS 5/11-31-1	157.08
65 ILCS 5/11-31-2	152.01, 157.08
65 ILCS 5/11-31.1 et seq.	39.01
65 ILCS 5/11-37-2	150.21
65 ILCS 5/11-40-3	99.01
65 ILCS 5/11-139-8	50.010
75 ILCS 70/1 et seq.	Ch. 36, App. A
77 ILCS 870	152.16
105 ILCS 10/1 et seq.	Ch. 36, App. A
110 ILCS 979/50	Ch. 36, App. A
120 ILCS 40/14	10.18
210 ILCS 28/1 et seq.	Ch. 36, App. A
210 ILCS 115/1 et seq.	154.02
210 ILCS 125/1 et seq.	156.01
220 ILCS 5/3-105	163.03
220 ILCS 5/5-108	Ch. 36, App. A
220 ILCS 5/9-221	116.01
220 ILCS 5/9-222.1	116.01
220 ILCS 5/9-222	116.01
220 ILCS 5/16-102	163.03
220 ILCS 5/16-1805(i)	163.03
220 ILCS 50/1	117.44
220 ILCS 65/4	117.24
225 ILCS 57/1 et seq.	110.15, 110.28
225 ILCS 57/25	110.15, 110.18
225 ILCS 57/25(g)	110.18
225 ILCS 63/1 et seq.	110.16
225 ILCS 90/1 et seq.	110.16
225 ILCS 225/1 et seq.	50.150
225 ILCS 320/3(1)	Ch. 50, App., § 5
230 ILCS 40/1 et seq.	118.02
235 ILCS 5/1-1, et seq.	111.01
235 ILCS 5/3-12(11.1)	111.23
235 ILCS 5/6-21	111.17
335 ILCS 75/1 et seq.	110.16
410 ILCS 325/1 et seq.	Ch. 36, App. A
410 ILCS 525/4	Ch. 36, App. A
415 ILCS 5	152.06
415 ILCS 5/4	Ch. 50, App., § 5
420 ILCS 44/30	Ch. 36, App. A
425 ILCS 25/9 - 14	157.07
425 ILCS 35/1	97.11
510 ILCS 5/1 et seq.	90.01
510 ILCS 5/15	90.23
510 ILCS 5/15.3	90.26
510 ILCS 50	93.20, Ch. 93, App. A

References to Illinois Compiled Statutes

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<i>ILCS Cite</i>	<i>Code Section</i>
510 ILCS 70	93.20, Ch. 93, App. A
520 ILCS 5	93.20, Ch. 93, App. A
605 ILCS 5/1 - 101	117.01
625 ILCS 5/1-101.5	99.01
625 ILCS 5/1-146	99.01
625 ILCS 5/3-314	99.06
625 ILCS 5/3-314.1	99.06
625 ILCS 5/4-201 et seq.	99.02, 99.03
625 ILCS 5/4	99.04, 99.99
625 ILCS 5/11-212	Ch. 36, App. A
625 ILCS 5/18c-7201	163.03
720 ILCS 5/11-20	130.30
720 ILCS 5/11-21	130.30
720 ILCS 550/11	130.16
720 ILCS 570/201 et seq.	130.15
720 ILCS 600/5	130.17, 130.18
720 ILCS 635/0.01 et seq.	130.17
725 ILCS 124/10	Ch. 36, App. A
725 ILCS 124/15	Ch. 36, App. A
735 ILCS 5/2-203	39.11
740 ILCS 174/1 et seq.	35.098
765 ILCS 77/70 et seq.	Ch. 36, App. A
765 ILCS 205/0.01 et seq.	155.005, 155.006
765 ILCS 205/2	152.08
805 ILCS 5/28-1(a)(3)—(a)(10)	111.13
805 ILCS 5/28-3	111.13
810 ILCS 5/3-104	50.001
820 ILCS 130/5	36.40

References to Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
511	6-5-34	T.S.O., Table III
515	11-7-34	T.S.O., Table III
94-59	9-27-94	35.003, 35.025, 35.040, 35.041, 35.059, 35.061, 35.078, 35.095
95-02	1-24-95	31.02
95-10	3-14-95	150.29, 150.30, 150.33
95-16	3-28-95	50.501, 50.502, 50.505, 50.506, 50.508, 50.509, 50.512 - 50.516, 50.530 - 50.540, 50.550 - 50.552, 50.554, 50.557, 50.570
95-50	- -95	35.096
95-58	11-28-95	36.20
96-21	2-27-96	50.122
96-54	3-26-96	Ch. 158
96-90	5-14-96	111.01, 111.22
96-93	5-28-96	33.20 - 33.22
96-106	7-9-96	Ch. 71, Sched. I
97-04	3-11-97	70.01
97-08	4-8-97	50.118
97-20	6-10-97	31.52
97-34	8-5-97	35.079
97-49	8-26-97	T.S.O. VIII
97-50	9-9-97	T.S.O. I
97-71	11-11-97	158.033
98-01	1-13-98	Adopting Ordinance
98-18	3-10-98	31.51
98-19	3-10-98	31.50
98-29	5-12-98	33.50 - 33.52
98-32	5-12-98	95.32, 95.99
98-49	9-22-98	50.130 - 50.136
98-57	9-8-98	117.17
98-58	9-8-98	Ch. 71, Sched. II
98-59	9-22-98	33.50 - 33.52
98-69A	12-22-98	155.006, 155.152
99-03	1-26-99	117.01 - 117.03, 117.23 - 117.31, 117.41 - 117.49, 117.99
99-04	1-26-99	T.S.O. III
99-06	2-9-99	50.118
99-14	3-23-99	159.01 - 159.05, 159.15 - 159.22
99-15	3-23-01	98.01 - 98.07, 98.99
99-20	5-11-99	70.01
99-27	6-8-99	111.22
99-33	6-22-99	50.570
99-34	7-13-99	T.S.O. III
99-40	7-27-99	111.01, 111.17
99-41	8-10-99	160.01 - 160.07, 160.99
99-45	9-28-99	33.51
99-61	12-21-99	Ch. 71, Sched. I
99-62	11-23-99	111.17
99-66	1-11-00	111.17

Chatham - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
00-03	1-25-00	37.01, 37.03 - 37.05, 37.99
00-04	1-25-00	159.06
00-12	1-25-00	111.22
00-20	4-11-00	111.17
00-29	6-13-00	50.118
00-42	7-25-00	T.S.O. III
00-63	11-14-00	95.02
01-04	1-23-01	38.01 - 38.03, 38.14 - 38.16, 38.26 - 38.30, 38.40 - 38.45
01-13	3-27-01	91.08
01-27	5-8-01	111.17
01-28	5-8-01	31.50, 31.53
01-35	6-12-01	111.17A
01-41	7-10-01	111.38
01-44	7-10-01	31.35, 31.53, 31.55
01-45	8-14-01	33.60 - 33.63
01-50	9-25-01	161.01 - 161.15, App. A, B
01-51	8-28-01	158.033, 158.034, 158.071; Ch. 158, App. F
01-69	11-13-01	99.01 - 99.06, 99.99
01-70	11-13-01	111.17
01-73	11-27-01	33.70 - 33.73
01-83	12-18-01	50.570
02-42	10-8-02	158.004
02-45	10-22-02	Ch. 71, Sched. I
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02-52	12-17-02	Ch. 71, Sched. I
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