

VILLAGE OF VIRGIL

VILLAGE CODE

VILLAGE OF VIRGIL

Kane County, Illinois

VILLAGE CODE

TABLE OF CONTENTS

§ 1. Adoption of Village Code 1

§ 2. Repeal; previous provisions—generally 1

§ 3. Repeal; previous provisions—exceptions 1

§ 4. Repeal; conflicting provisions 2

§ 5. Copies; filing; updating; public inspection 2

§ 6. Additions and amendments 3

§ 7. Constitutionality 3

§ 8. Violation - penalty 3

CHAPTER 1—ADMINISTRATION 4

 SUBCHAPTER 1—OFFICERS 4

 § 101. President 4

 § 102. Board of trustees 4

 § 103. Clerk 5

 § 104. Treasurer 6

 SUBCHAPTER 2—BIDDING 11

 § 105. Competitive bidding required 11

 § 106. Advertisements for bids 12

 § 107. Scope of notice 12

§ 108.	Bid deposits	12
§ 109.	Bid opening procedure	12
§ 110.	Rejection of bids	13
§ 111.	Bidders in default to village	13
§ 112.	Award of contract	13
§ 113.	Open market procedure	14
§ 114.	Professional services exempt from bidding requirements	14
§ 115.	Emergency purchases	15
§ 116.	Cooperative purchasing	15
SUBCHAPTER 3—COMPENSATION		15
§ 120.	President	15
§ 121.	Trustees	15
§ 122.	Clerk	16
§ 123.	Treasurer	16
§ 124.	Building and zoning officer	16
§ 125.	Committee members and chairpersons	16
§ 126.	Planning and zoning board	17
§ 127.	Reimbursement of expenses	17
§ 128.	Payment	17
§ 129.	Waiver of compensation or reimbursement	17

SUBCHAPTER 4—RULES	18
§ 130. Meetings	18
§ 131. Electronic attendance at meetings	19
§ 132. Presiding officer	20
§ 133. Quorum - order of business	21
§ 134. Duties of the presiding officer	22
§ 135. Duties of members	23
§ 136. Conflicts of interest	23
§ 137. Visitors	24
§ 138. Presentation of new business and deferment	24
§ 139. Debate	24
§ 140. Call of member to order	25
§ 141. Appeals from decisions of the chair	25
§ 142. Questions of personal privilege	25
§ 143. Voting	25
§ 144. Special order of business	26
§ 145. Second of motions required; written motions—reading of motions, resolutions, ordinances, minutes and correspondence	26
§ 146. Withdrawal of motions	26
§ 147. Division of questions	27
§ 148. Record of motions	27

§ 149.	Taking and entering the votes; explanation of vote	27
§ 150.	Announcement and changes of votes	27
§ 151.	Precedence of motions	28
§ 152.	Motion to refer	29
§ 153.	Motion to amend	29
§ 154.	Filling of blanks	30
§ 155.	Motion to substitute	30
§ 156.	Reconsideration	30
§ 157.	Standing and ad hoc committees	31
§ 158.	Jurisdiction of committees	31
§ 159.	The journal	32
§ 160.	Style of ordinances	32
§ 161.	“Yea” and “nay” vote	32
§ 162.	Approval or veto	32
§ 163.	Record of ordinance	33
§ 164.	Publication	33
§ 165.	Time of taking effect	33
§ 166.	Adoption of <i>Robert's Rules of Order</i> , revised	34
§ 167.	Temporary suspension of rules; amendment of rules	34
§ 168.	Censure of members; expulsion of members	34

SUBCHAPTER 5—PLANNING AND ZONING BOARD	34
§ 169. Creation of planning and zoning board	34
§ 170. Composition and term of members	35
§ 171. Oath, disclosure of interest	36
§ 172. Power and duties	36
SUBCHAPTER 6—CODE HEARING DEPARTMENT	37
§ 180. Adoption of Division	37
§ 181. Adoption of Division 31.1	37
SUBCHAPTER 7—ETHICS	38
§ 182. Adoption of Act	38
CHAPTER 2—ALCOHOLIC LIQUOR	40
SUBCHAPTER 1—IN GENERAL	40
§ 201. State law adopted	40
§ 202. Administration	40
§ 203. Records	40
§ 204. Compensation of commissioner and commission members	41
SUBCHAPTER 2—LICENSES	41
§ 205. Applications	41
§ 206. Persons ineligible	41

§ 207. Restrictions on issuance to establishments near churches, schools, etc. . . . 43

§ 208. Restrictions on issuance to establishments which sell school supplies, etc.
..... 44

§ 209. Bond 44

§ 210. Lease of premises 45

§ 211. License year 45

§ 212. Classifications 45

§ 213. Maximum number of licenses 47

§ 214. Time limit for issuance 47

§ 215. Form 47

§ 216. Display 48

§ 217. License transfers 48

§ 218. Revocation or suspension 48

SUBCHAPTER 3—OPERATIONAL RULES AND REGULATIONS 48

§ 219. Prohibited hours of sale 48

§ 220. Occupancy during prohibited hours of sale 49

§ 221. Sale to minors, intoxicated persons, etc. 50

§ 222. Employment of minors 51

§ 223. Reporting of incidents 51

§ 224. Sound amplification 51

§ 225. Criminals 52

§ 226. Gambling, prostitutes, lewd acts, etc	52
§ 227. Free dispensing	53
§ 228. Sales on credit	53
§ 229. Resale	53
§ 230. Sale or termination of business	53
§ 231. Records	54
§ 232. Sanitation	54
CHAPTER 3—DEVELOPMENT	55
SUBCHAPTER 1—BUILDING CODE	55
§ 301. Adoption of building code	55
§ 302. Exemptions	55
§ 303. Appeals	56
§ 304. Violations	56
§ 305. Sewage Disposal	57
SUBCHAPTER 2—COMPREHENSIVE LAND USE PLAN	57
§ 306. Adoption of plan	57
SUBCHAPTER 3—STORMWATER MANAGEMENT	58
§ 307. Adoption of Kane County Stormwater Ordinance by reference	58
§ 308. Additions, deletions and other changes	58

SUBCHAPTER 4—PROPERTY MAINTENANCE 62

 § 320. Adoption of 2003 International Property Maintenance Code 62

 § 321. Additions and deletions 62

 § 322. Violation, penalties 64

 § 323. Adoption of amendments 64

SUBCHAPTER 5—STREETS AND RIGHTS OF WAY 65

 § 325. Recitals 65

 § 326. Purpose and scope 65

 § 327. Definitions 67

 § 328. Annual Registration Required 74

 § 329. Permit required; applications and fees 74

 § 330. Action on permit applications 77

 § 331. Effect of permit 78

 § 332. Revised permit drawings 79

 § 333. Insurance 80

 § 334. Indemnification 82

 § 335. Security 82

 § 336. Permit suspension and revocation 85

 § 337. Change of ownership or owner’s identity or legal status 86

 § 338. General construction standards 87

VILLAGE OF VIRGIL	VILLAGE CODE
§ 339. Traffic control	88
§ 340. Location of facilities	88
§ 341. Construction methods and materials	93
§ 342. Vegetation Control	100
§ 343. Removal, relocation, or modifications of utility facilities	101
§ 344. Clean-up and restoration	102
§ 345. Maintenance and emergency maintenance	103
§ 346. Variances	104
§ 347. Penalties	105
§ 348. Enforcement	105
CHAPTER 4 — FEES	106
SUBCHAPTER 1—ZONING	106
§ 400. Zoning fee schedule	106
SUBCHAPTER 2—AMUSEMENT DEVICES	107
§ 401. License fee generally; arcades, billiard rooms, distributors	107
SUBCHAPTER 3—LIQUOR LICENSES	107
§ 402. Fees	107
SUBCHAPTER 4—IMPACT FEES	108
§ 403. Findings and purpose	108

VILLAGE OF VIRGIL	VILLAGE CODE
§ 404. Definitions	109
§ 405. Imposition of fee	110
§ 406. Transition fee	110
§ 407. Impact fee	111
§ 408. Administration	111
SUBCHAPTER 5—STORMWATER MANAGEMENT PERMITS	112
§ 409. Stormwater management permit	112
 CHAPTER 5—FRANCHISES	 113
SUBCHAPTER 1—ELECTRIC	113
§ 500. Definitions	113
§ 501. Rules of construction	116
§ 502. Rights granted	116
§ 503. Conditions of grant	117
§ 504. Service considerations	123
§ 505. Economic and technological provisions	126
§ 506. Administration	127
§ 507. Compensation	131
§ 508. Municipal rights reserved	132
§ 509. Term and termination	134

§ 510. Remedies	135
§ 511. Non-Discrimination and equal opportunity	137
§ 512. Laws, rules and regulations	138
§ 513. Indemnification, insurance and performance security	138
§ 514. Miscellaneous provisions	139
EXHIBIT A	143
EXHIBIT B	144
CHAPTER 6—SUBDIVISION REGULATIONS	145
SUBCHAPTER 1—TITLE, PURPOSE AND JURISDICTION	145
§ 600. Title	145
§ 601. Purpose and jurisdiction	145
SUBCHAPTER 2—RULES AND DEFINITIONS	146
§ 602. Rules of construction	146
§ 603. Definitions	146
SUBCHAPTER 3—PROCEDURES	152
§ 604. Summary	152
§ 605. Minor subdivision	152
§ 606. Concept plan	158
§ 607. Review of preliminary plan	162

§ 608. Final engineering plans	164
§ 609. Final plan	165
§ 610. Completion and acceptance of improvements	169
SUBCHAPTER 4—PLAN SUBMITTAL REQUIREMENTS	173
§ 611. Preliminary plan	173
§ 612. Final engineering plans	178
§ 613. Final Plan	186
SUBCHAPTER 5—DESIGN AND IMPROVEMENT STANDARDS	190
§ 614. Standards generally	190
§ 615. Lots and blocks	191
§ 616. Easements	193
§ 617. Streets	195
§ 618. Utilities	199
§ 619. Flood plain or wetland areas	200
§ 620. Stormwater management	203
§ 621. Other improvements	209
§ 622. Temporary sales facilities	209
§ 623. Stockpiles	210
§ 624. Soil erosion and sedimentation control	210
SUBCHAPTER 6—SITE PLAN REQUIREMENTS [Reserved]	215

SUBCHAPTER 7—[Reserved]	215
SUBCHAPTER 8—DEDICATION OF PARK LANDS AND SCHOOL SITES OR PAYMENT OF FEES IN LIEU THEREOF	215
§ 625. Adoption by reference	215
§ 626. Additions, deletions and changes	216
SUBCHAPTER 9—[Reserved]	218
SUBCHAPTER 10—[Reserved]	218
SUBCHAPTER 11—ADMINISTRATION	218
§ 627. Variations	218
§ 628. Fees	218
§ 629. Permits for utility services	219
§ 630. Building permit	219
§ 631. Occupancy permit	220
§ 632. Enforcement	220
§ 633. Record of plats	220
§ 634. Severability	220
§ 635. Violation - penalty	221
§ 636. Effect; repeal of prior ordinances	221
APPENDIX I—CERTIFICATES	222
APPENDIX II—SAMPLE EASEMENT LANGUAGE	229
APPENDIX III—PRECONSTRUCTION MEETING OUTLINE	233

VILLAGE OF VIRGIL	VILLAGE CODE
APPENDIX IV—LETTER OF CREDIT FORM	237
APPENDIX V—PAYOUT RECORD FORM	242
CHAPTER 7—RESERVED	246
CHAPTER 8—PUBLIC SAFETY	247
SUBCHAPTER 1—AMUSEMENT DEVICES	247
§ 801. Definitions	247
§ 802. License required	247
§ 803. Licenses generally	248
§ 804. Persons ineligible for license	249
§ 805. Hours of operation	250
§ 806. Suspension or revocation	250
§ 807. Penalties	251
§ 808. Review under Administrative Review Law	251
SUBCHAPTER 2—MOTOR VEHICLES	251
§ 809. Adoption of Illinois Vehicle Code	251
§ 810. Speed limits	252
§ 811. Weight limits	252
SUBCHAPTER 3—OFFENSES AGAINST THE PUBLIC PEACE	253

VILLAGE OF VIRGIL

VILLAGE CODE

§ 812.	Disorderly conduct	253
§ 813.	Mob action	255
§ 814.	Permitting unlawful assembly	255
§ 815.	Disturbing lawful assembly	255
§ 816.	Curfew for minors	256
§ 817.	Loitering, obstruction of traffic or passers-by	256
§ 818.	Loudspeakers, sound trucks, amplifiers on streets	256
§ 819.	Loud music and noises	257
§ 820.	Damage to property	258
§ 821.	Obstructing drainage, water flow	258
§ 822.	Obstructing, dumping into drains, watercourses	258
§ 823.	Using land, streets and alleys for parking of certain vehicles used as residence	259
§ 824.	Discharge of firearms	259
§ 825.	Fireworks	260
§ 826.	Vagrancy	260
§ 827.	Offense - fine	260
SUBCHAPTER 4—OPEN BURNING		261
§ 828.	Open fires	261
§ 829.	Limited burning	261
§ 830.	Burning of leaves, etc.	261

§ 831. Exemption - agriculture	262
§ 832. Penalty	262
SUBCHAPTER 5—NUISANCES	262
§ 840. Scope and intent	262
§ 841. Definitions	263
§ 842. Nuisances declared	264
§ 843. Exemption – agricultural lands	266
§ 844. Unlicensed motor vehicle designed and used for motor racing – permit	267
§ 845. Notice	267
§ 846. Violation	268
 CHAPTER 9—PUBLIC WORKS	 269
§ 901. Connection of sump pumps and curtain drains to the Virgil View Subdivision drainage system	 269
§ 902. Activities regulated	269
§ 903. Driveways within the right-of-way	270
§ 904. Penalty for violation	270
 CHAPTER 10—RESERVED	 271

CHAPTER 11—SOLID WASTE	272
SUBCHAPTER 1—DUMPING	272
§ 1101. Scope and intent	272
§ 1102. Definitions	272
§ 1103. Dumping, etc. prohibited	273
§ 1104. Misuse of public trash and recycling receptacles	274
§ 1105. Penalty	274
SUBCHAPTER 2—REGIONAL POLLUTION CONTROL FACILITY SITING	
.....	275
§ 1106. Short title	275
§ 1107. Definitions	275
§ 1108. Village approval of regional pollution control facilities	276
§ 1109. Regional Pollution Control Facility committee and committee chairman	
.....	277
§ 1110. Procedure for filing an application for approval of a Regional Pollution	
Control Facility	278
§ 1111. Procedure for filing written comments to an application for approval of a	
Regional Pollution Control Facility	280
§ 1112. Hearings on applications	281
§ 1113. Decisions	283
§ 1114. Articles of rules and procedures	284
§ 1115. Severability clause	284

§ 1116. Ordinance repealed	284
CHAPTER 12—ZONING	285
SUBCHAPTER 1—TITLE	285
§ 1201. Short title	285
SUBCHAPTER 2—PURPOSE	285
§ 1202. Stated purpose	285
SUBCHAPTER 3—RULES AND DEFINITIONS	286
§ 1203. Rules of construction	286
§ 1204. Definitions	287
SUBCHAPTER 4—ADMINISTRATION AND ENFORCEMENT	304
§ 1205. Generally	304
§ 1206. Zoning officer	304
§ 1207. Zoning permit	305
§ 1208. Variations	306
§ 1209. Appeals	307
§ 1210. Amendments	308
§ 1211. Special uses	309
§ 1212. Additional standards – airports	311
§ 1213. Additional standards – automobile wrecking yard	312

§ 1214. Additional standards – cemetery	313
§ 1215. Additional standards – drive-in theater, summer theater, amphitheater	313
§ 1216. Additional standards for specific special uses - extraction of earth products	314
§ 1217. Additional standards – planned unit development (PUD)	319
§ 1218. Public and private utilities and services	334
§ 1219. Conditions and guarantees	335
§ 1220. Effect of denial of a special use	335
§ 1221. Revocation	335
§ 1222. Fee schedule	336
§ 1223. Enforcement and penalties	336
SUBCHAPTER 5 — GENERAL PROVISIONS	337
§ 1224. Interpretation, purposes, and conflicts	337
§ 1225. Conflicting ordinances	337
§ 1226. Validity	337
§ 1227. Scope of regulations	338
§ 1228. Number of buildings on a recorded or zoning lot	339
§ 1229. Minimum lot size	339
§ 1230. Lot area, yard, and bulk regulations	339
§ 1231. Contiguous parcels	342

§ 1232. Accessory buildings	342
§ 1233. Bulk regulations	343
§ 1234. Existing special uses	344
§ 1235. Regulations along limited access highways	344
§ 1236. Development of air rights	344
§ 1237. Interpretation of use lists	345
SUBCHAPTER 6—NONCONFORMING BUILDINGS, STRUCTURES AND	
USES	346
§ 1238. Purpose	346
§ 1239. Authority to continue nonconforming buildings, structures, and uses	346
§ 1240. Restrictions on nonconforming buildings, structures and uses	346
§ 1241. Elimination of nonconforming buildings and structures	348
§ 1242. Elimination of nonconforming uses	349
§ 1243. Performance and protective standards for nonconforming uses	350
§ 1244. Records	350
SUBCHAPTER 7 — ZONING DISTRICTS	
§ 1245. Classification	351
§ 1246. Zoning maps	352
§ 1247. Additional areas	352
§ 1248. Boundaries of districts	352

SUBCHAPTER 8 — AGRICULTURE DISTRICTS	353
§ 1249. Permitted uses	353
§ 1250. Special uses	354
§ 1251. Uses expressly prohibited	354
SUBCHAPTER 9 — RESIDENTIAL DISTRICTS	354
§ 1252. E1 District—Estate; permitted uses	354
§ 1253. E1 District—Estate; special uses	355
§ 1254. E1 District—Estate; uses expressly prohibited	355
§ 1255. E2 District—Estate; permitted uses	355
§ 1256. Special uses	356
§ 1257. Uses expressly prohibited	356
§ 1258. R1 District—One-Family Residential; permitted uses	356
§ 1259. Special uses	356
§ 1260. Uses expressly prohibited.	356
§ 1261. R2 District—One-Family Residential; permitted uses	357
§ 1262. Special uses	357
§ 1263. Uses expressly prohibited	357
§ 1264. R3 District—Two-Family Residential; permitted uses	357
§ 1265. Special uses	358
§ 1266. Uses expressly prohibited	358

SUBCHAPTER 10 — BUSINESS DISTRICTS 358

 § 1267. B1 District—Business; permitted uses 358

 § 1268. Special uses 358

 § 1269. Restrictions applicable to specific permitted uses 358

 § 1270. Uses expressly prohibited 361

 § 1271. B2 District—Business; permitted uses 361

 § 1272. Special uses 361

 § 1273. Uses expressly prohibited 361

 § 1274. B3 District—Business; permitted uses 362

 § 1275. Special uses 362

 § 1276. Uses expressly prohibited 362

 § 1277. B4 District—Business - permitted uses 363

 § 1278. Special uses 363

 § 1279. Uses expressly prohibited 363

SUBCHAPTER 11 — INDUSTRIAL DISTRICTS 363

 § 1280. LI District—Light Industry 363

 § 1281. Permitted uses 364

 § 1282. Special uses 364

 § 1283. Uses expressly prohibited. 364

 § 1284. Performance standards 364

VILLAGE OF VIRGIL	VILLAGE CODE
§ 1285. I District—Industry	369
§ 1286. Permitted uses	369
§ 1287. Special uses	369
§ 1288. Uses expressly prohibited	370
§ 1289. Performance standards	370
SUBCHAPTER 12 — OFF-STREET PARKING	388
§ 1290. Purpose	388
SUBCHAPTER XIII—MISCELLANEOUS PROVISIONS	393
§ 1291. Plats and dedications	393
§ 1292. Procedures for implementation and enforcement	393
SUBCHAPTER XIV—APPENDIX	393
§ 1293. Instructions for making application for a variation	393
§ 1294. Instructions for filing request for rezoning or special use	395
§ 1295. Procedures for scheduling of zoning petition speakers and for filing of formal protests	397
§ 1296. Village of Virgil planned unit development guidelines	397
APPENDIX I—Comprehensive Land Use Plan	400
APPENDIX II—Impact Fees	401

§ 1. Adoption of Village Code

This code consisting of chapters 1 through 12, inclusive, is hereby adopted as the Village Code of the Village of Virgil, Illinois. This code is a new and original comprehensive code that supersedes all other general and permanent ordinances passed by the board of trustees before September 8, 2011, except those that are expressly saved from repeal or continued in effect for any purpose.

Ord 2011-05, 9/8/2011.

§ 2. Repeal; previous provisions—generally

This code is effective after September 8, 2011. All ordinances of a general and permanent nature of the village of Virgil enacted before September 8, 2011, and not excepted from repeal in § 3, are repealed as of the effective date of this code.

Ord 2011-05, 9/8/2011.

§ 3. Repeal; previous provisions—exceptions

(a) The repeal provided for in § 2 does not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this code; nor does such repeal affect any of the following:

(1) Any ordinance or resolution promising or guaranteeing the payment of money for the village, or authorizing the issuance or any bonds of the village or any contract or obligation assumed by the village;

(2) Any right or franchise granted by any ordinances of the village;

(3) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, or the like, any street or public way in the village;

(4) Any budget or appropriation ordinance;

(5) Any ordinance levying or imposing taxes;

(6) Any map amendment to the zoning ordinance, or any ordinance granting or denying a special use or variation;

(7) Any ordinance establishing or prescribing grades in the village;

(8) Any ordinance providing for local improvements and making assessments therefor;

(9) Any ordinance extending or contracting the boundaries of the village;

(10) Any ordinance adopting a boundary or similar agreement;

(11) Any ordinance adopting an intergovernmental agreement;

(b) The repeal provided for in § 2 does not revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by the ordinance codified in this code.

Ord 2011-05, 9/8/2011.

§ 4. Repeal; conflicting provisions

All ordinances or parts of ordinances in conflict with this code are, to the extent of such conflict, repealed.

Ord 2011-05, 9/8/2011.

§ 5. Copies; filing; updating; public inspection

A copy of this code will be kept on file in the office of the village clerk, preserved in loose-leaf form. It is the duty of the village clerk or someone authorized by him or her to insert in their designated places all amendments or ordinances which indicate the intention of the board of trustees to make the same a part of this code when the same have been printed or reprinted in page form, and to extract from this code all provisions which may from time to time be repealed by the board of trustees. This copy of the code will be available for all persons desiring to examine it and will be considered the official code of ordinances of Virgil, Illinois.

Ord 2011-05, 9/8/2011.

§ 6. Additions and amendments

Any additions or amendments to this code, when passed in such form as to indicate the intention of the board of trustees to make the same a part thereof are deemed to be incorporated in this code so that reference to the Virgil Village Code will be understood and intended to include such additions and amendments.

Ord 2011-05, 9/8/2011.

§ 7. Constitutionality

If any part of this code is held to be invalid or unconstitutional, that decision will not affect the validity of the remainder of this code. The board of trustees declares that it would have passed this code, and every part of it, irrespective of the fact that any part had been declared invalid or unconstitutional, and if this code should be declared invalid or unconstitutional, then the original ordinance or ordinances will be in full force and effect.

Ord 2011-05, 9/8/2011.

§ 8. Violation - penalty

Whenever in this code any act is prohibited or is made or declared to be unlawful, or whenever in this code any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this code will be punished by a civil fine of not more than \$750. Each day any violation of any provision of this code continues constitutes a separate offense.

Ord 2011-05, 9/8/2011.

CHAPTER 1—ADMINISTRATION

SUBCHAPTER 1—OFFICERS

§ 101. President

(a) The president is elected for a full four- year term and serves until a successor is elected and qualified as provided by statute.

(b) The president is the chief executive officer of the village and shall perform those duties required by statute or ordinance. The president has the power to inspect all books and records pertaining to village affairs and kept by any officer or employee of the village at any reasonable time.

(c) In the event of the temporary absence or disability of the president, the village board may elect one of its number to act as president pro tem, who, during the absence or disability of the president, will have the powers of president as provided by statute.

(d) Before entering upon the duties of office, the president shall execute a bond in an amount not less than \$3,000 with such sureties as may be required and approved by the board of trustees, conditioned upon the faithful performance of the office of president.

(e) The president shall take the oath of office prescribed by statute before assuming the duties of office.

§ 102. Board of trustees

(a) The board of trustees of the village consists of six members and is elected to office as provided by statute.

(b) The board is the legislative branch of the village government and shall perform the duties and have the powers authorized by statute.

(c) Members of the board of trustees shall take the oath of office as prescribed by statute.

§ 103. Clerk

(a) The clerk is appointed by the president with the concurrence of the board of trustees. The clerk serves for a four- year term and until a successor is appointed and qualifies by taking the oath of office.

(b) Before entering upon the duties of office, the clerk shall execute a bond in an amount not less than \$3000 with such sureties as may be required by the board of trustees, conditioned upon the faithful performance of the duties of the clerk.

(c) The clerk shall attend all meetings of the corporate authorities, including executive sessions, and keep the minutes and records of their proceedings except if the clerk is the subject matter of the meeting and the clerk's presence creates a conflict of interest. The clerk shall make the record of those proceedings available for public inspection within seven days after being approved or accepted by the corporate authorities as the official minutes of their proceedings. The clerk has custody of the ordinances, resolutions, written motions, and all other documents pertaining to the business and affairs of the village, the custody and control of which are not given to other officers.

(d) The clerk shall seal and attest all contracts of the village and all licenses, permits and other documents that require this formality. The clerk shall turn over all money received on behalf of the village to the treasurer promptly upon receipt and shall keep an account showing all money received by the clerk on behalf of the village and the source and disposition thereof and such other accounts as are required by statute or ordinance. In addition to the record of ordinances and other records which the clerk is required by statute to keep, the clerk shall keep a register of all licenses and permits issued and the payments made therefor, and a record showing all of the officers and regular employees of the village and such other records as may be required by the board of trustees.

(e) Upon receipt of the annual account from the treasurer, the clerk shall publish the account at least once in a newspaper published in the village or, if no newspaper is published in the village, then in a newspaper having a general circulation within the village. If the village has a population of less than 500 and no newspaper is published in the village or has a general

circulation within the village, publication may be made by posting a copy of the account in three prominent places within the village.

(f) The clerk is the custodian of the village seal and shall affix its impression on documents whenever this is required.

(g) The clerk is the collector of the village.

(h) Any duty assigned to the clerk in this code or in any existing or future motion or resolution enacted by the corporate authorities, including the authority to sign permits and contracts, except those duties which cannot be delegated by law, may be delegated to such village personnel as the president may determine from time to time.

Ord 2020-03, 11/12/2020).

§ 104. Treasurer

(a) The treasurer is appointed by the president with the concurrence of the board of trustees. The treasurer serves for a four-year term and until a successor is appointed and qualifies by taking the oath of office.

(b) The treasurer shall give a bond in an amount not less than \$3000 with such surety as may be required by the board of trustees, conditioned upon the faithful performance of the duties of office and to indemnify the village for any loss due to any neglect of duty or unlawful act on the part of the treasurer.

(c) The treasurer shall receive all money belonging to the village and shall keep the treasurer's books and accounts in the manner prescribed by ordinance. The treasurer shall make these books and accounts available for inspection to any member of the corporate authorities upon request.

(d) The treasurer shall keep a separate account of each fund or appropriation and the debits and credits belonging to that fund or appropriation.

(e) The treasurer shall give every person paying money into the treasury a receipt, specifying the date of payment and upon what account paid. The treasurer shall file copies of

these receipts with the clerk, with the treasurer's monthly reports. If the treasurer has possession of money properly appropriated to the payment of any warrant lawfully drawn upon the treasurer, the treasurer shall pay the money specified in the warrant to the person designated by the warrant.

(f) At the end of every month, and more often if required by the corporate authorities, the treasurer shall render an account under oath to the corporate authorities, or to an officer designated by ordinance, showing the state of the treasury at the date of the account and the balance of money in the treasury. The treasurer shall accompany the account with a statement of all money received into the treasury and on what account, together with all warrants redeemed and paid by the treasurer. On the day the treasurer renders an account, the treasurer shall deliver these warrants, with all vouchers held by the treasurer, to the clerk and who shall file them, together with the account, in the clerk's office. The treasurer shall mark all paid warrants as "paid". The treasurer shall keep a register of all warrants, which describes each warrant, showing its date, amount, and number, the fund from which paid, the name of the person to whom paid, and when paid.

(g) The treasurer may be required to keep all funds and money in the treasurer's custody belonging to the village in places of deposit designated by ordinance or resolution. When requested by the treasurer, the corporate authorities shall designate one or more banks or savings and loan associations in which may be kept the funds and money of the village in the custody of the treasurer. When a bank or savings and loan association has been designated as a depository, it will continue as a depository until 10 days have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities required by this section. When a new depository is designated, the corporate authorities shall notify the sureties of the treasurer of that fact in writing at least 5 days before the transfer of funds. The treasurer will be discharged from responsibility for all funds or money that the treasurer deposits in a designated bank or savings and loan association while the funds and money are so deposited.

(h) The treasurer may require any bank or savings and loan association to deposit with the treasurer securities or mortgages that have a market value at least equal to the amount of

money the village has on deposit with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation.

(i) The treasurer may enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of village funds.

(j) (1) The treasurer may—

(A) combine moneys from more than one fund for the purpose of investing such moneys;

(B) join with any other official custodians or treasurers of other municipal, intergovernmental risk management entities, self-insurance pools, waste management agencies, or other intergovernmental entities composed solely of participating municipalities for the purpose of jointly investing the funds of which the official custodians or treasurers have custody; and

(C) enter into agreements of any definite or indefinite term regarding the redeposit, investment, or withdrawal of municipal, risk management entity, self-insurance agency, waste management agency, or other intergovernmental entity funds.

(2) When funds are combined for investment purposes as authorized in this section, the treasurer shall account for those moneys separately in all respects, and shall separately and individually compute, record, and credit the earnings from such investment to the fund, municipality, intergovernmental risk management entity, self-insurance pool, waste management agency, or other intergovernmental entity, as the case may be, for which the investment was acquired.

(3) Joint investments may be made only in investments authorized by law for investment of municipal funds. The grant of authority contained in this subsection is cumulative, supplemental, and in addition to all other power or authority granted by any other law and is not a limitation of any power and authority otherwise granted.

(k) The treasurer shall not deposit village funds as permitted by this section in any bank or savings and loan association unless it has complied with the requirements established by Section 6 of the Public Funds Investment Act.

(l) In addition to any other investments or deposits authorized under this Code, the treasurer is authorized to invest the funds and public moneys in the custody of the treasurer in accordance with the Public Funds Investment Act.

(m) The treasurer shall keep all money belonging to the village and in the treasurer's custody separate and distinct from the treasurer's own money and shall not use, either directly or indirectly, the village's money or warrants for the personal use and benefit of the treasurer or of any other person. Any violation of this provision is grounds for the immediate removal of the treasurer from office by the corporate authorities, who may declare the treasurer's office vacant.

(n) The treasurer shall report to the corporate authorities, as often as they require, a full and detailed account of all receipts and expenditures of the village, as shown by the treasurer's books, up to the time of the report.

(o) Within six months after the end of each fiscal year, the treasurer shall prepare and file with the clerk an account of moneys received and expenditures incurred during the preceding fiscal year as specified in this section. The treasurer shall show in the account:

(1) All moneys received by the village, indicating the total amounts, in the aggregate, received in each account of the village, with a general statement concerning the source of receipts. In this paragraph, the term "account" does not mean each individual taxpayer, householder, licensee, utility user, or other persons whose payments to the municipality are credited to a general account.

(2) Except as provided in paragraph (3) of this subsection, all moneys paid out by the village where the total amount paid during the fiscal year exceeds \$2,500 in the aggregate, giving the name of each person to whom moneys were paid and the total paid to each person.

(3) All moneys paid out by the village as compensation for personal services, giving the name of each person to whom moneys were paid and the total amount paid to each person from each account, except that the treasurer may elect to report the compensation for personal services of all personnel by name, listing each employee in one of the following categories:

- (A) under \$25,000.00;
- (B) \$25,000.00 to \$49,999.99;
- (C) \$50,000.00 to \$74,999.99;
- (D) \$75,000.00 to \$99,999.99;
- (E) \$100,000.00 to \$124,999.99; or
- (F) \$125,000.00 and over.

(4) A summary statement of operations for all funds and account groups of the village, as excerpted from the annual financial report as filed with the appropriate State agency.

(p) Within six months after the end of each fiscal year the treasurer shall file with each town or county collector of taxes who collects taxes levied by the village a copy of the annual account that is required to be filed with and published by the clerk, together with an affidavit of the clerk stating that the copy is a true and correct copy of the annual account filed with the clerk, that it was published or posted as required by § 103(e), the date of the filing and publication or posting, and, if published, the newspaper in which it was published.

Ord 2020-03, 11/12/2020).

SUBCHAPTER 2—BIDDING

§ 105. Competitive bidding required

In accordance with § 8-9-1 of the Illinois Municipal Code, any work or other public improvement, the cost of which will exceed \$20,000 and is not to be paid for in whole or in part by special assessment or special taxation, must be constructed either—

(a) by a contract let to the lowest responsible bidder after advertising for bids in the manner prescribed in this subchapter, except if authorized by a vote of two-thirds of all the trustees then holding office, the contract may be entered into by the proper officers without advertising for bids; or

(b) in the following manner if authorized by a vote of two-thirds of all the trustees then holding office:

(1) the chairman of the building and zoning committee shall supervise the construction of the work or other public improvement and the village shall employ exclusively for the performance of all manual labor, laborers and artisans paid by the village by the day or hour; and

(2) all material used in the construction of the work or other public improvement costing \$20,000 or more, must be purchased by contract let to the lowest responsible bidder in the manner prescribed by subchapter.

Nothing in this section applies to any contract with the federal government or any federal agency.

Ord 1996-03, 9/12/1996.

§ 106. Advertisements for bids

The village shall publish a notice inviting bids at least once in a newspaper with general circulation within the village. The village shall also advertise all pending work or purchases by posting a public notice in the village hall.

1996-03, 9/12/1996.

§ 107. Scope of notice

The newspaper notice will include a general description of the work to be performed or the articles to be purchased, state where specifications may be secured, and specify the time and place for opening bids.

Ord 1996-03, 9/12/1996.

§ 108. Bid deposits

When deemed necessary, the board of trustees may require bid deposits in the public notices inviting bids to ensure finalization of the contract and to indemnify the village against any loss or claim against the village as a consequence of the granting of the contract. The village shall return the bid deposits of unsuccessful bidders when the contract is awarded. A successful bidder forfeits any bid deposit if the bidder fails to enter into a contract within 10 days after the award. Bid deposits may be in the form of a certified check, bond, or letter of credit in the amount specified in the advertisement for bids.

Ord 1996-03, 9/12/1996.

§ 109. Bid opening procedure

- (a) A bid must be submitted in a sealed envelope identified as a bid on the envelope.
- (b) Bids will be opened in public at the time and place stated in the public notice.
- (c) A tabulation of all bids received will be made and furnished to the board of trustees at its next regular meeting.

Ord 1996-03, 9/12/1996.

§ 110. Rejection of bids

The village may reject all bids or parts of all bids when the public interest will be served by doing so.

Ord 1996-03, 9/12/1996.

§ 111. Bidders in default to village

The village will not accept the bid of a contractor who is in default in the payment of taxes, licenses, or other money due the village.

Ord 1996-03, 9/12/1996.

§ 112. Award of contract

(a) The board of trustees shall award contracts to the lowest responsible bidder on the basis of the bid that is in the best interests of the village to accept. In awarding the contract, in addition to price, the board of trustees shall consider—

(1) the ability, capacity, and skill of the bidder to perform the contract or provide the service required;

(2) the ability of the bidder to perform the contract or provide the service promptly, or within the time specified, without delay or interference;

(3) the character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(4) the quality of the performance of previous contracts or services;

(5) the bidder's previous and existing compliance with laws and ordinances relating to the contract or service;

(6) the sufficiency of the financial resources of the bidder to perform the contract or provide the service;

(7) the quality, availability, and adaptability of the supplies or contractual services to the particular use required;

(8) the ability of the bidder to provide future maintenance and service for the subject of the contract;

(9) the number and scope of conditions attached to the bid.

(b) Before entering into any contract, the board of trustees may require a payment and performance bond in the amount it finds reasonably necessary to protect the interests of the village, and shall require a payment and performance bond when required and in accordance with by statute.

Ord 1996-03, 9/12/1996.

§ 113. Open market procedure

The village shall construct any work or other public improvement, or purchase supplies, materials, services, or equipment, when the cost will not exceed \$20,000, by a contract or purchase made in the open market, without newspaper advertisement and without observing the procedure prescribed by this subchapter for the award of formal contracts, but in a manner that will ensure the best interests of the public by soliciting bids on proposals.

Ord 1996-03, 9/12/1996.

§ 114. Professional services exempt from bidding requirements

The village may enter into a contract with any professional without observing the bidding procedures prescribed by this subchapter. Regular employment contracts are likewise exempt from the provisions of this subchapter.

Ord 1996-03, 9/12/1996.

§ 115. Emergency purchases

In case of an apparent emergency, the board of trustees may secure by open market procedure, at the lowest obtainable price, any work, supplies, materials, or services regardless of the amount of the expenditure. A finding of emergency must be made by the affirmative vote of at least two-thirds of the board of trustees at the time of the emergency contract or no later than the first regular village board meeting thereafter.

Ord 1996-03, 9/12/1996.

§ 116. Cooperative purchasing

The village may join with other units of government in cooperative purchasing plans when the best interests of the village would be served thereby.

Ord 1996-03, 9/12/1996.

SUBCHAPTER 3—COMPENSATION

§ 120. President

The village will pay the president \$50 for each meeting of the board of trustees or a committee thereof, attended, not to exceed \$100 per month, plus \$15 per hour for all other time spent on the business of the village.

Ord 1991-05, 4/11/1991, set pay at \$30 per meeting, maximum \$60 per month; Ord 2001-01, 4/2/2001, increased pay to \$50 per meeting and added the hourly rate.

§ 121. Trustees

The village will pay each of the trustees \$35 for each meeting of the board of trustees or a committee thereof, attended, not to exceed \$70 per month, plus \$15 per hour for all other time spent on the business of the village.

Ord 1991-05, 4/11/1991, set pay at \$20 per meeting, maximum \$40 per month; Ord 2001-01, 4/2/2001, increased pay to \$35 per meeting and added hourly rate.

§ 122. Clerk

The village will pay the clerk \$750 for 32 hours of work each month, plus \$18.75 for each hour worked over 32 hours per month.

Ord 1991-02, 2/14/1991, set pay at \$150 per month; Ord 1992-05, 6/1/1992, increased pay to \$200 per month; Ord 2000-05, 11/9/2000, maintained pay at \$200 per month; Ord 2001-01, 4/2/2001, increased pay to \$450 per month and added hourly rate; Ord 2007-03, 6/14/2007, increased pay to \$600 per month and increased hourly rate; Ord 2020-03, 11/12/2020 increased pay to \$750 per month.

§ 123. Treasurer

The village will pay the treasurer \$575 for 20 hours of work each month, plus \$20 for each hour worked over 20 hours per month.

Ord 1991-06, 4/11/1991, set pay at \$20 per meeting, maximum \$40 per month; Ord 1995-02, 3/14/1995, increased pay to \$200 per month; Ord 1998-01, 6/11/1998, increased pay to \$240 per month; Ord 2000-05, 11/9/2000, maintained pay at \$240 per month; Ord 2001-01, 4/2/2001, increased pay to \$300 per month and added hourly rate; Ord 2007-03, 6/14/2007, increased pay to \$460 per month and increased hourly rate; Ord 2020-03, 11/12/2020, increased pay to \$575 per month.

§ 124. Building and zoning officer

The village will pay the building and zoning officer \$375 for 20 hours of work each month, plus \$18.75 for each hour worked over 20 hours per month.

Ord 1992-04, 1/9/1992, set pay to \$200 per month; Ord 2001-02, 5/10/2001, increased pay to \$300 per month and added hourly rate; Ord 2007-03, 6/14/2007, increased pay to \$375 per month and increased hourly rate.

§ 125. Committee members and chairpersons

The village will pay any committee member or chairperson who is not also a trustee, \$20 for each meeting of the committee or board of trustees attended, not to exceed \$40 per month.

Ord 1995-02, 3/14/1995, set pay at \$20 per meeting, maximum \$40 per month, chairpersons only; Ord 2000-05, 11/9/2000, extended pay to committee members; Ord 2001-01, 4/2/2001, maintained pay at existing levels..

§ 126. Planning and zoning board

The village will pay the chairman \$30, and each of the members \$20 for each meeting of the planning and zoning board attended, not to exceed \$60 and \$40, respectively, per month.

Ord 2004-01, 4/8/2004; Ord 2005-11, 9/8/2005; Ord 2017-01, 5/11/2017 combined the plan commission and zoning board of appeals.

§ 127. Reimbursement of expenses

The village will reimburse any person for reasonable and necessary expenses actually incurred in connection with his or her duties on behalf of the village.

§ 128. Payment

Any person seeking compensation or reimbursement of expenses shall submit an itemized statement on a monthly basis for approval by the board of trustees, including as applicable, the number of meetings attended, the number of hours expended on village business, and the expenses for which reimbursement is sought. Such compensation and reimbursement as is approved will be paid monthly on the day of the regular meeting of the board of trustees.

§ 129. Waiver of compensation or reimbursement

Any compensation or reimbursement not approved by the board of trustees within three months of the performance of such services or payment of such expenses, is deemed waived and will not thereafter be paid.

Ord 2001-01, 4/2/2001.

SUBCHAPTER 4—RULES

§ 130. Meetings

(a) The regular meeting of the board of trustees will be held on the second Thursday of each month at 7:00 PM in the Virgil Parish Center unless another site is specified.

(b) The regular meeting of the committee of the whole will be held on the fourth Thursday of each month at 7:00 PM in the Virgil Parish Center unless another site is specified.

(c) Any regular meeting falling upon a legal holiday will be held on the next day at the same hour and place.

(d) Special meetings may be called by the president or by any three trustees by written request or notice being filed with the clerk at least 30 hours prior to the time specified for the meeting. The clerk shall give at least 24 hours' written or oral notice of such special meeting to each member of the board of trustees personally if he can be found, and if he cannot be found, shall cause a copy of the written notice to be left at the home of such board member in the presence of an adult member of the board member's family or in the absence of such person shall cause it to be left at the residence. The clerk shall file in his office an affidavit showing service of such notice as herein provided at the time fixed for such special meeting, together with a statement that notice has been given to members of the media as provided in the Open Meetings Act. 5 ILCS 120/1 *et seq.* All meetings of the board of trustees, including special and adjourned meetings, except closed sessions, will be open to the public, as required by statute.

(e) In the case of an emergency, a meeting may be called upon such notice as is practicable. The meeting may be called by the president or by any three trustees. The convening authority shall notify all other members of the board of trustees, the clerk, and members of the media who are entitled to notice.

Ord 1991-01, 2/14/1991; Ord 2005-11, 9/8/2005, added subsection (b).

§ 131. Electronic attendance at meetings

(a) "Meeting" means any gathering, whether in person, or by video or audio conference, telephone call, electronic means (such as electronic mail, electronic chat and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business, and permits attendance of members of the public body at public meetings by a means other than physical presence.

(b) Any existing ordinances, resolutions or policies are amended so that the term "meeting" has the meaning set forth in subsection (a).

(c) Any member may attend any open or closed meeting of the board of trustees electronically if—

(1) the member notifies the clerk at least 24 hours before the meeting, unless impractical, so that necessary communications equipment can be arranged;

(2) the member states that the member is unable to physically attend the meeting because of—

(A) personal illness or disability; or

(B) employment purposes or the business of the village; or

(C) family or other emergency.

(d) At the meeting, the clerk shall inform the board of trustees of the request for electronic attendance.

(e) After establishing that a quorum is physically present, the presiding officer shall state that (i) notice was received of a member's request to attend the meeting electronically in accordance with these rules, and (ii) the member will be authorized to attend electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by two-thirds of the members physically present at the meeting. If no such motion is made and seconded or achieves the required vote, the request to attend electronically is

approved and the presiding officer shall declare the member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

(f) The member participating electronically and other members of the board of trustees must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting. Before allowing electronic attendance at any meeting, adequate equipment must be available at the meeting site.

(g) The clerk shall state whether a member is physically present or present by electronic means in the minutes of the meeting.

(h) A member permitted to attend electronically may participate in the meeting and vote on any matter as if the member were physically present. A member attending electronically may leave a meeting and return as could any member physically present. In that case the member shall announce the member's leaving and that the member has returned.

(i) These rules apply to all committees, boards and commissions established by authority of the board of trustees.

Ord 2010-06, 7/8/2010.

§ 132. Presiding officer

(a) The president shall preside at all meetings of the board of trustees but he or she shall have a vote only where the state statute or municipal ordinance require more than a majority vote of the corporate authorities or in the event of a tie or where one-half of the trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie vote.

(b) During the absence or disability of the president, the board of trustees shall elect one of its number president *pro tem* of the board of trustees, and he or she shall act as presiding officer of the board of trustees. Where the absence or disability of the president is to be of a very short duration and no individual is required to be granted the powers of the president, the board of trustees shall elect one of its members temporary chairman. The president *pro tem* or the temporary chairman, when acting as presiding officer, shall vote on all questions on which

the vote is taken by “yeas” and “nays”, his name being called last. The president *pro tem* has all of the powers and duties of the president; the temporary chairman has only have such powers and duties as accrue to a presiding officer.

(c) Each meeting of the board of trustees will convene at the time appointed for such meeting. The clerk or, in his absence, a member of the board of trustees or a recording secretary shall thereupon immediately call the roll of members. If no quorum is present, the board of trustees shall not on that account stand adjourned, but the members present may, by majority vote, adjourn or recess the board of trustees to another time or date prior to the next regularly scheduled meeting.

(d) If no quorum is present and the members present desire to compel the attendance of absent members, they themselves, or by their agents, shall attempt to communicate the call to the session personally to the absentees. Any absent member who refuses to attend the meeting (or a new meeting to which the members present have adjourned) after personal notice to attend may be fined by the members present a sum not to exceed \$25 for each occurrence.

Ord 1991-01, 2/14/1991.

§ 133. Quorum - order of business

(a) A quorum for the transaction of business is a majority of all of the board of trustees entitled by law to be elected.

(b) The order of business will be as follows:

- (1) call to order by presiding officer;
- (2) pledge of allegiance to the flag;
- (3) roll call;
- (4) establishment of a quorum;
- (5) adoption of agenda;

- (6) the reading and approval (with corrections and additions, if any) of the journal of the proceedings of the previous meeting or meetings;
- (7) visitor's comments;
- (8) petitions, communications, orders, resolutions and ordinances by the trustees;
- (9) reports and communications from president and other officers;
- (10) reports of the standing committees;
- (11) reports of special committees;
- (12) old business;
- (13) new business;
- (14) adjournment.

Ord 1991-01, 2/14/1991.

§ 134. Duties of the presiding officer

(a) The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members and shall decide all questions of order subject to appeal. The presiding officer may speak to matters being considered by the board of trustees without relinquishing his chair. If he refuses to allow the trustees to exercise their right to appeal a decision of the chair, the trustees may consider and pass upon the matter in spite of the chair's failure to grant them an appeal.

(b) In case of any disturbances or disorderly conduct, the presiding officer may require the chamber to be cleared.

Ord 1991-01, 2/14/1991.

§ 135. Duties of members

(a) While the presiding officer is putting the question, no member shall walk across or out of the board chamber.

(b) Every member, previous to his speaking, making a motion or seconding the same, shall address himself to the presiding officer and say "Mr. (Madam) President" and shall not proceed with his remarks until recognized and named by the chair. He or she shall confine himself or herself to the questions under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote.

(c) When two or more members address the Chair at the same time, the presiding officer shall name the member who is first to speak. The trustees may by two-thirds vote to expel a trustee for disorderly conduct. Such trustee may not be expelled a second time for the same offense.

Ord 1991-01, 2/14/1991.

§ 136. Conflicts of interest

Officers, employees and members of the board of trustees, planning and zoning board, or other body of the village (each referred to herein as an *official*), shall avoid the appearance of impropriety or a conflict of interest. No official shall participate in the discussion of or vote on any matter in which the official, or any person to whom the official is related (as defined below), has a financial interest, directly or indirectly. A person is related to the official if he or she is the grandparent, parent, aunt or uncle, spouse, brother or sister, child, niece or nephew, or grandchild of the official or his or her immediate family (spouse and children). There is no distinction between relationships of the full blood and the half blood or relationships created by birth or adoption. In the case of an entity, no official shall participate in the discussion or vote on any matter in which the official, or any person to whom such official is related (as defined herein), has an interest, directly or indirectly, as a shareholder, officer or director of any corporation, member or manager of any limited liability company, general or limited partner of any partnership, or trustee or beneficiary of any trust.

Ord 2005-11, 9/8/2005.

§ 137. Visitors

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

Ord 1991-01, 2/14/1991.

§ 138. Presentation of new business and deferment

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

Ord 1991-01, 2/14/1991.

§ 139. Debate

(a) No member shall speak more than once on the same question, except by unanimous consent, and then not until every other member desiring to speak has had an opportunity to do so; provided, however, that the proponent of the matter under consideration or the chairman of the committee whose report is under consideration, as the case may be, may open and close debate. No member shall speak longer than 10 minutes at any one time, except by consent of the board; and in closing debate on any questions, as above provided, the speaker shall be limited to five minutes, except by special consent of the board.

(b) While a member is speaking, no member shall hold any private discussion or pass between the speaker and the chair.

Ord 1991-01, 2/14/1991.

§ 140. Call of member to order

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

Ord 1991-01, 2/14/1991.

§ 141. Appeals from decisions of the chair

Any member may appeal to the board of trustees from a ruling of the chair and, if the appeal is seconded, the member making the appeal may briefly state his reason for the same, and the chair may briefly explain his ruling; but there will be no debate on the appeal, and no other member may participate in the discussion. The chair shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "No," the decision of the chair is overruled; otherwise, it is sustained.

Ord 1991-01, 2/14/1991.

§ 142. Questions of personal privilege

The right of a member to address the board of trustees on a question of personal privilege is limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

Ord 1991-01, 2/14/1991.

§ 143. Voting

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

Ord 1991-01, 2/14/1991.

§ 144. Special order of business

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

Ord 1991-01, 2/14/1991.

§ 145. Second of motions required; written motions—reading of motions, resolutions, ordinances, minutes and correspondence

Every motion must be seconded before it may be debated by the board of trustees. Neither the maker nor seconder of a motion is required to vote in favor of that motion. When a motion is seconded, the presiding officer will state it before debate. Every motion before the board of trustees, except motions of procedure, will be reduced to writing, if required by a member, and the member who proposed the motion is entitled to the floor. No resolution, ordinance or minutes need be read prior to consideration, but such items may be read in response to a motion passed seeking such reading. Copies of correspondence received by the clerk or president will be distributed before the meeting to all members of the corporate authorities. Correspondence received by municipal officials need not be read in full at board meetings unless pertinent to a matter before discussion. Correspondence received may be summarized at board meetings.

Ord 1991-01, 2/14/1991.

§ 146. Withdrawal of motions

If the maker of the motion desires to withdraw the motion, he may do so. The seconder of the motion may renew the motion as its maker and seek a new seconder. If the seconder of a motion wishes to withdraw his second, he may do so. The maker of the motion may seek an additional seconder before the motion is ruled out of order for lack of a second. Neither the maker nor seconder of a motion may withdraw the motion, except with the consent of a majority of the board of trustees, once discussion on the motion has ceased.

Ord 1991-01, 2/14/1991.

§ 147. Division of questions

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

Ord 1991-01, 2/14/1991.

§ 148. Record of motions

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

Ord 1991-01, 2/14/1991.

§ 149. Taking and entering the votes; explanation of vote

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

Ord 1991-01, 2/14/1991.

§ 150. Announcement and changes of votes

The result of all votes by "yeas" and "nays" will not be announced by the clerk but will be handed by him to the president for announcement, and no vote may be changed after the tally list has passed from the hands of the clerk.

Ord 1991-01, 2/14/1991.

§ 151. Precedence of motions

The following chart sets out commonly used motions in the order of their precedence as determined by *Robert's Rules of Order*. The main or principal motion is at the bottom in rank. The other motions may be made while the main motion is pending and must be dealt with before the main motion. They are arranged according to rank, the highest at the top of the list. Incidental motions, however, have no rank among themselves, yet take precedence over subsidiary motions. When any one motion is immediately pending, the motions above it on the list are in order and those below are out of order.

Privileged Motions	Undeatable	Fix Time to Adjourn
		Adjourn
		Take Recess
		Question of Privilege
Incidental Motions	Undeatable	Division of Assembly
		Division of a Question
		Filling Blanks
		Objection
		Parliamentary Inquiry
		Point of Information
		Point of Order
		Suspend the Rules - requires 2/3 vote
		Withdraw a Motion
Subsidiary Motions	Undeatable	Lay on the Table
		Close Debate - requires two-thirds vote

		Limit or Extend Debate
	Debatable	Postpone to a Definite Time
		Refer to a Committee
		Amend the Amendment
		Amendment
		Postpone Indefinitely
		Main Motion
Miscellaneous Motions - after action has been taken on main motion	Undebatable	Take from Table
	Debatable	Rescind - requires two-thirds vote without notice; majority vote with notice
		Reconsider
		Ratify

§ 152. Motion to refer

A motion to refer to a standing committee takes precedence over a similar motion to refer to a special committee.

Ord 1991-01, 2/14/1991.

§ 153. Motion to amend

(a) A motion to amend an amendment is in order, but one to amend an amendment to an amendment will not be entertained.

(b) An amendment modifying the intention of a motion is in order, but an amendment relating to a different subject is not in order.

(c) On an amendment to “strike out and insert,” the paragraph to be amended will first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally the paragraph as it will stand if so amended will be read.

(d) An amendment to the main question or other pending question may be referred to a committee, and neither the main question nor such other pending question will be affected thereby.

Ord 1991-01, 2/14/1991.

§ 154. Filling of blanks

When a blank is to be filled and different sums or times proposed, the question will be taken first on the least sum or the longest time.

Ord 1991-01, 2/14/1991.

§ 155. Motion to substitute

A substitute for any original proposition under debate or for any pending amendment to such proposition may be entertained and, if accepted by the board by vote, entirely supersedes such original proposition or amendment, as the case may be.

Ord 1991-01, 2/14/1991.

§ 156. Reconsideration

(a) A vote or question may be reconsidered at any time during the same meeting or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, may not be renewed, nor may a motion to reconsider be reconsidered. No motion to reconsider the approval of denial of the recommendation of an advisory body required to hold public hearings may be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for a further hearing and recommendation. When a motion to reconsider such a motion is made at the same meeting as the passage of the original motion, it may be postponed to a later date certain.

(b) A motion to reconsider must be made by a member who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law, provided, however, that where a motion has received a majority vote in the affirmative but is declared lost solely on the ground that a greater number of affirmative votes are required by statute for the passage or adoption of such motion, then in such case a motion to reconsider may be made only by those who voted in the affirmative on such question. A motion to reconsider need not be seconded.

Ord 1991-01, 2/14/1991.

§ 157. Standing and ad hoc committees

(a) The board may by resolution, establish or abolish such standing or ad hoc committees as it may deem appropriate from time to time.

(b) Each committee, unless otherwise provided in the resolution under which such committee is established, consists of three members, one of them named as chairman, to be appointed by the president with the advice and consent of the board. The president, *ex officio*, is a member of all committees.

(c) Any report of a committee shall be deferred for final action thereon to the next regular meeting after the report is made, upon the request of any two members of the board.

Ord 1991-01, 2/14/1991.

§ 158. Jurisdiction of committees

Each committee has the jurisdiction granted to it by the board of trustees in the resolution under which it is established.

Ord 1991-01, 2/14/1991.

§ 159. The journal

The clerk shall keep the journal of the proceedings of the board of trustees. Within no more than 10 days after each meeting of the board of trustees, the clerk shall supply to each member at his residence a typewritten copy of the minutes. The journal will be approved periodically. The clerk's draft of the journal of proceedings may be amended to reflect correctly the view of the legislative body as to the events which occurred.

Ord 1991-01, 2/14/1991.

§ 160. Style of ordinances

The style of all ordinances will be: "Be it ordained by the president and board of trustees of the village of Virgil..." as is provided by statute.

Ord 1991-01, 2/14/1991.

§ 161. "Yea" and "nay" vote

The "yeas" and "nays" will be taken upon the passage of all ordinances and on all propositions to create any liability against the village, or for the expenditure or appropriation of any money, and in all other cases at the request of any member of the board; such vote shall be entered on the journal of the proceedings, as is provided by statute.

Ord 1991-01, 2/14/1991.

§ 162. Approval or veto

(a) All ordinances, and any resolution or motion creating any liability against the village, or providing for the expenditure or appropriation of any money, will be deposited with the village clerk, and if the president approves, he shall sign the same. The president will return any ordinance, resolution or motion that he does not approve to the board with his objections thereto in writing at the next regular meeting occurring not less than five days after its passage. The president may veto any item or appropriation contained in any ordinance making an appropriation or the entire ordinance; and if the president vetoes only a part of an ordinance, the remainder will take effect and be in force. If the president fails to return any ordinance with

his objections to it by the time set forth above, he is deemed to have approved the ordinance, and the same will take effect accordingly.

(b) After the return of any ordinance vetoed by the president, the vote by which it was passed may be reconsidered by the board at its next regular meeting. If, after such reconsideration, two-thirds of all the members elected to the board agree, by "yeas" and "nays", to pass the same, it will go into effect notwithstanding the president's refusal to approve.

Ord 1991-01, 2/14/1991.

§ 163. Record of ordinance

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

Ord 1991-01, 2/14/1991.

§ 164. Publication

All ordinances imposing any penalty for a violation thereof or making any appropriation will be published as required by statute, either in a newspaper or pamphlet form, in which case the ordinance in its pamphlet form will be displayed for a reasonable period in the village offices.

Ord 1991-01, 2/14/1991.

§ 165. Time of taking effect

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

Ord 1991-01, 2/14/1991.

§ 166. Adoption of *Robert's Rules of Order*, revised

The rules of parliamentary practice contained in the latest published edition of *Robert's Rules of Order*, revised, govern the board in all cases to which they are applicable and in which they are not inconsistent with the special rules of this board or the statutes or laws of the state.

Ord 1991-01, 2/14/1991.

§ 167. Temporary suspension of rules; amendment of rules

These rules may be temporarily suspended, repealed, altered or amended by a two-thirds vote of all of the members of the board of trustees then holding office.

Ord 1991-01, 2/14/1991.

§ 168. Censure of members; expulsion of members

Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene, or insulting language to or about any member of the board, or who does not obey the order of the chair, may be, on motion, censured by a majority vote of the board of trustees and, in addition, may be fined not more \$25 for each such occurrence. With the concurrence of two-thirds of all of members of the board of trustees then holding office, the board may expel a trustee, but not a second time for the same offense.

Ord 1991-01, 2/14/1991.

SUBCHAPTER 5—PLANNING AND ZONING BOARD

§ 169. Creation of planning and zoning board

It is the intention of the corporate authorities of the village to establish a combined plan commission and zoning board of appeals under the Illinois Municipal Code, for the purpose of exercising all of the powers and authority heretofore exercised by the separate plan commission and zoning board of appeals of the village. Accordingly, the plan commission and zoning board of appeals are dissolved and a combined planning and zoning board is created

under the provisions of Article 11, Division 12, §§ 11-12-4, *et seq.* (65 ILCS 5/11/12-4, *et seq.*) and Article 11, Division 13, §§ 11-13-1, *et seq.* (65 ILCS 5/11-13-1, *et seq.*) of the Illinois Municipal Code.

Ord 1991-04, 2/28/1991; Ord 2017-01, 5/11/2017.

§ 170. Composition and term of members

(a) The planning and zoning board consists of a chairman and four members, all of whom must reside within the village or within territory contiguous to the village and not more than one and one-half miles beyond the corporate limits of the village and not included within any other municipality. The president shall appoint the chairman and members subject to confirmation by the board of trustees. The chairman and members shall qualify by taking the oath of office as hereinafter provided and may then exercise the powers and authorities prescribed in this subchapter.

(b) The initial term of office of the chairman will expire on March 31, 2022. The initial terms of the members will be determined by lot at their first meeting, one to expire on March 31, 2018, one on March 31, 2019, one on March 31, 2020, and one on March 31, 2021, and until his or her successor is appointed and has qualified.

(c) At the expiration of the term of the initial chairman and each of the initial members, and of each succeeding chairman and member, or in the event of a vacancy, resignation, removal or refusal to act, the president, with the approval of the board of trustees shall appoint a successor to hold office, in the case of a vacancy occurring for whatever reason, for the unexpired term, or in the case of expiration, for a term of five years, and until his or her successor is appointed and has qualified. Anyone may be appointed to succeed himself or herself.

Ord 1991-04, 2/28/1991; Ord 2017-01, 5/11/2017.

§ 171. Oath, disclosure of interest

Each person appointed to the planning and zoning board shall qualify by taking and subscribing to an oath to uphold the Constitution of the United States and of the state of Illinois and to well and faithfully discharge his or her duties, and filling the oath with the village clerk.

Ord 2005-11, 9/8/2005; Ord 1991-04, 2/28/1991; Ord 2005-11, 9/8/2005; Ord 2017-01, 5/11/2017.

§ 172. Power and duties

(a) The planning and zoning board has all of the powers and discretions given to a plan commission and zoning board of appeals under the Illinois Municipal Code and shall maintain and keep on file a record of its actions. For example and not by way of limitation, at the request of the board of trustees the planning and zoning board shall:

(1) prepare the comprehensive plan for the development of the village and present it for the consideration of the village board.

(2) make recommendations to the village board concerning the adoption or amendment of an official map.

(3) prepare and present to the village board a zoning ordinance, and make recommendations to the village board concerning proposed amendments thereto.

(4) prepare, recommend and administer subdivision and land development, and planned residential development regulations.

(5) prepare and present to the village board building and housing codes and housing code and make recommendations concerning proposed amendments thereto.

(6) prepare and present to the village board an environmental study.

(7) submit to the village board a recommended capital improvements program.

(8) promote public interest in, and understanding of, planning and the comprehensive plan.

(9) make recommendations to governmental, civic, and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

(10) do any other acts or make any other studies as may be necessary to fulfill the duties and obligations imposed by this subchapter and the Illinois Municipal Code.

Ord 1991-04, 2/28/1991; Ord 2017-01, 5/11/2017.

SUBCHAPTER 6—CODE HEARING DEPARTMENT

§ 180. Adoption of Division

The provisions of Article 1, Division 2.2 of the Illinois Municipal Code (65 ILCS 5/1-2.2-1 through 5/1-2.2-60) are hereby referred to, adopted, and made part hereof, as if fully set out in this subchapter establishing a code hearing department for the village.

Ord 2006-03 , 3/9/06 repealed by 2006-04, 5/11/2006.

§ 181. Adoption of Division 31.1

The provisions of Article 11, Division 31.1 of the Illinois Municipal Code (65 ILCS 5/11-31.1-1 through 5/11-31.1-14) are hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance establishing a building code hearing department for the village.

Ord (2006-09, 7/13/06.

SUBCHAPTER 7—ETHICS

§ 182. Adoption of Act

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

(b) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the village, is hereby prohibited.

(c) The offering or making of gifts prohibited to be offered or made to an officer or employee of the village under the Act, is hereby prohibited.

(d) The participation in political activities prohibited under the Act, by any officer or employee of the village, is hereby prohibited.

(e) For purposes of this section, the terms officer and employee have the meanings set forth in 5 ILCS 430/70-5(c).

(f) The penalties for violations of this section are the same as the penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.

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

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

(i) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this section shall be repealed without further action by the corporate authorities of the village as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings.

(j) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this section shall remain in full force and effect; however, that part of this section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the village.

Ord 2004-03, 5/13/2004.

CHAPTER 2—ALCOHOLIC LIQUOR

SUBCHAPTER 1—IN GENERAL

§ 201. State law adopted

The provisions of the Liquor Control Act (235 ILCS 5/1-1, *et seq.*), as now in effect or hereafter amended are hereby adopted by reference.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993..

§ 202. Administration

(a) The president of the board of trustees is the local liquor control commissioner, and the commissioner's office shall be the office of the village or in such other place as the board of trustees may designate by resolution.

(b) The members of the board of trustees appointed by the local liquor control commissioner to assist him or her in the execution of his or her duties, are known as members of the local liquor control commission.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993..

§ 203. Records

The local liquor control commissioner shall keep a record of all of the proceedings, transactions, communications and official acts of his or her office and of any persons appointed by him or her, which said books and records shall be kept and maintained in said office.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993..

§ 204. Compensation of commissioner and commission members

(a) The local liquor control commissioner shall receive no compensation other than or in addition to that fixed for the president of the board of trustees.

(b) The members of the local liquor control commission shall receive no compensation other than or in addition to that fixed for members of the Board of Trustees.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993..

SUBCHAPTER 2—LICENSES

§ 205. Applications

All applications for a village license shall be filed in the office of the local liquor control commissioner, and shall be accompanied by the applicable fee, surety bond and lease as specified in this ordinance. If any information on the current license year's application changes or becomes obsolete, or if further information becomes necessary in order to answer the questions fully, the applicant or licensee must so advise the commission in writing within 21 days of such change.

Ord 1991-03, 3/18/199; amended and restated by Ord 1993-03, 8/26/1993..

§ 206. Persons ineligible

(a) No person under 21 years of age may receive a liquor license. In addition, no corporate or other entity shall be eligible for a license if said corporation or other entity is controlled by, directly or indirectly, any person or persons under the age of 21.

(b) An individual may not receive a Class F license.

(c) In addition the following persons are ineligible for any license:

(1) A person who has been convicted of being the keeper or is keeping a house of ill fame.

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- (2) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality.
- (3) A person whose license issued under this ordinance has been revoked for cause.
- (4) A person who at the time of application for renewal of his or her license issued hereunder would not be eligible for such license upon a first application.
- (5) A partnership, unless all of the members of such partnership shall be qualified to obtain a license.
- (6) A corporation, if any officer, manager or director thereof or 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.
- (7) A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
- (8) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.
- (9) A person who has been convicted of a violation of any federal law or the law of any state concerning the manufacture, possession or sale of alcoholic liquor, or shall have forfeited his or her bond to appear in court to answer charges for any such violation.
- (10) A person who does not beneficially own the premises for which a license is sought, or does not have the lease thereon for the full period for which the license is to be issued.
- (11) Any law enforcing public official, including members of any local liquor control commission, any mayor, alderman or member of any city council, any president of a village board, any member of a village board, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor.

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

(13) A person who has been convicted of a gambling offense as proscribed by 720 ILCS 5/28-1(a)(3) through (a)(10) or by 720 ILCS 5/28, as heretofore or hereafter amended.

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

(15) A partnership 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.

(16) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 20% of the stock of such corporation has been issued a federal gaming device stamp or a federal wagering stamp for the current tax period.

(17) 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 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993..

§ 207. Restrictions on issuance to establishments near churches, schools, etc.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 ft of any church, school (other than an institution of higher learning), hospital, home for the aged or for indigent persons or for veterans, their spouses or children, or any military or naval station. This prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to the effective date of this ordinance. Nor shall this prohibition apply to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where such church or school has been established within such 100 ft since the issuance of the original license. In the case of a church, the

distance of 100 ft shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

(b) Nothing in this section shall prohibit the issuance of a license to a church or private school to sell alcoholic liquor at retail if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993..

§ 208. Restrictions on issuance to establishments which sell school supplies, etc.

No alcoholic liquor license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches or drinks for such minors.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993..

§ 209. Bond

(a) Excepting applicants for Class F licenses, each applicant must submit a bond executed by the applicant and by good and sufficient corporate surety, in the sum of \$2000, and conditioned that the licensee shall faithfully observe and conform to state law and to all of the provisions of this ordinance, and any and all amendments hereafter passed during the period of said license; and conditioned further upon the payment of any and all fines or penalties levied or assessed against such licensee for the violation of any of the terms and conditions of this ordinance and of any amendments hereto, or of state law.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993; Ord 1995-01, 3/14/1995 amended subsection (a) to increase the bond to \$2000.

(b) Such bond shall be further conditioned that the licensee will pay all the necessary costs and charges incurred by reason of any complaint filed for the revocation of his or her license herein by the local liquor control commissioner or by any one person entitled to file

such complaints before the local liquor control commissioner where the same is occasioned by any violation of the terms and provisions of this ordinance or of state law by the licensee.

(c) Such bond must have a coverage period equal to or longer than the duration of the applicant's liquor license.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993.

§ 210. Lease of premises

(a) Each applicant for a license must submit a copy of a fully-executed lease of the premises whenever the applicant is not the owner of the premises for which he or she is seeking a license.

(b) Such lease must have a term equal to, or longer, than the duration of the applicant's liquor license.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993.

§ 211. License year

The license year commences on April 1 and ends on March 31 of each year. All licenses issued by the local liquor control commissioner shall be annual licenses and shall expire on March 31, following their issuance.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993.

§ 212. Classifications

The classification of licenses authorized to be issued shall be as follows:

(a) Class A licenses shall authorize the retail sale, on the premises specified, of all kinds of alcoholic liquor for consumption on the premises and retail sales of alcoholic liquors by original package for consumption off the premises.

(b) Class B licenses shall authorize the retail sale of alcoholic liquor on the premises specified, solely in the original package for consumption off the premises and shall not authorize the sale of alcoholic liquor for consumption on the premises.

(c) Class C licenses shall authorize the retail sale on the premises specified, of alcoholic liquor for consumption on the premises, and retail sales of alcoholic liquors by original package for consumption off the premises. This license shall be issued only to "clubs" as defined under state law.

(d) Class D licenses shall authorize the retail sale on the premises specified, for consumption on the premises of beer and wine only, provided that the licensee has obtained dram shop insurance having maximum coverage limits.

(e) Class F licenses shall authorize the retail sale on the premises specified, of alcoholic liquor for consumption on the premises. Class F licenses are subject to the following conditions, notwithstanding provisions pertaining to other classes of licenses:

(1) Shall be issued only to established clubs and organizations.

(2) Shall be valid for the twenty-four hour period specified on the license, which shall not commence more than 14 days subsequent to the date the license is issued.

(3) Are not renewable.

(4) Surety bond is not required.

(f) Class F-1 licenses shall authorize the retail sale on the premises specified, of alcoholic liquor for consumption on the premises. Class F-1 licenses are subject to the following conditions, notwithstanding provisions pertaining to other classes of licenses:

(1) Shall be issued only to recognized and established churches and schools for sanctioned functions or events held on the premises.

(2) Shall be valid only for and during the hours published for the opening and closing of the function or event, the total of which shall not exceed 12 hours during any consecutive three day period.

(3) Surety bond is not required.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993; Ord 1995-01, 3/14/1995 added subsection (f).

(g) A Sunday Brunch Endorsement to any Class A, C or D license shall authorize the retail sale on the premises specified, of alcoholic liquor for consumption on the premises by brunch patrons only, to a licensee operating a "restaurant" as defined under state law and which offers inside its building a broad menu/wide-variety meal commonly referred to as "brunch."

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993.

§ 213. Maximum number of licenses

(a) The maximum number of allowable Class A, B, C and D licenses shall be set by resolution of the Board of Trustees.

(b) No more than 25 class of licenses shall be issued to the same applicant in any one calendar year.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-0, 8/26/1993.

§ 214. Time limit for issuance

The local liquor control commissioner shall grant, or refuse to grant, an application for a license within 45 days of the filing of the same.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 215. Form

A license issued pursuant to this ordinance shall be signed by the local liquor control commissioner and shall state thereon the class or classification to which it belongs and shall state thereon the name of the licensee and the address and description of the premises for which it is granted, and shall state the this date and dates of its issuance and expiration. Every renewal license shall be in all respects identical with the original or first license.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 216. Display

Every licensee hereunder shall cause his or her license to be framed and hung in plain view in a conspicuous place on the licensed premises.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 217. License transfers

The licensee may not transfer his or her license to another party.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03 eff 8/26/1993.

§ 218. Revocation or suspension

(a) The local liquor control commissioner may suspend for not more than 30 days, or may revoke, any liquor license issued by him or her if he or she determines that the licensee has violated any of the provisions of this ordinance or any of the provisions of state law, or any rule or regulation established by the Illinois State Liquor Control Commissioner which is not inconsistent with law.

(b) All proceedings for the revocation or suspension of licenses issued by the local liquor control commissioner and appeals therefrom, shall conform to state law.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

SUBCHAPTER 3—OPERATIONAL RULES AND REGULATIONS

§ 219. Prohibited hours of sale

It is a violation of this code for any licensee to sell or offer for sale at retail any alcoholic liquor, or furnish or give away or allow or permit the same to be consumed on the licensed premises or any other premises under the control, directly or indirectly, of the licensee, during the following hours:

(a) Except on January 1, between the hours of 1:00 a.m. and 6:00 a.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays.

(b) Except on January 1, between the hours of 2:00 a.m. and 6:00 a.m. on Saturdays; and between the hours of 2:00 a.m. and 10:00 a.m. on Sundays.

(c) On January 1, between the hours of 2:00 a.m. and 6:00 a.m. unless January 1 is a Sunday, and then between the hours of 2:00 a.m. and 10:00 a.m.

(d) The prohibitions in subparagraphs (b) and (c) above do not apply:

(1) During the hours specified on the Sunday Brunch Endorsement granted the licensee; or

(2) Between the hours of 9:00 a.m. and 12:00 noon on Sundays, if no hours are specified on the Sunday Brunch Endorsement.

Ord 1991-03, 3/18/1991; amended and restated by Ord 1993-03, 8/26/1993; Ord 2012-05, 10/11/2012.

§ 220. Occupancy during prohibited hours of sale

It shall be unlawful to keep open for business, or to admit persons to any premises licensed under this ordinance for the retail sale of alcoholic liquors during the hours within which sale of such liquor is prohibited or to permit or allow persons to remain in or about the licensed premises either before or after the hours designated within which the sale and consumption of alcoholic liquor is prohibited on the licensed premises; provided, however, that restaurants, clubs, drug stores and hotels may keep their place of business open, subject only to the provisions that no sale at retail of alcoholic liquors or the consumption by persons of alcoholic liquors shall be permitted or allowed on said licensed premises during the hours prohibited.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 221. Sale to minors, intoxicated persons, etc.

(a) No licensee hereunder, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of 21 years, or to any intoxicated person or to any person known by him or her to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient or in need of mental treatment. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service.

(b) For the purpose of preventing the violation of this section, any licensee, or his or her agent or employee, may refuse to sell or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years.

(c) Adequate written evidence of age and identity of a person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or any identification card issued to a member of the Armed Forces. Proof that the licensee, or his or her employee or agent, demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon.

(d) Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a misdemeanor.

(e) Any person under the age of 21 years who presents or offers to any licensee, his or her agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any

alcoholic beverage, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence or age and identity, is guilty of a misdemeanor.

(f) Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage on the order of his or her parent or in the pursuit of his or her employment.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 222. Employment of minors

No licensee shall employ, with or without compensation, or in any direct or indirect way use the services of, a person under 18 years of age.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 223. Reporting of incidents

It shall be unlawful for a licensee or his, her, or its agent and/or manager to fail to report to the Kane County Sheriff's Office an act, or threats of, violence, including, but not limited to, fighting, brawling, or unwilling detention.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 224. Sound amplification

It shall be unlawful for any licensee to permit or allow any noise or sound to be amplified outside the bounds of a structure on the premises if a residence is within 500 feet of the premises.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 225. Criminals

It shall be unlawful for any licensee to harbor, conceal, aid or assist any fugitive from justice.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 226. Gambling, prostitutes, lewd acts, etc

(a) It shall be unlawful to permit or allow any lewd men or women or any prostitutes to remain in and about any licensed premises or to allow or permit any soliciting to prostitution, practices of prostitution or lewdness, idleness, gaming, gambling, fornication or other misbehavior to be conducted on said licensed premises or to permit or allow any slot machines or any vending machines where the element of chance is involved, either directly or indirectly, to be or to remain in or on or about the licensed premises.

(b) The following kinds of conduct are prohibited:

(1) the performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;

(2) the actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus or genitals;

(3) the actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva or genitals;

(4) the permitting, by a licensee, of any person to remain in or upon the licensed premises who exposes to public view his or her entire breasts or buttocks; or any portion of his or her genitals, vulva or anus;

(5) the displaying of moving pictures or photographic slide presentations depicting acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 227. Free dispensing

Free dispensing of alcoholic liquor by any licensee is prohibited.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 228. Sales on credit

No person shall sell or furnish alcoholic liquor at retail to any person on credit or on a pass book, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered; provided, that nothing herein contained shall be construed to prevent any club receiving a license under this chapter, from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the by-laws of said club; and provided further that nothing herein contained shall be construed to prevent any hotel from permitting checks or statements for liquor to be signed by regular guests residing at said hotel and charged to the accounts of said guests; and provided further that nothing herein shall be construed to prevent payment by credit card or other credit device for the purchase of liquor in the original package or container for consumption off the premises.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 229. Resale

It shall be unlawful for any licensee to sell at retail, alcoholic liquor for resale.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 230. Sale or termination of business

Whenever any licensee hereunder shall sell or otherwise dispose of the business conducted on the licensed premises or cease to do business thereon, said licensee shall, within five days thereafter, cause a notice in writing of such fact to be delivered to the local liquor control commissioner. Such statement shall contain full information concerning the same, including the date of such sale or disposal of said business and the name of the purchaser, if any.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 231. Records

It shall be the duty of every person licensed hereunder to keep complete and accurate records of all sales of liquor, wine or beer, which said records shall be produced by the person holding such a license at the request of the local liquor control commissioner.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

§ 232. Sanitation

All premises licensed pursuant to the provisions of this chapter shall comply with the provisions of Resolution Number 6, adopted on August 12, 1975 by the Kane County Board, as now or hereafter amended; such resolution is hereby adopted by reference and 3 copies are on file in the office of the village clerk.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993.

CHAPTER 3—DEVELOPMENT

SUBCHAPTER 1—BUILDING CODE

§ 301. Adoption of building code

That a certain document, three copies of which are on file in the office of the village clerk of the village of Virgil, being marked and designated as “The Kane County Building Code,” as effective on February 9, 1993 (Kane County Code, Ch. 6, Art. II, §§6-14 through 6-133, inclusive) be and is hereby adopted as the Building Code of the village of Virgil, County of Kane, in the State of Illinois; for the control of buildings and structures; and each and all of the regulations, provisions, conditions and terms of said Kane County Building Code are hereby referred to, adopted and made a part hereof as if fully set out in this subchapter, except as set forth below.

Ord 1993-01, 7/8/1993 repealing Ord 1991-08, 7/10/1991.

§ 302. Exemptions

Exempt from the provisions of this subchapter are buildings and structures used for agricultural purposes on land used for agriculture, as defined in the zoning ordinance of the village, as amended. To be considered exempt, such building or structure shall be located on land where the raising of crops or animals is the principal occupation of the owners, residents or users of said land, and be accessory to the cultivation or crops, the raising of animals, or other agricultural operations as defined in the zoning ordinance of the village. Buildings and structures used wholly or partially for residential purposes are not exempt from the provisions of this subchapter.

Ord 1993-01, 7/8/1993 repealing Ord 1991-08, 7/10/1991.

§ 303. Appeals

(a) An appeal may be taken to the village board of Trustees by any person aggrieved, from any order, requirement, decision or determination made by the building officer. Such appeal shall be taken within 20 days of the date of the action from which it is taken by filing with the building officer and with the village clerk, a notice of appeal, specifying the grounds therefor. The Board of Trustees shall thereupon set a reasonable date, time, and place certain for a hearing of said appeal, and shall cause written notice thereof to be mailed to the appealing party, or his attorney, and to the building officer.

(b) The Board of Trustees may reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination as in its opinion ought to be done or made in the premises, and to that end shall have all the powers vested in the building officer by this subchapter.

(c) The vote of a majority of the members of the Board of Trustees present shall be necessary to reverse, in whole or part, or to modify, any orders, requirements, decisions or determinations of the building officer. The Board of Trustees shall keep minutes of its proceedings hereunder, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

(d) All decisions of the Board of Trustees hereunder shall be reduced to writing, filed with the village clerk, and a copy thereof mailed to the appealing party and to the building officer.

Ord 1993-01, 7/8/1993 repealing Ord 1991-08, 7/10/1991.

§ 304. Violations

(a) Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this subchapter, including provisions adopted by reference, or who refuses to remedy a violation of any such provision or to remedy a hazard of fire, explosion, collapse, contagion, or spread of infectious disease found to exist and duly ordered eliminated, shall be guilty of a Class B misdemeanor.

(b) A person licensed or registered by the state, or a subdivision thereof, to do work regulated by this subchapter or to render professional architectural or engineering service in connection therewith, who violates the law or ordinance under which licensed or registered, or who violates this subchapter while carrying out such work or rendering service in connection therewith, shall be reported by the building officer to the licensing authority.

(c) Where a dispute arises regarding an engineering opinion furnished by the owner of property involved in any matter covered by this subchapter, the village may engage the services of a qualified registered engineer and the owner of the property involved shall reimburse the village for the reasonable customary cost of such services. Where a permit is issued, such engineering expense shall be added to the permit fee. Where no permit is issued, such expense may be collected by civil action at law against the owner.

Ord 1993-01, 7/8/1993 repealing Ord 1991-08, 7/10/1991.

§ 305. Sewage Disposal

Section 6-94 of the Kane County Code is hereby deleted.

Ord 1993-01, 7/8/1993.

SUBCHAPTER 2—COMPREHENSIVE LAND USE PLAN

§ 306. Adoption of plan

(a) The plan and map presently on file with the village clerk entitled Virgil, Illinois 2020 Comprehensive Plan, copies of which are appended to this code as Appendix I, are hereby adopted as the official comprehensive land use plan and official map of the village of Virgil, Kane County, Illinois. The plan and map will remain on file with the village clerk and will be available during business hours for public inspection. Copies of the plan and map may be purchased by any person for \$20 which is deemed to be adequate to reimburse the village for the cost of printing and distributing the same.

(b) This subchapter and the official comprehensive land use plan and official map become effective after 10 days after the date notice of the adoption of such comprehensive plan and map is recorded in the office of the Recorder of Deeds of Kane County.

Ord 1993-04, 9/9/1993; Ord 2006-01, 1/12/06.

SUBCHAPTER 3— STORMWATER MANAGEMENT

§ 307. Adoption of Kane County Stormwater Ordinance by reference

A certain document, one copy of which is on file in the office of the village clerk, being marked and designated as the *Kane County Stormwater Ordinance*, as amended, be and is hereby adopted as and shall be known as the Stormwater Ordinance of the village of Virgil for managing and mitigating the effects of urbanization on stormwater drainage in the village through planning, appropriate engineering practices and proper maintenance, and each and all of the regulations, provisions, conditions and terms of the said Kane County Stormwater Ordinance, as amended, and as may in the future be amended, it being specific intention of the village by the adoption of this ordinance to adopt by reference each and every amendment that may be made in the future to the said Kane County Stormwater Ordinance concurrently with the adoption of said amendment by the Kane County Board, are hereby referred to, adopted, and made part hereof, as if fully set out in this ordinance, with the additions, deletions and other changes hereinafter set forth.

Ord 2005-07, 6/9/2005; Ord 2008-07, 11/13/2008.

§ 308. Additions, deletions and other changes

The Kane County Stormwater Ordinance, as amended, is amended and revised in the following respects:

(a) § 104(2) is amended to read as follows:

(2) Administrator means the village Engineer of the village of Virgil;

(b) § 500(c) is amended to read as follows:

(c) All permit and other fees shall be paid in accordance with Chapter 4. Fees may be established based upon all costs incurred by the village in the administration of the permit, including, without limitation, the costs of review and inspections both during and after construction within the period for the establishment of permanent cover.

(c) § 700 entitled "Inspection and maintenance authority" is amended to read as follows:

§ 700. Inspection and maintenance authority

Pursuant to the authority granted by 55 ILCS 5/5-1104 and 5-1062, the village may, upon 30 days' notice to the owner or occupant, enter upon any lands or waters within the village for the purpose of inspecting and/or maintaining any stormwater facilities and causing the removal of any obstruction to an affected watercourse.

(d) § 703 entitled "Offenses – penalties; remedies" is amended to read as follows:

§ 703. Offenses – penalties; remedies

(a) The Administrator or Director may pursue any one or more of the following remedies against any person found by him or her to be guilty of an offense under this ordinance:

(1) The Administrator or Director may impose a civil fine upon such person in an amount not less than \$25 and not more than \$750. Each calendar day during which such violation continues to exist shall constitute a separate offense.

(2) The Administrator or Director may revoke any stormwater management permit issued to such person.

(3) The Administrator or Director may issue an order requiring the suspension of any further work on the site. Such stop-work order shall be in writing, shall indicate the reason for its issuance, and shall specify the action, if any, required to be taken in order to resume work. One copy of the stop-work order shall be posted on the site in a conspicuous place and one copy shall be served in the manner prescribed in § 1006 upon the

permittee, if any, or if none, upon the person in whose name the site was last assessed for taxes as disclosed by the records of the Supervisor of Assessments.

(4) The Administrator or Director may require that the area impacted be fully restored to its condition existing prior to such development, disturbance or impact. In the case of a wetland impact the area's pre-existing condition shall be determined by reference to a creditable wetland assessment performed within two years of such impact.

(5) The Administrator or Director may require the person to apply "after the fact" for the appropriate permit for an unpermitted development, disturbance or impact. In the case of a wetland impact the FQI of the wetland impact shall be determined by the Director and mitigation shall be provided accordingly.

(b) In order to enforce any of the remedies set forth in the preceding paragraph, the Administrator or Director may bring any action, legal or equitable, including an action for injunctive relief, deemed necessary. In any such action, in addition to any fine or other relief, the Administrator or Director may recover all costs and expenses, including reasonable attorneys fees, incurred.

(e) § 902 entitled "Application fee" is amended to read as follows:

§ 902. Application fee

With the filing of the application for a variance, the applicant shall pay the fee provided in Chapter 4.

(f) § 1004 entitled "Oversight committee" is amended to read as follows:

§ 1004. Oversight committee

The corporate authorities of each certified community within the County shall establish an oversight committee to oversee the implementation and enforcement of this ordinance within its jurisdiction and to perform the duties assigned to the oversight committee in this ordinance. The oversight committee for the village shall be the President and Board of Trustees. The oversight committee, when considering an appeal or request for a variance

under this ordinance, may request an opinion from a qualified engineer review specialist or qualified wetland review specialist on technical issues.

(g) § 1005 entitled "Decision-making authority" is amended to read as follows:

§ 1005. Decision-making authority

The corporate authorities of each certified community within the County shall designate a decision-making authority to perform the duties assigned to the decision-making authority in this ordinance. The decision-making authority for the village shall be the President and Board of Trustees. The decision-making authority, when considering an appeal or request for a variance under this ordinance, may request an opinion from a qualified engineer review specialist or qualified wetland review specialist on technical issues.

(h) § 1300 entitled "Fee-in-Lieu of site runoff storage" is amended to read as follows:

§ 1300. Fee-in-Lieu of site runoff storage

(a) The Director or the Administrator may require, or in the limited circumstances prescribed in Article 2 an applicant may request approval of, the payment of a fee-in-lieu of site runoff storage to fulfill all or part of the site runoff storage requirement for a development. The fee to be paid in lieu of site runoff storage shall be the verifiable cost of otherwise providing the required storage, including the value of the land required and all construction costs. For this purpose the land required shall be valued according to the use to which it will ultimately be put if not used to provide the required storage.

Ord 2005-07, 6/9/2005.

SUBCHAPTER 4—PROPERTY MAINTENANCE

§ 320. Adoption of 2003 International Property Maintenance Code

(a) A certain document, three copies of which are on file in the office of the village clerk, marked and designated as *The 2003 International Property Maintenance Code* as published by the International Code Council, is hereby adopted as the Property Maintenance Code of the village for—

(1) regulating and governing the conditions and maintenance of all property, buildings and structures;

(2) providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use;

(3) the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided;

(4) providing for the issuance of permits therefor.

(b) Each of the regulations, provisions, conditions and terms of *The 2003 International Property Maintenance Code*, together with any amendments to the code adopted at any time in the future as published by the International Code Council, are hereby referred to, adopted, and made part hereof, as if fully set out in this subchapter, with the additions, insertions, deletions and changes set forth in § 321.

Ord 2006-06, 7/13/2006.

§ 321. Additions and deletions

(a) § 101.1. Insert “village of Virgil, Kane County, Illinois” as name of jurisdiction.

(b) § 101.3. Change “International Existing Building Code” to “Building Code of the village of Virgil, Kane County, Illinois.”

(c) § 102.3. Change "International Existing Building Code" to "Building Code of the village of Virgil, Kane County, Illinois." Delete the last sentence.

(d) § 103.5 is deleted.

(e) § 106 is deleted.

(f) § 107.1. Change the first sentence to read as follows: "Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Chapter 1, Subchapter 5 of the Village Code.

(g) § 107.4 is deleted.

(h) § 111 is deleted.

(i) § 302.4 is amended to read as follows: "All premises and exterior property must be maintained free from weeds or uncultivated plant growth in excess of 6 inches. All noxious weeds are prohibited. In addition to any other penalty for violation of this section, any duly authorized employee of the village or contractor hired by the village is authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the owner or agent responsible for the property shall pay the costs of the removal and such costs will become a lien on the property in favor of the village.

(j) § 304.14. Insert May 1 and September 30 in the blanks provided.

(k) § 602.3. Insert October 1 and April 30 in the blanks provided.

(l) § 602.4. Insert October 1 and April 30 in the blanks provided.

(m) § 702.3. Change "International Building Code" to "Building Code of the village of Virgil, Kane County, Illinois."

Ord 2006-06, 7/13/2006.

§ 322. Violation, penalties

(a) It is unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

(b) Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, or repairs plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, is guilty of an offense and may be ordered to pay a civil fine not to exceed \$750. Each days' continuing violation constitutes a separate offense. All violations of this code will be prosecuted as a code violation under the provisions of Chapter 1, Subchapter 5 of the Village Code.

(c) The imposition of the penalties herein prescribed do not preclude the village attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent the legal occupancy of the building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises. The costs of any action taken by the village, including reasonable attorneys fees, shall be charged against and paid by the violator and are a lien upon the real estate upon which the structure is located.

Ord 2006-06, 7/13/2006.

§ 323. Adoption of amendments

It is hereby declared to be the expressed intent of the president and board of trustees that all future amendments to the *2003 International Property Maintenance Code* published by the International Code Council, after three copies of the same have been placed on file in the office of the village clerk for the requisite period of time as required by law, be and are hereby adopted in the same manner as the *2003 International Property Maintenance Code* such that the Property Maintenance Code of the village of Virgil , Kane County, Illinois shall always consist of the current published version of the *2003 International Property Maintenance Code*.

Ord 2006-06, 7/13/2006.

SUBCHAPTER 5—STREETS AND RIGHTS OF WAY

§ 325. Recitals

The facts and statements contained in the preambles to the ordinance adopting this subchapter are found to be true and correct and are hereby adopted as part of this ordinance.

Ord 2015-01, 4/9/2015.

§ 326. Purpose and scope

(a) The purpose of this subchapter is to establish policies and procedures for constructing facilities on rights-of-way within the village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the village rights-of-way and the village as a whole.

(b) In enacting this subchapter, the village intends to exercise its authority over the rights-of-way in the village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

(1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;

(2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;

(3) prevent interference with the facilities and operations of the village's utilities and of other utilities lawfully located in rights-of-way or public property;

(4) protect against environmental damage, including damage to trees, from the installation of utility facilities;

(5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;

- (6) preserve the character of the neighborhoods in which facilities are installed;
 - (7) preserve open space, particularly the tree-lined parkways that characterize the Village's residential neighborhoods;
 - (8) prevent visual blight from the proliferation of facilities in the rights-of-way;
- and
- (9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(c) This subchapter applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the village. A facility lawfully established prior to the effective date of this subchapter may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(d) The village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the village enter into such an agreement. In such an agreement, the village may provide for terms and conditions inconsistent with this subchapter.

(e) (1) In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(2) In the event of any conflict with, or inconsistency between, the provisions of this subchapter and the provisions of any franchise, license or similar agreement between the village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(f) This subchapter supersedes all ordinances or parts of ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(g) In the event that applicable federal or State laws or regulations conflict with the requirements of this subchapter, the utility shall comply with the requirements of this subchapter to the maximum extent possible without violating federal or State laws or regulations.

(h) The village shall use sound engineering judgment when administering this subchapter and may vary the standards, conditions, and requirements expressed in this subchapter when the village so determines. Nothing herein shall be construed to limit the ability of the village to regulate its rights-of-way for the protection of the public health, safety and welfare.

Ord 2015-01, 4/9/2015.

§ 327. Definitions

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

(1) "AASHTO" means American Association of State Highway and Transportation Officials.

(2) "ANSI" means American National Standards Institute.

(3) "Applicant" means a person applying for a permit under this subchapter.

(4) "ASTM" means American Society for Testing and Materials.

(5) "Backfill" means the methods or materials for replacing excavated material in a trench or pit.

(6) "Bore" or "boring" means to excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

- (7) "Cable operator" has the meaning set forth in 47 U.S.C. 522(5).
- (8) "Cable service" has the meaning set forth in 47 U.S.C. 522(6).
- (9) "Cable system" has the meaning set forth in 47 U.S.C. 522(7).
- (10) "Carrier pipe" means the pipe enclosing the liquid, gas or slurry to be transported.
- (11) "Casing" means a structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.
- (12) "Clear zone" means the total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.
- (13) "Coating" means the protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.
- (14) "Conductor" means the wire carrying electrical current.
- (15) "Conduit" means a casing or encasement for wires or cables.
- (16) "Construction" or "construct" means the installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.
- (17) "Cover" means the depth of earth or backfill over buried utility pipe or conductor.
- (18) "Crossing facility" means a facility that crosses one or more right-of-way lines of a right-of-way.
- (19) "Director of public works" means the village director of public works or his or her designee.

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

(21) "Emergency" means any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

(22) "Encasement" means provision of a protective casing.

(23) "Engineer" means the village engineer or his or her designee.

(24) "Equipment" means materials, tools, implements, supplies, or other items used to facilitate construction of facilities.

(25) "Excavation" means the making of a hole or cavity by removing material, or laying bare by digging.

(26) "Extra heavy pipe" means pipe meeting ASTM standards for this pipe designation.

(27) "Facility" means all structures, devices, objects, and materials (including track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this subchapter but does not include any facility owned or operated by the village.

(28) "Freestanding facility" means a facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

(29) "Frontage road" means a roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access to a highway.

(30) "Hazardous materials" means any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the village Engineer to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

(31) "Highway Code" means the Illinois Highway Code, 605 ILCS 5/1-101 *et seq.*, as amended from time to time.

(32) "Highway" means a specific type of right-of-way used for vehicular traffic including rural or urban roads or streets and includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, signs, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

(33) "Holder" means a person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

(34) "IDOT" means the Illinois Department of Transportation.

(35) "ICC" means the Illinois Commerce Commission.

(36) "Jacking" means pushing a pipe horizontally under a roadway by mechanical means with or without boring.

(37) "Jetting" means pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

(38) "Joint use" means the use of pole lines, trenches or other facilities by two or more utilities.

(39) "JULIE." means the Joint Utility Locating Information for Excavators utility notification program.

(40) "Major intersection" means the intersection of two or more major arterial highways.

(41) "Occupancy" means the presence of facilities on, over or under right-of-way.

(42) "Parallel facility" means a facility that is generally parallel or longitudinal to the centerline of a right-of-way.

(43) "Parkway" means any portion of the right-of-way not improved by street or sidewalk.

(44) "Pavement cut" means the removal of an area of pavement for access to facility or for the construction of a facility.

(45) "Permittee" means that entity to which a permit has been issued pursuant to this subchapter.

(46) "Practicable" means that which is performable, feasible or possible, rather than that which is simply convenient.

(47) "Pressure" means the internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

(48) "Petroleum products pipelines" means pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

(49) "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations.

(50) "Prompt" means done within a period of time specified by the village or if no time period is specified, 30 days.

(51) "Public entity" means a legal entity that constitutes or is part of the government, whether at local, state or federal level.

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

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

(54) "Roadway" means that part of the highway that includes the pavement and shoulders.

(55) "Sale of telecommunications at retail "means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

(56) "Security fund" means tThat amount of security required pursuant to this subchapter.

(57) "Shoulder" means a width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

(58) "Sound engineering judgment" means a decision consistent with generally accepted engineering principles, practices and experience.

(59) "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Telecommunications shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. Telecommunications shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. Telecommunications shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

(60) "Telecommunications provider" means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

(61) "Telecommunications retailer" means every person engaged in making sales of telecommunications at retail as defined herein.

(62) "Trench" means a relatively narrow open excavation for the installation of an underground facility.

(63) "Utility" means the individual or entity owning or operating any facility as defined in this subchapter.

(64) "Vent" means a pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

(65) "Video service" has the meaning set forth in § 21-201 (v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

(66) "village" means the village of Virgil.

(67) "Water lines" means pipelines carrying raw or potable water.

(68) "Wet boring" means boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

Ord 2015-01, 4/9/2015.

§ 328. Annual Registration Required

Every utility that occupies right-of-way within the village shall register on January 1 of each year with the director of public works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a 24-hour telephone number for each such person, and evidence of insurance as required in this subchapter, in the form of a certificate of insurance.

Ord 2015-01, 4/9/2015.

§ 329. Permit required; applications and fees

(a) No person shall construct (as defined in this subchapter) any facility on, over, above, along, upon, under, across, or within any village right-of-way which (1) changes the location of the facility, (2) adds a new facility, (3) disrupts the right-of-way (as defined in this subchapter), or (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under across or within the right-of-way, without first filing an application with the village engineer and obtaining a permit from the village therefor, except as otherwise provided in this subchapter. No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

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

(c) The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

(1) the utility's name and address and telephone and telecopy numbers;

(2) the applicant's name and address, if different than the utility, its telephone, telecopy numbers, e-mail address, and its interest in the work;

(3) the names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application;

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

(5) evidence that the utility has placed on file with the village:

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

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

(6) drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;

(7) evidence of insurance as required in this subchapter;

(8) evidence of posting of the security fund as required in this subchapter;

(9) any request for a variance from one or more provisions of this subchapter; and

(10) such additional information as may be reasonably required by the village.

(d) In addition to the requirements of subsection (c) of this paragraph, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

(1) in the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;

(2) in the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;

(3) in the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;

(4) in the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control have been satisfied; or

(5) in the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(e) Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the village within 30 days after the change necessitating the amendment.

(f) Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this subchapter shall be accompanied by a fee in the amount established by separate ordinance. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

Ord 2015-01, 4/9/2015.

§ 330. Action on permit applications

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

(b) (1) Pursuant to § 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the village that it intends to commence work governed by this subchapter for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the village not less than 10 days prior to the commencement of work requiring no excavation and not less than thirty 30 days prior to the commencement of work requiring excavation.

The director of public works shall specify the portion of the right-of-way upon which the facility may be placed, used and constructed.

(2) In the event that the village engineer fails to provide such specification of location to the telecommunications retailer within either (i) 10 days after service of notice to the village by the telecommunications retailer in the case of work not involving excavation for new construction or (ii) 25 days after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this subchapter.

(3) Upon the provision of such specification by the village, where a permit is required for work pursuant to this subchapter the telecommunications retailer shall submit to the village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of subsection (a) of this section.

(c) Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted 45 days after submission to the village, unless otherwise acted upon by the village, provided the holder has complied with applicable village codes, ordinances, and regulations.

Ord 2015-01, 4/9/2015.

§ 331. Effect of permit

(a) A permit from the village authorizes a permittee to undertake only certain activities in accordance with this subchapter on village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the rights-of-way.

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

(c) No construction shall begin pursuant to a permit issued under this subchapter prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the village with such village representatives in attendance as the village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(d) The issuance of a permit by the village does not excuse the permittee from complying with other requirements of the village and applicable statutes, laws, ordinances, rules, and regulations.

Ord 2015-01, 4/9/2015.

§ 332. Revised permit drawings

In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the village within 90 days after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this subchapter, it shall be treated as a request for variance under this subchapter. If the village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

Ord 2015-01, 4/9/2015.

§ 333. Insurance

(a) Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs 1 and 2 below:

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

(A) \$5,000,000 for bodily injury or death to each person;

(B) \$5,000,000 for property damage resulting from any one accident; and

(C) \$5,000,000 for all other types of liability;

(2) automobile liability for owned, non-owned and hired vehicles with a combined single limit of \$1,000,000 for personal injury and property damage for each accident;

(3) worker's compensation with statutory limits; and

(4) employer's liability insurance with limits of not less than \$1,000,000 per employee and per accident.

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

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

(c) The utility shall provide copies of any of the policies required by this section to the village within 10 days following receipt of a written request therefor from the village.

(d) The insurance policies required by this section shall contain the following endorsement: "It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 30 days after receipt by the village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the village president of such intent to cancel or not to renew." Within 10 days after receipt by the village of said notice, and in no event later than 10 days prior to said cancellation, the utility shall obtain and furnish to the village evidence of replacement insurance policies meeting the requirements of this section.

(e) A utility may self-insure all or a portion of the insurance coverage and limit requirements required by subsection (a) of this section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under Subsection (a), or the requirements of subsections (b), (c) and (d) of this section. A utility that elects to self-insure shall provide to the village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under subsection a) of this section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

(f) The legal liability of the utility to the village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(g) All insurance provided pursuant to this section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois.

Ord 2015-01, 4/9/2015.

§ 334. Indemnification

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

Ord 2015-01, 4/9/2015.

§ 335. Security

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

(1) the faithful performance by the permittee of all the requirements of this subchapter;

(2) any expenditure, damage, or loss incurred by the village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the village issued pursuant to this subchapter; and

(3) the payment by permittee of all liens and all damages, claims, costs, or expenses that the village may pay or incur by reason of any action or non-performance by permittee in

violation of this subchapter including, without limitation, any damage to public property or restoration work the permittee is required by this subchapter to perform that the village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the village from the permittee pursuant to this subchapter or any other applicable law.

(b) The permittee shall provide the security fund to the village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the village, or an unconditional letter of credit in a form acceptable to the village. Any surety bond or letter of credit provided pursuant to this Subsection shall, at a minimum:

(1) provide that it will not be canceled without prior notice to the village and the permittee;

(2) not require the consent of the permittee prior to the collection by the village of any amounts covered by it; and

(3) shall provide a location convenient to the village and within the State of Illinois at which it can be drawn.

(c) The dollar amount of the security fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the village engineer, and may also include reasonable, directly related costs that the village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the village, with each phase consisting of construction of facilities in one location or a related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the village engineer may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the security fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this subsection (c) for any single phase.

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

(1) fails to make any payment required to be made by the permittee hereunder;

(2) fails to pay any liens relating to the facilities that are due and unpaid;

(3) fails to reimburse the village for any damages, claims, costs or expenses which the village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or

(4) fails to comply with any provision of this subchapter that the village determines can be remedied by an expenditure of an amount in the Security Fund.

(e) Within 14 days after receipt of written notice from the village that any amount has been withdrawn from the security fund, the permittee shall restore the security fund to the amount specified in subsection (c) of this section.

(f) The permittee may request that any and all interest accrued on the amount in the security fund be returned to the permittee by the village, upon written request for said withdrawal to the village, provided that any such withdrawal does not reduce the security fund below the minimum balance required in subsection (c) of this section.

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

(h) The rights reserved to the village with respect to the security fund are in addition to all other rights of the village, whether reserved by this subchapter or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said security fund shall affect any other right the village may have. Notwithstanding the foregoing, the village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

Ord 2015-01, 4/9/2015.

§ 336. Permit suspension and revocation

(a) The village may revoke or suspend a permit issued pursuant to this subchapter for one or more of the following reasons:

(1) fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;

(2) non-compliance with this subchapter;

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

(4) permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(b) The village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this subchapter stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section.

(c) Upon receipt of a written notice of revocation or suspension from the village, the permittee shall have the following options:

(1) immediately provide the village with evidence that no cause exists for the revocation or suspension;

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

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

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

(d) In addition to the issuance of a notice of revocation or suspension, the village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within subsection a) of this section.

(e) If the permittee fails to comply with the provisions of subsection (c) of this section, the village or its designee may, at the option of the village: (1) correct the deficiencies; (2) upon not less than 20 days notice to the permittee, remove the subject facilities or equipment; or (3) after not less than 30 days notice to the permittee of failure to cure the non-compliance, deem them abandoned and property of the village. The permittee shall be liable in all events to the village for all costs of removal.

Ord 2015-01, 4/9/2015.

§ 337. Change of ownership or owner's identity or legal status

(a) A utility shall notify the village no less than 30 days prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and applicable laws, ordinances, rules and regulations, including this subchapter, with respect to the work and facilities in the right-of-way.

(b) A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new

owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the village's right-of-way.

(c) All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

Ord 2015-01, 4/9/2015.

§ 338. General construction standards

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

- (1) *Standard Specifications for Road and Bridge Construction;*
- (2) *Supplemental Specifications and Recurring Special Provisions;*
- (3) *Highway Design Manual;*
- (4) *Highway Standards Manual;*
- (5) *Standard Specifications for Traffic Control Items;*
- (6) *Illinois Manual on Uniform Traffic Control Devices* (92 Ill. Adm. Code § 545);
- (7) *Flagger's Handbook;* and
- (8) *Work Site Protection Manual for Daylight Maintenance Operations.*

(b) If a discrepancy exists between or among differing principles and standards required by this subchapter, the village engineer shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the village engineer shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

Ord 2015-01, 4/9/2015.

§ 339. Traffic control

(a) The village's minimum requirements for traffic protection are contained in IDOT's *Illinois Manual on Uniform Traffic Control Devices* and this code.

(b) The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the rights-of-way.

(c) All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(d) At least 48 hours prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs, the utility shall provide such notice as is practicable under the circumstances.

(e) The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the village.

Ord 2015-01, 4/9/2015.

§ 340. Location of facilities

(a) In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this subsection.

(1) No utility facilities shall be placed in any location if the village engineer determines that the proposed location will require the relocation or displacement of any of the village's utility facilities or will otherwise interfere with the operation or maintenance of any of the village's utility facilities.

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

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

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

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

(b) (1) An overhead parallel facility may be located within the right-of-way lines of a highway only if:

(A) lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;

(B) where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of 2 feet (0.6 m) behind the face of the curb, where available;

(C) where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of 4 feet (1.2 m) outside the outer shoulder line of the roadway and are not within the clear zone;

(D) no pole is located in the ditch line of a highway; and

(E) any ground-mounted appurtenance is located within 1 foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.

(2) An underground parallel facility may be located within the right-of-way lines of a highway only if:

(A) the facility is located as near the right-of-way line as practicable and not more than 8 feet (2.4 m) from and parallel to the right-of-way line;

(B) a new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and

(C) in the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than 5 feet (1.5 m) from the right-of-way line and any above-grounded appurtenance shall be located within one foot (0.3 m) of the right-of-way line or as near as practicable.

(c) (1) The construction and design of crossing facilities installed between the ditch lines or curb lines of village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.

(2) Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

(3) Crossing facilities shall cross at or as near to a 90 degree angle to the centerline as practicable.

(4) An overhead power or communication facility may cross a highway only if:

(A) it has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);

(B) poles are located within 1 foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and

(C) overhead crossings at major intersections are avoided.

(5) An underground power or communication facility may cross a highway only if:

(A) the design materials and construction methods will provide maximum maintenance-free service life; and

(B) capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

(6) The village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

(d) The village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(e) (1) The village may restrict the location and size of any freestanding facility located within a right-of-way.

(2) The village may require any freestanding facility located within a right-of-way to be screened from view.

(f) Above ground facilities may be installed only if:

(1) no other existing facilities in the area are located underground;

(2) new underground installation is not technically feasible; and

(3) the proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(g)

~~VILLAGE OF VAILLIE~~ ~~ARTICLE 11~~ ~~SECTION 11-11~~
~~VILLAGE OF VAILLIE~~ ~~ARTICLE 11~~ ~~SECTION 11-11~~
where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

(2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:

(A) the type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;

(B) the type, length, value, and relative importance of the highway structure in the transportation system;

(C) the alternative routings available to the utility and their comparative practicability;

(D) the proposed method of attachment;

(E) the ability of the structure to bear the increased load of the proposed facility;

(F) the degree of interference with bridge maintenance and painting;

(G) the effect on the visual quality of the structure; and

(H) the public benefit expected from the utility service as compared to the risk involved.

(h) (1) The village may prohibit the installation of facilities in particular locations in order to preserve visual quality.

(2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

Ord 2015-01, 4/9/2015.

§ 341. Construction methods and materials

(a) (1) (A) Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Director of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than 48 hours in advance of boring or jacking operations and backfilled within 48 hours after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.

(B) Wet boring or jetting shall not be permitted under the roadway.

(C) Borings over six inches (0.15 m) in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than one inch (25 mm).

(D) Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

(E) Any facility located within the drip line of any tree designated by the village to be preserved or protected shall be bored under or around the root system.

(2) Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 of IDOT's *Standard Specifications for Road and Bridge Construction*.

(A) The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the village engineer.

(B) Open trench and windrowed excavated material shall be protected as required by Chapter 6 of the *Illinois Manual on Uniform Traffic Control Devices*. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for windrowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

(C) The utility shall not trench within the drip line of any tree designated by the village to be preserved.

(3) (A) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's *Standard Specifications for Road and Bridge Construction*. When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

(B) For a period of three years from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the village engineer, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the village engineer.

(4) Pavement cuts for facility installation or repair shall be permitted on a highway only if that portion of the highway is closed to traffic. If a variance to the limitation set forth in this paragraph 4) is permitted, the following requirements shall apply:

(5) (A) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the village engineer.

(B) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the village.

(C) All saw cuts shall be full depth.

(D) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven years, or resurfaced in the last three years, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a JULIE locate.

(6) (A) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the village.

(B) The venting, if any, of any encasement shall extend within one foot (0.3m) of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.

(C) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the village. Bell and spigot type pipe shall be encased regardless of installation method.

(D) In the case of gas pipelines of 60 psig or less, encasement may be eliminated.

(E) In the case of gas pipelines or petroleum products pipelines with installations of more than 60 psig, encasement may be eliminated only if: (1) extra heavy pipe is used that precludes future maintenance or repair and (2) cathodic protection of the pipe is provided;

(F) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

(7) Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

TYPE OF FACILITY	MINIMUM COVER
Electric lines	30 inches (0.8 m)
Communication, cable or video service lines	18 to 24 in. (0.6 m, as determined by village)
Gas or petroleum products	30 in. (0.8 m)
Water Line	Sufficient cover to provide freeze protection
Sanitary sewer, storm sewer, or drainage line	Sufficient cover to provide freeze protection

(b) (1) (A) Electric power or communications facilities within village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code Part 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled *Rules for Construction of Electric Power and Communications Lines*, and the National Electrical Safety Code.

(B) Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

(C) (i) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.

(ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:

(I) the crossing is installed by the use of "moles," "whip augers," or other approved method which compress the earth to make the opening for cable installation or

(II) the installation is by the open trench method which is only permitted prior to roadway construction.

(iii) Cable shall be grounded in accordance with the National Electrical Safety Code.

(D) All temporary service drops placed between November 1 of the prior year and March 15 of the current year, also known as snowdrops, shall be buried by May 31 of the current year, weather permitting, unless otherwise permitted by the village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within 10 business days after placement.

(2) Underground facilities other than electric power or communication lines may be installed by:

(A) the use of "moles," "whip augers," or other approved methods which compress the earth to move the opening for the pipe;

(B) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

(C) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

(D) tunneling with vented encasement, but only if installation is not possible by other means.

(3) Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's *Standard Specifications for Road and Bridge Construction*, and all other applicable laws, rules, and regulations.

(4) Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).

(5) Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current *Standard Specifications for Water and Sewer Main Construction in Illinois*.

(6) Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending one foot (305 mm) in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the village engineer. With the approval of the village Engineer, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(c) (1) The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's *Standards Specifications for Road and Bridge Construction*, the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

(2) No material shall be stored on the right-of-way without the prior written approval of the village engineer. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the village.

(3) Hazardous materials. The plans submitted by the utility to the village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(d) Operational restrictions

(1) Construction operations on rights-of-way may, at the discretion of the village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.

(2) These restrictions may be waived by the village engineer when emergency work is required to restore vital utility services.

(3) Unless otherwise permitted by the village, the hours of construction are 6:00AM to 8:00PM.

(e) Location of existing facilities. Any utility proposing to construct facilities in the village shall contact JULIE and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The village will make its permit records available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the village or by JULIE, a utility shall locate and physically mark its underground facilities within 48 hours, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 et seq.)

Ord 2015-01, 4/9/2015.

§ 342. Vegetation Control

(a) Electric utilities—compliance with State laws and regulations. An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the village as permitted by law.

(b) Other utilities—tree trimming permit required. Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing same, shall not be considered a normal

maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this subchapter.

(1) Application for tree trimming permit. Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) Damage to trees. Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(c) Specimen trees or trees of special significance. The village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(d) Chemical use

(1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the village for any purpose, including the control of growth, insects or disease.

(2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the engineer that such spraying is the only practicable method of vegetation control.

Ord 2015-01, 4/9/2015.

§ 343. Removal, relocation, or modifications of utility facilities

(a) Notice. Within 90 days following written notice from the village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any village improvement in or upon, or the operations of the village in or upon, the rights-of-way.

(b) Removal of unauthorized facilities. Within 30 days following written notice from the village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

(1) upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;

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

(3) if the facility was constructed or installed without prior issuance of a required permit in violation of this subchapter; or

(4) if the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(c) Emergency removal or relocation of facilities. The village retains the right and privilege to cut or move any facilities located within the rights-of-way of the village, as the village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(d) Abandonment of facilities. Upon abandonment of a facility within the rights-of-way of the village, the utility shall notify the village within 90 days. Following receipt of such notice the village may direct the utility to remove all or any portion of the facility if the village Engineer determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

Ord 2015-01, 4/9/2015.

§ 344. Clean-up and restoration

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

Ord 2015-01, 4/9/2015.

§ 345. Maintenance and emergency maintenance

(a) General. Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the village and at the utility's expense.

(b) Emergency maintenance procedures. Emergencies may justify non-compliance with normal procedures for securing a permit.

(1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flaggers. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

(2) In an emergency, the utility shall, as soon as possible, notify the village Engineer or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the village police shall be notified immediately.

(3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(c) Emergency repairs. The utility must file in writing with the village a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

Ord 2015-01, 4/9/2015.

§ 346. Variances

(a) Request for variance. A utility requesting a variance from one or more of the provisions of this subchapter must do so in writing to the village engineer as a part of the permit application. The request shall identify each provision of this subchapter from which a variance is requested and the reasons why a variance should be granted.

(b) Authority to grant variances. The village engineer shall decide whether a variance is authorized for each provision of this subchapter identified in the variance request on an individual basis.

(c) Conditions for granting of variance. The village engineer may authorize a variance only if the utility requesting the variance has demonstrated that:

(1) one or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

(2) all other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(d) Additional conditions for granting of a variance. As a condition for authorizing a variance, the village engineer may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this subchapter but which carry out the purposes of this subchapter.

(e) Right to appeal. Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the village engineer under the provisions of this chapter shall have the right to appeal to the village board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the village clerk within 30 days after the date of such order, requirement, decision or determination. The village board shall commence its consideration of the appeal at the board's next regularly scheduled meeting occurring at least seven days after the filing of the appeal. The village board shall timely decide the appeal.

Ord 2015-01, 4/9/2015.

§ 347. Penalties

Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this subchapter may be fined in accordance with the penalty provisions of this code. There may be times when the village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this subchapter. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of

the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

Ord 2015-01, 4/9/2015.

§ 348. Enforcement

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

Ord 2015-01, 4/9/2015.

CHAPTER 4 — FEES

SUBCHAPTER 1—ZONING

§ 400. Zoning fee schedule

(a) For applications for rezoning or for a special use, the following fees shall be paid with the filing of the application. For applications which encompass more than one request, the highest applicable fee shall be paid.

(1) For an application which relates to a tract of land which is less than two acres in size, the fee shall be \$500.

(2) For an application which relates to a tract of land which is two acres or more but less than five acres in size, the fee shall be \$600.

(3) For an application which relates to a tract of land which is five acres or more but less than 10 acres in size, the fee shall be \$700.

(4) For an application which relates to a tract of land which is 10 acres or more in size, the fee shall be \$700 plus \$30 per acre, or portion thereof, in excess of 10 acres.

(b) For applications for a variation, the following fees shall be paid with the filing of the application.

(1) For an application which requests a variation of more than 10% from the standard otherwise applicable under the zoning ordinance, or which requests more than one variation, the fee shall be \$300.

(2) For an application which requests a variation of 10% or less from the standard otherwise applicable under the zoning ordinance, the fee shall be \$150.

(3) For any application filed within 90 days of the effective date of this ordinance, the fee shall be one-half of the fee otherwise applicable under subsections (1) and (2) above.

Ord 1992-02, 4/9/1992.

SUBCHAPTER 2—AMUSEMENT DEVICES**§ 401. License fee generally; arcades, billiard rooms, distributors**

(a) The annual license fee for any amusement device license required by this subchapter shall be \$250 plus \$50 for each amusement device so licensed. The appropriate license fees are payable at the time of license issuance.

(b) The annual license fee for an arcade or billiard room shall be \$350 plus \$50 for each amusement device so licensed.

(c) A distributor of amusement devices shall be required to obtain only one license irrespective of the number of machines said distributor owns or distributes and the annual fee for such license shall be \$750.

(d) If the above specified fees are not paid within 30 days of the applicable due date, then the applicable fee shall be the lesser of double the above fee or the above fee plus \$15 plus \$1.00 per day for every day after the due date on which the required fee remains unpaid.

Ord 1993-02, 8/26/93.

SUBCHAPTER 3—LIQUOR LICENSES**§ 402. Fees**

(a) The annual license fee for Class A, B and C licenses is hereby fixed in the amount of \$2000. The annual license fee for Class D licenses is hereby fixed in the amount of \$750. The fee for one Class F license shall be \$30. After the purchase of six Class F licenses during any one calendar year, an applicant may obtain additional Class F licenses up to the maximum allowed during such calendar year for no additional fee. The annual license fee for the F-1 license is hereby fixed in the amount of \$200. The annual license fee for a Sunday Brunch Endorsement shall be \$250 in addition to the foregoing annual license fees.

(b) If an application is made and a license granted during the first six months of a license year, the license fee for such period shall be the entire fee required for the annual license year.

Where application is made and license granted during the last six months of each license year, the license fee shall be one-half of the entire fee required for the annual license year, provided that the proration provided for in this section shall not be allowed to any person who is or had been a licensee for the annual license year or part thereof preceding his or her application for a license, and provided that the benefit of this subsection shall not apply to a Class F license fee.

(c) The required fee shall be deposited with the local liquor control commissioner at the time of application for the license. This shall be by certified check, cashier's check or money order made payable to the Liquor Control Commission of the village of Virgil. Such fee shall be returned to such applicant if his or her application is denied.

Ord 1991-03, 3/18/1991 amended and restated by Ord 1993-03, 8/26/1993; Ord 1995-01, 3/14/1995 increased fees for all licenses and established fee for the F-1 license.

SUBCHAPTER 4—IMPACT FEES

§ 403. Findings and purpose

(a) The president and board of trustees hereby find that —

(1) new development imposes increased and excessive demands upon existing public school facilities and services that are specifically and uniquely attributable to those developments;

(2) planning projections indicate that such development will continue and place increasing demands upon school districts to provide necessary school facilities;

(3) to the extent that new development places demands upon public school facilities which are specifically and uniquely attributable to that development, those demands should be satisfied by requiring that development to pay the cost of meeting those demands;

(4) the amount of any development impact fee to be required of new development should be determined to be the proportionate share of the cost of such additional public school facilities attributable to such development;

(b) The president and board of trustees, after careful consideration, hereby find and declare that requiring new development to finance specified public school facilities, the demand for which is created by such development, by the imposition of development impact fees for the construction of public school facilities upon such development, is in the best interests of the village and its residents, is equitable, and does not impose an unfair burden on such development.

(c) Accordingly the president and board of trustees deem it necessary and desirable to adopt this subchapter.

Ord 2000-03, 5/11/2000.

§ 404. Definitions

In this subchapter—

(1) “capital improvement” means a project or piece of equipment with a useful life in excess of three years.

(2) “fair market value” means, in the case of new construction, the value of the building as set forth in the application for a building permit or, at the option of the village, the value determined by a competent appraiser retained by the village, rounded to the next highest value shown in Appendix II. In the case of an addition of a bedroom to an existing building, fair market value is the value determined by appraisal of the existing building including the proposed addition, rounded to the next highest value shown in Appendix II.

(3) “school district” means any public school district providing elementary, middle school and high school education, any portion of which is situated within the village.

(4) “village” means the village of Virgil, Kane County, Illinois.

Ord 2000-03, 5/11/2000.

§ 405. Imposition of fee

No annexation agreement shall be approved or executed by the corporate authorities of the village unless it contains provisions imposing, at a minimum, the fees described in this subchapter.

Ord 2000-03, 5/11/2000; Ord 2006-02, 1/12/2006.

§ 406. Transition fee

No certificate of occupancy will be issued for any building unless the applicant has paid a fee for the benefit of the village, and the school district and the township in which the building is located, calculated by dividing the fair market value of the building and lot or parcel of land upon which it is located, by three, then multiplying the result by the most recently ascertainable tax rate for each of the applicable entities, divided by 100, and then multiplying the result by 1.50. If more than one building for which a certificate of occupancy is required is located upon a lot or parcel of land, each building shall be allocated a proportionate portion of the fair market value of the land. For the village the minimum tax rate is .80000.

For example, if the fair market value of the property is \$300,000, and the tax rates of the school district and township are 4.825592 and .1275666, respectively, the calculation of the transition fee is as follows:

Transition fee

$$\$300,000/3 = \$100,000$$

$$\$100,000 \times (4.825592 + .1275666 + .80000) = \$575315.80$$

$$\$575315.80/100 \times 1.50 = \$8629.74$$

Ord 2006-02, 1/12/2006.

§ 407. Impact fee

No building permit authorizing the construction of a building containing one or more bedrooms, or authorizing the addition of one or more bedrooms to an existing building will be issued unless the applicant has paid a fee for the benefit of the school district in which the building is to be located, calculated by reference to Appendix II.

Ord 2000-03, 5/11/2000; Ord 2006-02, 1/12/2006.

§ 408. Administration

(a) Fees collected under this subchapter will be deposited into one or more interest-bearing accounts to be held for the use and benefit of the governmental entities for which they were collected in accordance with the provisions of this subchapter.

(b) The village will maintain adequate records of all fees collected pursuant to such annexation agreement and this subchapter, showing the source and amount of all receipts and the payee and amount of all disbursements.

(c) Not less than annually the village will disburse all funds then on deposit representing fees collected under such annexation agreement and this subchapter to the respective governmental entities for whose benefit they were collected less an administrative fee of \$25 for each individual fee collected. As a condition precedent to the disbursement of any such funds, such governmental entities must execute and deliver to the village an agreement, in a form acceptable to the village, by which such governmental entity agrees to indemnify the village and hold it harmless from any loss, cost or expense (including attorneys fees), which the village may suffer or incur as a result of the passage of this subchapter, the approval or execution of such annexation agreement, or the collection or disbursement of any funds thereunder.

Ord 2000-03, 5/11/2000; Ord 2006-02, 1/12/2006.

SUBCHAPTER 5—STORMWATER MANAGEMENT PERMITS**§ 409. Stormwater management permit**

The fee for the issuance of a storm water management permit is \$250 plus the actual costs incurred by the village to review, issue the permit and inspect the development. Actual costs of the village include the fees and expenses of any professional retained by the village in connection with the review, issuance of the permit and inspection of the development. With the filing of the application the applicant shall pay \$250 and deposit with the village an amount equal to 5% of the engineer's estimate of the cost of construction of the stormwater improvements. The village shall periodically invoice the applicant for its costs and, in the absence of an objection by the applicant within 10 days of the date of such invoice, may draw against the amount on deposit in payment of the invoice. At such time as the amount on deposit has been reduced to 2% or less of the engineer's estimate of costs, the applicant shall make an additional cash deposit in the amount necessary to return the amount on deposit to 5% of the engineer's estimate. Any amount remaining on deposit after final inspection and approval of the stormwater improvements shall be refunded to the applicant.

Ord 2005-08, 6/9/2005.

CHAPTER 5—FRANCHISES

SUBCHAPTER 1—ELECTRIC

§ 500. Definitions

In this subchapter, the following terms, phrases and words and their derivations have the meanings given in this section, unless the context or use clearly indicates another or different meaning is intended.

- (a) "Village" is the village of Virgil.
- (b) "Clerk" is the clerk of the village of Virgil.
- (c) "Competent Authority" means and includes any governmental body or forum vested by law with authority to do the act or make the order, rule or regulation involved.
- (d) "Corporate Authorities" is the president and village board of the village of Virgil.
- (e) "Edison Representative" is the person or persons designated by the Licensee to be responsible for the day-to-day performance of the Licensee's duties under this subchapter and who shall be available and accessible to the village for that purpose during regular office hours.
- (f) "Edison Emergency Representative" is the person or persons designated by the Licensee responsible for the performance of the Licensee's duties under this subchapter during emergencies and at all times other than the Licensee's regular office hours and who shall be available and accessible to the village for that purpose during emergencies and at all times other than the Licensee's regular office hours. The Edison Representative may also be designated as the Edison Emergency Representative.
- (g) "Electric System" shall mean a system for the production, transmission, distribution and sale of electricity for lighting, heating, power and other purposes within and outside the corporate limits of the village.
- (h) "Energy Efficiency/DSM" means applications of technologies and techniques for increasing the efficiency of electric energy use or managing demand for electric energy. Such

applications may be designed to achieve greater end use benefits from electric energy consumed, reductions in electric energy consumption, shifts of electric energy demand to times when it can be met more economically, or other initiatives designed to manage or reduce demand for electric energy.

(i) "FERC" means and refers to the Federal Energy Regulatory Commission or other authority succeeding to the regulatory powers of the Federal Energy Regulatory Commission.

(j) "Generating Facilities" are those Facilities used or constructed by the Licensee for the purpose of generating or producing electric energy.

(k) "High Voltage Transmission Lines" means power lines designed to transmit electricity at 138 kilovolts (138 kV) or more.

(l) "ICC" means and refers to the Illinois Commerce Commission or other authority succeeding to the regulatory powers of the Illinois Commerce Commission.

(m) "Liability" includes, but is not limited to: actual or claimed loss or damage to property or injury to or death of persons; actual or claimed responsibility for such loss, damage, injury or death; and any and all judgments, decrees, costs and expenses of every sort and kind incident to such loss, damage, injury, death or responsibility, including, but not limited to, court costs, fines and attorney's fees.

(n) "Municipal Electric Representative" is the person or persons designated by the village to be responsible for the day-to-day implementation of this subchapter on behalf of the village during regular office hours.

(o) "Municipal Emergency Electric Representative" is the person or persons designated by the village to be responsible for the implementation of this subchapter on behalf of the village during emergencies and at all times other than the village's regular office hours.

(p) "Other Ways" means rights-of-way within the village that are under the jurisdiction and control of a governmental entity other than the village.

(q) "Overhead Distribution Facilities" are poles, wires, cables and other overhead apparatus used in the distribution of electricity of not to exceed 14,000 volts.

(r) "Overhead Facilities" are Transmission and Distribution Utility Facilities located on or above the surface of the ground, including the underground foundations or supports for such facilities.

(s) "Person" means one or more individuals, associations, firms, partnerships, trusts, private corporations, municipal corporations, receivers, or trustees.

(t) "Public Property" means all real property and all improvements thereon, owned, leased to, leased by or otherwise controlled by the village.

(u) "Public Ways" means the surface, the air space above the surface and the area below the surface of any public right-of-way, including, but not limited to, any street, highway, avenue, drive, boulevard, lane, path, Alley, sidewalk, waterway, bridge, tunnel, park, parkway or other public right-of-way including public utility easements or rights-of-way over which the village has jurisdiction, and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the village in which the village holds rights sufficient, without consent of any other Person, to permit Licensee the use thereof for the purpose of installing or maintaining Licensee's Electric System.

(v) "Transmission and Distribution Facilities" include all lines, equipment and structures used in the transmission, distribution or sale of electric energy, wherever located. Transmission and Distribution Facilities include High Voltage Transmission Lines.

(w) "Underground Facilities" are Transmission and Distribution Facilities located under the surface of the ground, excluding the underground foundations or supports for Overhead Facilities.

(x) "Underground Facilities" are and refer to and include, but are not limited to, property, land, structures, equipment, plants, works, systems and improvements of the Licensee, such as pipes, electric substations, conduits, wires, transformers, cables, poles and meters, used in the production, transmission, distribution or sale of electricity within the village.

(y) "Utility Facilities" includes all Generating Facilities, Transmission and Distribution Facilities, Overhead Facilities and Underground Facilities.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 501. Rules of construction

This subchapter shall be construed in accordance with the following provisions:

- (a) When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.
- (b) The words “shall” and “will” are mandatory and the word “may” is permissive.
- (c) The provisions of this subchapter shall be read as a whole so as to effect the purposes of this subchapter.
- (d) Section headings are descriptive and used merely for the purpose of organization. where inconsistent with the text, section headings are to be disregarded.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 502. Rights granted

- (a) Grant of right to use Public Ways and Public Property. The village hereby grants to the Licensee the right, permission and authority to construct, operate and maintain in and through the village its Electric System and to construct, operate and maintain all such Utility Facilities as may be necessary or convenient for such Electric System, in, upon, along, over, across, above and under the Public Ways and Public Property in the village, for the period of time and upon the terms and conditions hereinafter specified.
- (b) Emergency access to public ways and public property. In the event of an emergency which the Licensee reasonably believes poses a threat of immediate harm to the public or to any of the Utility Facilities, the Licensee is hereby granted access to the Public Ways and Public Property, without a permit, to ameliorate the threatened harm. The Licensee shall promptly advise the village of the emergency.

(c) Exemption from parking restrictions. While used in the course of installation, repair and maintenance work on the Utility Facilities, Licensee's vehicles shall be exempt from parking restrictions of the village.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 503. Conditions of grant

(a) Construction and location of facilities

(1) The Licensee or any Person acting on its behalf may construct, repair, maintain, renew or replace Utility Facilities located in the Public Ways, on Public Property, or on Other Ways, subject to the following conditions:

(A) The Licensee shall obtain a permit in accordance with the applicable ordinances of the village. The Licensee shall include with its permit application such plans and schedules for restoration of the Public ways or Public Property as the village may require by ordinance.

(B) The Licensee shall obtain all necessary approvals from any Competent Authority for the performance of said work, and such work shall be performed in accordance with the plans and specifications approved or prescribed by Competent Authority.

(C) Except as provided in this subchapter, neither the Licensee nor any Person acting on its behalf shall take any action to be done which may impair or damage the Public Ways, any property located on the Public Ways, or the Public Property.

(D) Neither the Licensee nor any person acting on its behalf may interfere unreasonably with the use of the Public Ways or Public Property by the general public or by other Persons authorized to use or be present upon said Public Ways or Public Property.

(E) The Licensee shall provide reasonable notice to the village before beginning any work in Other Ways within the village.

(F) To the extent practicable, the Licensee shall notify the village of plans to undertake any construction, repair, maintenance or replacement of Utility Facilities in conjunction with the annual planning meeting provided for in § 506(h). This notice shall be in addition to any other notice requirements imposed by other applicable ordinances. The notice requirements of this paragraph do not apply to the installation of lateral service connections to individual customers.

(G) In the event of an emergency, if prior acquisition of formal authorization is not possible, the Licensee or any Person acting on its behalf may undertake the work described above without first acquiring formal authorization, provided that the Licensee uses its best efforts to contact the Municipal Emergency Electric Representative prior to performing such work and provided further that the Licensee shall apply for such formal authorization at the earliest reasonable opportunity.

(2) All Transmission and Distribution Facilities erected hereunder shall be placed in Alleys wherever practicable so to do, and shall be so placed, wherever located, so as not to interfere unnecessarily with travel on or access to the Public Ways.

(3) Unless specifically permitted by the village, all Utility Facilities erected under this subchapter shall be located so as not to injure any drains, sewers, catch basins, water pipes, pavements or other public improvements.

(4) All poles shall be of sufficient length to be anchored substantially in the ground and to extend to a height of at least 25 feet above the surface. Poles shall be adequately braced wherever necessary.

(5) All wires, conductors, transformers and other apparatus that are attached to utility poles shall be at a sufficient height to preclude interference with free use of the Public Ways.

(6) Prior to filing any application with a Competent Authority for the construction of any Generating Facilities or High-Voltage Transmission Lines within the corporate limits of the village, the Licensee shall meet with the village to discuss such plans.

(7) Any Utility Facilities in the Public Ways that have been, or are at any future time acquired, leased or utilized in any manner by the Licensee are thereupon to be deemed authorized by and shall be subject to all the provisions of this subchapter.

(8) Except as otherwise provided herein, the Licensee shall not be required to change the location, the height above, or the depth below the Public ways of those Utility Facilities in place as of the effective date of this subchapter.

(b) Relocation and removal of facilities

(1) Upon receiving at least 30 days notice from the village, the Licensee shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Utility Facilities in Public Ways or Public Property whenever the Corporate Authorities shall have determined that such removal, relocation, change or alteration: (A) is reasonably necessary for the construction, repair, maintenance, improvement or use of such Public Ways or Public Property; (B) is reasonably necessary for the location, construction, replacement, maintenance, improvement or use of other Property of the village; or (C) is reasonably necessary for the operations of the village. The village agrees to engineer the projects in the Public Ways or Public Property either so as not to require any such removal, relocation, change or alteration or, if that is not reasonably feasible, so as to minimize the Licensee's expenses in making such removals, changes or alterations. The Licensee will not be responsible for the expense of removals, relocations, changes or alterations required by the village primarily for the purpose of assisting either private projects or a municipal electric utility.

(2) Whenever it shall be necessary for the village or any other Person to move along or across the Public Ways, any vehicle, equipment, structure or other object of such height or size as will interfere with any of the Licensee's Overhead Facilities, the Licensee shall temporarily remove such Overhead Facilities from such place as must necessarily be crossed by such vehicle, equipment, structure or other object, provided that: (A) the Licensee shall receive at least 24 hours notice thereof from the village Electric Representative; (B) the Licensee shall have received payment for such removal, where payment is required; and (C) such temporary removal shall be done at such time of the day or night as will least interfere with the Licensee's use of such wires and poles for the benefit of the inhabitants of the village and the successful

operation of the Licensee's Electric System. It is understood that the Licensee shall bear the expense of any such temporary removals for projects being undertaken by or for the benefit of the village or its agent and that the expense of all other such temporary removals shall be borne by the Person requesting such removal. All questions as to the time when any of said wires and poles shall be so cut, removed or adjusted for the purpose aforesaid shall be decided by the Municipal Electric Representative, and such decision shall be final.

(c) Restoration of Public Ways or Public Property

(1) When the Licensee, or any Person acting on its behalf, does any work in or affecting the Public Ways or Public Property, it shall, at its own expense, remove any obstructions therefrom and restore such Public Ways or Public Property to as good a condition as existed before the work was undertaken, unless otherwise directed by the village.

(2) If weather or other conditions do not permit the complete restoration required by this paragraph, the Licensee may temporarily restore the affected Public ways or Public Property upon receiving the approval of the village Electric Representative, provided that such approval shall not be unreasonably withheld. Such temporary restoration shall be at the Licensee's sole expense and the Licensee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration.

(3) Upon the request of the village, the Licensee shall restore the Public Ways or Public Property to a better condition than existed before the work was undertaken, provided that the village shall bear any additional costs of such restoration.

(4) If the Licensee fails to restore the Public Ways or Public Property or to remove any obstruction therefrom, as required by this paragraph, the village may, after communications with the Edison Representative and after affording the Licensee a reasonable opportunity to correct the situation, give seven days written notice to the Licensee, and thereafter restore such Public Ways or Public Property or remove the obstruction therefrom. No such prior written notice shall be required in the event that the village determines that an emergency situation exists. The Licensee shall pay the village for any such restoration or removal within 14 days after receiving a bill from the village for such work.

(d) Trimming of trees and vegetation. From time-to-time, when the Licensee believes it to be warranted by existing conditions, the Licensee shall, at its own expense, cause the trees and vegetation growing upon or overhanging any of the Public Ways or Public Property in the village where Utility Facilities are erected to be trimmed in such a manner that there shall be a proper clearance between the nearest wires or equipment and any portion of the trees or vegetation. The trees and vegetation shall be trimmed so that no branches, twigs or leaves come in contact with or in any way interfere with the Utility Facilities. The Licensee shall notify the Village Electric Representative no less than seven days before it plans to perform such work. The village Electric Representative shall approve the time, place and manner of performing such work.

(e) Tree location program

(1) Tree removal and replacement. The Licensee and the village agree to develop a cooperative program for the removal and replacement of certain municipally owned trees located in the Public Ways or on Public Property which conflict or potentially conflict with the Overhead Facilities. The trees to be removed and replaced shall be designated by the village after consultation with the Edison Representative. Within 30 days after receipt of a written notice from the village of trees to be removed, the Licensee shall schedule a removal date acceptable to the village, and shall remove the designated trees and dispose of all tree brush except that the village shall dispose of all stumps and logs over four inches in diameter. The village shall purchase, plant and maintain all trees planted pursuant to the tree removal and replacement program, and the Licensee shall reimburse the village for one-half of the village's cost of tree replacement, up to a maximum amount of \$125 per tree. The reimbursement shall be made to the village within 60 days after the Licensee's receipt of a written request for reimbursement.

(2) Tree selection. The village agrees to implement a policy for the purpose of regulating tree planting on the Public Ways or Public Properties so as to allow only such low-growing trees species as will not attain a mature height that will conflict with primary electrical lines and thereby require line clearance maintenance. Such policy shall not preclude planting upright, columnar or pyramidal shaped trees to the side of power lines, thereby avoiding the need for severe and disfiguring line clearance tree trimming.

(3) Tree location. The village agrees that it will attempt to locate new trees and other new vegetation on the Public ways and Public Property so as to minimize contact with Utility Facilities.

(4) Duration of Program. The Tree Location Program provided for in the foregoing paragraphs shall remain in effect for the first 10 years of this Agreement, after which it shall be renewed on terms that are mutually agreeable.

(f) Use of Utility Facilities. The Licensee shall, when requested by the village, (1) permit its overhead Facilities to be used for the suspension and maintenance of wires and (2) permit its Underground Facilities to be used for the running and maintenance of wires, both as may be reasonably required either by the village or by other Persons holding a valid municipal license or other valid authorization to use the Public Ways or Public Property. Except as provided in the following sentence, the village shall be entitled to make such use without charge. Such use by other Persons, and such use by the village for a proprietary purpose, shall be subject to such terms and conditions, including fees, as the Licensee may reasonably require. Such use of the Utility Facilities shall be under the supervision and direction of the Licensee so as not to materially interfere with the Licensee's present or reasonably contemplated usage of the Utility Facilities. Such use may not be for the purpose of allowing any Person to transmit or distribute electricity. The village agrees to save and keep harmless the Licensee from any and all liability incurred by the Licensee as a result of the village's use of the Utility Facilities pursuant to this paragraph. In no event shall the village be responsible for liability incurred by the Licensee as a result of the use of the Utility Facilities by other Persons.

(g) Removal of Facilities. The Licensee shall promptly remove from the Public ways and Public Property all above ground wires and the supports therefor whose use is abandoned and shall either promptly remove or board up or render reasonably inaccessible all other Utility Facilities whose use is abandoned or discontinued. The Licensee shall take reasonable steps to prevent any such non-removed Utility Facilities from becoming nuisances.

(h) Undergrounding of Facilities. The Licensee will relocate its Overhead Distribution Facilities in or on Public Ways and Public Property in the village, other than Alleys, by placing the Overhead Distribution Facilities underground, or rerouting them if necessary, if so

requested by the village. The Overhead Distribution Facilities to be placed underground or rerouted shall not exceed 500 feet annually and will be determined by the mutual agreement of the Licensee and the village; the agreement of the Licensee will not be unreasonably withheld. Scheduling of the requested work to be performed will be in accordance with the Licensee's normal work scheduling practices. The total cost for such work including, but not limited to, material, labor and overhead shall not exceed .40% of the revenues collected by the Licensee in the prior calendar year for electric service in the village; except that if, on or before November 15, 1991, the Licensee had made a written offer to the village to underground its Overhead Distribution Facilities at the rate of either 500 feet annually or 2,500 feet every five years, then the cost of such work shall not be subject to the foregoing limitation. The number of feet available to be underground or rerouted in any year which are not utilized may be carried forward for utilization in future years.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 504. Service considerations

(a) Adequate supply of power. The Licensee shall at all times take all reasonable and necessary steps to assure an adequate supply of electricity to its customers within the village at the lowest reasonable cost consistent with long term reliable supplies. The Licensee shall from time-to-time make such enlargements and extensions of its Facilities as are necessary to adequately provide for the requirements of the village and its residents.

(b) Duty to provide electricity. The Licensee shall furnish electricity within the corporate limits of the village to the village and to the inhabitants thereof, and to any person or persons or corporation doing business in the village. All such electricity shall be furnished at the rates and under the terms and conditions as provided from time-to-time by the ICC.

(c) Nondiscrimination. The Licensee shall not, as to rates, charges, service, facilities, rules, regulation or in any other respect, make or grant any preference or advantages to any corporation or person or subject any Person to any prejudice or disadvantage; provided that nothing in this grant shall be taken to prohibit the establishment from time-to-time of

graduated scales of charges and classified rate schedules to which any customer coming within an established classification would be entitled.

(d) Maintenance of Facilities

(1) All Utility Facilities shall be maintained in good condition.

(2) All Utility Facilities shall be maintained in such a manner that they do not create hazardous conditions for the Public Ways or Public Property.

(e) Service interruptions

(1) The Licensee shall make all reasonable efforts to prevent power surges and interruptions of service. When power surges or interruptions occur, the Licensee shall reestablish service with the shortest possible delay consistent with general safety and public welfare.

(2) The Licensee shall make all reasonable efforts to notify the Municipal Electric Representative or the Municipal Emergency Electric Representative or major service interruptions within the village within one hour after the Licensee learns of such interruption. If, at the time such notification is made, the Licensee is not able to provide an estimate of when service is expected to be restored, such information shall be provided to the Municipal Electric Representative or the Municipal Emergency Representative as it becomes available. A major service interruption is defined as, (1) an outage with an interrupted load of greater than 1,000 KA and persisting for 15 minutes or more; or (2) any outage with a significant impact, as such term may be defined by agreement between the village and the Edison Representative, lasting 15 minutes or more.

(3) No less than 24 hours prior to beginning scheduled maintenance, scheduled repairs or other scheduled work on its Utility Facilities that may result in an interruption of electric service to customers in the village, the Licensee shall make a good faith effort to provide written notice to potentially affected customers and to the Municipal Electric Representative of the scheduled time and estimated duration of the work. The Licensee shall make a good faith effort to notify potentially affected customers and the Municipal Electric

Representative prior to performing any emergency work on its Utility Facilities that may result in an interruption of electric service to customers in the village.

(4) The Licensee shall keep records of interruptions affecting service within the village. An interruption will be considered as a failure of any portion of the system or equipment whereby the voltage is reduced to less than 50% of the standard voltage for a period longer than one minute, except that where automatic reckoning equipment is used only "circuit breaker lockout" shall be so considered, unless the ICC promulgates a rule or regulation setting forth a different standard for defining an interruption; provided that the Licensee shall notify the village of any docket opened by any Competent Authority that would change the standard, and provided further that the standard set forth herein shall remain in effect if the Competent Authority sets no standard by rule or regulation. The record shall show the date, time of day, duration, extent and cause of the interruption.

(5) The Licensee shall also maintain records showing the average customer outage frequency and duration both within the village and for the Licensee's system as a whole.

(6) Upon the request of the village, but no less than once a year, the Licensee shall provide the village with reports providing the information contained in the records maintained pursuant to §§ 504(e)(4) and 504(e)(5).

(7) On October 23, 1991, the Licensee filed with the ICC the rider set forth in Exhibit A hereto to provide for a service policy allowing customers whose electric service is interrupted because of an operating error or equipment malfunction for 12 or more consecutive hours to receive a credit against the monthly customer charge.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 505. Economic and technological provisions

(a) Technological advances. The Licensee shall investigate, develop and incorporate technological advances into its equipment and service in its sole discretion and subject to order of Competent Authority. Upon the request of the village, the Licensee shall discuss such technological advances at the annual meeting provided in § 506(h).

(b) Cogeneration and small power production facilities. The Licensee shall provide, on a timely basis, such information as may reasonably be required for interconnection with the Licensee's system by the village, if the village desires to develop a Qualifying Facility, and by any Person doing business in the village that desires to develop a Qualifying Facility related to its business in the village. A Qualifying Facility is a cogeneration facility or small power production facility which meets the criteria for qualification set forth in subpart B of 18 C.F.R. 292, as it may be amended from time-to-time.

(c) Demand side management. The Licensee shall make systemwide expenditures in connection with the least cost planning process of \$25,000,000 through 1996 in furtherance of its recognition of the village's strong commitment to energy conservation and compliance by the Licensee with the least cost planning provisions of the Public Utilities Act. In addition, to the extent that Energy Efficiency/DSM programs are identified during the five-year period described above that are cost justified in the good faith judgment of the Licensee, the Licensee shall expend at least an additional \$25,000,000 in the implementation of such programs. The Licensee shall implement cost-effective Energy Efficiency/DSM programs, consistent with the Licensee's least cost planning requirements as an integral part of the Licensee's provision of electricity to its customers. Examples of programs which the Licensee will consider for its Energy Efficiency/DSM program are home weatherization and the maintenance of appliances and air-conditioning systems at peak efficiency. The Licensee shall be required to implement only those Energy Efficiency/DSM programs that are approved by the ICC and for which the Licensee can recover from its customers (i) program costs, (ii) offsets for lost revenue and stranded investment (if any) resulting from such program and (iii) any appropriate return to the Licensee on such costs, lost revenues and stranded investments, as approved by the ICC. The Licensee shall provide the village with notice of the specifics of the Energy

Efficiency/DSM programs within two business days of the ICC's acceptance of the Licensee's proposal for filing.

(d) Environmental protection. The Licensee shall make such efforts as it deems necessary to meet the standards required for its Utility Facilities in the village to meet applicable federal and state air and water pollution laws. Upon the request of the village, the Licensee shall discuss such environmental matters at the annual meeting provided for in § 506(i).

(e) Economic sources of power. As part of its provision of electricity to the village, the Licensee shall take efforts to obtain electric power from sources other than its Electric System, when it considers obtaining such power to be cost effective and as may be required by 83 Ill. Admin. Code, Part 430, as it may be amended from time-to-time. In connection therewith, the Licensee shall make such adjustments to its rates as required by the ICC.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 506. Administration

(a) Representatives

(1) The Licensee agrees to maintain such local offices and facilities as it deems adequate for the purposes of providing repair and maintenance services and personnel available during office hours to address concerns the village might have regarding the provision of electric service and the administration of this subchapter. The Licensee shall provide the village with the Location and telephone number of the local office and the name and telephone number of the Edison Representative.

(2) The Licensee further agrees to maintain such local offices and facilities as it deems adequate for the purposes of providing the village with 24-hour emergency service pertaining to the operation of the Utility Facilities. The Licensee shall provide the village with the location and telephone number of the local office, the name of the Edison Emergency Representative and the telephone number or numbers at which the Edison Emergency Representative can be reached 24 hours a day.

(3) The village agrees to provide the Licensee with the name of the Municipal Electric Representative and the telephone number or numbers at which the Municipal Electric Representative can be reached during office hours.

(4) The village agrees to provide the Licensee with the name of the Municipal Emergency Electric Representative and the telephone number or numbers at which the Municipal Emergency Electric Representative can be reached 24 hours a day.

(5) The village and the Licensee agree that each one will promptly notify the other party in the event that any of the information required under the foregoing sections is changed, so as to keep such information current at all times while this subchapter remains in effect.

(b) Facilities maps. Upon the request of the village, the Licensee shall provide the village with a current map or set of maps, showing the location of all Utility Facilities installed in or under Public Ways within the corporate limits of the village provided that the Licensee shall not be required to prepare new maps to comply with this provision if no such maps exist.

(c) Duty to provide information. The Licensee shall, from time-to-time, furnish such additional information as the village may reasonable deem to be necessary to enable it to determine whether the Licensee is complying or has complied with the provisions of this subchapter, other than those matters subject to the exclusive jurisdiction of a Competent Authority other than the village. The Licensee shall not be required to provide information as to which it has a legal privilege to refuse to provide.

(d) Disclosures of documents or information. The village agrees that no documents or information provided to the village by the Licensee in accordance with this subchapter shall be made available to the public if such documents or information are exempt from disclosure under the provisions of the Freedom of Information Act or § 5-108 of the Public Utilities Act, as such statutes may be amended from time-to-time.

(e) Inspection of Facilities. The Licensee shall permit the village, at reasonable times and upon reasonable notice, to inspect the Utility Facilities within the corporate boundaries of the village so as to determine whether the Licensee is complying or has complied with the

provisions of this subchapter, other than those matters subject to the exclusive jurisdiction of a Competent Authority other than the village.

(f) Superintendent of public works. The Superintendent of Public Works, or such other person as the Corporate Authorities may designate from time-to-time, is hereby designated the official of the village having full power and authority to take appropriate action for and on behalf of the village to administer and enforce the provisions of this subchapter and to investigate any alleged violations or failures of the Licensee to comply with the provisions hereof or to adequately and fully discharge its responsibilities and obligations hereunder.

(g) Notices

(1) Notice to village. Unless otherwise specified herein, all notices from the Licensee to the village under this subchapter shall be made in writing and delivered to the village clerk at the following address:

Village Clerk
Village of Virgil
PO Box 93
Virgil, Illinois 60182

(2) Notice to Licensee. Unless otherwise specified herein, all notices from the village under this subchapter shall be made in writing and delivered to Ms. Kathryn Houtsma, Director, Regulatory Affairs, at the following address:

Ms. Kathryn Houtsma
Director, Regulatory Affairs
Commonwealth Edison Company
PO Box 767
Chicago, IL 60690-0767

(3) Changes in person or place for notification. In the event that either the village or Licensee changes the person to whom written notices are to be directed or the address to which such notices are to be sent, the party making the change shall promptly notify the other party of such change in writing.

(4) All notices shall be effective upon their receipt by the person or persons to whom they are directed.

(h) Coordination of construction activities. The Licensee and the village agree to exercise their best efforts to coordinate to the extent practicable the timing of construction activities of each so as to minimize any public inconvenience that might otherwise occur. In conjunction with this goal, shortly after January 1 of each year, as agreed by the parties, the Licensee shall meet with the village and such other users of the Public Ways as may be invited by the village to discuss scheduling of construction in the Public Ways in that calendar year.

(i) Annual meeting. No less than once a year, the Licensee shall attend a meeting of the Corporate Authorities to provide a status report of the Licensee's activities within the village during the previous year, to outline its planned activities for the next year, and to answer questions the Corporate Authorities may have regarding the Licensee's performance under this subchapter.

(j) Notice of boundary changes. The village agrees to notify the Licensee in writing of any ordinance, statute or court or administrative action that causes a change in the village's boundaries. Failure to give such notice excuses the Licensee both from non-compliance with this subchapter and from the non-collection of municipal utility taxes within the area affected until such notice is given.

(k) Notice of regulatory changes. In the event that either the ICC or the FERC opens a docket or proposes an administrative rule that 1) would directly affect the Licensee and 2) would, in the Licensee's opinion, be inconsistent with or change any provision of or duty under this subchapter, the Licensee, within seven days of determining such inconsistency, shall notify the village of such docket or proposed rule and what it thinks is the inconsistency. The Licensee shall make a good faith effort to make such determination and to give such notice prior to the expiration of any intervention period or comment period.

(l) Notice of actions before Competent Authorities. In the event that the Licensee becomes a party to any proceedings of a Competent Authority that 1) would directly affect the Licensee and 2) would, in the Licensee's opinion, be inconsistent with or change any provision of or duty under this subchapter, the Licensee, within seven days of determining such

inconsistency, shall notify the village of such proceeding and what it thinks is the inconsistency. The Licensee shall make a good faith effort to make such determination and to give such notice prior to the expiration of any intervention period or comment period.

(m) Notice of requests for rate changes. The Licensee shall notify the village of any applications the Licensee may make to the ICC to effectuate any change in its rates, including the riders thereto. The notice shall be made in accordance with the notice provisions of this subchapter, and shall be sent no later than two business days following the date on which the rate application is accepted for filing by the ICC. For each rate or charge affected by the application, the notice shall contain a statement of the existing rates or charges and all proposed rates or charges. If the proposed rates or charges are to be phased in over a period of time, the notice shall also contain a statement of the proposed rates or charges for each increment and the time period each incremental increase is to be in effect. Upon the written request of the village, the Licensee shall send the village a copy of the complete application filed with the ICC. This provision shall not apply to applications filed solely for the purpose of effectuating municipal utility taxes.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 507. Compensation

(a) Municipal compensation. The Licensee will during each calendar year throughout the life of this franchise, supply without charge to the village such an amount of electric energy as may be reasonably necessary for: (1) lighting and various other uses in municipal buildings solely occupied for municipal purposes and not for purposes of revenue (or such part thereof as may from time-to-time be so occupied) as may be identified as eligible for such electric energy by the parties; (2) traffic signals. The foregoing arrangement shall be effective beginning with readings made after the date hereof of meters measuring electric energy for the above purposes at locations set forth in Exhibit B hereto. Exhibit B shall be amended from time-to-time during the term of this franchise so as to maintain a current list of the locations and traffic signals eligible to receive service under the terms of this section. None of said electric energy so to be supplied without charge to the village shall be used by the village

for heating, street lighting, water pumping or other such power purposes. Nor shall any of said energy be resold for any purpose whatsoever.

(b) Waiver of certain fees and charges. The consideration provided to the village under this subchapter shall be in lieu of: (1) any permit, license, inspection or other similar fees or charges imposed by the village upon Persons for use of the Public ways; or (2) any permit or license fee imposed by the village upon any Persons for the operation of a business similar to that conducted by the Licensee.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 508. Municipal rights reserved

(a) Police powers. The village expressly reserves the right to adopt, from time-to-time, in addition to the provisions contained herein, such ordinances, rules and regulations as the Corporate Authorities may deem necessary in the exercise of the police power for the protection of the health, safety and welfare of the village's citizens and their properties.

(b) Regulation of Public Ways and Public Property. The village expressly reserves the right to enforce reasonable regulations concerning access to or use of the Public Ways or Public Property, as may from time-to-time be provided by ordinance, including requirements for permit applications.

(c) Municipal acquisition of facilities

(1) Purchase. At any time while this franchise remains in effect, upon written notice from the village to the Licensee, the village may offer to purchase from the Licensee any or all of the Utility Facilities located within the village, or any lesser interest thereof, free and clear of all mortgages and other liens in any manner provided for by law.

(2) Condemnation. Nothing herein shall be deemed or construed to impair or affect, in any way or to any extent, the right of the village to acquire the property of the Licensee, either by purchase or through the exercise of the right of eminent domain, and

nothing herein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the village's right of eminent domain.

(3) Continuation of Service. In the event the village takes any action pursuant to this Section, the Licensee agrees that it shall continue to supply electric service within the village and shall continue to comply with the provisions of this subchapter until the acquisition of the Utility Facilities has been finalized and the ICC has authorized the Licensee to discontinue service within the village.

(4) Non-exclusive grant

(A) Nothing in this subchapter shall be construed to grant the Licensee an exclusive franchise to operate within the corporate limits of the village.

(B) The village reserves the right to make a similar use or grant a similar use in the Public Ways to any other Person.

(C) The village agrees to require all other contractors, subcontractors, franchisees, licensees and permittees in the Public Ways not to interfere unreasonably with the rights of the Licensee in the Public Ways.

(5) Right to compete with Licensee. Nothing in this subchapter shall be construed as a waiver of the village's rights to own and operate an electric utility in competition with the Licensee or to acquire any or all of the Licensee's Utility Facilities in such manner as may from time-to-time be provided by law.

(6) Small power production and cogeneration. The village expressly reserves the right to engage in the production of electric energy, both from conventional power plants and from cogeneration and small power production facilities.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 509. Term and termination

(a) Term. The franchise granted under this subchapter shall last for a term of 50 years from its effective date, except that, at the sole option of the village, it may be terminated at the end of the 35th year, provided that the village notifies Edison in writing of its intent to terminate within the first three months of the 35th year.

(b) Acceptance. The Licensee shall accept this franchise by filing with the clerk an unconditional written acceptance hereof, to be duly executed according to law, along with proof of compliance required by §§ 513(b) and 513(c). The failure of the Licensee to so accept this franchise within 30 days of enactment shall be deemed a rejection hereof by the Licensee, and the rights and privileges herein granted shall absolutely cease and determine unless said period of time shall be extended by an ordinance duly passed by the Corporate Authorities for that purpose before the expiration of the 30 day period.

(c) Effective date. This franchise granted under this subchapter shall be in full force and effect upon the Licensee's filing of its acceptance as provided hereinabove or upon its passage and publication as required by law, whichever is later.

(d) Reopener. At any time, but no more than once in any 10-year period, either party may require both parties to negotiate in good faith on any proposed amendment to this subchapter. The subject of any proposed amendment shall be set forth in written notice.

(e) Amendments. Except for the amendments to required under § 507(a), no revision, modification or amendment of this subchapter shall be effective unless it has been passed by the Corporate Authorities and accepted by the Licensee in writing.

(f) Renewal. At any time during the first 60 days of the last year occurring prior to the expiration date of this franchise, Edison may request the village to enter into negotiations toward renewing or extending this franchise. Any renewal or extension shall be according to terms that are mutually agreeable and the village shall not be bound to accept any particular terms or to renew any or all of the rights granted by this subchapter.

(g) Termination. The rights and obligations of the Licensee under this subchapter shall be terminated upon the end of the term of the franchise granted under this subchapter, or

at the end of the 35th year if the village has exercised its option to terminate under § 509(a) or upon the Licensee's forfeiture as provided in § 510.

(h) Rights upon termination

(1) Upon any termination of its rights and obligations under this subchapter, the Licensee shall not refuse to provide electric service to any potential customers within the village unless a petition for abandonment has been filed with and approved by the ICC.

(2) Notwithstanding the termination of the Licensee's rights and obligations hereunder, by forfeiture or otherwise, the Licensee shall remain subject to all other applicable regulations and authority of the village, without limitation, as long as the Licensee continues to provide electrical service within the village or the Licensee's Utility Facilities remain in the Public Ways or on Public Property.

(3) Any claims for indemnification for Liability incurred by the village, its boards, committees, commissions, officers, agents and employees arising from any incidents that occurred on or before the termination of this franchise shall survive termination, provided that such claims for indemnification are timely made.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 510. Remedies

(a) Subject to the limitations in §§ 510(b), 510(c) and 510(d) below, in the event the Licensee or the village fails to fulfill any of their respective obligations under this subchapter the village or the Licensee, whichever the case may be, will have claims for breach of contract and specific performance against the other in addition to any other remedy provided under this subchapter or otherwise provided by law, except that no remedy that would have the effect of amending the specific provisions of this subchapter shall become effective without such action as would be necessary to formally amend this subchapter.

(b) In the event the Licensee violates any terms of this subchapter for conduct that is subject to the exclusive jurisdiction of a Competent Authority other than the village, the sole

remedy for such violation shall be before that other Competent Authority. For purposes of determining the applicability of this section, no provision of this subchapter may be used as the sole basis to defeat the exclusive jurisdiction of such Competent Authority.

(c) In the event the Licensee violates any term of this subchapter for conduct that is also a violation of another applicable village ordinance, the Licensee shall be subject to remedies under that other ordinance plus ordinary contract remedies under this subchapter. Licensee shall not be subject to be fined under both § 510(f) of this subchapter and another ordinance of the village for the same conduct.

(d) Subject to the limitation of § 510(b), at the option of the village, upon the finding by the village that the Licensee has failed or refused to observe any terms and conditions of this subchapter, the village may notify the Licensee in writing of the terms and conditions which it has not observed. The notice shall inform the Licensee of the actions which the Licensee must take to correct the violation and shall grant the Licensee a reasonable period of time to cure such failure or violation. In the case of an emergency, the notice need not be made in writing. If a Competent Authority other than the village has determined that the action giving rise to the village's notice constituted a violation of an applicable rule, regulation or order of such Competent Authority, then the cure period granted by the village shall be no less than the cure period ordered by such Competent Authority. If the Licensee does not eliminate or correct such failure or violation in accordance with the notice, the Licensee's rights under this subchapter may be forfeited of the Licensee may be subjected to any other remedies afforded by this subchapter, including the assessment of fines.

(e) In the event that a Competent Authority revokes or suspends any license, certificate or other authorization held by the Licensee for the purpose of either operating any portion of its Utility Facilities within the village or providing electrical service within the village, then the Licensee's rights under this subchapter shall likewise be revoked or suspended, without further notice from the village. The Licensee's rights under this subchapter shall be reinstated (1) if the Competent Authority rescinds its revocation or suspension; (2) if the revocation or suspension order is overturned upon review by a Competent Authority; (3) if the Competent Authority reinstates the Licensee's license; or (4) if the suspension expires of its own terms. The original

termination date of this subchapter shall not be affected if the rights forfeited under this subchapter are reinstated as provided herein.

(f) If, after failing to correct a violation of other terms and conditions of this subchapter in accordance with the notice issued to the Licensee under § 510(d), the Licensee is found guilty of violating any provision of this subchapter for which the village is a Competent Authority, the then the Licensee shall be fined not less than \$100 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 511. Non-Discrimination and equal opportunity

(a) Non-discrimination. The Licensee represents that it will not discriminate against any person employed or seeking employment with respect to hiring, promotion or tenure, or to terms, conditions or privileges of employment, on account of race, color, sex, religion, national origin or ancestry, including, without being limited to, any employment practice whereby the Licensee or any agency engaged or used by the Licensee makes inquiry with respect to the race, color, sex, religion, national origin or ancestry or any applicant for employment by the Licensee.

(b) Affirmative action

(1) The Licensee shall make good faith efforts to expand opportunities for minorities and women in all areas of employment, including but not limited to: hiring, promotion, recruitment or recruitment advertising, compensation, and selection for training and apprenticeship.

(2) The Licensee shall continue and expand its minority purchasing program and its efforts to promote and enhance contracting opportunities for minorities.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 512. Laws, rules and regulations

(a) Compliance with laws, rules and regulations. While this subchapter remains in effect, the Licensee shall promptly and fully comply with all applicable statutes, ordinances, judgments, decrees, orders, rules and regulations of any Competent Authority other than the village having jurisdiction over the Licensee's activities.

(b) Compliance with municipal ordinances, rules and regulations. While this subchapter remains in effect, the Licensee shall promptly and fully comply with all applicable orders, rules, regulations and ordinances of the village.

(c) Violation of laws, rules and regulations. Any claim by the village that the Licensee has violated any provision of this section, shall be subject to the procedures set forth in § 510 of this subchapter.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 513. Indemnification, insurance and performance security

(a) Indemnification. The Licensee shall indemnify, become responsible for and forever save harmless the village, its boards, committees, commission, officers, agents and employees from any and all Liability incurred by them:

(1) for loss or damage to property of the Licensee, its officers, agents, employees, licensees and invitees in the Public Ways or on Public Property pursuant to this subchapter or for injury to or death of any such employee, agent or licensee while in the Public Ways or on Public Property pursuant to this subchapter, however arising; and

(2) arising directly or indirectly from any act or omission of the Licensee or any Person acting on its behalf done or claimed to have been done by virtue of or pursuant to this subchapter or by virtue of or pursuant to order, rule, regulation or authorization by the ICC.

(b) Comprehensive liability insurance or self-insurance. At all times while this subchapter remains in effect, and in recognition of the indemnification provided in the foregoing § 513(a), the Licensee shall, at its own cost and expense, maintain a program of third

party liability insurance and/or self-insurance to protect the village, its officers, employees and agents from any liability for bodily injury, death, and property damage occasioned by the activities of the Licensee under this subchapter. As proof of compliance with this requirement, the Licensee shall, during the life of this subchapter, keep on file with the Clerk a certificate of insurance and/or affidavit of self-insurance. Said certificate and/or affidavit shall show the types and amounts of coverage. Any affidavit of self-insurance shall be signed by an employee or officer of the Licensee who has knowledge of the Licensee's self-insurance program and is authorized to make representations as to the scope of the program, and shall contain a statement making such representations.

(c) Indemnification security. As security for the indemnification required in § 513(a), the Licensee shall, during the life of this subchapter, keep on file with the clerk a good and sufficient bond in the penal sum of \$5,000 conditioned to protect and indemnify the village as provided in § 513(a). Said bond shall be subject to the approval of the Corporate Authorities. The village reserves the right: (1) to require the Licensee to renew said bond whenever, in the opinion of the Corporate Authorities, such action may be necessary; and (2) to require the Licensee to increase the amount of said bond or to provide additional or other security in the event said bond is insufficient to fully cover a claim made against it, provided that the amount of the increased bond does not exceed the total amount of the claim made against it, and provided further that the value or amount of such other or additional security does not exceed \$5,000 or the total amount of the claim made against the original bond, whichever is greater.

Ord 1991-07, 4/11/1991 repealed by Ord 1991-11, 8/26/1991 and Ord No 1992-01, 4/9/1992; Ord 1992-06, 10/2/1992; Ord 2010-02, 4/8/2010 added this chapter 5 to the Village Code.

§ 514. Miscellaneous provisions

(a) Transfer and assignment

(1) Except in the event of the merger, consolidation or reorganization of the Licensee, the Licensee shall not have the right to assign its rights and privileges under this subchapter or to otherwise transfer it in any manner whatsoever, without the prior written approval of the village, pursuant to an ordinance enacted by the Corporate Authorities.

(2) In the event of a transfer or assignment of the Licensee's rights and privileges under this subchapter, all provisions of this subchapter which are obligatory upon, or which inure to the benefit of, the Licensee shall also be obligatory upon and shall inure to the benefit of any and all successors and assigns of the Licensee.

(b) Subchapter as contract. This subchapter shall have the effect of and shall be a contract between the village and the Licensee and shall be a measure of the rights and obligations of the village as well as of the Licensee.

(c) Subchapter requirements as voluntary undertaking. The Licensee and the village understand that the general operations of the Licensee are under the jurisdiction of the ICC and the FERC. The Licensee has voluntarily agreed to perform the duties and obligations set forth in this subchapter, provided that such performance does not violate any applicable regulatory standard or any applicable statutes, ordinances, or judgments or decrees of administrative or judicial tribunal.

(d) Scope of subchapter. No privilege or exemption is granted or conferred to Licensee by this subchapter unless specifically provided herein. The permission and authority granted by this subchapter are not intended to limit or modify any agreement, franchise, license or permit previously granted by the village to any other Person for the use or occupancy of the Public Ways, and the Licensee shall therefore exercise the rights granted by this subchapter in such a manner as shall neither unreasonably interfere with the rights, nor endanger or impair the property, of other contractors, franchisees, licensee and permittees in the Public ways. The village agrees to require other contractors, franchisees, licensees and permittees of the village to exercise their rights under such agreements, franchises, licenses and permits in such a manner as shall neither unreasonably interfere with the rights nor endanger or impair Utility Facilities of the Licensee located in the Public Ways.

(e) Expenses to be borne by Licensee. Unless specifically provided to the contrary, the Licensee shall be responsible for procuring, through rates or otherwise, the revenues necessary to meet the expenses of its performance under and its compliance with this subchapter.

(f) Most favored nations provisions

(1) In the event that the Licensee accepts from any Illinois municipality, other than the City of Chicago, an electric ordinance or amendments to an electric ordinance containing terms, conditions or provisions different from those contained in this subchapter, or if any other arrangement is at any time made with any municipality other than the City of Chicago, the Licensee shall inform the village in writing of such fact and provide a copy of such ordinance or other arrangement to the village. If, within 90 days of such notice, the village adopts such other electric ordinance or other arrangement of such other municipality, the Licensee agrees it will accept such ordinance or other arrangement. In such event, the term of the new ordinance will expire at the time the original ordinance was scheduled to expire, unless otherwise agreed by the parties. Changes in the term of the Ordinance or arrangement shall be subject to the provisions of this Section, unless the change in the term is for a period of more than 50 years.

(2) In the event that the village grants any benefit to any other electric utility regarding the use of the Public Ways, such benefit shall be offered in writing to the Licensee, under the same terms and conditions, within 30 days after it has been granted to such other electric utility. If the Licensee requests the extension of the benefit to it, the village will take such steps as to provide such benefit to the Licensee under the same terms and conditions, including amending this subchapter accordingly.

(g) Severability. If any section, paragraph, clause or provision of this subchapter shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this subchapter.

(h) Repealer. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this subchapter, or containing provisions granting any right, privilege or license to the Licensee or to any of its predecessor companies, including An Ordinance Authorizing Commonwealth Edison Company, Its Successors and Assigns, to Construct, Operate and Maintain an Electric Light and Power System in and through the village of Virgil, Kane County, Illinois, passed August 8, 1991, are hereby repealed. However, any claims for indemnification timely and properly made under that last named ordinance survive this repeal.

(i) Force majeure. The Licensee shall not be deemed in violation of this subchapter for the delay in performance or failure to perform in whole or in part its obligations under this subchapter due to strike, war or act of war (whether an actual declaration is made or not), insurrection, riot, act of public enemy, fire, flood or other act of God or by other events to the extent that such events are caused by circumstances beyond the Licensee's control and are not caused by negligence on the part of the Licensee or any Person acting on its behalf. In the event that the delay in performance or failure to perform affects only part of the Licensee's capacity to perform its obligations under this subchapter, the Licensee shall perform such obligations to the extent it is able to do so in as expeditious a manner as possible. Licensee shall promptly notify the village Electric Representative in writing of any event covered by the section and the date, nature and cause thereof. Furthermore, Licensee, in such notice, shall indicate the anticipated extent of such delay and the obligations under this subchapter to be affected thereby.

EXHIBIT A

The customer will be entitled to a reduction in charges for service equal to the Monthly Customer Charge for any month in which service to the customer is interrupted for a period of 12 consecutive hours or more due to any of the following conditions:

- (i) company equipment malfunction not caused by weather;
- (ii) Commonwealth Edison employee or contractor error;
- (iii) accident involving Commonwealth Edison employee or contractor;
- (iv) damage to company equipment caused by Commonwealth Edison employee, agent or contractor; or
- (v) overloaded company distribution equipment not caused by customer negligence.

If the duration of any service interruption resulting from any of the causes referred to in items (i) through (v) is equal to or exceeds 24 consecutive hours, or if there is more than one such service interruption of 12 consecutive hours in a month, the customer will be entitled to an additional reduction in charges equal to the Monthly Customer charge for such month multiplied by the number of increments of 12 consecutive hours of interruption in excess of the first such 12 consecutive hours. In applying this provision to any outage in a month in which the Customer Charge changes, the Customer Charge in effect at the start of the outage in question shall be used.

EXHIBIT B

CHAPTER 6—SUBDIVISION REGULATIONS

SUBCHAPTER 1—TITLE, PURPOSE AND JURISDICTION

§ 600. Title

This chapter may be referred to and cited as *The Village of Virgil Subdivision Regulations*.

§ 601. Purpose and jurisdiction

Because each new subdivision accepted by the village becomes a permanent unit in the basic physical structure of the community, and to which the future community will, of necessity, be forced to adhere, all subdivisions hereafter planned within the village and within the village's planning jurisdiction, must, in all respects, comply with the regulations contained in this chapter. These regulations are designed to—

(a) provide for the orderly and harmonious development of the village in accordance with sound planning and development policies and to otherwise promote the realization of the Official Comprehensive Land Use Plan and Official Map of the Village of Virgil;

(b) assure adequate light, air and privacy, secure safety from fire, flood and other danger, and preserve the historic character, identity and natural beauty of the village;

(c) assure the coordination of streets within new subdivisions with other existing or planned streets and the safe circulation of traffic;

(d) provide for an adequate water supply, sewage disposal and treatment, schools, parks, playgrounds, recreation and other public requirements;

(e) prevent the pollution of air and surface waters, assure the adequacy of drainage facilities, safeguard groundwater supplies, and encourage the wise use and management of natural resources;

(f) protect historic sites, natural areas, and wildlife habitats; and

(g) establish reasonable standards of design and procedures for subdivisions; further the orderly layout and use of land, and insure proper legal descriptions and monumenting of subdivided land.

Ord 1996-02, 3/14/1996.

SUBCHAPTER 2—RULES AND DEFINITIONS

§ 602. Rules of construction

In this chapter—

(a) the singular includes the plural and the singular unless the context clearly indicates otherwise;

(b) the present tense includes the past and future tenses and the future includes the present;

(c) the word “shall” is mandatory while the word “may” is permissive;

(d) the masculine gender includes the feminine and neuter.

Ord 1996-02, 3/14/1996.

§ 603. Definitions

In this chapter—

(1) The term “alley” means a right-of-way that affords secondary means of access to properties abutting upon a street and is not intended for general traffic circulation.

(2) The term “applicant” means any person who applies for approval of a subdivision under this chapter.

(3) The term “arterial street” means a major street or thoroughfare intended to serve as a large volume traffic-way for the region beyond the village.

(4) The term “block” means a tract of land bounded by streets or by a combination of one or more streets and parks, cemeteries, railroad rights-of-way, shore lines of waterways, other permanent open space, or the corporate limits of the village.

(5) The term “building official” means the building official of the village, or his or her duly authorized representative.

(6) The term “building setback line” means a line within a lot or other parcel of land established in accordance with the Zoning Ordinance that establishes the closest point at which a building may be placed in reference to the lot line.

(7) The term “collector street” means a street that carries traffic from minor streets to an arterial street, including the principal entrance streets of residential developments and the principal circulating street within such developments.

(8) The term “construction guarantee” means a certificate of deposit, cash, or irrevocable letter of credit, or other good and sufficient security approved by the village board given to guarantee the proper installation of land improvements.

(9) The term “cul-de-sac” means a minor street with only one outlet and a permanent vehicular turnaround.

(10) The term “easement” means a grant by a property owner for the use of a strip or area of land by a person or the general public for a specific purpose or purposes.

(11) The term “design engineer” means a licensed registered professional engineer employed by the applicant as the person responsible for design of engineering plans and specifications for a subdivision.

(12) The term “project engineer” means a licensed registered professional engineer employed by the applicant as the person responsible for assuring that the site improvements are constructed or installed according to approved plans and specifications and good engineering practice.

(13) The term "engineering plans" means the drawings of all required land improvements prepared by the design engineer and all accompanying information described in § 612.

(14) The term "final plan" means a map or plan of a subdivision and any accompanying material including the final plat, as described in § 613.

(15) The term "frontage street" means a minor street that is parallel and adjacent to an arterial street, and provides access to abutting properties and protection from through traffic.

(16) The term "half street" means a street bordering one or more boundary lines of a tract of land in which the applicant has allocated only part of the ultimate width of the right-of-way.

(17) "IEPA" means Illinois Environmental Protection Agency.

(18) "IDOT" means Illinois Department of Transportation.

(19) "JULIE" means Joint Utility Location Information for Excavators.

(20) The term "land improvements" means all required on-site and off-site subdivision improvements including but not limited to public or private streets, street lighting, street signs, excavation, filling and grading, surface and subsurface drainageways and facilities, retention and detention basins, soil erosion control, community water distribution systems, and treatment facilities, pedestrian and bicycle paths and required landscaping improvements.

(21) "landscaping improvements" means all landscaping improvements required under this chapter, the zoning ordinance, or under any annexation agreement, as applicable.

(22) The term "lot" means a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development, not including any part of the right-of-way of adjoining streets, roads or alleys.

(23) The term "minor street" means a street of limited continuity used primarily for access to abutting properties and the local needs of a neighborhood.

(24) The term "minor subdivision" means any subdivision containing not more than 4 lots that (a) does not involve the construction of any new public roads or easements of access, or the extension of any municipal facilities, or the construction or installation of any substantial stormwater facilities or other substantial improvements, (b) does not adversely affect the development of adjoining property; and (c) does not conflict with any provision of the Official Comprehensive Land Use Plan, the zoning ordinance or these subdivision regulations.

Ord 2008-01, 4/10/2008.

(25) The term "official plan" refers to the Official Comprehensive Land Use Plan and Map adopted by the village and any of its elements.

(26) The term "open space" means a parcel of land or water set aside, dedicated, designated or reserved for either passive or active recreational use. Public open space is any such parcel owned or leased, operated, and maintained by a political jurisdiction. Private open space is any such parcel under private ownership and management.

(27) The term "owner" means any person having legal title to the land sought to be developed as a subdivision under this chapter.

(28) The term "parkway" means an unpaved strip of land situated within the street right-of-way or easement.

(29) The term "pedestrian" or "bicycle way" means a right-of-way or easement across, within or on the border of a subdivision, for use by pedestrian or bicycle traffic whether designated as a pedestrian way, bicycle way, crosswalk, or otherwise.

(30) The term "person" means any natural person, firm, partnership, corporation, limited liability company, limited liability partnership, limited partnership, trust, beneficiary, or any combination of any of the foregoing.

(31) The term "plan commission" means the plan commission of the village.

(32) The term "planned unit development" or "PUD" means a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a

single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, in a manner compatible with adjacent parcels; the developer or developers may be granted relief from specific land-use regulations and design standards in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the village as a whole.

(33) The term "preliminary plan" means a tentative map or plan of a proposed subdivision and all accompanying information as described in § 611.

(34) The term "private street" means a street shown on the plat of subdivision to be conveyed or dedicated to a homeowners' association and not intended to be dedicated to the public or accepted by the village, utilized for vehicular traffic and ingress or egress.

(35) The term "right-of-way" means a strip of land separate and distinct from the lots or parcels adjoining it, dedicated to the public or reserved for private use and occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, fiber optic or cable television cable, water main, sanitary or storm sewer main or drain, or other special use. The term "right-of-way" for land platting purposes means every right-of-way hereafter established and shown on a final plat and is not to be included within the dimensions of any adjoining lot or parcel. Right-of-way intended for street, crosswalks, water mains, sanitary sewers, storm sewers or drains, or any other use involving maintenance by a public entity must be dedicated to public use on the plat on which such right-of-way is established.

(36) The term "stockpile" means any accumulation of earth or other material excavated from any site or lot within a subdivision and remaining on such lot or another lot or site in the subdivision following excavation.

(37) The term "street" means an improved public or private right-of-way or easement which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, or lane, or otherwise, but excepting driveways to buildings.

(38) The term “subdivision” includes divisions of land to which the Plat Act applies (765 ILCS 205/0.01 *et seq.*), and includes any planned unit development, residential, commercial or otherwise in nature, and any other development, whether or not an actual subdivision of land is required under the laws statutes, ordinances, or regulations of any governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of the village board that this chapter apply to all types of development within the village and within the village’s planning jurisdiction, all of which are herein collectively referred to as subdivisions.

(39) The term “subdivision design standards” means the basic land-planning and engineering principles established as guides for the preparation of preliminary and final plans.

(40) The term “swale” means a ditch or surface drainage channel meeting certain specific criteria as established herein for the surface movement of storm water.

(41) The term “village” means the village of Virgil, Kane County, Illinois.

(42) The term “village attorney” means the person designated by the village board to serve as the village’s legal representative.

(43) The term “village board” means the president and board of trustees of the village.

(44) The term “village clerk” means the clerk of the village.

(45) The term “village engineer” means the person or firm designated by the village board to serve as the village’s engineering representative.

(46) The term “village’s planning jurisdiction” means the unincorporated area within 1½ miles of the corporate limits of the village.

(47) The term “watershed” means that land area from which all runoff from rainfall would eventually reach the point in question by flowing over the surface of the ground or through existing stormwater improvements.

(48) The term “zoning ordinance” means the zoning ordinance of the village, effective as amended.

Ord 1996-02, 3/14/1996.

SUBCHAPTER 3—PROCEDURES

§ 604. Summary

Before subdividing any tract or parcel of land within the village or within the village's planning jurisdiction, a developer shall submit a preliminary plan, final engineering plans and a final plan to be acted upon by the village in accordance with the procedures set forth in this subchapter.

Ord 1996-02, 3/14/1996.

§ 605. Minor subdivision

(a) Intent. The village's review of a minor subdivision is intended to ensure that the subdivision complies with the Official Comprehensive Land Use Plan of the village, the zoning ordinance (if applicable), and the provisions of this chapter, and that it is laid out in accordance with the land's suitability and limitations for development. At the same time the village's review is intended to provide a faster and less expensive alternative to the review and approval regularly required of other subdivisions.

Ord 2008-01, 4/10/2008.

(b) Filing.

(1) Before filing an application for approval of a minor subdivision, the applicant must obtain any map amendment or other zoning relief required for approval in accordance with the separate procedures set forth in the zoning ordinance.

Ord 2010-01, 3/11/2010.

(2) Refer to Figure 605 for a step-by-step flowchart depicting the filing and review process for a minor subdivision. The applicant must file one copy of the application with the clerk and pay a non-refundable filing fee of \$500. The application consists of the preliminary plan and such other information as the clerk may require for identification and record keeping. The applicant must deposit an additional \$500 that will be applied by the village to the payment of costs, fees, and expenses it incurs in connection with its initial review of the application.

Ord 2010-01, 3/11/2010.

(3) The clerk will send the application to the village engineer who will determine whether it is complete. The village engineer, in his discretion, may waive any of the requirements of § 611 as the village engineer determines are not necessary for a proper review of the application. If the village engineer determines that the application is not complete, the village engineer will notify the applicant in writing of the items required. When the village engineer determines the application is complete, the village engineer will notify the applicant and the clerk. The village will not begin its review of the application until the application is complete.

Ord 2010-01, 3/11/2010.

(c) Upon being notified that the application is complete, the applicant must deposit an additional \$3000 and file an additional 25 color copies of the application with the clerk. The clerk will distribute a copy of the application to each member of the village board, and to each member of the plan commission, and to the village planner and the village attorney, and will notify the applicant in writing of the date the plan commission will consider the application.

Ord 2010-01, 3/11/2010.

(d) Filing an application for approval of a minor subdivision constitutes the applicant's agreement to pay all fees, costs and expenses incurred by the village in connection with the subdivision, and the applicant's acknowledgment that it has read, understands, and agrees to all applicable provisions of this chapter. Fees, costs, and expenses required to be paid by the applicant include, without limitation, all fees, costs, and expenses incurred by the village in connection with (a) the publication, review, approval or disapproval, supervision,

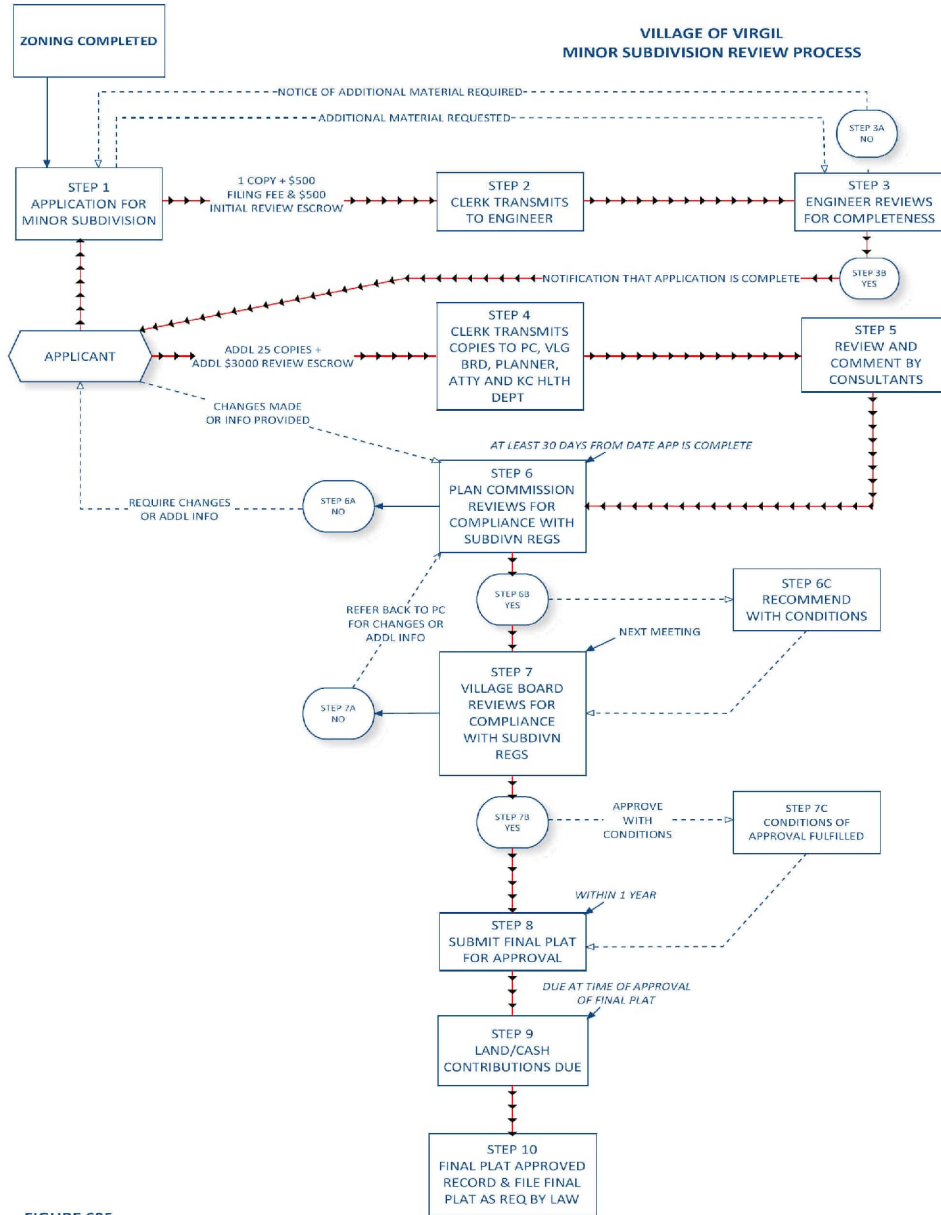


FIGURE 605

amendment, and operation or enforcement of the application, any sketch plan, concept plan, preliminary plan, final plan, preliminary or final engineering plans, or plat of the subdivision, or any permit issued in connection with the subdivision, or any rule, regulation, ordinance or statute of the village or any other governmental entity or agency having or claiming jurisdiction over the subdivision, (b) the construction of the subdivision, and (c) the inspection of the construction of the subdivision. Fees, costs, and expenses to be paid by the applicant also include the fees, costs, and expenses of any attorney, planner, engineer, or other professional or consultant retained by the village in connection with any of the foregoing.

Ord 2010-01, 3/11/2010.

(e) The treasurer will mail invoices for such fees, costs, and expenses to the applicant at the address set forth in the application, by first class mail, postage prepaid. If the applicant fails to object to any invoiced item within 20 days of the date of the invoice, it will be conclusively presumed for all purposes, including in any litigation brought by the village against the applicant for payment, that (a) the fees, costs, and expenses included in the invoice are reasonable, (b) the applicant has forever waived any objection to their being charged to the applicant, and (c) the applicant is liable, without any defense, setoff, or counterclaim of any kind, to pay them. If the applicant fails to object to any invoiced item within 20 days of the date of the invoice, the village will apply the applicant's credit balance against the invoice. If the applicant objects to an invoiced item, the village will remove the disputed item from the invoice pending a resolution, and apply the applicant's credit balance against the balance of the invoice.

Ord 2010-01, 3/11/2010.

(f) If at any time during the review process the applicant's credit balance falls below \$1500, the village treasurer will notify the applicant that it is required to bring its credit balance back up to \$3000. If the applicant fails to do so, the village will not (a) perform any further review, inspection or other service in connection with the application, or the subdivision, or (b) issue any building, occupancy, or other permit or approval in connection with the application, or subdivision, and (c) may issue a stop order prohibiting any development activity until the payment has been made. The amount of any invoice unpaid after 30 days will bear interest at the rate of 18% per annum. In addition to the principal amount of any unpaid

invoice and interest thereon, the applicant is liable for all costs, expenses, and attorneys fees incurred by the village in collecting the amount due, whether or not the village files suit. When the review process has been completed and a resolution has been made of any unresolved objections, the village will refund all but \$500 of any credit balance in favor of the applicant after the payment of all of the invoices issued in connection with the review. The village will retain \$500 to cover the costs of the review and approval of the final plat.

Ord 2010-01, 3/11/2010.

(g) Review.

(1) The preliminary plan will be considered by the plan commission at its next regular meeting that is not less than 30 days after the date the village engineer determined the preliminary plan to be complete. The preliminary plan will be reviewed solely for its compliance with these subdivision regulations. The plan commission shall recommend approval, approval with conditions, or disapproval of the preliminary plan within 60 days after the date of the initial meeting at which it was considered. The time may be extended by mutual consent of the applicant and the plan commission. If the plan commission recommends disapproval, the plan commission shall advise the applicant and the village board in writing of the reasons for its recommendation for disapproval.

Ord 2008-01, 4/10/2008.

(2) Upon receipt of the plan commission's recommendation, the application will be considered at the next regular meeting of the village board. The village board shall approve, approve with conditions, or disapprove the preliminary plan within 60 days after the date of the initial meeting at which it was considered. The time may be extended by mutual consent of the applicant and the village board.

Ord 2008-01, 4/10/2008.

(3) The applicant will be notified in writing of any conditions of approval or reasons for disapproval of the preliminary plan. Upon approval by the village board, the village clerk shall mark the preliminary plan "APPROVED" and distribute copies to the plan

commission, village engineer, village attorney, the Kane County Health Department, and the applicant. Two copies will be retained by the clerk for filing.

Ord 2008-01, 4/10/2008.

(4) Upon approval of the preliminary plan, the applicant may submit the final plat for approval. The final plat must conform to the requirements of § 613(a) and must set forth on its face any soils limitations found to be present on the site and any comments or conditions made or imposed by the village board or the Kane County Health Department with respect to the use of on-site waste disposal systems.

Ord 2008-01, 4/10/2008.

(5) Approval of the preliminary plan will be effective for a period of one year. If the final plat is not submitted for approval within one year, the preliminary plan must again be submitted for approval, unless an extension is requested by the applicant and granted by the village board within the one-year period.

Ord 2008-01, 4/10/2008.

(h) Contributions of cash in lieu of school sites and park lands

At the option of the developer of a minor subdivision, contributions of cash in lieu of school sites and park lands required under subchapter 8 as a condition of approval of the final plat may be paid in a lump sum or in installments provided that, at a minimum, a pro rata portion of the contributions is paid prior to the issuance of a building permit for each of the lots of the minor subdivision. If the developer chooses any option other than payment in full of the contributions at the time of the approval of the final plat, the village will record a memorandum of the payment option chosen by the developer so that the developer's unpaid obligation appears of record on the title to each of the lots of the minor subdivision.

Ord 2009-01, 1/8/2009.

§ 606. Concept plan

(a) Purpose and intent. The purpose of the concept plan stage is to provide information to help the village and the prospective applicant appraise the desirability and feasibility of a development concept according to the development plans and policies of the village, the village's official comprehensive plan, and existing and projected development conditions and activities within the village. The concept plan stage encourages the discussion of basic issues and questions related to the development proposal. The concept plan stage will include citizen participation to gain input from the community at the beginning stages of any development review process in order to assist the prospective applicant and the village in defining the conditions under which permanent changes in land use may occur with minimum intrusion on the natural and economic resources of the village.

(b) Voluntary; payment of fees and expenses; non-binding. The concept plan stage is a voluntary pre-application process. A prospective applicant may, but need not, file a concept plan and request concept plan review. Accordingly, a prospective applicant's filing of a concept plan and request for concept plan review constitutes the prospective applicant's acknowledgment of and express agreement to the following.

(1) The concept plan stage is an indeterminate process. Meetings and workshop sessions are scheduled as needed. The prospective applicant may terminate the process at any time by so advising the village or by filing a formal application for approval of a preliminary plan.

(2) The concept plan stage being a pre-application process, no formal approval or disapproval of the proposed development is contemplated or takes place. Since no application has been filed, neither §11-12-8 of the Illinois Municipal Code (65 ILCS 5/11-12-8), nor any other provision of the Illinois Municipal Code purporting to set deadlines for the review and approval of preliminary or final plans or plats has any application.

(3) The concept plan stage being a pre-application process, no prohibition exists against the village freely amending its ordinances pertaining to development imposing greater restrictions or stricter regulations, or increasing the amount of any fee at any time prior to the filing of a formal application for approval of a preliminary plan.

(4) All fees and expenses incurred by the village associated with the proposed development shall be paid by the prospective applicant including, but not limited to any publication, reproduction or other miscellaneous costs or expenses and the fees and expenses of any engineer, planner, attorney or other consultant retained by the village in connection with the proposal. Proposals for major subdivisions will be reviewed by the village engineer, village planner and village attorney as well as any other professional or consultant the village board deems necessary. Proposals for minor subdivisions may be reviewed. Prior to and as a condition of any further review of the proposal, the village board will require a deposit, the amount of which will be based upon the scope and magnitude of the proposed development, to be held in a separate account to be drawn upon for the payment of costs incurred by the village for the review of the concept plan. At any time and from time to time the village may require that the amount on deposit be replenished such that there is and remains at all times on deposit an amount sufficient to reimburse the village for the costs actually and reasonably estimated to be incurred. Any funds remaining on deposit upon the conclusion of the review process in excess of expenses accrued by the village will be returned to the prospective applicant.

(5) At any time during the concept plan process the prospective applicant may ask that the members of the village board be polled as to whether they feel "positive", "negative", or "neutral" toward the proposal. A member may choose not to express an opinion or, having expressed an opinion, may choose not to elaborate on it. In any event, neither this expression of an opinion nor any other positive or negative comment or expression by any member of the village board, plan commission, or any other representative of the village is binding upon the village or upon any representative of the village or obligates such representative to vote for or against the proposal at any future time. Similarly, no request or suggestion for a change in the concept plan nor accession to such request by the prospective applicant will bind the village or any representative of the village to vote for or against the proposal at any future time, notwithstanding that the prospective applicant's accession to the request for change required the expenditure of the applicant's time, effort, or money.

(c) Procedures for review of the concept plan

(1) Initial presentation Prior to filing a concept plan and request for review, the prospective applicant shall request to be placed on the agenda of the next regularly scheduled village board meeting. No application, fee, or filing of plans is required. At the meeting the prospective applicant shall briefly outline the proposal. Members of the board may, but need not, ask questions.

(2) Filing; requirements: Should the prospective applicant desire to file a concept plan and request a review, the applicant shall pay the applicable fee as set forth in § 606(d) and file with the village clerk 20 copies of a concept plan, drawn to a scale appropriate for the development area, showing the following information:

(A) aerial photograph clearly depicting the subject property and its relation to existing village boundaries;

(B) total acreage; existing lots or parcels, structures and roadways;

(C) distinctive existing natural features such as water courses, potential wetland areas, floodplain, floodway, general topography/drainage patterns, soil types from USDA survey, and wooded areas;

(D) existing zoning of all lots or parcels within the site and within 500 feet of the site; any requested zoning changes; names and addresses of all persons in whose name the general taxes for the last preceding year were paid on each lot or parcel within 500 feet of the site;

(E) proposed primary roadways, land uses, and neighborhood areas; proposed densities, a nonbinding estimate of the number of lots; lot types and building types may be illustrated or labeled on the concept plan;

(F) proposed parks and other open space, and whether it is intended to be public or private; proposed acreage and acreage exclusive of floodplain, floodway, wetlands, stormwater facilities, sanitary sewerage facilities, and other unbuildable areas;

(G) other proposed site features or amenities;

(H) if the development is to be developed in phases, a nonbinding estimate of the number of phases and the order in which the phases will be developed;

(I) names, addresses and contact information for the applicant and the preparers of concept plan information, and the names and addresses of all beneficial owners or persons having an equity interest in any lot or parcel within the site including, if a corporation, all shareholders, if a partnership, all general and limited partners, if a limited liability company, all members, and if a trust, all beneficiaries.

(J) supporting information: The prospective applicant shall describe or outline how the proposed subdivision will be served by water supply and sanitary disposal, and other public utilities. The prospective applicant shall also describe how stormwater runoff control will be provided for. In addition, the applicant may submit any additional information that will help describe the developers intentions and to assist in understanding the feasibility of the proposed development.

(3) Village board determination of completeness. The village board will review the filing as outlined above and make a determination whether or not it is sufficiently complete to forward to the plan commission.

(4) Joint review of concept plan

(A) Upon receipt of the filing the plan commission with the village board will schedule a joint meeting at which the proposal will be discussed. The village clerk will notify the applicant of the time and place of the meeting. Notice of the meeting will be published in a newspaper with a general circulation within the village and mailed, first class mail, postage prepaid, to each of the persons identified in § 606(c)(2)(D) above. Each subsequent meeting will be similarly noticed and published or, alternatively, a schedule of meetings may be noticed and published.

(B) The meetings will be conducted in workshop format beginning with a summary presentation of the submitted materials and project intent by the applicant. The workshop meetings will be open to the public and will encourage public participation with

input and questions of village board and plan commission members and citizens of the community that wish to participate.

(d) Filing fees. With the concept plan the prospective applicant shall pay a fee based upon the size of the proposed development as follows:

(1) for a development comprising up to 10 acres, a fee of \$100;

(2) for a development comprising an area larger than 10 acres but less than or equal to 50 acres, a fee of \$500;

(3) for a development comprising an area larger than 50 acres but less than or equal to 200 acres, a fee of \$1000; and

(4) for a development comprising an area larger than 200 acres, a fee of \$2,500.

Ord 2004-02, 4/8/2004.

§ 607. Review of preliminary plan

(a) Intent. The village's review of the preliminary plan is intended to insure that the subdivision complies with the provisions of this chapter and the zoning ordinance (if applicable), and that it is laid out in accordance with the land's suitability and limitations for development. At this stage the applicant is required to provide information that will demonstrate that the subdivision will function properly upon its development.

(b) Filing.

(1) The applicant shall file with the village clerk 15 copies of the preliminary plan, the filing fee in accordance with § 628(a), and all accompanying information required by this chapter. The preliminary plan must be filed at least 30 days before the meeting of the plan commission at which the applicant proposes to appear. The village clerk shall forward the preliminary plan to the village staff, the plan commission, and the village board.

(2) When a subdivision is to be served by on-site waste disposal systems, the applicant shall file an application with the Kane County Health Department. Preliminary plan

approval will not be granted by the plan commission until the Kane County Health Department approval has been received by the village.

(3) In the case where the applicant wishes to subdivide only a portion of the ultimate area to be subdivided, the preliminary plan must include the proposed general layout for the entire future project area. The phase which is proposed to be subdivided must be clearly superimposed upon the overall plan. Each phase of the entire area must be self-contained, including all on-site and off-site improvements, easements and rights-of-way required to serve the portion to be subdivided.

(c) Review.

(1) The plan commission shall recommend approval or disapproval of the preliminary plan within 90 days from the date certified by the village engineer as the date of filing of the last item of required information. Such time period may be extended by mutual consent of the developer and the plan commission. If the plan commission recommends disapproval, the plan commission shall advise the village board in writing of the reasons for its disapproval.

(2) Upon receipt of the plan commission's recommendation of approval or disapproval of a preliminary plan, the village board shall approve or disapprove the preliminary plan not later than the third regular meeting of the village board following the date of the plan commission's approval. Such time period may be extended by mutual consent of the applicant and the village board.

(3) The plan commission may recommend in writing and the village board may require such conditions, changes, or revisions to the preliminary plan as are deemed necessary in the interest of the community in keeping with the provisions of this chapter.

(4) The applicant will be notified in writing of any conditions of approval or reasons for denial of a preliminary plan. Upon approval by the village board, the village clerk shall mark the preliminary plan "APPROVED" and distribute copies to the plan commission, village engineer, the building official, village attorney and the applicant. Two copies will be retained by the village clerk.

(5) Approval of the preliminary plan is effective for a period of 1 year. Should final engineering plans and the final plat for the first phase (or all phases as applicable) not be submitted for approval within 1 year, the preliminary plan must again be submitted for approval, unless an extension is requested by the developer within the 1 year period and granted by the village board.

Ord 1996-02, 3/14/1996.

§ 608. Final engineering plans

(a) Intent. The final engineering plans and specifications must substantially conform with the preliminary plan and must accurately show how on-site and off-site improvements will be constructed to achieve the layout and design objectives of the preliminary plan and allow the efficient and orderly provision of roads, drainage facilities, utilities, and services, including off-site improvements, as required by this chapter.

(b) Filing. The final engineering plans may be filed concurrently with or prior to submission of the final plat. Engineering plans will not be approved until the site has been zoned according to the uses proposed in the approved preliminary plan. The plans must be prepared by an Illinois registered professional engineer. At least 4 complete sets of final engineering plans, specifications and estimates must be submitted to the village clerk. The village clerk shall forward the engineering plans and accompanying documents to the village engineer and to such governmental authorities having jurisdiction over any improvements for their review and recommendations.

(c) Review. The village engineer and such other officials who may have jurisdiction shall review the engineering plans for conformity with the provisions of this subchapter and other applicable requirements in the Village Code. The village board will not act on the final plat until it has received a written report from the village engineer, Kane County Health Department and any other reviewing officials, as to the acceptability of the engineering plans and accompanying documents.

Ord 1996-02, 3/14/1996.

§ 609. Final plan

(a) Intent. The final plan consists of the final plat and all accompanying documents. The final plat is a record of the subdivision as surveyed in the field. It shows the dimensions of the tract being subdivided and the lots, rights-of-way, easements, and other parcels, dedications and reservations that will be created upon approval and recording of the final plat. The final plat must be prepared by an Illinois professional land surveyor.

(b) Filing

(1) Within one year after the approval of the preliminary plan, unless a time extension is granted by the village board, the developer shall submit the final plan in accordance with the requirements of the Plat Act and § 613. The final plan must substantially conform to the preliminary plan as approved. One reproducible copy of the final plat, with original signatures and 10 prints, must be submitted to the village clerk. The village clerk will distribute copies of the final plan to the plan commission and village engineer for their review and recommendation.

(2) The final plat, if desired by the subdivider, may constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at that time, provided, however, that any portion of such approved preliminary plat must allow the efficient and orderly provision of roads, drainage facilities, and other improvements, as required by this chapter. Where less than the entire land area shown on the preliminary plat is to be filed for record, such recording will not automatically extend the approval of the unrecorded balance of the preliminary plat.

(c) Review

(1) The plan commission will review the final plan for its conformance with the approved preliminary plan and shall make its findings and recommendations to the village board within the time provided by the Illinois Municipal Code. The plan commission may recommend variations from the requirements of this chapter and shall convey to the village board in writing the reasons for any such variations and such other information as the plan commission deems necessary.

(2) The village board, after receipt of the recommendation of the plan commission, shall approve or disapprove the final plan by resolution within 60 days following the filing of the last required document, unless such time is extended by mutual consent. If approved, the resolution will authorize the president to sign the certificate of the final plat; if denied, the resolution must state the reasons for the disapproval.

(3) Prior to the approval of the final plan, the village board may designate which easements, dedications, and land improvements will be accepted by the village. The village board may require such homeowner's agreements, special service areas, covenants, easements or other provisions as may be necessary to provide for the installation, maintenance, and repair of public or private improvements.

(4) Upon approval by the village board, the village clerk shall secure two reproducible mylar copies and 10 prints of the final plat with all required signatures, and three copies of the supporting documents. The costs of such prints and copies of documents shall be paid by the subdivider.

(A) One print will be retained by the plan commission.

(B) One print and all specifications, drawings, and estimates will be sent to the village engineer.

(C) One print will be sent to the building and zoning officer, together with one set of supporting documents.

(D) The final plat in exact form as approved by the village board must be filed for record by the village clerk. The village clerk shall retain 1 reproducible mylar copy and three print copies of the recorded plat and one copy of the supporting documents for filing at the village. The subdivider shall pay all recording fees and the cost of the print copies.

(d) Agreements required. No final plat may be recorded until the owner or subdivider has provided the following:

(1) A construction guarantee for completion of land improvements in one of the following formats, with the form, amount, and provider being subject to approval of the village board.

(A) A deposit with the village in cash in the amount of 120% of the village engineer's estimated cost of all on-site and off-site land improvements to be completed and approved;

(B) An undertaking by the subdivider guaranteeing completion of the land improvements remaining to be completed and approved, secured by an irrevocable letter of credit payable to the village, issued by a sound and reputable financial institution authorized to do business in Illinois. Such irrevocable letter of credit or renewals thereof must be effective for a period of two years from the date of recording the final plat, and run in favor of the village and be in the amount of 120% of the village engineer's opinion of probable cost of all on-site and off-site land improvements to be completed and approved. Such irrevocable letter of credit must be in a form to allow the village to procure the funds upon demand, and without conditions, by sight draft of the president or clerk that: (1) the funds are required to complete the land improvements for the subdivision and (2) that their construction has not been completed in accordance with the provisions hereof and (3) the funds are required to pay for any unpaid reimbursable fees or expenses incurred by the village in connection with the administration of this chapter. Said letter of credit must be a letter of guarantee, unrelated to payments to subdivider's or owner's contractors or subcontractors, and must otherwise be in a form acceptable to the village (See APPENDIX IV). Notation letters of credit are not acceptable.

(C) Other good and sufficient security as approved by the village to guarantee the proper installation of land improvements.

(2) Insurance.

(A) The subdivider's shall provide and maintain comprehensive general liability insurance that will protect the village and each of its officers, employees, agents, and consultants from claims which may arise out of or result from the performance of work by anyone directly or indirectly employed by subdivider or the subdivider's contractor or

subcontractor, or by anyone for whose acts the subdivider or contractor may be liable. The limits of coverage under the comprehensive general liability insurance must be, at a minimum, \$500,000 per accident for property damage and \$1,000,000 per person and \$3,000,000 aggregate per accident for bodily injury, sickness or disease, or death of any person.

(B) The subdivider may not commence work until certificates of insurance showing all required insurance to be in effect, signed by the insurance companies or their authorized agents, have been filed with both the village clerk and the village engineer. Each certificate must provide that coverage may not be terminated or reduced without 30 days advance written notice to the village and the village engineer. The subdivider shall name the village and the village engineer as additional insureds on the comprehensive general liability insurance policy.

(C) The policies of insurance required by this paragraph to be purchased and maintained must remain in effect until at least two years after final payment and at any time thereafter when the subdivider may be correcting, removing or replacing defective work in accordance with this chapter.

(3) Agreements. A statement that the subdivider will maintain the roads, including snow removal, and other land improvements within the subdivision until accepted by the village, appropriate highway authority, homeowner's association or special service area.

(4) Fees. Payment of all professional and administrative fees or other fees and costs incurred by the village through the date of the final plat approval.

(5) Land/Cash Donations. Payment in full of any required school or park donations of cash, or dedication of land in lieu thereof, except as otherwise provided in subchapter 8.

(6) Special Conditions. Any other appropriate conditions contained in the resolution of the village board approving the final plat of subdivision.

Ord 1996-02, 3/14/1996.

§ 610. Completion and acceptance of improvements

The completion and acceptance of land improvements shall be in accordance with the following:

(a) Completion. All required land improvements shall be completed within two years of the recording of the final plat unless prior to the expiration of the two-year period a time extension is requested by the subdivider and granted by the village board. A request for an extension shall not halt the two-year period. No extension shall be granted unless adequate guarantee collateral has been received and approved by the village board.

(b) Construction observation of land improvements.

(1) Project engineer. During the course of construction, the subdivider's project engineer shall provide for construction observation of the work in order to ensure compliance with the approved plans and specifications and with good engineering and construction practices. Construction observation of the work may also be done by the village engineer and other governmental officials as reasonably required or deemed necessary by the village.

(2) Preconstruction meeting. Prior to beginning the installation of any improvements, including any excavation or filling, the subdivider, the project engineer and general contractor shall attend a preconstruction meeting with the village engineer. The purpose of the meeting is to review acceptable site development and construction practices in accordance with village ordinances and policies and to complete the "Preconstruction Meeting Checklist" (see Appendix III) pertaining to the requirements and schedule of improvements.

(3) Inspections. All required land improvements shall be subject to inspections by the village engineer. The subdivider shall give at least 24 hours notice to the village engineer prior to the performance of any required inspections.

(4) Correction of defects. If upon observation of the improvements, the village engineer finds that the proposed work is unsatisfactory or does not comply with the approved plans and specifications, the village engineer shall advise the project engineer in writing of the defects or deficiencies he believes should be corrected or rejected, or should be uncovered for

observation, or require special testing, inspection or approval. After the steps advised by the village engineer have been completed, the subdivider shall again notify the village engineer as provided above for inspection of improvements.

(5) Final inspection. Upon completion of all required on-site and off-site improvements, the subdivider shall notify the village engineer, who shall thereupon authorize a final inspection of all improvements installed. If such final inspection indicates that there are any defects or deficiencies in any such improvements as installed, or if there are any deviations in such improvements, as installed from the final engineering plans, the village engineer shall notify the subdivider in writing of such defects, deficiencies, or deviations and the subdivider shall, at his sole cost and expense, correct such defects or deviations within 90 days of the date of notification, unless the village engineer shall approve in writing a longer time period, within his discretion reasonably exercised, due to impossibility of performance. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the village engineer that the improvements are again ready for final inspection.

(c) Reduction of guarantee

(1) Classifications of required land improvements are enumerated below. The amount of the guarantee collateral may be reduced as each classification of required land improvements is completed and approved for each approved phase of development. On-site and off-site required land improvements shall, where applicable, each be divided into the following categories as may be applicable:

- (A) excavating, filling and grading and retention/detention areas;
- (B) soil erosion and sediment control and maintenance;
- (C) sanitary sewer system and appurtenances;
- (D) water system and appurtenances;
- (E) storm sewer system and appurtenances;
- (F) street improvements;

(G) landscaping improvements;

(H) miscellaneous improvements (street signage, street lights, pedestrian or bicycle ways, etc.);

(I) construction engineering services (observation, inspection, soil and material testing, etc.)

(2) A construction guarantee shall be reduced only by written recommendation of the village engineer as approved by the village board by motion or resolution upon.

(A) Written application for reduction by the subdivider, provided the reduction for any land improvement shall not exceed 90% of the cost estimate approved by the village engineer for that improvement, by classification, until acceptance or approval of the improvement by the village board. The village engineer must certify that the improvements in the particular category for which reduction is sought are substantially complete. Upon village board acceptance or approval, up to 100% of the estimated cost of the improvement may be released. Reduction of the remaining guarantee shall not be authorized until all the land improvements have been accepted or approved and as hereafter provided. Approval of a reduction hereunder shall not constitute acceptance or final approval of any improvement by the village.

(B) The unsatisfactory installation, not corrected by the subdivider within 30 days after receiving written notice from the village engineer, the village board or the village attorney, of required improvements, in which event the village may then declare the subdivider to be in default and may draw from the construction guarantee the amount necessary to insure the satisfactory construction of said improvements, including attorney's fees, other professional fees and court costs related to the enforcement of the provisions of this section.

(C) The failure of the subdivider, within 30 days after receiving written notice from the village, to pay in full any fees or expenses incurred by the village in accordance with § 628(a).

(D) The failure of the subdivider to furnish a replacement or renewal letter of credit or other construction guarantee not less than 30 days prior to the expiration of such

letter of credit or guarantee, which shall entitle the village to draw thereon. A reduction under this subparagraph shall not require a written recommendation by the village engineer.

(d) Release of guarantee. The guarantee for completion of the land improvements shall be released only upon fulfillment of the following conditions:

(1) the completion of all land improvements;

(2) the submission of one reproducible (mylar) set of record drawings which shall be prepared by the project engineer and approved in writing by the village engineer who shall show and certify as to the actual location of all and improvements, whether public or private, and shall clearly designate any and all changes from the approved plans and specifications;

(3) a bill of sale, when required, and a contractor's affidavit and lien waivers in accordance with the Illinois Mechanic's Lien Act, for all land improvements which have been designated by the village board for acceptance or approval;

(4) the submission of a deposit in cash or irrevocable letter of credit, equal to 20% of the cost of land improvements except landscaping improvements. This deposit shall be a guarantee of satisfactory performance of the land improvements and payment of all fees and expenses incurred by the village in connection with the subdivision. The deposit shall be held by the village for a period of 12 months after acceptance of the improvements. After such 12 months the deposit shall be refunded if all of said fees and expenses have been paid and if no defects have developed. In the event there are any unpaid fees or expenses or if any defects have developed, then the remaining deposit shall be released, by motion or resolution of the village board, subject to payment for said fees and/or amounts expended or to be expended in correcting defects;

(5) final acceptance, by resolution of the village board, of the land improvements which have been designated by the village board for acceptance, and acknowledgment, by motion or resolution of the village board, of completion of the land improvements which have not been designated for acceptance.

Ord 1996-02, 3/14/1996.

SUBCHAPTER 4—PLAN SUBMITTAL REQUIREMENTS

Subdivision plans and accompanying documents shall show the information required in this subchapter.

§ 611. Preliminary plan

The preliminary plan shall include the following information:

(a) General requirements. A preliminary plat drawn to scale and showing the arrangement of lots, blocks, street, and the approximate dimensions and areas of all lots. The preliminary plat shall include, using separate drawings or sheets if desirable.

(b) Identification and description.

(1) The proposed name of subdivision not duplicating the name of any plat heretofore recorded in the village or in Kane County. The name of the subdivision and all signage and advertising therefor shall prominently include the name "Virgil." At such time as the performance guaranty required under § 610(d) is released, all signage displaying the name of the subdivision shall be removed.

Ord 2005-12, 11/10/2005.

(2) The legal description of the land proposed to be subdivided and a site data information block which shall include the total acreage in lots, the acreage in rights-of-way, the acreage in open space, the proposed number of lots, the minimum lot size and the maximum lot size in square feet, and the existing and proposed zoning.

(3) Names, addresses and phone numbers of the owner, subdivider, and the persons preparing the plan.

(4) Scale of plat (minimum):

Subdivisions up to 20 acres -- 1" = 50'

Subdivisions over 20 acres -- 1" = 100'

(A) North arrow, engineering seals and date prepared.

(B) Overall area location map at a scale of not less than 1" = 1000' showing relationship of the subdivision to its surroundings within ½ mile of the subdivision and including property lines, section lines, types of use and ownership of surrounding land, and alignments of existing streets.

(5) Existing conditions:

(A) Boundary line of proposed subdivision, section or corporate lines within or adjacent to the tract, and overall property dimensions as surveyed and certified by an Illinois professional land surveyor.

(B) Locations and names of adjacent subdivisions and owners of adjoining parcels of land.

(C) Topographic data on and within 100 feet of the tract and within 300 feet of the tract along road right-of-ways, including contours at vertical intervals of not more and 2 feet with reference to National Geodetic Vertical Datum (NGVD) or at 1 foot intervals if required by the plan commission or village board for land with unusual topography.

(D) Location of all existing farm and storm drainage tiles which shall be located by means of slit trenching and hand probing or electronic radar tile location devices along with slit trenching and hand probing by persons qualified to do such work. All existing drain tile lines encountered during the investigation shall be repaired to their original condition. One Mylar and four copies of a topographical boundary map locating these lines must be submitted showing the following:

(i) Location of each slit trench and each trench identified to correspond with the tile investigation report;

(ii) United States Geological Survey (USGS) datum invert elevation and location of each drain tile with a flow direction arrow and tile size;

(iii) A summary of the tile investigation report showing trench identification number, tile size, material and quality, percentage of tile filled with water, percentage of restricted siltation, depth of ground cover and soil texture at grade;

(iv) Name, address and phone number of person conducting tile location investigation.

(E) Property lines of adjacent tracts of land shown in relation to and within 100 feet of the proposed subdivision, including those areas across abutting roads.

(F) Location, width and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation lines within 100 feet of the tract.

(G) In case of re-subdivision, all descriptive lines of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines.

(H) Location and size of existing channels, natural and manmade retention/detention areas, flood plains, wetlands, storm sewers, farm tiles, sanitary sewers, water mains, culverts, wells, septic systems, and other underground facilities within the tract and to a distance of 100 feet (unless a greater distance is required for review) beyond the tract to include such data as grades, invert elevations and locations of catch basins, manholes, valves, and hydrants.

(I) The location of wooded areas, tree lines, hedgerows, and existing vegetation and trees six inches or more in diameter at one foot above ground, rock formations or outcroppings, scenic vistas, beaches, historic sites, and other similar assets shall be shown on a separate sheet.

(J) The boundaries and limitation of each soil type. Refer to Appendix II of the Kane County Subdivision Regulations (KCSR), as amended, for soil mapping and reporting requirements. Appendix II of the KCSR shall be the method of obtaining soils data unless otherwise specified by the Kane County Health Department.

(K) Wetland delineation report, when required.

(6) Proposed conditions

- (A) Proposed zoning classification of all land within the subdivision.
- (B) Layout of streets, street names (not duplicating any in the village or any Fire District serving the village), street lights, typical cross-sections, right-of-way widths, and connections with adjoining platted streets, and also the widths and location of easements, drainage ways, and pedestrian ways.
- (C) Layout, numbers, approximate dimensions, and front, side and rear building setback lines for all lots shall be shown in accordance with these regulations and the zoning ordinance.
- (D) An identification system for all lots using consecutive numbers.
- (E) Sites intended to be reserved for public use and/or use by property owners in the subdivision, including the purpose and conditions of reservation or dedication.
- (F) A description of the system proposed for sewage disposal.
- (G) A description of the system proposed for water supply.
- (H) A description of the system proposed for stormwater management by a method in conformance with subchapter 5 of this chapter.
- (I) Storm sewers, culverts and main curtain drains
- (J) Draft text of proposed protective covenants, deed restrictions, homeowners association agreements and contracts, easement provisions, special service areas and other documents whereby the subdivider proposes or village requires to restrict improvements on private lots in the subdivision, restrict the design, development and/or use of the property and otherwise protect special areas within the proposed development.
- (K) Proposed roadway grades and surface water drainage patterns;
- (L) Proposed location of the on-site disposal systems and expansion areas, areas to be filled, curtain drain locations and routing, subsurface drainage systems for each lot.

Subsurface drainage systems shall be constructed with access structures, and shall be located in a drainage easement.

(c) Miscellaneous Requirements

- (1) Soils limitation overlay for septic systems.
- (2) Preliminary stormwater computations.
- (3) Preliminary engineering (as required).
- (4) Traffic impact study (as required).
- (5) A description of the donation proposed to satisfy subchapter 8 of this chapter which provides for the dedication of park sites and school sites or the payment of fees in lieu of dedication.
- (6) A copy of the land use opinion, or application filed by owner or subdivider for said opinion, from the Kane-DuPage Soil and Water Conservation District.
- (7) Any other information that may be reasonably requested by the plan commission or village board.
- (8) Filing fee.
- (9) A written agreement from the owner of the property and/or the subdivider agreeing to reimburse the village of Virgil for professional fees and expenses incurred pursuant to § 628(a) of this chapter. Furthermore, in the event that the preliminary plan is being submitted concurrent with a request for annexation of the subject property to the village, the owner or subdivider must also undertake to reimburse the village for expenses incurred by it with respect to such annexation negotiations and proceedings. Such reimbursement undertaking must clearly indicate that reimbursement will be made irrespective of approval or disapproval of the preliminary plan or the annexation of the property. The village may request a deposit for the estimated amount of such expenses, in which event such deposit must be made before a request for subdivision will be processed.

(10) A sworn statement showing the identity of all parties in interest in the property, including but not limited to, owners, subdividers, contract purchasers, trust beneficiaries and developers.

Ord 1996-02, 3/14/1996.

§ 612. Final engineering plans

The engineering plans must be prepared by an Illinois registered professional engineer and must contain the following minimum information:

(a) General requirements

(1) Title page, which shall include:

(A) Subdivision name and unit number;

(B) Location map;

(C) Seal, signature, address and phone number of the registered professional engineer who prepared the plans and the registered professional who prepared the topographic survey;

(D) Developer's name, address and phone number;

(E) Index of sheets;

(F) A minimum of 2 USGS benchmarks;

(G) Dates and revision dates for each exhibit prepared;

(H) Summary of quantities.

(2) All topography shall be field verified and certified by a registered professional to be in accordance with the National Map Accuracy Standards at one foot contour intervals and horizontal scale appropriate to the project, but not smaller than 1 inch equals 100 feet.

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- (3) Layout of the proposed subdivision at the same scale or larger scale as the preliminary plat showing the following information:
- (A) Existing and proposed contours at 1 foot intervals.
 - (B) Proposed street layout including centerline elevations and stationing at 100 foot intervals, rim and invert elevations of all drainage structures and drainageway flow line elevations;
 - (C) Septic area designation, where required;
 - (D) Building top of foundation elevations and building site pads, where required;
 - (E) The abandonment, incorporation, or modification of all existing drain field tile or storm sewers;
 - (F) Proposed easements for utilities, drainageways, and structure including facilities, pedestrian ways, landscape areas and other purpose;
 - (G) The proposed locations of and design standards for street lights, street name signs and regulatory signage.
- (4) Roadway and drainage engineering plans and profiles which shall include:
- (A) Plan view of roadways, drainageways, and structure; including roadway horizontal curve data. Road entrances on adjacent properties shall be shown.
 - (B) Profiles of roadway center lines and ditch flow lines, including location and elevations of drainage structures. The grade line profile shall be shown at a minimum scale of 1" = 50 feet horizontal and 1" = 5 feet vertical. Complete vertical curve data shall be shown.
 - (C) Areas to seeded, sodded, or ripped.
 - (D) Location, size, and type of culverts.
 - (E) Ditch grades (1% minimum).

- (F) Stormwater, subsurface drainage, and utility crossings, etc.
 - (G) Grates on precast flared end sections over 18" in diameter.
 - (H) Driveway locations and grades in critical slope areas.
 - (I) Roadway cross sections at all roadway drainage structures, infrastructure crossings, critical tree locations, etc.
 - (J) Table of driveway culvert sizes for each lot.
 - (K) Sufficient data concerning existing soil and ground water conditions to determine if a need exists for a pavement underdrain system. If an underdrain system is required, it shall be installed by the developer as directed by the village Engineer.
- (5) Improvement detail sheet(s) shall be provided for:
- (A) Typical road cross sections;
 - (B) Typical drainageway cross section(s);
 - (C) Drainage structure details;
 - (D) Erosion control devices;
 - (E) Improved pedestrian, and/or bicycle ways;
 - (F) Other details, as required.
- (6) Stormwater runoff, grading and subsurface drainage plans which shall include:
- (A) Topography should extend at least 100' outside the perimeter of the project (300' along existing roads), and it should include all off-site tributary areas;
 - (B) Side and rear yard slopes and swales should have a minimum 2% slope. In certain areas, a minimum 1% slope will be considered;
 - (C) Finished yard grades should be at least 8 inches below the top of foundation; finished pavement grades should be at least 0.10 feet below top of foundation;

- (D) Drainage directional arrows in swales, along lot lines and pond bottoms;
- (E) Spot elevations shown for break points, lot corners, or as otherwise needed;
- (F) Show all existing storm and subdrain tiles and proper abandonment or rerouting of same;
- (G) Trench backfill in trenches underneath and 2 feet beyond all roads, curbs, commercial, industrial or institutional parking lots, driveways and sidewalks, and adjacent to structures within 2 feet of any of the above improvements;
- (H) Sufficient pipe cover: 2 feet minimum from finished grade (3 feet desirable) and may show type and class for depth of burial;
- (I) Location of manholes, inlets, and catch basins that must be accessible for cleaning.
- (J) All structures should be numbered.
- (K) The maximum spacing for storm sewer and subsurface drain structures should be 400 feet.
- (L) Storm and subsurface drain crossing should be shown on profile sheets to ensure correct crossing elevation and material requirements.
- (M) A preformed butyl rubber sealant should be used on all storm structures.
- (N) Provide curtain drain access stubs to lots, when required.
- (O) Provide sump pump discharge connection points to the subsurface drain system, when required (depending on high groundwater, ability of soils to percolate, affect on adjacent land owners, affect to side yard and road ditches, etc.)
- (P) Use rigid wall pipe or sleeve subsurface drain pipe in ROW.

(Q) 20 lineal feet of rigid wall pipe, tile headwall and animal guard at subsurface drain discharge point to streams or ponds.

(R) Drainage easements shown for:

- (i) Storm sewers;
- (ii) Subsurface drains;
- (iii) Detention/retention ponds;
- (iv) Overflow routes;
- (v) Other stormwater elements, as required.

(S) Separate drainage/utility easements in ditch areas (utility easements must not be in ditches).

(T) All lots can have no more than 10% of the minimum lot area within a drainage easement.

(U) Stormwater storage facilities in accordance with subchapter 5.

(7) Soil erosion and sedimentation control plan which shall include minimum criteria as follows:

(A) Legend, scale, north arrow, project name, and name, address, phone number of owner(s), developer(s), and engineer(s).

(B) Existing and proposed topography at minimum 1 foot contours extending 100 feet beyond site boundaries.

(C) Predominant soil types and existing vegetative cover from actual field identifications.

(D) Existing and proposed road ditches, drainageways, field tiles, storm drains, culverts, outfalls, stockpiles, etc.

(E) Location of existing buildings, structures, utilities, water bodies, floodplains, wetlands, trees and shrubs, drainage facilities, paved areas, right-of-ways and any other significant natural and man-made features on the site and adjacent land within 100 feet of the site boundary.

(F) Septic area designations, where required.

(G) Limits of disturbance by clearing, grading, filling, trenching, etc.

(H) Delineate areas of permanent and temporary stabilization. Include seeding mixtures and rates, sod specifications and method of anchoring, method of seed bed preparation, expected seeding dates, type and rate of fertilizer and lime application, and type and method of mulching for both temporary and permanent vegetative control measures, types of non-vegetative control measures, and types of non-vegetative stabilization measures.

(I) Location of all proposed sediment control measures.

(J) Design specifics of all runoff control measures, including sediment basins and traps, diversions, forebays, waterways, and outlet details.

(K) Standard details of all sediment control measures, include computations for sediment basin and trap efficiencies and runoff volumes.

(L) Methods to prevent tracking of soil off-site from the land disturbing activity, including temporary gravel surfaced staging areas and access driveway.

(M) Location of stockpile(s) and method of stabilization.

(N) Off-site waste or borrow quantities, location, and measures of stabilization.

(O) Phasing should identify the areas of the site being disturbed and sequence of disturbance, the expected date in which clearing of each area will begin, the estimated duration of exposure of cleared areas, the sequence of installation and removal of temporary sediment control measures; installation of storm drainage; paving streets and parking areas;

establishment of temporary and permanent vegetative cover, and any other phases important to the project. Phasing of development site including:

- (i) Clearing and stripping,
- (ii) Rough grading and underground construction,
- (iii) Paving and final grading,
- (iv) Landscaping.

(P) Engineer's opinion of probable cost for stabilization, erosion and sediment control measures and maintenance.

(Q) Name, address, and phone number of person which will have legal responsibility for maintenance of erosion control structures and measures during development until site is stabilized.

(R) The submittal should be prepared in accordance with the standards and requirements contained in the following publications and which should also be referenced to on the plans:

(i) "Procedures and Standards for Soil Erosion and Sedimentation Control in Northeastern Illinois" (Revised July 1988) prepared by the Northeastern Illinois Erosion and Sedimentation Control Steering Committee;

(ii) "Standards and Specifications for Soil Erosion and Sediment Control" (1987) prepared by the IEPA;

(iii) Standard specifications for "Road and Bridge Construction", latest edition, prepared by the IDOT.

(8) Off-site roadway and/or drainage improvements and details.

(9) Floodplain information, if applicable, including the elevations of the Special Flood Hazard Area (SFHA) delineated on drawing(s) of the site with existing topography

shown at a scale and contour interval as determined by the village Engineer. At a minimum, the topographic drawings shall display the following flood data:

- (A) Boundary of the SFHA
- (B) Boundary of the floodway, if available;
- (C) Proposed drainage easements;
- (D) The flood protection elevation for each building site.

(10) Construction and traffic control plan showing proposed routing of construction traffic, signing, stockpile locations, refuse areas, the fencing of rights-of-way and other areas where required in order to protect septic fields, trees, flora and other site features during construction, and other construction control measures. The traffic control plan shall be consistent with the requirements of the current Manual On Uniform Traffic Control Devices.

(11) When required, plans for septic areas, top of foundation elevations and building pad locations shall be provided. Such plans shall show the location and size of septic fields and expansion areas, the type of fill material to be used, method of which fill will be placed on site and leveled, existing and finish grade contours, subsurface and curtain drain locations, outfalls and elevations, and other information required by the village engineer. Subsurface drainage systems for curtain drains shall be designed and constructed with access structures and shall be located within a drainage easement.

(12) Plans for private sewage disposal systems shall include evidence that the subdivider has made the preliminary tests necessary to demonstrate the feasibility of using private sewage disposal facilities or such other tests or information as may be required by the Kane County Health Department.

(13) Plans for private water supply systems shall include such information as may be required by the Kane County Health Department.

(14) When required, plans for community water distribution systems, community water supply facilities, and community sewage collection and treatment systems shall be provided.

(b) Supporting Information. The engineering plans shall include, but not be limited to, the following documents:

(1) Stormwater Management Calculations, which shall be in accordance with subchapter 5 of this chapter.

(2) Letters from adjacent landowners affected by drainage plan (upstream or downstream) stating that they have been contacted and are aware of the final surface and subsurface drainage plans, if required by the village Engineer.

(3) Design Engineer's certified opinion of probable construction cost of all required improvements.

Ord 1996-02, 3/14/1996.

§ 613. Final Plan

The final plan shall include the following documents in addition to the Final Engineering Plans:

(a) Final Plat. A final plat accurately and legibly prepared by an Illinois professional land surveyor, with waterproof, non-fading black ink on mylar or equivalent material. The plat shall be drawn at a minimum scale of 1" = 100' and shall not exceed 30 inches by 36 inches in size. If more than one sheet is required, a small scale drawing of the entire subdivision shall be shown on the first sheet, identifying the different portions of the subdivision. The final plat shall show:

- (1) Name of subdivision;
- (2) Legal description of land to be subdivided;
- (3) Scale shown graphically, date and north point;

(4) Accurate angular and linear dimensions for all lines, angles, and curvatures, with functions used to describe all boundaries including perimeter of survey of tract, street, Alleys, easements, areas to be reserved for, public use, and other important features. Error of closure of boundary-line surveys shall not exceed one foot for each 10,000 feet. Angular error shall not exceed plus or minus 20 seconds. Lot lines to show dimensions in feet and hundredths, and when an angle occurs in any lot line between corner lot corners, the measurement of the angle shall be shown in degrees, minutes, and seconds. The final plat shall show accurately the location of all permanent lot markers as actually installed;

(5) An identification system for all lots using consecutive numbers;

(6) True angles and distances to the nearest established street lines and official monuments (not less than three), which shall be accurately described in the plat by location, size and elevation;

(7) Municipal boundaries and township and section lines accurately referenced to the lines of the subdivision by distances and angles;

(8) Exact location, width and name of all streets within and adjoining the subdivision, and the location, width, purpose and provisions for all easements areas and building setbacks;

(9) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use or for the exclusive use of property owners within the subdivision;

(10) The primary and expansion area for the on-site waste disposal system of each lot and building pad location, when required;

(11) Protective covenants stated in full on the plat or referenced thereon if declared separately;

(12) Seal and signature of Illinois registered land surveyor or other legally qualified individual who prepared the plat;

(13) Certificate from the applicable county highway department or IDOT as to approval of off-site improvements and road connections;

(14) A statement that the village does not warrant the suitability of any lot for installation of a septic system or field;

(15) Properly executed certificates as contained in Appendix I.

(b) Drainage Overlay. A copy of the topographic and profile study (drainage overlay) drawn at the same scale as the final plat (also include this information on the engineering plans):

(1) All elevations shall be referenced to National Geodetic Vertical Datum;

(2) Existing contours at one foot intervals indicating the locations and elevations of benchmarks used to determine said contours;

(3) Finished grade elevations or contours at 1 foot intervals of the proposed site;

(4) Rim and invert elevations of all existing and proposed drainage structures within the and adjacent to subdivision;

(5) Size, slope, location of drainage channels and/or storm sewers;

(6) Size, shape, invert and location of downstream receiving drainage structures including capacities of downstream channels.

(7) Signature block (See Appendix I).

(c) Landscaping Plan. A landscaping plan in conformance with § 621(a) and including the following information:

(1) Proposed plantings; location and description of landscaped entryway signs, if applicable, including height, size, setbacks and maintenance provisions; screening treatment of double frontage lots; landscaping of stormwater detention facilities.

(2) Trees to be planted within the lot within 5 feet of the property/right-of-way line, 2 per lot (showing location, size and species).

(3) Berming locations and slopes per IDOT rules.

(d) Final Site Plan. Final site plan in accordance with the site plan requirements of the zoning ordinance and subchapter 6 of this chapter.

(e) Agreements. Proposed homeowner's association agreement, articles of incorporation and by laws, protective covenants, special service area provisions or other documentation regulating the subdivision and/or providing means to insure ongoing maintenance and repair of private land improvements or common areas of facilities. In subdivisions containing private roads or detention/retention facilities or containing 5 or more lots, the village may require a declaration of covenants creating and establishing a homeowner's association and providing for the scope of activities and authority for an architectural control committee.

(f) Statements. Statement signed by the owner or subdivider setting forth:

(1) The plans and specifications for the required public improvements have been completed, and such plans approved by the village Engineer;

(2) The required improvements will be installed in accordance with such plans and specifications;

(g) Engineer's Estimates. Design engineer's certified opinion of probable construction cost of all required land improvements, approved in writing by the village engineer.

(h) Construction Guarantee. Description of the proposed guarantee collateral for the completion of land improvements in accordance with requirements in subchapter 3.

(i) Land/Cash Donations. Description of proposed land/cash donations to satisfy the provisions of subchapter 8.

Ord 1996-02, 3/14/1996.

SUBCHAPTER 5—DESIGN AND IMPROVEMENT STANDARDS

The subdivision design and improvement standards as set forth under this subchapter are the minimum design and improvement standards to be used by the subdivider.

§ 614. Standards generally

(a) Conformance with plans and regulations. The design of the subdivision shall conform to the Official Comprehensive Land Use Plan, village planning and development policies, the zoning ordinance, to this chapter and other ordinances pertaining to the control of land development and to all applicable rules, regulations, specifications and standards of the village, County of Kane and the State of Illinois. No deviations from approved plans and specifications shall be made without prior written approval of the corporate authorities of the village.

(b) Character of the land. The design of each subdivision shall take into consideration the preservation, capabilities and limitations of topography, drainage, soils, vegetation and other features and irreplaceable assets of the site. The use of lands unsuited to development because of, but not limited to, flooding and soil characteristics shall not be approved unless the development of said lands shall meet the requirements of the ordinances and regulations of the village.

(c) Minimum standards and specifications. All construction of improvements shall be in accordance with, and materials used shall be in compliance with, the methods and materials required in the appropriate sections of the latest editions, supplements, amendments or revisions of the following:

- (1) *Standard Specifications for Road and Bridge Construction*, IDOT;
- (2) *Design Manual*, IDOT;
- (3) *Culvert Manual*, IDOT;
- (4) *Manual on Uniform Traffic Control Devices*, U. S. Department of Transportation and IDOT Supplement;

(5) *Standard Specifications for Water and Sewer Main Construction in Illinois*, Illinois Society of Professional Engineers et al.

(6) *Standards and Specifications for Soil Erosion and Sediment Control*, IEPA.

(7) IEPA standards and requirements for sewer and water facilities;

(8) Kane County development standards and requirements as may be applicable;

Where standards are not specifically set forth, improvements shall comply with standards established by resolution of the village board. Charges or amendments to any of the standards set forth in sub-paragraphs (1) through (8) hereof are incorporated herein to the extent permitted by law; otherwise, such standards shall be incorporated as in effect at the time of adoption of this chapter.

(d) Off-site improvements. If it is determined that any existing infrastructure, including but not limited to water distribution systems, wastewater collection or treatment systems, storm sewers or other stormwater management facilities, and road improvements, which may be situated either in part or entirely off-site, is inadequate to facilitate a proposed subdivision when 100% built-out, then improvements to any one or all of such facilities may be required and shall be deemed part of the public improvements.

Ord 1996-02, 3/14/1996.

§ 615. Lots and blocks

(a) Block standards

(1) The maximum length of blocks shall be as recommended by the plan commission and approved by the village board. The shape of blocks shall be dictated by topographical features, the street system and traffic pattern, lot depths, and areas designated for public and other non-residential land uses. Pedestrian ways leading to schools, parks or other common destinations, may be recommended by the plan commission and approved by the village board.

(2) Where a subdivision borders upon or is traversed by a railroad right-of-way or arterial street, the plan commission may recommend and the village board may require a street (on one or both sides of such right-of-way or street) approximately parallel to and at a distance removed suitable for the appropriate use of the intervening land, i.e. park purposes, deep residential lots fronting on it with a visual barrier established within a no access strip and landscaping easement along the rear property lines, and off-street parking, business, or other uses as permitted by the zoning ordinance.

(b) Lot arrangement.

(1) The lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography, soils, flooding or other conditions, in securing permits to build on all lots in compliance with applicable zoning and building ordinances and sewage treatment and disposal system rules and regulations.

(2) In the subdividing of land, due regard shall be shown for the preservation of all natural features such as trees, water courses, historic places, or similar conditions.

(3) Subdivisions shall contain no left-over pieces, corners or remnants of land, unless specifically approved by the village and dedicated to a homeowner's association for entranceways, recreational space or open space.

(c) Lot lines and dimensions.

(1) In general, lots should be as nearly rectangular in shape as practicable; a depth not greater than 2 ½ times the width of the lot shall be considered a desirable maximum lot depth. Flag lots are not permitted in subdivisions containing more than five lots.

(2) All lots shall meet the minimum depth, width and area requirements of the zoning ordinance for the district in which the subdivision is located. In the case of corner lots, the plan commission may recommend and the village board require a greater width in order to encourage the proper development of intersection design and traffic safety, and to secure uniform setback lines from any property line adjoining a street.

(3) The width, area and depth of lots in a business or industrial subdivision shall be as recommended by the plan commission and approved by the corporate authorities in accordance with the zoning ordinance and subchapter 6 hereof.

(4) Side lot lines shall be at right angles or radial to the street line, or substantially so.

(5) Lots abutting upon a water course, drainage way, wetland, channel, or stream, shall have an additional depth or width as recommended by the plan commission and required by the village board in order to provide acceptable building sites.

(d) Lot drainage.

Lots shall be laid out so as to provide positive drainage away from all building sites. Individual lot drainage shall be coordinated with the general stormwater drainage pattern for the area. Drainage shall be designed so as to avoid concentration of stormwater drainage from each lot to adjacent lots, including stormwater detention or retention areas if required.

(e) Lot access and double frontage.

(1) All lots shall abut upon a public or private street with access provided from internal streets wherever possible.

(2) Double-frontage lots are not permitted except where lots back to arterial streets or where specifically approved by the plan commission, in which case suitable screen plantings and/or berms within a no access strip and landscaping easement shall be provided.

Ord 1996-02, 3/14/1996.

§ 616. Easements

(a) Utility easements.

(1) Utility easements shall be provided along the rear and side lot lines as required. Such easements shall provide for a total of not less than 20 feet wide along rear lot lines, and not less than 10 feet wide along side lot lines, and normally be centered upon the rear or side lot

lines. Tenfoot wide utility and drainage easements shall be provided along right-of-way lines of minor streets.

(2) Recommendations on the proposed layout of communication, gas, water and sanitary sewer easements shall be obtained from all of the utility companies which service the area. It shall be the responsibility of the subdivider to submit copies of the approved preliminary plat to all appropriate utility agencies.

(3) Utility boxes shall be located if possible at the rear of each lot, having due regard for the preservation of trees on each lot.

(b) Drainage and stormwater management facility easements.

(1) Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a drainage easement with adequate width to accommodate observed, computed or anticipated stormwater drainage through and from the subdivision. The easement shall include an additional area not less than 15 feet wide adjoining both edges of the floodplain area and shall allow access for construction and maintenance equipment.

(2) All permanent stormwater management facilities for a subdivision shall be protected by easements or dedications for drainage and shall permit ingress and egress for maintenance.

(3) No construction of structures, dams, embankments or channels (except as indicated on the approved engineering plans) and no planting of trees, shrubbery or other vegetation which hinder the flow of water or otherwise inhibit the intended purposes, shall be allowed within any drainage or stormwater management facility easement without the approval of the village engineer.

(4) Where possible, drainage easements shall be separate and distinct from utility easements. Such easements shall be not less than 15 feet wide, centered on the storm sewer, tile, drain, drainage way, etc.

(c) Landscaping easements.

(1) Landscaping easements for screening purposes may be required between single family and attached single family developments, between residential and commercial lots, or along lot lines to provide screening of residential lots fronting on arterial or collector streets. If such easement is to be used for public utilities, the easement shall be of sufficient width to accommodate appropriate screen plantings without interfering with utility service or maintenance.

(2) Landscaping easements may be required to protect areas of existing site flora for screening or conservation purposes.

(d) Temporary turn-around easements. A temporary vehicular turn-around easement may be required for road purposes until the extension of the road is publicly dedicated.

(e) No-access strip easements. A no-access strip easement at least 10 feet in width may be required along a lot line abutting a street upon which no vehicular driveway shall be permitted.

(f) Pedestrian or bicycle way easements. Easements for pedestrian or bicycle ways shall be provided where deemed appropriate by the village board. Such easements shall be at least 20 feet in width and shall be located so as to avoid any above ground utility equipment. Such easements shall not be located in any drainage easement unless approved in writing by the village Engineer.

§ 617. Streets

(a) Street plan. The arrangement, character, extent, width, grade and location of all streets should be considered in their relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands, to securing curvilinear alignments to avoid rigid grid-iron patterns of blocks, to topographical conditions. to stormwater runoff, to public convenience and safety, and to proposed uses of the area to be served.

(b) Design standards

(1) Design standards shall be in accordance with this chapter, or as required by federal, state, county or township authorities having jurisdiction, whichever has the more restrictive design standards.

(2) Minimum right-of-way widths for minor and collector streets are specified in Table 617(b)(2). Frontage roads must have a minimum right-of-way width of 60 feet. In keeping with the rural atmosphere which the village seeks to encourage, the plan commission

Table 617(b)(2) - Minimum Standards

	Collector	Minor
Minimum Standard	Street	Street
Right-of-way width	80 ft.	66 ft.
Street width	28 ft.	24 ft.
Structural number	4.0	3.0
Horiz. centerline radius	300 ft.	200 ft.
Tangent	100 ft.	50 ft.
Minimum Gradient	0.5%	0.5%
Maximum Gradient	7.0%	7.0%
Minimum Ditch Gradient	1.0%	1.0%

may recommend and the village board may approve right-of-way widths narrower than those specified, after due consideration for safety, estimated traffic counts and the future needs of the subdivision and surrounding area.

(3) Should a proposed subdivision border on or contain an existing or proposed arterial street, the plan commission may recommend and the village board may require a frontage road or lots backing on such arterial street with a no access strip easement to reduce traffic hazards.

(4) Half streets are not permitted. Where a dedicated or platted and recorded half street already exists adjacent to the tract to be subdivided, the subdivider shall plat the other half right-of-way shall be vacated prior to final plat approval.

(5) Street intersections and confluences shall be designed to encourage safe and efficient traffic flow and, in general, be at or near right angles avoiding acute angles. An intersection of more than two streets shall be avoided unless specific conditions of design indicate otherwise.

(6) Private streets may be required upon recommendation of the plan commission and approval of the village board. Such streets shall be constructed in accordance with the standards and requirements of this section.

(7) The length of a cul-de-sac street shall be subject to approval by the village board with due regard for the needs of convenient access and circulation of emergency vehicles and the general public. Each cul-de-sac shall have a permanent terminus with a circular shape or such other design approved by the village board providing for the turnaround of vehicular traffic.

(8) Reserve or "spite" strips controlling access to streets are not permitted.

(c) Street improvements. All streets shall be constructed in accordance with the following requirements:

(1) Improvement standards for collector and minor streets shall conform to the minimum standards specified in Table 617(b)(2) and in accordance with the typical cross-sections in Appendix V; pavement and other improvement standards for arterial streets or thoroughfares shall be determined by the village board and other highway authority as appropriate.

(2) All pavement widths are measured edge to edge of driving surface on streets without curb and gutter. Pavement widths on streets with curb and gutter shall be measured from back of curb to back of curb.

(3) Cul-de-sac, private and frontage streets shall be constructed to meet the improvement standards for minor streets. Circular cul-de-sac termini shall have a turnaround pavement radius of not less than 70 feet.

(4) All unpaved area within the right-of-way shall be cleared of all stumps, rocks, trees that cannot be saved and construction debris. Drainage ditches shall be graded, top soiled to four inches and seeded, (Class 1 minimum) or sodded in an approved manner. Drainage ditches on both sides of pavement shall be designed in accordance with IDOT standards, subject to approval of the appropriate highway authority.

(5) Street jogs with center line offsets of less than 150 feet shall be avoided.

(6) Gravel or crushed stone shoulders and drainage ditches on both sides of pavements are required when curb and gutter are not used and shall be designed in accordance with IDOT standards. Ditches shall not be used to meet stormwater detention requirements.

(7) The subgrade shall be prepared to conform to IDOT specifications and the typical cross-section details shown in Appendix VI. The subgrade shall be accepted by the village Engineer or the appropriate highway authority, as applicable, before the gravel or crushed stone base course can be applied.

(8) An aggregate base course conforming to IDOT specifications and the typical cross sections shall be constructed on the prepared subgrade. The base course shall be accepted by the village Engineer or appropriate highway authority, as applicable, before the bituminous surface can be applied.

(9) A bituminous surface plant mix conforming to state specifications shall be constructed on the compacted base course.

(d) Curb and gutter. Curb and gutter may be required along the outside edge of streets where the degree of slope exceeds seven percent or where otherwise required or approved by the village board. Combination concrete curb and gutter shall be type B-6.12, unless approved otherwise, and constructed pursuant to the standard design and specifications of IDOT or the appropriate highway authority.

(e) Street lights. Street lights shall be installed at the entrance(s) of the subdivision, at street intersections and at such other locations as may be recommended by the village engineer and approved by the village board. The subdivider shall arrange for and pay any installation costs required by the public service company for the erection of the required street lights.

Types, intensity and density of all street lights shall be subject to approval by the village board. Wooden poles will not be allowed.

(f) Street signs. Street signs shall be paid for and erected by the subdivider so as to identify every street within the subdivision (whether private or public) and shall be designed and constructed as recommended by the plan commission and approved by the village board.

(g) Regulatory Signs. Regulatory signs shall be paid for and erected by the subdivider within the subdivision (whether private or public) and shall be designed and constructed as recommended by the plan commission and approved by the village board.

(h) Sidewalks and pedestrian or bicycle ways. Sidewalks or pedestrian or bicycle ways or equestrian trails may be required by the plan commission and shall be installed within an easement or right-of-way not less than 12 feet in width. Sidewalks shall be concrete and at least 4 inches thick and 4 feet wide, with a 4inch aggregate base course and constructed according to IDOT specifications. The materials and surface treatment of pedestrian or bicycle ways or equestrian trails shall meet the approval of the village board upon recommendation of the village engineer.

(i) Additional right-of-way dedications. The village may require dedication of additional rights-of-way for subdivisions abutting state of county highways to accommodate future traffic needs.

§ 618. Utilities

(a) Wastewater systems.

(1) All subdivisions relying on individual on-site wastewater treatment and disposal systems shall comply with all applicable rules and regulations of Kane County and other governmental authorities.

(2) In subdivisions not relying on septic systems, there shall be provided a complete wastewater collection system, including a service connection for each lot, and a sewage treatment plant, land application system or other such disposal facilities. All such sewerage systems shall be designed and constructed in accordance with applicable state, county

and local plans, standards and regulations and in accordance with accepted modern sanitary engineering practices.

(b) Water supply and distributions

(1) Individual water supplies (private wells) are permitted provided they meet all applicable state and county regulations.

(2) All public or community water supply and distribution systems shall provide all appurtenances and stubs to each lot and shall be designed and constructed in accordance with applicable state, county and local plans, standards and regulations.

(c) Oversizing of utilities. Where determined by overall utility planning, the village board may require certain utilities to be larger than necessary to serve the subdivision as delineated in the preliminary plan. In such case, an agreement may be made to repay the subdivider the construction cost resulting from the increased design. All engineering, insurance and inspection costs shall be paid by the subdivider.

(d) Other utility services. All lines for telephone, electric, gas, cable television and other similar services shall be placed underground. Conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. All transformer, cable and telephone boxes shall be located along rear lot lines or at such other locations that are not unsightly or hazardous to the public.

(e) JULIE. The owner or subdivider or any contractor or subcontractor of owner or subdivider shall contact JULIE prior to commencement of any excavation work.

§ 619. Flood plain or wetland areas

(a) Permits. The subdivider shall file applications with the Illinois Department of Natural Resources for all required floodplain and floodway construction permits and with the U.S. Army Corps of Engineers for all wetland permits, where applicable. The Applicant shall submit copies of such permit applications to the village. The village board shall not approve the final engineering plans until copies of the approved permits have been submitted to the

village. No construction or fill shall be allowed within such regulated floodplain, floodway or wetland areas unless a permit has been granted by the application agency.

(b) Methodology for delineation. One or more of the following sources of information, consistent with accepted engineering and environmental science practices, must be used to delineate the Special Flood Hazard Areas (SFHA) and wetland areas subject to regulation under this subchapter.

(1) Special Flood Hazard Areas (SFHA) : This chapter's flood protection standard is the Base Flood Elevation delineated according to the best data available to the Illinois State Water Survey's Flood Plain Information Repository. Where data for determining the base flood elevation is not available from an existing study filed with the Illinois State Water Survey or the Applicant or the village disagrees with the data in an existing study in the State's Flood Plain Information Repository, the Applicant shall be responsible for financing the detailed engineering study to supplement or replace the existing data. These data shall be submitted to the State Water Survey for the review and approval.

(2) State certified data: In most cases the Base Flood Elevation(s) for the SFHA shall be as delineated on the 100-Year Flood profiles in the applicable Flood Insurance Study prepared by the Federal Emergency Management Agency. In case where SFHA are shown on the Federal Emergency Management Agency's Flood Insurance Rate Map (FIRM) but detailed flood elevations (profiles) are not available from the Flood Insurance Study, the following guidelines shall be followed to determine the Base Flood Elevation (BFE):

(A) "AH ZONE": In each SFHA delineated as an "AH Zone" the Base Flood Elevation shall be the elevation or depth listed on the Flood Insurance Rate Map, or if this is not available, it shall be the crest of the nearest road plus one foot unless other data determines it should be higher.

(B) "A ZONE": In the remaining SFHA delineated as "A Zone", it shall be the 100-Year flood depth calculated in accordance with the formulas in *Depth and Frequency of Floods in Illinois*, published by the U.S. Geological Survey, 1976.

(3) Data not State certified: State certified data such as elevations (profiles) or Federal Insurance Rate Maps (FIRM) used to determine base flood elevations may be inaccurate because of improper flow or rainfall information; may show areas which existing data project as areas subject to inundation; or may include areas which have been adjusted from the original source information utilized in the preparation of the Federal Insurance Study. Several valid sources of information can be used in requesting amendments to the State Certified Data. These information sources when submitted to the State Flood Plain Information Repository, are given a priority as to their relative status as "best available data." Some of these data sources in relative priority are:

(A) Detailed data prepared for a federal or state agency: Elevation data prepared with detailed cross-sectional information and a backwater analyses, but lacking discharge certification by the Illinois Department of Natural Resources Office of Water Resources.

(B) Other detailed data: Elevations based on detailed cross-sectional information and backwater analysis but prepared for some other organization.

(C) Adjusted Flood of Record: Elevation derived from field observations and historical flood elevations. This type of study uses engineering judgement to develop 100-Year Flood data.

(D) Flood of Record: Elevations taken from high water marks. This type of report may not attempt to compute the 100-Year Flood. An example of such data source for the area is the U.S. Geological Survey Hydrologic Investigations Atlas, Series HA, as amended from time to time.

(4) Wetland areas: Wetlands can occur in areas that are delineated as Special Flood Hazard Areas (SFHA), or may occur outside those boundaries. Wetlands often occur on lands where the groundwater table or zone of saturation periodically intersects the surface and which contain wetland plant species. In general, these are poorly drained soils where the water table is within 12 inches of the ground surface for at least 21 days of the year. Wetlands shall be delineated according to the best available data, as determined by the village Engineer. If the Applicant disagrees with the data, the Applicant shall be responsible for financing the detailed

environmental study to supplement or replace the existing data. This data shall be submitted to the village Engineer for review and the determination of which data is most accurate. Currently available sources of information on wetlands include but are not limited to:

(A) Soils and environmental studies: Mapping or source information from the Kane-DuPage Soil and Water Conservation District.

(B) Wetlands inventory: The Illinois Department of Conservation *National Wetlands Inventory*, prepared by the National Wetlands Inventory, U.S. Department of the Interior, for the West Chicago and Geneva, Illinois quadrangles.

(C) Other wetland information sources: Other wetland information sources, including maps, prepared and made available by various federal, state and local agencies.

§ 620. Stormwater management

The purpose of this section is to provide standards and regulations governing land development in order to reduce or prevent flooding and at the same time minimize damage to real property, protecting the public health, safety and welfare. The final design standards of all stormwater management facilities are subject to review and approval by the village engineer.

(a) Applicability. The controlled release and storage of excess stormwater runoff shall be required in combination for all non-residential sites which exceed one acre in area, and for all residential subdivisions of 3 or more acres. Any exceptions shall be evidenced by a prepared engineering drainage study subject to approval by the village Engineer.

(b) Release Rate. The controlled release of stormwater runoff from all developments shall not exceed the existing safe storm drainage capacity of the natural down-stream outlet channel or storm sewer system. The release rate from a stormwater storage pond (in cubic feet per second) shall be an average value computed as a direct ratio of the tributary watershed area. In any case, the release rate shall not exceed 0.12 cubic feet per second times the watershed acres tributary to the pond. The rate at which stormwater runoff is transported into a designated stormwater storage area shall be unrestricted. The orifice release pipe for a stormwater control structure shall be not less than 4 inches in diameter.

(c) Bypass Flows

(1) A natural or man-made channel system shall be designed with adequate capacity to convey the stormwater runoff from all upstream tributary areas through or around the development site. This system shall be designed to carry the Base Flood 100 year storm event.

(2) Design of this system shall also take into consideration control of stormwater velocity to prevent erosion or other damage to the facility which will restrict its primary use. Depths of flow shall be subject to review and approval by the village Engineer.

(3) If the development contains an existing natural waterway, this land configuration shall be preserved as part of the bypass channel system. If required, construction of a "low flow" system of storm sewers to carry the minor storm runoff and reshaping of the channel to provide for a maximum side slope ratio of 4 horizontal to 1 vertical, and a bottom width adequate to facilitate maintenance and carry the flood runoff without eroding velocities, shall be included in the subdivision plans.

(d) Storm Routing Methodologies and Rainfall Rates

(1) The required volume for stormwater detention shall be calculated by means of synthetic hydrograph and flood routing methods using Technical Release No. 20 or No. 55 (as published by the U.S. Soil Conservation Service). This volume shall be provided for the excess stormwater runoff that is tributary to the area designated for detention storage purposes. The control structure shall be designed to not exceed the stormwater release rate.

(2) Storage capacity obtained by excavating the natural ground within the 100-Year flood plain may not be considered effective for stormwater management, unless approved by the village engineer.

(3) 24 hour rainfall rates shall be as presented in the State of Illinois Bulletin No. 70, *Frequency Distributions and Hydroclimatic Characteristics of Heavy Rainstorms in Illinois*, or the latest rainfall rates as adopted by the Kane County Development Department.

(e) Dry Bottom Detention Ponds

(1) Dry bottom stormwater storage or detention areas shall be designed to serve a secondary purpose such as recreation, open space, or other types of uses that will not be adversely affected by occasional flooding. A method of carrying the low flow through these areas shall be provided. In addition, a system of drains, may be provided with a positive gravity outlet to a natural channel or other storm sewer facility.

(2) The combination of storage of the water from a 100-year storm and the design release rate shall not result in a storage duration in excess of 72 hours. However, the release rate shall govern the maximum release for as long as possible. Maximum depths of planned stormwater storage shall not exceed 4 feet unless the existing natural ground contours and other conditions dictate greater storage depths, subject to approval by the village Engineer. Minimum grades for areas to be constructed shall be 2% and maximum slopes shall be 4 units horizontally to 1 unit vertically. Storage area side slopes shall be kept as close to the natural land contours as practical.

(3) If slopes greater than 4:1 are necessary to meet storage requirements or area restrictions, approval shall be obtained from the village engineer and erosion control shall be provided in addition to the protection required to insure public health, safety, and welfare.

(4) Outlet control structures installed shall require little or no maintenance for proper operation. Each stormwater storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100 year return frequency storm occurs. This emergency overflow shall become part of the natural or surface channel system described above. Hydraulic calculations shall be submitted to substantiate all design features. Both outlet control structures and emergency overflow structures shall be designed and constructed to fully protect the public health, safety, and welfare. Stormwater runoff velocities shall be kept to a minimum and turbulent conditions at an outfall control structure will not be permitted without complete protection for the public safety. The use of restrictive fences shall be kept to a minimum and shall be used only as a last resort when no other method is feasible.

(f) Wet Bottom Detention Ponds. Wet bottom stormwater storage or retention areas shall be designed to meet the requirements for dry bottom storage areas. A low flow

conduit and a system of drains with a positive gravity outlet shall not be required. However, the following additional conditions are required:

- (1) Water surface area shall not exceed 10% of the tributary drainage area.
 - (2) Shoreline protection shall be provided to prevent erosion from wave action.
 - (3) Minimum normal water depth shall be 5 feet. If the pond is to be stocked with fish, no less than one quarter of the pond shall be a minimum of 10 feet deep. The depth of the pond shall be reviewed and approved by the village engineer.
 - (4) Where feasible, facilities shall be provided to permit the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
 - (5) Control structures for stormwater release shall be designed to operate at full capacity with increases in the water surface level as required. Hydraulic calculations shall be submitted with final engineering plans.
 - (6) Aeration facilities to prevent pond stagnation, if required, shall be provided. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the village Engineer and village board.
 - (7) In the event that the water surface of the pond is to be raised for purposes of storing water for irrigation or in anticipation of the evapotranspiration demands of dry weather, the volume remaining for storage of excess stormwater runoff shall still be sufficient to contain the 100-Year storm runoff.
- (g) Protection of Downstream Areas
- (1) Where development of a property presents the threat of flooding or damage by flood runoff to downstream residents, the facilities for stormwater runoff control shall be constructed prior to any other earthmoving or drainage construction on the project site including provisions for siltation control.

(2) During construction of the subdivision improvements, facilities shall be provided in accordance with the approved engineering plans to prevent the erosion and washing away of the earth.

(h) Oversizing of Ponds. The construction of the stormwater control system shall be accomplished as part of the cost of land development. If the amount of storage capacity can be increased to provide certain benefits to the surrounding properties, negotiations for additional participation in the cost of such development may be feasible.

(i) Miscellaneous Requirements. Stormwater conveyance and storage facilities shall also be designed in accordance with the following specific design requirements:

(1) Suitable riprap underlain with fabric should be provided where necessary to control erosion.

(2) Minimum distance from all road right-of-ways is 10 feet plus 1½ times the depth to the high water line.

(3) Stage vs. storage volume table for each pond shall be shown on plans.

(4) Minimum top of foundation elevations should be 2 feet above the pond high water elevation.

(5) The emergency spillway should be set at the calculated high water elevation.

(6) Vehicle access for basin maintenance of 10 feet minimum at the top of berm, unless shown to be unnecessary.

(7) Catch basins should be used to provide access during high water to pond restrictors for maintenance.

(8) Half traps (minimum Schedule 80 PVC) must be installed in restrictor catch basin for connection to subsurface drains, when required.

(9) Cross sections through the pond, berm, restrictor pipe, and emergency overflow spillway shall be shown on the plans.

- (10) Provide 1 foot of freeboard (minimum) above pond high water.
- (11) Identify overflow points and overland routes through the site for emergency flows.
- (12) Dry Bottom Detention Ponds shall have a minimum slope of 2.0%.
- (13) For paved areas used for dry detention storage:
 - (A) Concrete, bituminous, and gravel pavements should have a minimum 1% slope. A minimum of 0.5% slope for pavements will be considered to be acceptable, if approved by the village engineer. Combination concrete curb and gutter should have a minimum 0.5% slope.
 - (B) Maximum depth of 1 foot in parking lots.
- (14) For surface drainage computations:
 - (A) For new ditch sections at critical locations, show computations for the ditch capacity. Ditches must contain the 100-year runoff for flood routing.
 - (B) Road culvert capacity computations to show capacity for the 25-year storm using the Rational Method for computing the runoff. Other methods will be considered. Driveway culverts must also be sized and table of sizes shown on plans (15" min). Proper flood routing of flows in excess of culvert capacities must be shown.
 - (C) Storm sewer capacity computations to show capacity for the 5 year storm. Associated overland routes should show computations at critical locations for 100-year flood routing.
- (j) For floodplain or floodway construction an Illinois Department of Natural Resources Office of Water Resources permit shall be obtained. Additional restrictions are as follows:
 - (A) Floodplain fringe development requires compensatory storage at 1.5 times volume lost.

(B) Areas of site where the base flood elevation is being altered shall have a CLOMR filed with FEMA.

(2) For construction in wetlands, a permit with the US Army Corps of Engineers is required.

§ 621. Other improvements

(a) Landscaping improvements. Landscaping improvements or screening shall be provided in accordance with the requirements of the zoning ordinance, any pre-annexation agreement, site plan requirements, and this ordinance as applicable.

(b) Entryway treatments

(1) Permanent landscape entryway features shall be permitted at subdivision entrances, but not within right-of-way or roadway easements, provided the following criteria are met:

(A) Such entryway features shall have a rural character through the use of materials and plantings naturally found in rural environments (*e.g.* wood, rocks, native site flora) and typical rural or country design elements.

(B) The placement of a sign conforming to village standards shall be designated on the final landscaping plan.

Ord 1996-02, 3/14/1996.

§ 622. Temporary sales facilities

Either a mobile sales office or model homes may be permitted in accordance with the following requirements:

(a) Sales office. A mobile sales office may be permitted for 12 months, which may be extended upon approval of the village board, subject to the following:

(1) A site plan showing parking, landscaping, lighting and signage shall be submitted for review and approval by the village board.

(2) A mobile office shall be placed no closer than 35 feet to any road right-of-way.

(3) The village may require a bond in sufficient amount to guarantee the cost of removal of the mobile sales office if the subdivider or developer shall fail or refuse to do so.

(b) Model Homes. Not more than 4 model homes per subdivision may be permitted for 12 months, which may be extended upon approval of the village board. A plan showing the number and location of model homes, parking areas, landscaping, lighting and signage shall be submitted for review and approval by the village board.

Ord 1996-02, 3/14/1996.

§ 623. Stockpiles

Stockpiles shall not be permitted on any lot in a subdivision unless approved in writing by the village engineer and may be removed by the village at the subdivider's or owner's expense if the subdivider or owner shall fail to do so, weather permitting, within 30 days after written notice from the village.

Ord 1996-02, 3/14/1996.

§ 624. Soil erosion and sedimentation control

The purpose of this section is to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the village. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not transported from the site by a storm or event of 10-year frequency or less.

(a) General criteria and standards. The following general principles apply to all development activities within the village and to the preparation of the submissions required under subchapter 4 of this chapter.

(1) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be

required should be avoided wherever possible, and natural contours should be followed as closely as possible.

(2) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses and wetlands should be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

(3) Special precautions should be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventative measures should reflect the sensitivity of these areas to erosion and sedimentation.

(4) The smallest practical area of land should be exposed for the shortest practical time during development.

(5) Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures should be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development.

(6) The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.

(7) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.

(8) Provision should be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion onsite or downstream.

(9) Permanent vegetation and structures should be installed and functional as soon as practical during development.

(10) Those areas being converted from agricultural purposes to other land uses should be vegetated with an appropriate protective cover prior to development.

(11) All waste generated as a result of site development activity should be properly disposed of and should be prevented from being carried off the site by either wind or water.

(12) All construction sites should provide measures to prevent sediment from being tracked onto public or private highways.

(b) Erosion and other pollutant control requirements. On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

(1) For disturbed areas draining less than one acre, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all off-site runoff as specified in reference handbooks. Vegetated filter strips, with a minimum width of 25 feet, may be used as an alternative only where runoff in sheet flow is expected.

(2) For disturbed areas draining more than one but less than five acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.

(3) For disturbed areas draining more than five acres, a sediment basin or equivalent shall be constructed at the downslope point of the disturbed area.

(4) Sediment basins and sediment trap designs shall provide for both detention storage and sediment storage as follows:

(A) The detention storage shall be composed of equal volumes of wet detention storage and dry detention storage. The dry detention storage shall be sized for the two-year, 24-hour runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least 10 hours. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.

(B) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one year. For construction periods

exceeding one year, the one-year sediment load and a sediment removal schedule may be substituted.

(5) Stormwater conveyance channels, including ditches, swales, and diversions, shall be constructed as soon as possible in the site development process. Conveyance devices and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the 10-year frequency storm without erosion. All constructed or modified channels shall be stabilized within 48 hours, consistent with the following standards:

(A) For grades up to 4%, seeding in combination with mulch, erosion blanket, or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.

(B) For grades of 4% to 8%, sod or an equivalent control measure shall be applied in the channel.

(C) For grades greater than 8%, rock, riprap, or an equivalent control measure shall be applied, or the grade shall be effectively reduced using drop structures.

(6) Disturbed areas shall be stabilized as soon as possible following the end of active disturbance, or redisturbance, consistent with the following criteria:

(A) Temporary or permanent stabilization measures shall be applied within 7 days for perimeter dikes, areas having slopes steeper than 33% (3:1), and areas within 25 feet of a stream, lake, pond, or wetland. Appropriate stabilization measures included seeding, mulching, sodding, and/or non-vegetative measures.

(B) Except as otherwise specified in this section, other disturbed areas shall have temporary or permanent soil stabilization measures applied within 15 days.

(C) Areas having slopes greater than 33% shall be stabilized with sod, mat or blanket in combination with seeding, or equivalent.

(7) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:

(A) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.

(B) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bottom and banks, shall be restabilized within 48 hours after channel disturbance is completed, interrupted, or stopped.

(8) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.

(9) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.

(10) All soil erosion and sediment control measures necessary to meet the requirements of this ordinance shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

(c) Standards adopted by reference. The submittal should be prepared in accordance with the standards and specifications contained in the following publications:

(1) *Procedures and Standards for Soil Erosion and Sedimentation Control in Northeastern Illinois* (Revised July 1988) prepared by the Northeastern Illinois Erosion and Sedimentation Control Steering Committee;

(2) *Standards and Specifications for Soil Erosion and Sediment Control* (1987) prepared by the Illinois Environmental Protection Agency;

(3) Standard specifications for *Road and Bridge Construction*, latest edition, prepared by the Illinois Department of Transportation.

These publications are hereby incorporated into this chapter and made part hereof by reference, for the purpose of exemplifying the considerations and factors which should enter into the preparation of a site development plan. In the event of conflict between provisions of said manuals and of this chapter, the more restrictive provisions shall govern.

Ord 1996-02, 3/14/1996.

SUBCHAPTER 6—SITE PLAN REQUIREMENTS [Reserved]

SUBCHAPTER 7—[Reserved]

SUBCHAPTER 8—DEDICATION OF PARK LANDS AND SCHOOL SITES
OR PAYMENT OF FEES IN LIEU THEREOF

§ 625. Adoption by reference

Article V of Chapter 19 of the Kane County Code, as amended, entitled *Dedication of School/Park Sites or Payment of Fees in Lieu Thereof*, three copies of which are on file in the office of the clerk, is adopted by reference, and all of the regulations, provisions, conditions and terms of Article V of Chapter 19 of the Kane County Code, as amended from time to time, are referred to, adopted, and made a part hereof, as if fully set out in this subchapter, with the additions, deletions and other changes set forth below.

Ord 2002-04, 7/10/2002.

§ 626. Additions, deletions and changes

Article V of Chapter 19 of the Kane County Code, as amended, is revised in the following respects:

- (a) In § 19-231, substitute “village” for “county” wherever it appears.
- (b) In § 19-232(b), substitute “village” for “county” wherever it appears. In § 19-232(c), substitute “village Comprehensive Land Use Plan” for “county plan.”
- (c) In § 19-233(a), substitute “village” for “county” wherever it appears. In § 19-233(b), substitute “village board” for “county development committee.”

(d) In § 19-235, substitute "village board" for "county."

(e) In § 19-236, substitute "village" for "county" wherever it appears.

(f) § 19-240(b) is amended in its entirety, to read as follows:

(b) The hearing will be conducted before the village board upon not less than 15 days' notice by first class mail, postage prepaid, to the school district and the subdivider or developer. Notice of the hearing must be published once not less than 15 days nor more than 30 days prior to the hearing in a newspaper published within the village, or if no newspaper is published within the village, then in a newspaper published within Kane County and having a general circulation within the village. The hearing will be conducted according to rules adopted by the village board.

(g) § 19-241 is deleted in its entirety.

(h) § 19-242 is deleted in its entirety.

(i) In § 19-243(a), substitute "village treasurer" for "plat officer." Substitute "established by the village" for "provided by the county treasurer of Kane County." Substitute "village clerk" for "Kane County board chairman and the members of the land/cash subcommittee." In § 19-243(b), substitute "village of Virgil, the president and members of the board of trustees" for "County of Kane, the Kane County Board members." Substitute "village" for "County" in the next to the last line. § 19-243(c) is amended in its entirety, to read as follows: "Upon resolution of the village board, the treasurer shall disburse the amount of money approved to the school district."

(j) In § 19-251, substitute "village" for "county."

(k) In § 19-252(b), substitute "village" for "county." Substitute "village board" for "county development committee." In § 19-252(c), substitute "village" for "county" wherever it appears. Substitute "village board" for "development committee."

(l) In § 19-253, substitute "village" for "county" wherever it appears. In § 19-253(b), substitute "village board" for "county development committee."

- (m) In § 19-255, substitute “village board” for “county” wherever it appears.
- (n) In § 19-256, substitute “village” for “county” wherever it appears.
- (o) § 19-260 is amended in its entirety to read as follows:

§ 19-260. Distribution of cash contributions:

All cash contributions in lieu of actual land dedication made as a condition of approval of a final plat of subdivision, or of a final plat of a planned unit development will be collected by the treasurer and deposited in an account established by the village. Park districts or the Kane County Forest Preserve District may apply for distribution of the cash contributions derived from subdivisions or planned unit developments within their boundaries by filing an application with the clerk. Distributions of funds to a park district or the Kane County Forest Preserve District may be authorized by a resolution adopted by the village board.

Ord 2002-04, 7/10/2002.

SUBCHAPTER 9—[Reserved]

SUBCHAPTER 10—[Reserved]

SUBCHAPTER 11—ADMINISTRATION**§ 627. Variations**

The village board may authorize a variation from these subdivision regulations after review of the findings and recommendations of the plan commission when, in its opinion, undue hardship may result, or the public interest will not be served by strict compliance with such regulations and the goals of this chapter may be thereby furthered. In granting any variation, the plan commission may recommend or the village board may prescribe such conditions deemed necessary to, or desirable for the public interest. No variation shall be granted unless the village board finds:

(a) that there are special circumstances or conditions affecting the property, such that the strict application of the provisions of this chapter would frustrate or impair the creation of a quality development.

(b) that the granting of the variation will not be detrimental to the public welfare or injurious to other property in the area in which said property is located.

Ord 1996-02, 3/14/1996.

§ 628. Fees

(a) Filing fee. A fee of \$500 or as otherwise specified in the village fee ordinance must be paid by the subdivider to the village at the time of filing the preliminary plan with the village clerk.

(b) Reimbursement for village fees and expenses. In the process of reviewing plans and specifications, or in the course of construction observation of land improvements as provided in § 610(b) of this chapter, or in carrying out or enforcing the other provisions of this chapter, the village will often incur fees and expenses by the village engineer, court reporter fees, recording fees, attorney's fees, fees for the preparation of a traffic analysis, fees for BOCA plan review, and other similar fees and expenses. The owner or subdivider shall reimburse the village for any such fees and expenses incurred and shall file a written agreement to that effect together with any required deposit at the time of filing of a preliminary plan. In the event of

non-payment of any such fees or expenses, the village may, after written notice to the owner or subdivider, draw on any guarantee provided by the owner or subdivider in accordance with § 609(d) of this chapter.

(c) Engineering inspection. All required land improvements to be installed under the provisions of this ordinance shall be inspected during the course of construction by the village engineer or other village representative duly appointed by the village board. Salaries based on hourly rates and other costs pursuant to such inspections shall be paid by the owner or subdivider.

Ord 1996-02, 3/14/1996.

§ 629. Permits for utility services

Permits shall be obtained from the appropriate governing body for the installation of communication, electric power, gas and other utility services in public or private rights-of-way or easements, as shown on the final plat, and the required fees paid by the owner or subdivider before any installation is started.

Ord 1996-02, 3/14/1996.

§ 630. Building permit

No building permit shall be issued by any village official for the construction of any building, structure, or improvement to land or any lot within a subdivision, as defined herein, which has been approved for platting until all requirements of this chapter have been fully complied with.

Ord 1996-02, 3/14/1996.

§ 631. Occupancy permit

No occupancy permit shall be granted by any village official for the use of any structure within a subdivision approved for platting or re-platting until required utility facilities have been installed and made ready to service the property and that streets providing access to the subject lot or lots have been constructed or are in the course of construction and are suitable for vehicular traffic.

Ord 1996-02, 3/14/1996.

§ 632. Enforcement

No plat of any subdivision may be recorded or have any validity until it has been approved in the manner prescribed in this chapter.

Ord 1996-02, 3/14/1996.

§ 633. Record of plats

All plats of subdivisions, after they have been submitted and approved as provided in this chapter, shall be filed and kept by the village clerk among the records of the village.

Ord 1996-02, 3/14/1996.

§ 634. Severability

Should any section, paragraph, clause, phrase or part of this chapter for any reason, be held invalid by any court of competent jurisdiction, such division shall not affect the validity of any remaining provisions of these regulations which can be given effect without such invalid provision, and to that end the provisions of this chapter are severable.

Ord 1996-02, 3/14/1996.

§ 635. Violation - penalty

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of this chapter shall upon conviction thereof be fined not less than \$50.00 or more than \$500.00 for each violation, plus the costs of the action. Each day that violation occurs or continues shall be considered to be a separate offense.

Ord 1996-02, 3/14/1996.

§ 636. Effect; repeal of prior ordinances

All sections or parts of ordinances heretofore adopted by the village board which are inconsistent with the provisions of this chapter are hereby repealed, as of the effective date of this chapter except as to any current violations of said ordinances. No prior violation or pending prosecution shall be deemed abated by reason of the adoption of this chapter. No repeal of any ordinance or regulation of any other governmental body incorporated by reference in this chapter shall be deemed to repeal any provision of this chapter unless such repeal is expressly adopted by the corporate authorities.

Ord 1996-02, 3/14/1996.

APPENDIX I—CERTIFICATES

1. The following certificates are to be indicated, where applicable, on all final plats. Certification on final plats of subdivision located in the unincorporated areas within 1 ½ miles beyond the village limits shall be those required by the Kane County Subdivision Regulations, except when village of Virgil Subdivision Regulations are more restrictive, the applicable village of Virgil Subdivision Certifications shall also be required.

- a. Surveyor's Certificate.

STATE OF ILLINOIS)

COUNTY OF KANE) SS

This is to certify that I, _____, an Illinois Registered Land Surveyor, have surveyed the following described property:

(Legal Description)

as shown by the attached plat, which is a correct representation of said survey and subdivision - All distances are shown in feet and decimal parts thereof. I further certify that all regulations enacted by the village board relative to plats and subdivisions have been complied with in the preparation of this plat.

Given under my hand and seal at _____, Illinois, on _____, 20____.

Illinois Registered Land Surveyor No.: _____

(Seal)

b. Owner's Certificate.

STATE OF ILLINOIS)

COUNTY OF KANE) SS

This is to certify that the undersigned is the owner of land described in the annexed Plat and has caused the same to be surveyed, subdivided and platted as shown by the Plat for uses and purposes as indicated therein, and does hereby acknowledge and adopt the same under the style and title thereon indicated.

Dated at _____, Illinois on _____, 20____.

Owner

Address

c. Notary's Certificate.

STATE OF ILLINOIS)

COUNTY OF _____) SS

I, _____, Notary Public in and for the State and County aforesaid, do hereby certify that _____, personally known to me to be the same persons whose names are subscribed to the foregoing certificate, appeared before me this day in person and acknowledged the execution of the annexed plat and accompanying instruments for the uses and purposes therein set forth as his or their free and voluntary act.

Given under my hand and Notarial Seal this _____ day of _____, 20____.

Notary Public

d. County Superintendent of Highway Certificate.

(If applicable)

STATE OF ILLINOIS)

COUNTY OF) SS

Accepted this ____ day of _____, 20 ____.

County Superintendent of Highways

e. County Health Officer Certificate.

STATE OF ILLINOIS)

COUNTY OF KANE) SS

Accepted this ____ day of _____, 20 ____.

(Title)

f. County Clerk Certificate.

STATE OF ILLINOIS)

COUNTY OF KANE) SS

I, _____, County Clerk of Kane County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid forfeited taxes and no redeemable tax sales against any of the land included in the annexed plat.

Given under my hand and seal at _____, Kane County, Illinois on _____, 20__.

County Clerk

g. Certificate as to Special Assessments.

STATE OF ILLINOIS)

COUNTY OF KANE) SS

I, _____, village treasurer of the village of Virgil, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have been apportioned against the tract of land included in the plat.

Dated at Virgil, Illinois, on _____, 20__.

Treasurer

h. Village Engineer's Certificate.

STATE OF ILLINOIS)

COUNTY OF KANE) SS

I, _____, village engineer of the village of Virgil, do hereby certify that the required improvements have been installed, or the required guarantee collateral has been posted for the completion of all required land improvements.

Dated at Virgil, Illinois, on _____, 20____.

Village Engineer

i. Planning and Zoning Board Certificate.

STATE OF ILLINOIS)

COUNTY OF KANE) SS

Approved on _____, 20____.

VIRGIL PLANNING AND ZONING BOARD

Chairman

j. Village Clerk's Certificate.

STATE OF ILLINOIS)

COUNTY OF KANE) SS

I, _____, village clerk of the village of Virgil, Illinois, do hereby certify that the annexed plat was presented to and by resolution duly approved by the village board of the village of Virgil, at its meetings held on _____, 20____.

In witness whereof I have affixed the seal of the village of Virgil, Illinois.

Village Clerk

k. Recorder's Certificate.

As required by the Recorder's Office of the County of Kane, as applicable.

I. Illinois Department of Transportation.

To be stamped on the final plat and signed by the Illinois Department of Transportation when applicable.

The following certificate shall be shown on the topographic and profile study (drainage overlay):

STATE OF ILLINOIS)

COUNTY OF KANE) SS

To the best of our knowledge and belief the drainage of surface water will not be changed by the construction of such subdivision or any part thereof, or that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

Dated: _____.

Engineer

Owner or Attorney

APPENDIX II—SAMPLE EASEMENT LANGUAGE

DRAINAGE AND WETLANDS CONSERVATION EASEMENT

An easement for conservation of wetlands over and upon those areas of land designated "Drainage and Wetlands Conservation Easement" on the plat hereon drawn is hereby granted to the village of Virgil, the County of Kane, and their successors and assigns for the following purposes:

- to accept and conduct surface water discharges from adjacent upstream property;
- to maintain said land in its natural, scenic and open condition, and;
- to enter said land at all reasonable times for the purpose of inspecting said land to determine if the grantor, or his heirs or assigns, is complying with the covenants and purposes of this grant.

In furtherance of the foregoing affirmative rights, the grantor makes the following covenants on behalf of himself, his heirs or assigns, which covenants shall run with said land in perpetuity:

- there shall be no fences, buildings or structures, including signs constructed upon said land;
- there shall be no mowing nor removal or destruction of trees and plants of said land;
- there shall be no plowing of said land nor shall there be any mining, removal of topsoil, sand, rock, gravel, minerals or other material from said land;
- there shall be no operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles on said land.

Said "Drainage and Wetlands Conservation Easement" may be changed, modified or abrogated only upon written approval of said village of County. Except as expressly limited herein, the grantor reserves for himself, his heirs and assigns, all rights as owner of said land, including the right of use of said land for all purposes not inconsistent with this grant.

UTILITY EASEMENT

A permanent non-exclusive easement is hereby reserved for and granted to the village of Virgil and the County of Kane (hereinafter collectively referred to as "the Grantee"), and to all public utility and other companies of any kind operating including, but not limited to the following companies: Illinois Bell Telephone Company, Commonwealth Edison Company, and Northern Illinois Gas Company and to their successors and assigns in, upon, across, over, under and through the areas shown by dashed lines and labeled "Utility Easement" on this plat of subdivision, or where otherwise noted in the above legend for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, and enlarging, removing, repairing cleaning, and maintaining electrical, cable television, communications, gas, telephone or other utility lines and connections as may be required to furnish public utility service to adjacent areas, and such appurtenances and additions thereto as said Grantee may deem necessary, together with the right of access across the real estate platted hereon for the necessary personnel and equipment to do any or all of the above work. No permanent buildings or trees shall be placed on said easements, but the premises may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights. Fences shall not be erected upon said easements in any way which will restrict the uses herein granted except where specifically permitted by the written authority of the Grantee. The right is also hereby granted or said Grantee to cut down, trim or remove any trees, fences, shrubs, or other plants that interfere with the operation of or access to said utility installation in, on, upon, across, under or through said easements. The Grantee shall not be responsible for replacement of any such improvements, fences, gardens, shrubs, or landscaping removed during exercise of the herein given rights. Replacement of items so removed shall be the responsibility of the then lot owner.

DRAINAGE EASEMENT

A permanent non-exclusive easement is hereby reserved for and granted to the village of Virgil and the County of (hereinafter collectively referred to as "the Grantee"), and to its successors and assigns in, upon, across, over, under and through the areas shown by dashed lines and labeled "Drainage Easement" on this plat of subdivision, or where otherwise noted in the above legend for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, and enlarging, removing, repairing cleaning, and maintaining storm sewers, drain tiles, drainageways, stormwater detention and retention facilities and appurtenances and any and all manholes, pipes, connections, catch basins, and without further limitations, such other installations as said Grantee may deem necessary, together with the right of access and equipment to do any or all of the above work, no permanent buildings or trees shall be placed on said drainage easements, but the premises may be used for landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights. Fences shall not be erected upon said drainage easements in any way which will restrict the uses herein granted. The right is also hereby granted to said Grantee to cut down, trim or remove any trees, fences, shrubs, or other plants that interfere with the operation of or access to such drainage facilities in, on, upon, across, under or through said drainage easements. The Grantee shall not be responsible for replacement of any such improvements, fences, gardens, shrubs, or landscaping removed during exercise of the herein given rights. Replacement of items so removed shall be the responsibility of the then lot owner. Where drainage easement areas are also used for electric, telephone or gas distribution systems or components, such other utility installations shall be subject to the prior approval of the village of Virgil or the County of Kane so as not to interfere with the maintenance of gravity flow and stabilization of vegetative ground cover on the above mentioned drainage facilities.

LANDSCAPING EASEMENT

A _____ foot-wide landscaping easement across that part of lots _____ is hereby reserved for and granted to _____ and to its successors and assigns, and is restricted to the placement of trees, shrubs, bushes, lawns, and other forms of vegetation. No permanent buildings or structures shall be constructed or maintained on, across, over, or through said "Landscaping Easement" nor shall such vegetation be removed, except to replace dead or diseased vegetation of like species without the written authority of the village of Virgil. Nothing contained in this paragraph shall preclude the exercise of rights hereinabove granted for utility easements.

CURTAIN DRAIN EASEMENT

A non-exclusive easement is hereby reserved for and granted to the village of Virgil and the County of Kane in and under those areas shown hereon as "curtain drain easement" and shall be used for installation, maintenance and repair of drain tiles placed therein for the benefit of adjacent lot owners so as to facilitate lowering ground water in the proximity of septic filter fields now or hereafter situated on said lots. The surface of said "curtain drain easement" areas may be used for any other purpose which will not or does not interface with the effective operation or maintenance of said drain tiles. Said maintenance shall be performed by any of said lot owners benefitted thereby and may include the removal of any vegetation, roots and debris which may block the flow of water through said tiles.

APPENDIX III—PRECONSTRUCTION MEETING OUTLINE

AGENDA/RECORD

PRECONSTRUCTION MEETING

=====

PROJECT NAME: _____ DATE: _____

1. Present: _____ Phone _____

Owner/Developer _____

Contact Person _____

Address _____

Gen. Contractor _____

Contact Person _____

Address _____

Proj. Engineer _____

Contact Person _____

Address _____

Municipal Engr. _____

Contact Person _____

Address _____

Others Present

2. Subcontractor information:

Soils Engineer _____

Contact Person _____

Address _____

Earthwork _____

Contact Person _____

Address _____

Landscaping _____

Contact Person _____

Address _____

Surveyor _____

Contact Person _____

Address _____

VILLAGE OF VIRGIL

VILLAGE CODE

Others _____

Contact Person

Address _____

3. Discussion:

Startup/notification: _____

Changes to plans/specs:

Liquidated damages:

Inspection documents/payout process (lien waivers, affidavits, bill of sale):

Payment of fees:

VILLAGE OF VIRGIL

VILLAGE CODE

Other:

APPENDIX IV—LETTER OF CREDIT FORM

(Date)

FIRST NATIONAL BANK OF VIRGIL

IRREVOCABLE LETTER OF CREDIT NO. _____

Village of Virgil

(Bank Address)

Virgil, IL

Re: _____, Virgil, Illinois

Beneficiary: Village of Virgil

Applicant: _____

Amount: _____

Expiration: _____

Gentlemen:

We hereby establish in your favor, and at the request and for the account of [Developer/Owner] our Irrevocable Letter of Credit No. _____ in the amount of _____, effective immediately, expiring at the close of business in our main office, Virgil, Illinois on _____.

Funds under this letter of credit are available to you by your sight drafts executed by the president of the village of Virgil or the clerk of the village of Virgil on us, in substantially the form attached hereto, if negotiated on or prior to the termination date as set forth herein. Partial drafts are allowed, and all drafts must be marked "Drawn Under _____, Letter of Credit No. _____."

It is understood that _____ will not inquire into the propriety of the demand for any full or partial payment on this letter, provided that the draft states that funds being requested are being used for or in connection with subdivision improvements to or fees or expenses in connection with the subdivision known as _____, Virgil, Illinois.

This Letter of Credit is valid for negotiation at the counters of the main office of _____, as provided above, from the date above stated through the close of business, _____. Your draft will be deemed received upon either personal delivery or upon mailing, properly addressed and with proper postage prepaid, by certified mail, return receipt requested five days prior to the termination date, addressed as follows:

_____, Illinois

Attn: _____
Vice President

Each draft presented for payment under this letter shall state the dollar amount of the draft and the dollar amount of the balance remaining under this Letter of Credit.

This Letter of Credit shall be governed by the laws of the State of Illinois, including the Uniform Commercial Code as in effect in the State of Illinois.

This Letter of Credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amended, amplified or limited by reference to any document, instrument or agreement referred to herein except only the drafts referenced herein; and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement except for such drafts. However, except as otherwise expressly stated herein, this Letter of Credit is subject to the Uniform Customs and Practice for Commercial Documentary Credits (1983 Revision) of the International Chamber of Commerce, Publication No. 400.

Very truly yours,

By: _____

(Authorized Signatory)

SIGHT DRAFT

DATE: _____

AMOUNT: \$_____

To: _____

Virgil, IL

Attn: [name]

Vice-President-Treasurer

Re: Irrevocable Letter of Credit

No. _____

At Sight pay to the order of village of Virgil, _____, Virgil, Illinois
_____ the Sum of _____ (\$_____).

The Sum is drawn under Irrevocable Letter of Credit Number
_____, dated _____.

The funds being requested hereunder are being used for or in connection with
subdivision improvements to the subdivision known as [name of subdivision], Virgil, Illinois.

The dollar amount of the balance remaining under the Letter of Credit prior to this draft
is \$ _____.

The dollar amount of the balance remaining under the Letter of Credit after this draft
will be \$ _____.

(Signed): _____

President

Village of Virgil

(Signed): _____

Clerk

Village of Virgil

APPENDIX V—PAYOUT RECORD FORM

SUBDIVISION: _____

1. Letter of Credit (to be submitted using village or approved format):
 - a. Date _____
 - b. Expiration date _____
 - c. Total amount _____
 - d. Division amounts (90% can be released prior to acceptance of Division; 100% upon acceptance)

DIVISION	90%	100%
"A" Excavating/Grading/Retention		
"B" Soil Eros. & Sed. Control		
"C" Sanitary Sewers		
"D" Water Systems		
"E" Storm Sewers		
"F" Streets		
"G" Landscaping		
"H" Miscellaneous		
"I" Construction		

2. Payout documents (using standard forms):
 - a. Application for payment

- b. Sworn statement by contractor to owner
- c. General contractor's affidavit
- d. Lien waivers from contractors and subcontractors
- e. Recommendation for payment signed by Developer's Engineer

3. Partial acceptance documents/requirements:

- a. Payment of all outstanding fees to village
- b. Final inspection of Division improvements by village Engineer
- c. Adoption of acceptance resolution for Division by village board
- d. Bills of sale (sewer & water) when required.

4. Final acceptance of all improvements (release of all collateral):

- a. Compliance with Items 3 a, b, c & d above for all improvements
- b. Submittal of record drawings
- c. Submittal of 1 yr. guarantee @ 20% of cost of improvements
- d. Final acceptance or approval of improvements by resolution adopted by village board.

RECORD OF PAYOUTS:

DIVISION	AMOUNT REQUESTED	CONTRACTO R	DATE APPROVE D

VILLAGE OF VIRGIL

VILLAGE CODE

CHAPTER 7—RESERVED

CHAPTER 8—PUBLIC SAFETY

SUBCHAPTER 1—AMUSEMENT DEVICES

§ 801. Definitions

In this subchapter—

(1) “amusement device” means any machine, operated either mechanically or electrically, which, upon insertion of a coin, slug, token, plate, disc, or other consideration, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score. It shall include such devices as marble machines, pinball machines, electronic games, skill balls, mechanical grab machines, pool tables, coin operated music players or jukeboxes, and all games, operations or transactions, similar thereto under whatever names such games may be known;

(2) “arcade” means premises wherein four or more amusement devices are located;

(3) “billiard room” means premises wherein three or more billiard or pool tables are located;

(4) “board of trustees” means the president and the board of trustees of the village;

(5) “entity” means any natural person, firm, organization, partnership, corporation, or association;

(6) “village” means the village of Virgil, Kane County, Illinois.

Ord 1993-02, 8/26/1993.

§ 802. License required

It is unlawful for any entity to distribute, sell, lease, have, keep for use, suffer or permit to be used, any amusement device without first obtaining the appropriate license.

Ord 1993-02, 8/26/1993.

§ 803. Licenses generally

(a) Any entity desiring to distribute, sell, lease, have or keep one or more amusement devices within the village must apply to the village for the appropriate license. The application need not be made on any particular form but must be accompanied by the non-refundable application fee provided in chapter 4 and must, at a minimum, contain—

- (1) the full name and address of the applicant;
- (2) the address where such amusement devices will be located and the permanent index number (PIN) of such premises;
- (3) the full name of all businesses conducted at such location;
- (4) the full names and addresses of all owners of any such businesses, including, if the owner is a partnership, the full names and addresses of all partners and if the owner is a corporation, the full names and addresses of all officers, directors, and stockholders of the corporation;
- (5) the full names and addresses of all owners of the real estate within which the amusement device is to be located, including if the real estate is held in trust, the full names and addresses of all beneficiaries or owners of the beneficial interest of such trust;
- (6) a copy of any lease of said real estate;
- (7) a sketch of the floor plan showing where each amusement device is to be kept, used or operated and a description of each amusement device; and
- (8) a sworn statement signed by the applicant attesting to the accuracy of the information provided.

(b) The village treasurer will refer each application for an arcade, billiard room, or distributors license to the board of trustees for approval, but may individually approve all other applications. Upon approval of the application by the village treasurer or board of trustees, as the case may be, the village treasurer will issue the appropriate license to the applicant. No license issued under this subchapter is transferable.

(c) A license issued hereunder must be displayed at all times in plain view for inspection by the village.

(d) The license period for all licenses is one year from January 1 to December 31. No refund or rebate will be made to any applicant whenever any license is denied, suspended, revoked, or surrendered for any reason and no licenses will be prorated for any portion of any year.

Ord 1993-02, 8/26/93.

§ 804. Persons ineligible for license

No license will be issued to—

- (a) any person convicted of a felony;
- (b) any person engaged in the profession of gambling;
- (c) any person who is not of good moral character and reputation in the community in which he or she resides;
- (d) any entity in which a person described in subparagraphs (a), (b) or (c) of this section has a proprietary, equitable, or credit interest or in which such a person is active or employed;
- (e) any entity in which a person described in subparagraphs (a), (b) or (c) of this section is to participate in the management or operation of the business or activities thereof wherein any amusement device is to be located;
- (f) any entity convicted of any violation of this subchapter;
- (g) any person less than 18 years of age.

Ord 1993-02, 8/26/1993.

§ 805. Hours of operation

All places of business licensed under this subchapter, with the exception of those places holding liquor licenses must close each night from 12:00 o'clock midnight until 8:00 a.m. the following morning.

Ord 1993-02, 8/26/1993.

§ 806. Suspension or revocation

(a) Licenses issued under this subchapter may be revoked or suspended for a period not to exceed 30 days by the president of the village after notice and hearing as provided in this section for—

- (1) any fraud, misrepresentation or false statement in the license application;
- (2) any violation by the licensee of this subchapter;
- (3) the discovery of the existence or occurrence of an event or condition described in § 804;
- (4) failure of the licensee to pay any fine or penalty;
- (5) the occurrence of two or more disturbances at the premises within a 90 day period, or two or more incidents involving bodily injury or bodily harm to patrons, bystanders or police officers within a 90 day period, and provided that the president finds, upon the recommendation of the Kane County Sheriff, that as a result of said disturbances or incidents involving injury or bodily harm, a public nuisance exists endangering the health, safety and welfare of the citizens of the village.

(b) Such revocation or suspension does not preclude the prosecution and imposition of any other penalty provided for herein for the violation of this subchapter or provided for in another ordinance of the village for the violation thereof.

(c) Notice of the hearing for revocation or suspension of a license shall be in writing and shall set forth specifically the grounds of the complaint and the time and place of the hearing.

Such notice shall be sent by first class mail, postage prepaid, to the licensee at the address shown on the license application at least 10 days prior to the date set for the hearing.

(d) At the hearing the village attorney shall present the complaint and shall represent the village. The licensee may have counsel and has the right to submit evidence and cross-examine witnesses. The president shall preside and shall render the decision.

Ord 1993-02, 8/26/1993.

§ 807. Penalties

Any entity found to have violated any of the provisions of this subchapter shall be fined not less than \$50 nor more than \$750 for each offense. All fines shall be in addition to and not in lieu of the payment of any fee required under chapter 4 hereof.

Ord 1993-02 eff 8/26/1993.

§ 808. Review under Administrative Review Law

All final decisions of the village or its officers under any provision of this subchapter shall be subject to judicial review under the Administrative Review Law, as amended from time to time (735 ILCS 5/3-101 *et seq.*).

Ord 1993-02, 8/26/93.

SUBCHAPTER 2—MOTOR VEHICLES

§ 809. Adoption of Illinois Vehicle Code

The Illinois Vehicle Code (625 ILCS 5/1-100 *et seq.*), except as specifically modified by the following provisions of this subchapter, is hereby adopted by reference in its entirety.

Ord 1997-05, 10/9/97.

§ 810. Speed limits

The following speed limits are hereby adopted:

(a) For the length of I. C. Trail within the village, the maximum allowable speed shall be 30 mph.

(b) For the length of all other roads within the village, the maximum allowable speed shall be 20 mph.

(c) The speed limits established hereunder shall become effective when signs designating the applicable speed limit are erected and maintained at each end of the portion of the highway affected thereby.

Ord 1992-08, 12/10/92 repealed by Ord 1997-05, 10/9/97.

§ 811. Weight limits

(a) Pursuant to 625 ILCS 5/15-316 of the Illinois Vehicle Code, in order to maintain the highways for which the village has maintenance responsibility in as good a condition as can be reasonably maintained, and to prevent unwarranted damage as a result of their use by vehicles which exceed the weight which such highways can reasonably be expected to bear, the following weight limits are hereby adopted in lieu of the limits established under §§ 15-111(a) and (b) of the Illinois Vehicle Code:

- (1) Two axle vehicles shall be limited to 10 tons gross vehicle weight (GVW);
- (2) Three axle vehicles shall be limited to 22 tons GVW;
- (3) Five axle vehicles shall be limited to 36 tons GVW;
- (4) Tag trailers shall be limited to 30 tons GVW.

(b) Pursuant to § 15-316 of the Illinois Vehicle Code, whenever in the judgment of the president and board of trustees, any highway within the jurisdiction of the village by reason of deterioration, rain, snow, or other climate conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereon reduced, the

president and the board of trustees may, by resolution, prohibit the operation of vehicles upon such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway for a period or periods not to exceed 90 days within any calendar year. Such restrictions shall become effective when signs designating the provisions of the resolution are erected and maintained at each end of the portion of the highway affected thereby.

(c) Pursuant to § 15-301(c), in connection with the issuance of any permit under Article III of the Illinois Vehicle Code, and in addition to the statutory fee for such permit as specified therein, the village may require the deposit of a sum in cash, cashiers check, money order, or certified funds which in the judgment of the permitting official shall be reasonably sufficient security to compensate for any injury to any roadway or road structure. Permits may be obtained from any member of the Building and Zoning Committee.

Ord 1997-05, 10/9/97.

SUBCHAPTER 3—OFFENSES AGAINST THE PUBLIC PEACE

§ 812. Disorderly conduct

(a) A person commits disorderly conduct when he or she knowingly—

(1) does any act in such an unreasonable manner as to provoke, make, or aid in making a breach of the peace, or

(2) does or makes any unreasonable or offensive act, utterance, gesture or display which, under the circumstances, creates a clear and present danger of a breach of the peace or imminent threat of violence, or

(3) fails to obey a lawful order of dispersal by a person known by him or her to be a peace officer under circumstances where two or more persons are committing or appear to be committing acts of disorderly conduct in the immediate vicinity, which acts are likely to cause substantial harm, serious inconvenience or alarm, or

(4) assembles with one or more persons for the purpose of using force or violence to disturb the peace, or

(5) goes about begging or soliciting funds on the public ways, except as may be otherwise permitted by village ordinance, or

(6) appears in any public place and is manifestly under the influence of alcohol, narcotics or other drug not therapeutically administered, to the degree that he or she may endanger himself or herself or other persons or property, or alarm or disturb other persons in his or her vicinity, or

(7) transmits in any manner to any fire protection district serving the village a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists, or

(8) transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place, or

(9) transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed, or

(10) enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it.

(b) Disorderly conduct is an offense under this subchapter.

(c) This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

Ord 1997-04, 9/11/97.

§ 813. Mob action

(a) A person engages in mob action when he or she—

(1) with one or more persons uses force or violence to disturb the peace, or

(2) assembles with one or more persons to do an unlawful act, or

(3) assembles with one or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.

(b) Mob action is an offense under this subchapter.

(c) Any participant in a mob action who does not withdraw on being commanded to do so by any peace officer shall be guilty of a misdemeanor.

Ord Ord 1997-04, 9/11/97.

§ 814. Permitting unlawful assembly

Any person who knowingly suffers or permits any assemblage for the purpose of committing any unlawful act or breach of the peace, or any riotous, offensive or disorderly conduct, in or upon any premises owned or occupied by him or her, or under his or her control is guilty of an offense under this subchapter.

Ord 1997-04, 9/11/97.

§ 815. Disturbing lawful assembly

Any person who interrupts or disturbs any congregation or assembly met for the purpose of religious worship, or for any lawful purpose, by making any loud or unusual noise, or by rude or indecent behavior, or by profane, obscene or improper discourse or conduct, is guilty of an offense under this subchapter.

Ord 1997-04, 9/11/97.

§ 816. Curfew for minors

(a) On Saturdays and Sundays, between 12:01 a.m. and 6:00 a.m. on such day, and on Sundays through Thursdays, between 11:00 p.m. on such day and 6:00 a.m. on the following day, it is hereby made unlawful for a person less than 18 years of age to be present at or upon any public assembly, building, place, street, Alley or highway within the village unless accompanied and supervised by a parent, legal guardian or other responsible companion at least 21 years of age, or approved by a parent or legal guardian, or unless engaged in a business or occupation which the laws of Illinois authorize a person less than 18 years of age to perform, or unless the minor has been in attendance at a regularly scheduled church, school or public sponsored function or activity

(b) Any parent, legal guardian or other person who knowingly permits a minor in his or her custody to violate this section is guilty of an offense under this subchapter.

Ord 1997-04, 9/11/97.

§ 817. Loitering, obstruction of traffic or passers-by

(a) Any person who, after being warned by any peace officer, public official or public employee, congregates with one or more persons on any street, sidewalk, or public way in the village in such a manner as to impede, obstruct or halt the free passage of vehicular or pedestrian traffic, is guilty of an offense under this subchapter.

(b) The prohibition of subsection (a) does not apply to a person lawfully engaged in an authorized parade, march, funeral procession or assembly.

Ord 1997-04, 9/11/97.

§ 818. Loudspeakers, sound trucks, amplifiers on streets

(a) No person shall use, operate or cause to be used or operated any radio, stereo, tape player, loudspeaker, sound truck, amplifier, or other similar device upon or along the streets in the village, for the purpose of advertising or inviting the patronage of any person, without first having obtained a permit as herein provided.

(b) Any person desiring a permit to use or operate the devices described in subsection (a) shall make a written application therefor through the village clerk to the village president stating his name, the length of time and the place or places where such devices are to be located and pay a permit fee as hereinafter provided. If the president grants the application he shall endorse the same, together with the amount of the permit fee fixed by this section, and upon the granting of the application by the president, the village clerk, after receipt of the fee specified, shall issue to the applicant a permit for the purpose and time specified in the application.

(c) The fee for permits granted under this section shall be—

(1) for the use or operation of any of the devices described in subsection (a) from a fixed location and not in a moving vehicle, \$100 per day or any part thereof, and

(2) for the use or operation of any of the devices described in subsection (a) from a moving vehicle along the streets, \$25 per day or any part thereof.

(d) Any person who willfully or through culpable negligence violates any of the provisions of this section is guilty of an offense under this subchapter.

Ord 1997-04, 9/11/97.

§ 819. Loud music and noises

(a) Any person who makes or causes to be made, whether by natural, mechanical or electronic means, any loud noise, music, shouting, calling, talking or other sound in such a manner that the same can be heard on the public streets or sidewalks of the village to the annoyance of other people or so as to cause a disturbance of the peace is guilty of an offense under this subchapter.

Ord 1997-04, 9/11/97.

§ 820. Damage to property

Any person who—

- (a) knowingly breaks, defaces, injures or destroys any property within the village, whether such property is publicly or privately owned, or
- (b) recklessly, by means of fire or explosive, damages the property of another, or
- (c) knowingly starts a fire on the land of another without his consent; or
- (d) knowingly injures a domestic animal of another without his consent; or
- (e) knowingly deposits on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound, thereby intending to interfere with its use,

is guilty of an offense under this subchapter.

Ord 1997-04, 9/11/97.

§ 821. Obstructing drainage, water flow

Any person who stops or obstructs the passage of water in any street, drainage ditch, swale or gutter, or in any public sewer, culvert, water pipe or hydrant laid or placed or owned by the village, is guilty of an offense under this subchapter.

Ord 1997-04, 9/11/97.

§ 822. Obstructing, dumping into drains, watercourses

Any person who obstructs or dumps any material into any drain, drainage ditch, swale or watercourse in the village, or within three miles of the village if such drain, drainage ditch, swale or watercourse borders or runs into or through the village, is guilty of an offense under this subchapter.

Ord 1997-04, 9/11/97.

§ 823. Using land, streets and alleys for parking of certain vehicles used as residence

(a) Any person who parks or otherwise occupies any land, whether improved or unimproved, with any tractor, truck, van, bus, streetcar, or other similar structure used as a dwelling, abode, residence, habitation or home, for more than seven days is guilty of an offense under this subchapter.

(b) Any person who parks or otherwise occupies any street or alley with any tractor, truck, van, bus, streetcar, or other similar structure, used as a dwelling, abode, residence, habitation or home, for more than three hours is guilty of an offense under this subchapter.

(c) Any person who permits any land owned or leased by him, whether improved or unimproved, to be used by any person for the purpose of parking or otherwise occupying such land with any trailer, truck, bus, streetcar, or other similar structure used as a dwelling, abode, residence, habitation, or home for more than seven days, commits an offense under this subchapter.

Ord 1997-04, 9/11/97.

§ 824. Discharge of firearms

It is unlawful to discharge any firearm or air gun in the village, provided, however, that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, or to prohibit any citizen from discharging a firearm when lawfully defending his person or property, nor when such firearm is discharged pursuant to a written permit issued by the village president. Such permit shall limit the time and place for the discharge of such firearms and shall be issued only for memorial services for the dead, burials, or such other circumstances where the president shall find the public health and safety will not be jeopardized and provided, further, that only one permit, not limited as to time or place, shall be required of a nationally recognized veteran's organization for memorial services for the dead and for burials. The president may impose conditions upon the issuance of any such permit as he or she shall deem necessary.

Ord 2005-13, 12/8/2005.

§ 825. Fireworks

It shall be unlawful to discharge, set off or sell any fireworks or pyrotechnics in the village, provided, however, that exhibitions of fireworks or pyrotechnics, properly safeguarded, may be given if a permit therefor, limited by time and place, is issued by the village president. The president may impose conditions upon the issuance of any such permit as he or she shall deem necessary.

Ord 2005-13, 12/8/2005.

§ 826. Vagrancy

Any person who is idle and dissolute, or who goes about begging; any person who uses any shell game, sleight of hand, juggling trick, or other unlawful game to cheat, defraud or unlawfully obtain money or anything of value; any pilferer, confidence man, common drunkard, common brawler, or common night walker; any person lewd, wanton or lascivious in speech or behavior; any person who is habitually neglectful of his or her employment and does not lawfully provide for himself or herself or for the support of his or her family; any person lodging or found in the nighttime in sheds, barns or unoccupied buildings or lodging in the open air and not giving a good account of himself or herself; and any person who has no lawful means of support, or is habitually found prowling around any office, store, shop, thoroughfare, car or bus, or at any public gathering or assembly, or private home, shall be deemed to be and is declared to be a vagrant and is guilty of an offense under this subchapter.

Ord 1997-04, 9/11/97.

§ 827. Offense - fine

Any offense under this subchapter is punishable by the imposition of a civil fine in an amount not to exceed \$750.

Ord 1997-04, 9/11/97.

SUBCHAPTER 4—OPEN BURNING**§ 828. Open fires**

It is unlawful for any person to cause, suffer, allow or permit the burning of rubbish, refuse, plastic of any kind, preservative treated wood, garbage, metal salvage, or any other material, in open fires. This section does not apply to the open burning of charcoal, leaves, grass, brush, or untreated wood or paper.

Ord 1994-01, 5/3/1994.

§ 829. Limited burning

Upon specific request, controlled burning on a limited basis for school, governmental or other institutional functions, may be allowed by the board of trustees; provided, that the board finds that such burning will pose no danger or inconvenience to adjoining property owners, and will not be detrimental to the general public health and safety of the community.

Ord 1994-01, 5/3/1994.

§ 830. Burning of leaves, etc.

It is unlawful for any person to cause, suffer, allow or permit the open burning of leaves, grass, brush, or untreated wood or paper, except on the following conditions:

(a) All such fires must be extinguished prior to dusk.

(1) Exception: campfires. Campfires are permitted at any time.

(2) Exception: winter months. Fires of wood or paper only are permitted after dusk from November 1 through March 31.

(b) No fire shall be permitted on the paved areas of public streets, sidewalks or alleys within the village.

(c) No fire shall be left unattended and no fire shall be permitted during periods of high wind or atmospheric inversions.

Ord 1994-01, 5/3/1994.

§ 831. Exemption - agriculture

This subchapter does not apply to property which is zoned "A" - Agriculture and which is actually used for agricultural purposes.

Ord 1994-01, 5/3/1994.

§ 832. Penalty

Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this subchapter shall pay a civil fine of not less than \$25 nor more than \$750 for each such violation. For each day that such violation continues to exist a separate violation shall be deemed to have been committed. In addition, in any action brought by the village to enforce the provisions of this subchapter the court shall award the village its costs and expenses, including its reasonable attorney's fees, incurred in the prosecution of such action.

Ord 1994-01, 5/12/1994.

SUBCHAPTER 5—NUISANCES

§ 840. Scope and intent

This provisions of this subchapter are passed pursuant to the powers delegated to the village under the Illinois Municipal Code, as amended (65 ILCS 5/1-1-1, *et seq.*), including §§ 11-19-5, 11-20-5, 11-20-13, 11-40-3, 11-42-9, 11-60-2 and 11-80-2. It is the intent of the village in enacting this subchapter to exercise the powers given to it thereunder and the general police powers of the village to the fullest extent available in order to protect the public health, safety and welfare.

Ord 1994-02, 7/14/1994; 2004-05, 7/22/2004; 2006-05, 5/11/2006; 2007-05, 7/12/2007.

§ 841. Definitions

In this subchapter—

(1) “demolition materials” means the wastes resulting from the destruction or demolition of structures or buildings and includes materials such as concrete blocks, broken concrete, plaster, wire and wood lath, timbers and wood building products and other similar non-putrescible materials;

(2) “garbage” means waste resulting from the handling, processing, preparation, cooking and consumption of food, and wastes from the handling, processing, storage and sale of produce, and includes any nauseous or offensive matters of any kind;

(3) “inoperable motor vehicle” means –

(A) any motor vehicle from which, for a period of at least 10 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven or operated under its own motor power; and

(B) any unlicensed motor vehicle;

but does not include –

(C) a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations;

(D) any motor vehicle kept within a completely enclosed building; nor

(E) an unlicensed motor vehicle designed and used for motor racing provided a permit therefor has been obtained in accordance with § 844.

(4) “landscape waste” refers to all accumulations of grass or shrubbery, cuttings, leaves, tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees;

(5) "noncombustible refuse" consists of refuse materials that are unburnable at ordinary incinerator temperatures such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, machinery of any kind, ice boxes, refrigerators, freezers, stoves, or other appliances, metal drums or other containers, and other similar materials or refuse;

(6) "noxious weeds" include, but are not limited to, marijuana (*Cannabis sativa* L.), Canada thistle (*Cirsium arvense*), perennial sow thistle (*Sonchus arvensis*), musk thistle (*Carduus nutans*), perennial members of the sorghum genus including Johnson grass (*Sorghum halepense*), Sorghum alnum, and other Johnson grass x sorghum crosses with rhizomes, quack grass (*Agropyron repens*), and curled (curly) dock (*Rumex crispus*), corn cockle (*Agrostemma githago*), wild morning glories (*Ipomoea coccinea*, *Ipomoea hederacea*, *Ipomoea pandurata*, *Ipomoea purpurea*), poison ivy (*Rhus radicans*), purple loosestrife (*Lythrum salicaria*), garlic mustard (*Alliaria petiolata*), multiflora rose (*Rosa multiflora*), and burdock (*Arctium minus*);

(7) *rubbish* or *trash* refers to refuse accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage which are usual to housekeeping and to the operation of stores, offices or other business places but not including noncombustible refuse.

Ord 1994-02, 7/14/1994; Ord 2004-05, 7/22/2004; Ord 2006-05, 5/11/2006; Ord 2007-05, 7/12/2007.

§ 842. Nuisances declared

It is hereby declared that any of the following activities are nuisances and are unlawful when conducted on property located within the village, whether conducted, suffered or permitted by the owner, tenant or other occupant thereof (it being the intent of this ordinance to make all such persons jointly and severally liable for compliance herewith):

(a) To keep, maintain or grow noxious weeds or to allow grass to attain a height of eight inches or more. Property located in a public nature area or owned or leased by a unit of government is excluded.

(b) To willfully allow the running at large (off property) of cattle, horses, mules, asses, swine, sheep, goats, dogs, chicken, ducks, geese or other fowl.

(c) To keep or use, or to permit to be kept or used, or to be in any way connected with the management of, any premises, for the purpose of fighting or baiting any dog, cock or other animal.

(d) To park any vehicle in any yard or other area of any lot or parcel of land, other than an area duly improved for parking purposes or as a driveway, for more than 10 days.

(e) To dump, deposit, throw, discard, leave, bury, or cause or permit the dumping, depositing, discarding, leaving, or burying of any offal, fecal matter, night soil, compost, other than for horticultural purposes, garbage, demolition materials, rubbish, trash or noncombustible refuse on any public or private property or into any river, lake, pond, stream or any other body of water within the village, except as may be permitted under subsection (1) below.

(1) The prohibition of subsection (e) does not apply to—

(A) property which has been designated by a unit of local government as a proper site for the temporary or permanent disposal of such materials and which has been duly licensed and permitted to accept such materials and such materials are disposed of on that property in accordance with all applicable rules and regulations of the United States, the State of Illinois, the Illinois Environmental Protection Agency, the Illinois Pollution Control Board, the village, and any other federal, state, or local authority having jurisdiction;

(B) material which is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the temporary deposit of such materials until the same are removed for permanent disposal at a facility described in subsection (A) above;

(C) material which is temporarily deposited by a person who is acting under the direction of proper public officials during special cleanup days pending their removal for permanent disposal at a facility described in subsection (A) above;

(D) a person who is lawfully acting in, or reacting to, an emergency situation where the health or safety of the public is threatened and removes said materials for permanent disposal at a facility described in subsection (A) above when the emergency situation no longer exists.

(f) To dump, deposit, throw, discard, or otherwise dispose of garbage, demolition materials, landscape waste, rubbish, trash or noncombustible refuse from any motor vehicle upon any public road, or upon any public or private property or into any river, lake, pond, stream or body of water within the village except as permitted under subparagraphs (A) through (D) of subsection (e) above.

(g) To transport by any means demolition materials, garbage, landscape waste, rubbish, trash, or other noncombustible refuse, from any dwelling, residence, place of business, farm or other site to and deposit such materials in or around trash or recycling barrels, containers, or other receptacles placed in or along public roads, rest areas, or public places (other than materials intended to be deposited in such receptacles for recycling).

(h) To place garbage in any outside container so that it is accessible to animals or to place garbage, noncombustible refuse, rubbish or trash out for collection more than 24 hours before the scheduled pickup time.

(i) To keep an inoperable motor vehicle unless on the premises of a duly licensed business engaged in the wrecking or junking of motor vehicles.

Ord 1994-02, 7/14/1994; Ord 2004-05, 7/22/2004 ; Ord 2006-05, 5/11/2006; Ord 2007-05, 7/12/2007.

§ 843. Exemption – agricultural lands

Sections 842(a) and 842(d) do not apply to property which is zoned A- Agriculture and which is actually used for agricultural purposes; this exemption is limited only to the application of this subchapter and is not intended to imply any exemption from any other ordinance of the village or permission to do any act or thing which may be prohibited by any rule or regulation of the United States, the State of Illinois, the Illinois Environmental Protection Agency, the Illinois Pollution Control Board or any other federal, state or local authority having jurisdiction.

Ord 1994-02, 7/14/1994; Ord 2004-05, 7/22/2004; Ord 2006-05, 5/11/2006; Ord 2007-05, 7/12/2007.

§ 844. Unlicensed motor vehicle designed and used for motor racing – permit

A permit for an unlicensed motor vehicle designed and used for motor racing shall be available from the village clerk. A fee for the issuance of the permit shall be charged in accordance with chapter 4. The applicable provisions of this subchapter and any others adopted by the village board by separate resolution shall be stated on the permit. Acceptance of the permit constitutes the permittee's agreement to abide by the conditions stated thereon and any others imposed in the future. All permits issued under this section shall expire on December 31 of the year in which day were issued and are personal to the permittee and not transferable.

Ord 2007-05, 7/12/2007 .

§ 845. Notice

Unless a different form or notice period is required by state statute, prior to bringing an action under this subchapter the village shall give written notice to the owner of the property in the manner set forth below to abate the activity constituting a nuisance. The notice may be sent by first-class mail, postage prepaid, or by certified mail, return receipt requested, addressed to the person in whose name the general real estate taxes on the property were last assessed as disclosed by the records of the Kane County Supervisor of Assessments, or served upon any occupant of the property using any of the methods prescribed for service of summons under the Illinois Code of Civil Procedure (735 ILCS 5/1-101, *et seq.*), or posted in a conspicuous place upon the property. If the nuisance has not been abated within 15 days of the date of the notice, the village may initiate a code enforcement proceeding under § 180 to enforce any of the remedies set forth in § 846 for a violation of this subchapter.

Ord 2004-05, 7/22/2004; Ord 2006-05, 5/11/2006; Ord 2007-05, 7/12/2007.

§ 846. Violation

Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any provision of this subchapter shall be fined in an amount not less than \$25 and not more than \$750. Each calendar day during which such violation continues to exist shall constitute a separate offense. In addition, in any proceeding under § 180, such person may be ordered to remove and properly dispose of the offending materials, or remove the vehicle, or cut the grass or noxious weeds and, if such person fails to do so, the village may do so and the costs thereof may be taxed against such person and become a lien on such property. In addition to any code enforcement proceeding under § 180, in order to enforce the remedies set forth in this paragraph, the village may bring any action, legal or equitable, including an action for injunctive relief, deemed necessary. In any proceeding brought to enforce the provisions of this subchapter, in addition to any fine or other relief, the village may recover all costs and expenses, including reasonable attorney fees, incurred.

Ord 1994-02, 7/14/1994; Ord 2004-05, 7/22/2004; Ord 2006-05, 5/11/2006; 2007-05, 7/12/2007.

CHAPTER 9—PUBLIC WORKS

§ 901. Connection of sump pumps and curtain drains to the Virgil View Subdivision drainage system

(a) Within 30 days of the availability of the drainage system for connection, all sump pumps within the Virgil View Subdivision shall be connected to the drainage system according to specifications prepared by the village engineer. All connections shall be made by a contractor chosen from a list of contractors approved by the village. Prior to the commencement of work the contractor or property owner shall obtain a permit from the village in order that the village is apprised of the commencement of work, in order that the village is assured that the connection is made by an approved contractor, and in order that the work may be inspected to insure that it has been done properly and without altering the flow carrying capacity of the system. The permit will be issued by the village at no charge if the connection may be made by the village's contractor as part of the construction of the drainage system without any duplication of effort; otherwise a charge of \$200 shall be made by the village for the issuance of the permit.

(b) Curtain drains designed to improve the performance of a septic system may be connected to the drainage system provided the curtain drain is approved by the Kane County Health Department, a permit is obtained from the village, the connection is made by a contractor approved by the village, and the connection is inspected by the village. Permits for the connection of curtain drains shall be issued by the village at no charge.

Ord 2002-01, 8/8/2002.

§ 902. Activities regulated

(a) It shall be unlawful for anyone to alter the grade of any drainage ditch, swale, drainage way, storm sewer, drain tile, culvert, driveway or drainage easement or to obstruct or otherwise alter the flow of any surface or subsurface water within any village right-of-way or drainage easement.

(b) It shall be unlawful to make any connection to the system other than those described in § 901 above. The connection of any domestic water source (gray water) to the system is strictly prohibited.

Ord 2002-01, 8/8/2002.

§ 903. Driveways within the right-of-way

Driveways within the village right-of-way shall be constructed of gravel or asphalt only.

Ord 2002-01, 8/8/2002.

§ 904. Penalty for violation

Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this subchapter shall pay a civil fine of not less than \$25 nor more than \$750 for each such violation. For each day that such violation continues to exist a separate violation shall be deemed to have been committed. In addition, in any action brought by the village to enforce the provisions of this subchapter the court may enter an order requiring that such violation be abated and the system restored to its previous condition. In addition, in any action brought by the village to enforce the provisions of this subchapter the court shall award the village its costs and expenses, including its reasonable attorney's fees, incurred in the prosecution of such action.

Ord 2002-01, 8/8/2002.

CHAPTER 10—RESERVED

CHAPTER 11—SOLID WASTE

SUBCHAPTER 1—DUMPING

§ 1101. Scope and intent

This chapter is passed pursuant to the powers delegated to the village under the Illinois Municipal Code, as amended (65 ILCS 5/1-1-1, *et seq.*) including, but not limited to, §§11-19-5, 11-20-5, 11-20-13, and 11-80-2. It is the express intent of the village in enacting this ordinance to exercise the powers given to it thereunder to the fullest extent available.

Ord 1994-02, 7/14/1994.

§ 1102. Definitions

In this chapter—

(1) “demolition materials” means the wastes resulting from the destruction or demolition of structures or buildings and includes materials such as concrete blocks, broken concrete, plaster, wire and wood lath, timbers and wood building products and other similar non-putrescible materials;

(2) “garbage” means waste resulting from the handling, processing, preparation, cooking and consumption of food, and wastes from the handling, processing, storage and sale of produce, and includes any nauseous or offensive matters of any kind;

(3) “landscape waste” refers to all accumulations of grass or shrubbery, cuttings, leaves, tree limbs, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees;

(4) “non-combustible refuse” consists of refuse materials that are unburnable at ordinary incinerator temperatures such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material or refuse not usual to housekeeping or to the operation of stores or offices;

(5) “rubbish or trash” refers to refuse accumulations of paper, excelsior, rags, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other

than garbage which are usual to housekeeping and to the operation of stores, offices or other business places but not including non-combustible refuse.

Ord 1994-02, 7/14/94.

§ 1103. Dumping, etc. prohibited

(a) No person shall dump, deposit, throw, discard, leave, bury, or cause or permit the dumping, depositing, discarding, leaving, or burying of any garbage, demolition materials, rubbish, trash or non-combustible refuse on any public or private property or into any river, lake, pond, stream or any other body of water within the village, except as may be permitted under the § 1103(b) .

(b) The prohibition of § 1103(a) does not apply to—

(1) Property which has been designated by the unit of local government as a proper site for the temporary or permanent disposal of such materials and which has been duly licensed and permitted to accept such materials and such materials are disposed of on that property in accordance with all applicable rules and regulations of the United States, the State of Illinois, the Illinois Environmental Protection Agency, the Illinois Pollution Control Board and any other federal, state, or local authority having jurisdiction.

(2) Material which is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the temporary deposit of such materials until the same are removed for permanent disposal at a facility described in § 1103(b)(1).

(3) Material which is temporarily deposited by a person who is acting under the direction of proper public officials during special clean-up days pending their removal for permanent disposal at a facility described in § 1103(b)(1).

(4) A person who is lawfully acting in, or reacting to, an emergency situation where the health or safety of the public is threatened and removes said materials for permanent disposal at a facility described in § 1103(b)(1) above when the emergency situation no longer exists.

(5) Property which is zoned "A - Agriculture" and which is actually used for agricultural purposes. This exemption is limited only to the application of this subchapter and is not intended to imply any exemption from any other ordinance of the village or permission to do any act or thing which may be prohibited by any rule or regulation of the United States, the State of Illinois, the Illinois Environmental Protection Agency, the Illinois Pollution Control Board or any other federal, state or local authority having jurisdiction.

(c) No person shall dump, deposit, throw, discard, or otherwise dispose of garbage, demolition materials, landscape waste, rubbish, trash or non-combustible refuse from any motor vehicle upon any public road, or upon any public or private property or into any river, lake, pond, stream or body of water within the village except as permitted under § 1103(b).

Ord 1994-02, 7/14/94.

§ 1104. Misuse of public trash and recycling receptacles

No person shall transport by any means demolition materials, garbage, landscape waste, rubbish, trash, or other non-combustible refuse, from any dwelling, residence, place of business, farm or other site to and deposit such materials in or around trash or recycling barrels, containers, or other receptacles placed in or along public roads, rest areas, or public places (other than materials intended to be deposited in such receptacles for recycling.)

Ord 1994-02, 7/14/94.

§ 1105. Penalty

Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall pay a civil fine of not less than \$25 nor more than \$750 for each such violation. In addition, the court may order that the person found to have committed such a violation remove and properly dispose of the materials; may employ special bailiffs to supervise such removal and disposal and may tax the cost of such supervision as costs against the person so convicted. For each day that such violation continues to exist a separate violation shall be deemed to have been committed. In addition, in any action brought by the village to enforce the provisions of this ordinance the

court shall award the village its costs and expenses, including its reasonable attorney's fees, incurred in the prosecution of such action.

Ord 1994-02, 7/14/94.

SUBCHAPTER 2—REGIONAL POLLUTION CONTROL FACILITY SITING

§ 1106. Short title

Whereas, the Illinois Environmental Protection Act (415 ILCS 5/1 *et. seq.*) has provided for approval by the board of trustees of a village as to the suitability of the site location for each new Regional Pollution Control Facility to be located within the village, the following ordinance is intended to delineate the substance and procedure for the application and hearing upon such proposed site locations, and shall be called *The Regional Pollution Control Facility Siting Ordinance*.

Ord 1991-09, 7/10/1991.

§ 1107. Definitions

(1) "Act" means the Illinois Environmental Protection Act, as amended (415 ILCS 5/1 *et. seq.*).

(2) "Applicant" means any person, firm or partnership, association, corporation, company or organization of any kind.

(3) "Board of Trustees" is the Board of Trustees of the village of Virgil, Kane County, Illinois.

(4) "Hazardous Waste Disposal Site" is a site at which hazardous waste is disposed. "Hazardous Waste" is defined as set forth in the Act.

(5) A "Regional Pollution Control Facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station or waste incinerator that accepts waste from or that serves an area that exceeds or extends over the boundaries of any local general purpose

unit of government which, for purposes of this ordinance, is the village of Virgil, and includes all of the property comprising said site, including any "boundary" or "buffer" zone, whether or not used or to be used for the actual storage, disposal, transfer or incineration of waste. A Regional Pollution Control Facility is also any facility defined as such in the Act.

(6) "IEPA" is the Illinois Environmental Protection Agency.

(7) "village" is the village of Virgil, Kane County, Illinois.

All other words used in this subchapter and defined in the Act shall have the same definition and meaning as found in the Act.

Ord 1991-09, 7/10/1991.

§ 1108. Village approval of regional pollution control facilities

No Regional Pollution Control Facility may be developed or constructed, nor shall any existing Regional Pollution Control Facility be expanded, any portion of which is or will be within the village, unless an application for approval of such site is filed and is submitted for consideration to the Board of Trustees. An application for site approval need not be submitted if:

(a) The proposed facility is completely within the boundaries of the village and is intended to serve only the village; or

(b) The proposed facility will be a storage site for certain PCS-containing materials regulated by Federal regulations 40 CFR, Part 761.42; or

(c) The proposed facility is a site or facility used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person; or

(d) The proposed facility is a site or facility at which the State of Illinois is performing removal or remedial action pursuant to § 22.2 of the Act.

Ord 1991-09, 7/10/1991.

§ 1109. Regional Pollution Control Facility committee and committee chairman

(a) A Regional Pollution Control Facility Committee (the Committee) shall be appointed by the President of the Board of Trustees and shall consist of 2 members of the Board of Trustees. Each member of the Committee shall serve for a 2 year term.

(b) The Chairman of the Regional Pollution Control Facility Committee shall be the President of the Board of Trustees who shall be the third member of the Committee. One member of the Committee shall be designated Acting Chairman in the event of the Chairman's absence. The Chairman shall vote only in the event the vote is otherwise tied.

(c) All meetings and hearings of the Regional Pollution Control Facility Committee shall be at the call of the Committee Chairman, or in his or her absence, the Acting Chairman, at such times as may be required.

(d) The Committee shall select a hearing officer or officers to serve during any public hearing concerning an application for site approval. The hearing officer shall serve at the pleasure of the Committee. Compensation for the service of the hearing officer shall be mutually agreed upon before the hearing. The duties of the hearing officer shall be provided for in the Rules and Procedures - Regional Pollution Control Facility Committee - village of Virgil, Kane County, Illinois to be adopted by the Committee (the Rules and Procedures).

Ord 1991-09, 7/10/1991.

§ 1110. Procedure for filing an application for approval of a Regional Pollution Control Facility

(a) In order to request approval of a proposed Regional Pollution Control Facility or an expansion of an existing Regional Pollution Control Facility, any portion of which is or will be within the village, an Applicant must file an application with the village clerk, with a minimum of 20 copies of the application and the substance of the Applicant's proposal with sufficient details describing the proposed facility to demonstrate compliance with the Act, all rules and regulations thereunder, this subchapter and the Rules and Procedures, including all site plans, exhibits and maps, and all documents, if any, submitted as of that date to the IEPA pertaining to the proposed facility in connection with said Applicant's application except trade secrets as determined under §7.1 of the Act. Said application may be obtained from the Clerk of the village.

(b) In addition, the Applicant must pay at the time of filing its application a nonrefundable fee of \$250,000 plus \$1,000 per acre for each acre, or portion thereof, in excess of 250 acres encompassed by such proposed Regional Pollution Control Facility, or such expansion, which is to be used for the active storage, disposal, transfer or incineration of waste. If applying for site approval of a Hazardous Waste Disposal Site the fee shall be \$350,000 plus \$1,000 per acre for each acre, or portion thereof, in excess of 250 acres encompassed by such proposed Hazardous Waste Disposal Site or such expansion which is to be used for the active storage, disposal, transfer or incineration of Hazardous Waste. The applicable fee is intended to defray the reasonable and necessary costs of processing the application, including, but not limited to: space rental, hearing officers, court reporter, transcription and reproduction costs, public notice, staff review time, Committee per diem, legal counsel and technical staff or consultants retained by the village (including tests, exhibits and testimony, if any, provided by said staff or consultants), any other relevant costs incident to the consideration of an application, and the costs of preparing the record for appeal if any appeal of a decision of the Board of Trustees is made to the Illinois Pollution Control Board. Should there be any additional costs incurred by the village over the fees paid, the Applicant shall bear any and all additional costs.

(c) The application must be answered completely with information provided for each question, accompanied by all site plans, exhibits, maps, and documents as specified in §1110(a) above. The date the Applicant files an application with the office of the Clerk shall be considered the official filing date for all time limit purposes. At any time prior to completion by the Applicant of the presentation of the Applicant's factual evidence and an opportunity for cross-examination by the Committee and any participants, the Applicant may file not more than one amended application upon payment of an additional fee pursuant to Section 39.2(k) of the Act in the amount of \$10,000. Provided, however, that the time limitation for final action set forth in Section 39.2(a) of the Act and § 1113(b) of this subchapter shall be extended for an additional period of 90 days.

(d) Upon receipt of a completed application, and payment of all fees, the village Clerk shall date stamp all the copies and immediately deliver one copy to the Chairman of the Regional Pollution Control Facility Committee, one copy to the Building and Zoning Administrator and one copy to the clerk of each municipality within one and one-half miles of the proposed facility.

(e) In order to develop a record sufficient to form the basis of an appeal of its decision, the Board of Trustees may retain such technical staff or consultants on behalf of the village as it may deem appropriate. Such technical staff or consultants shall then commence a study of the application. The Applicant shall cooperate fully with such staff and consultants in their review of the application.

(f) A copy of the application and all related documents or other materials on file with the Board of Trustees shall be made available for public inspection in the office of the village Clerk. Any member of the public affected by the application shall be allowed to obtain a copy of said request or any part thereof free of charge, the costs of such reproductions to be paid from the application fee. Any other member of the public shall be allowed to obtain a copy of said request or any part thereof upon payment of the actual costs of reproduction.

(g) The Applicant shall meet all notice requirements required by the Act, to wit:

(1) The Applicant shall cause to be published no sooner than 30 days nor later than 14 days prior to a request for location approval, a written notice of such request to be

served either in person or by registered mail, return receipt requested, on the owners of all property within the subject area not solely owned by the Applicant, and on the owners of all property within 250 feet in each direction of the lot line of the subject property, said owners being such persons or entities which appear from the authentic tax records of the County in which such facility is to be located; provided that the number of all feet occupied by all public roads, streets, alleys, and other public ways shall be excluded in computing the 250 feet requirement; provided, further, that in no event shall this requirement exceed 400 feet, including public streets, alleys and other public ways.

(2) The Applicant shall also serve, within 14 days prior to a request for location approval, written notice upon members of the General Assembly from the legislative district in which the proposed facility is located and this notice shall be published in a newspaper of general circulation published in the village, or if no such newspaper is published in the village, then in a newspaper having a general circulation within the village. Such notice shall state the name and address of the Applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity, the date when the request for site approval will be submitted to the Board of Trustees, a description of the right of persons to comment on such request as hereafter provided and any other information as may be required by the Rules and Procedures.

(3) The Applicant shall file proof of all notice requirements with the village Clerk within 14 days of their publication.

Ord 1991-09, 7/10/1991.

§ 1111. Procedure for filing written comments to an application for approval of a Regional Pollution Control Facility

(a) Any person may file written comments with the Board of Trustees concerning the appropriateness of the proposed site for its intended purpose. The Board of Trustees shall consider any comment received or postmarked from the date of acceptance of the application through and until 30 days after the date of the last public hearing in making its final determination. Said written comments shall be sent or delivered to the village of Virgil, P.O. Box 93, Virgil, Illinois 60182. Upon receipt, the village Clerk shall date stamp the comment.

(b) These comments shall become a part of the record of the proceedings of the Committee.

Ord 1991-09, 7/10/1991.

§ 1112. Hearings on applications

(a) At least one public hearing shall be held by the Regional Pollution Control Facility Committee no sooner than 90 days but no later than 120 days from the receipt of the request for site approval.

(b) The Applicant shall cause a notice of said hearing to be published in a newspaper of general circulation published in the village, or if no such newspaper is published in the village, then in a newspaper having a general circulation within the village, not later than 14 days before said hearing, and shall send notice by certified mail to all members of the General Assembly from the district in which the proposed site is located and to the Illinois Environmental Protection Agency. The public hearing shall develop a record sufficient to form the basis of any appeal.

(c) The Chairman of the Committee shall notify the Applicant in writing of the date of the public hearing before the Committee, at least 21 days before the hearing, in order that the Applicant may publish notice of that hearing.

(d) During the course of the public hearing before the Committee, the Committee shall receive testimony, such testimony to be recorded, from the Applicant and witnesses the Applicant may call, any village witnesses, and other witnesses or objectors, and shall recommend approval only if the proposed facility meets the following criteria:

(1) The facility is necessary to accommodate the waste needs of the area it is intended to serve.

(2) The facility is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.

(3) The facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property.

(4) The facility is located outside the boundary of the 100 year flood plain or the site is flood-proofed.

(5) The plan of operations for the facility is designed to minimize the danger to the surrounding area from fire, spills or other operational accidents.

(6) The traffic patterns to or from the facility are so designed as to minimize the impact on existing traffic flows.

(7) If the facility will be treating, storing or disposing of Hazardous Waste, an emergency response plan exists for the facility which includes notification, containment and evacuation procedures to be used in case of an accidental release.

(8) If the facility will be located within a regulated recharge area, any applicable requirements specified by the Illinois Pollution Control Board for such areas have been met.

(9) The facility is consistent with any current solid waste management plan adopted by the County and any other applicable planning jurisdiction.

The Committee and the Board of Trustees may also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the Applicant (and any subsidiary or parent corporation of the Applicant or any lessee or sublessee of the Applicant) in the field of solid waste management when considering criteria 2 and 5 above and (ii) and (v) of §39.2(a) of the Act.

(e) A hearing officer or officers, appointed by the Committee, shall preside at the public hearing and shall make any decisions concerning the admission of evidence and the manner in which the hearing is conducted subject to this subchapter and the Rules and Procedures of the Committee. However, the hearing officer shall make all rulings and decisions in accordance with fundamental fairness. No ruling of the hearing officer shall be appealable to the Board of Trustees.

(f) The decision of the Committee on the application is to be in writing, specifying the reasons for the decision, such reasons to be in accordance with subsection (d) of this section. The Committee shall submit its report to the Board of Trustees as soon as practicable.

(g) The siting approval, procedures, criteria and appeal procedures provided for the in Act for new Regional Pollution Control Facilities as set forth in this subchapter shall be the exclusive siting procedures and rules and approval procedures. Local zoning or other local land use requirements shall not be applicable to such siting decisions.

Ord 1991-09, 7/10/1991.

§ 1113. Decisions

(a) Once the Committee has made its recommendation and reduced its recommendation to writing, the written recommendation shall be submitted to the full Board of Trustees for their decision as to the ultimate approval or disapproval of the proposed site location. Seven copies of the record of the public hearing shall also be made available to the full Board of Trustees as soon as said transcript becomes available.

(b) The Board of Trustees shall make a decision based upon the record of the public hearing and review of the recommendation of the Committee. The decision of the Board of Trustees shall be in writing, specifying the reasons for the decision, such reasons to be in conformity with Section 39.2(a) of the Act. In granting approval for a site, the Board of Trustees may impose such conditions as may be reasonable and necessary to accomplish the purposes of the Act and as are not inconsistent with regulations promulgated by the Illinois Pollution Control Board. Such decision shall be available for public inspection at the office of the village Clerk and may be copied upon payment of the actual cost of reproduction. If there is no final action by the Board of Trustees within 180 days after the filing of the request for site approval, the Applicant may deem the request approved.

(c) Whether the Board of Trustees approves or disapproves of the proposed site location, a Resolution shall be passed to that effect, stating the reasons for the decision.

(d) An Applicant may not file a request for local siting approval which is substantially the same as a request which was disapproved, pursuant to a finding against the Applicant under any of criteria 1 through 9 of section 1112(d) above and (i) through (ix) of §39.2(a) of the Act, within the preceding two years.

Ord 1991-09, 7/10/1991.

§ 1114. Articles of rules and procedures

The Committee shall establish rules and procedures for the application and hearing process governing Regional Pollution Control Facilities. Any additional information or requirements mandated by said rules and procedures must be submitted or followed by said Applicant.

Ord 1991-09, 7/10/1991.

§ 1115. Severability clause

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

Ord 1991-09, 7/10/1991.

§ 1116. Ordinance repealed

All ordinances or parts thereof in conflict with the provisions of this subchapter are hereby repealed.

Ord 1991-09, 7/10/1991.

CHAPTER 12—ZONING

SUBCHAPTER 1—TITLE

§ 1201. Short title

This chapter shall be known, cited and referred to as the *Village of Virgil Zoning Ordinance*. It is an ordinance—

- (a) dividing the village of Virgil into districts,
- (b) regulating and restricting the location and use of buildings, structures and land for residence, agriculture, business, industry, aviation and for other specified uses within said districts,
- (c) regulating and restricting the intensity of such use,
- (d) establishing building lines,
- (e) requiring permits, and
- (f) providing for the administration of said ordinance pursuant to the provisions of the Illinois Municipal Code (65 ILCS §§ 5/1-1-1, *et seq.* (1961), as amended), in such case made and provided.

Ord 1991-12, 12/3/1991.

SUBCHAPTER 2—PURPOSE

§ 1202. Stated purpose

- (a) To the end that adequate light, pure air, and safety from fire and other dangers may be secured, that the taxable value of land and buildings throughout the Village of Virgil may be conserved, that congestion in the public streets may be lessened or avoided, that the hazards to persons and damage to property resulting from accumulation or runoff of storm or flood waters may be lessened or avoided, and that the public health, safety, comfort, morals, and wel-

fare may otherwise be promoted; and to insure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance; and to insure and facilitate the preservation of the rural and agricultural profile and landscape of the Village of Virgil; and to decrease land-use frictions and enhance the desirability of living in the community for all residents; and to serve as a guide and tool in the planning process, this chapter is adopted.

(b) The standards and requirements contained in this chapter and the district mapping reflected on the Village of Virgil Zoning Maps are intended to further the implementation of the objectives of the Village of Virgil Comprehensive Land-Use Plan, as well as protect all desirable existing structures and uses.

Ord 1991-12, 12/3/1991.

SUBCHAPTER 3—RULES AND DEFINITIONS

§ 1203. Rules of construction

In the construction of this chapter—

- (a) words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular;
- (b) the word “shall” is mandatory and not directory;
- (c) the word “may” is permissive;
- (d) the word “lot” shall include the words “piece”, “parcel”, and “plot”;
- (e) the word “building” includes all other structures of every kind or description regardless of similarity to buildings;
- (f) the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

Ord 1991-12, 12/3/1991.

§ 1204. Definitions

In this chapter—

(1) "Accessory" means a building or use which is —

(A) located or conducted on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this chapter; and

(B) clearly incidental to, subordinate in purpose to, and serves the principal use; and

(C) either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

(2) "Agriculture" means land, buildings and structures, used for the raising of soil crops or the raising of animals, including truck-farming, poultry farming, fish hatcheries, bee-keeping, tree nurseries, sod nurseries, the raising of fruit and berries and the sale of the products thereof, and the storage by the federal government or any of its duly designated agencies of surplus grain; but does not include buildings used primarily for residences.

(3) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of, or flight in, the air.

(4) "Airport" means any area of land or water which is used or intended for use for the landing and take-off of aircraft, including all buildings or other facilities or rights-of-way, all necessary taxiways, storage and tie-down areas, hangars, and other necessary buildings and open spaces.

(5) "Alley" means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those residential, commercial and industrial properties whose principal frontage is on a street.

(6) "Animal hospital" means any building or portion thereof designed or used for the observation and treatment of domestic animals.

(7) "Animal shelter" means a State-licensed operation for the housing and care of domestic animals on a permanent or non-permanent basis pending their adoption.

(8) "Arcade" means any premises or place of business whose principal operation consists of the location or operation of coin-operated amusement devices, or a premises or place of business wherein the area of the use or location of coin-operated amusement devices exceeds 10% of the floor area determined by using only the floor area of the floors on which the devices are located and used.

(9) "Automobile service station" means any building or premises used for the dispensing or sale of automobile fuels, lubricating oil or grease, tires, batteries, or minor automobile accessories and services, including the installation of tires, batteries and minor accessories, minor automobile repairs, and greasing or washing of individual automobiles.

(10) "Auto wrecking yard" means any place where motor vehicles not in running condition, or the parts thereof, are stored in the open for a period exceeding 30 days and are not being restored to operation, or any land, building, or structure used for wrecking or storing such motor vehicles or the parts thereof.

(11) "Basement" means that portion of a building below the first or ground floor level with its entire floor below exit discharge grade.

(12) "Billboard" (See § 1204(a)(112));

(13) "Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines, township lines or county lines.

(14) "Boarding house" means a building, or portion thereof, other than a motel or hotel containing lodging rooms which accommodate, for compensation, 3 or more persons, who are not members of the keeper's family in which meals may or may not be provided.

(15) "Building" means any structure which is designed, used or intended for the support, enclosure, shelter, or protection of persons, animals, or other property, and which is

permanently affixed to the land and includes each as a separate building each part of a structure divided into separate parts by unpierced walls extending from the ground up.

(16) " Building height" means the vertical distance from the grade to the highest point of a flat roof or to the deck line of a mansard roof or to the average height between eaves and ridge of a gable, hip or gambrel roof.

(17) " Building, principal" means a building which is designed, used, or intended to be occupied and maintained for the principal use of a zoning lot.

(18) " Building, temporary" means any building not designed to be permanently located in the place where it is and any building placed or affixed for a period of no longer than one year.

(19) " Building setback line" means—

(A) a line parallel to the front lot line set at a distance prescribed by the front yard requirements established by this chapter; or

(B) where established buildings on platted lots in a block, or within 400 feet on either side, have an average front yard setback greater than that required in that zoning district, the average setback of the existing buildings.

(20) " Bulk" is used to indicate the size and setbacks of buildings or structures and the location of the same with respect to one another, and includes—

(A) height and area of buildings;

(B) location of exterior walls in relation to lot lines, streets, or other buildings;

(C) gross floor area of buildings in relation to lot area (floor area ratio);

(D) all open spaces allocated to buildings; and

(E) amount of lot area required for each dwelling unit.

(21) " Car wash" means a building, or portion thereof, containing space, water, equipment, soap or other facilities for washing one or more motor vehicles, whether manually or by mechanical means.

(22) " Child care facility" means any establishment which provides supplemental care and supervision to five or more children during any portion of the day.

(23) "Clinic" means a building in which any individual or organization offers medical, psychological and or dental services.

(24) " Club, private" means a non-profit association of persons who are bona-fide members, paying dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

(25) " Coin-operated amusement device" means any machine which upon monetary exchange between patron and owner or his employee, or upon the insertion of a coin, slug, token, plate, or disc, may be operated by the public generally for use as a game, entertainment, or amusement, whether or not registering a score and includes such devices as marble machines, pinball machines, electronic games, skill balls, mechanical grab machines, pool tables, coin-operated music players and all games, operations or transactions, similar thereto.

(26) " Condominium" means a form of cooperative ownership which permits individual ownership of a specific part of a building with common ownership of all spaces beyond the specific apartments and under which each apartment may be owned in fee simple, with no restrictions on its sale, rental, or transfer other than restrictions applicable to all real estate and the provisions of Illinois law.

(27) " Decibel" means a unit of measurement of the intensity (loudness) of sound.

(28) " Discontinuance" means the cessation or termination of a use or activity for a period of 3 months regardless of the continuance of public utilities.

(29) "District" means a geographical division of the village, as shown on the zoning map, within which regulations governing the use of buildings, structures and land, the height of buildings, the size of yards, and the intensity of use are uniform.

(30) " Drive-in establishment" means an establishment which provides no interior seating or an establishment which provides interior seating and has a service window, carry-out counter, in-car service, majority of merchandise in carry-out form, or outdoor service facilities such as exterior waste receptacles and/or tables.

(31) " Drive-in theater" means an outdoor movie theater designed primarily patrons in automobiles.

(32) "Dwelling" means a building, or portion thereof designed or used exclusively for residential occupancy, but not including mobile homes, house trailers, hotels, or motels.

(33) "Dwelling, group" means a dwelling containing accommodations for more than 2 persons, other than a family, in which there are common dining facilities, including dormitories, boarding houses, fraternity and sorority houses, convents, monasteries, and similar uses, but not including motels and hotels.

(34) "dwelling, multiple family" means a building, or portion thereof, containing 3 or more dwelling units.

(35) "dwelling, single family", means an exclusively residential building having accommodations for one family and entirely separated from any other dwelling by space.

(36) "dwelling, townhouse" means a row or other arrangement of 2 to 8 dwellings attached by party walls and each having an entrance which provides direct access to the outside.

(37) "dwelling, two-family" means a building containing two dwelling units.

(38) "dwelling unit" means a room or suite of rooms containing complete kitchen and bathroom facilities, permanently installed, which is arranged, designed, used or intended to be used as living quarters for one family.

(39) "establishment, business" means a place of business carrying on operations which are separate and distinct from those of any other place of business located on the same zoning lot.

(40) "exit discharge grade" means the elevation of the finished exterior surface of paved or unpaved ground at any exit discharge doorsill.

(41) "family" means, excepting domestic employees, any number of persons related by blood or marriage or, not to exceed 5 persons not so related, using common cooking facilities and living and eating together on the premises as a single housekeeping unit, but does not include communes, sororities, fraternities, private clubs or other similar organizations.

(42) "floodway" means the channel of a river, stream or body of water and those portions of the adjoining flood plain designated by the Village as necessary to carry and discharge the floodwater of any such river, stream, or other body of water.

(43) "floor area" (for determining floor area ratio) means the sum of the gross horizontal area of the several floors of a building (including the basement, elevator shafts, stair wells on each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attics having headroom of 7 feet or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses), measured from the exterior faces of the exterior walls or from the center line of walls separating 2 buildings, but does not include any space devoted to off-street parking or loading. for structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, floor area shall be determined on the basis of height in feet; 10 feet in height being equal to one story and each story shall constitute an additional floor.

(44) "floor area" (for determining off-street parking and loading requirements), means the sum of the gross horizontal areas of the several floors of a building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any floor area devoted to retailing activities, or to the production or processing of goods, or to business or professional offices; but does not include floor area devoted primarily to storage purposes (except as otherwise noted herein), floor area devoted to off-street parking or loading facilities, including aisles, ramps,

and maneuvering space, or mechanical or storage floor area other than area devoted to retailing activities, or to the production or processing of goods, or to business or professional offices.

(45) "floor area ratio (FAR)" means the floor area of a building or buildings on a zoning lot divided by the area of such zoning lot, or, in the case of planned unit developments, by the net site area.

(46) "frontage" means all the property on one side of a street between 2 intersecting streets (crossing or terminating), measured along the line of the street, or if the street is a dead end, then all of the property abutting on one side between an intersecting street and the dead end of the street measured along the line of the street.

(47) "garage, private" means a detached accessory building or portion of a principal building housing the automobiles of the occupants of the premises.

(48) "garage, public" means a building or portion thereof, other than a private garage or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing or parking motor vehicles. The term repairing shall not include an automotive body repair shop or the rebuilding, dismantling, or storage of wrecked or junked vehicles, unless expressly authorized.

(49) "garage, storage" means a building or portion thereof designed or used exclusively for term storage, by prearrangement, of motor vehicles, as distinguished from daily storage furnished transients, and at which motor fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired, or sold.

(50) "garbage" means any solid waste, including, but not limited to, any refuse, litter, debris, or rubbish, any animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of foods, and garden and landscape waste.

(51) "grade" means the average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

(52) "ground floor" means the lowest habitable level of a building, excluding the basement, regardless of its relation to the surrounding exterior grade.

(53) "guest house" means a detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary guests. such quarters shall not be rented.

(54) "health/recreation club" means an organization engaged in the business of providing for its members, services and facilities related to encouraging and promoting health and well-being of its members, by providing recreational facilities such as swimming pools, tennis courts, handball and racquet ball courts, and weight control facilities, sauna and steam baths, weight lifting equipment, exercise equipment, whirlpool and massage, and such other services and facilities consistent with and directly related to fostering the health and well-being of its members.

(55) "home occupation" means any gainful occupation or profession engaged in by the occupant of a dwelling at or from the dwelling without the use of any accessory building on site and without the use of any outside employees; but does not include any retail, other than by mail, or any manufacturing business.

(56) "hospital" means an institution open to the public in which patients or injured persons are given medical, surgical, or psychiatric care.

(57) "hotel" means an establishment consisting of a group of attached living or sleeping accommodations with individual bathrooms and designed for use by transients as distinguished from a boarding, rooming, or lodging house.

(58) "Illinois Municipal Code" means 65 ILCS 5/1-1-1, *et seq.*, as amended.

(59) "incompatible use" means a use or service which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.

(60) "industrial park" means a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

(61) "junk yard" means an open area where waste or scrap materials are bought, sold, exchanged, sorted, baled, packed, disassembled, or handled, including, but not limited to,

scrap iron and other metals, paper, rags, rubber tires, and bottles; a junk yard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

(62) "kennel" means an establishment where 4 or more household pets, such as dogs and cats, are bred, trained, boarded or groomed.

(63) "limited access highway" means a public highway or street, including a toll highway, duly designated as a "freeway" pursuant to the provisions of the Illinois Highway Code.

(64) "livestock" means domestic animals, such as horses, cattle, sheep, hogs or goats raised for house use or for profit.

(65) "loading berth" means an open, hard-surfaced area of land other than a street or public-way, the principal use of which is for standing, loading, and unloading of motor vehicles.

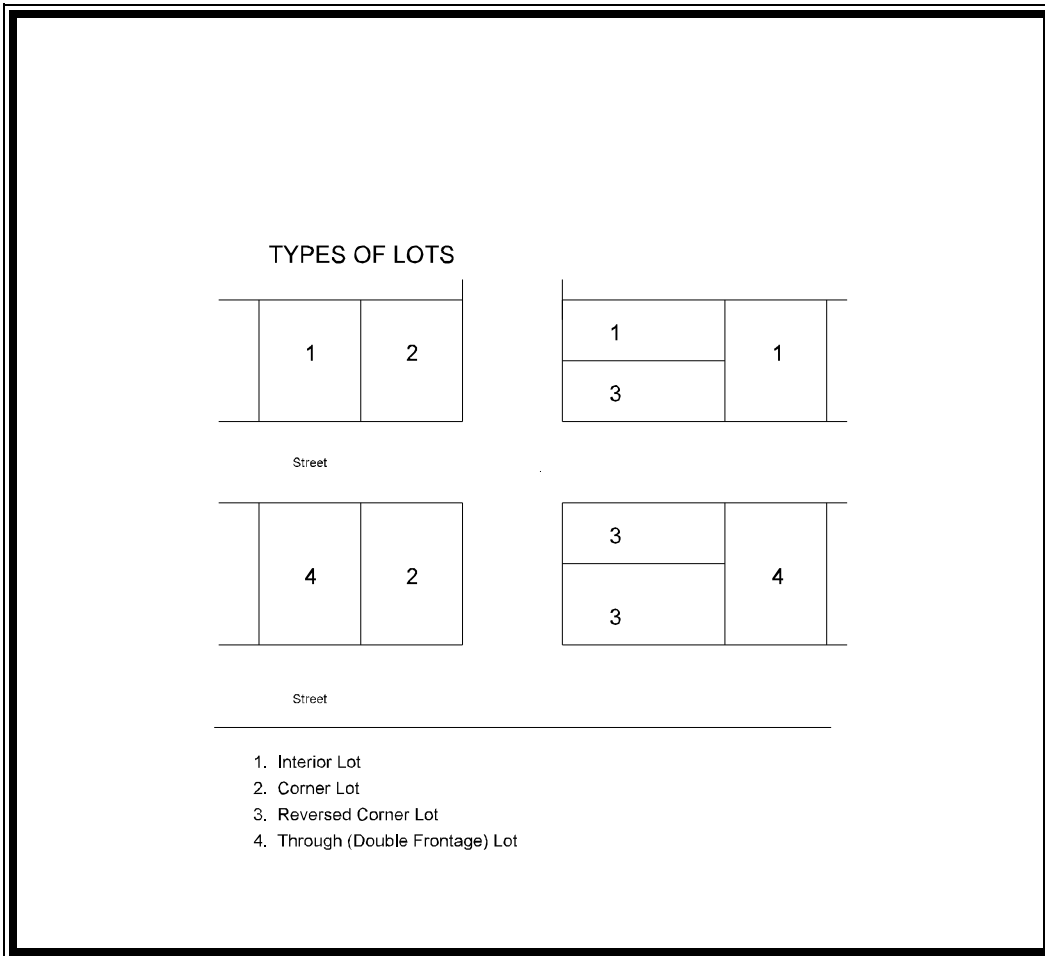
(66) "lodge" (see club, private).

(67) "lodging house" (see boarding house).

(68) "lot" means a parcel of land which is either a lot of record or a zoning lot.

(69) "lot area, gross" means the area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

(70) "lot, corner" means a lot situated at the intersection of 2 streets, the interior angle of such intersection not exceeding 135 degrees.



(71) "lot depth" means the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

(72) "lot, interior" means a lot other than a corner lot or reversed corner lot.

(73) "lot line, front" means that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way, or in the case of a corner lot, the street lot line selected by the owner as the front lot line, or in the case of a

through lot, both street lot lines, or in the case of a fully or partially land-locked lot, the lot line that faces the access to the lot.

(74) "lot line, rear" means that boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line.

(75) "lot line, side" means any boundary of a lot which is not a front lot line or a rear lot line.

(76) "lot of record" means a lot which is part of a subdivision, the plat of which has been recorded in the office of the Kane County Recorder, or a parcel of land, the deed to which has been recorded in the office of the Kane County Recorder.

(77) "lot, reversed corner" means a corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

(78) "lot, through" means a lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot.

(79) "lot width" means the horizontal distance between the side lot lines of a lot, measured at the required setback line.

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

(81) "mezzanine" means an intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

(82) "mobile home" means a dwelling unit designed to be transported on streets and highways to the place where it is to be occupied as a dwelling unit complete and ready for year-round and permanent occupancy; except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, and connection to electrical, water, and sewer systems.

(83) "mobile home park" means a parcel or tract of land developed with facilities for locating mobile homes, provided each mobile home contains a kitchen, flush toilet, and shower or bath. It shall not include a sales lot in which automobiles or unoccupied mobile homes are parked for the purpose of inspection or sale.

(84) "motel" (see hotel).

(85) "motor freight terminal" .a building or area in which freight, shipped by motor truck or railroad is received, assembled, sorted, and/or rerouted for local, intrastate, or interstate shipment by motor truck.

(86) "motor vehicle" means any self-propelled wheeled vehicle designed primarily for transportation of persons or goods along public streets.

(87) "museum" means a place or building in which works of artistic, historical or scientific value are cared for and exhibited.

(88) "nonconforming building, nonconforming structure" means any building or structure, lawful at the time of enactment of this chapter, which—

(A) does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or

(B) is designed or intended for a nonconforming use.

(89) "nursing home" means a private home for the care of the aged or infirm but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis, treatment, or care of the sick or injured, or insane or alcoholic patients.

(90) "obstruction" means any building or structure, or parts thereof, which is located so as to come in the way of any open area required by this chapter. Trees or shrubs shall not be considered obstructions.

(91) "office" means the building, room, or series of rooms in which services, clerical work, professional duties and the like are carried out.

(92) "open sales lot" means any land used or occupied for the purposes of buying and selling merchandise, passenger cars, trucks, motor scooters, motorcycles, boats, and monuments, or for the storage of the same prior to sale.

(93) "open space" means any land developed as yards, parks, recreational areas, or landscaped green areas, exclusive of area developed for off-street parking.

(94) "parking space" means a 10 feet by 20 feet hard surfaced off-street area designed, intended, arranged or made available for the storage of one automobile; a single lane driveway having only one street access shall be considered one parking space.

(95) "party wall" means a wall starting from the foundation and extending continuously through all stories to or above the roof which separates one building from another and is jointly used by each building.

(96) "particulate matter" means dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

(97) "pets" means animals kept for amusement or companionship such as dogs and cats.

(98) "planning and zoning board" means the village of Virgil planning and zoning board.

(99) "planned unit development (PUD)" means a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, and the environment of which is compatible with adjacent parcels; the developer or developers may be granted relief from specific land-use regulations and design standards in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the Village as a whole.

(100) "pornography" means written, printed, audio, or video material which under the local standards which prevail within the Village is obscene, appeals solely to the prurient interests and is utterly without any redeeming social value.

(101) "poultry farm" means any tract of land on which poultry or poultry products are raised or produced for sale.

(102) "property lines" means the lines bounding a lot of record or a zoning lot, as defined herein.

(103) "public utility" means a private business or organization regulated by the State of Illinois, which provides an essential service or commodity such as water, sewer, electricity, natural gas, transportation, or communication to the consuming public.

(104) "public way" means any sidewalk, street, alley, highway, or other public thoroughfare.

(105) "recreational vehicle" means any boat, boat trailer, trailer, any camping trailer, travel trailer, coach, motor home, or other unit built or mounted on a vehicle or chassis, without permanent foundations, which may legally be driven or towed by motor vehicles.

(106) "research laboratory" means a building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but no facilities for the manufacture of products for sale.

(107) "reservoir parking facilities" means those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

(108) "restaurant" means a business establishment within which food is offered for sale and consumption within the structure on the premises, or off the premises.

(109) "Roadside stand" means a structure for the display and sale of agricultural products, with no space for customers within the structure itself.

(110) "Salvage yard" means junk yard.

(111) "Screening" means a structure erected or vegetation planted for concealing from view the area behind it.

(112) "Sign" means a mark or device visible to the public that conveys a meaning, name, identification, description, display, illustration, or other commercial or noncommercial speech which is affixed to or represented directly or indirectly upon a building, structure, or piece of land.

(A) "On-premises advertising sign" means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on the premises upon which such sign is located or to which it is affixed and may or may not be indirectly lit but may not be self-illuminated.

(B) "Off-premises advertising sign" means a sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on premises other than those upon which such sign is located or to which it is affixed and may or may not be indirectly lit but may not be self-illuminated.

Ord 1991-12, 12/3/1991; Ord 2002-02, 6/13/2002.

(113) "stable, boarding" means a building or structure where horses are kept for remuneration but limited to not more than 10 horses and not including the sale of any products.

(114) "stable, private" means a building or structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used or intended to be used, for housing horses for the private use of the occupants of the dwelling.

(115) "stable, public" means a building or structure where more than 10 horses are kept for remuneration, hire or sale, and may include the sale of riding equipment or products.

(116) "story" means that part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is 6 feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premises.

(117) "street" means a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or otherwise, but does not include driveways to buildings.

(118) "structure" means anything erected, the use of which requires a location on or in the ground, or attached to something having a location on or in the ground, including advertising signs and billboards and supports and frames thereof, gas holders, oil tanks, water tanks, grain elevators, coal bunkers, and other similar structures.

(119) "structural alterations" mean any change in the supporting members of a building or structure, including any change in bearing walls, columns, beams, girders, and supports and frames of signs and billboards.

(120) "telephone booth" means a small, enclosed, structure usually accommodating a single person, and equipped with a telephone for use by the public.

(121) "telephone, pedestal mounted" means a small, semi-enclosed structure mounted on a pedestal-type support and containing a telephone for use by the public.

(122) "tourist or trailer camp" means an area which may contain one or more structures, designed or intended to be used as temporary living facilities for 2 or more families.

(123) "toxic material" means a substance (liquid, solid, or gaseous) which by reason of an inherent deleterious property tends to destroy life or impair health.

(124) "travel trailer" means recreational vehicle.

(125) "truck" - 1/2 ton — 4,000 pounds, empty weight; 3/4 ton — 4,500 pounds, empty weight; one ton — 5,000 pounds, empty weight.

(126) "use" means the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

(127) "use, nonconforming" means any use of land, buildings, or structures, lawful at the time of the enactment of this chapter, which does not comply with all of the

regulations of this chapter or of any amendment hereto, applicable within the zoning district in which such use is located.

(128) "use, permitted" means any use of land, buildings, or structures which on the effective date of this chapter or of any amendment hereto, complies with the regulations applicable within the zoning district in which such use is located.

(129) "use, principal" means the main use of land or buildings as distinguished from a subordinate or accessory use; a principal use may be permitted or special.

(130) "use, special" means a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts.

(131) "village" means the village of Virgil, Kane County, Illinois.

(132) "village board" means the president and board of trustees of the village.

(133) "yard" means an unoccupied open space on the same zoning lot with a building or structure; a yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

(134) "yard, corner side" means a side yard which adjoins a public street.

(135) "yard, front" means a yard extending along the full length of the front lot line between the side lot lines.

(136) "yard, interior side" means a yard which is located immediately adjacent to another recorded or zoning lot or to an alley separating such side yard from another lot.

(137) "yard, rear" means a yard extending along the full length of the rear lot line between the side lot lines.

(138) "yard, side" means a yard extending along a side lot line from the front yard to the rear yard.

(139) “yard, transitional” means that yard which must be provided on a zoning lot in a business district which adjoins a zoning lot in a residence district, or that yard which must be provided on a zoning lot in an industrial district which adjoins a zoning lot in either a residence or business district.

(140) “zoning permit” means the written approval of the Zoning Officer, independently or as part of the building permit or application, certifying that the applicant's plans and drawings comply with all applicable provisions of this chapter.

(141) “zoning officer” means the officer designated as responsible for enforcing and administering this chapter.

(142) “zoning district” (see district).

Ord 1991-12, 12/3/1991.

SUBCHAPTER 4—ADMINISTRATION AND ENFORCEMENT

§ 1205. Generally

The primary administration and enforcement responsibilities of this chapter are hereby vested in the zoning officer and the village board.

Ord 1991-12, 12/3/1991.

§ 1206. Zoning officer

There is hereby created the position of zoning officer, whose office shall be located within the village. It is the duty of the zoning officer to administer and enforce the provisions of this chapter, and to that end the zoning officer has the power to make such orders, requirements, decisions, and determinations as are necessary with respect to applications for permits and the enforcement of this chapter.

Ord 1991-12, 12/3/1991.

§ 1207. Zoning permit

(a) When required. A zoning permit must be obtained from the zoning officer in order to—

- (1) establish any new use of property;
- (2) excavate for or build any foundation;
- (3) erect, construct, reconstruct, enlarge, alter or move any building or structure;
- (4) erect, construct, reconstruct, enlarge, alter or move any sign (except as herein provided) or fence which cannot be viewed through, or any concrete, stone or masonry wall;
- (5) change the use of any building, structure, or land from one zoning district classification to another;
- (6) in the case of a nonconforming use, to change from one use to another;
- (7) dig or drill any well; or
- (8) install, add to or repair any sewage disposal system.

(b) Coverage and expiration. Each permit issued for a principal building shall also cover any accessory buildings constructed at the same time. Any new use or change in use authorized by permit but not started or made within 90 days of issuance shall require a new permit.

(c) Applications. Two copies of a written application for a zoning permit shall be filed with the Zoning Officer. The application shall contain the legal description of the property and the name of owner and applicant, shall describe the use to be established or extended, and shall give the estimated cost and such other information as may be required for the enforcement of this chapter. Each copy of the application shall be accompanied by a dimensioned drawing of the building plot showing the location of all buildings and structures, lot areas to be used, auto parking areas, and other pertinent information. All applications and copies of

zoning permits issued shall be systematically kept for ready public reference by the Zoning Officer.

(d) Application of other statutes and chapters. No zoning permit shall be issued for a building to be constructed on any lot, piece, parcel or tract of land that does not conform with the provisions of 765 ILCS 205/0.01 *et seq.*, in force from time to time, the building code of the village, as amended from time to time, and the subdivision regulations and other applicable chapters in force from time to time within the village.

§ 1208. Variations

(a) Purpose. Whenever in a specific case, after an application for a zoning permit has been made to and refused by the zoning officer, an application is made to the planning and zoning board that there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of the regulations contained herein relating to the use, construction, alteration or location of buildings or structures, or the use of the land, the planning and zoning board may determine and vary their application in harmony with the general purpose and intent of such regulations, upon such conditions as may be considered appropriate and in the public interest, and in accordance with the rules herein set forth.

(b) Public hearing. No variation may be made by the planning and zoning board except in a specific case and after a public hearing before the planning and zoning board . Notice of the time and place of the hearing must be published once, not more than 30 nor less than 15 days before the hearing, in a newspaper published in the village, or if no newspaper is published in the village, then in a newspaper published in Kane County with a general circulation within the village. The notice must describe the proposed variation and the particular location for which the variation is requested.

(c) Standards for variation. In considering whether the standards of practical difficulties or particular hardship have been met by the applicant the planning and zoning board shall require evidence that—

(1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district; and

- (2) the plight of the owner is due to unique circumstances; and
- (3) the variation, if granted, will not alter the essential character of the locality.

In determining whether or not the variation, if granted, will alter the essential character of the locality, the planning and zoning board may consider whether the variation will (A) impair an adequate supply of light and air to adjacent property; (B) increase the hazard from fire and other dangers to adjacent property; (C) diminish the value of adjacent land and buildings; (D) increase the congestion or traffic hazards in the public streets and highways; and (E) otherwise impair the public health, safety, comfort, morals and general welfare.

(d) Decision of the planning and zoning board

The planning and zoning board shall reach a decision within 30 days from the date of the final adjournment of the public hearing. If the variation is granted, the decision of the planning and zoning board must contain or be accompanied by findings of fact and must refer to any exhibits containing plans and specifications for the proposed variation, which will remain a part of the permanent record. The findings of fact must specify the reasons for granting the variation. The terms of relief must be specifically set forth in a conclusion or statement separate from the findings of fact. Property for which a variation has been granted may not be used in violation of the specific terms of the relief provided.

Ord 1991-12, 12/3/1991; 2017-01, 5/11/2017.

§ 1209. Appeals

(a) Scope of appeals. Any aggrieved person or any officer, department, board or bureau of the village may appeal to the planning and zoning board to review any order, requirement, decision or determination of the zoning officer. The appeal must be taken within 45 days of the action complained of by filing with the zoning officer and with the village clerk a notice of appeal, specifying the grounds thereof. The zoning officer shall forthwith transmit to the planning and zoning board all the papers constituting the record upon which the action appealed from was taken.

(b) Stay of any action. An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning officer certifies to the planning and zoning board, after the notice of appeal has been filed, that by reason of facts stated, a stay would, in such officer's opinion, cause imminent peril to life or property. In that case, proceedings will not be stayed otherwise than by a restraining order that may be granted by the planning and zoning board, or by the circuit court upon application and notice to the zoning officer and for due cause shown.

(c) Notice of hearing. The planning and zoning board shall fix a reasonable time for hearing the appeal and give due notice thereof to the parties. At the hearing, any party may appear in person or by agent or by attorney. The planning and zoning board shall decide the appeal within 30 days of the final adjournment of the hearing. The planning and zoning board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the zoning officer as in its opinion ought to be made in the premises, and to that end has all the powers of the zoning officer.

(d) Appeals to the courts. All final administrative decisions of the planning and zoning board are subject to judicial review pursuant to the provisions of the Administrative Review Law (735 ILCS 5/3-101 *et seq.*), and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in § 3-101 of the Code of Civil Procedure. (735 ILCS 5/3-101).

Ord 1991-12, 12/3/1991; 2017-01, 5/11/2017.

§ 1210. Amendments

(a) Initiation of amendments. Amendments may be proposed by the village board and by any person, firm, or corporation having a freehold interest in the subject property, a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or a possessory interest entitled to exclusive possession, and which is specifically enforceable. Proposed amendments will be directed to the planning and zoning board for consideration and report to the village board.

(b) Public hearing. No amendment to this chapter shall be made without a hearing before the planning and zoning board. Notice must of the time and place of the hearing must be published once, not more than 30 nor less than 15 days before the hearing in a newspaper published in the village, or, if no newspaper is published in the village, then in a newspaper published in Kane County with a general circulation within the village. Within 30 days after the final adjournment of the hearing, the planning and zoning board shall file an official report of the proceedings, findings of fact and written recommendation in the office of the village clerk.

(c) Action by the village board. If a written protest against the proposed amendment of the regulations or districts is filed with the village clerk, signed and acknowledged by the owners of 20% of the frontage (1) proposed to be altered, or (2) immediately adjoining or across an alley therefrom, or (3) directly opposite the frontage proposed to be altered, no map amendment of this chapter may be passed except by the favorable vote of two-thirds of all members of the village board. In such cases, a copy of the written protest must be served by the protestor or protestors on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail, return receipt requested, at the address of such applicant and attorney shown in the application for the proposed map amendment.

(d) Optional revocation. If property zoned by the village board is not used within one year from date of said zoning for purposes permitted in the classification to which the property has been zoned, or, if the use of the property has been discontinued for a continuous period of three years, the village board may institute proceedings, on its own motion, to consider the rezoning of said property to another classification.

Ord 1991-12, 12/3/1991; 2017-01, 5/11/2017.

§ 1211. Special uses

(a) Purpose. This chapter is based upon the division of the village into zoning districts, within which the use of land and buildings, and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district, without considering, in each case, the impact of those uses upon neigh-

boring land and the public need for the particular use in the particular location. To provide for the location of special classes of uses which are deemed desirable for the public welfare within a given district, but which are potentially incompatible with typical uses permitted within them, a classification of special uses is hereby established.

(b) Public hearing. Uses listed in Table B as special uses will be considered at a public hearing before the planning and zoning board. Notice of the time and place of the hearing must be published once, not more than 30 nor less than 15 days before the hearing, in a newspaper published in the village, or if no newspaper is published in the village, then in a newspaper with a general circulation within the village published in Kane County. The notice must generally describe the special use requested and the particular location for which the special use is proposed.

(c) Standards for special use. A special use may be granted only upon evidence that such use meets the following standards, and in its report of findings of fact and recommendations to the village board following the public hearing, the planning and zoning board shall not recommend a special use unless it finds—

(1) that the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;

(2) that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

(3) that the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

(4) that adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

(5) that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads; and

(6) that the special use will in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the village board, pursuant to the recommendations of the planning and zoning board.

Ord 1991-12, 12/3/1991; 2017-01, 5/11/2017.

§ 1212. Additional standards – airports

(a) The provisions of this chapter are in addition to the rules and regulations of the Federal Aviation Administration and the Illinois Department of Transportation, Division of Aeronautics, which rules and regulations are the minimum standards for purposes of this chapter for the class of airport proposed. In the event of conflict between the provisions of this chapter and the rules and regulations of the Federal Aviation Administration or the Illinois Department of Transportation, Division of Aeronautics, the more restrictive of the two is applicable.

(b) No airport may be located—

(1) within any circle drawn from any point on the subject property with a radius of 2000 feet that contains more than 200 dwelling units;

(2) within five miles of the boundary of any other airport;

(3) in a location inconsistent with the plans, policies, and chapters of the village now and from time to time in effect.

(c) Runways may not be located within 1,000 feet of any highway, street or railroad right-of-way if the runway is perpendicular to such right-of-way and may not be located within 500 feet of such right-of-way if the runway is parallel to such right-of-way.

(d) Any building, hangar, or other structure must be at least 100 feet from any street or boundary line.

(e) No run up area or blast area may be located within a distance of 200 feet from any residence or property line except a residence or property line within the boundaries of an airport or a residence adjacent to and owned by the state licensee of the airport.

(f) There must be adequate off-street parking spaces. The off-street parking design must be reviewed and approved by the village.

(g) Every landing area used by any aircraft under its own power must have a dustless surface.

(h) Any proposed runway or landing strip must be situated so that the approach zones are free of any flight obstructions such as towers, chimneys, other tall structures or natural obstructions outside the airport site. If air rights or easements have been acquired from owners of adjoining properties in which approach zones fall, evidence thereof shall be submitted with the application.

Ord 1991-12, 12/3/1991.

§ 1213. Additional standards – automobile wrecking yard

(a) Any automobile wrecking yard, junk yard, scrap yard, or salvage yard for which a special use is granted under this section must, at all times, conform to the performance standards established for the I – Industrial zoning district.

(b) All outdoor storage areas must be screened or fenced with a solid fence at least six but no more than eight feet high, earth berms, or enclosed with dense evergreen growth at least six feet high. Storage between the street and such fence or screen is expressly prohibited. Storage above the height of the fence or screening is prohibited unless fully enclosed.

(c) Any junk or salvage yard which offers to the public at retail any new or used merchandise must provide at least two parking spaces in an off-street parking lot for each 100 square feet of retail floor space.

Ord 1991-12, 12/3/1991.

§ 1214. Additional standards – cemetery

(a) The site proposed for a cemetery must not interfere with the development of a system of collector and larger streets in the vicinity. The site must have direct access to a public thoroughfare.

(b) Any new cemetery must be located on a site containing at least 10 acres.

(c) All burial buildings must be set back at least 80 feet from any street bounding the cemetery and at least 55 feet from all side and rear lot lines. A burial building is any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults and columbaria.

(d) All graves and burial lots must be set back at least 30 feet from any street bounding the cemetery and at least 25 feet from all side and rear lot lines.

(e) Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently occupied. Any expansion to land not occupied must comply with the requirements of this section.

(f) Adequate parking must be provided on the site, and no cemetery parking will be permitted on any public street.

Ord 1991-12, 12/3/1991.

§ 1215. Additional standards – drive-in theater, summer theater, amphitheater

(a) The site must contain at least five acres.

(b) The site must have direct access to a major street.

(c) All structures, viewing area, and seating areas must be set back at least 100 feet from any street or boundary line.

(d) All parking areas and access ways must be adequately lighted, but such lighting must be shielded to prevent glare or reflection onto neighboring properties or public streets.

(e) Off-street parking spaces must be provided in accordance with subchapter 12.

(f) The following accessory uses may be permitted as incidental and limited to patrons of the principal use—

- (1) amusement park or kiddieland;
- (2) refreshment stand or booth;
- (3) souvenir stand or booth.

(g) For any drive-in theater—

(1) the theater screen must not be visible from any collector or major street within 2,500 feet;

(2) the viewing area must be screened in such a manner that it cannot be observed from outside the property;

(3) off-street space for automobiles of patrons awaiting admission to the theater must equal 30% of the capacity of the viewing area;

(4) all entrances and exits must be separated and internal circulation laid out to provide one-way traffic;

(5) all property lines must be screened by a solid fence at least six feet high.

Ord 1991-12, 12/3/1991.

§ 1216. Additional standards for specific special uses - extraction of earth products

It is the policy of the village to provide for the reclamation of lands disturbed by mining in order to encourage the productive use thereof by the planting of forests, or grasses and legumes for grazing purposes, or crops for harvest; by the enhancement of wildlife and aquatic resources; by the establishment of recreational, home or industrial sites; and by the conservation, development, management and appropriate use of all the natural resources of such areas in order to aid in maintaining or improving the tax base of the village and to protect the health, safety and general welfare of the people, as well as the natural beauty and aesthetic values of the affected area.

(a) Table 1216 sets forth the filing requirements for a special use for mining operations.

(b) The reclamation plan and map must specify progress and completion dates of the reclamation, provided that the reclamation must be completed within three years after the termination of mining operations. Changes may be made in the original reclamation plan only by mutual consent of the operator and the planning and zoning board, which changes must

Table 1216 - Filing Requirements - Mining Special Use

1. Application for special use and map (1 in. = 100 ft) showing—
 - (a) existing topography at two ft contour intervals; if greater than a 7% grade, five ft contour intervals;
 - (b) locations of watercourses and drainage systems; and
 - (c) an outline of the area to be excavated.
2. Reclamation plan and map (1 in. = 100 ft) showing—
 - (a) the locations of proposed watercourses and drainage systems, including lakes, ponds and retention areas;
 - (b) the sequence of operations and the schedule of rehabilitation measures;
 - (c) the proposed locations of storing, grading, crushing and similar equipment necessary to the operation and initial distribution of the excavated products;
 - (d) the proposed locations of any buildings, scales, equipment storage areas, and equipment repair sheds or areas; and
 - (e) proposed future land uses, proposed roadways, park lands and recreational features.
3. Filing fee

preserve, as substantially as possible, the original reclamation plan.

(c) The operation and rehabilitation of extractive products areas must comply with the following restrictions:

(1) Mining operations must be conducted in compliance with the laws of Illinois and of the United States, and chapters and resolutions of the village, as amended from time to time.

(2) Sand and gravel operations may be conducted only between the hours of 6:00 AM and 6:00 PM.

(3) Clearing the mining site includes moving existing trees and shrubs to such locations as will provide required screening whenever possible or as will conform with the ultimate use of the property pursuant to the reclamation plan.

(4) Not more than one entrance and one exit from a highway or road may be provided to the area of operation. Such entrance must be approved by the village board or the highway department having jurisdiction. Completion of the reclamation plan must be carried on as excavation progresses. Where ground cover or other planting is indicated on the approved plan, such planting must be made in areas where excavation is completed and land is not being used for material storage before further overburden is removed in order to ensure development as operations proceed.

(5) Weeds and other unsightly or noxious vegetation must be cut or trimmed at least twice a year or as may be necessary to present a reasonably neat appearance and to prevent seeding on adjoining property.

(6) Excavation may not take place within a minimum of 100 feet of any street or boundary line. Where deep quarrying 30 feet or more is planned, boundary setbacks must be a minimum of 150 feet and must conform to State reclamation standards.

(7) Existing trees and ground cover along public road frontage must be preserved, maintained, and supplemented for the depth of the required roadside setback.

(8) Buildings, structures and storage or repair areas must be located in conformance with yard requirements of the district in which they are located.

(9) Access ways and roads must be maintained in a dust-free condition.

(10) Perimeter roads must be buffered from extraction activities with earth mounds at least 10 feet high which store topsoil. Mounds must be planted with grass or other suitable material, such as viburnum, as an erosion retardant.

(11) All truck loads of extracted materials removed from the site must be covered with tarpaulins in conformance with State standards to insure public safety and prevent damage to individuals or their vehicles.

(12) All operations must be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking or collapse of supporting soil adjacent to an excavation. All operations must be fenced.

(13) No excavation, removal or fill will be permitted if the finished conditions would contain—

(A) deep pits having side slopes of greater than 30 degrees;

(B) serious on-site erosion problems or erosion problems which could extend to neighboring properties; or

(C) undrained depressions other than artificial lakes or drainage problems which adversely affect neighboring properties.

(14) No processing and stock piling operations may be conducted closer than 660 feet from any estate, residential, or business district or within 660 feet of any public or private educational facility or medical facility. All processing operations should be enclosed whenever the operation is to be in existence for a longer period of time than nine months. Stockpile areas must be screened from view.

(15) No extraction operations may be conducted in such a manner that the groundwater table of surrounding properties is lowered as measured by data obtained from test wells installed, operated and maintained by the permittee on the perimeter of the excavation site.

(16) Graded or backfilled areas or banks in the cases of excavations made to water producing depth must be covered with topsoil to a minimum depth of six inches. Such topsoil must have a minimum of 25% organic material.

(17) Whenever production on any property is completed, all buildings, plants, structures (except fences) and equipment must be entirely removed within six months after such completion, unless same are to be used in connection with the reclamation plan or relative to the removal of stored materials. All stockpiled materials must be removed within two years following cessation of production and the area occupied by such stockpiled material, or materials, must then be restored as provided for in the reclamation plan.

(d) Special use permits for the extraction of earth products will be issued for a period of time not to exceed five years. Such permits are renewable for additional five year periods. At the expense of the operator, an examination of the premises will be made by an engineering firm chosen by the village board at intervals of not more than each six months during the term of operation.

(e) A corporate surety bond or irrevocable letter of credit must be delivered to the village as beneficiary to assure compliance with the approved reclamation plan. The bond or letter of credit must be in the amount of \$100,000 or \$1,500 per acre, whichever is greater, for the completion of operations and the rehabilitation of the tract.

(f) If the permittee fails to fully comply with the provisions hereof the village board shall give notice by first class mail, postage prepaid, addressed to the permittee at the address set forth in the application, setting forth the provision being violated, and the time and place of hearing to be held by the planning and zoning board to consider the same; and upon such hearing being held, if the planning and zoning board of appeals finds that the provisions of this section have not been complied with by the permittee, the mining operations may thereupon be suspended or terminated by the village board.

Ord 1991-12, 12/3/1991.

§ 1217. Additional standards – planned unit development (PUD)

(a) Purpose. The regulations contained in this section are established to encourage imaginative design of coordinated land uses and to provide relief from the subdivision and zoning district requirements which are designed for conventional developments, but which may inhibit innovation and cause undue hardship with regard to the use of parcels which present technical development problems. These regulations are further established to provide a safe and desirable living environment for residential areas characterized by a unified building and site development program, to preserve natural features of the site, and to provide adequate open space for recreation and other community purposes.

(b) When required. Two or more primary structures on a single zoning lot of any size must be developed as a PUD. Any multiple family project which contains three or more dwelling units on one zoning lot, whether in one building or more than one building, must be developed as a PUD. All lands zoned B2 or B3 - Shopping Center must be developed as a PUD.

(c) Where permitted. A PUD may be located in any zoning district shown in Table B, subject to the procedures and standards set forth below and the issuance of a special use permit.

(d) Standards for PUDs. For any PUD, the regulations and standards established in this section shall be substituted for the general regulations set forth elsewhere in this chapter.

(1) Ownership. PUDs must remain under one ownership or unified control. A sale of a portion of a parcel designated PUD may occur only after a final plat of subdivision is approved and recorded. No final plat of subdivision for a parcel designated PUD may occur until a final planned development plan has been approved by the village board. However the village shall continue to treat the subdivided parts as a single PUD and require the individual parcel owners to conform with the previously approved final planned development. (Also see § 1217(g).)

(2) Required parking. The off-street parking requirements found in subchapter 12 of this chapter shall apply to all PUDs. Additional parking for guests shall be provided in such number as is determined adequate by the village board.

(3) Street improvements. All streets and street improvements shall be designed by a registered professional engineer. The width of streets and the design of the pavement and other structures shall be based upon their intended use, shall be related to the overall design of the PUD, and shall be constructed to the standards of the subdivision regulations of the village.

(4) Required setbacks. All structures located on the perimeter of a PUD shall be set back from the property line or street right-of-way a distance equal to or greater than the required setback in the adjacent zone. Interior yards and setbacks shall be in conformity with good site planning practice. Any variations from Table A requirements must be identified.

(5) Height restriction. Any structure within a PUD may be 35 feet in height. Any structure may exceed 35 feet in height provided it is set back from the perimeter of its respective section of the PUD, two feet horizontally for every one foot of building height.

(6) Minimum site area. The minimum land area to be included in a PUD shall be two and one-half acres, or such lesser size as may be determined acceptable as a PUD by the village board or as indicated in this chapter.

(7) Bonding required. A bond or letter of credit to cover the cost of required public improvements shall be submitted prior to the issuance of any permits for the PUD.

(8) Design standards. The development plan must be prepared by professional persons, architects, planners, engineers, landscape architects and surveyors. The benefits of the PUD and the improved design of the development must justify the intended variation from the normal requirements of this chapter. In preparing the development plan, particular consideration shall be given to the following:

(A) The provision of open space for recreation and other outdoor benefits and activities in residential portions of PUDs.

(i) Open space must not be less than 50% of the net PUD development acreage (gross acreage less public right-of-way acreage and unbuildable acreage). Open space must consist of areas not covered by buildings or pavement. Open recreation facilities, sidewalks, swimming pools, decks and tennis courts will be considered open space.

(ii) The school and park land dedication or cash in lieu standards of the subdivision regulations of the village must be complied with in all PUDs with residential housing.

(iii) Required school and park dedication open space must be so situated that it is accessible to all.

(iv) Adequate private play areas above the required park dedication or cash donation must be provided for use by residents in the PUD.

(B) The conservation of significant natural features of the site including but not limited to floodplains, wetlands, forest scenic areas and vistas and historical or archaeological areas.

(C) Maximum separation of vehicular traffic from pedestrian ways and play areas.

(D) A unified design based upon significant architectural features, compatible building materials and a distinctive arrangement of structures and open space.

(E) The provision of adequate sites for retail shopping and service areas, schools, places of worship and other community services where the development is large enough to support these services.

(F) The relationship of the development to surrounding uses and property.

(G) Surface drainage and storm water detention facilities shall be designed so that the runoff from the developed site shall not exceed the runoff from the site in its natural state during a storm of two-year frequency as published by the U.S. Weather Bureau for the Chicago area. The capacity of the storm water detention facilities shall be based on a storm of 100-year frequency and the runoff coefficient for the fully developed planned development

less the volume of water released based on a storm of two-year frequency and the runoff coefficient of the site in its natural state. Storm drainage piping (both on-site and roadway) shall be sized to carry the 10-year frequency storm runoff. Provision should be made, and plans prominently labeled to allow for emergency overflow of runoff volumes in excess of piping design capacity. Elements of the design regarding method of drainage computation, allowance for off-site runoff, maximum ponding depths, and other considerations shall meet the approval of the village engineer, and conform to requirements of all other applicable village chapters.

(9) Permitted uses. The following uses are principal but not exclusive uses permitted in a planned development subject to the regulations of this section and subject to the zoning district designation to which the PUD special use is attached:

- (A) for parcels inside the village limits, uses listed as principal uses in Table B of this chapter;
- (B) single-family detached dwelling;
- (C) two-family dwellings, patio homes and zero lot line dwellings;
- (D) convenience shopping facilities;
- (E) any retail use as an integral part of a shopping center;
- (F) any office use;
- (G) any public facility use;
- (H) church or other place of worship;
- (I) any manufacturing use subject to the performance standards in the LI and I districts;
- (J) facilities for the maintenance of the PUD; and
- (K) recreational facilities for the use of the occupants of the PUD or the general public.

(10) Design standards. In recognition of the purpose of a PUD, the density standards for PUDs retain some flexibility to allow innovation and to promote the achievement of the development goals of the village. Accordingly, PUD densities may exceed the densities allowed in the underlying zoning districts (Allowable Density) provided that the village board, after review by the plan commission and planning and zoning board, determines that the project's benefits merit the increased density proposed. Density accumulated for a proposal must start at or below the Allowable Density for the underlying zoning and may, if justified, increase through Bonus Units. Density relates to the project as a whole and shall be construed to mean total housing units for the project divided by total net acreage.

(A) The allowable densities which are the density equivalents for the various zoning districts listed in Table B of this chapter are shown in Table 1217(d)(10)(A).

(B) Bonus units per acre above the allowable densities may be obtained for project amenities which promote achievement of the development goals of the village. Bonus units may be granted only after the petitioner has demonstrated that the project benefits merit the additional density.

Table 1217(d)(10)(A) - Allowable Densities

Residential Type	Density
E1	.2
E2	.1
R1	.7
R2	.4
R3	1.3

Criteria under which density may be evaluated includes but not be limited to that which is listed below. Satisfaction of several criteria may be necessary to acquire bonus units. Final bonus value will be determined by the village board upon review of the recommendations of the planning and zoning board.

- (i) Quality of site design, including innovative clustering of units, orientation of units for energy conservation and similar considerations.
- (ii) Relationship to surrounding land uses and compatibility of building heights to preserve views and solar rights of existing structures.
- (iii) Preservation of significant natural features of the site.

- (iv) Proximity to necessary services including shopping, public transportation, medical services, government facilities, recreational areas, etc.
- (v) Provision of needed public facilities such as sites for public use, critical linkages in the major street system or necessary extensions of the utility networks beyond those required by village chapters.
- (vi) Provision of public or private recreational facilities in excess of the requirements of this chapter.
- (vii) Provision of units for low and moderate income individuals and families.
- (viii) Quality of architectural design including style, size, height, compatibility and innovative features.
- (ix) Creative use of landscaping, screening and/or buffering beyond the requirements of this chapter.
- (x) Handling of on-site traffic flow for efficiency of circulation, safety and privacy and off-site traffic flow to minimize impact on surrounding community beyond normal requirements.
- (xi) Logical extension of existing development patterns into areas contiguous to the Village, avoiding "leap frog" development.
- (xii) Attached garages designed as an integral part of the primary structures which meet the parking requirement of this chapter.
- (xiii) Provision of foot or bicycle paths.
- (xiv) Preservation of historic sites.
- (xv) Quality of exterior materials used in the structures.
- (xvi) Other creative or unusual amenities not listed above which may meet the development goals of the village.

(C) For direction concerning development features which may or may not be appropriate, consult the *Village of Virgil PUD Guidelines*. The *Guidelines* serve as a current indication of village policy on site planning of PUDs and an advisory tool for petitioners to use in preparing the development plans.

(e) Review procedures

(1) Conceptual PUD review (optional)

(A) The developer may appear before the planning and zoning board at the developer's option to informally discuss the initial concept for the proposal. The planning and zoning board is not required to provide a formal position statement on the proposal, and the developer is not required to comply with any position statement which is offered by the planning and zoning board.

(B) Eleven copies of a general concept plan showing at a minimum all streets, local land uses, residential densities, total site acreage, phase acreage and the location of all limiting and advantageous naturally occurring and manmade physical features must be submitted to the village at least one week prior to a scheduled conceptual review by the planning and zoning board.

(2) Preliminary PUD review

(A) Following the optional conceptual PUD review, the developer must submit a plan for preliminary PUD approval, should the developer wish to proceed. Preliminary PUD review is made by the planning and zoning board and village board in that order. All documentation required for preliminary PUD review must be submitted to the planning and zoning board a minimum of four weeks prior to the hearing date. The planning and zoning board may require an earlier filing if the proposed PUD is expected to require additional staff review time. Hearing dates will not be set until all required documentation has been received.

(B) The planning and zoning board shall review the preliminary PUD plan on the basis of criteria set forth herein and forward its recommendation to the village board.

(C) The planning and zoning board shall conduct a public hearing on the preliminary PUD plan within 30 days of its receipt of all required documentation (unless an extension is requested by the developer) on the basis of the criteria set forth herein. Zoning sought for each area of the proposed PUD must be referenced in all notices and cited by the developer at the hearing on the preliminary plan. Recommendations of the planning and zoning board will be forwarded to the village board.

(D) Upon receipt of the recommendations of the planning and zoning board, the preliminary PUD plan will be placed on the agenda of the next available village board meeting provided there are at least 10 days between receipt of the recommendations and the date of the meeting to allow adequate time for board consideration of the proposal and recommendations. The village board shall approve, approve with modifications, refer the proposal back to the planning and zoning or disapprove the proposal within 60 days of the final adjournment of the hearing before the planning and zoning board. The village board may continue the consideration of the proposal to a future date with the consent of the developer. In that event, any such extension shall not be counted in the 60 day period. If the village board disapproves the preliminary PUD plan, the developer may ask that it be referred back to the planning and zoning board for reconsideration.

(E) The number of copies and content of the documentation comprising the preliminary PUD plan are delineated below. The time frame under which required materials must be submitted is delineated above in § 1217(e)(2)(E).

(3) Review criteria - preliminary PUD review

(4) Planning and zoning board. The planning and zoning board shall review and evaluate the preliminary PUD in terms of whether the plan—

- (i) is compatible with the village comprehensive plan and community goals;
- (ii) promotes high standards in design, site planning and construction;
- (iii) provides a safe and desirable living environment;

- (iv) preserves natural features of the site;
- (v) provides adequate open space for recreation and other community purposes;
- (vi) Planning and zoning board. The planning and zoning board shall review and evaluate the preliminary PUD in terms of whether the plan—
 - (vii) is compatible with the village comprehensive plan and community goals;
 - (viii) promotes high standards in design, site planning and construction;
 - (ix) provides a safe and desirable living environment;
 - (x) preserves natural features of the site;
 - (xi) provides adequate open space for recreation and other community purposes;
 - (xii) represents a creative approach in land development;
 - (xiii) the design is compatible with adjacent properties and neighborhood.
 - (xiv) provides for land uses, both initial and potential, that will be compatible with existing surrounding land uses

Completed PUD Application form (available from the village clerk)

Site Plan indicating:

1. Project title
2. Notation the plan is a Preliminary PUD Site Plan
3. Name and address of developer and preparer of plans
4. Date
5. Scale (1 in. = 100 ft or larger)
6. North point
7. Legal description and proposed zoning for each segment of the parcel
8. Area of entire parcel and approximate areas of the different land use parcels
9. Proposed number of units and density of the various residential land use parcels (based on area net of public right-of-ways)
10. Floor area of non-residential structures in each separate section
11. Approximate location of buildings proposed
12. Schematic representation of existing trees and landscaping proposed
13. Zoning of all adjacent parcels
14. Character of immediately contiguous property within 100' showing location of streets, easements, utilities, property lines and principal structures
15. Location of proposed streets showing dimensions of right-of-ways and pavement
16. Location and approximate areas of parcels to be dedicated to public bodies and/or reserved for property owner associations
17. Floodplain limits as delineated on FEMA Flood Hazard Maps (if available) or USGS Flood Quadrangle Maps Topographic map showing one foot contour intervals

Correspondence from the park district and school district within which the site lies indicating they have received the plans and are reviewing them at board level. A formal position statement from the respective boards regarding the proposal must be received by the Village before the Village Board will approve a preliminary Planned Development

Details of all variations requested in the PUD. If no variations are requested, so state none are being requested

Traffic analysis indicating: (may be waived by the zoning officer if the project size is not expected to have substantial impact upon the existing road system)

1. Traffic generation of proposal
2. Impact on existing traffic
3. Improvements needed to minimize negative impact of site generated traffic on street network

Three copies of each of the following must be submitted:

1. Proof of ownership. If ownership is in a land trust, beneficial holders of trust shall be disclosed
2. Preliminary engineering plans
3. Plat of Survey of parcel

One copy of a Natural Resources Inventory from the U. S. Soil Conservation Service. All appropriate fees must be paid

(xv) by virtue of its benefits to the village and creative design, justifies the intended variations from the strict interpretation of this chapter, and justifies specific special uses requested; and

(xvi) protects the public health, safety, convenience and general welfare.

(5) Final PUD Review

(A) Following approval of the preliminary PUD plan by the village board, the developer must submit a final PUD plan for approval should he wish to proceed. Final PUD plan approval may be sought for the entire PUD or for phases thereof. However, if final PUD plan approval is sought for only a portion of the PUD, such portion must conform to the approved preliminary PUD plan. Improvements on-site or off-site necessary to support such portion shall be required and a final plat of subdivision for such portion shall be approved by the village board before permits will be issued.

(B) Review procedure. Final PUD plans are reviewed by the planning and zoning board and the village board. The final PUD plan must generally conform with the approved preliminary PUD plan. If the final plan is substantially different than the preliminary plan, then the development must be reviewed as a new preliminary PUD plan. If the proposed areas to be rezoned within the final PUD plan vary in legal description from those which were approved in the preliminary plan, or if additional variations are requested other than those approved in the preliminary plan, the final PUD plan must be reviewed at a public hearing before the planning and zoning board. If such a hearing is necessary, the schedule of final PUD plan review will be the same as that set forth herein for the preliminary PUD plan review. Upon approval of the final PUD plan, the village board shall issue a special use permit authorizing the PUD in accordance with the approved final plan with such modifications as the village board deems necessary.

(C) All documentation required for final PUD review must be submitted to the planning and zoning board a minimum of four weeks prior to the hearing date. The planning and zoning board may require an earlier filing if the proposed PUD is expected to require additional staff review time. Hearing dates will not be set until all required documentation has been received.

(i) The planning and zoning board shall review the final PUD on the basis of criteria set forth herein and forward its recommendations to the village board within 30 days after complete information has been received from the developer.

(ii) The village board shall take under advisement the recommendations of the planning and zoning board when considering the final PUD. The village board shall approve, approve with modifications, or disapprove the final PUD within 60 days of the receipt of the planning and zoning board’s recommendations unless an extension is requested by the developer. If the village board disapproves the final PUD, the developer may resubmit revised plans to the village board for reconsideration, if permission to do so is requested and granted by the village board.

(D) The number of copies and content of the documentation comprising the final PUD plan are set forth below.

Checklist for Final PUD Review Filing	
	20 copies of each of the following. (NOTE: If a new zoning hearing required, 10 additional copies shall be submitted.)
	Completed PUD application form (available from the village clerk) .
	Site Plan indicating:
	Project title
	Notation the plan is a final PUD site plan
	Name and address of developer and preparer of plans
	Date
	Scale (1 in. = 100 ft or larger)
	North point
	Zoning of all adjacent parcels

Checklist for Final PUD Review Filing	
	<p>Character of immediately contiguous property within 100 ft • showing location of streets, easements, utilities, property lines and principal structures</p> <p>Location of proposed streets showing proposed dimensions of right-of-ways and pavement and whether intended to be private or public</p> <p>Location and areas of parcels to be dedicated to public bodies or reserved for property owners associations</p> <p>Floodplain limits as delineated on FEMA Flood Hazard Maps (if available) or USGS Flood Quadrangle Maps</p> <p>Sidewalks</p> <p>Specific details by parcel for separate zoning districts or areas of differing use intensity to include:</p> <ul style="list-style-type: none">Gross areaNet area (gross area less public right-of-way area)Building coverage, floor area, and height <p>FAR</p> <p>Parking spaces</p> <p>Number of housing units by bedroom mix and net density</p> <p>Hard surface coverage (including buildings, excluding sidewalks and recreation facilities)</p> <p>Building locations</p> <p>Floor plans (if not available, parking requirements will be based on the total square footage of the buildings)</p>

Checklist for Final PUD Review Filing	
	<p>Landscape plan detailing</p> <ul style="list-style-type: none">Proposed types (common names), sizes, trunk diameter, and whether sodded or seededExisting trees with trunk diameters eight inches or greater and whether or not to be savedBerming and fencing where proposed <p>Building elevations (all sides)</p> <p>Plans showing trash receptacle accommodation</p> <p>Development schedule by phase including projected start and completion dates, and proposed date of dedication of public areas.</p> <p>Three copies of the following:</p> <ul style="list-style-type: none">Covenants and restrictions for ownership, use and maintenance of common areasFinal engineering plansProof of ownership. If ownership is in a land trust, beneficial holders of trust shall be disclosedPlat of SurveyAll fees paid <p>If a new public hearing is required at the final PUD review stage, the following must be submitted to the zoning officer prior to the hearing:</p> <ul style="list-style-type: none">Receipts for all certified mailings requiredProof of all publications required

(E) The planning and zoning board shall review and evaluate the final PUD in terms of whether the plan—

(i) generally conforms with the previously approved preliminary PUD plan;

(ii) by virtue of its imaginative and creative design and benefits to the village, justifies the intended variations from the strict interpretation of the this or any other chapter;

(iii) requires additional conditions and restrictions to protect the public interest and adjacent areas, improve the development and assure compliance with existing chapters;

(iv) Should a public hearing before the planning and zoning board be required for final PUD plan review, the planning and zoning board shall additionally review and evaluate the final PUD plan under the criteria delineated in § 1217(e)(5)P(viii) through (x) above.

(f) Minor modifications of final plans. The village president may, from time to time, approve minor changes within the project, but such changes shall not be of a nature that would affect the character and standards of the PUD.

(g) Formal subdivision of parcels in a PUD - when required

(1) No division into two or more parts of any parcel designated PUD at the time of passage of this chapter shall occur for purposes of sale, whether immediate or future, unless and until both a final PUD plan and a final plat of subdivision have been approved by the village board. For purposes of this section, the final PUD plan shall be considered a preliminary plat of subdivision.

(2) If approval of a final PUD plan is sought for a segment of a planned development for which a preliminary PUD plan has been approved, a final plat of subdivision for the segment must be approved by the village board before permits will be issued.

(3) If PUD designation is sought for a parcel and no preliminary PUD plan is concurrently presented for consideration, a final plat of subdivision designating the separately zoned segments must be approved by the village board before the zoning for each segment becomes effective. The village board may impose such conditions or restrictions as appear necessary to minimize possible detrimental effects of such special use upon other properties in the area. Subsequent to approval of PUD zoning in this manner, procedures leading to approval of a final PUD plan must be followed.

(h) Failure to begin PUD development

Unless the developer or a successor to the developer has substantially completed construction of the public improvements and has commenced construction of the uses approved in the PUD, the special use permit shall automatically lapse two years after the date of its issuance. The village board upon a written petition from the holder of the special use permit may for good cause extend the period for up to one additional year. The village board may grant no more than three such extensions. If the special use permit lapses under the provisions of this section, the village shall remove the PUD from the zoning map and, at the option of the village board, if the basic zoning classifications were approved at the time of approval of the PUD, the basic zoning classifications shall revert to those in effect prior to approval of the PUD.

Ord 1991-12, 12/3/1991; 2017-01, 5/11/2017.

§ 1218. Public and private utilities and services

Buildings and structures not included in the Illinois Utility Exemption and not specifically permitted as a matter of right in the various districts, pertaining to water, sewage, gas, telephone and electric utilities through applicable franchise agreements; and police, fire, radio and television stations, including broadcasting antennae are required to secure a special use permit.

(a) Lot area and location. The required lot area and location shall be specified as part of the special use permit and be determined in relation to the proposed use, the intensity of such use and the effects of such use upon the environment.

(b) Fencing and screening. If findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding properties may ensue, fencing or screening with a densely planted evergreen hedge or other shielding material may be required in a manner consistent with such findings.

Ord 1991-12, 12/3/1991.

§ 1219. Conditions and guarantees

Prior to the granting of any special use, the planning and zoning board may recommend and the village board may adopt such conditions and restrictions upon the establishment, location construction, maintenance, and operation of the special use as are deemed necessary for the protection of the public health, safety and welfare. In all cases in which special uses are granted, the village board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

Ord 1991-12, 12/3/1991; 2017-01, 5/11/2017.

§ 1220. Effect of denial of a special use

Any special use which fails to receive the approval of the planning and zoning board shall not be approved except by a favorable vote of two-thirds of the village board. No application for a special use, which has been denied wholly or in part by the village board, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the village board.

Ord 1991-12, 12/3/1991; 2017-01, 5/11/2017.

§ 1221. Revocation

In any case where a special use has not been established (substantially under way) within one year from the date of issuance, then, without further action by the village board, the special use shall be null and void, unless in the opinion of the zoning officer, circumstances beyond the control of the permittee indicate that establishment of the use has been impossible.

If the special use has been established and subsequently discontinued, the zoning officer shall have the power to institute proceedings to consider revocation of said special use.

Ord 1991-12, 12/3/1991.

§ 1222. Fee schedule

The fee schedule for activities associated with the enforcement of the requirements of this chapter shall be established by ordinance.

§ 1223. Enforcement and penalties

(a) Any person, firm, company, corporation or other entity who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall pay a civil fine not less than \$25 nor more than \$500 for each such offense. Each day that such violation continues to exist shall constitute a separate offense.

(b) If any building, structure or land is constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this chapter, the village board, or any owner or tenant of real property within 1,200 feet in any direction of such building, structure or land, who shows that his property or person will be substantially affected by such violation, in addition to other remedies, may institute any appropriate proceeding to—

(1) prevent such unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use;

(2) prevent the occupancy of the building, structure or land;

(3) prevent any illegal act, conduct, business or use in or about the premises; or

(4) restrain, correct, or abate the violation.

(c) When any such action is instituted by an owner or tenant, notice of such action shall be served upon the village at the time suit is begun, by serving a copy of the complaint on the president of the village board. No such action may be maintained until such notice is given.

Ord 1991-12, 12/3/1991; Ord 1997-06, 11/13/1997.

SUBCHAPTER 5 — GENERAL PROVISIONS

§ 1224. Interpretation, purposes, and conflicts

(a) The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. Due allowance shall be made for existing conditions, the conservation of property values, and the direction of building development to the best interests of the entire village.

(b) It is not intended by this chapter to interfere with or abrogate or annul any ordinance, resolution, rules, regulations or permits, previously adopted or issued and not in conflict with any of the provisions of this chapter relative to the use of buildings, structures or land, nor is it intended by this chapter to interfere with, abrogate or annul any easements, covenants or other agreements between parties, provided, however, that wherever this chapter imposes a greater restriction upon the use of buildings, structures, land, or requires greater setback, then the provisions of this ordinance shall control.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1225. Conflicting ordinances

All ordinances or resolutions or parts thereof in conflict with the provisions of this chapter are repealed insofar as they conflict.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1226. Validity

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1227. Scope of regulations

(a) Things regulated. Hereafter, within the boundaries of the village and within those areas outside the village to which the provisions of this chapter are made applicable by law or by agreement or otherwise, the erection of any new building or structure, or the relocation, enlargement or structural alteration of any existing building or structure, or any changes in use or any new or additional use made of any tract of land or existing building or structure:

(1) shall be for only those principal uses as permitted in the district in which such building, structure or land is located, including any use or activity customarily accessory thereto unless otherwise restricted or prohibited;

(2) shall conform to the provisions of this ordinance concerning population density;

(3) shall provide and preserve the required setback distance from adjoining roads or streets, the required side-yards, and the required parking space;

(4) shall observe the regulations of the Illinois Department of Transportation, Division of Highways, concerning "freeways"; and

(5) shall be done only after obtaining a zoning permit, all as specified in this chapter.

(b) Jurisdiction limited. This chapter shall apply to territory within the boundaries of the village and within those areas outside the village to which the provisions of this ordinance are made applicable by law or by agreement or otherwise.

(c) Public utility exception. As required by statute, the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any similar distributing equipment of a public utility are exempt from the requirements of this chapter.

(d) Underground installation exemption. Pipe lines and other underground installations, to the extent that the same are completely buried beneath the surface of the soil, are exempt from the requirements of this chapter, provided that any incidental or associated structures, installations or equipment, except markers, used in connection with such pipe lines

or other underground installations, and which protrude or are extended above the surface of the soil, shall to the extent of such protrusion or extension be subject to all of the applicable provisions hereof.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1228. Number of buildings on a recorded or zoning lot

Except in the case of a planned unit development, not more than one principal residential building shall be located on a recorded or zoning lot, nor shall a principal residential building be located on the same recorded or zoning lot with any other principal building; and not more than two detached structures accessory to a dwelling unit shall be located on a recorded or zoning lot. New construction of outbuildings in the R1 - Single Family Detached Residential District after the effective date of this amendment, shall be compatible with the exterior finish, color and architecture of the principal residential building. While pole building construction is permitted in the R1 District, there is to be no vertical ribbed steel nor roofs of vertical steel such as found in standard pole buildings.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005; Ord 2008-05, 8/14/2008.

§ 1229. Minimum lot size

Every lot or parcel of land created subsequent to the effective date of this chapter shall conform to the lot size requirement of the district within which it is located.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1230. Lot area, yard, and bulk regulations

(a) Lot area. Any principal use together with all accessory uses shall be on a lot having an area as shown in Table A, exclusive of alleys, streets or other rights of way.

(b) Lot width. Any principal use together with all accessory uses must be located on a lot having a minimum width as shown in Table A.

(c) Front yard. Each lot must have the minimum front yard shown in Table A except as provided in § 1230(n).

(d) Rear yard. Each lot must have the minimum rear yard shown in Table A, except as provided in § 1230(n).

(e) Side yard. Each lot must have a side yard extending along each side lot line, the total width of which in no less than shown in Table A, and no side yard may be less than shown in Table A, "Minimum Side", except as provided in § 1230(n).

(f) Yard abutting street. Any side or rear yard which abuts a street must have the minimum width shown in Table A, except as provided in § 1230(n).

(g) Yard abutting a residential zone. Any side or rear yard in a business or industrial district which abuts a residential district must have the minimum width shown in Table A.

(h) Lot coverage. The total ground area of any principal building plus all accessory buildings may not exceed the percent of total area of a lot shown in Table A.

(i) Floor area ratio. The combined floor area ratio for any principal building plus all accessory buildings may not exceed the ratio in Table A.

(j) Height of principal use. No principal building or other structure may exceed the height in feet, nor the height in stories shown in Table A.

(k) Lot coverage of accessory buildings. The total ground area occupied by all accessory buildings shall not exceed the percent of the total area of the lot as shown in Table A.

(l) Height of accessory use. No accessory building or other structure shall exceed the height in feet, nor the height in stories shown in Table A.

(m) Additional provisions. The minimum yard space required for one building or structure shall not again be considered as yard space for another adjoining building or structure. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established for the district in which such building is located.

(n) Permitted obstructions in required yards. The following shall not be considered to be obstructions when located in the required yards specified.

(1) In all yards

(A) Open terraces not over three feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps 4 feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 24 inches or less into the yard; approved freestanding signs; arbors and trellises; flagpoles, window unit air-conditioners projecting not more than 18 inches into the required yard.

(B) Business signs attached to a building which is located less than the required minimum distance from the right-of-way line of any public street or highway.

(C) Telephone booths in estate districts and residential districts.

(D) Light poles and standards for the lighting of business areas, such as gasoline service stations and parking lots. These may be placed immediately inside the right-of-way line, providing no portion of said pole or standard or any bracket or any part of any fixture attached thereto extends over the right-of-way line, and providing that the lights so supported are directed on to the business area and not toward the road or neighboring property in such fashion as would constitute a nuisance or a traffic hazard.

(E) In the case of a corner lot officially on record at the time of passage of this ordinance, or subsequently officially approved by the village board, the yardage requirements shall not reduce the building area to less than 25 feet by 80 feet, except that the minimum setback from the property lines of said lot, adjoining any public or private street or highway or right-of-way, shall in no case be less than the side yard for said lot.

(F) Within 100 feet of the center line of any intersecting road, street or railroad at grade, no fence or hedge which cannot be viewed through or over from a three foot height above the traveled roadway shall be constructed, planted or allowed to grow nearer to the road or street center line than the distance set forth in Table A for the district within which such fence or hedge is located. No fence equipped with or having barbed wire, spikes or any

similar device, or any electrically charged fence, sufficient to cause shock, shall be erected, placed or maintained on or within any lot used for residential purposes.

(2) In front yards. One story bay windows projecting three feet or less into the yards and overhanging eaves and gutters projecting 3 feet or less into the yard.

(3) In rear yards. Open off-street parking spaces; balconies; fallout shelters; breezeways and open porches; one story bay windows projecting three feet or less into the yard; and overhanging eaves and gutters projecting three feet or less into the yard.

(4) In side yards. Overhanging eaves and gutters projecting 36 inches or less into the yard.

Permitted obstructions shall not, in the aggregate, occupy more than 5% of any required yard.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1231. Contiguous parcels

If there existed on December 2, 1991, two or more contiguous parcels of land under one ownership, each of which lacked adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located or under § 1240(e), they shall be used as one zoning lot for such use.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1232. Accessory buildings

(a) Time of construction. No accessory building or structure constructed on any lot prior to the time of construction of the principal building to which it is accessory shall be used for living purposes.

(b) On reversed corner lots

(1) On a reversed corner lot in a residential district, no accessory building or portion thereof shall be located within five feet of any part of a rear lot line which coincides with the side lot line or portion thereof of property in any residential district.

(2) No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street.

(3) Separation between buildings. Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than five feet.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1233. Bulk regulations

(a) Continued conformity with bulk regulations. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legal required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

(b) Division of zoning lots. No zoning lot shall hereafter be divided into two or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

(c) Location of required open space. All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group.

(d) Required yards, existing buildings. No yards, now or hereafter provided for a building existing on December 2, 1991 shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements by this ordinance of equivalent new construction.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1234. Existing special uses

Where a use is classified as a special use under this chapter, and exists as a special use on December 2, 1991, it shall be considered to be a legal use.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1235. Regulations along limited access highways

Along all limited access highways, the setback of all buildings and structures shall be not less than 50 feet from the existing or recorded proposed right-of-way line.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005.

§ 1236. Development of air rights

The development of air rights above land located in any zoning district and utilized for public or private use, shall be permitted subject to all the requirements of the zoning district within which such development is located. However, plans for all such air rights development shall be submitted to the zoning officer for recommendations as to the appropriateness of the development in regard to the location of structures, traffic control, placement of utilities, and all other matters related to the physical development of said air rights. Such recommendations shall be forwarded to, and shall be subject to the approval of, the planning and zoning board.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005; 2017-01, 5/11/2017.

§ 1237. Interpretation of use lists

The zoning officer may allow land uses which, though not contained by name in a zoning district list of permitted or special uses, are deemed to be similar in nature and clearly compatible with the listed uses. However, such non-listed uses shall not be approved until the application for such use has been reviewed by the planning and zoning board and a favorable report has been received by the zoning officer. The non-listed uses which are approved shall be added to the appropriate use list at the time of periodic updating and revision.

Ord 1991-12, 12/2/1991; Ord 2005-09, 7/14/2005; 2017-01, 5/11/2017.

SUBCHAPTER 6—NONCONFORMING BUILDINGS, STRUCTURES AND
USES

§ 1238. Purpose

(a) This ordinance establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of the other property in the district not be permitted to continue without restriction.

(b) The purposes of this subchapter is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those circumstances and conditions under which those nonconforming buildings structures, and uses shall be permitted to continue.

Ord 1991-12, 12/2/1991.

§ 1239. Authority to continue nonconforming buildings, structures, and uses

Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance and which remains nonconforming, and any such building, structure, or use which shall become nonconforming upon the adoption of this ordinance, or of any subsequent amendment thereto, may be continued subject to the regulations which follow.

Ord 1991-12, 12/2/1991.

§ 1240. Restrictions on nonconforming buildings, structures and uses

(a) So long as a building, structure, advertising sign, or business sign is used or is eligible for use in a nonconforming manner, only ordinary repairs and maintenance, including replacement of roof covering and veneering of outer walls, shall be permitted. In no case shall such repairs include structural alterations, or other work which will extend appreciably the normal life of the building, structure, advertising sign, or business sign.

(b) For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as herein above provided.

(c) No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is moved, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

(d) Any building or structure devoted to a nonconforming use which may be destroyed or damaged by fire or otherwise to the extent of 50% or more of its full assessed value shall not be repaired or rebuilt, and no building or structure shall be hereafter erected and used upon any land devoted to a nonconforming use, except in conformity with the regulations of this chapter.

(e) In any residential or estate district, a one-family detached dwelling and its accessory structures may be erected on any vacant legal lot or parcel subdivided and recorded before the effective date of this chapter provided that the lot area, lot width, and yard requirements are not less than 70% of the minimums required by this chapter and that all other applicable zoning, wastewater disposal, and building ordinance requirements are complied with.

(f) In any district, repair or alteration of existing buildings that are being used for permitted uses but are located on nonconforming recorded lots shall be permitted. If any building is damaged or destroyed it may be rebuilt for its original development, or a new building may be constructed for any permitted use to the extent permitted in this chapter.

(g) If the nonconforming use of a building, structure, or premises is discontinued it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which such building, structure, or premises is located.

(h) A nonconforming use occupying a part of a building or structure may be extended only throughout that part of the building or structure originally designed for such use, but in

no case shall an addition be made which will provide for an expansion of the nonconforming use. A use customarily accessory to a residence shall not expand beyond an area that is clearly accessory to the amount used for residence.

(i) The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies at the time of the passage of this chapter, or at the time of a later amendment creating the nonconformity.

(j) A nonconforming use may be changed to another nonconforming use of the same or higher classification, provided the provisions of § 1240(k) to expansion are complied with, or a nonconforming use may be changed to a conforming use. In neither case, however, shall a change in use again be made to one of lower classification.

(k) The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is accessory to the principal use of the land, shall not be changed to any other use, except to a use permitted in the district in which the land is located.

Ord 1991-12, 12/2/1991.

§ 1241. Elimination of nonconforming buildings and structures

In any district, any building or structure, all or substantially all of which is designed or intended for a use allowed only in a less-restricted district, and any nonconforming sign in any zoning district, shall be removed or shall be altered, remodeled or converted for a permitted use within six months after the amortization period of such building or structure, which is hereby established as set forth below:

(a) If the full fair cash value of the buildings or structures is \$5,000 or less as appears on the books of the assessor at the time of enforcement proceedings, then within three years from the effective date of this ordinance.

(b) If the full fair cash value of the buildings or structures is more than \$5,000 but less than \$12,000 as appears on the books of the assessor at the time of enforcement proceedings, then within six years from the effective date of this ordinance.

(c) The provisions of this section shall not be applicable to any buildings or structure having a full fair cash value in excess of \$12,000 as appears on the books of the assessor at the time of enforcement proceedings.

Ord 1991-12, 12/2/1991.

§ 1242. Elimination of nonconforming uses

This section is intended to gradually eliminate inappropriate uses of buildings or structures designed or intended for uses allowed within the district in which they are located, but is not intended to eliminate any use not permitted in the district if such use is appropriate to the design or intent of such building or structure.

(a) In all residential and agriculture districts, any use of a building or structure, all or substantially all of which is designed or intended for a use permitted only in a residential or agriculture district, but is being used for a use permitted only in a business or an industrial district, shall be terminated within five years of the effective date of this chapter.

(b) In all business districts, any use of a building or structure, all or substantially all of which is designed or intended for a use permitted only in a business district, but is being used for a use permitted only in a residential or an industrial district, shall be terminated within 10 years of the effective date of this chapter.

(c) In all industrial districts, any use of a building or structure, all or substantially all of which is designed or intended for a use permitted only in an industrial district, but is being used for a use permitted only in a residential or a business district, shall be terminated within 15 years of the effective date of this chapter.

(d) The nonconforming use of land shall be discontinued and cease three years after the effective date of this chapter in each of the following cases:

- (1) Where no buildings or structures are employed in connection with such use.

(2) When the only buildings or structures or other physical improvements are accessory to such use.

(3) A nonconforming use of land which is accessory to the nonconforming use of buildings or structure shall be discontinued.

(4) Improvements underground or substantially at ground level, which comprise all or substantially all of the improvements employed in a nonconforming use of land, and which have a full fair cash value of \$5,000 or less, as it appears on the books of the assessor at the time of enforcement proceedings, shall be deemed a nonconforming structure and shall be subject to the applicable provisions of this subchapter.

(e) The provisions of this section are not applicable to any nonconforming use associated with any building or structure, a substantial portion of which is designed or intended for such a nonconforming use regardless of the district in which such building or structure is located.

Ord 1991-12, 12/2/1991.

§ 1243. Performance and protective standards for nonconforming uses

All nonconforming uses must conform to the performance and protective standards, including but not limited to screening, noise levels, air pollution and vibration levels, within a period of one year after the effective date of this chapter.

Ord 1991-12, 12/2/1991.

§ 1244. Records

The zoning officer shall make and keep a record, including photographs, of all buildings, structures and land-uses which do not conform to the use regulations of the districts in which they are located.

Ord 1991-12, 12/2/1991.

SUBCHAPTER 7 — ZONING DISTRICTS**§ 1245. Classification**

For the purpose of this chapter, all the land lying within the boundaries of the village is hereby divided and classified into the following districts:

- (a) Agricultural Districts
 - (1) A District - Agriculture.
- (b) Residential Districts
 - (1) E1 District - Estate Residential;
 - (2) E2 District - Estate Residential;
 - (3) R1 District - One Family Residential;
 - (4) R2 District - One Family Residential;
 - (5) R3 District - Two Family Residential.
- (c) Business Districts
 - (1) B1 District - Business;
 - (2) B2 District - Business;
 - (3) B3 District - Business;
 - (4) B4 District - Business.
- (d) Industrial districts
 - (1) LI District - Light Industry;
 - (2) I District - General Industry.

Ord 1991-12, 12/2/1991.

§ 1246. Zoning maps

Such land and the classification thereof shall be as shown on maps designated the *Zoning Maps of the Village of Virgil, Illinois*. These maps shall be numbered consecutively, each map to be signed and dated by the clerk. These zoning maps, and all notations, colors, dimensions, references and symbols shown thereon, pertaining to such districts, shall be as much a part of this ordinance as if fully described herein and shall be filed as part of the chapter with the village clerk. Such maps shall be available for public review in the office of the village. Later alterations of any of these maps, adopted by amendment as herein provided, shall be similarly signed, dated, filed and made available for public review.

Ord 1991-12, 12/2/1991.

§ 1247. Additional areas

Any addition to the area regulated by this ordinance as shown on the zoning maps, resulting from annexation into the village or otherwise, shall be automatically placed in the A District - Agriculture until otherwise classified by amendment. Within these areas, no building, structure or land shall be used, nor shall any building or structure be erected, moved, enlarged, or the structural members thereof altered for any use other than those permitted in such district and in conformance with the other provisions of this ordinance. Any use customarily accessory to a permitted use is also permitted unless otherwise restricted or prohibited.

Ord 1991-12, 12/2/1991.

§ 1248. Boundaries of districts

In determining the boundaries of the various districts as shown on the zoning maps, district boundary lines are either the center lines of railroads, highways, streets, alleys, or boundary lines of sections, quarter sections, tracts, parcels or lots or such lines extended unless otherwise indicated.

Ord 1991-12, 12/2/1991.

SUBCHAPTER 8 — AGRICULTURE DISTRICTS**§ 1249. Permitted uses**

In the A District, the uses marked with an "X" in the column entitled "A" in Table B are permitted.

(a) Single family residence, restriction

(1) The single family residential use was an existing residential structure on December 2, 1991; provided that the size of the zoning lot may not be reduced after December 2, 1991, unless done in compliance with this chapter; or

(2) If not existing on December 2, 1991, the land on which the single family residential use is proposed is a parcel of land recorded with the Kane County Recorder of Deeds prior to December 2, 1991, whether the recording was by a deed or deeds to a bona fide third party, or by a contract to purchase or memorandum of purchase by a bona fide third party, on which there is a detailed legal description; provided the parcel contains a minimum of 20,000 square feet and is at least 75 feet in width; provided further that all other zoning, waste water disposal and building ordinance requirements are complied with. A member of the immediate family of the grantor under any such deed or deeds or of the seller under any such contract or memorandum of purchase, or any corporation, partnership, trust, or other entity, 50% or more of which is owned, directly or indirectly, by such grantor or seller or by a member of such grantor's or seller's immediate family, is not a bona fide third party for the purposes of this subsection; or

(3) The residence is located on a parcel of not less than 40 acres in area and the principal use of said zoning lot is agricultural.

Ord 1991-12, 12/2/199; Ord 1992-03, 5/14/1992.

§ 1250. Special uses

In District A, the uses marked with an "S" in the column entitled "A" in Table B may be allowed.

Ord 1991-01, 12/2/1991.

§ 1251. Uses expressly prohibited

The following uses are prohibited in the A district:

- (a) Mobile homes.
- (b) Storage of boats, recreational vehicles and trailers of any kind closer than required setback lines.
- (c) Parking within any public or private right-of-way.
- (d) Disposal of garbage.
- (e) Sale of pornography.

Ord 1991-01, 12/2/1991.

SUBCHAPTER 9 — RESIDENTIAL DISTRICTS

§ 1252. E1 District—Estate; permitted uses

In the E1 district, the uses marked with an "X" in the column entitled "E1" in Table B are permitted.

Ord 1991-01, 12/2/1991.

§ 1253. E1 District—Estate; special uses

In the E1 district, the uses marked with an "S" in the column entitled "E1" in Table B may be allowed.

Ord 1991-01, 12/2/1991.

§ 1254. E1 District—Estate; uses expressly prohibited

(a) The storage or parking of any truck or other commercial vehicles in excess of one ton.

(b) The storage or parking outside of more than one truck or commercial vehicle less than or equal to one ton.

(c) Garages or other accessory buildings except as accessory to the residential use.

(d) Storage of boats, recreational vehicles and trailers of any kind closer than required setback lines.

(e) Parking within any public or private right-of-way.

(f) Mobile homes.

(g) Sale of pornography.

Ord 1991-01, 12/2/1991.

§ 1255. E2 District—Estate; permitted uses

(a) In the E2 district, the uses marked with an "X" in the column entitled "E2" in Table B are permitted.

Ord 1991-01, 12/2/1991.

§ 1256. Special uses

In the E2 district, the uses marked with an "S" in the column entitled "E2" in Table B may be allowed.

Ord 1991-01, 12/2/1991.

§ 1257. Uses expressly prohibited

The uses expressly prohibited in the E1 district are expressly prohibited in the E2 district.

Ord 1991-01, 12/2/1991.

§ 1258. R1 District—One-Family Residential; permitted uses

In the R1 district, the uses marked with an "X" in the column entitled "R1" in Table B are permitted.

Ord 1991-01, 12/2/1991.

§ 1259. Special uses

In the R1 district, the uses marked with an "S" in the column entitled "R1" in Table B may be allowed.

Ord 1991-01, 12/2/1991.

§ 1260. Uses expressly prohibited.

The following uses are prohibited in the R1 district:

(a) Storing of lumber or other building materials and/or equipment, not in connection with an authorized building project in progress on the immediate premises.

(b) Mobile homes.

(c) The storage or parking of any truck or commercial vehicle in excess of one ton.

(d) The storage or parking outside of more than one truck or commercial vehicle less than or equal to one ton.

(e) Garages or other accessory buildings except as accessory to the residential use.

(f) Storage of boats, recreational vehicles and trailers of any kind closer than required setback lines.

(g) Parking within any public or private right-of-way.

(h) Sale of pornography.

Ord 1991-01, 12/2/1991.

§ 1261. R2 District—One-Family Residential; permitted uses

In the R2 district, the uses marked with an "X" in the column entitled "R2" in Table B are permitted.

Ord 1991-01, 12/2/1991.

§ 1262. Special uses

In the R2 district, the uses marked with an "S" in the column entitled "R2" in Table B may be allowed.

Ord 1991-01, 12/2/1991.

§ 1263. Uses expressly prohibited

Uses prohibited in the R1 district are prohibited in the R2 district.

Ord 1991-01, 12/2/1991.

§ 1264. R3 District—Two-Family Residential; permitted uses

In the R3 district, the uses marked with an "X" in the column entitled "R3" in Table B are permitted.

Ord 1991-01, 12/2/1991.

§ 1265. Special uses

In the R3 district, the uses marked with an "S" in the column entitled "R3" in Table B may be allowed.

Ord 1991-01, 12/2/1991.

§ 1266. Uses expressly prohibited

Uses prohibited in the R1 district are prohibited in the R3 district.

Ord 1991-01, 12/2/1991.

SUBCHAPTER 10 — BUSINESS DISTRICTS

§ 1267. B1 District—Business; permitted uses

In the B1 district, the uses marked with an "X" in the column entitled "B1" in Table B are permitted.

Ord 1991-01, 12/2/1991.

§ 1268. Special uses

In the B1 district, the uses marked with an "S" in the column entitled "B1" in Table B may be allowed.

Ord 1991-01, 12/2/1991.

§ 1269. Restrictions applicable to specific permitted uses

(a) Raising of domestic chickens. Keeping poultry for private use is permitted under the following conditions:

(1) No more than eight domestic chickens may be kept on a property that is less than one acre in size. No more than 12 domestic chickens may be kept on a property equal to or larger than one acre.

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- (2) Roosters are not permitted within 2500 feet of the nearest residential dwelling.
- (3) Slaughtering of chickens within the village limits, other than for humane reasons, is prohibited.
- (4) Birds must be kept within a covered inside enclosure, not less than 2 ft by 2 ft by 2 ft per bird, with an adjacent outside fenced area, not less than 32 square feet in size. The enclosure must be inaccessible to patrons of the business establishment. Birds are not to be allowed to free range during business hours.
- (5) The enclosure and adjacent fenced area must be in the rear yard and setback—
- (A) 30 feet from any structure; but
 - (B) not less than the minimum property line setback required for accessory structures in the zoning district.
- (6) All enclosures must be constructed and maintained in a neat and clean manner such as to be free of infestation by rodents or other vermin and odors detectable on adjacent properties.
- (7) Birds must be maintained so as not to produce noise loud enough to disturb the peace of persons of reasonable sensitivity. Failure to do so is declared to be a nuisance.
- (8) A building permit may be required for certain enclosures. No permit is required for an enclosure no larger than 4 ft by 4 ft by 8 ft without utilities. A determination for all other enclosures will be made by the building officer at the time of application. If a permit is required, the fee will be determined under the residential construction, accessory structures portion of the permit fee schedule.
- (9) Using an extension cord to provide electrical service to the enclosure is prohibited.
- (b) (1) All persons wishing to keep domestic chickens within the village shall register with the building officer prior to their acquisition. Registration forms may be obtained from

the village clerk. If a permit is required, registration forms will not be accepted until the enclosure has passed a final inspection by the building inspector.

(2) The registration form will include a statement that the property owner gives permission for the building officer, or agent, to access the rear yard of the premises periodically during business hours for the purpose of verifying compliance with this ordinance.

(3) A fee of \$25 will be charged for registration.

(c) (1) A violation of this section is punishable by a civil fine of no more than \$100 plus the costs and attorneys fees incurred by the village for any required hearing. Each day a violation continues constitutes a separate offense.

(2) Registration and permission to keep birds will be automatically revoked if three violations of this section occur with respect to the same property with any within any 12-month period. A further violation of this section, after registration and permission have been revoked, is punishable by a fine of not more than \$750 plus the costs and attorneys fees incurred by the village for any required hearing. Each day such a violation continues constitutes a separate offense.

(3) Nothing in this section permits the keeping of such animals when such activity is prohibited by private covenants, conditions, or restrictions governing the use of the property, or by rules, regulations, or orders issued by the Illinois Department of Public Health or the Kane County Health Department.

(d) Table B is amended to reflect keeping of domestic chickens as a permitted use in business districts.

Ord 2015-02, 9/10/2015.

§ 1270. Uses expressly prohibited

The following uses are prohibited in the B1 district:

- (a) Any establishment serving beer or alcoholic liquor or selling beer or alcoholic liquor at retail.
- (b) The manufacture or storage of ammunition, dynamite, nitroglycerine or other high explosives in such manner or quantity as to be hazardous to persons and property beyond the premises.
- (c) Auto wrecking yards.
- (d) Dance halls and roller skating rinks.
- (e) Mobile Homes
- (f) Sale of pornography.

Ord 1991-01, 12/2/1991.

§ 1271. B2 District—Business; permitted uses

In the B2 district, the uses marked with an "X" in the column entitled "B2" in Table B are permitted.

§ 1272. Special uses

In the B2 district, the uses marked with an "S" in the column entitled "B2" in Table B may be allowed.

§ 1273. Uses expressly prohibited

The following uses are prohibited in the B2 district:

- (a) Any establishment serving beer or alcoholic liquor or selling beer or alcoholic liquor at retail.

(b) The manufacture or storage of ammunition, dynamite, nitroglycerine or other high explosives in such manner or quantity as to be hazardous to persons and property beyond the premises.

(c) Auto wrecking yards.

(d) Mobile homes.

(e) Sale of pornography.

§ 1274. B3 District—Business; permitted uses

In the B3 district, the uses marked with an "X" in the column entitled "B3" in Table B are permitted.

§ 1275. Special uses

In the B3 district, the uses marked with an "S" in the column entitled "B3" in Table B may be allowed.

§ 1276. Uses expressly prohibited

The following uses are prohibited in the B3 district:

(a) The manufacture or storage of ammunition, dynamite, nitroglycerine or other high explosives in such manner or quantity as to be hazardous to persons and property beyond the premises.

(b) Auto wrecking yards.

(c) Mobile Homes.

(d) Sale of pornography.

§ 1277. B4 District—Business - permitted uses

In the B4 district, the uses marked with an "X" in the column entitled "B4" in Table B are permitted.

§ 1278. Special uses

In the B4 district, the uses marked with an "S" in the column entitled "B4" in Table B may be allowed.

§ 1279. Uses expressly prohibited

The following uses are prohibited in the B4 district:

(a) The manufacture or storage of ammunition, dynamite, nitroglycerine or other high explosives in such manner or quantity as to be hazardous to persons and property beyond the premises.

(b) Sale of pornography.

SUBCHAPTER 11 — INDUSTRIAL DISTRICTS

§ 1280. LI District—Light Industry

The LI district is intended to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards, or that require a pleasant, hazard-free and nuisance-free environment. Any use established in a LI district shall be operated in such a manner as to comply with the performance standards hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, vibration, glare and heat, or radiation hazards; and no use already established on the effective date of this ordinance shall be so altered or modified as to conflict with such performance standards.

Upon request of the zoning officer, certification from an approved testing laboratory indicating compliance with the applicable performance standard shall accompany any application for a building permit, or a change of use.

§ 1281. Permitted uses

In the LI district, the uses marked with an "X" in the column entitled "LI" in Table B are permitted.

§ 1282. Special uses

Because permitted uses in the LI district are determined by compliance with applicable performance standards, there shall be no special uses.

§ 1283. Uses expressly prohibited.

In the LI district, residences and apartments are prohibited, except those required for watchmen or attendants whose continual presence on the premises is necessary. In this connection, trailers or mobile homes shall not be permitted. Sales of pornography are not permitted.

§ 1284. Performance standards

(a) Noise

(1) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of sound level meter and shall include continuous noise and those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of not more than plus or minus two decibels. Noise incapable of being so measured shall be measured with the impact noise meter manufactured by the General Radio Company, or its equivalent, and shall comply with the applicable performance standards for noise.

(2) At no point on the boundary of a residence or business district may the sound pressure level of any individual operation or plant other than background noises produced by sources regulated under this chapter, such as operation of motor vehicles or other facilities exceed the decibel levels in the designated octave bands shown in Table 1284(a)(2).

Table 1284(a)(2)

Maximum Permitted Sound Level (Decibels)		
Octave Band Frequency Cycles per Second	Along Residential Estate or Farming District Boundaries	Along Business and Industry District Boundaries
0 to 75	72	79
70 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

(b) Smoke and particulate matter

(1) The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort or welfare shall henceforth be unlawful.

(2) For the purpose of grading the density of smoke, the Ringelmann Chart published by the U.S. Bureau of Mines shall be employed. The emission of smoke or particulate matter of density greater than No. 2 on the Ringelmann Chart, or in quantity of more than eight smoke units per hour per stack, is prohibited at all times except as otherwise provided herein.

(3) During one one-hour period in each 24-hour day, and only during that length of time, each stack may exceed these limits when blowing soot or cleaning fires. Smoke of Ringelmann No. 3 density or greater shall then be permitted for not more than three minutes per period.

(4) Dust and other types of air pollution, borne by wind from such various sources as storage areas, yards, roads, and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other acceptable means.

(5) The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one hour.

(c) Toxic or noxious matter. No use for any period of time shall discharge across the boundaries of the lot wherein it is located, toxic or noxious matter in such concentration as to be a nuisance or detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

(d) Odors. The emission of odorous matter in such concentrations as to be readily detectable at any point along the boundaries of the property or in such concentrations as to create a nuisance or hazard beyond such boundaries prohibited.

(e) Vibration. No industrial operation or activity except those not under the direct control of the manufacturer shall cause at any time ground-transmitted vibrations in excess of the limits set forth in Table 1284(f).

Table 1284(f)

Vibration	
<i>Frequency Cycles per Second</i>	<i>Maximum Permitted Displacement long Estate, Residential or Farming District Boundaries</i>
0 to 10	.0006
10 to 20	.0004
20 and over	.0001

Vibration shall be measured at any point along a residential district boundary with a three component measuring instrument approved by the zoning officer and shall be expressed as displacement in inches.

(f) Fire

(1) The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.

(2) The storage, utilization or manufacture of solid materials or products ranging from free to active burning to intense burning is permitted provided the following conditions are met:

(A) Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the village and the National Fire Association.

(B) All such buildings shall be set back at least 40 feet from all lot lines, or in lieu thereof shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the village and the National Fire Association.

(3) The storage, utilization or manufacture of flammable liquids or materials which produce flammable or explosive vapors under ordinary weather temperatures, shall be permitted in accordance with the following limitations, exclusive of storage in underground tanks and exclusive of storage of finished products in original containers:

(A) Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the village and the National Fire Association.

(B) All such buildings shall be set back at least 40 feet from all lot lines or in lieu thereof shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the village and the National Fire Association.

(4) The storage of flammable liquids in excess of the quantities set forth in Table 1284(f)(4) shall not be permitted:

Table 1284(f)(4)

Closed Cup Flash Point	Quantity (Gallons)
Less than 24° F	1,000
24° F to less than 105° F	10,000
105° F to less than 187° F	50,000
Total of all flammable liquids permitted	50,000

(5) Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted in an LI district.

(g) Glare - heat - flash. Any operation producing intense glare, heat or flash shall be performed within a completely enclosed building in such manner as not to create a nuisance or hazard along lot lines.

(h) Radiation. Airborne radioactive materials shall not exceed at any point on or beyond the lot line the lowest concentration permitted for the general population by applicable federal and state laws and regulations in effect.

(1) No activity involving radiation hazards shall be permitted which causes to any individual who may be continuously at any point on or beyond the lot line, radiation in excess of the smallest amount permitted in the applicable federal and state laws and regulations.

§ 1285. I District—Industry

The I district is intended to provide an environment suitable for heavy industrial activities that are not suitable for the LI district. Any use established in a I district shall be operated in such a manner as to comply with the performance standards hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, vibration, glare and heat, or radiation hazards; and no use already established on the effective date of this ordinance shall be so altered or modified as to conflict with such performance standards. Upon request of the zoning officer, certification from an approved testing laboratory indicating compliance with the applicable performance standard shall accompany any application for a building permit, or a change of use.

§ 1286. Permitted uses

In the I district, the uses marked with an "X" in the column entitled "I" in Table B are permitted.

§ 1287. Special uses

In the I district, the uses marked with an "S" in the column entitled "I" in Table B may be allowed.

§ 1288. Uses expressly prohibited

Sale of pornography.

§ 1289. Performance standards

The performance standards applicable in the LI district are applicable in the I district.

Ord 1991-12, 12/2/1991.

TABLE A (Ord 2005-09, 7/14/2005)

		LOT SIZE		YARDS						PRINCIPAL USE			ACCESSORY USE					
		Area	Width	Front	Rear	Total Side	Minimum Side	Abutting Street	Abutting Residential Zone	Total Lot Coverage - All Bldgs	Floor Area Ratio	Height of Principal Bldg	Lot Coverage of All Accessory Bldgs	Height of Accessory Bldg				
ZONE	USE	Ac	Ft	Ft	Ft	Ft	Ft	Ft	Ft	%		Ft	St		Ft	St		
R1	One Family	1½	150	50	10	30	10	30		20	.4	25	2	5% or 1200 Ft ² whichever is smaller	Height of Principal Use but not more than 25 feet			
	All Other Uses	1½	150	50	10	50	20	30		20	.4	40	3					
R2	One Family	2½	225	50	10	30	20	40		20	.4	25	2	5% or 2000 Ft ² whichever is smaller			Height of Principal Use but not more than 25 feet	
	All Other Uses	2½	225	50	10	50	30	40		20	.4	40	3					
R3	Two Family	1½	150	50	10	30	10	30		30	.4	25	2	5% or 2000 Ft ² whichever is smaller	Height of Principal Use but not more than 25 feet			
	All Other Uses	1½	150	50	10	50	20	30		20	.4	40	3					
E1	One Family	5	250	100	30	50	50	50		20	.4	25	3	2% or 4350 Ft ² whichever is smaller			Height of Principal Use but not more than 25 feet	
	All Other Uses	5	250	100	30	50	50	50		20	.4	40	3					
E2	One Family	10	250	100	30	50	50	50		20	.4	35	3	2% or 10000 Ft ² whichever is smaller	35	2		
	All Other Uses	10	150	100	30	50	50	50		30	.4	40	3		25	2		
B1	All Uses	1	100	30	20			20	30	50	1.0	25	2	1%	15	1		
B2	All Uses	1½	150	30	20			20	30	50	1.0	25	2	1%	15	1		
B3	All Uses	2	150	50	40			20	30	50	1.0	40	3	1%	25	2		
B4	All Uses	4	200	50	40			20	30	50	1.0	40	3	1%	25	2		
LI	All Uses	2	150	50	40	30	15	20	40	50	1.0	40	3	1%	25	2		
I	All Uses	2½	150	50	40	30	15	20	50	50	1.0	45	3	1%	25	2		

VILLAGE OF VIRGIL

VILLAGE CODE

A	All Uses	40	150	30	30	30	15	30	30	5	.10	25	2	1%	60	3
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TABLE B - PERMITTED USES (Ord 1992-07, 9/14/1992)

USES	DISTRICTS											
	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L 1	I 1	A
Note: X = Principal Use S = Special Use T = Temporary Use												
AGRICULTURE USES												
<i>FARMING</i>												
Apiary				S	S							X
Dairy Farm (including processing)				X	X							X
Farming (cultivation of field and garden crops)	X	X	X	X	X	X	X	X	X		X	X
Fish Hatchery				X	X							X
Flower Farm	X	X	X	X	X	X	X	X	X		X	X
Game Animal Farm				S	S							X
Kennel, (private non-commercial)				S	S							X
Nursery	X	X	X	X	X	X	X	X	X		X	X
Orchard	X	X	X	X	X	X	X	X	X		X	X
Raising of Poultry or Small Animals (for private, non-commercial use)	X ¹											X
Sod Farm	X	X	X	X	X	X	X	X	X		X	X
Stable, (private non-commercial)	X ²	X ³		X ⁴	X ⁵							X ⁶
Truck Farm				X	X							X
<i>AGRICULTURAL BUSINESS</i>												

¹Permitted only on lots 20,000 square feet or more and only provided said poultry and/or animals are housed and/or yarded no closer than 100 feet from any residence other than one located on the property.

²One horse for every 2 unbuil acres, not to be yarded or stabled upon the septic field or within 100 feet of any residence other than one located upon the property. Building area, septic field and yard requirements shall not be counted in calculating acreage for determining the number of horses allowed.

³See Note 2.

⁴See Note 2.

⁵See Note 2.

⁶See Note 2.

USES	DISTRICTS											
	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Note: X = Principal Use S = Special Use T = Temporary Use												
Animal Shelter, (not for profit)				S	S							S
Breeding and/or Feeding Operation				X ⁷	X ⁸						X	X
Feed and Grain Sales				X		S	X	X	X			X
Greenhouse, Commercial					X		X	X	X			X
Kennel, Commercial								S	S			S
Nursery, Retail Sales								X	X			X
Poultry Hatchery (commercial)											S	X
Poultry Processing											S	
Seasonal Sale of Farm Products (produced on premises)	T	T	T	T	T	T	T	T	T		T	T
Seasonal Sale of Farm Products (both imported and produced on premises)							T	T	T		T	T
Stable, Commercial				S ⁹	S ¹⁰							X ¹¹
Veterinary Clinic							X	X	X			X
BUSINESS USES												
<i>AUTOMOTIVE</i>												
Agricultural Implement Sales & Service								S	S	S		
Ambulance Service and Garage						X	X	X	X		X	
Automotive Car/Truck Wash						S	S	S	S		S	
Automotive Body & Paint Shop							S	S	S		S	
Automobile Rental						X	X	X	X			
Automobile Repair (major)							S	S	S		X	
Automobile Sales (showroom)							S	S	S			
Automobile Service (not including sales of gasoline)						X	X	X	X			
Automobile Wrecking Yard											S	
Boat Sales							S	S	S			

⁷Only as accessory to a bona fide general farming operation. Said animals or poultry shall not be housed, stabled, kenneled or yarded closer that 100 feet from any residence other than one located on the property.

⁸See Note 7.

⁹See Note 2.

¹⁰See Note 2.

¹¹See Note 2.

VILLAGE OF VIRGIL

VILLAGE CODE

USES	DISTRICTS											
	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Note: X = Principal Use S = Special Use T = Temporary Use												
Gasoline Station (retail non-bulk sales)						S	S	S	S		S	
Mobile Home Sales							S	S	S			
Motorcycle Sales and Service							S	S	S			
Outside Storage of Boats, Trailers or Vehicles (less than 25' in length)							S	S	S		S	
Recreational Vehicle Sales and Service							S	S	S			
Taxicab Garage								S	S		X	
Trailer Rental						X	X	X	X			
Truck Rental							X	X	X		X	
Truck Repair							S	S	S		X	
Truck Sales (Showroom)								S	S			
Wait Station, Bus	X	X	X	X	X	X	X	X	X			
<i>COMMERCIAL RECREATION</i>												
Amusement Park							S	S	S			
Arcade							S	S	S			
Billiard Parlor							S	S	S			
Boat Launching Ramp						S	S	S	S			
Boat Rental/Storage							S	S	S		S	
Bowling Alley							S	S	S			
Club, Private (indoor)						S	S	X	X			
Club, Private (outdoor)	S	S	S	S	S	S	X	X	X			
Coin-Operated Amusement Devices						S ¹²	S ¹³	S ¹⁴	S ¹⁵			
Conservation Club				S	S							S
Country Club	S	S	S	S	S							
Dance Hall							S	S	S			

¹²Does not include arcades.

¹³See Note 12.

¹⁴See Note 12.

¹⁵See Note 12.

USES	DISTRICTS											
Note: X = Principal Use S = Special Use T = Temporary Use	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Game Room							S	S	S			
Golf Course	X	X	X	X	X							
Golf Driving Range						S	S	S	S			
Gymnasium						S	X	X	X			
Health Club						S	X	X	X			
Marina				S	S	S	S	S	S			
Miniature Golf							X	X	X			
Park, Commercial Recreation							X	X	X			
Race Track							S	S	S			
Rink, Roller, Skating, or Skateboard							S	S	S			
Rod and Gun Club					S							X
Shooting Gallery/Range (totally enclosed)							S	S	S		S	
Sports Arena							S	S	S		S	
Swimming Pool, Private Club (indoor)						S	X	X	X			
Tennis/Raquetball Club (Private)						S	X	X	X		S	
Theater, Indoor						X	X	X	X			
Theater, Outdoor						S	S	S	S			
Trampoline Center							X	X	X			
Wildlife Preserve				S	S							X
<i>COMMERCIAL SERVICE</i>												
Advertising Agency						X	X	X	X			
Advertising Display Design/Production										X	X	
Appliance Service Only						X	X	X	X		X	
Auction House							S	S	S		S	
Blacksmith											X	
Blueprint/Copy/Print Shop						X	X	X	X			
Business Machine Repair						X	X	X	X		X	
Exterminating and Fumigating						X	X	X	X		X	
Fuel, Ice, Coal, Wood Sales											X	
Furniture Repair/Refinishing						S	X	X	X		X	
Mail Order House						X	X	X	X		X	
Newspaper Publishing								X	X		X	

USES	DISTRICTS											
Note: X = Principal Use S = Special Use T = Temporary Use	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Office Equipment Sales Outdoor Sales Real Estate Office						X	X	X	X		X	
Stenographic Service Window Cleaning Services						X	X	X	X			
<i>FINANCIAL</i>												
Bank Credit Union Currency Exchange Personal Loan Agency Savings and Loan Assn.						X	X	X	X			
<i>FOOD SERVICE</i>												
Carry-Out Food Service Catering Service Drive-In Food Service Ice Cream Shop Restaurant Retail Sale of Alcoholic Beverages for Consumption on the Premises Soft Drink Stand Tavern						X	X	X	X			
<i>OFFICE</i>												
Bookkeeping Service Employment Office Engineering Income Tax Service						X	X	X	X			
Insurance Agency Offices for Executive or Administrative Purposed Professional Offices Public Accountant Stockbroker Title Company Travel Agency Utility Office						X	X	X	X	X	X	

USES	DISTRICTS											
Note: X = Principal Use S = Special Use T = Temporary Use	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
<i>PERSONAL SERVICES</i>												
Barber Shop						X	X	X	X			
Beauty Shop						X	X	X	X			
Dancing School						X	X	X	X			
Dry Cleaning - Retail						X	X	X	X			
Day Care/Nursery School	S	S	S	S	S	S	S	S	S			
Funeral Home						X	X	X	X			
Hotel								X	X			
Laundry - Retail						X	X	X	X			
Locksmith						X	X	X	X			
Motel								X	X			
Music School						X	X	X	X			
Tailor						X	X	X	X			
Taxidermist						X	X	X	X			
<i>RETAIL SALES</i>												
Antique Sales						X	X	X	X			
Appliance Sales						X	X	X	X			
Art Gallery						X	X	X	X			
Art Supplies						X	X	X	X			
Auto Accessories						X	X	X	X			
Bait Shop						X	X	X	X			
Bakery						X	X	X	X			
Bicycle						X	X	X	X			
Books						X	X	X	X			
Cameras						X	X	X	X			
Camping/Outdoor Sales						X	X	X	X			
Clothing						X	X	X	X			
Convenience Store						X	X	X	X			
Department Store							S	S	S			
Drug Store						X	X	X	X			
Florist						X	X	X	X			
Furniture Sales						X	X	X	X			
Garden Store						X	X	X	X			
Gift Shop						X	X	X	X			
Grocery Store						X	X	X	X			

USES	DISTRICTS											
Note: X = Principal Use S = Special Use T = Temporary Use	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Hardware Store						X	X	X	X			
Health Food						X	X	X	X			
Hobby Shop						X	X	X	X			
Jewelry Store						X	X	X	X			
Liquor Store						S	S	S	S			
Meat Market						X	X	X	X			
Paint and Wallpaper						X	X	X	X			
Pet Shop						X	X	X	X			
Plumbing Supplies (retail)						X	X	X	X			
Secondhand Shop						X	X	X	X			
Sporting Goods						X	X	X	X			
Stationery/Office Supplies						X	X	X	X			
Swimming Pool Sales & Service						X	X	X	X		S	
Tobacco						X	X	X	X			
Toys						X	X	X	X			
Typewriter						X	X	X	X			
Watches						X	X	X	X			
<i>CONSTRUCTION</i>												
Bulk Material Storage											S	
Contractor Equipment Storage											S	
Electrical Equipment Sales							X	X	X		X	
Machinery Storage											S	
Plumbing Supplies (wholesale)							X	X	X		X	
Pump Sales							X	X	X		X	
Septic Tank Sales & Services											X	
Building Materials (fabricating, storage, and distribution in conjunction with on-site wholesale or retail sales)											S	
<i>INDUSTRY</i>												
Bottling Plant											X	
Cement Plant											X	
Cemetery Monument Works											X	
Cheese Factory											X	
Dairy							X	X	X		X	
Light Manufacturing (totally enclosed)							S	S	S	X	X	

VILLAGE OF VIRGIL

VILLAGE CODE

USES	DISTRICTS											
Note: X = Principal Use S = Special Use T = Temporary Use	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Manufacturing, Assembly, Processing, Storage incidental thereto										X	X	
Meat Processing Plant Printing Plant Research and Development Slaughterhouse Wholesale Establishment												S X X S X
<i>INDUSTRIAL SERVICE</i>												
Carpet and Rug Cleaning Plant												X
Dry Cleaning and Dyeing Plant												X
Furniture Cleaning Plant												X
Laundry Plant												X
Mirror & Glass Supply						X	X	X	X			X
Upholstery Shop						X	X	X	X			X
EDUCATIONAL USES												
<i>EDUCATION</i>												
Business School, Commercial				S	S	S	S	S	S			S
College	S	S	S	S	S	S	S	S	S	S	S	S
Elementary School	S	S	S	S	S							
High School	S	S	S	S	S	S	S	S	S	S	S	S
Junior High School	S	S	S	S	S							
Vocational School, Commercial				S	S	S	S	S	S			S
MISCELLANEOUS USES												

USES	DISTRICTS											
Note: X = Principal Use S = Special Use T = Temporary Use	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Signs ¹⁶	X ¹⁷	X ¹⁸	X ¹⁹	X ²⁰	X ²¹	X ²²	X ²³	X ²⁴	X ²⁵	X ²⁶	X ²⁷	X ²⁸
Bulk Fuel Storage (for private use)				S	S	S	S	S	S		S	S
Bulk Fuel/Oil Storage (commercial)							S	S	S		S	
PUBLIC USES												

¹⁶No prohibition or restriction on noncommercial speech of any kind on any sign permitted under this chapter is intended or imposed. Anything set forth in this chapter to the contrary notwithstanding, noncommercial speech of any kind is expressly permitted on any sign otherwise permitted under this chapter. (Ord 2002-02, 6/13/2002)

¹⁷One sign, not directly or indirectly illuminated, not more than 6 square feet in area, pertaining only to the sale or lease of the premises upon which it is displayed and one sign, not directly or indirectly illuminated, not more than 3 square feet in area, outside the public right-of-way, identifying the premises upon which it is displayed or the occupants thereof. (Ord 2002-02, 6/13/2002)

¹⁸See N 17. (Ord 2002-02, 6/13/2002)

¹⁹See N 17. (Ord 2002-02, 6/13/2002)

²⁰One sign, that may be indirectly illuminated if, in the opinion of the Zoning Officer, it will not cause a traffic hazard or nuisance to neighboring property. not more than 6 square feet in area, pertaining only to the sale or lease of the premises upon which it is displayed and one sign. not directly or indirectly illuminated, not more than 3 square feet in area, outside the public right-of-way, identifying the premises upon which it is displayed or the occupants thereof. (Ord 2002-02, 6/13/2002)

²¹See N 20. (Ord 2002-02, 6/13/2002)

²²One on-premises advertising sign, not more than 32 square feet in area, the highest point of which, if attached to the principal building on the premises, is not higher than the highest gable or, if not attached to the principal building is not higher than 12 feet. (Ord 2002-02, 6/13/2002)

²³See N 22. (Ord 2002-02, 6/13/2002)

²⁴One on-premises advertising sign, or one off-premises advertising sign, or one sign conveying a combination of on-premises and off-premises advertising. in any case not more than 32 square feet in area, the highest point of which. if attached to the principal building on the premises, is not higher than the highest gable or, if not attached to the principal building is not higher than 12 feet. (Ord 2002-02, 6/13/2002)

²⁵See N 24. (Ord 2002-02, 6/13/2002)

²⁶See N 22. (Ord 2002-02, 6/13/2002)

²⁷See N 22. (Ord 2002-02, 6/13/2002)

²⁸See N 22. (Ord 2002-02, 6/13/2002)

VILLAGE OF VIRGIL

VILLAGE CODE

USES	DISTRICTS											
Note: X = Principal Use S = Special Use T = Temporary Use	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
<i>HEALTH CARE</i>												
Dental Office/Laboratory						X	X	X	X			
Doctor's Office						X	X	X	X			
Hospital	S	S	S	S	S	S	S	S	S			
Medical Clinic	S	S	S	S	S	S	S	S	S			
Mental Health Clinic	S	S	S	S	S	S	S	S	S			
Mental Hospital	S	S	S	S	S	S	S	S	S			
Nursing Home	S	S	S	S	S	S	S	S	S			
<i>PUBLIC FACILITIES</i>												
Cemetery	S	S	S	S	S	S	S	S	S			
Fire Station	S	S	S	S	S	S	S	S	S		S	
Government Office & Services				X	X	X	X	X	X			
Library						X	X	X	X			
Museum						X	X	X	X			S
Orphanage	S	S	S	S	S							
Police Station	S	S	S	S	S	S	S	S	S			
Post Office						X	X	X	X			
<i>PUBLIC RECREATION</i>												
Arboretum	X	X	X	X	X							S
Athletic Field	S	S	S	S	S							
Auditorium							X	X	X			
Community Center	S	S	S	S	S		X	X	X			
Forest Preserve	X	X	X	X	X							X
Park, Private	X	X	X	X	X	X	X	X	X	X	X	X
Park, Public	X	X	X	X	X	X	X	X	X	X	X	X
Playground	X	X	X	X	X	X	X	X	X			
Stadium								S	S			
Swimming Pool, Public (indoor)	S	S	S			X	X	X	X			
Swimming Pool, Public (outdoor)	S	S	S			X	X	X	X			
Tennis Courts, Public (indoor)	S	S	S			X	X	X	X			
Tennis Courts, Public (outdoor)	S	S	S			X	X	X	X			

USES	DISTRICTS											
	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Note: X = Principal Use S = Special Use T = Temporary Use												
<i>PUBLIC UTILITY</i>												
Solid Waste Disposal Site				S	S							S
Sub-station	S	S	S	S	S	S	S	S	S	S	S	X
Telephone Booth	S	S	S	S	S	S	S	S	S	S	S	S
Telephone Exchange	S	S	S	S	S	S	S	S	S	S	S	X
Television/Radio Tower						S	S	S	S	S	S	S
Utility Maintenance or Storage Yard												X
Utility Garage												X
Water Plant	S	S	S	S	S	S	S	S	S	S	S	S
Water Storage Tank	S	S	S	S	S	S	S	S	S	S	S	S
Wastewater Treatment Facility					S							
RELIGIOUS USES												
<i>RELIGIOUS</i>												
Church/Temple	X	X	X	X	X	X	S	S	S			
Convent/Monastery	X	X	X	X	X	X						
Rectory	X	X	X	X	X	X	S	S	S			
Religious Retreat	S			S	S							
Sunday School	X	X	X	X	X	X	S	S	S			
RESIDENTIAL USES												
<i>RESIDENTIAL</i>												
Apartments (above 1st floor only)						X ²⁹	X ³⁰	X ³¹	X ³²			

²⁹Above first floor only. No more than two apartments, each not less than 575 square feet in area. Lot area, exclusive of building and required business and residential parking, must be at least 1,500 square feet per apartment. Not permitted in any building housing coin-operated amusement devices, or above any garage, or laundry. (Ord 2003-02, 5/19/2003)

³⁰See N. 29. (Ord 2003-02, 5/19/2003)

³¹See N. 29. (Ord 2003-02, 5/19/2003)

³²See N. 29. (Ord 2003-02, 5/19/2003)

VILLAGE OF VIRGIL

VILLAGE CODE

USES	DISTRICTS											
	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Note: X = Principal Use S = Special Use T = Temporary Use												
Boarding House						X ³⁸	X ³⁹	X ⁴⁰	X ⁴¹			
Group Dwelling			S									
Mobile Home Park									S			
Single Family Dwelling	X ³³	X ³⁴	X ³⁵	X ³⁶	X ³⁷							X ⁴²
Two Family Dwelling			X									
<i>SPECIAL USES</i>												
Mining, Extraction of Earth Products	S	S	S	S	S	S	S	S	S	S	S	S
Planned Unit Developments	S	S	S	S	S	S	S	S	S	S	S	S
Shopping Centers (all shopping centers shall be PUDs)							S	S	S			
<i>TRANSPORTATION</i>												
Airport											S	S
Bus Terminal							S	S	S		S	
Garage, Bus or Truck							S	S	S		X	
Grain Elevator/Warehouse							S	S	S		S	S
Motor/Rail Freight Terminal							S	S	S		S	

³³Home Occupations permitted as an accessory use.

³⁴See N. 33.

³⁵See N. 33.

³⁶See N. 33.

³⁷See N. 33.

³⁸Including one apartment accessory thereto.

³⁹See N. 38.

⁴⁰See N. 38.

⁴¹See N. 38.

⁴²See text of ordinance for restrictions.

VILLAGE OF VIRGIL

VILLAGE CODE

USES	DISTRICTS											
Note: X = Principal Use S = Special Use T = Temporary Use	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Parking Area, Public						X	X	X	X			
Parking Garage, Public						X	X	X	X			
Parking of 1 Recreational Vehicle 25' or less in length	T	T	T ⁴³									
Train Station						S	S	S	S			S
Truck Terminal							S	S	S			X
Warehouse, storage							S	S	S			X

⁴³One per dwelling unit.

USES	DISTRICTS											
Note: X = Principal Use S = Special Use T = Temporary Use	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
<i>TEMPORARY USES</i>												
Carnival or Circus							T	T	T	T	T	
Christmas Tree Sales	T	T	T	T	T	T	T	T	T	T	T	
Contractor's Office and Equipment Shed/Trailer	T	T	T	T	T	T	T	T	T	T	T	
Garage Sale	T ⁴⁴	T ⁴⁶	T ⁴⁸	T ⁵⁰	T ⁵²							
Real Estate Sales Office/Trailer	T ⁴⁵	T ⁴⁷	T ⁴⁹	T ⁵¹	T ⁵³	T ⁵⁴	T ⁵⁵	T ⁵⁶	T ⁵⁷	T ⁵⁸	T ⁵⁹	T ⁶⁰

⁴⁴Limited to 2 per year.

⁴⁵Limited to 6 years. In this connection, a single sign or double-faced sign on a common support or structure, not exceeding 100 square feet in area for each sign face shall be permitted on the premises being developed, for a period not to exceed 6 years. Such use, structures and signs shall require permits as set forth herein.

⁴⁶See N. 44.

⁴⁷See N. 45.

⁴⁸See N. 44.

⁴⁹See Note 45.

⁵⁰See Note 44.

⁵¹See Note 45.

⁵²See Note 44.

⁵³See Note 45.

⁵⁴See Note 45.

⁵⁵See Note 45.

⁵⁶See Note 45.

⁵⁷See Note 45.

⁵⁸See Note 45.

⁵⁹See Note 45.

⁶⁰See Note 45.

VILLAGE OF VIRGIL

VILLAGE CODE

USES	DISTRICTS											
Note: X = Principal Use S = Special Use T = Temporary Use	R 1	R 2	R 3	E 1	E 2	B 1	B 2	B 3	B 4	L I	I	A
Sale of Food and Non-Alcoholic Beverages				T ⁶¹	T ⁶²							
Seasonal sales of Christmas ornaments	T	T	T	T	T	T						
Special promotions							T	T	T	T		

⁶¹May be permitted in certain designated areas of parks, playgrounds, or forest preserves and shall be compatible with the general purposes of the classification of this district.

⁶²See Note 61.

SUBCHAPTER 12 — OFF-STREET PARKING**§ 1290. Purpose**

Motor vehicle parking space shall be provided off the street or highway right-of-way for each dwelling unit in residential uses herein established, and in case of other uses herein established or expanded, for employees, for patrons or customers not served in their motor vehicles, and for customers served in their motor vehicles, in such proportion as to assure free and uninterrupted movement of traffic on the public streets or highways.

(a) General Requirements.**(1) Location**

(A) All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served, except that parking spaces to serve business or industrial buildings or uses may be located within 500 feet of such use if said spaces are located in a business or industrial district.

(B) Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance, may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such facilities are within 500 feet of a main entrance to the use served. Owners of property, nonconforming as to parking, who elect to provide parking and become conforming may locate such parking on land other than the zoning lot on which the building or use is located, as allowed in this section.

(2) **Control of Off-Site Parking Facilities.** In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or by lease, the term of which shall at the time of consideration, be not less than 5 years; and such deed or lease shall be filed with the zoning officer. The deed or lease shall require such owner or his or her heirs and assigns to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

(3) Size. Except for parallel parking spaces, each required off-street parking space shall be at least 10 feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least seven feet, and shall be measured at right angles to the axis of the vehicle. For parallel parking, the length of the parking space shall be increased to 24 feet.

(4) Access. Except on lots accommodating single family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. In any event, all driveways shall conform to all applicable driveway specifications adopted by the village.

(5) Collective Provision. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use, unless otherwise authorized by the planning and zoning board.

(6) Computation. When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction of less than one-half may be disregarded, while a fraction of one-half or more, shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

(7) Utilization. Required accessory off-street parking facilities provided for uses listed in the following section shall be determined for the parking of passenger automobiles of patrons, occupants, or employees of such uses.

(b) Specific Requirements. Parking requirements shall be in conformity with the following schedule:

- (1) One-family dwellings: Two spaces for each unit.
- (2) Two-family dwellings: Two spaces for each unit.

- (3) Multiple-family dwellings and apartments: Two spaces for each unit.
- (4) Hotels: One space for each dwelling unit and one space for each lodging room.
- (5) Boarding houses: One space for each lodging room plus one space for the owner or manager.
- (6) Clubs and lodges: With sleeping facilities, one space for each lodging room, plus spaces equal in number to 10% of the capacity in persons. Without sleeping facilities, parking spaces equal in number to 20% percent of the capacity in persons.
- (7) Fraternities (sororities and dormitories): One space for each five active members, plus one space for the manager.
- (8) Hospitals: One space for each two beds, plus one space for each two employees, other than doctors, plus one space for each doctor on the staff.
- (9) Sanitariums: One space for each four beds, plus one space for each two employees, other than doctors, plus one space for each doctor on the staff.
- (10) Medical or dental clinics: Three spaces for each examining or treatment room, plus one space for each doctor and employee.
- (11) Mortuaries or funeral parlors: Six spaces for each room used as a chapel or parlor, plus one space for each funeral vehicle, plus one space for each employee.
- (12) Bowling alleys: Three spaces for each alley, plus additional space as may be required for affiliated use as restaurants and the like.
- (13) Convention halls, dance halls, skating rinks, assembly halls and exhibition halls: Spaces equal in number to 50 % of the capacity in persons.
- (14) Stadia, sports arenas, auditoriums and gymnasiums (other than accessory to a school): Spaces equal in number to 50% of the capacity in persons using same.
- (15) Auditoriums for churches, Sunday schools, high schools, colleges or universities: One space for each six seats. Provide space for buses used in connection with

activities of the institution. Loading and unloading of passengers shall take place upon the premises.

(16) Airports, railroad passenger stations, bus depots or passenger terminal facilities (special use): Spaces shall be provided in adequate number as determined by the zoning officer, to serve persons employed or residing on the premises as well as the visiting public.

(17) Banks, business and professional offices:

(A) Banks: One space for each 300 square feet of floor area.

(B) Drive-in banks: Three parking spaces per teller window, plus a minimum of four waiting spaces for each teller window.

(C) Business and professional offices: One space for each 400 square feet of floor area.

(18) Public administration buildings: One space for each 500 square feet of floor area.

(19) Mixed uses: When two or more uses are located on the same zoning lot or within the same building, spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the planning and zoning board.

(20) Establishments handling the sale and consumption on the premises of alcoholic beverages, food or refreshments: One space for each 150 square feet of floor area.

(21) Retail stores and service shops (individual or in groups) under one roof, having a total floor area of 2000 ft.² devoted to retail sales: One space for each 300 square feet in floor area.

(22) Furniture and appliance stores, motor vehicle sales, wholesale stores, household equipment or furniture repair shops, or machinery sales, having more than 2000 ft.² of floor area under one roof (individual stores or groups of stores in one building): One space for each 600 ft.² of floor area.

(23) Manufacturing and industrial uses; research and testing laboratories; laundry and dry cleaning plants; printing, binding, publishing and issuing of newspapers, periodicals, books and other reading matter; telephone exchanges; warehouse and storage buildings; engraving shops; Assembly of materials and products; and similar uses: One space for each two employees, as related to the working period when the maximum number of employees are employed on the premises; for warehouse and storage uses, one space for each two employees, plus one space for each vehicle used in the conduct of the enterprise.

(24) Tourist homes, cabins or motels: One space for each dwelling unit or lodging room.

(25) Schools, elementary, junior high, public or private, high schools: One space for each employee, plus spaces adequate in number as determined by the zoning officer.

(26) Theaters: Indoor—One space for each three seats; outdoor—one waiting space outside the theater enclosure and off the street or highway for each three spaces within the enclosure.

(27) Recreation buildings, community centers: One space for each two employees, plus spaces adequate in number, as determined by the zoning officer, to serve the visiting public.

(28) Public utility, public service uses: One space for each three employees, plus spaces adequate in number, as determined by the zoning officer, to serve the visiting public.

(29) Automobile service stations, carwash: Service stations—one space for each employee, plus 10 spaces for each service stall; carwash—five spaces for each manual wash rack and 20 spaces for each automatic wash rack, plus one additional space for each four employees.

(30) Libraries and museums: One space for each one 1,000 square feet of gross floor area.

(31) Colleges, universities and business, professional and trade schools: One space for each employee, plus one space for each three students, based on the maximum number of students attending classes on the premises at any one time during any 24-hour period.

(32) Health centers, Government: Three spaces to be provided for each staff and visiting doctor.

(33) Mental institutions: One space for each staff doctor, plus spaces adequate in number as determined by the zoning officer.

(34) Nursing homes: One space for each four beds, plus one space for each two employees other than doctors, plus one space for each doctor assigned to the staff.

SUBCHAPTER XIII—MISCELLANEOUS PROVISIONS

§ 1291. Plats and dedications

All subdivisions of land shall be in accordance with the provisions of the Chapter 6, as amended from time to time.

§ 1292. Procedures for implementation and enforcement

The zoning officer is hereby authorized, with the concurrence of the planning and zoning board to promulgate forms and procedures relative to the implementation and enforcement of this chapter. Such instructions and procedures shall be attached for informational purposes as an appendix to this chapter.

SUBCHAPTER XIV—APPENDIX

§ 1293. Instructions for making application for a variation

(a) Application for a variation from the zoning ordinance of the village of Virgil must be addressed to the Village of Virgil Planning and Zoning Board, Sts. Peter and Paul Parish Center, 5N939 Meredith Rd, Virgil, Illinois 60151, attention of the village clerk. No special form of application is required. Request may be made in a letter or petition. An original and two copies must be submitted.

(b) The application must set forth the legal description of the property involved. This description should be copied from the deed covering the property and must be accurate, as it is necessary to locate the property on the zoning maps, using said description. In addition to the

description, the actual variation desired must be set forth, with a clear explanation of what is wanted and why the request is made. This explanation should show why the regular requirements of the zoning ordinance cannot be met, and must show proof that a particular hardship would result if a variation were not granted. Such a hardship must not be a self-created one.

(c) A sketch of the property involved, drawn to scale, must accompany the application for a variation. This sketch should show the outline and dimensions of the property and all the buildings and structures located thereon. The distances from the buildings to the property line must be measured accurately and shown on the sketch. The portion of the building or structure for which a variation is requested should be clearly shown on the sketch. The name and address of the applicant must be given. The petition must be signed by the owner of record of the property. In case the property is under purchase contract, the owner of record must sign and the contract purchaser should also sign the petition.

(d) Certification that adjacent and adjoining property owners have been notified of intention must be filed with the planning and zoning board along with variation application. The form for filing certification is available in the office of the village clerk.

(e) In submitting an application for a variation, a fee as set forth in the Chapter 4 must accompany same.

(f) Pursuant to the Land Trust Disclosure Act of the State of Illinois, if property involved is in a land trust, a notarized certification, signed by the trust officer, giving names, addresses and percentage of interest, of all beneficiaries, is to be filed with all petitions.

(g) Upon receipt of such an application, certification and fee, the secretary contacts the chairman of the planning and zoning board for a hearing date. A public notice is then published in accordance with this chapter at least 15 days but not more than 30 days in advance of the hearing.

(h) The applicant and/or a representative must attend the hearing.

§ 1294. Instructions for filing request for rezoning or special use

(a) Requests for the rezoning of property, or for certain special uses of property, as set forth in this ordinance, must be addressed to the Village of Virgil Planning and Zoning Board, Sts. Peter and Paul Parish Center, 5N939 Meredith Rd, Virgil, Illinois 60151, attention of the village clerk. No special form of application is required and request may be made by letter or formal petition. An original and three copies must be submitted.

(b) The request must set forth the legal description of the property involved. This description must be accurate, as any rezoning is actually an amendment to the Zoning Map itself, and upon adoption by the village board, the maps, which are a part of the this chapter, are changed to show the reclassification.

(c) A soils report must accompany the petition for rezoning or special use. Application blanks for this purpose may be obtained from the Kane-DuPage Soil and Water Conservation district office located at 545 Randall Road, St. Charles, Illinois 60174.

(d) The request should also state what the existing classification of the property is, under the zoning ordinance, and what classification is desired. Information regarding the necessary classification for the use desired can be obtained directly from the zoning map or by calling the planning and zoning board. In the case of a request for certain special uses, requiring a hearing before the planning and zoning board, and approval by the village board, it must be determined first, if the zoning classification is correct and then a request for establishing the particular use desired should be submitted. If the zoning classification is not correct for the special use desired, the request for rezoning and for special use may be incorporated in the same petition.

(e) It is desirable that a detailed sketch, showing the location of proposed buildings and parking areas, in the case of a business classification, be submitted with the petition. This should also show proposed entrances and exits to and from the public highway. Authority for location of such entrances and exits must be obtained from the particular highway commissioner having jurisdiction. To promote safety, these should be kept to a minimum and it is necessary to consult the State Highway Department at Elgin regarding the locations of such entrances and exits, where said entrances and exits are located on State Highways.

(f) An aerial photo showing the parcel involved in rezoning or special use and surrounding area is required.

(g) Certification is required to show that adjacent and adjoining property owners have been notified of intention. The form for filing certification is available in the office of the village clerk.

(h) The petition must be signed by the owner of record of the property. In the case of property under purchase contract, the owner of record must sign and the contract purchaser should also sign the petition, as such purchaser is usually the person who will eventually establish the use proposed.

(i) In the case of a request for residential or estate zoning of large tracts of land, involving numerous owners, the planning and zoning board has established a policy of requiring signatures of the owners of at least 80% of the area involved. In such cases, it is necessary to submit a map showing the various ownerships, by name, and indicating all areas within the described property where owners have not signed.

(j) Pursuant to the Land Trust Disclosure Act of the State of Illinois, if property is a land trust a notarized certification, signed by the trust officer, giving names, addresses and percentage of interest, of all beneficiaries, is to be filed with all petitions for rezoning or special use.

(k) Upon receipt of application, other required documents and fee, the secretary contacts the chairman of the planning and zoning board for a hearing date. A public notice is then published in a newspaper in accordance with the ordinance at least 15 days but not more than 30 days in advance of the hearing. A notice is sent, by mail, to the applicant giving the time and place of hearing. The applicant must attend, or be represented, at the public hearing.

(l) In submitting an application for a rezoning or special use, a fee as set forth in the fee schedule must accompany same.

§ 1295. Procedures for scheduling of zoning petition speakers and for filing of formal protests

Persons in favor of or in opposition to a rezoning petition who wish to speak before the planning and zoning board must file their intention with the village clerk not later than the Friday preceding such meeting giving the names of persons who will address the board. The clerk will arrange with the chairman of the planning and zoning board as to time to be apportioned to such persons. Opponents, either adjacent and adjoining property owners, who wish to file a legal protest against a petition are required by statute and the zoning ordinance to provide a written copy of their protest to the applicant and the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. A copy of the written protest must also be filed with the Village Clerk, Sts. Peter and Paul Parish Center, 5N939 Meredith Rd, Virgil, Illinois 60151, not later than the Friday preceding the board meeting. The protest must be acknowledged before a notary public or other appropriate officer.

§ 1296. Village of Virgil planned unit development guidelines

(a) The Village of Virgil PUD Guidelines are a compilation of current policies of the village board concerning design and composition of potential PUD projects in the village. They are advisory in nature and designed to help petitioners prepare development plans which are consistent with the development goals of the village.

(b) The guidelines are updated periodically. As such, the officer should be consulted to obtain the most current set of guidelines.

(1) Development type on the perimeter of the PUD should be similar to that which lies just beyond the perimeter of the PUD. If a development type more intense than that which lies beyond the perimeter is proposed, extensive buffering by physical separation, berming, landscaping, screening and/or other means should be provided.

(2) Parking areas shall be arranged so as to prevent through traffic to other parking areas via driving aisles between parking spaces.

(3) Guest parking/overflow parking beyond the required parking stalls per unit figure should be provided either in separate parking areas or on internal streets wide enough to

accommodate such parking and the safe flow of vehicular traffic. If necessary, a restriction of parking on one or both sides of internal streets should be included in the ordinance approving the PUD.

(4) The declaration of covenants and restrictions governing the homeowners association where such associations exist should include provisions which, in addition to the standard clauses, include:

(A) Establishment of an escrow fund for the maintenance of the common elements of the development.

(B) Prohibition of outdoor parking of recreational vehicles.

(C) Delineation of what structures or activities may occur on property deeded to individual property owners or on common property.

(D) Delineation of the restrictions on exterior alterations of the individual units.

(5) Streets intended to be dedicated to the village shall be designed and constructed to village specifications and in order to be dedicated should serve local or areawide through traffic. Minor streets (non-collector or non-arterial) within the development should not be connected to streets beyond the development in such a way as to encourage their use by through traffic regardless if they are intended to be dedicated or remain private.

(6) When proposed PUDs include substantial acreage in commercial or industrial development, consideration should be given to provision of frontage roads, larger landscaped setbacks and increased landscaped buffering on the perimeter sections which abut less intensive development.

(7) To the greatest extent possible, driveway curbcuts should be limited on collector and arterial streets. Preferably, said cuts should be provided on minor residential streets.

(8) Zoning requested for the PUD should be the same as or more restrictive than neighboring zoning. Land uses in various segments of the proposed zoning district (with development as a PUD) may vary in type and intensity of development. However, the entire

project will be evaluated as a single development when zoning and compatibility with surrounding properties are considered.

(9) Traffic analysis when required shall take into consideration not only the analysis of the internal street network of the PUD, but also the impact of the traffic from the PUD on the adjoining street network during peak hours.

(10) Unbuildable acreage and areas unsuitable for passive or active recreation such as swamp or marsh land, retention areas and steep slopes should not be used in calculating density for the proposed planned development.

(11) Utilization of active or passive solar energy systems and superior energy conservation features are preferred over conventional construction.

(12) Existing trees, floodplains, wetlands, natural drainageways, and sites or buildings of local or statewide archaeological or historical significance should be preserved whenever possible.

(13) As a general rule, bonus units should not exceed 20% of the allowable density.

APPENDIX I—Comprehensive Land Use Plan

APPENDIX II—Impact Fees

Kaneland Community Unit
 School District #302

Development Impact Fee Data Table

Detached Single Family Dwelling
 Three Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
70,000	6,210.00	6,000.00
72,500	6,147.04	6,000.00
75,000	6,084.08	6,000.00
77,500	6,021.12	6,000.00
80,000	5,958.16	5,958.16
82,500	5,895.21	5,895.21
85,000	5,832.25	5,832.25
87,500	5,769.29	5,769.29
90,000	5,706.33	5,706.33
92,500	5,643.37	5,643.37
95,000	5,580.41	5,580.41
97,500	5,517.45	5,517.45
100,000	5,454.49	5,454.49
102,500	5,391.53	5,391.53
105,000	5,328.57	5,328.57
107,500	5,265.61	5,265.61
110,000	5,202.66	5,202.66
112,500	5,139.70	5,139.70
115,000	5,076.74	5,076.74
117,500	5,013.78	5,013.78
120,000	4,950.82	4,950.82
122,500	4,887.86	4,887.86
125,000	4,824.90	4,824.90
127,500	4,761.94	4,761.94
130,000	4,698.98	4,698.98
132,500	4,636.02	4,636.02
135,000	4,573.07	4,573.07
137,500	4,510.11	4,510.11
140,000	4,447.15	4,447.15
142,500	4,384.19	4,384.19
145,000	4,321.23	4,321.23
147,500	4,258.27	4,258.27
150,000	4,195.31	4,195.31
152,500	4,132.35	4,132.35
155,000	4,069.39	4,069.39
157,500	4,006.43	4,006.43
160,000	3,943.48	3,943.48
162,500	3,880.52	3,880.52
165,000	3,817.56	3,817.56
167,500	3,754.60	3,754.60
170,000	3,691.64	3,691.64

Kaneland Community Unit
 School District #302

Development Impact Fee Data Table

Detached Single Family Dwelling
 Four Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
70,000	11,115.36	6,000.00
72,500	11,052.40	6,000.00
75,000	10,989.44	6,000.00
77,500	10,926.49	6,000.00
80,000	10,863.53	6,000.00
82,500	10,800.57	6,000.00
85,000	10,737.61	6,000.00
87,500	10,674.65	6,000.00
90,000	10,611.69	6,000.00
92,500	10,548.73	6,000.00
95,000	10,485.77	6,000.00
97,500	10,422.81	6,000.00
100,000	10,359.85	6,000.00
102,500	10,296.89	6,000.00
105,000	10,233.94	6,000.00
107,500	10,170.98	6,000.00
110,000	10,108.02	6,000.00
112,500	10,045.06	6,000.00
115,000	9,982.10	6,000.00
117,500	9,919.14	6,000.00
120,000	9,856.18	6,000.00
122,500	9,793.22	6,000.00
125,000	9,730.26	6,000.00
127,500	9,667.30	6,000.00
130,000	9,604.35	6,000.00
132,500	9,541.39	6,000.00
135,000	9,478.43	6,000.00
137,500	9,415.47	6,000.00
140,000	9,352.51	6,000.00
142,500	9,289.55	6,000.00
145,000	9,226.59	6,000.00
147,500	9,163.63	6,000.00
150,000	9,100.67	6,000.00
152,500	9,037.71	6,000.00
155,000	8,974.75	6,000.00
157,500	8,911.80	6,000.00
160,000	8,848.84	6,000.00
162,500	8,785.88	6,000.00
165,000	8,722.92	6,000.00
167,500	8,659.96	6,000.00
170,000	8,597.00	6,000.00

Kaneland Community Unit
 School District #302

Development Impact Fee Data Table

Detached Single Family Dwelling
 Four Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
172,500	8,534.04	6,000.00
175,000	8,471.08	6,000.00
177,500	8,408.12	6,000.00
180,000	8,345.16	6,000.00
182,500	8,282.21	6,000.00
185,000	8,219.25	6,000.00
187,500	8,156.29	6,000.00
190,000	8,093.33	6,000.00
192,500	8,030.37	6,000.00
195,000	7,967.41	6,000.00
197,500	7,904.45	6,000.00
200,000	7,841.49	6,000.00
202,500	7,778.53	6,000.00
205,000	7,715.57	6,000.00
207,500	7,652.62	6,000.00
210,000	7,589.66	6,000.00
212,500	7,526.70	6,000.00
215,000	7,463.74	6,000.00
217,500	7,400.78	6,000.00
220,000	7,337.82	6,000.00
222,500	7,274.86	6,000.00
225,000	7,211.90	6,000.00
227,500	7,148.94	6,000.00
230,000	7,085.98	6,000.00
232,500	7,023.02	6,000.00
235,000	6,960.07	6,000.00
237,500	6,897.11	6,000.00
240,000	6,834.15	6,000.00
242,500	6,771.19	6,000.00
245,000	6,708.23	6,000.00
247,500	6,645.27	6,000.00
250,000	6,582.31	6,000.00
252,500	6,519.35	6,000.00
255,000	6,456.39	6,000.00
257,500	6,393.43	6,000.00
260,000	6,330.48	6,000.00
262,500	6,267.52	6,000.00
265,000	6,204.56	6,000.00
267,500	6,141.60	6,000.00
270,000	6,078.64	6,000.00
272,500	6,015.68	6,000.00

Development Impact Fee Data Table

Detached Single Family Dwelling
 Four Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
275,000	5,952.72	5,952.72
277,500	5,889.76	5,889.76
280,000	5,826.80	5,826.80
282,500	5,763.84	5,763.84
285,000	5,700.89	5,700.89
287,500	5,637.93	5,637.93
290,000	5,574.97	5,574.97
292,500	5,512.01	5,512.01
295,000	5,449.05	5,449.05
297,500	5,386.09	5,386.09
300,000	5,323.13	5,323.13
302,500	5,260.17	5,260.17
305,000	5,197.21	5,197.21
307,500	5,134.25	5,134.25
310,000	5,071.29	5,071.29
312,500	5,008.34	5,008.34
315,000	4,945.38	4,945.38
317,500	4,882.42	4,882.42
320,000	4,819.46	4,819.46
322,500	4,756.50	4,756.50
325,000	4,693.54	4,693.54
327,500	4,630.58	4,630.58
330,000	4,567.62	4,567.62
332,500	4,504.66	4,504.66
335,000	4,441.70	4,441.70
337,500	4,378.75	4,378.75
340,000	4,315.79	4,315.79
342,500	4,252.83	4,252.83
345,000	4,189.87	4,189.87
347,500	4,126.91	4,126.91
350,000	4,063.95	4,063.95
352,500	4,000.99	4,000.99
355,000	3,938.03	3,938.03
357,500	3,875.07	3,875.07
360,000	3,812.11	3,812.11
362,500	3,749.15	3,749.15
365,000	3,686.20	3,686.20
367,500	3,623.24	3,623.24
370,000	3,560.28	3,560.28
372,500	3,497.32	3,497.32
375,000	3,434.36	3,434.36

Development Impact Fee Data Table

Detached Single Family Dwelling
 Four Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
377,500	3,371.40	3,371.40
380,000	3,308.44	3,308.44
382,500	3,245.48	3,245.48
385,000	3,182.52	3,182.52
387,500	3,119.56	3,119.56
390,000	3,056.61	3,056.61
392,500	2,993.65	2,993.65
395,000	2,930.69	2,930.69
397,500	2,867.73	2,867.73
400,000	2,804.77	2,804.77
402,500	2,741.81	2,741.81
405,000	2,678.85	2,678.85
407,500	2,615.89	2,615.89
410,000	2,552.93	2,552.93
412,500	2,489.97	2,489.97
415,000	2,427.02	2,427.02
417,500	2,364.06	2,364.06
420,000	2,301.10	2,301.10
422,500	2,238.14	2,238.14
425,000	2,175.18	2,175.18
427,500	2,112.22	2,112.22
430,000	2,049.26	2,049.26
432,500	1,986.30	1,986.30
435,000	1,923.34	1,923.34
437,500	1,860.38	1,860.38
440,000	1,797.42	1,797.42
442,500	1,734.47	1,734.47
445,000	1,671.51	1,671.51
447,500	1,608.55	1,608.55
450,000	1,545.59	1,545.59
452,500	1,482.63	1,500.00
455,000	1,419.67	1,500.00
457,500	1,356.71	1,500.00
460,000	1,293.75	1,500.00
462,500	1,230.79	1,500.00
465,000	1,167.83	1,500.00
467,500	1,104.88	1,500.00
470,000	1,041.92	1,500.00
472,500	978.96	1,500.00
475,000	916.00	1,500.00
477,500	853.00	1,500.00

Development Impact Fee Data Table

Detached Single Family Dwelling
 Five Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
70,000	7,983.15	6,000.00
72,500	7,920.19	6,000.00
75,000	7,857.23	6,000.00
77,500	7,794.27	6,000.00
80,000	7,731.31	6,000.00
82,500	7,668.36	6,000.00
85,000	7,605.40	6,000.00
87,500	7,542.44	6,000.00
90,000	7,479.48	6,000.00
92,500	7,416.52	6,000.00
95,000	7,353.56	6,000.00
97,500	7,290.60	6,000.00
100,000	7,227.64	6,000.00
102,500	7,164.68	6,000.00
105,000	7,101.72	6,000.00
107,500	7,038.77	6,000.00
110,000	6,975.81	6,000.00
112,500	6,912.85	6,000.00
115,000	6,849.89	6,000.00
117,500	6,786.93	6,000.00
120,000	6,723.97	6,000.00
122,500	6,661.01	6,000.00
125,000	6,598.05	6,000.00
127,500	6,535.09	6,000.00
130,000	6,472.13	6,000.00
132,500	6,409.17	6,000.00
135,000	6,346.22	6,000.00
137,500	6,283.26	6,000.00
140,000	6,220.30	6,000.00
142,500	6,157.34	6,000.00
145,000	6,094.38	6,000.00
147,500	6,031.42	6,000.00
150,000	5,968.46	5,968.46
152,500	5,905.50	5,905.50
155,000	5,842.54	5,842.54
157,500	5,779.58	5,779.58
160,000	5,716.63	5,716.63
162,500	5,653.67	5,653.67
165,000	5,590.71	5,590.71
167,500	5,527.75	5,527.75
170,000	5,464.79	5,464.79

Development Impact Fee Data Table

Detached Single Family Dwelling
 Five Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
172,500	5,401.83	5,401.83
175,000	5,338.87	5,338.87
177,500	5,275.91	5,275.91
180,000	5,212.95	5,212.95
182,500	5,149.99	5,149.99
185,000	5,087.04	5,087.04
187,500	5,024.08	5,024.08
190,000	4,961.12	4,961.12
192,500	4,898.16	4,898.16
195,000	4,835.20	4,835.20
197,500	4,772.24	4,772.24
200,000	4,709.28	4,709.28
202,500	4,646.32	4,646.32
205,000	4,583.36	4,583.36
207,500	4,520.40	4,520.40
210,000	4,457.44	4,457.44
212,500	4,394.49	4,394.49
215,000	4,331.53	4,331.53
217,500	4,268.57	4,268.57
220,000	4,205.61	4,205.61
222,500	4,142.65	4,142.65
225,000	4,079.69	4,079.69
227,500	4,016.73	4,016.73
230,000	3,953.77	3,953.77
232,500	3,890.81	3,890.81
235,000	3,827.85	3,827.85
237,500	3,764.90	3,764.90
240,000	3,701.94	3,701.94
242,500	3,638.98	3,638.98
245,000	3,576.02	3,576.02
247,500	3,513.06	3,513.06
250,000	3,450.10	3,450.10
252,500	3,387.14	3,387.14
255,000	3,324.18	3,324.18
257,500	3,261.22	3,261.22
260,000	3,198.26	3,198.26
262,500	3,135.30	3,135.30
265,000	3,072.35	3,072.35
267,500	3,009.39	3,009.39
270,000	2,946.43	2,946.43
272,500	2,883.47	2,883.47

Development Impact Fee Data Table

Detached Single Family Dwelling
 Five Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
275,000	2,820.51	2,820.51
277,500	2,757.55	2,757.55
280,000	2,694.59	2,694.59
282,500	2,631.63	2,631.63
285,000	2,568.67	2,568.67
287,500	2,505.71	2,505.71
290,000	2,442.76	2,442.76
292,500	2,379.80	2,379.80
295,000	2,316.84	2,316.84
297,500	2,253.88	2,253.88
300,000	2,190.92	2,190.92
302,500	2,127.96	2,127.96
305,000	2,065.00	2,065.00
307,500	2,002.04	2,002.04
310,000	1,939.08	1,939.08
312,500	1,876.12	1,876.12
315,000	1,813.17	1,813.17
317,500	1,750.21	1,750.21
320,000	1,687.25	1,687.25
322,500	1,624.29	1,624.29
325,000	1,561.33	1,561.33
327,500	1,498.37	1,500.00
330,000	1,435.41	1,500.00
332,500	1,372.45	1,500.00
335,000	1,309.49	1,500.00
337,500	1,246.53	1,500.00
340,000	1,183.57	1,500.00
342,500	1,120.62	1,500.00
345,000	1,057.66	1,500.00
347,500	994.70	1,500.00
350,000	931.74	1,500.00
352,500	868.78	1,500.00
355,000	805.82	1,500.00
357,500	742.86	1,500.00
360,000	679.90	1,500.00
362,500	616.94	1,500.00
365,000	553.98	1,500.00
367,500	491.03	1,500.00
370,000	428.07	1,500.00
372,500	365.11	1,500.00
375,000	302.15	1,500.00

Kaneland Community Unit
 School District #302

Development Impact Fee Data Table

Attached Single Family Dwelling
 One Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
70,000	-	1,000.00
72,500	-	1,000.00
75,000	-	1,000.00
77,500	-	1,000.00
80,000	-	1,000.00
82,500	-	1,000.00
85,000	-	1,000.00
87,500	-	1,000.00
90,000	-	1,000.00
92,500	-	1,000.00
95,000	-	1,000.00
97,500	-	1,000.00
100,000	-	1,000.00

Kaneland Community Unit
 School District #302

Development Impact Fee Data Table

Attached Single Family Dwelling
 Two Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
70,000	349.05	1,000.00
72,500	286.09	1,000.00
75,000	223.13	1,000.00
77,500	160.17	1,000.00
80,000	97.21	1,000.00
82,500	34.25	1,000.00
85,000	-	1,000.00
87,500	-	1,000.00
90,000	-	1,000.00
92,500	-	1,000.00
95,000	-	1,000.00
97,500	-	1,000.00
100,000	-	1,000.00

Development Impact Fee Data Table

Attached Single Family Dwelling
 Four Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
172,500	2,811.12	2,500.00
175,000	2,748.16	2,500.00
177,500	2,685.20	2,500.00
180,000	2,622.24	2,500.00
182,500	2,559.28	2,500.00
185,000	2,496.32	2,496.32
187,500	2,433.37	2,433.37
190,000	2,370.41	2,370.41
192,500	2,307.45	2,307.45
195,000	2,244.49	2,244.49
197,500	2,181.53	2,181.53
200,000	2,118.57	2,118.57
202,500	2,055.61	2,055.61
205,000	1,992.65	1,992.65
207,500	1,929.69	1,929.69
210,000	1,866.73	1,866.73
212,500	1,803.78	1,803.78
215,000	1,740.82	1,740.82
217,500	1,677.86	1,677.86
220,000	1,614.90	1,614.90
222,500	1,551.94	1,551.94
225,000	1,488.98	1,488.98
227,500	1,426.02	1,426.02
230,000	1,363.06	1,363.06
232,500	1,300.10	1,300.10
235,000	1,237.14	1,237.14
237,500	1,174.18	1,174.18
240,000	1,111.23	1,111.23
242,500	1,048.27	1,048.27
245,000	985.31	1,000.00
247,500	922.35	1,000.00
250,000	859.39	1,000.00
252,500	796.43	1,000.00
255,000	733.47	1,000.00
257,500	670.51	1,000.00
260,000	607.55	1,000.00
262,500	544.59	1,000.00
265,000	481.64	1,000.00
267,500	418.68	1,000.00
270,000	355.72	1,000.00
272,500	292.76	1,000.00

Kaneland Community Unit
 School District #302

Development Impact Fee Data Table

Attached Single Family Dwelling
 Four Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
70,000	5,392.44	2,500.00
72,500	5,329.48	2,500.00
75,000	5,266.52	2,500.00
77,500	5,203.56	2,500.00
80,000	5,140.60	2,500.00
82,500	5,077.65	2,500.00
85,000	5,014.69	2,500.00
87,500	4,951.73	2,500.00
90,000	4,888.77	2,500.00
92,500	4,825.81	2,500.00
95,000	4,762.85	2,500.00
97,500	4,699.89	2,500.00
100,000	4,636.93	2,500.00
102,500	4,573.97	2,500.00
105,000	4,511.01	2,500.00
107,500	4,448.05	2,500.00
110,000	4,385.10	2,500.00
112,500	4,322.14	2,500.00
115,000	4,259.18	2,500.00
117,500	4,196.22	2,500.00
120,000	4,133.26	2,500.00
122,500	4,070.30	2,500.00
125,000	4,007.34	2,500.00
127,500	3,944.38	2,500.00
130,000	3,881.42	2,500.00
132,500	3,818.46	2,500.00
135,000	3,755.51	2,500.00
137,500	3,692.55	2,500.00
140,000	3,629.59	2,500.00
142,500	3,566.63	2,500.00
145,000	3,503.67	2,500.00
147,500	3,440.71	2,500.00
150,000	3,377.75	2,500.00
152,500	3,314.79	2,500.00
155,000	3,251.83	2,500.00
157,500	3,188.87	2,500.00
160,000	3,125.91	2,500.00
162,500	3,062.96	2,500.00
165,000	3,000.00	2,500.00
167,500	2,937.04	2,500.00
170,000	2,874.08	2,500.00

Kaneland Community Unit
School District #302

Development Impact Fee Data Table

Multiple Family Dwelling
Zero Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
70,000	-	500.00
72,500	-	500.00
75,000	-	500.00
77,500	-	500.00
80,000	-	500.00
82,500	-	500.00
85,000	-	500.00
87,500	-	500.00
90,000	-	500.00
92,500	-	500.00
95,000	-	500.00
97,500	-	500.00
100,000	-	500.00

Kaneland Community Unit
School District #302

Development Impact Fee Data Table

Multiple Family Dwelling
One Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
70,000	-	500.00
72,500	-	500.00
75,000	-	500.00
77,500	-	500.00
80,000	-	500.00
82,500	-	500.00
85,000	-	500.00
87,500	-	500.00
90,000	-	500.00
92,500	-	500.00
95,000	-	500.00
97,500	-	500.00
100,000	-	500.00

Kaneland Community Unit
School District #302

Development Impact Fee Data Table

Multiple Family Dwelling
Two Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
70,000	84.62	500.00
72,500	21.66	500.00
75,000	-	500.00
77,500	-	500.00
80,000	-	500.00
82,500	-	500.00
85,000	-	500.00
87,500	-	500.00
90,000	-	500.00
92,500	-	500.00
95,000	-	500.00
97,500	-	500.00
100,000	-	500.00

Kaneland Community Unit
 School District #302

Development Impact Fee Data Table

Multiple Family Dwelling
 Three Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
70,000	3,280.54	1,200.00
72,500	3,217.58	1,200.00
75,000	3,154.62	1,200.00
77,500	3,091.66	1,200.00
80,000	3,028.70	1,200.00
82,500	2,965.74	1,200.00
85,000	2,902.78	1,200.00
87,500	2,839.83	1,200.00
90,000	2,776.87	1,200.00
92,500	2,713.91	1,200.00
95,000	2,650.95	1,200.00
97,500	2,587.99	1,200.00
100,000	2,525.03	1,200.00
102,500	2,462.07	1,200.00
105,000	2,399.11	1,200.00
107,500	2,336.15	1,200.00
110,000	2,273.19	1,200.00
112,500	2,210.23	1,200.00
115,000	2,147.28	1,200.00
117,500	2,084.32	1,200.00
120,000	2,021.36	1,200.00
122,500	1,958.40	1,200.00
125,000	1,895.44	1,200.00
127,500	1,832.48	1,200.00
130,000	1,769.52	1,200.00
132,500	1,706.56	1,200.00
135,000	1,643.60	1,200.00
137,500	1,580.64	1,200.00
140,000	1,517.69	1,200.00
142,500	1,454.73	1,200.00
145,000	1,391.77	1,200.00
147,500	1,328.81	1,200.00
150,000	1,265.85	1,200.00
152,500	1,202.89	1,200.00
155,000	1,139.93	1,139.93
157,500	1,076.97	1,076.97
160,000	1,014.01	1,014.01
162,500	951.05	951.05
165,000	888.10	888.10
167,500	825.14	825.14
170,000	762.18	762.18

Kaneland Community Unit
 School District #302

Development Impact Fee Data Table

Multiple Family Dwelling
 Three Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
172,500	699.22	699.22
175,000	636.26	636.26
177,500	573.30	573.30
180,000	510.34	510.34
182,500	447.38	500.00
185,000	384.42	500.00
187,500	321.46	500.00
190,000	258.50	500.00
192,500	195.55	500.00
195,000	132.59	500.00
197,500	69.63	500.00
200,000	6.67	500.00
202,500	-	500.00

Kaneland Community Unit
School District #302

Development Impact Fee Data Table

Attached Single Family Dwelling
Four Bedroom

Fair Market Value	School Capital Impact Fee	Total Fees
275,000	229.80	1,000.00
277,500	166.84	1,000.00
280,000	103.88	1,000.00
282,500	40.92	1,000.00
285,000	-	1,000.00

Ord 2005-02, 1/13/2005.