

# VILLAGE OF HAMPTON, ILLINOIS

## CODE OF ORDINANCES

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## **Ordinance 503**

**ORDINANCE ADOPTING THE HAMPTON VILLAGE CODE; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED HEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; PROVIDING A GENERAL PENALTY FOR VIOLATIONS THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Hampton, Rock Island County, Illinois:

**Section One:** That this ordinance, consisting of Title One through Title Six inclusive, is hereby adopted and enacted as the "Hampton Village Code", and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the President and Board of Trustees on or before October 28, 1985 except such as by reference thereto are expressly saved from repeal or continued in force and effect for any purpose.

**Section Two:** That all provisions of such Code shall be in full force and effect from and after October 28, 1985, and all ordinances of a general and permanent nature of the Village of Hampton, enacted on final passage on or before October 28, 1985 and not in such Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of such Code, except as hereafter provided.

**Section Three:** That the repeal provided for in Section Two hereof shall not affect the following:

**1)** 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 such Code;

**2)** Any ordinance or resolution promising or guaranteeing the payment on money for the Village, or authorizing the issuance of any bonds or the Village of any evidence of the Village's indebtedness, or any contract or obligations assumed by the Village;

**3)** Any administrative ordinances or resolutions of the president and Board of Trustees not in conflict or inconsistent with the provisions of such code;

**4)** Any right or franchise granted by any ordinances of the Village;

**5)** Any ordinance dedicating, naming, establishing, locating, opening, paving, widening, vacating, etc., any street or public way in the Village;

**6)** Any appropriation ordinances;

**7)** Any ordinances levying or imposing taxes;

**8)** Any ordinance establishing or prescribing grades in the Village;

**9)** Any ordinance providing for local improvements and making assessment therefor;

**10)** Any ordinance dedicating or accepting any plat or subdivision in the Village;

**11)** Any ordinance extending or contracting the boundaries of the Village;

**12)** Any ordinance prescribing the number, classification or compensation of any Village officers or employees, not inconsistent herewith;

**13)** Any ordinance creating specific funds;

14) Any ordinance regulating or prohibiting the operation or parking of vehicles on streets or parts of streets or other places;

15) Any subdivision or zoning ordinance;

16) Any ordinance pertaining to abandoned, junked, dismantled and inoperative vehicles;

17) Any ordinance establishing rates and charges for the use and service supplied by the Village's combined waterworks and sewerage system;

18) Any ordinance or resolution passed after October 28, 1985.

**Section Four:** That any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the President and Board of Trustees to make the same a part thereof, shall be deemed to be incorporated in such code so that reference to the "Hampton Village Code" shall be understood and intended to include such additions and amendments.

**Section Five:** That a copy of such Code shall be kept on file in the Office of the Village Clerk, preserved in loose-leaf form. It shall be the express duty of the Village Clerk, or someone authorized by the Village Clerk, to insert in their designated places all amendments or ordinances which indicate the intention of the President and Board of Trustees to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such code all provisions which may from time to time be repealed by the President and Board of Trustees. This copy of such Code shall be available for all persons desiring to examine the same and shall be considered the official "Hampton Village Code".

**Section Six:** That in case of the amendment of any section of such Code for which a penalty is not provided, the general penalty in Title One, Article 8 of such code shall apply to

the section as amended or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same Title, the penalty so provided in such other section shall be held to relate to the sections so amended, unless such penalty is specifically repealed therein.

**Section Seven:** That it shall be unlawful for any person, firm or corporation in the Village to change or amend by additions or deletions, any section or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village of Hampton to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in the "Hampton Village Code".

**Section Eight:** Violations of said code shall be triable as civil cases whenever in said Code or in any ordinance of the Village of Hampton any act is prohibited or is made or declared to be unlawful or an offense, or whenever in said Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, the violation of such provision of said Code or any ordinance shall be punishable by a fine of not more than five hundred dollars (\$500.00). Each day any willful violation of any provisions of said Code or of any ordinance shall constitute a separate offense.

In lieu of proceeding under any provision of said Code for a civil penalty, in the discretion of the Village attorney or corporate counsel, violations of the provisions of said Code may be prosecuted as misdemeanors in the Circuit Court by information or by complaint sworn to, as criminal offense. Such prosecutions shall conform to the rules of criminal procedure, and the charge shall give notice that it is a "criminal proceeding". Upon conviction, a person violating said Code shall be punished by imprisonment in a place other than a penitentiary for a term not to exceed six (6) months and be fined not to exceed five hundred dollars (\$500.00) or both. The provisions for incarceration shall not apply to persons who have attained the age of majority.



**Section Nine:** That all ordinances or parts or ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section Ten:** That this ordinance shall be in full force and effect from and after its passage, approval and publication in book or pamphlet form according to law.

**PASSED** by the President and Board of Trustees of the Village of Hampton this 28th day of October, 1985, and

**APPROVED** by the President of the Board of Trustees of the Village of Hampton this 28th day of October, 1985.



## ARTICLE 1

### OFFICIAL CODE

**1.1.1: TITLE:** Upon adoption by the Village Board of Trustees this Village Code shall constitute the official Village Code of the Village of Hampton. This Village Code of Ordinances shall be known and cited as the Hampton Village Code, and is published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1.1.3 under the direction of the Village Attorney, acting for the Board of Trustees. Any reference to the number of any section contained in this Code shall be understood to refer to that position of the same number, its appropriate article and title heading, and to the general penalty clause relating, as well as to the section itself when references made to this Village Code by title in any legal document.

**1.1.2: ACCEPTANCE:** The Village Code shall be received without further proof in all courts of this state as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in Section 1.2.1.

**1.1.3: AMENDMENTS:** Any ordinance amending this Village Code shall set forth the title, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendment or revision by ordinance shall be immediately forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code within thirty (30) days from the date of its passage.

#### **1.1.4: INTERPRETATION:**

**A) Intent to Defraud:** Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

#### **B) Liability of Employers and Agents:**

When the provision of any section of this Village Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth.

**1.1.5: ALTERATION OF CODE BOOK:** No person shall alter, change, replace or deface in any way any section or any page of this Village Code in a manner that the meaning of any phrase or order made be changed or omitted. Replacement pages may be inserted according to the official when so authorized by the Village Board. The Village Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the Office of the Clerk.

Any person having in his custody an official copy of this Village Code shall make every effort to maintain it in an up-to-date and efficient manner. Each person shall see to the immediate insertion of new or replacement pages when they are delivered from the Office of the Village Clerk. Code books in the possession of officials and other interested persons shall remain the property of the Village and shall be returned to the Office of the Clerk when directed by order of the Village Board.

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## ARTICLE 2

### SAVINGS CLAUSE

**1.2.1: REPEAL OF GENERAL ORDINANCES:** All general ordinances of the Village passed prior to the adoption of the Village Code are repealed except such as are referred to as being still enforced or are by necessary implication reserved from appeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances which are not repealed: tax levy ordinances, appropriation ordinances; special assessments ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing; naming or vacating; streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the Village; and all special ordinances.

**1.2.2: PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Village Code or by virtue of the preceding section, excepting as this Village Code may contain provisions for such matters, in which case the Village Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

**1.2.3: COURT PROCEEDINGS:** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against the former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or any way whatever to effect such offense or act so committed or so done, or any

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

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

Nothing contained in this article shall be construed as abetting any action now pending under or by virtue of any general ordinance of the Village repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this chapter be deemed as discontinuing, abetting, modifying or altering any penalty accrued or to accrue, or as affecting the ability of any person, firm or corporation, or as waiving any right of the Village under any ordinance or provision in force at the time of the adoption of this Village Code.

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

or phrases be declared unconstitutional,  
invalid or ineffective.

## ARTICLE 3

### DEFINITIONS

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**1.3.1:** Whenever the following words or terms are used in this Code, they shall have such meaning as ascribed to them below, unless the context specifically indicates otherwise.

**AGENT** A person acting on behalf of another.

**EMPLOYEES** Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words "of the Village of Hampton".

**FEE** A sum of money charged by the Village for the carrying on of a business, profession or occupation.

**FISCAL YEAR** The "fiscal year" of the Village is May 1st of each calendar year.

**LICENSE** The permission granted for the carrying on of a business, profession or occupation.

**MISDEMEANOR** Any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one (1) year may be imposed.

**OCCUPANT** As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

**OFFENSE** Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this code.

**OFFICERS** Whenever reference is made in this Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of Hampton".

**OPERATOR** The person who is in charge of any operation, business or profession.

**OWNER** As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

**PERSON** Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

**PERSONAL PROPERTY** Includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

**RETAILER** Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

**RIGHT-OF-WAY** The privilege of the immediate use of the roadway or other property.

**STREET** Includes alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

**TENANT** As applied to a building or land, shall include any person who occupies the whole or any part of such buildings or land, whether alone or with others.

**VILLAGE** The Village of Hampton, County of Rock Island, State of Illinois.

**WHOLESALE** The terms wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

**IN WRITING** May include printing and any other mode of representing word and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be the proper

handwriting of such person, or in case he is unable to write, by his proper mark.

**SHALL** is mandatory; **MAY** is permissive.

**1.3.2: CATCHLINES AND NOTES:** The catchlines of the several sections of the Village Code, titles, headings, (chapter, division, article, section, and subsection), editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in the Village Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.



## ARTICLE 4

### VILLAGE OFFICERS

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#### **1.4.1: VILLAGE PRESIDENT** (Ord. 1, Article 2, January 2, 1892)

**A) ELECTION:** The Village President shall be elected for a term of four (4) years and until a successor is elected and qualified he shall be the President of the Board of Trustees. (Ord. 24, March 7, 1896)

**B) VACANCY:** Whenever a vacancy shall happen in the office of the President, the Village Board shall elect one of its numbers to act as president who shall possess all the rights of the President until the next annual election and until his successor is elected and qualified.

**C) DUTIES:** The President shall perform all duties as may be required by law or Village ordinance, and shall assure that the laws and ordinances are faithfully executed.

The President shall preside at all meetings of the Village Board but shall not vote except in the case of a tie when he shall give the casting vote.

The President shall have the power to remove any officer appointed by him on any formal charge whenever he shall be of the opinion that the interest of the Village demands such removal.

The President may exercise within the Village limits the powers conferred upon sheriffs to suppress the order and keep the peace.

The President shall have the power to appoint special policemen whenever he considers it necessary.

The President shall serve as the Liquor Commissioner for the Village of Hampton and shall have duties as outlined in the Liquor Ordinance.

**D) OATH:** Before entering upon the duties of office, the Village President shall take the oath as prescribed by statute.

**E) BOND:** Before entering upon the duties of the office, the Village President shall execute a bond with one or more sureties to be approved by the Board of Trustees conditioned upon the faithful performance of his duties, in the sum of three thousand dollars (\$3,000.00), payable to the Village of Hampton. The bond shall be filed with the Village Clerk.

**F) SALARY:** The Village President shall receive such compensation as may from time to time be provided by ordinance by the Board of Trustees.

**G) PRESIDENT PRO TEM:** During a temporary absence or disability of the Village President, the Board of Trustees shall elect one of its own to act as President pro tem, who shall perform the duties pertaining to the office.

#### **1.4.2: VILLAGE BOARD OF TRUSTEES** (Ord. 1, Article 3, January 2, 1892)

**A) ELECTION:** The Village Board of Trustees (to be referred to as the Village Board) shall consist of six Trustees who shall be elected to office for four (4) year terms and until their successors are elected and qualified. (Ord. 24, February 7, 1896)

**B) DUTIES:** The Village Board shall be the legislative department of the Village government, and shall perform the duties and have the power as may be delegated to it by statute.

**C) OATH:** Before entering upon the duties of their respective offices the Village Board of Trustees shall take the oath of office as prescribed by statute. The oath shall be filed with the Village Clerk.

**D) SALARY:** The Village Board shall receive such compensation as may be provided by ordinance by the Village Board.

**E) MEETINGS:** The regular meetings of the President and Board of Trustees shall be held on the first and third Mondays of each month at 7:00 P.M. effective February 7, 2000. (Ord. 654, January 10, 2000)

The meetings of the Board of Trustees shall be held at Hampton Village Hall in the Council Room unless otherwise ordered by the Board. (Rev. Ord. 570, October 11, 1993)

**F) SPECIAL MEETINGS:** Special meetings shall be called by the Clerk upon the request of the President or any three (3) Trustees. The request shall be in writing, shall state the purpose of the meeting and the time the meeting is to be held. No other business shall be acted upon at a special meeting. Special meetings shall not be held sooner than twenty four (24) hours from the time the request is filed.

**G) MEETING PROCEDURES:**

**1) Quorum:** A majority of the Trustees shall constitute a quorum to do business but a smaller number may adjourn from time to time until the quorum may be had. (Ord. 74, October 2, 1911)

**2) Passage / Non Passage of Ordinance:** Yeas and nays shall be taken upon the passage of all ordinances and all propositions to create any liability against the Village or for the expenditure or appropriation of its money and in all cases at the request of any member which shall be entered on a journal of its proceedings in a concurrence of a majority of the members elected in the Village Board shall be necessary in the passage of any such ordinance or proposition.

**3) Rescinded Action:** No vote of the Village Board shall be reconsidered or rescinded at a special meeting unless the same number of Trustees are present at the special meeting as were present when the vote was taken.

**4) Deferred Action:** Upon the request of any two (2) Trustees present, any report presented by a committee of the Board shall

be deferred from the final action until the next regular meeting.

**1.4.3: VILLAGE CLERK** (Ord. 1, Art. 4, January 2, 1892)

**A) ELECTION:** The office of the Village Clerk of the Village of Hampton, Rock Island County, Illinois henceforth will be an office appointed by the President of the Board of Trustees of the Village of Hampton rather than an elective office, in accordance with a Resolution passed by the President and Board of Trustees of the Village of Hampton on the 21st day of February, 2000. (Ord 660, February 21, 2000).

**B) DUTIES:** The Clerk shall be the custodian of the Village seal. The Clerk shall keep the accounts showing all money received and the source of the disposition of the moneys and such other accounts as may be required by statute or ordinance. In addition to the records of ordinances and other records which the Clerk is required to keep by statute, the Clerk shall keep a register of all licenses and permits issued, and their payment; a record showing all the officers and regular employees of the Village; and such other records as may be required by the Board of Trustees.

The Clerk shall attend all meetings of the Village Board and keep a full record of its proceedings in a journal.

All original documents, contracts, correspondence and in fact any and all papers relating to Village business shall be kept in the custody of the Village Clerk. The Village Clerk shall furnish copies of documents, contracts, correspondence and other papers relating to Village business to the Village Attorney, Village President, and Board of Trustees and to other persons as authorized by the Village President. In addition, the Clerk shall perform such other duties and functions which may be required by statute or ordinance.

The Clerk shall record all ordinances passed by the Village Board and at the bottom of the

ordinance, make a notation of the date, passage and the posting of such ordinance.

**C) BOND:** Before entering upon the duties of the office, the Village Clerk shall execute a bond in the amount of three thousand dollars (\$3,000.00) and with such sureties conditioned upon the faithful performance of those duties as provided by statute. (Ord. 1, Art. 10, January 2, 1892) The bond shall be filed with the Village Treasurer.

**D) SALARY:** The Village Clerk shall receive compensation as may from time to time be provided by ordinance by the Board of Trustees.

**1.4.4: VILLAGE COLLECTOR** (Ord. 489, April 23, 1984)

**A) OFFICE:** The Village Clerk of the Village of Hampton may hold the office of Village Collector.

**B) DUTIES:** The Village Collector shall preserve all warrants returned to the Collector, and shall keep the books and accounts in the manner that the Village Board may prescribe. All of the Village Collector's warrants, books and vouchers, and all paper pertaining to the Village Collector's warrants, books and vouchers, and all papers pertaining to the Village Collector's office, may be examined at any time by the President of the Village Board or any member or committee of the Board of Trustees of the Village. The Village Collector shall pay over to the Village Treasurer, weekly or more often if required by the Village Board, all money collected by the Village Collector from any source. The Village Treasurer shall issue a receipt (in duplicate) which the Collector shall file immediately in the records of the Village Clerk.

**C) SALARY:** The Village Collector shall receive compensation as may from time to time be provided by ordinance by the Board of Trustees.

**1.4.5: VILLAGE TREASURER** (Ord. 1, Art. 5, January 2, 1892)

**A) APPOINTMENT:** The Village Treasurer shall be appointed by the President and Board of Trustees (as provided by statute). The Treasurer shall hold office for one (1) year and until a successor is appointed and qualified. (Ord. 24, March 7, 1896)

**B) DUTIES:** The Treasurer shall have the custody of all the funds belonging to Village and shall pay out the funds upon the warrant of the President, countersigned by the Clerk. The Treasurer shall report the condition of the treasury monthly and annually to the President and Board of Trustees.

The Treasurer shall perform such duties as may be prescribed by statute or ordinance. The Treasurer shall deposit the Village funds in depositories as selected and shall keep the deposit of the Village money separate and distinct from personal money and shall not make private or personal use of Village money. The Treasurer shall keep records showing all money received, the source from which it was received, and the purpose for which it is paid in the manner required by the Board of Trustees.

**C) OATH:** Before entering upon the duties of the office, the Village Treasurer shall take and subscribe to the usual oath of office (as prescribed by statute). The oath shall be filed with the Clerk.

**D) BOND:** Before entering upon the duties of the office, the Treasurer shall execute a bond in the amount of six thousand dollars (\$6,000.00) and with such sureties conditioned upon the faithful performance of the duties of Treasurer. The bond shall be filed with the Village Clerk (Ord. 1, Art. 10, January 2, 1892)

**E) SALARY:** The Village Treasurer shall receive compensation as may from time to time be provided by ordinance by the Board of Trustees.

**1.4.6: ANIMAL CONTROL OFFICER** (Ord. 472, February 14, 1983)

**A) APPOINTMENT:** The Animal Control Officer shall be appointed by the President and Board of Trustees. (Ord. 24, March 7, 1896)

**B) DUTIES:** The Animal Control Officer shall have custody and control of all animals within the Village limits.

The Animal Control Officer shall impound, or cause to be impounded, and shall dispose of all animals running at large within the Village and shall keep a record of every animal impounded.

The Animal Control Officer shall deliver all fees and funds collected to the Village Clerk at the end of each and every work day, except Saturdays, Sundays and holidays.

All assistants to the animal control program shall be directly responsible to the Animal Control Officer in the performance of their duties.

**C) SALARY:** The Animal Control Officer shall receive compensation as may from time to time be provided by ordinance by the Board of Trustees.

**1.4.7: VILLAGE ATTORNEY**

**A) APPOINTMENT:** The Attorney shall be appointed by the President and Board of Trustees. This office may be filled by an attorney held on retainer.

**B) DUTIES:** The Village Attorney shall be the legal advisor of the Village and when required shall advise the Board or any official in all matters of law in which the interests of the Village are involved, and shall draw such current ordinances, resolutions, bonds and contracts or examine and approve the same as may be required by the President, Trustees or Board; he shall attend meetings of the Board when requested so to do by the President or Trustees, and shall prosecute and defend all suits or actions for the violation of

the Village ordinance or other action in which the Village shall be a means for enforcement or protection of the rights of the Village.

**C) SALARY:** The Village Attorney, or attorney held on retainer, shall receive compensation for attending Board meetings, advising officers of the Village, for the preparation of all ordinances, except ordinances providing for the issuance of bonds, and for drawing all contracts, except contracts for public works, and in addition shall receive reasonable fees for drawing ordinances providing for bond issues, for drawing contracts for public works, and for special assessment proceedings, and for proceedings and suits in any court to which the Village shall be a party.

**1.4.8: BUILDING INSPECTOR** (Ord. 473, March 28, 1983) (Rev. Ord. 551, February 11, 1991) ( Rev. Ord. 609, May 13, 1996)

**A) APPOINTMENT:** The Building Inspector, also referred to as the Building Official, shall be appointed by the Village President with the approval of the Board of Trustees of the Village of Hampton.

**B) POWERS AND DUTIES:** The Building official shall see to the enforcement of all ordinances and provisions relating to construction, demolition, alterations, and unsafe buildings or structures. He is to enforce Zoning Ordinances related to buildings or other structures being erected or altered or demolished, as frequently as may be necessary to insure compliance with Village ordinances. The Building Official shall also have all the duties and powers as referenced in Chapter 2 and elsewhere in the 1988 Edition of the Uniform Building Code.

**C) STOP ORDER:** The Building Inspector shall have the power to order all work stopped on construction or alteration or repair of buildings in the Village when such work is being done in violation of any provision of any ordinance or in violation of the Zoning Ordinance. Work shall not be resumed after the issuance of such an order except on the written permission of the Inspector. If the stop

order is an oral one, it shall be followed by a written stop order within an hour. Such written stop order may be served by any policeman or the Building Official.

**D) ENTRY POWERS:** The Building official shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour.

**E) EX OFFICIO PLUMBING INSPECTOR:** The Building Inspector shall not act as ex officio plumbing inspector and shall not have all the powers to perform all the duties connected with that office, unless a licensed plumber is not available.

**F) EX OFFICIO ELECTRICAL INSPECTOR:** The Building Inspector shall not act as ex officio electrical inspector, and shall not have all the powers and perform all the duties connected with that office, unless a licensed electrical is not available.

**G) SALARY:** The Building Inspector shall receive compensation as may from time to time be provided by the Board of Trustees.

#### **1.4.9: DIRECTOR OF PUBLIC WORKS** (Rev. Ord 02-01, January 22, 2002)

**A) APPOINTMENT:** The Director of Public Works shall be appointed by the Village President with the advice and consent of the Board of Trustees.

**B) DUTIES AND RESPONSIBILITIES:** The Director of Public Works oversees the day to day operation of the Street Department, Water and Sewer Department, and the Parks Department. Supervises full time, part time, and seasonal employees that work for the Street, Park, Water and Sewer Department and assigns specific duties and tasks to be performed by these employees.

1) Acts as the Water Superintendent and shall supervise the day to day operation of the water system. Responsible for the

operation, maintenance, and repair of the pipes, valves, pumps, storage tanks and control systems. Oversees the construction of additions to, or extensions of, the water system by contractors hired by the Village or others. Conducts water sampling and testing as required by Illinois EPA. Shall have authority as to the design, materials, and workmanship of any construction or repairs made to the water system. Shall have the authority to authorize emergency repairs to the water system by hiring labor or contractors and buying materials for the repairs.

Reads the water meters for water customers on a schedule determined by the Board of Trustees and provides the readings to the Collector of the Water Department. Maintains and installs customer water meters as required to ensure accurate measurement of water used by water customers.

2) Acts as the Sewer Superintendent and shall supervise the day to day operation of the sanitary sewer system. Responsible for the operation, maintenance and repairs of the pipes, pumps, lift stations and control systems. Oversees the construction of additions to, or extensions of, the sanitary sewer system by contractors hired by the Village or others. Shall have authority as to the design, materials, and workmanship of any construction or repairs made to the sanitary sewer system. Shall have the authority to authorize emergency repairs to the sanitary sewer system by hiring labor or contractors and buying materials for the repairs.

3) Maintains the storm water drainage system including but not limited to drains, catch basins, piping, gate valves and open ditches to ensure the controlled flow of storm water from Village streets, alleys, and drainage ditches. Obtains quotes for maintenance to be done beyond the capabilities of the Village or its employees for recommendation to the Board of Trustees.

4) Responsible for the maintenance of the parks system including but not limited to recreational paths, playground equipment, fencing, buildings, shelters, tables, benches, bushes, grass and other vegetation that is

nurtured for growth, and lighting. Shall have the authority to hire temporary or seasonal manpower to accomplish tasks in support of the maintenance of the parks system in accordance with the Village Employment Policy.

5) Responsible for the maintenance of the streets, alleys, sidewalk, easements, and right of ways for the Village. Oversees any and all patching, crack filling, and pavement repairs to the streets and sidewalks by Village employees, or contractors hired by the Village or others. Shall have the authority as to the design, materials, and workmanship of repairs made to any street, alley, or sidewalk. Ensures that the streets are clear of debris that would prevent the safe and efficient movement of vehicles and pedestrians. Maintains and installs Village owned street identification signs, traffic control signs and devices that control traffic on, and access to, Village owned streets and alleys, no parking signs, and any other signs or devices as deemed by the Village Board. Plows and or removes snow and ice from Village streets, alleys, sidewalks and parking lots and other areas designated by the Board of Trustees for snow removal. Shall have the authority to hire temporary or seasonal manpower during heavy or frequent snowfalls for the purpose of plowing the streets and alleys in accordance with the Village Employment Policy. Shall have the authority to order and stockpile road salt for the purpose of melting ice from Village streets and alleys within parameters set by the Board of Trustees.

Shall have the authority in cooperation with the Village Police Department to control traffic on Village streets and alleys using standard traffic control devices approved by the Illinois Department of Transportation for the purposes of maintaining or repairing water, sanitary sewer, storm sewer systems, sidewalks, recreational paths, and streets and alleys.

6) Responsible for the maintenance and repair of vehicles and equipment used to maintain any of the aforementioned systems including but not limited to, trucks, mowers, trimmers, graders, backhoes, tractors, loaders,

generators, compressors, pumps, plows, and spreaders. Shall have the authority to arrange for the emergency repair of any vehicles or equipment that is beyond the capabilities of the Village or its employees. Shall obtain estimates for the non emergency repair of vehicles or equipment beyond the capabilities of the Village or its employees for recommendation to the Board of Trustees.

7) Responsible for the general maintenance of any buildings or structures used to house the equipment or supplies used to maintain any of the aforementioned systems including but not limited to, garages, sheds, pump houses, and meter houses. Shall have the authority to arrange for the emergency repair of any buildings that is beyond the capabilities of the Village or its employees. Shall obtain estimates for the non emergency repair of buildings beyond the capabilities of the Village or its employees for recommendation to the Board of Trustees.

8) Locates and marks, using standardized marking methods, Village utilities for contractors who are digging within Village easements and right of ways when requested to do so. Requests may come from the Village Clerk's Office, the contractor doing the digging, or from J.U.L.I.E.

9) Maintains the fuel storage and dispensing system for diesel and unleaded fuel for Village vehicles and equipment. Ensures a sufficient supply of fuel is available for Village use. When needed, orders fuel to be delivered from a vendor approved by the Board of Trustees. Responsible for the security of the fuel storage and dispensing system in accordance with policies established by the Board of Trustees. Maintains the monthly fuel log sheet for the fuel supply.

10) Must be reasonably available during non working hours to respond to emergency repairs of, or problems associated with alarms for, the water system, sanitary sewer system, storm drain system and streets and alleys, and other emergencies.

11) Attends all Regular Meetings of the Village Board of Trustees. Attends

Committee Meetings as required. Advises the Board of Trustees or Committee Chairs of the status of ongoing projects and any problems that may effect the efficient operation of the water system, sanitary sewer system, storm sewer system, streets, or parks department.

12) Other duties that may be assigned from time to time by the Board of Trustees.

**C) SALARY:** The Director of Public Works shall receive compensation as from time to time be provided by ordinance by the President and Board of Trustees.

**1.4.10: PLUMBING INSPECTOR** (Rev. Ord. 559, June 8, 1992)

**A) APPOINTMENT:** Plumbing inspector shall be appointed by the Village President with the approval of the Board of Trustees of the Village of Hampton.

**B) DUTIES AND POWERS:** Plumbing Inspector shall see to the enforcement of all ordinances and provisions relating to plumbing within the Village of Hampton. He shall also have the power to carry out his duties as stated in the Illinois State Plumbing Code.

**C) SALARY:** The salary of the Plumbing inspector shall be set by resolution passed by a majority of the Village of Hampton.

**1.4.11: ADMINISTRATIVE ASSISTANT** (Ord. 598, December 18, 1995)

**A) APPOINTMENT:** The Administrative Assistant shall be appointed by the President of the Board of Trustees with the approval and concurrence of the Board of Trustees.

**B) DUTIES AND RESPONSIBILITIES:** The Administrative Assistant shall have the following duties and responsibilities:

1) Act as the point of contact for all development and/or construction projects within the Village. Prepare, present and/or

oversee any and all progress reports to the Board of Trustees as required.

2) Act as the Budget and Finance Officer. Aggressively pursue, monitor and maintain an investment strategy for Village funds that net the highest possible rate of return. Report on investments at least quarterly, shall prepare, maintain and monitor the annual budget for the Village. Recommend financing alternatives to the Board of Trustees for Village projects as directed.

3) Assist the current contractor with annexation plans for the Village as required.

4) Develop and implement, with the concurrence of the Board of Trustees, a plan to attract new business to the Village.

5) Develop and implement a plan, with the concurrence of the Board, to improve and/or expand the Village's infrastructure.

6) Develop and implement, with the concurrence of the Board, an Information Management and Automation Plan for the Village. Recommend hardware and software purchases based upon the needs of the Village in accordance with the developed plan and/or develop custom applications, as needed, that utilize a computer's ability to store and manipulate data.

7) Assist all departments with administrative needs as required.

8) Develop, maintain and implement a Disaster Plan for the Village.

9) Attend all Committee of the Whole meetings and Board meetings. Attend sub committee meetings as required.

10) Attend any and all training sessions, conferences and meetings to stay abreast of current legislature, procedures, programs, grants and the like as they pertain to the Village and may enhance or expand current operations and, with the concurrence

of the Board, actively pursue programs and grants for the Village.

11) Represent the President and the Board of Trustees in negotiating agreements and/or contracts with private parties, individuals or corporations in accordance with the President and Board of Trustees desires and/or directives.

12) Obtain quotes or bids for goods or services in accordance with the President and Board of Trustees directives and specifications. Develop specifications for goods and/or services in accordance with directives from the President and the Board of Trustees as required.

**D) SALARY:** The Administrative Assistant shall receive compensation as may from time to time be provided by the Board of Trustees.

**1.4.12: DEPUTY CLERK** (Ord. 661 April 17, 2000)

**A) APPOINTMENT:** The Deputy clerk shall be appointed by the President of the Board of Trustees with the approval and concurrence of the Board of Trustees.

**B) Duties and Responsibilities.** The Deputy Clerk shall have the following duties and responsibilities:

1) The Deputy Clerk, when directed to do so, will affix the Village Seal and attest documents in the capacity of the Deputy, and those documents shall have the same effect as if they had been executed by the Clerk. In the absence of the Clerk, the Deputy clerk will perform any other functions of the Clerk, and those actions will have the same effect as if they were performed by the Clerk.

2) Accept and record payments on behalf of the Village for water, sewer and garbage stickers, building permit fees, Ordinance violations, business license applications, and any other payments or fees from residents or customers in accordance with Village ordinances.

3) Perform general clerical work such as filing, copying, distributing, word processing, typing, data input into the utility billing program, answering the phone and the like.

**C) Salary:** The Deputy Clerk shall receive compensation as may from time to time be provided by the Board of Trustees.

**1.4.13: TAX INCREMENT FINANCING (TIF) ADMINISTRATOR** (Ord. 01-03A March 19, 2001)

**A)** There is hereby created the office of TIF Administrator.

**B) APPOINTMENT:** The TIF Administrator shall be appointed by the President of the Board of Trustees with the approval and concurrence of the Board of Trustees.

**C) DUTIES AND RESPONSIBILITIES:** The TIF Administrator shall have the following duties and responsibilities:

1) Administers the Village TIF Redevelopment Plans and Projects for each TIF District.

2) Annually determine the TIF increment generated for each redevelopment project within each TIF District.

3) Review requests for reimbursement from developers and others and render advice to the President and Board of Trustees concerning the eligibility of such costs under the TIF Act and the applicable Redevelopment Agreement for reimbursement of eligible expenses.

4) Prepare requests for payment to developers and others to be submitted to the Board of Trustees for payment approval, in accordance with redevelopment agreements based upon the annual increment for each redevelopment project.



5) Account for payments made to developers and others towards the approved eligible expenses balance for each redevelopment project.

6) Prepare, review and assist in the preparation of annual reports and certifications as required by the TIF Act and/or other applicable State laws.

7) Consult with the Village's legal council on TIF related matters.

8) Perform other tasks that may be required by the President and Board of Trustees.

**D) SALARY:** The TIF Administrator shall receive compensation as may from time to time be provided by the Board of Trustees.

#### **1.4.14: COLLECTOR OF WATER DEPARTMENT**

**A) APPOINTMENT:** The Collector of the Water Department shall be appointed by the President upon approval by the Board of Trustees. The Village Collector shall hold office at the pleasure of the Board.

**B) DUTIES:** The Collector shall be responsible for the delivery to all water users, subject to billing, correct water bills each month, and shall receive payment and issue receipts for the bills and shall render a report on the form provided by the Water Department of all business transacted in the Collector's office. The Village Collector shall keep a copy of each report on file in his office.

**C) DEPOSIT OF FUNDS:** Weekly, or as often as necessary, the Collector shall deposit all moneys collected from the payment of water bills, together with any Village money in his possession and shall deliver a receipt to the Village Treasurer for all such moneys deposited and shall record the transactions in the proper record.

**D) PAYMENT BY MAIL:** Payments received by the Collector by mail shall be so noted and receipts for such payment shall be

sent to the payees with the next water bills rendered.

**E) SALARY:** The Collector shall be paid a salary and/or fee as is agreed upon by the Collector and the Board of Trustees.

#### **1.4.15: DIRECTOR OF THE HERITAGE INTERPRETIVE CENTER ON THE MISSISSIPPI (Ord. 06-08, May 1, 2006) (Repealed Ord. 09-10 June 15, 2009)**

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# TITLE ONE

## ARTICLE 5

### EMPLOYEES

Revised Ordinance 04-10 May 3, 2004



### 1.5.1: PROVISIONS

**A) EFFECT:** The provisions of this article shall apply alike to all employees of the Village regardless of the time of the creation of the position or the time of the appointment of the employee.

**B) APPOINTMENT:** All employees of the Village other than elected officers shall be appointed by the president and the Board of Trustees, as provided by statute; provided that all employees shall, in the absence of any provision to the contrary be hired by the Village President.

**C) TERMINATION:** Any employee of the Village may be terminated for any cause whatsoever by the Village President. The employee shall be given seven (7) days' notice of the termination. Upon termination, the employee shall deliver to the Village President all books, records and equipment in their possession which may be the property of the Village.

**D) SALARY AND BENEFITS:** Compensation and benefits for all positions shall be established by ordinance by the Village Board of Trustees.

**E) JOB DESCRIPTION AND ADVERTISEMENT OF POSITIONS:** All positions of employment with the Village of Hampton shall have a job description identifying their duties and responsibilities. All advertisements for employment with the Village of Hampton shall comply with statutory equal opportunity requirements.

**F)** Policy statement shall prevail in cases of termination.

### 1.5.2: STATE OFFICIALS AND EMPLOYEES ETHICS ACT (Ord. 04-10, May 3, 2004)

**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" shall be defined as set forth in 5 ILCS 430/70-5(c).

**F)** The penalties for violations of this Section shall be the same as those 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 as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearing. This Section shall be

deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

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.

## ARTICLE 6

### VILLAGE ADMINISTRATIVE PROCEDURES

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#### **1.6.1: FISCAL YEAR**

(Amd. Ord. 505, October 28, 1985)

A. The Fiscal Year is May 1st of each year.

#### **1.6.2: OFFICIAL DEPOSITORY FOR MUNICIPAL FUNDS (Ord. 208, April 4, 1950), (Revised Ord. 03-10, November 17, 2003), (Revised Ord. 06-15, November 20, 2006)**

A. **OFFICIAL DEPOSITORY:** The Village of Hampton hereby declares Blackhawk State Bank an Illinois Bank corporation and a member of the FDIC, as the official depository for the funds of the Village of Hampton.

#### **1.6.3: THE EXCLUSION IN THAT STATE ACT KNOWN AS SENATE BILL 736 (PA 80-1292) SHALL NOT APPLY TO THE MUNICIPALITY OF HAMPTON (Ord. 424, December 11, 1978)**

A. **EXCLUSION OF STATE ACT:** The exclusion or exclusions in State of Illinois Act known as Senate Bill 736 (PA 80-1292) shall not apply to this municipality.

The exclusion of amended Section 8-11-1 of the Illinois Municipal Code and amended Section 8-11-5 of said Code shall not apply to the Village of Hampton.

A certified copy of this Ordinance shall be mailed by the clerk to the Department of Revenue of the State of Illinois.

#### **1.6.4: THE VILLAGE SEAL (Ord. 2, Art 1, January 2, 1892)**

A) **DECLARATION:** The Village Seal is declared and established to be the corporate seal to be used by and for the Village of Hampton.

B) **DESCRIPTION:** The Seal shall consist of an impression in which the center are the words "Corporate Seal" surrounded by the inscription "Village of Hampton, Rock Island County, Illinois."

#### **1.6.5: ILLINOIS MUNICIPAL LEAGUE RISK MANAGEMENT ASSOCIATION (Ord. 511, May 9, 1986)**

A) **MEMBERSHIP:** The Village Board authorizes and approves membership in the Illinois Municipal League Risk Management Association and directs the President and Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership for a period of one (1) year beginning the date the Association commences providing risk coverage to its members and each year after unless this ordinance is repealed.

B) **CONTRIBUTIONS:** Each member agrees to contribute to the Association a sum of money to be determined by the Association at the time of application based on the needs of the Association and the loss experience of the Member, which sum shall constitute the cost of the Member's first year contribution for membership in the Association. Membership contributions for second and subsequent years shall be calculated in accordance with the loss experience of the City, and the needs of the Association including total losses and expenditures of the Self-Insured Retention Fund of Association.

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## ARTICLE 7

### BOARDS AND COMMISSIONS

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#### 1.7.1: BOARD OF LOCAL IMPROVEMENTS (Ord. 385, June 23, 1975)

**A) MEMBERSHIP:** The Board of Local Improvements shall consist of the President and all the members of the Board of Trustees, and the Superintendent of Streets.

**B) GENERAL DUTIES:** The Board of Local Improvements shall have the powers and perform the duties assigned to it by statute or ordinance.

#### 1.7.2: PLAN COMMISSION (Ord. 426, January 22, 1979)

**A) MEMBERSHIP:** The Plan Commission shall consist of the Board President and the Board of Trustees of the Village of Hampton.

**B) TERM OF OFFICE:** The terms of the members of the Plan Commission shall respectively be the same as their term as Trustee or President of the Board.

**C) CHAIRMAN OF THE PLAN COMMISSION:** The Chairman of the Plan Commission shall be elected by its members.

**D) DUTIES:** The Commission shall have all of the statutory rights and duties of such a Commission.

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## ARTICLE 8

### GENERAL PENALTY CLAUSE

(Ord. 503, October 28, 1985) (Ord. 730, July 2, 2012)

**1.8.1: GENERAL PENALTY FOR VIOLATION OF CODE; CONTINUING VIOLATIONS.** Violations of this Code shall be triable as civil cases whenever in this Code or in any ordinances of the Village any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine of fifty and 00/100 dollars (\$50.00) for the first offense, seventy five and 00/100 dollars (\$75.00) for the second such offense, one hundred and 00/100 dollars (\$100.00) for the third offense and not more than five hundred dollars (\$500.00) for each offense after the third offense. Each day any willful violation of any provisions of this Code or of any ordinance shall constitute a separate offense. (Ord. 735, November 5, 2012)

**1.8.2: PENALTY FOR MISDEMEANOR; CRIMINAL PROCEEDINGS.** In lieu of proceeding under any provision of this Code for a civil penalty, in the discretion of the Village Attorney or corporate council, violations of the provisions of this Code may be prosecuted as misdemeanors in the Circuit Court by information or by complaint sworn to, as criminal offenses. Such prosecutions shall conform to the rules of criminal procedure and the charge shall give notice that it is a "criminal proceeding." Upon conviction, a person violating this Code shall be punished by imprisonment in a place other than a penitentiary for a term not to exceed six (6) months and be fined not to exceed five hundred dollars (\$500.00) or both. The provisions for incarceration shall not apply to persons who have not attained the age of maturity.

**1.8.3: SCHEDULE OF PENALTIES AND FINES:** Specific fines and penalties are as outlined in Table 8-1 below.

Table 8-1

| Section     | Title  | OFFENSE |       |       | Max. Fine |
|-------------|--|---------|-------|-------|-----------|
|             |  | 1st     | 2nd   | 3rd   |           |
| 2.4.5       | Satellite Code                               | \$50    | \$75  | \$100 | \$500     |
| 2.5.6       | Swimming Pools                               | \$50    | \$75  | \$100 | \$500     |
| 3.1.1 (F)   | Amusement Devices Licensing                  | \$50    | \$75  | \$100 | \$500     |
| 3.1.2 (C)   | Billiard Tables, Pool Tables, Bowling Alleys | \$50    | \$75  | \$100 | \$500     |
| 3.1.3 (E)   | House Movers                                 | \$50    | \$75  | \$100 | \$500     |
| 3.1.5 (H)   | Solicitors, Peddlers                         | \$50    | \$75  | \$100 | \$500     |
| 3.1.6 (D)   | Trap and Skeet Shooting & Similar Activities | \$50    | \$75  | \$100 | \$500     |
| 3.1.7 (D)   | Foreign Fire Insurance Companies             | \$50    | \$75  | \$100 | \$500     |
| 3.3.17      | Municipal Utility Tax                        | \$100   | \$125 | \$150 | \$500     |
| 4.3.15      | Animals and Fowl                             | \$50    | \$75  | \$100 | \$500     |
| 4.4.1 (J)   | Junk, Trash & Refuse                         | \$50    | \$75  | \$100 | \$500     |
| 4.4.1 2) I. | Derelict and Abandoned Vehicles              | \$50    | \$75  | \$100 | \$500     |
| 4.4.2 (J)   | Plant and Weed                               | \$50    | \$75  | \$100 | \$750     |

**Table 8-1 Continued**

| Section     | Title                                       | OFFENSE |       |         | Max.<br>Fine |
|-------------|---|---------|-------|---------|--------------|
|             |   | 1st     | 2nd   | 3rd     |              |
| 4.4.3 (B)   | Disturbing the Peace - Noise                | \$50    | \$75  | \$100   | \$500        |
| 4.4.4 (B)   | Disturbing the Peace - Noise, Tires         | \$50    | \$75  | \$100   | \$500        |
| 4.4.5 (B)   | Spillage                                    | \$50    | \$75  | \$100   | \$500        |
| 4.4.6 (A)   | General Penalty                             | \$50    | \$75  | \$100   | \$500        |
| 4.4.7 (D)   | Inoperable Motor Vehicles                   | \$50    | \$75  | \$100   | \$500        |
| 4.4.8 (C)   | Chronic Nuisance Properties                 | \$50    | \$75  | \$100   | \$500        |
| 4.5.1 (C)   | Disorderly Conduct                          | \$50    | \$75  | \$100   | \$500        |
| 4.5.2 (I)   | Weapons                                     | \$50    | \$75  | \$100   | \$500        |
| 4.5.3 (B)   | Junk Cars                                   | \$50    | \$75  | \$100   | \$500        |
| 4.5.4 (B)   | Damage to Property (Ref. General Clause)    | \$50    | \$75  | \$100   | \$500        |
| 4.5.5 (A) 2 | Disturbing the Peace                        | \$100   | \$125 | \$150   | \$500        |
| 4.5.5 (B) 2 | Offensive Conduct                           | \$50    | \$75  | \$100   | \$500        |
| 4.5.5 (C) 2 | Disturbing Religious Assembly               | \$50    | \$75  | \$100   | \$500        |
| 4.5.6       | Criminal Trespass to Land                   | \$50    | \$75  | \$100   | \$500        |
| 4.5.7       | Theft                                       | \$100   | \$200 | \$300   | \$500        |
| 4.5.8       | Retail Theft                                | \$100   | \$200 | \$300   | \$500        |
| 4.6.1 (E)   | Curfew (Ref. General Penalty Clause)        | \$50    | \$75  | \$100   | \$500        |
| 4.6.2 (C)   | Parental Responsibility for Minors          | \$50    | \$75  | \$100   | \$500        |
| 4.7.1 (B)   | Digging in Streets                          | \$50    | \$75  | \$100   | \$500        |
| 4.7.2 (A) 3 | Obstruction of Sidewalks                    | \$50    | \$75  | \$100   | \$500        |
| 4.7.2 (C) 4 | Heavy Traffic Across Sidewalks              | \$50    | \$75  | \$100   | \$500        |
| 4.7.3 (C)   | Encroachment on Public R-O-W                | \$50    | \$75  | \$100   | \$500        |
| 4.7.6 (F)   | Skateboards, Skates, Scooters, etc.         | \$50    | \$75  | \$100   | \$500        |
| 4.7.20      | Vegetation                                  | \$50    | \$75  | \$100   | \$500        |
| 4.8.1 (B)   | Parking                                     | \$50    | \$75  | \$100   | \$500        |
| 4.8.3 (B)   | Load Limits                                 | \$50    | \$75  | \$100   | \$500        |
| 4.8.4 (F)   | Regulation of Traffic on Streets & Avenues  | \$50    | \$75  | \$100   | \$500        |
| 4.8.5 (B)   | Speed Restriction                           | \$50    | \$75  | \$100   | \$500        |
| 4.8.6 (D) 3 | Signs (traffic control)                     | \$50    | \$75  | \$100   | \$500        |
| 4.8.9 (A) 2 | Speed of Locomotive Engines                 | \$100   | \$125 | \$150   | \$500        |
| 4.8.9 (B) 2 | Blocking of Street Crossings                | \$50    | \$75  | \$100   | \$500        |
| 4.8.10 (D)  | Handicapped Parking                         | \$100   | \$125 | \$150   | \$500        |
| 4.8.11 (E)  | Operation of Carts on Village Streets       | \$50    | \$75  | \$100   | \$500        |
| 4.13.16     | Tobacco Sales, Purchase Possession          | \$100   | \$125 | \$150   | \$750        |
| 4.15.6      | Drug Paraphernalia & Possession of Cannabis | \$100   | \$125 | \$150   | \$500        |
| 6.3.2       | Liquor Control First offense                | \$500   | \$750 | \$1,000 | \$1,000      |
| 9.17.2      | Zoning                                      | \$50    | \$75  | \$100   | \$500        |

| Table 8-1 Continued |                                 |         |      |       |              |
|---------------------|---------------------------------|---------|------|-------|--------------|
| Section             | Title                           | OFFENSE |      |       | Max.<br>Fine |
|                     |                                 | 1st     | 2nd  | 3rd   |              |
| 9.18.13             | Development in Floodplain Areas | \$50    | \$75 | \$100 | \$750        |



## ARTICLE 9

### ADMINISTRATIVE ADJUDICATION OF ORDINANCE VIOLATIONS

Ordinance 726, June 4, 2012

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**1.9.1. PURPOSE.** The purpose of this Article is to provide for fair and efficient enforcement of Village ordinances as may be allowed by law and direct by ordinance, through an administrative adjudication of violations of such Village ordinances and establishing a schedule of fines and penalties, and authority and procedures for collection of unpaid fines and penalties, pursuant to authority granted to all municipalities under 65 Illinois Compiled Statutes 5/1-2.2.

**1.9.2. CREATION.** There is hereby established an executive department of the municipal government to be known as the Village of Hampton Ordinance Enforcement Department and to have the power to enforce compliance with all municipal ordinances as from time to time authorized by the Village council, except for any offense under the Illinois vehicle code or a similar offense that is a traffic regulation governing the movement of vehicles and except for any reportable offense under section 6-204 of the Illinois vehicle code, other than a notice of violation pursuant to an automated traffic law enforcement system which shall be enforced pursuant to this section. The enforcement department shall not prosecute building code violations that must be adjudicated pursuant to 735 Illinois Compiled Statutes 5/3-101 et seq., which provides for prosecution by an administrative agency of the Village. This section may be enforced through the use of an administrative hearing officer system created by intergovernmental agreement between the Village and such other governmental agencies as shall be parties to such agreement. The establishment of the enforcement department does not preclude the corporate authorities from using any other method to enforce ordinances of the Village.

**1.9.3. ADMINISTRATIVE COMPOSITION.** The enforcement department shall be composed of a hearing officer, and such support personnel as shall be necessary to

effect the purpose of this section, with the power and authority as hereinafter set forth.

**A.** The hearing officer shall preside over all adjudicatory hearings and shall have the following powers and duties:

**1.** Hearing testimony and accepting evidence that is relevant to the existence of the Village code violation;

**2.** Issuing subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon the request of the parties or their representatives;

**3.** Preserving and authenticating the record of the hearing and all exhibits and evidence introduced at the hearing;

**4.** Issuing and signing a written finding, decision and order stating whether a Village code violation exists; and

**5.** Imposing penalties, sanctions or such other relief consistent with applicable Village code provisions and assessing costs upon finding a party liable for the charged violation, except however, that in no event shall the hearing officer have authority to impose a penalty of incarceration.

**B.** Prior to conducting administrative adjudication proceedings under this section, the hearing officer shall have successfully completed a formal training program which includes the following:

**1.** Instruction on the rules of procedure of the administrative hearings over which the hearing officer shall preside;

**2.** Orientation to each subject area of the code violations that he/she will adjudicate;

3. Observation of administrative hearings; and

4. Participation in hypothetical cases, including ruling on evidence and issuing final orders.

C. In addition, a hearing officer must be an attorney, having been licensed to practice law in the state of Illinois for at least three (3) years.

D. The President is hereby authorized to appoint persons to hold the position above set forth, or as may be otherwise provided in the intergovernmental agreement establishing the administrative hearing officer system.

**1.9.4. PROCEDURE.** The system of administrative adjudication of any Village ordinance violation authorized to be adjudicated hereunder, shall be in accordance with the following procedures:

A. Violation notice of any ordinance violation shall be issued by persons authorized under this code and shall contain information and shall be certified and constitute prima facie evidence of the violation cited as hereinafter set forth.

B. All full time police officers, the fire inspector or other authorized firefighter, all building inspectors, animal control officers, health inspectors and zoning enforcement officer, as well as other specifically authorized individuals of any Village department, shall have the authority to issue violation notices.

C. Any individual authorized hereby to issue violation notices and who detects an ordinance violation authorized to be adjudicated under this section or a violation of any section of any Village ordinance, is authorized to issue notice of violation thereof and shall make service thereof as is hereinafter set forth.

D. The violation notice shall contain, but shall not be limited to, the following information:

1. The name of the party violating the ordinance, if known.

2. The date, time and place of the violation (date of issuance).

3. The particular ordinance violated, and the type and nature of the violation.

4. Vehicle make and state registration number (if applicable).

5. The names of the witnesses to the violation.

6. The fine and any penalty which may be assessed for late payment.

7. The signature and identification number of the person issuing the notice.

8. The date and location of the adjudicating hearing of ordinance violations, the legal authority and jurisdiction under which the hearing is to be held and the penalties for failure to appear at the hearing.

#### **1.9.5. SERVICE.**

A. Service of any violation notice shall be made by the person issuing such notice:

1. Handing the notice to the person responsible for the ordinance violation;

2. Handing the notice to the responsible person or leaving the notice with any person twelve (12) years of age or older at the residence of the responsible person;

3. Mailing the notice by certified mail, return receipt requested, to the person responsible for the ordinance violation; or

4. Posting the notice upon the property where the violation is found when the person is the owner or manager of the property.



**B.** The correctness of facts contained in any violation notice shall be verified by the person issuing said notice by:

1. Signing his/her name to the notice at the time of issuance; or

2. In the case of a notice produced by a computer device, by signing a single certificate, to be kept by the ordinance enforcement administrator, attesting to the correctness of all notices produced by the device while under his/her control.

**C.** The original or a facsimile of the violation notice shall be retained by the ordinance enforcement administrator and kept as a record in the ordinary course of business.

**D.** Any violation notice issued, signed and served in accordance herewith, or a copy of the notice, shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice.

**1.9.6. ADMINISTRATIVE HEARINGS.** An administrative hearing to adjudicate any alleged ordinance violation on its merits shall be granted to the alleged violator at the date, time and place set forth by the enforcement department and by notice given and served upon the alleged violator. All administrative hearings shall be recorded and shall culminate in a determination of liability or nonliability, made by the hearing officer, who shall consider facts and/or testimony without the application of the formal or technical rules of evidence. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs. The hearing officer shall, upon a determination of liability, assess fines and penalties in accordance with Section 1.8.3 of this Title. Persons appearing to contest the alleged violation on its merits may be represented by counsel at their own expense. The burden of proof shall be on the Village to present the preponderance of evidence to prove the violation of the ordinance.

**1.9.7. NOTICES.** Service of notices sent in accordance herewith shall be complete as of

the date of deposit in the United States mail. The notices sent in accordance herewith shall be in the following sequence and contain, but not be limited to, the following information:

**A.** Upon failure of the person receiving a notice of a violation of a Village ordinance, to appear at the time and date designated for a hearing stated on said notice, the enforcement department shall send or cause to be sent notices by first class mail, postage prepaid, to the person who received the notice of an ordinance violation and shall contain, but not be limited to, the following information:

1. Date and location of violation cited in the violation notice;

2. Particular ordinance violated;

3. Vehicle make and state registration number (if applicable);

4. Fine and any penalty that may be assessed for late payment;

5. A section entitled "notice of hearing" which shall clearly set forth that the person receiving a notice of ordinance violation may appear at an administrative hearing to contest the validity of the violation notice on the date and at the time and place as specified in the notice of hearing;

6. Date, time and place of the administrative hearing at which the alleged violation may be contested on its merits;

7. Statement that failure to either pay the fine and any applicable penalty or failure to appear at the hearing on its merits on the date and at the time and place specified will result in a final determination of liability for the "cited" violation in the amount of the fine and penalty indicated;

8. Statement that upon the occurrence of a final determination of liability for the failure, and the exhaustion of, or the failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the Village.

**B.** A notice of final determination of liability shall be sent following the conclusion of administrative hearing, as is hereinafter set forth, and shall contain, but not be limited to, the following information and warnings:

1. A statement that the unpaid fine and any penalty assessed is a debt due and owing the Village.

2. A statement of any sanction ordered or costs imposed which costs are debts due and owing the Village.

3. A warning that failure to pay the fine and any penalty due and owing the Village within the time specified may result in proceeding with collection procedures in the same manner as a judgment entered by any court of competent jurisdiction.

4. Any other warning of possible impoundment as permitted by law or ordinance.

**1.9.8. FINAL DETERMINATION OF LIABILITY.** A final determination of liability shall occur following the failure to pay the fine or penalty after the hearing officer's determination of liability and the exhaustion of, or the failure to exhaust any administrative review procedures hereinafter set forth. Where a person fails to appear at the administrative hearing to contest the alleged violation on the date and at the time and place specified in a prior served or mailed notice pursuant to section 1.9.7 paragraph 7 of this article, the hearing officer's determination of liability shall become final either upon a denial of a timely petition to set aside that determination or upon the expiration of the period for filing a petition without a filing having been made.

**1.9.9. JUDICIAL REVIEW.** Any final decision by a hearing officer that a code violation does or does not exist shall constitute a final determination for purposes of judicial review under the Illinois administrative review law.

**1.9.10. ENFORCEMENT OF AWARD.**

**A.** Any fine, other sanction, or costs imposed, or part of any fine, other sanction or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois administrative review law shall be a debt due and owing the municipality and may be collected in accordance with applicable law.

**B.** After expiration of the period in which judicial review under the Illinois administrative review law may be sought for a final determination of a code violation, the Village attorney may commence a proceeding in the circuit court of Rock Island County for the purpose of obtaining a judgment on the findings, decision, and order. Nothing in this section shall prevent the Village from consolidating multiple findings, decisions, and orders against a person in such a proceeding. Upon commencement of the action, the Village shall file a certified copy of the findings, decision, and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order were issued in accordance with state law and the applicable Village ordinance. Service of the summons and a copy of the petition may be by any method provided for by section 2-203 of the code of civil procedure or by certified mail, return receipt requested, provided that the total amount of fines, other sanctions, and costs imposed by the findings, decision, and order does not exceed two thousand five hundred dollars (\$2,500.00). If the court is satisfied that the findings, decision, and order was entered in accordance with the requirements of state law and the applicable Village ordinance and that the violator had an opportunity for a hearing and for judicial review:

1. The court shall render judgment in favor of the Village and against the violator for the amount indicated in the findings, decision and order, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

2. The court may also issue any other orders and injunctions that are requested by the Village to enforce the order

of the hearing officer to correct a code violation.

**C.** In any case in which a hearing officer finds that a defendant has failed to comply with a judgment ordering a defendant to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred by a municipality to enforce the judgment including, but not limited to, attorney fees, court costs, and costs related to property demolition or foreclosure after they are fixed by the hearing officer, shall be a debt due and owing the municipality and may be collected in accordance with applicable law and this ordinance.

**D.** A lien shall be imposed on the real estate or personal estate, or both of the defendant in the amount of any debt due and owing the municipality under this section, and after court entry of judgment as set forth in section 1.9.10. paragraph B of this article. The lien may be recorded and enforced in the same manner as a judgment lien pursuant to a judgment of a court of competent jurisdiction. No lien may be enforced under this section until it has been recorded in the manner provided by article XII of the code of civil procedure or by the uniform commercial code.

**E.** A hearing officer may set aside any judgment entered by default and set a new hearing date upon a petition filed within twenty one (21) days after the issuance of the order of default if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the municipality did not provide proper service of process.

**1.9.11. PUBLIC SERVICE.** At the election of the Village of Hampton or the presiding Hearing Officer, any penalty imposed for violation of an ordinance may include, or consist of, a requirement that the defendant perform some reasonable public service work such as, but not limited to, the picking up of litter in public parks or along public highways or maintenance of public facilities. The hours of public service imposed under this section should reasonably relate to the value of the

amount of the fine which otherwise would have been imposed pursuant to Table 8-1 in Section 1.8.3. For purposes of this Section, the Federal Minimum Wage rate shall be deemed to be reasonable determination of a rate for conversion of a fine into public service hours.

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# TITLE TWO

# ARTICLE 1

## BUILDING CODE

VILLAGE OF HAMPTON,  
ILLINOIS

Ordinance 436 June 25, 1979

Revised Ordinance 550 February 11, 1991

Revised Ordinance 610 June 10, 1996

Revised Ordinance 710 October 5, 2011



**2.1.1. ADOPTED.** The following codes are adopted by reference. Copies of such code are kept on file at the Village Hall, under supervision of the Village Clerk, for inspection by the public. Where the provisions of the codes adopted by this Section make reference to other codes, they shall be the governing code. Where a conflict between any referenced code appears, the more restrictive, as determined by the Building official shall apply. Amendments, deletions and additions to the codes listed below are contained in Section 2.1.9.

**A)** The code to be used throughout the Village of Hampton for the Standard of Construction shall be the International Building Code 2009 Edition.

**B)** The code regulating the construction of single family houses, two family houses (duplexes) and buildings consisting of three or more townhouse units shall be the International Residential Code 2009 Edition.

**C)** The code regulating the installation of fuel gas piping systems, fuel gas appliances, gaseous hydrogen systems and related accessories shall be the International Fuel Gas Code 2009 Edition.

**D)** The code regulating the repair, alteration, change of occupancy, addition and relocation of existing buildings shall be the International Existing Building Code 2009 Edition.

**E)** The code establishing minimum standards and requirements for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life, safety, safety from fire and other hazards for existing residential and nonresidential structures shall be the International Property Maintenance Code 2009 Edition.

**2.1.2. CRITERIA FOR PERMIT.** Except as specified in the International Building Code 2009 Edition, the International Residential Code 2009 Edition, the International Existing Building Code 2009 Edition, the International Property Maintenance Code 2009 Edition and as amended by Section 2.1.9, no building or structure regulated by this code within the village limits of the Village of Hampton shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has been issued by the Building Inspector for the Village of Hampton.

**2.1.3. APPLICATION.** Application under this section shall be made to the Building Inspector on the forms provided and shall be accompanied by plans and specifications, in duplicate, showing the work to be done at the indicated location. Such plans should be verified by the signature of either the owner of the premises or by the architect or contractor in charge of operations.

**2.1.4: APPROVAL OF PLANS.** Plans for commercial structures of over 1500 square feet, all industrial structures and housing structures of more than two (2) units shall be submitted 21 days prior to any required approval, to be reviewed by the Village Board. Plans for other structures, modifications, enlargements, alterations, conversions and the like shall be submitted three (3) business days prior to any required approval. Other conditions for plan approval and issuing of permits are as stated in the International Building Code 2009 Edition, the International Residential Code 2009 Edition, the International Existing Building Code 2009 Edition and the International Property Maintenance Code 2009 Edition. It is the responsibility of the applicant to contact the Building Inspector

to confirm the approval of plans and obtain a Building Permit. A permit will expire one year from the date of issue, unless extended by the Building Inspector.

**2.1.5: FEES** Fees are due at the time of issue of permit. Fees are based upon the valuation of work to be done. This valuation is under review of the Building Inspector, and his/her valuations will be used to determine fees. Building permit fees are in accordance with the International Building Code 2009 Edition and other fees may be applicable as stated in the International Building Code 2009 Edition.

**2.1.6: VARIATIONS** It shall be unlawful to vary materially from the submitted plans and specifications unless such variations are submitted on an amended plan to the Building inspector and approved by him/her.

**2.1.7: APPEALS** Any owner or agent not in accord with a decision of the Building Inspector shall have the right to appeal such ruling to the Board of Appeals within five (5) days after such ruling. Such appeal shall be in writing and shall indicate reason for the appeal and owner or his/her agent's solution to such. This notice shall be filed with the Village Clerk along with the fee for filing. The Board of Appeals shall convene within twenty one (21) days of filing, with written notice of time and place of review given to the owner or his/her agent. The application for permit, plans and specifications submitted, inspection records and any other material contained in the permit file shall be considered part of official record. The Building Inspector shall act as secretary of the Board of Appeals and shall submit, in writing, the findings and recommendations of the Board of Appeals to the Village Board two (2) days before the next scheduled Village Board Meeting, so a

ruling can be given in a timely manner. The Board of Appeals and the like, as is stated in the Village Zoning Ordinance, are one in the same.

**2.1.8: VIOLATION AND PENALTIES** Violation of this code shall be dealt with as stated in TITLE ONE: ARTICLE 8, GENERAL PENALTY CLAUSE of HAMPTON VILLAGE CODE. In addition, if any activity for which a permit is required by the provisions of the Building Code is commenced without first obtaining such permit, the fee for such permit shall be doubled.

#### **2.1.9: AMENDMENTS TO UNIFORM BUILDING CODE AND APPENDIX**

**A.** International Building Code, 2009 Edition shall be amended as follows:

**101.1 Title** - Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**101.2 Scope** - Add "1" to exception. Add the following: "2. Existing buildings undergoing repair, alterations, additions, or change of occupancy shall be permitted to comply with the International Existing Building Code."

**104.1 GENERAL.** Add "The Building Official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be one and the same.

**101.4.3 Plumbing:** The most recent edition of the Illinois Plumbing Code shall apply to the installation, alteration, repair, relocation, addition, replacement, and maintenance of plumbing systems as stipulated by the Illinois Plumbing Code. The provisions of the International Residential Code shall apply to all plumbing and piping systems not covered by the



Illinois Plumbing Code. In addition, ANY structure in which a building drain is installed shall have at least one (1) vent stack carried through the roof and increased to a minimum size of four inches (4") at a point one foot (1') below the roof line. Replace "International Private Sewer Disposal Code" with Illinois Department of Public Health.

**109.4 Work Commencing Prior to Permit Issuance:** Change to read: "Any person, firm, corporation or contractor who commences work requiring a permit on a building, structure electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal and in addition to the permit fee for the entire project, and not limited to the portion of the project done prior to discovery of the violation. Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation (including a 2nd occurrence on the same job site) shall be subject to violation penalties as described in 114.4.

**114.4 Violation Penalties: (add 1st word) "For".** Delete the period at the end of the section and add: "the Building Official is authorized, but not limited to, the following actions:

1. post a STOP WORK order on the subject property; and

2. post a STOP WORK order on any or all other projects being permitted by said person or contractor within the jurisdiction, and

3. post a STOP WORK order on any other contractor who revalidates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and

4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation

with each day a violation is allowed to continue constituting a separate violation and other penalties allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and

5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and

6. notify any other jurisdiction of such action."

**1612 FLOOD LOADS:** Replace section with the following: "The Village of Hampton Code of Ordinances Title Nine, Article 18, Development in Floodplain Areas shall apply."

**3412.2 Applicability.** Insert date: June 25, 1979.

The following appendices are adopted by reference:

#### **E SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS**

#### **F RODENT PROOFING**

#### **H SIGNS**

#### **I PATIO COVERS**

#### **J GRADING**

#### **K ADMINISTRATIVE PROVISIONS**

**B.** The International Residential Code, 2009 Edition shall be amended as follows:

**R101.1 Title.** Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**R101.2 Scope.** Add "1." to published exception. Add exception: "2. The most recent edition of the Illinois Plumbing

Code shall apply to the installation, alteration, repair, relocation, addition, replacement, and maintenance of plumbing systems as stipulated by the Illinois Plumbing Code. The provisions of the International Residential Code shall apply to all plumbing and piping systems not covered by the Illinois Plumbing Code. In addition, ANY structure in which a building drain is installed shall have at least one (1) vent stack carried through the roof and increased to a minimum size of Four Inches (4") at a point one foot (1') below the roof line.

**R104.1 General** Add: "The Building Official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be one and the same."

**R104.11 Alternative materials, design and methods of Construction and Equipment.** Add: "Structures, including accessory buildings or buildings for personal storage, built under this section using Engineered trusses, said trusses shall meet a 30/10/20/10 loading requirement unless designed as part of a complete building system with plans/prints bearing an Illinois Licensed Design Professional stamp and indicating the design requirements of T301.2(1) are met."

**R105.2 Work exempt from permit:** Change (1) 120 square feet; Delete (2) and (10)

**R108.6 Work commencing prior to permit issuance.** Change to read as follows: "Any persons, firms, corporations, owners, authorized agents or contractors who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal to the permit fee for the entire project, and not limited to

the portion of the project done prior to permit issuance.

Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation, (including a 2nd occurrence on the same job site) shall be subject to violation penalties as described in R113.4."

**R113.4 Violation Penalties:** Add 1st word "For". Delete the period at the end of the section and add: "The building Official is authorized, but not limited to, cause the following actions:

1. post a Stop Work order on the subject property; and

2. post a Stop Work order on any or all other projects being permitted by said person or contractor within the Jurisdiction, and

3. post a Stop Work order on any other contractor who revalidates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and

4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties as allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and

5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and

6. notify any other jurisdiction of said action."

Replace Table 301.2 (1) with the following table:

**Table R301.2 (1)**  
**Climatic and Geographic Criteria**

Ground Snow Load      Wind Design  
 Seismic      Design      Category  
 Subject to Damage From

Speed (mph)      Topographical  
 Effects      Weathering      Frost      Line  
 Depth      Termite  
 p = 30 psf, except that calculations for  
 additional drift loads shall use a ground  
 snow load p-25psf      90      YES      A  
                          SEVERE      42"      Moderate  
 to Heavy

Winter Design Temp      Ice      Barrier  
 Underlayment Required      Flood  
 Hazards      Air      Freezing      Index  
                          Mean Annual Temp  
 -4y F      YES      Initial      NFIP      04/14/1978  
 FIRM #170582 04/05/2010      2000  
 50.5y F

**R302.2 Townhouses.** Change  
 Exception first sentence to read: "A  
 common 2-hour fire resistance-rated  
 assembly tested in accordance with  
 ASTM E119 or UL263 is permitted for  
 townhouses if such walls do not contain  
 plumbing/mechanical equipment, ducts or  
 vents in common walls,"

**R305 Ceiling Height.** Add  
 Exception, "3. Ceilings may have  
 projections to within 6 feet 6 inches of the  
 finished floor for area not to exceed 50% of  
 the room in which the projection is in."

**R310.2.1 Ladders and steps** (in  
 Egress Wells) add: "Steps shall have a  
 minimum width of 12 inches, a minimum  
 tread depth of 5 inches, and a maximum  
 riser height of 24 inches."

**R313.2 One- and Two-Family  
 Dwelling Automatic Fire Systems.** Change -  
 January 1st. 2011 to January 1st. 2013.

**R315.1 Carbon Monoxide Alarms.**  
 Change to read: "For new construction, an  
 approved carbon monoxide alarm may be  
 installed inside each separate sleeping area,  
 or, if installed outside of each separate  
 sleeping area must be within 15 feet of the  
 door to the sleeping area in dwelling units  
 within which fuel-fired appliances are  
 installed and in dwelling units that have an  
 attached garage."

**R322 Flood-Resistant Construction.**  
 Change to read: "The Village of Hampton  
 Code of ordinances Title Nine Article 18  
 development in Floodplain Areas shall  
 apply."

**R403 Footings:** Delete table R403.1  
 and replace with the following R403.1

| #of floors | Wall             | Thickness | Concrete    |
|------------|------------------|-----------|-------------|
|            | Wall             | Thickness | Masonry     |
|            | Width of Footing | Thickness |             |
| of footing | Depth of footing |           |             |
| 1          | 8"               | 8"        | 16" 8" 42"  |
| 2          | 8"               | 8"        | 16" 8" 42"  |
| 3          | 8"               | 12"       | 20" 12" 42" |

**R403.1.1 Minimum Size.** In the 3rd  
 sentence, change "6 inches (152mm)" to "8  
 inches (200mm)."

**Add Section R403.1.1.1 to read:**  
**"R403.1.1.1 Deck footings.** Deck footings  
 NOT supporting a roof or over-head  
 structure shall be a minimum 12 inches in  
 diameter and 42 inches below finished  
 grade."

**Add Section as follows:**  
**"R403.1.1.1.2 Covered deck and room**  
 addition footings: All covered decks,  
 screened porches; three season rooms, four

season rooms, room additions, etc., shall have one of the following:

1. Pier footings designed by a design professional.
2. 12 inch wide reinforced trench footing 42 inches in depth.
3. Spread footings 42 inches in depth with a minimum 8 inch masonry wall or concrete foundation was as per Figure 404.1.3.1(A)"

Add section as follows: "404.1.3.1 Minimum Reinforcing Requirements:

1. For concrete walls up to 8' (eight feet) in height, the design requirements of Figure 404.1.3.1(A) may be met in lieu of engineered drawings.
2. For Concrete walls over 8' (eight feet) to 9' (nine feet) in height, the design requirements of Figure 404.1.3.1 (B) may be met in lieu of engineered drawings.
3. All other concrete walls shall be designed in accordance with standard engineering practice and bear the stamp of an Illinois Licensed design professional.

**R2603.6.1 Sewer depth.** Change to read: "Building sewers than connect to private sewage disposal systems shall be a minimum of 6 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches below grade."

**Part VIII Electrical, Chapters 34- 43**  
**Chapter 34 General Requirements.** Add the following: "Where the 2008 National Electric Code NFPA 70 as referenced is amended by this Resolution, such amendments are to be interpreted as a minimum requirement for this Part. Requirements for registration with the jurisdiction, permits, fees and violations/penalties of this 2009 International Residential Code hereby apply to the 2011 National Electric Code NFPA 70.

**E3406.3 Minimum Size of Conductors.**

Change 14AWG Copper to 12 AWG Copper.

Change 12 AWG Aluminum to 10 AWG Aluminum.

Add the following: "In all instances, where this code or the NFPA70 references 14 AWG Copper, 12 AWG Copper shall apply. In all instances, where this code or the NFPA70 references 12 AWG Aluminum to 10 AWG Aluminum shall apply."

**Appendices:** Adopt as noted;

A - Sizing and Capacities of Gas Piping

B - Sizing of venting system serving appliances equipped with draft hoods, Category 1 appliances, and appliances listed for type B vents

C - Exit terminals of mechanical draft and direct-vent venting systems

D - Recommended Procedure for inspection of an existing appliance installation

E - Manufactured housing used as a dwelling

F - Radon Control Methods with the following amendments:

**F103.4.4** - The second sentence must be entirely deleted. (Delete: "sumps used as the suction point in a sub slab depressurization system shall have a lid designed to accommodate the vent pipe.")

**AF103.5.3** - In the second sentence delete "the roof" and insert "above the highest eave of the house".

**AF103.6.1** -

First paragraph:

Delete ABS (not allowed)

Add "schedule 40" prior to

PVC

The last sentence must be amended to read: "Alternatively, the 3- inch

(76 mm) pipe shall be inserted directly above the interior drain tile loop and not tied into it."

Second paragraph:

In the first sentence delete "surface of the roof" and insert "highest eave of the house"

**AF103.6.2** - The last sentence should read: "Vent pipes shall connect to a single vent that terminates at least 12" above the highest eave of the house or each individual vent pipe shall terminate separately at least 12" above the highest eave of the house."

**AF103.10** - The second sentence must read as follows: "Each radon vent pipe shall terminate at least 12" above the highest cave of the house or shall be connected to a single vent that terminates at least 12" above the highest eave of the house"

G - Swimming Pools, Spas, Hot tubs

H - Patio Covers

J - Existing Buildings and Structures

K - Sound transmission

M - Home Day care- R-3 Occupancy

Q - ICC- IRC Electrical provisions/NEC cross reference

**C.** The International Fuel Gas Code, 2009 Edition shall be amended as follows:

**101.1 Title** - Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**103.1 GENERAL.** Add "The Building Official, the Code Official, the Administrative Officer and the Director of

the Department of Zoning & Building Safety shall be inferred to be one and the same.

**106.6.1 Work Commencing Prior to Permit Issuance:** Change to read: "Any person, firm, corporation or contractor who commences work requiring a permit on a building, structure electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal and in addition to the permit fee for the entire project, and not limited to the portion of the project done prior to discovery of the violation. Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation (including a 2nd occurrence on the same job site) shall be subject to violation penalties as described in 108.4.

**106.6.2. FEES.** Insert the following schedule:

#### **GAS PIPING**

1-4 Outlets \$25.00

5 or more outlets (per opening) \$1.00

**108.4. Violation Penalties.** After "shall be guilty of a" change the remaining text to the following: "petty offense, and shall be subject to remedies as allowed by law. The Building Official is authorized, but not limited to, the following actions:

1. post a STOP WORK order on the subject property; and

2. post a STOP WORK order on any or all other projects being permitted by said person or contractor within the jurisdiction, and

3. post a STOP WORK order on any other contractor who revalidates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and

4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation

with each day a violation is allowed to continue constituting a separate violation and other penalties allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and

5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and

6. notify any other jurisdiction of such action."

**108.5. Stop Work Orders.** Last sentence after "remove a violation or unsafe condition." and replace with: "shall be subject to the remedies allowed under 108.4 and other penalties as prescribed by law."

**608 Vented Wall Furnaces:** Delete section, not allowed.

**609 Floor Furnaces:** Delete section, not allowed.

Appendix A is adopted.

**D.** The International Existing Building Code, 2009 Edition shall be amended as follows:

**101.1 Title** - Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**104.1 GENERAL.** Add "The Building Official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be one and the same.

**108.4 Work Commencing Prior to Permit Issuance:** Change to read: "Any person, firm, corporation or contractor who commences work requiring a permit on a building, structure electrical, gas,

mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal and in addition to the permit fee for the entire project, and not limited to the portion of the project done prior to discovery of the violation. Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation (including a 2nd occurrence on the same job site) shall be subject to violation penalties as described in 113.4.

**113.4. Violation Penalties.** After "shall be guilty of a" change the remaining text to the following: "petty offense, and shall be subject to remedies as allowed by law. The Building Official is authorized, but not limited to, the following actions:

1. Post a STOP WORK order on the subject property; and

2. post a STOP WORK order on any or all other projects being permitted by said person or contractor within the jurisdiction, and

3. post a STOP WORK order on any other contractor who revalidates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and

4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and

5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and

6. notify any other jurisdiction of such action."

114.3 Unlawful Continuance. Last sentence after "remove a violation or unsafe condition," change to: "shall be subject to the remedies allowed under 113.4 and other penalties as prescribed by law."

E. The International Property Maintenance Code, 2009 Edition shall be amended as follows:

**101.1 Title** - Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**103.1 GENERAL.** Add "The Building Official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be one and the same.

**103.5 FEES.**

**112.4 Failure to Comply** after "not less than" insert: "\$25.00." after "more than" insert "\$1,000.00."

**302.4 Weeds.** Insert "10 inches (10)" where indicated.

**304.14 Insect Screens** Insert April 1 to November 1 for the from and to dates.

**404.4.1 Room area.** Add: "and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m2) of floor area for each occupant thereof.

**404.5 Overcrowding.** Replace text with: "Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5."

Insert the following table and text:

**TABLE 404.5  
MINIMUM AREA REQUIREMENTS**

| Space MINIMUM AREA IN SQUARE FEET |                                   |               |                     |
|-----------------------------------|-----------------------------------|---------------|---------------------|
|                                   | 1-2 Occupants                     | 3-5 occupants | 6 or more occupants |
| Living Room a,b                   | No                                | requirements  |                     |
|                                   | 120                               | 150           |                     |
| Dining Room a,b                   | No                                | requirements  |                     |
|                                   | 80                                | 100           |                     |
| Bedrooms                          | Shall comply with Section 404.4.1 |               |                     |

"a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes."

**404.5.1 Sleeping area.** The minimum occupancy area required by Table 404.5 shall not be included as sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

**404.5.2 Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 405.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room. "

**602.3 Heat supply.** Insert "October 1" and "May 15" in the from date to date portion.

**602.4 Occupiable work spaces.** Insert "October 1" to "May 15" in the from date to date portion.

**Add new text as follows:**

**"603.1.1.** Property owners are required to have annual carbon monoxide tests of furnaces performed for all fuel burning furnaces that are at least 10 years old or older and for all fuel burning furnaces that have been inoperative for one year or longer. Tests must be performed by a properly certified and registered mechanical contractor. Owners shall immediately notify the Inspection Division of failed tests. Owners shall provide a legible certified copy of successful test results to Code Official not later than 30 days after the test.

**Exception:** A carbon monoxide detector installed within 10' of furnace will meet the intent of the annual carbon monoxide test requirement.

**603.1.2.** Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. Carbon monoxide detector/smoke detector alarms may be installed only if the combined unit provides different alarm tones for the carbon monoxide detection and the smoke detection.

Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes. The required carbon monoxide detector/alarm is permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

**Exceptions:** Carbon Monoxide Detectors are not required if:

1. A Residential unit in a building that does not rely on combustion of fossil fuel for heat, ventilation, or hot water.
2. A residential unit in a building that is not connected in any way to a garage and not close to a source of carbon monoxide."

**Add the following text:**

**"603.7 Existing HVAC Systems.** Refrigerant circuit access ports shall be provided with locking type tamper resistant caps or comparable device."

**605.2 Receptacles.** Replace with the following: "Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter."

**Add the following:**

**"605.2.1 Bathrooms in residential units.** Each bathroom in residential units shall have at least one receptacle. Every bathroom receptacle in residential units shall be protected against ground faults by means of a ground fault circuit interrupter or other approved means."

**2.1.10 Standard and Specifications for Stabilized Construction Entrance (Ord. Rev. 667, May 1, 2000)**

**A) DEFINITION:** A stabilized pad of aggregate underlain with filter cloth located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk or parking area.



**B) PURPOSE:** The purpose of a stabilized construction entrance is to reduce or eliminate the tracking of sediment onto public rights-of-way or streets.

**C) CONDITIONS WHERE PRACTICE APPLIES:** A stabilized construction entrance shall be used at all points of construction ingress and egress.

#### **D) DESIGN CRITERIA**

**1. Aggregate Size** - Use 2" stone, or reclaimed or recycled concrete equivalent.

**2. Thickness** - Not less than six (6) inches.

**3. Width** - 10 foot minimum but not less than the full width of points where ingress or egress occurs.

**4. Length** - As required, but not less than 50 feet (except on a single residence lot where a 30 ft. minimum would apply).

**5. Filter cloth** - To be placed over the entire area to be covered with aggregate. Filter cloth will not be required on a single family residence lot (see next page for criteria).

Piping of surface water under entrance shall be provided as required. If piping is impossible, a mountable berm with 5:1 sloped will be permitted. See Standard Drawing SCE-1.

**E) MAINTENANCE:** The entrance shall be maintained in a condition which will prevent tracking of sediment onto public rights-of-way or streets. This may require periodic top dressing with additional aggregate. All sediment spilled, dropped, or washed onto public rights-of-way must be removed immediately.

When necessary, wheels must be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with aggregate which drains into an approved sediment trapping device. All sediment shall be prevented from entering storm drains, ditches, or watercourses.

#### **F) CRITERIA FOR FILTER CLOTH:**

The filter cloth shall be a woven or nonwoven fabric consisting only of continuous chain polymeric filaments or yarns of polyester. The fabric shall be inert to commonly encountered chemicals, hydro-carbons, mildew, rot resistant, and conform to the properties of the following table:

| Fabric Properties (3)       | Light | Duty  | (1) |
|-----------------------------|-------|-------|-----|
|                             | Roads | Heavy | (2) |
| Grade Subgrade              |       |       |     |
| Haul Roads Rough Graded     |       |       |     |
| Method                      |       | Test  |     |
| Grab Tensile Strength (lbs) |       | 200   | 220 |
| ASTM D1682                  |       |       |     |
| Elongation at Failure (5)   |       | 50    | 60  |
| ASTM D1682                  |       |       |     |
| Mullen Burst Strength       | 190   | 430   |     |
| ASTM D3786                  |       |       |     |
| Puncture Strength (lbs)     | 40    | 125   |     |
| ASTM D751 Modified          |       |       |     |
| Equivalent Opening Size     |       | 40-80 | 40- |
| US STD Sieve CW-02215       |       |       |     |
| Aggregate Depth (in)        | 6     | 10    | --  |

#### **Table Notes:**

**1. Light Duty Road:** Are sites that have been graded to subgrade and where most travel would be single axle vehicles and an occasional multi-axle truck. Trevira Spunbond 1135, Mirafi 100X, Tygar 3401, or equivalent.

**2. Heavy Duty Road:** Are sites with only rough grading, and where most travel would be multi-axle vehicles. Trevira Spunbond 1135, Mirafi 600X, or equivalent.

**3.** Fabrics not meeting these specifications may be used only when design procedure and supporting documentation are supplied to determine aggregate depth and fabric strength.

**2.1.11: DEMOLITION OF BUILDINGS (Ord. 09-08, June 2, 2009)** This section shall regulate the demolition of all buildings within the corporate limits of the Village of Hampton. For the purposes of this section, a building is defined as any man made structure, used or intended for supporting or sheltering any use or continuous occupancy.

**A. PERMIT REQUIRED:** The complete or partial demolition of any building within the corporate limits of the Village of Hampton will not begin, until a permit is applied for and issued by the Building Inspector for the Village of Hampton. A combined demolition permit and building permit may be issued in conjunction with the rebuilding or replacement of a building. The demolition permit is valid for one (1) year from the date of issue. The demolition of the building must be completed within ninety (90) days of the date the demolition is started. Completion includes the filling of the basement and or foundation with appropriate fill and the removal of any and all debris from the site.

**B. PERMIT FEES:** The fee schedule for the demolition of buildings is as follows:

**1.** Demolition of a dwelling or other building with water and sewer connected: \$100.00.

**2.** Demolition of a dwelling or other building with water and sewer connected and the rebuilding or replacement of the building: \$100.00 plus the cost of the permit to rebuild or replace the building.

**3.** Demolition of a building that is not connected to water or sewer: \$25.00.

**4.** Demolition of a building that is not connected to water and sewer and the rebuilding or replacement of the building: \$25.00 plus the cost of the permit to rebuild or replace the building.

**C. FOUNDATION WALLS AND CONCRETE FLOORS:** Any basement walls, foundation walls, concrete floors and concrete slabs must be removed as part of the demolition of any building, unless a combined demolition and building permit has been issued for the rebuilding or replacement of the existing building and the basement walls, foundation walls, concrete floors or concrete slabs are permitted to be utilized in the reconstruction or rebuilding of the building.

**D. DISCONNECTION AND REMOVAL OF UTILITIES:** Before the demolition of the building begins, any and all utilities must be disconnected from the building and removed in accordance with the utility companies regulations. Water and sewer lines must be capped off and inspected by the plumbing inspector in accordance with the following:

**1.** The water service will be shut off by Village of Hampton personnel at the curb stop. Lead or copper service lines shall be cut no more than one foot from the main and pinged over or crimped shut. Galvanized water line shall have a plastic cap installed and duct taped before back filling.

2. The sewer lateral shall be capped or sealed with concrete within one foot of the main.

3. If a new building is to be built in place of the demolished building through a combined demolition and building permit, the water and sewer lines may be capped off at the foundation of the existing building.

4. If no building is to be built in place of the existing building, water and sewer lines shall be capped either by mechanical means or grouted with concrete at the main or within one foot of the main.

**E. FENCING:** The demolition site shall have temporary fencing installed until the foundation walls and or basement are back filled.



## ARTICLE 1

### BUILDING CODE

(Ord. 436, June 25, 1979) (Rev. Ord. 550 February 11, 1991)  
(Rev. Ord. 610, June 10, 1996) (Rev. Ord. 710, October 5, 2011)

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**2.1.1. ADOPTED.** The following codes are adopted by reference. Copies of such code are kept on file at the Village Hall, under supervision of the Village Clerk, for inspection by the public. Where the provisions of the codes adopted by this Section make reference to other codes, they shall be the governing code. Where a conflict between any referenced code appears, the more restrictive, as determined by the Building official shall apply. Amendments, deletions and additions to the codes listed below are contained in Section 2.1.9.

**A)** The code to be used throughout the Village of Hampton for the Standard of Construction shall be the International Building Code 2009 Edition.

**B)** The code regulating the construction of single family houses, two family houses (duplexes) and buildings consisting of three or more townhouse units shall be the International Residential Code 2009 Edition.

**C)** The code regulating the installation of fuel gas piping systems, fuel gas appliances, gaseous hydrogen systems and related accessories shall be the International Fuel Gas Code 2009 Edition.

**D)** The code regulating the repair, alteration, change of occupancy, addition and relocation of existing buildings shall be the International Existing Building Code 2009 Edition.

**E)** The code establishing minimum standards and requirements for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life, safety, safety from fire and other hazards for existing residential and nonresidential structures shall be the International Property Maintenance Code 2009 Edition.

**2.1.2. CRITERIA FOR PERMIT.** Except as specified in the International Building Code 2009 Edition, the International Residential Code 2009 Edition, the International Existing Building Code 2009 Edition, the International Property Maintenance Code 2009 Edition and as amended by Section 2.1.9, no building or structure regulated by this code within the village limits of the Village of Hampton shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has been issued by the Building Inspector for the Village of Hampton.

**2.1.3. APPLICATION.** Application under this section shall be made to the Building Inspector on the forms provided and shall be accompanied by plans and specifications, in duplicate, showing the work to be done at the indicated location. Such plans should be verified by the signature of either the owner of the premises or by the architect or contractor in charge of operations.

**2.1.4: APPROVAL OF PLANS.** Plans for commercial structures of over 1500 square feet, all industrial structures and housing structures of more than two (2) units shall be submitted 21 days prior to any required approval, to be reviewed by the Village Board. Plans for other structures, modifications, enlargements, alterations, conversions and the like shall be submitted three (3) business days prior to any required approval. Other conditions for plan approval and issuing of permits are as stated in the International Building Code 2009 Edition, the International Residential Code 2009 Edition, the International Existing Building Code 2009 Edition and the International

Property Maintenance Code 2009 Edition. It is the responsibility of the applicant to contact the Building Inspector to confirm the approval of plans and obtain a Building Permit. A permit will expire one year from the date of issue, unless extended by the Building Inspector.

**2.1.5: FEES** Fees are due at the time of issue of permit. Fees are based upon the valuation of work to be done. This valuation is under review of the Building Inspector, and his/her valuations will be used to determine fees. Building permit fees are in accordance with the International Building Code 2009 Edition and other fees may be applicable as stated in the International Building Code 2009 Edition.

**2.1.6: VARIATIONS** It shall be unlawful to vary materially from the submitted plans and specifications unless such variations are submitted on an amended plan to the Building Inspector and approved by him/her.

**2.1.7: APPEALS** Any owner or agent not in accord with a decision of the Building Inspector shall have the right to appeal such ruling to the Board of Appeals within five (5) days after such ruling. Such appeal shall be in writing and shall indicate reason for the appeal and owner or his/her agent's solution to such. This notice shall be filed with the Village Clerk along with the fee for filing. The Board of Appeals shall convene within twenty one (21) days of filing, with written notice of time and place of review given to the owner or his/her agent. The application for permit, plans and specifications submitted, inspection records and any other material contained in the permit file shall be considered part of official record. The Building Inspector shall act as secretary of the Board of Appeals and shall submit, in writing, the findings and recommendations of the Board of Appeals to the Village Board two (2) days before the next scheduled Village Board Meeting, so a ruling can be given in a timely manner. The Board of Appeals and the like, as is stated in the Village Zoning Ordinance, are one in the same.

**2.1.8: VIOLATION AND PENALTIES** Violation of this code shall be dealt with as stated in **TITLE ONE: ARTICLE 8, GENERAL PENALTY CLAUSE of HAMPTON VILLAGE CODE**. In addition, if any activity for which a permit is required by the provisions of the Building Code is commenced without first obtaining such permit, the fee for such permit shall be doubled.

#### **2.1.9: AMENDMENTS TO UNIFORM BUILDING CODE AND APPENDIX**

**A.** International Building Code, 2009 Edition shall be amended as follows:

**101.1 Title** - Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**101.2 Scope** - Add "1" to exception. Add the following: "2. Existing buildings undergoing repair, alterations, additions, or change of occupancy shall be permitted to comply with the International Existing Building Code."

**104.1 GENERAL.** Add "The Building Official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be one and the same.

**101.4.3 Plumbing:** The most recent edition of the Illinois Plumbing Code shall apply to the installation, alteration, repair, relocation, addition, replacement, and maintenance of plumbing systems as stipulated by the Illinois Plumbing Code. The provisions of the International Residential Code shall apply to all plumbing and piping

systems not covered by the Illinois Plumbing Code. In addition, ANY structure in which a building drain is installed shall have at least one (1) vent stack carried through the roof and increased to a minimum size of four inches (4") at a point one foot (1') below the roof line. Replace "International Private Sewer Disposal Code" with Illinois Department of Public Health.

**109.4 Work Commencing Prior to Permit Issuance:** Change to read: "Any person, firm, corporation or contractor who commences work requiring a permit on a building, structure electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal and in addition to the permit fee for the entire project, and not limited to the portion of the project done prior to discovery of the violation. Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation (including a 2nd occurrence on the same job site) shall be subject to violation penalties as described in 114.4.

**114.4 Violation Penalties: (add 1st word) "For".** Delete the period at the end of the section and add: "the Building Official is authorized, but not limited to, the following actions:

1. post a STOP WORK order on the subject property; and
2. post a STOP WORK order on any or all other projects being permitted by said person or contractor within the jurisdiction, and
3. post a STOP WORK order on any other contractor who revalidates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and
4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and
5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and
6. notify any other jurisdiction of such action."

**1612 FLOOD LOADS:** Replace section with the following: "The Village of Hampton Code of Ordinances Title Nine, Article 18, Development in Floodplain Areas shall apply."

**3412.2 Applicability.** Insert date: June 25, 1979.

The following appendices are adopted by reference:

**E SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS**

**F RODENT PROOFING**

**H SIGNS**

**I PATIO COVERS**

**J GRADING**

**K ADMINISTRATIVE PROVISIONS**

**B.** The International Residential Code, 2009 Edition shall be amended as follows:

**R101.1 Title.** Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**R101.2 Scope.** Add "1." to published exception. Add exception: "2. The most recent edition of the Illinois Plumbing Code shall apply to the installation, alteration, repair, relocation, addition, replacement, and maintenance of plumbing systems as stipulated by the Illinois Plumbing Code. The provisions of the International Residential Code shall apply to all plumbing and piping systems not covered by the Illinois Plumbing Code.. In addition, ANY structure in which a building drain is installed shall have at least one (1) vent stack carried through the roof and increased to a minimum size of Four Inches (4") at a point one foot (1') below the roof line.

**R104.1 General** Add: "The Building Official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be one and the same."

**R104.11 Alternative materials, design and methods of Construction and Equipment.** Add: "Structures, including accessory buildings or buildings for personal storage, built under this section using Engineered trusses, said trusses shall meet a 30/10/20/10 loading requirement unless designed as part of a complete building system with plans/prints bearing an Illinois Licensed Design Professional stamp and indicating the design requirements of T301.2(1) are met."

**R105.2 Work exempt from permit:** Change (1) 120 square feet; Delete (2) and (10)

**R108.6 Work commencing prior to permit issuance.** Change to read as follows: "Any persons, firms, corporations, owners, authorized agents or contractors who commences work requiring a permit on a building, structure, electrical, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal to the permit fee for the entire project, and not limited to the portion of the project done prior to permit issuance.

Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation, (including a 2nd occurrence on the same job site) shall be subject to violation penalties as described in R113.4."

**R113.4 Violation Penalties:** Add 1st word "For". Delete the period at the end of the section and add: "The building Official is authorized, but not limited to, cause the following actions:

1. post a Stop Work order on the subject property; and
2. post a Stop Work order on any or all other projects being permitted by said person or contractor within the Jurisdiction, and
3. post a Stop Work order on any other contractor who revalidates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and
4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties as allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and



5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and
6. notify any other jurisdiction of said action."

Replace Table 301.2 (1) with the following table:

**Table R301.2 (1)**  
**Climatic and Geographic Criteria**

| Ground<br>Snow Load  | Wind Design    |                              | Seismic<br>Design<br>Category | Subject to Damage From |                     |                      |
|--|----------------|------------------------------|-------------------------------|------------------------|---------------------|----------------------|
|  | Speed<br>(mph) | Topographi<br>cal<br>Effects |                               | Weatherin<br>g         | Frost Line<br>Depth | Termite              |
| p = 30 psf, except<br>that calculations for<br>additional drift loads<br>shall use a ground<br>snow load p-25psf | 90             | YES                          | A                             | SEVERE                 | 42"                 | Moderate<br>to Heavy |

| Winter Design<br>Temp | Ice Barrier<br>Underlayment<br>Required | Flood Hazards   | Air<br>Freezing<br>Index | Mean Annual<br>Temp |
|-----------------------|---|---|--------------------------|---------------------|
| -4° F                 | YES                                     | Initial NFIP<br>04/14/1978<br>FIRM<br>#170582<br>04/05/2010 | 2000                     | 50.5° F             |

**R302.2 Townhouses.** Change Exception first sentence to read: "A common 2-hour fire resistance-rated assembly tested in accordance with ASTM E119 or UL263 is permitted for townhouses if such walls do not contain plumbing/mechanical equipment, ducts or vents in common walls,"

**R305 Ceiling Height.** Add Exception, "3. Ceilings may have projections to within 6 feet 6 inches of the finished floor for area not to exceed 50% of the room in which the projection is in."

**R310.2.1 Ladders and steps** (in Egress Wells) add: "Steps shall have a minimum width of 12 inches, a minimum tread depth of 5 inches, and a maximum riser height of 24 inches."

**R313.2 One- and Two-Family Dwelling Automatic Fire Systems.** Change -January 1st, 2011 to January 1st, 2013.

**R315.1 Carbon Monoxide Alarms.** Change to read: "For new construction, an approved carbon monoxide alarm may be installed inside each separate sleeping area, or, if installed outside of each separate sleeping area must be within 15 feet of the door to the sleeping area in dwelling units within which fuel-fired appliances are installed and in dwelling units that have an attached garage."

**R322 Flood-Resistant Construction.** Change to read: "The Village of Hampton Code of ordinances Title Nine Article 18 development in Floodplain Areas shall apply."

**R403 Footings:** Delete table R403.1 and replace with the following R403.1

| # of floors | Wall Thickness Concrete | Wall Thickness Masonry | Width of Footing | Thickness of footing | Depth of footing |
|-------------|-------------------------|------------------------|------------------|----------------------|------------------|
| 1           | 8"                      | 8"                     | 16"              | 8"                   | 42"              |
| 2           | 8"                      | 8"                     | 16"              | 8"                   | 42"              |
| 3           | 8"                      | 12"                    | 20"              | 12"                  | 42"              |

**R403.1.1 Minimum Size.** In the 3rd sentence, change "6 inches (152mm)" to "8 inches (200mm)."

**Add Section R403.1.1.1 to read: "R403.1.1.1 Deck footings.** Deck footings NOT supporting a roof or over head structure shall be a minimum 12 inches in diameter and 42 inches below finished grade."

**Add Section as follows: "R403.1.1.1.2 Covered deck and room addition footings:** All covered decks, screened porches; three season rooms, four season rooms, room additions, etc., shall have one of the following:

1. Pier footings designed by a design professional.
2. 12 inch wide reinforced trench footing 42 inches in depth.
3. Spread footings 42 inches in depth with a minimum 8 inch masonry wall or concrete foundation was as per Figure 404.1.3.1(A)"

**Add section as follows: "404.1.3.1 Minimum Reinforcing Requirements:**

1. For concrete walls up to 8' (eight feet) in height, the design requirements of Figure 404.1.3.1(A) may be met in lieu of engineered drawings.
2. For Concrete walls over 8' (eight feet) to 9' (nine feet) in height, the design requirements of Figure 404.1.3.1 (B) may be met in lieu of engineered drawings.
3. All other concrete walls shall be designed in accordance with standard engineering practice and bear the stamp of an Illinois Licensed design professional.

**R2603.6.1 Sewer depth.** Change to read: "Building sewers than connect to private sewage disposal systems shall be a minimum of 6 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 42 inches below grade."

**Part VIII Electrical, Chapters 34- 43 Chapter 34 General Requirements.** Add the following: "Where the 2008 National Electric Code NFPA 70 as referenced is amended by this Resolution, such amendments are to be interpreted as a minimum requirement for this Part. Requirements for registration with the jurisdiction, permits, fees and violations/penalties of this 2009 International Residential Code hereby apply to the 2011 National Electric Code NFPA 70.

E3406.3 Minimum Size of Conductors.

Change 14AWG Copper to 12 AWG Copper.

Change 12 AWG Aluminum to 10 AWG Aluminum.

Add the following: "In ALL instances, where this code or the NFPA70 references 14 AWG Copper, 12 AWG Copper shall apply. In ALL instances, where this code or the NFPA70 references 12 AWG Aluminum to 10 AWG Aluminum shall apply."

**Appendices:** Adopt as noted;

A - Sizing and Capacities of Gas Piping

B - Sizing of venting system serving appliances equipped with draft hoods, Category 1 appliances, and appliances listed for type B vents

C - Exit terminals of mechanical draft and direct-vent venting systems

D - Recommended Procedure for inspection of an existing appliance installation

E - Manufactured housing used as a dwelling

F - Radon Control Methods with the following amendments:

**AF103.4.4** -The second sentence must be entirely deleted. (Delete: "sumps used as the suction point in a sub slab depressurization system shall have a lid designed to accommodate the vent pipe.")

**AF103.5.3** - In the second sentence delete "the roof" and insert "above the highest eave of the house".

**AF103.6.1** -

First paragraph:

- Delete ABS (not allowed)
- Add "schedule 40" prior to PVC
- The last sentence must be amended to read: "Alternatively, the 3- inch (76 mm) pipe shall be inserted directly above the interior drain tile loop and not tied into it."

Second paragraph:

- In the first sentence delete "surface of the roof" and insert "highest eave of the house"

**AF103.6.2** - The last sentence should read: " Vent pipes shall connect to a single vent that terminates at least 12" above the highest eave of the house or each individual vent pipe shall terminate separately at least 12" above the highest eave of the house."

**AF103.10** - The second sentence must read as follows: "Each radon vent pipe shall terminate at least 12" above the highest cave of the house or shall be connected to a single vent that terminates at least 12" above the highest eave of the house"

G - Swimming Pools, Spas, Hot tubs

H - Patio Covers

J - Existing Buildings and Structures

K - Sound transmission

M - Home Day care- R-3 Occupancy

Q - ICC- IRC Electrical provisions/NEC cross reference

**C.** The International Fuel Gas Code, 2009 Edition shall be amended as follows:

**101.1 Title** - Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**103.1 GENERAL.** Add "The Building Official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be one and the same.

**106.6.1 Work Commencing Prior to Permit Issuance:** Change to read: "Any person, firm, corporation or contractor who commences work requiring a permit on a building, structure electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal and in addition to the permit fee for the entire project, and not limited to the portion of the project done prior to discovery of the violation. Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation (including a 2nd occurrence on the same job site) shall be subject to violation penalties as described in 108.4.

**106.6.2. FEES.** Insert the following schedule:

**GAS PIPING**

|                                 |         |
|---------------------------------|---------|
| 1-4 Outlets                     | \$25.00 |
| 5 or more outlets (per opening) | \$1.00  |

**108.4. Violation Penalties.** After "shall be guilty of a" change the remaining text to the following: "petty offense, and shall be subject to remedies as allowed by law. The Building Official is authorized, but not limited to, the following actions:

1. post a STOP WORK order on the subject property; and
2. post a STOP WORK order on any or all other projects being permitted by said person or contractor within the jurisdiction, and
3. post a STOP WORK order on any other contractor who revalidates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and
4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and
5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and
6. notify any other jurisdiction of such action."

**108.5. Stop Work Orders.** Last sentence after "remove a violation or unsafe condition." and replace with: "shall be subject to the remedies allowed under 108.4 and other penalties as prescribed by law."

**608 Vented Wall Furnaces:** Delete section, not allowed.

**609 Floor Furnaces:** Delete section, not allowed.

Appendix A is adopted.

**D.** The International Existing Building Code, 2009 Edition shall be amended as follows:

**101.1 Title -** Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**104.1 GENERAL.** Add "The Building Official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be one and the same.

**108.4 Work Commencing Prior to Permit Issuance:** Change to read: "Any person, firm, corporation or contractor who commences work requiring a permit on a building, structure electrical,

gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal and in addition to the permit fee for the entire project, and not limited to the portion of the project done prior to discovery of the violation. Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation (including a 2nd occurrence on the same job site) shall be subject to violation penalties as described in 113.4.

**113.4. Violation Penalties.** After "shall be guilty of a" change the remaining text to the following: "petty offense, and shall be subject to remedies as allowed by law. The Building Official is authorized, but not limited to, the following actions:

1. post a STOP WORK order on the subject property; and
2. post a STOP WORK order on any or all other projects being permitted by said person or contractor within the jurisdiction, and
3. post a STOP WORK order on any other contractor who revalidates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and
4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and
5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and
6. notify any other jurisdiction of such action."

**114.3 Unlawful Continuance.** Last sentence after "remove a violation or unsafe condition," change to: "shall be subject to the remedies allowed under 113.4 and other penalties as prescribed by law."

**E.** The International Property Maintenance Code, 2009 Edition shall be amended as follows:

**101.1 Title -** Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**103.1 GENERAL.** Add "The Building Official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be one and the same.

**103.5 FEES.**

**112.4 Failure to Comply** after "not less than" insert: "\$25.00." after "more than" insert "\$1,000.00."

**302.4 Weeds.** Insert "10 inches (10)" where indicated.

**304.14 Insect Screens** Insert April 1 to November 1 for the from and to dates.

**404.4.1 Room area.** Add: "and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m2) of floor area for each occupant thereof.

**404.5 Overcrowding.** Replace text with: "Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5."

Insert the following table and text:

**TABLE 404.5  
MINIMUM AREA REQUIREMENTS**

| Space           | MINIMUM AREA IN SQUARE FEET       |               |                     |
|-----------------|-----------------------------------|---------------|---------------------|
|                 | 1-2 Occupants                     | 3-5 occupants | 6 or more occupants |
| Living Room a,b | No requirements                   | 120           | 150                 |
| Dining Room a,b | No requirements                   | 80            | 100                 |
| Bedrooms        | Shall comply with Section 404.4.1 |               |                     |

"a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes."

**404.5.1 Sleeping area.** The minimum occupancy area required by Table 404.5 shall not be included as sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

**404.5.2 Combined spaces.** Combined living room and dining room spaces shall comply with the requirements of Table 405.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room. "

**602.3 Heat supply.** Insert "October 1" and "May 15" in the from date to date portion.

**602.4 Occupiable work spaces.** Insert "October 1" to "May 15" in the from date to date portion.

**Add new text as follows:**

**"603.1.1.** Property owners are required to have annual carbon monoxide tests of furnaces performed for all fuel burning furnaces that are at least 10 years old or older and for all fuel burning furnaces that have been inoperative for one year or longer. Tests must be performed by a properly certified and registered mechanical contractor. Owners shall immediately notify the Inspection Division of failed tests. Owners shall provide a legible certified copy of successful test results to Code Official not later than 30 days after the test.

**Exception:** A carbon monoxide detector installed within 10' of furnace will meet the intent of the annual carbon monoxide test requirement.

**603.1.2.** Every dwelling unit shall be equipped with at least one approved carbon monoxide alarm in an operating condition within 15 feet of every room used for sleeping purposes. Carbon monoxide detector/smoke detector alarms may be installed only if the combined unit provides different alarm tones for the carbon monoxide detection and the smoke detection.

Every structure that contains more than one dwelling unit shall contain at least one approved carbon monoxide alarm in operating condition within 15 feet of every room used for sleeping purposes. The required carbon monoxide detector/alarm is permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is

an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

**Exceptions:** Carbon Monoxide Detectors are not required if:

1. A Residential unit in a building that does not rely on combustion of fossil fuel for heat, ventilation, or hot water.

2. A residential unit in a building that is not connected in any way to a garage and not close to a source of carbon monoxide."

**Add the following text:**

**"603.7 Existing HVAC Systems.** Refrigerant circuit access ports shall be provided with locking type tamper resistant caps or comparable device."

**605.2 Receptacles.** Replace with the following: "Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded type receptacle or a receptacle with a ground fault circuit interrupter."

**Add the following:**

**"605.2.1 Bathrooms in residential units.** Each bathroom in residential units shall have at least one receptacle. Every bathroom receptacle in residential units shall be protected against ground faults by means of a ground fault circuit interrupter or other approved means."

#### **2.1.10 Standard and Specifications for Stabilized Construction Entrance (Ord. Rev. 667, May 1, 2000)**

**A) DEFINITION:** A stabilized pad of aggregate underlain with filter cloth located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk or parking area.

**B) PURPOSE:** The purpose of a stabilized construction entrance is to reduce or eliminate the tracking of sediment onto public rights-of-way or streets.

**C) CONDITIONS WHERE PRACTICE APPLIES:** A stabilized construction entrance shall be used at all points of construction ingress and egress.

#### **D) DESIGN CRITERIA**

**1. Aggregate Size** - Use 2" stone, or reclaimed or recycled concrete equivalent.

**2. Thickness** - Not less than six (6) inches.

**3. Width** - 10 foot minimum but not less than the full width of points where ingress or egress occurs.

**4. Length** - As required, but not less than 50 feet (except on a single residence lot where a 30 ft. minimum would apply).

**5. Filter cloth** - To be placed over the entire area to be covered with aggregate. Filter cloth will not be required on a single family residence lot (see next page for criteria).

Piping of surface water under entrance shall be provided as required. If piping is impossible, a mountable berm with 5:1 sloped will be permitted. See Standard Drawing SCE-1.

**E) MAINTENANCE:** The entrance shall be maintained in a condition which will prevent tracking of sediment onto public rights-of-way or streets. This may require periodic top dressing with additional aggregate. All sediment spilled, dropped, or washed onto public rights-of-way must be removed immediately.

When necessary, wheels must be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with aggregate which drains into an approved sediment trapping device. All sediment shall be prevented from entering storm drains, ditches, or watercourses.

**F) CRITERIA FOR FILTER CLOTH:** The filter cloth shall be a woven or nonwoven fabric consisting only of continuous chain polymeric filaments or yarns of polyester. The fabric shall be inert to commonly encountered chemicals, hydro-carbons, mildew, rot resistant, and conform to the properties of the following table:

| <b>Fabric Properties (3)</b> | <b>Light Duty (1)<br/>Roads<br/>Grade Subgrade</b> | <b>Heavy Duty (2)<br/>Haul Roads<br/>Rough Graded</b> | <b>Test Method</b>       |
|------------------------------|--|---|--------------------------|
| Grab Tensile Strength (lbs)  | 200  | 220   | ASTM D1682               |
| Elongation at Failure (5)    | 50   | 60  | ASTM D1682               |
| Mullen Burst Strength        | 190  | 430   | ASTM D3786               |
| Puncture Strength (lbs)      | 40   | 125   | ASTM D751<br>Modified    |
| Equivalent Opening Size      | 40-80  | 40-80   | US STD Sieve<br>CW-02215 |
| Aggregate Depth (in)         | 6  | 10  | --                       |

**Table Notes:**

**1. Light Duty Road:** Are sites that have been graded to subgrade and where most travel would be single axle vehicles and an occasional multi-axle truck. Trevira Spunbond 1135, Mirafi 100X, Typar 3401, or equivalent.

**2. Heavy Duty Road:** Are sites with only rough grading, and where most travel would be multi-axle vehicles. Trevira Spunbond 1135, Mirafi 600X, or equivalent.

**3.** Fabrics not meeting these specifications may be used only when design procedure and supporting documentation are supplied to determine aggregate depth and fabric strength.

**2.1.11: DEMOLITION OF BUILDINGS (Ord. 09-08, June 2, 2009)** This section shall regulate the demolition of all buildings within the corporate limits of the Village of Hampton. For the purposes of this section, a building is defined as any man made structure, used or intended for supporting or sheltering any use or continuous occupancy.

**A. PERMIT REQUIRED:** The complete or partial demolition of any building within the corporate limits of the Village of Hampton will not begin, until a permit is applied for and issued by



the Building Inspector for the Village of Hampton. A combined demolition permit and building permit may be issued in conjunction with the rebuilding or replacement of a building. The demolition permit is valid for one (1) year from the date of issue. The demolition of the building must be completed within ninety (90) days of the date the demolition is started. Completion includes the filling of the basement and or foundation with appropriate fill and the removal of any and all debris from the site.

**B. PERMIT FEES:** The fee schedule for the demolition of buildings is as follows:

1. Demolition of a dwelling or other building with water and sewer connected: \$100.00.
2. Demolition of a dwelling or other building with water and sewer connected and the rebuilding or replacement of the building: \$100.00 plus the cost of the permit to rebuild or replace the building.
3. Demolition of a building that is not connected to water or sewer: \$25.00.
4. Demolition of a building that is not connected to water and sewer and the rebuilding or replacement of the building: \$25.00 plus the cost of the permit to rebuild or replace the building.

**C. FOUNDATION WALLS AND CONCRETE FLOORS:** Any basement walls, foundation walls, concrete floors and concrete slabs must be removed as part of the demolition of any building, unless a combined demolition and building permit has been issued for the rebuilding or replacement of the existing building and the basement walls, foundation walls, concrete floors or concrete slabs are permitted to be utilized in the reconstruction or rebuilding of the building.

**D. DISCONNECTION AND REMOVAL OF UTILITIES:** Before the demolition of the building begins, any and all utilities must be disconnected from the building and removed in accordance with the utility companies regulations. Water and sewer lines must be capped off and inspected by the plumbing inspector in accordance with the following:

1. The water service will be shut off by Village of Hampton personnel at the curb stop. Lead or copper service lines shall be cut no more than one foot from the main and pinged over or crimped shut. Galvanized water line shall have a plastic cap installed and duct taped before back filling.
2. The sewer lateral shall be capped or sealed with concrete within one foot of the main.
3. If a new building is to be built in place of the demolished building through a combined demolition and building permit, the water and sewer lines may be capped off at the foundation of the existing building.
4. If no building is to be built in place of the existing building, water and sewer lines shall be capped either by mechanical means or grouted with concrete at the main or within one foot of the main.

**E. FENCING:** The demolition site shall have temporary fencing installed until the foundation walls and or basement are back filled.

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## ARTICLE 2

### PLUMBING CODE

(Ord. 401 April 25, 1977) (Rev. Ord. 560 June 8, 1992)  
(Rev. Ord 613, November 25, 1996)

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**2.2.1: ADOPTED** The Illinois State Plumbing Code 1996, is hereby adopted by reference as the Hampton Plumbing Code. Copies of such Code are kept on file at the Village Hall under the supervision of the Village Clerk, for inspection by the public, and the public may purchase a copy at cost.

**2.2.2: CRITERIA FOR PERMIT** Under the provisions of the Illinois State Plumbing Code the, construction, reconstruction, alteration or installation of plumbing fixtures or lines shall not be done unless a permit for such work has been issued by the Plumbing Inspector for the Village of Hampton. Where replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next business day.

**2.2.3: APPLICATION** Application for a Plumbing Permit shall be made to the Village Clerk and shall be accompanied by plans and or specifications, in duplicate, showing the work to be done at the indicated location; such plan should be verified by the signature of either the owner of the premises or by the contractor in charge of operations.

**2.2.4: APPROVAL OF PERMIT APPLICATION** Plans and or specifications and application will be forwarded to the Plumbing Inspector by the Village Clerk. It is the responsibility of the applicant to contact the Plumbing Inspector to confirm approval and obtain a permit. Applications shall be submitted three (3) days prior to any required approval. A permit will expire thirty (30) days from the date of issue, unless approved by the Plumbing Inspector.

**2.2.5: FEES** Fees are due at the time of issue of permit. Fees are in accordance with

the Schedule of Fees within this section. The Plumbing Inspector's valuation will be used to determine fees.

**2.2.6: VARIATIONS** It shall be unlawful to vary in any way from submitted plans and specifications or from Illinois State Plumbing Code specifications unless such variations are submitted on an amended plan to the Plumbing Inspector and approved by him/her.

**2.2.7: APPEALS** Appeals to decisions made by the Plumbing Inspector shall be dealt with as stated in Section 2.1.7, Building Code, with the Plumbing inspector being in attendance at the Board of Appeal's review.

**2.2.8: INSPECTIONS** The Plumbing Inspector shall have all rights and powers as stated in the Illinois State plumbing Code, examples being inspection, right of entry and testing.

**2.2.9: VIOLATIONS AND PENALTIES** Violation of this code shall be dealt with as stated in **TITLE ONE: ARTICLE 8, GENERAL PENALTY CLAUSE OF HAMPTON VILLAGE CODE**. In addition, if any activity for which a permit is required by this provision is commenced without first obtaining such permit the fee for such permit shall be doubled.

**Village of Hampton  
Schedule of Plumbing Fees**

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**R E S I D E N T I A L**

|   |        |
|---|--------|
| Each opening or fixture installed for immediate or future use.<br>future use.   | \$7.50 |
| Water heaters, hot water storage tanks, range boilers<br>and all domestic heating appliances (each appliance).  | \$7.50 |
| Moving, changing or replacing plumbing fixtures (each fixture)  | \$7.50 |
| Installation of roof drains when piping to such drains are run<br>inside of buildings and wasted into a storm drain system including<br>natural storm drain runoff areas. | \$7.50 |
| Installation, moving or replacing water softeners   | \$7.50 |

**C O M M E R C I A L I N D U S T R I A L I N S T I T U T I O N A L**

Permit fee is based upon the valuation of the entire plumbing installation in accordance with the following schedule:

| From    | To      | Fee      | From   | To       | Fee      |
|---------|---------|----------|--|----------|----------|
| \$ .00  | \$1,000 | \$25.00  | \$8,001  | \$9,000  | \$118.75 |
| \$1,001 | \$2,000 | \$31.50  | \$9,001  | \$10,000 | \$131.25 |
| \$2,001 | \$3,000 | \$43.75  | \$10,001   | \$11,000 | \$143.75 |
| \$3,001 | \$4,000 | \$56.25  | \$11,001   | \$12,000 | \$156.25 |
| \$4,001 | \$5,000 | \$68.75  | \$12,001   | \$13,000 | \$168.75 |
| \$5,001 | \$6,000 | \$81.25  | \$13,001   | \$14,000 | \$181.25 |
| \$6,001 | \$7,000 | \$93.75  | \$14,001   | \$15,000 | \$193.75 |
| \$7,001 | \$8,000 | \$106.25 | \$15,001 and over add \$12.50 per<br>\$1,000 valuation |          |          |

**VILLAGE OF HAMPTON**  
**Schedule of Plumbing Fees (continued)**

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**SERVICE CONNECTIONS**

**Sanitary Sewer Connections (all structures)**

|                               |         |
|-------------------------------|---------|
| Connection at stub or lateral | \$10.00 |
|-------------------------------|---------|

**Plus other fees that may apply in accordance with Title Seven, Section 7B.1.4**

**Water Connections (all structures)**

|                         |         |
|-------------------------|---------|
| Connection at curb stop | \$10.00 |
|-------------------------|---------|

|               |         |
|---------------|---------|
| Main line tap | \$75.00 |
|---------------|---------|

**NOTE: ALL MAIN TAPS TO WATER AND SEWER LINES SHALL BE MADE BY ILLINOIS  
LICENSED PLUMBERS ONLY.**

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## ARTICLE 3

### ELECTRICAL CODE

(Ord. 436 June 25, 1979) (Rev. Ord. 611, June 10, 1996)  
(Rev. Ord. 709, October 17, 2011)

**2.3.1. ADOPTED.** The code for the practical safeguarding of persons and property from hazards arising from the use of electricity is the NFPA 70: National Electric Code, 2008 Edition, prepared and published by the National Fire Protection Association. A copy of such code is on file at the Village Hall, under supervision of the Village Clerk, for inspection by the public.

**2.3.2. CRITERIA FOR PERMIT.** The provisions contained in paragraph 90.2 of the NFPA 70: National Electric Code 2008 Edition, shall be used as the criteria for issue of an electrical permit by the Building Inspector.

**2.3.3. APPLICATION.** Application for permit shall be made to the Building Inspector and shall be accompanied by plans and specifications, in duplicate, showing the work to be done at the indicated location. Such plans should be verified by the signature of owner or by the architect or contractor in charge of operations.

**2.3.4. APPROVAL OF PLANS.** It is the responsibility of the applicant to contact the Building Inspector to confirm approval of plans and obtain the permit. Plans must be submitted three (3) business days prior to any required approval. A permit will expire thirty (30) days from the date of issue, unless approved by the Building Inspector.

**2.3.5: FEES** Fees are due at the time of issue of permit. Fees are based upon the following fee schedule:

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#### VILLAGE OF HAMPTON ELECTRICAL / SIGN FEE SCHEDULE

New single family residences under 1100 sq. ft. (except electric heat) **\$60.00**

All single family residences over 1100 sq. ft. (except electric heat) **\$50.00**

New multi family residences or apartment (complete with incidental units except electric heat) 1st apartment **\$60.00**

Each additional apartment or unit **\$19.00**

Incidental Units:

|                  |                |
|------------------|----------------|
| Air Conditioning | <b>\$10.00</b> |
| Water Heaters    | <b>\$10.00</b> |
| Electric Range   | <b>\$10.00</b> |
| Dishwasher       | <b>\$10.00</b> |
| Disposals        | <b>\$10.00</b> |
| Complete Furnace | <b>\$10.00</b> |
| Motor            | <b>\$10.00</b> |

Signs:

Neon or transformer type of incandescent per sign or transformer **\$10.00**

Entrance service or temporary service **\$10.00**

Room addition or rewire: (rooms, family rooms, cover basement) **\$10.00**

Commercial or industrial wiring:

first \$200.00 cost or contract bid **\$10.00**

next \$800.00 cost or contract bid **\$28.50**

each additional \$1,000.00 or fraction thereof **\$15.00**

Grounding of siding **\$48.00**

**2.3.6. AMENDMENTS.** The NFPA 70: National Electric Code 2008 Edition, is hereby amended as follows:

Add the following to Section 220.14 Other Loads:

**"(M) Maximum number of outlets per circuit.** Except as otherwise provided, the maximum number of outlets per circuit shall be:

(1) Lighting outlets in dwelling occupancies - 12.

(2) General use receptacles - all dwelling occupancies - 10.

(3) General use Receptacles - all dwelling kitchen countertops - 2."

Article 230 - Services. Change the following section to read as follows:

**"230.91 Conductors Inside Structures.** Location of Overcurrent Protection. The service overcurrent device shall be connected by no more than ten (10) feet of raceway from the meter device, in structures."

**334.10 Uses Permitted. (Delete in its entirety and replace with the following:**

"Type NM and Type NMC cable, minimum size #12 copper or equivalent shall be permitted to be used in single family and two family dwellings. All service and sub feeds shall be installed in raceway. Exception: Single family and two family dwellings not exceeding three stories in height may utilize #12 NM or NMC cable or larger without raceways for sub feeds."

**334.12 Uses Not Permitted.** Add the following:

"(11) Type NM and type NMC cable shall not be used in any commercial or industrial applications."

**404.4 Damp or Wet Locations.** Add the following: "In no case shall any outlet, switch or unapproved fixture be installed within the restricted tub or shower zone. The zone is all encompassing and includes the space directly over the tub or shower and extends three (3) feet from the side and eight (8) feet directly above the top of the tub rim shall be considered minimum distance from said tub or shower."



## ARTICLE 4

### SATELLITE CODE (Ord. 508, March 10, 1988)

**2.4.1: DEFINITION** Whenever the following words or terms are used in this section, they shall have such meanings as ascribed to them:

**SATELLITE:** A dish type satellite signal receiving antennas also referred to as earth stations or ground stations shall mean one or a combination of two or more of the following:

**A)** A signal receiving device (antenna, dish antenna, or dish type antenna) with the purpose of receiving communication by other signals from satellites in earth orbit and other extraterrestrial sources.

**B)** A Low Noise Amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

**C)** A coaxial cable, which carries or transmits signals to a receiver, meaning any television set or radio receiver. A dish shall mean the part of a "satellite signal receiving antenna" characteristically shaped as a saucer or "dish".

**D)** Ground rods shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor to which electrical current may safely pass and dissipate.

**2.4.2: PERMIT REQUIRED** No person, partnership, corporation, firm trust or any one of these shall construct an earth station without a permit, nor shall construction commence before permit is issued.

**2.3.3: APPLICATION** The owner or occupant, with the written permission of the owner of the lot, who desires to construct an earth station on the lot must first obtain a

permit from the Hampton Building Inspector. The applicant shall provide a written application which includes: a plat of the lot showing the exact location and dimensions of the proposed earth station from the description of the type of earth station proposed, the name and address of the owner of the real estate, the applicant and the person to be permitted to construct the proposed earth station.

The applicant shall submit, with each application, the sum of \$50.00 which represents the permit fee. The permit fee shall cover the costs of reviewing the construction and specifications and inspection of the final construction and processing of the application.

#### **2.4.4: LOCATION OF THE EARTH STATION**

**A)** No earth station shall be constructed in any front yard and shall be located only in the rear yard of the lot.

**B)** Set out antennas shall be set back a minimum distance of five (5) feet from the rear and side property lines of the lot.

**C)** No earth station shall be linked physically or electronically to a receiver which is not located on the same lot, premises or parcel of land as the earth station.

**D)** An earth station shall not exceed a height greater than twelve (12) feet.

**E)** All structural supports shall be of galvanized metal.

**F)** The line between earth station and receiver shall be at least four (4) inches beneath the surface of the ground within rigid conduit.

**G)** An earth station must be grounded to a grounding rod.

**H)** No earth station shall be constructed on the roof, top of any garage,

residential dwelling, church, school, apartment building, hospital or any other commercial building structure.

**I)** No more than one satellite antenna shall be allowed on any lot that is being used as a residence.

**J)** More than one antenna shall be allowed for an industrial or commercial use that is properly zoned for that use.

**K)** Placement of a satellite dish and antenna on side yards is restricted unless it is impossible to be located in a rear yard of the properties.

**L)** Concerning the fact of impossibility shall be within the Building Inspector's province of authority and the locating of any dish in the side yard shall have to be approved by the Building Inspector.

**M)** All or any part of the structure shall be five (5) feet from property line.

**N)** No satellite dish shall be higher than the main structure.

**O)** No satellite dishes shall be attached to a permanent structure.

**2.4.5: PENALTY** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

## ARTICLE 5

### SWIMMING POOLS

(Ord. 509, March 10, 1986)

**2.5.1: TEMPORARY FENCING** Any person who owns or is in possession of any premises on which a swimming pool is to be constructed must first construct temporary fencing. Temporary fencing must completely surround the excavation and construction of any swimming pool being built. Temporary fencing must be at least equal to, or better than, four (4) foot snow fencing. A permit for swimming pool use will not be issued until permanent fencing is installed.

**2.5.2: ENCLOSURE** Every person who owns or is in possession of any premises on which there is situated a swimming pool, not a portion of a natural watercourse, which has a water depth of eighteen (18) inches or more in any portion, shall maintain on the lot or premises where the swimming pool is situated, a fence, wall or other adequate structure completely surrounding the pool to make it inaccessible to small children. The fence, wall or other structure must not be less than five (5) feet in height with no openings large enough to admit a child except through doors and gates.

**2.5.3: REQUIREMENTS FOR GATES AND LATCHES** All doors and gates in fences surrounding swimming pools shall be of a size to completely fill any opening in the fence, wall or other structure and shall be equipped with self-closing and self-latching devices capable of keeping the gate or door securely closed. The closing or latching devices shall be located not less than six (6) feet above grade or be otherwise inaccessible from the outside to small children. In lieu of self-closing and self-latching devices, the doors and gates may be equipped with locks which shall be kept locked at all times.

#### **2.5.4: MODIFICATION OF REQUIREMENTS EXTENSIONS**

The Building Inspector may allow slight modifications for good cause shown in individual cases with respect to the height of the fence, wall or other enclosing structure or the nature or position of the latch or other locking device. The Building Inspector may permit other protective devices or structures to be used, so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the fence, wall or other enclosing structure and the gate, door, latch or other locking devices required by this division. Upon application of a property owner, the President and Board of Trustees may grant extensions of time shall not exceed thirty (30) days at a time.

#### **2.5.5: SANITATION REQUIREMENTS**

Sanitation requirements for private pools shall be as established by the Rock Island County Board of Health. Sanitation requirements for all other pools shall comply with the rules of the Illinois State Board of Health.

**2.5.6: PENALTIES** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

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## ARTICLE 6

### MECHANICAL CODE

(Ord. 612, June 10, 1996) (Rev. Ord 708, October 5, 2011)

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**2.6.1: SCOPE** This section shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings within the corporate limits of the Village of Hampton.

**2.6.2: ADOPTED** The International Mechanical Code 2009 Edition as published by the International Conference of Building Officials is hereby adopted by reference as the Hampton Mechanical Code. A copy of such code is kept on file at the Village Hall, under the supervision of the Village Clerk, for inspection by the public.

**2.6.3: CRITERIA FOR PERMIT** Except as specified in Section 102 of the International Mechanical Code, 2009 Edition, an owner, authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by the Village, or to cause such work to be done, shall not be done unless a permit has been issued by the Building Inspector for the Village of Hampton. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next business day.

**2.6.4: APPLICATION** Application shall be made to the Building Inspector and shall be accompanied by specifications for the work to be performed at the indicated location.

**2.6.5: APPROVAL OF PLANS** It is the responsibility of the applicant to contact the Building Inspector to confirm the approval of specifications and obtain a permit. Applications shall be submitted three (3) business days prior to any required approval. A permit will expire ninety (90) days from the date of issue, unless extended by the Building Inspector.

**2.6.6: FEES** Fees are due at the time of issue of permit. Fees are based upon the valuation of work to be done. This valuation is under the review of the Building Inspector, and his/her valuations will be used to determine fees. Fees are in accordance with the fee schedule, Section 2.6.6.1 of this Ordinance.

**2.6.7. AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE.** The International Mechanical Code, 2009 Edition, shall be amended as follows:

**101.1 Title** Village of Hampton, Illinois shall be inserted in [NAME OF JURISDICTION] and shall be known as The Jurisdiction.

**103.1 GENERAL** add, "The Building Official, the Code Official, the Administrative Officer and the Director of the Department of Zoning & Building Safety shall be inferred to be one and the same."

**106.5.1 Work Commencing before Permit Issuance:** Change to: "Any person, firm, Corporation or Contractor who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty fee equal and in addition to the

permit fee for the entire project, and not limited to the portion of the project done prior to discovery of the violation. Persons or contractors commencing work requiring a permit prior to obtaining the necessary permits more than once in a 5 year rolling period ending on the date of the second violation (including a 2nd occurrence on the same job site) shall be subject to violation penalties as described in **108.4**.

**106.5.2. Fees:** The fee schedule in the Hampton Code of Ordinances, Section 2.6.6.1 shall apply.

**108.4. Violation Penalties.** After "shall be guilty of a" change the remaining text to the following: "petty offense, and shall be subject to remedies as allowed by law. The Building Official is authorized, but not limited to, the following actions:

1. post a STOP WORK order on the subject property; and

2. post a STOP WORK order on any or all other projects being permitted by said person or contractor within the jurisdiction, and

3. post a STOP WORK order on any other contractor who revalidates the permit and uses the original person or contractor who violated the permit requirement to perform the work authorized, and

4. seek fines of not less than \$25.00 and not more than \$1,000.00 per violation with each day a violation is allowed to continue constituting a separate violation and other penalties allowed by law through the Municipal Code Enforcement System or the Rock Island County State's Attorney's Office, and

5. reject permit applications for persons or contractors who change their business name to thwart the intent of this section, and

6. notify any other jurisdiction of such action."

**108.5. Stop Work Orders.** Last sentence after "remove a violation or unsafe condition." and replace with: "shall be subject to the remedies allowed under 108.4 and other penalties as prescribed by law."

**Appendix A** is hereby adopted.

### 2.6.6.1: FEE SCHEDULE - MECHANICAL AND RELATED SYSTEMS

#### WARM AIR FURNACE - WATER AND STEAM BOILERS - SPACE HEATERS UNIT HEATERS - DUCT FURNACE

(For Conversion Burners Use Replacement Fees)

|                   |                | <u>NEW</u> | <u>REPLACEMENT</u> |
|-------------------|----------------|------------|--------------------|
| Up to & including | 50,000 BTUH    | \$7.00     | \$7.00             |
| 50,000 & up to    | 100,000 BTUH   | \$16.00    | \$13.00            |
| 100,001 & up to   | 200,000 BTUH   | \$21.00    | \$19.00            |
| 200,001 & up to   | 300,000 BTUH   | \$27.00    | \$24.00            |
| 300,001 & up to   | 400,000 BTUH   | \$32.00    | \$29.00            |
| 400,001 & up to   | 500,000 BTUH   | \$37.00    | \$35.00            |
| 500,001 & up to   | 600,000 BTUH   | \$43.00    | \$40.00            |
| 600,001 & up to   | 700,000 BTUH   | \$48.00    | \$45.00            |
| 700,001 & up to   | 800,000 BTUH   | \$53.00    | \$51.00            |
| 800,001 & up to   | 900,000 BTUH   | \$59.00    | \$54.00            |
| 900,001 & up to   | 1,000,000 BTUH | \$64.00    | \$61.00            |

*Increase fee \$5.00 per 100,000 BTUH to 5,000,000 BTUH.*

*Increase fee \$3.00 per 100,000 BTUH over 5,000,000 BTUH*

#### ELECTRIC HEAT

|            |       |         |
|------------|-------|---------|
| 1 KW thru  | 14 KW | \$7.00  |
| 15 KW thru | 29 KW | \$16.00 |
| 30 KW thru | 59 KW | \$21.00 |
| 60 KW thru | 89 KW | \$27.00 |

*Any rating over 89 KW shall be converted to BTUH and charged according to furnace schedule.*

#### AIR CONDITIONING

|  |         |
|--|---------|
| Up to and including 2½ Ton             | \$11.00 |
| Over 2½ Ton up to and including 5 Ton  | \$15.00 |
| Over 5 Ton up to and including 7½ Ton  | \$20.00 |
| Over 7½ Ton up to and including 10 Ton | \$27.00 |
| Over 10 Ton up to and including 15 Ton | \$33.00 |
| Over 15 Ton up to and including 20 Ton | \$40.00 |
| Over 20 Ton up to and including 25 Ton | \$47.00 |

*Increase fee \$6.00 for every 5 Tons over 25 Tons.*

**NOTE:** *Air Conditioning with duct will be charged 1 step higher than tonnage rate.*

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## ARTICLE 7

### CONSTRUCTION OF UTILITY FACILITIES IN THE PUBLIC RIGHTS-OF-WAY (Ord. 645, February 22, 1999)

#### 2.7.1 PURPOSE AND SCOPE

**A) PURPOSE.** The purpose of this Article 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) FACILITIES SUBJECT TO THIS ARTICLE**

. This Article applies to all facilities on, over, above, along, upon, under, across, or within the public rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Article 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.

**C) FRANCHISES, LICENSES, OR SIMILAR AGREEMENTS.** 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 Article.

#### **D) EFFECT OF FRANCHISES, LICENSES, OR SIMILAR AGREEMENTS.**

1) Utilities Other Than Telecommunications Providers. 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) Telecommunications Providers. In the event of any conflict with, or inconsistency between, the provisions of this Article 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.

#### **E) CONFLICTS WITH OTHER ARTICLES.**

This Article supersedes all Articles or parts of Articles adopted prior hereto that are in conflict herewith, to the extent of such conflict.

#### **F) CONFLICTS WITH STATE AND FEDERAL LAWS.**

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

#### **G) SOUND ENGINEERING JUDGMENT.**

The Village shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article 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.

#### 2.7.2 DEFINITIONS.

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

**"AASHTO"** - American Association of State Highway and Transportation Officials.

**"ANSI"** - American National Standards Institute.

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

**"ASTM"** - American Society for Testing and Materials.

**"Backfill"** - The methods or materials for replacing excavated material in a trench or pit.

**"Bore" or "Boring"** - To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

**"Carrier Pipe"** - The pipe enclosing the liquid, gas or slurry to be transported.

**"Casing"** - A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

**"Clear Zone"** - 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.

**"Coating"** - Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

**"Code"** - The Municipal Code of the Village of Hampton

**"Conductor"** - Wire carrying electrical current.

**"Conduit"** - A casing or encasement for wires or cables.

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

**"Cover"** - The depth of earth or backfill over buried utility pipe or conductor.

**"Crossing Facility"** - A facility that crosses one or more right-of-way lines of a right-of-way.

**"Director of Public Works"** - The Village Director of Public Works or his or her designee.

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

**"Emergency"** - 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.

**"Encasement"** - Provision of a protective casing.

**"Engineer"** - The Village Engineer or his or her designee.

**"Equipment"** - Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

**"Excavation"** - The making of a hole or cavity by removing material, or laying bare by digging.

**"Extra Heavy Pipe"** - Pipe meeting ASTM standards for this pipe designation.

**"Facility"** - All structures, devices, objects, and materials (including track and rails, wires, ducts, fiber optic cable, communications and

ducts, fiber optic cable, communications and video cables and wires, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article, except those owned by the Village.

**"Freestanding Facility"** - A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

**"Frontage Road"** - Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

**"Hazardous Materials"** - 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, but not limited to 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.

**"Highway Code"** - The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

**"Highway"** - A specific type of right-of-way used for vehicular traffic including rural or urban roads or streets. "Highway" 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.

**"IDOT"** - Illinois Department of Transportation.  
**"ILCC"** - Illinois Commerce Commission.

**"Jacking"** - Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

**"Jetting"** - Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

**"Joint Use"** - The use of pole lines, trenches or other facilities by two or more utilities.

**"Major Intersection"** - The intersection of two or more major arterial highways.

**"Occupancy"** - The presence of facilities on, over or under right-of-way.

**"Parallel Facility"** - A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

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

**"Pavement Cut"** - The removal of an area of pavement for access to facility or for the construction of a facility.

**"Permittee"** - That entity to which a permit has been issued pursuant to Sections 2.7.4 and 2.7.5 of this Article.

**"Practicable"** - That which is performable, feasible or possible, rather than that which is simply convenient.

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

**"Petroleum Products Pipelines"** - Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

**"Prompt"** - That which is done within a period of time specified by the Village. If no time period is specified, the period shall be 30 days.

**"Public Entity"** - A legal entity that constitutes or is part of the government, whether at local, state or federal level.

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

**"Public Entity"** - A legal entity that constitutes or is part of the government, whether at local, state or federal level.

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

**"Right-of-Way"** - Any street, alley, other land or waterway, dedicated or commonly used for utility 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" 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.

**"Roadway"** - That part of the highway that includes the pavement and shoulders.

**"Sale of Telecommunications at Retail"** - 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.

**"Security Fund"** - That amount of security required pursuant to Section 2.7.10.

**"Shoulder"** - 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.

**"Sound Engineering Judgment"** - A decision(s) consistent with generally accepted engineering principles, practices and experience.

**"Telecommunications"** - This term 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, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as defined in the Illinois Telecommunications Infrastructure Maintenance Fee Act, 35 ILCS 635/1 et seq. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

**"Telecommunications Provider"** - Means any person that installs, owns, operates or controls facilities in the public right-of-way used or designed to be used to transmit telecommunications in any form.

used or designed to be used to transmit telecommunications in any form.

**"Telecommunications Retailer"** - Means and includes every person engaged in making sales of telecommunications at retail as defined herein.

**"Trench"** - A relatively narrow open excavation for the installation of an underground facility.

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

**"Vent"** - A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

**"Village"** - The Village of Hampton, Illinois.

**"Water Lines"** - Pipelines carrying raw or potable water.

**"Wet Boring"** - Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

### **2.7.3 ANNUAL REGISTRATION REQUIRED.**

Every utility that occupies right-of-way within the Village shall register on January 1 of each year with the Engineer 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 Section 2.7.8 of this Article, in the form of a certificate of insurance. A telecommunications provider that has registered under this Section, shall be deemed to have satisfied the registration requirement under Section 2.7.2 of this Code.

### **2.7.4 PERMIT REQUIRED; APPLICATIONS AND FEES.**

**A) PERMIT REQUIRED.** No person shall construct (as defined in this Article) 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 Article), 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 [Director of Public Works] and obtaining a permit from the Village therefor, except as otherwise provided in this Article. 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) PERMIT APPLICATION.** All applications for permits pursuant to this Article 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 is reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

**C) MINIMUM GENERAL APPLICATION REQUIREMENTS.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

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:

i) 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

ii) 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 ILCC 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 Section 2.7.8 of this Article;

8) Evidence of posting of the security fund as required in Section 2.7.10 of this Article;

9) Any request for a variance from one or more provisions of this Article (See Section 2.7.21); and

10) Such additional information as may be reasonably required by the Village.

**D) SUPPLEMENTAL APPLICATION REQUIREMENTS FOR SPECIFIC TYPES OF UTILITIES.** In addition to the requirements of Subsection c) of this Section, 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 new electric power, communications or natural gas distribution system installation, evidence that any "Certificate of Public Convenience and Necessity" has been issued by the ILCC that the applicant is required by law, or has elected, to obtain;

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 and the Metropolitan Water Reclamation District [other local or state entities with jurisdiction], 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) APPLICANT'S DUTY TO UPDATE INFORMATION.** Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within thirty (30) days after the change necessitating the amendment.

days after the change necessitating the amendment.

**F) APPLICATION FEES.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a fee in the amount of one hundred dollars (\$100.00), plus actual costs for the use of outside consultants for plan review and inspection or both will be charged. No application fee is required to be paid by any telecommunications retailer that is paying the municipal telecommunications infrastructure maintenance fee pursuant to Article 4 Title 3 of this Code or the optional state telecommunications infrastructure maintenance fee pursuant to the Telecommunications Municipal Infrastructure Maintenance Fee Act, or by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

#### **2.7.5 ACTION ON PERMIT APPLICATIONS.**

**A) VILLAGE REVIEW OF PERMIT APPLICATIONS.** Completed permit applications, containing all required documentation, shall be examined by the Village Engineer within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Village Engineer shall reject such application in writing, stating the reasons therefor. If the Village Engineer is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Village Engineer shall issue a permit therefor as soon as practicable.

#### **B) ADDITIONAL VILLAGE REVIEW OF APPLICATIONS OF TELECOMMUNICATIONS RETAILERS.**

1) Pursuant to Section 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 Article 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 ten (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 Village Engineer 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) ten (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) twenty-five (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 Article.

3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to Section 2.7.4 of this Article 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.

#### **2.7.6 EFFECT OF PERMIT.**

**A) AUTHORITY GRANTED; NO PROPERTY RIGHT OR OTHER INTEREST CREATED.** A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Article 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 public rights-of-way.

impinge upon the rights of others who may have an interest in the public rights-of-way.

**B) COMPLIANCE WITH ALL LAWS REQUIRED.** The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and all applicable statutes, laws, ordinances, rules, and regulations.

**2.7.7 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 ninety (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 Article, it shall be treated as a request for variance in accordance with Section 7.2.21 of this Article. 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.

## **7.2.8 INSURANCE.**

**A) REQUIRED COVERAGES AND LIMITS.** Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs 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:

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

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

iii) Five million dollars (\$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 one million dollars (\$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 one million dollars (\$1,000,000) per employee and per accident.

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

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

**D) MAINTENANCE AND RENEWAL OF REQUIRED COVERAGES.** The insurance policies required by this Section shall contain the following endorsement:

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



written notice addressed to the Village Manager] of such intent to cancel or not to renew."

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

**E) SELF-INSURANCE.** 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) EFFECT OF INSURANCE AND SELF-INSURANCE ON UTILITY'S LIABILITY.** The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

#### **2.7.9 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 Article 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 Article by the Village, its officials, officers, employees, agents or representatives.

#### **2.7.10 SECURITY.**

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

1) The faithful performance by the permittee of all the requirements of this Article;

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 Article; 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 nonperformance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article 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 Article or any other applicable law.

pursuant to this Article or any other applicable law.

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

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

**D) WITHDRAWALS.** The Village, upon fourteen (14) days' advance written notice clearly stating the reason for, and its intention

to exercise withdrawal rights under this Subsection, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the Village for such amount within the fourteen (14) day notice period. Withdrawals may be made if the permittee:

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 nonperformance by the permittee; or

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

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

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

**G) CLOSING AND RETURN OF SECURITY FUND.** Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this Article 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

compensate the Village for failure by the permittee to comply with any provisions of this Article 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) RIGHTS NOT LIMITED.** The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Article 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.

#### **2.7.11 PERMIT       SUSPENSION       AND REVOCATION.**

**A) VILLAGE RIGHT TO REVOKE PERMIT.** The Village may revoke or suspend a permit issued pursuant to this Article 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 Article;

3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the public 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) NOTICE OF REVOCATION OR  
SUSPENSION.** The Village shall send written

notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this Section 2.7.11.

**C) PERMITTEE ALTERNATIVES UPON  
RECEIPT OF NOTICE OF REVOCATION OR  
SUSPENSION.** Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

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 public rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within ten (10) days after receipt of the written notice of revocation. The Village may, in its discretion, for good cause shown, extend the time periods provided in this Subsection.

**D) STOP WORK ORDER.** In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within Subsection a) of this Section.

**E) FAILURE OR REFUSAL OF THE  
PERMITTEE TO COMPLY.** 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 twenty (20) days notice to the permittee, remove the subject facilities or equipment; or

(2) upon not less than twenty (20) days notice to the permittee, remove the subject facilities or equipment; or

(3) after not less than thirty (30) days notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

#### **2.7.12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.**

**A) NOTIFICATION OF CHANGE.** A utility shall notify the Village no less than thirty (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 all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

**b) Amended Permit.** 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) Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

#### **2.7.13 GENERAL CONSTRUCTION STANDARDS.**

**A) STANDARDS AND PRINCIPLES.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering

judgment and, where applicable, the principles and standards set forth in the following IDOT publications:

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) INTERPRETATION OF MUNICIPAL STANDARDS AND PRINCIPLES.** If a discrepancy exists between or among differing principles and standards required by this Article, 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.

#### **2.7.14 TRAFFIC CONTROL.**

**A) MINIMUM REQUIREMENTS.** The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

**B) WARNING SIGNS, PROTECTIVE DEVICES, AND FLAGGERS.** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when

necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

**C) INTERFERENCE WITH TRAFFIC.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

**D) NOTICE WHEN ACCESS IS BLOCKED.** At least forty-eight (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 pursuant to Section 2.7.20 of this Article, the utility shall provide such notice as is practicable under the circumstances.

**E) COMPLIANCE.** 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.

#### **2.7.15 LOCATION OF FACILITIES.**

##### **A) PARALLEL FACILITIES LOCATED WITHIN HIGHWAYS.**

1) Overhead Parallel Facilities. An overhead parallel facility may be located within the right-of-way lines of a highway only if:

i) 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;

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

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

iv) No pole is located in the ditch line of a highway; and

v) Any ground-mounted appurtenance is located within one foot (0.3 m) of the right-of-way line or as near as possible to the right-of-way line.

**2) UNDERGROUND PARALLEL FACILITIES.** An underground parallel facility may be located within the right-of-way lines of a highway only if:

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

ii) 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

iii) 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 five (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.

##### **B) FACILITIES CROSSING HIGHWAYS.**

1) No Future Disruption. 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) Cattle Passes, Culverts, or Drainage Facilities. Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.

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

ninety (90) degree angle to the centerline as practicable.

4) Overhead Power or Communication Facility. An overhead power or communication facility may cross a highway only if:

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

ii) Poles are located within one foot (0.3 m) of the right-of-way line of the highway and outside of the clear zone; and

iii) Overhead crossings at major intersections are avoided.

5) Underground Power or Communication Facility. An underground power or communication facility may cross a highway only if:

i) The design materials and construction methods will provide maximum maintenance-free service life; and

ii) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.

6) Markers. 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)).

**C) FACILITIES TO BE LOCATED WITHIN PARTICULAR RIGHTS-OF-WAY.** The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

#### **D) FREESTANDING FACILITIES.**

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.

#### **E) APPEARANCE STANDARDS.**

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 highway user or impair the aesthetic quality of the lands being traversed.

#### **F) ABOVE GROUND INSTALLATION.**

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.

#### **G) FACILITY ATTACHMENTS TO BRIDGES OR ROADWAY STRUCTURES.**

1) Facilities may be installed as attachments to bridges or roadway structures only 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

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:

i) 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;

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

iii) The alternative routings available to the utility and their comparative practicability;

iv) The proposed method of attachment;

v) The ability of the structure to bear the increased load of the proposed facility;

vi) The degree of interference with bridge maintenance and painting;

vii) The effect on the visual quality of the structure; and

viii) The public benefit expected from the utility service as compared to the risk involved.

#### **2.7.16 CONSTRUCTION METHODS AND MATERIALS.**

##### **a) Standards and Requirements for Particular Types of Construction Methods.**

###### **1) Boring or Jacking.**

i) Pits and Shoring. Boring or jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Village Engineer 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.

ii) Wet Boring or Jetting. Wet boring or jetting shall not be permitted under the roadway.

iii) Borings with Diameters Greater Than 6 Inches. 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).

iv) Borings with Diameters 6 Inches or Less. Borings of six inches or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.

v) Tree Preservation. Any facility located within the drip line of any tree designated by the Village to be preserved shall be bored under or around the root system.

2) Trenching. 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."

i) Length. The length of open trench shall be kept to the practicable minimum consistent with requirements for pipeline testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Village Engineer[Director of Public Works].

ii) Open Trench and Excavated Material. 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.

iii) The utility shall not trench within the drip line of any tree designated by the Village to be preserved.

### 3) Backfilling.

i) 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.

ii) 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 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 Engineer.

4) Pavement Cuts. 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 under Section 2.7.21, the following requirements shall apply:

i) Any excavation under pavements shall be backfilled as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Engineer.

ii) 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.

iii) All saw cuts shall be full depth.

iv) For all rights-of-way which have been reconstructed with a concrete surface/base in the last seven (7) years, or resurfaced in the last three (3) 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 J.U.L.I.E. locate.

### 5) Encasement.

i) 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.

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

iii) 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.

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

v) 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;

vi) 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.

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



| TYPE OF FACILITY                                  | MINIMUM COVER                                 |
|---|---|
| Power or Communication Line (In General)          | 30 Inches (0.8 m)                             |
| Communication Line Installed by the Plowed method | 24 Inches (0.6 m)                             |
| Gas or Petroleum Products                         | 30 Inches (0.8 m)                             |
| Water Line  | Sufficient Cover to Provide Freeze Protection |
| Sanitary Sewer, Storm Sewer, or Drainage Line     | Sufficient Cover to Provide Freeze Protection |

## **B) STANDARDS AND REQUIREMENTS FOR PARTICULAR TYPES OF FACILITIES.**

### **1) Electric Power or Communication Lines.**

i) Code Compliance. 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 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.

ii) Overhead Facilities. 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.

### **iii) Underground Facilities.**

(1) 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.

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

(a) 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

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

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

2) Underground Facilities Other than Electric Power or Communication Lines. Underground facilities other than electric power or communication lines may be installed by:

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

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

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

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

3) Gas Transmission, Distribution and Service. 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. Petroleum products pipelines within rights-of-way shall conform to the applicable

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) Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines. 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. 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 Engineer. With the approval of the 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) MATERIALS.**

1) General Standards. 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) Material Storage on Right-of-Way. 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 Engineer[Director of Public Works] when emergency work is required to restore vital utility services.

3) Unless otherwise permitted by the Village, the hours of construction are those set forth in Article 2.7 of this Code.

#### **E) LOCATION OF EXISTING FACILITIES.**

Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing aboveground 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 J.U.L.I.E., 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.)

#### **2.7.17 VEGETATION CONTROL.**

##### **A) TREE TRIMMING PERMIT REQUIRED.**

Tree trimming 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 Article.

require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.

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.

**B) 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.

**C) CHEMICAL USE.** 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[Director of Public Works] that such spraying is the only practicable method of vegetation control.

## **2.7.18 REMOVAL, RELOCATION, OR MODIFICATIONS OF UTILITY FACILITIES.**

**A) NOTICE.** Within ninety (90) days following written notice from the Village, a utility shall, at its own expense, temporarily or permanently 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 thirty (30) days following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the public rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the public 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 Article; 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 public rights-of-way of the Village, the utility shall notify the Village within ninety (90) days.

the utility, if known, after cutting or removing a facility.

**D) ABANDONMENT OF FACILITIES.** Upon abandonment of a facility within the public rights-of-way of the Village, the utility shall notify the Village within ninety (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.

**2.7.19 CLEANUP AND RESTORATION.** Upon completion of all construction or maintenance of facilities, the utility shall remove all excess material and restore all turf and terrain in a timely manner and 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.

#### **2.7.20 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 noncompliance 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[Director of Public Works] 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 of a description of the repairs undertaken in the right-of-way within 48 hours after an emergency repair.

#### **2.7.21 VARIANCES.**

**A) REQUEST FOR VARIANCE.** A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Village Engineer as a part of the permit application. The request shall identify each provision of this Article 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

**B) AUTHORITY TO GRANT VARIANCES.** The Village Engineer shall decide whether a variance is authorized for each provision of this Article 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 Article but which carry out the purposes of this Article.

**2.7.22 PENALTIES.** Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine 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 Article. 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 who does not pay the costs apportioned to it.

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

**2.7.24 SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Article 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.

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# Village of Hampton, Illinois

## Application for Construction of Utility Facilities in the Public Rights of Way

**For Use Of This Form See Article 7 of Title Two, Hampton Village Code**

|   |         |                     |     |
|---|---------|---------------------|-----|
| Utility Name  |         | Utility Address     |     |
| Phone Number  |         | Fax Number          |     |
| Applicant's Name  |         | Applicant's Address |     |
| Phone Number  |         | Fax Number          |     |
| Describe the Applicant's Interest in the Work:  |         |                     |     |
| List the Names, Addresses, and Phone Numbers of all professional consultants, if any, advising the Applicant with respect to the application. Use additional sheets if necessary:   |         |                     |     |
| Name  | Address | Phone               | Fax |
| Name  | Address | Phone               | Fax |
| Name  | Address | Phone               | Fax |
| General Description of the Proposed Work (use additional sheets if necessary)   |         |                     |     |
| Purpose / Intent of the Facility (use additional sheets if necessary)   |         |                     |     |
| Uses to Which the Facility Will Be Put (use additional sheets if necessary)   |         |                     |     |
| <p style="text-align: center;"><b>Attach the Following Documentation</b></p> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Traffic Control Plan (Section 2.7.4 (C) (5) i)         </div> <div style="width: 50%;"> <input type="checkbox"/> Certificate of Insurance (Section 2.7.8)         </div> <div style="width: 50%;"> <input type="checkbox"/> Emergency Contingency Plan (Section 2.7.4 (C) (5) ii)         </div> <div style="width: 50%;"> <input type="checkbox"/> Evidence of Security Fund (Sec. 2.7.10)         </div> <div style="width: 50%;"> <input type="checkbox"/> Drawings, Plans, and Specifications         </div> <div style="width: 50%;"> <input type="checkbox"/> Any Request for a Variance (Section 2.7.21)         </div> </div> |         |                     |     |





## ARTICLE 1

### LICENSING

#### 3.1.1: AMUSEMENT DEVICES

(Ord. 207, September 3, 1949)

**A) DEFINITIONS:** Whenever the following words or terms are used in this Article, they shall have such meanings as ascribed to them below, unless the context specifically indicates otherwise:

**"Amusement Device"** Any automatic musical instrument and automatic motion picture machine, including phonograph, player piano, music box "juke box", or other instrument or device capable of producing or reproducing any vocal or instrument sounds and motion picture machines and motion picture sound machines which are governed or controlled by the deposit of a coin or token.

Any pinball or ball table machine or marble machine or any other similar type of game or machine or table in which any ball, sphere, missile, arm, crane, rod, or plunger is struck, released controlled or manipulated for the purpose of amusement or skill, or any machine operated by electric beam or electrical impulse or any other type of mechanical or electrical machine or game controlled or manipulated for the purpose of amusement or skill and in which a test of skill is involved, and for the playing of which a fee is charged.

Any game, such as shuffleboard, played by driving with the hand on a cue or any other stick, pieces of metal, wood or other substances toward certain marks or marked squares or compartments on a table, floor or other surface, and which game is played for the purpose of amusement or skill and in which a test of skill is involved, and for the playing of which a fee is charged.

**B) LICENSE REQUIRED:** No person shall keep or permit to be kept any amusement device in any public or private place for general operation by or for the amusement of the public without first having applied for and received a license for each amusement device.

**C) APPLICATION:** Applicants must file the following information with the Village Clerk:

- 1) name of the applicant
- 2) description of the amusement device, including factory, model or other distinguishing number or identification
- 3) location of the premises where the amusement device or devices are to be kept for use.

**D) LICENSE FEE:** The annual license fee for each amusement device kept or installed on any premises shall be twenty dollars (\$20.00), and shall be payable in advance on or before December 1st of each license year. No license issued shall be transferable. The license issued shall be affixed in a conspicuous place in or upon the amusement device for which it is issued.

**E) SPECIAL REGULATIONS:** No license issued shall permit the operation of any amusement device at any place or in any manner which will disturb the peace and quiet of persons outside the premises where the amusement device or devices are located.

**F) PENALTY:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

Each day or fraction of a day that this ordinance is violated shall constitute and be considered a separate offense.

#### 3.1.2: BILLIARD TABLES, POOL TABLES, BOWLING ALLEYS, AND NINE AND TEN PIN ALLEYS (Ord. 116, April 5, 1924)

**A) LICENSE REQUIRED:** No person shall keep for public use, or let for hire, gain or profit within the corporate limits of the Village any billiard table, pool table, bowling alley or nine or ten pin alleys, without a license.

**B) LICENSE FEE:** A license fee of five dollars (\$5.00) is required for each billiard table, pool table bowling alley or nine or ten pin alley.

**C) PENALTY:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

### **3.1.3: HOUSE MOVERS** (Ord. 290, July 9, 1962)

**A) LICENSE REQUIRED:** No person shall move any building or other structure along the streets, avenues or alleys of the Village without first obtaining a license as a house mover.

**B) LICENSE FEE AND BOND:** Any person may obtain a license as a house mover upon the payment of an annual license fee of one hundred dollars (\$100.00) and the execution to the Village of a bond in the sum of fifty thousand dollars (\$50,000.00).

#### **1) CONDITIONS:**

a) The party applying for the license will pay the Village and any owner or owners any and all damages which may occur to any trees, pavements, streets or sidewalks, telegraph, telephone or electric light wire within the Village, whether the damage or injury shall be inflicted by the party or his agent, employee or workmen.

b) A certificate of insurance shall be presented indicating that the house mover has public liability insurance in the amounts of one hundred thousand dollars (\$100,000.00) for bodily injury and one hundred thousand dollars (\$100,000.00) for property damage.

c) The Village shall be held harmless from all suit and damages to property or persons while moving any building or structure along the streets of the Village.

d) The house mover shall not cut wires, but shall give twenty four (24) hours notice to the owners of the house to move and

adjust them. The house mover shall pay for expenses incurred to do so.

e) The party (house mover) will save and indemnify and keep harmless the Village from all liabilities, judgments, costs and expenses which may in any way accrue against the Village in consequence of the granting of the license or any permit, and will in all things comply with the ordinances of the Village and all permits granted to him.

#### **C) BUILDING OR STRUCTURE FEE:**

Any person licensed as a house mover, shall, in addition to all other licenses provided, pay to the Village Clerk the sum of one hundred dollars (\$100.00) for each building or structure to be moved in accordance with these provisions.

1) **PERMIT TO ISSUE:** Whenever such application shall have been filed the Building Inspector shall have authority, in his discretion, to issue a permit to any of the parties applying for the permit to occupy portions of the streets so applied for specifying in the permit all the privileges granted within this ordinance, with the terms and conditions of the ordinance. The said Building Inspector shall see that they are fully and completely complied with. Applicant must present all permits received from the State of Illinois Highway Department when buildings are to be moved along state highways within the corporate limits of the Village.

**D) REVOCATION:** The Building inspector shall have authority in his discretion, to revoke such permits and all privileges granted and to require the removal of all material, dirt, rubbish, and obstruction of any kind placed upon the street.

**E) PENALTY:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

### **3.1.4: KENNELS AND PET SHOPS** (Ord. 472, February 14, 1983)

**A) DEFINITIONS:** Whenever the following words or terms are used in this Section, they shall have such meanings as ascribed to them below, unless the context specifically indicates otherwise.

**ANIMAL:** Any animal, poultry, bird, reptile or any other dumb creature but shall not include any human being.

**ANIMAL CONTROL OFFICER:** An employee of the Village having custody and control of animals within the Village limits.

**CAT:** All animals of the feline species of the age of four (4) months or older.

**DANGEROUS ANIMAL:** Any animal as defined above, of any species considered to be ferocious, mischievous, or intractable at common law, including lions, tigers, other jungle, desert or mountain cats, bears, elephants, wolves, foxes, raccoons, monkeys, apes, poisonous or constrictor snakes or lizards, and shall also mean any animal of any other species known to its owner to be dangerous or any animal which has given its owner or possessor reason to know that it is dangerous.

**DOG:** All animals of the canine species of the age of four (4) months or older.

**INOCULATION:** The injection, subcutaneously, or in such manner as may be approved by the department of agriculture of the state, pursuant to the rabies control act of the state, of anti-rabic vaccine meeting standards approved by the department of agriculture of the state and by the United States Department of Agriculture.

**KENNEL:** Any lot or premises or portion thereof, on which more than four (4) dogs, cats, and/or other household domestic animals, over four (4) months of age are to be kept of which more than two such animals are boarded for compensation or kept for sale.

**LICENSED VETERINARIAN:** A veterinarian duly licensed as such under the laws of the state or of any other state which, by law, provides for the licensing of veterinarians.

**OWNER OR KEEPER:** Includes any person, including individuals, partnerships, corporations, or firms, who shall harbor, suffer, or permit any dog or cat to remain on any premises within the Village under his charge or control.

**RUNNING AT LARGE OR AT LARGE:** Any time an animal is not controlled by a leash and "at heel" beside a competent person whose commands the animal is obedient, on the property of its owner; or confined within a vehicle being driven or parked upon the street while subject to the control of a competent person.

**B) LICENSE REQUIRED:** No person shall engage in the business of buying, selling or dealing in birds, dogs, or other small animals used as household pets and for domestic purposes without first obtaining a license.

**C) APPLICATION:** Any person desiring a license required by this ordinance shall make written application therefor to the Village Clerk, stating the name and residence of the applicant and the place at which the applicant intends or desires to carry on the business, giving the street location as well as a description of the premises.

**D) INVESTIGATION AND ISSUANCE:** Upon the filing of an application for a license required by this ordinance, it shall be the duty of the animal control officer to cause an investigation to be made of the premises named and described in the application for the purpose of determining the fitness and suitability of the premises for the business from a public health standpoint. The animal control officer shall submit to the Village Board the application, together with his recommendation for or against the issuance of the license. If the Village Board shall be satisfied that the applicant or its chief officers, if applicant is a corporation, is in conformity with the provisions of this ordinance, the Village Clerk, upon payment by the applicant of the license fee prescribed in this ordinance, shall issue a license to the applicant.

**E) LICENSE FEE; TERM OF LICENSE:** Any person desiring a license required by this ordinance, where not less than three (3) and not more than a total of twenty (20) birds, dogs, cats, and other small animals are held for sale as household pets and for domestic purposes shall pay a license fee of fifteen dollars (\$15.00) annually; where more than twenty (20) birds, dogs, cats, and other small animals are held for sale as household pets and for domestic purposes, the license fee shall be fifty dollars (\$50.00) annually. Each license issued shall expire on the third Tuesday in April following the date of issuance.

**F) PROVISIONS:** The provisions of this Article entitled "Kennels and pet Shops" are in addition to, and not in replacement of, any law of the State.

### **3.1.5: SOLICITORS, CANVASSERS, AND PEDDLERS (Ord. 469, September 27, 1982)**

**A) REGISTRATION REQUIRED:** No person shall engage in business as a canvasser, solicitor, or peddler, calling at residences without the previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions or business of any kind, or seeking information or donations without first having registered in the Office of the Village Clerk.

**B) APPLICATION:** Applicants must file the following information with the Village Clerk:

- 1) Name and description of the applicant;
- 2) Signature;
- 3) Two (2) portrait photographs of approximately 2" X 2";
- 4) Employers names, address, and phone number;
- 5) A brief description of the nature of the business and the products to be sold;

6) Name of the manufacturer of the products, or the organization being represented;

7) Method of operation to sell the product.

**C) INVESTIGATION AND ISSUANCE:** The Village Clerk shall investigate all information furnished by the applicant, within a period not to exceed fourteen (14) days.

Each applicant who shows evidence of good character and who pays the fee, or who has been exempted from the payment of the fee, shall be furnished a certificate indicating that he or she has registered, showing the dates covered by the registration.

**D) FEE AND DURATION OF PERMIT:** A license fee of one hundred dollars (\$100.00) shall be charged for seasonal non door to door salespersons payable to the Village Clerk. The fee will cover the six (6) month period following the date of the license. Any organization which is exempt from taxation under the Internal Revenue laws of the United States as a bona fide fraternal, charitable, benevolent or nonprofit organization shall be exempted from the payment of the registration fee, and photograph requirements. The registration fee can be paid and the certificate issued only during the working hours of the Village Clerk.

**E) IDENTIFICATION:** Each person shall at all times while soliciting, canvassing, or peddling in the Village shall carry the registration certificate with a 2"X2" portrait photograph attached, and the certificate with attached photograph shall be exhibited by whenever the registrant is required to do so by any police officer or by any person solicited.

**F) EXEMPTIONS:** The provisions of this section shall not apply to officers or employees of the Village, County, State, or Federal Government, or any subdivision when on official business.

**G) REVOCATION:** Registration may be revoked by the President of the Village

Board or the Chief of Police because of any violation by the registrant of this Section or of any other ordinance of the Village, or of any State or Federal law, or whenever the registrant shall cease to possess the qualifications and character required in this Ordinance for the original registration.

**H) PENALTY:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**3.1.6: TRAP SHOOTING, SKEET SHOOTING AND SIMILAR ACTIVITIES (Ord. 197, March 2, 1948)**

**A) LICENSE REQUIRED:** No trap shoots, skeet shoots or similar activities shall be held within the municipal limits of the Village of Hampton, Rock Island County, Illinois unless the sponsor or party holding the trap shoot, skeet shoot or similar activity shall first have secured a license from the Village Clerk.

**B) APPLICATION FOR LICENSE:** The Village Clerk may issue a license to the applicant upon the filing of the following:

1) A written application stating where the trap shoot, skeet shoot or similar activity is to be held and the sponsor of the same; and

2) Evidence that the sponsor has taken out insurance to protect the Village against any and all claims which may arise from the conduct of such trap shoot, skeet shoot or similar activity.

**C) LICENSE FEE:** A license fee of fifteen dollars (\$15.00) is required for each day that the trap shoot, skeet shoot or similar activity is to be conducted.

**D) PENALTY** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**3.1.7: TAX AND LICENSE OF FOREIGN FIRE INSURANCE COMPANIES (Ord. 497, February 25, 1985)**

**A) LICENSE REQUIRED:** It shall be unlawful for any corporation or association, not incorporated under the laws of the State of Illinois, to engage in the Village in effecting fire insurance or to transact any business of fire insurance in the Village, while in default, by not fully complying with any of the requirements of this Section, and until such requirements shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be undertaken in violation of this Ordinance.

**B) FEES:** Any such corporation, company or association not incorporated under the laws of the State of Illinois, which is engaged in the Village in effecting fire insurance, shall pay the Village Treasurer for the maintenance, use and benefit of the Fire Department of the Village, a sum of money equal in amount to two percent (2%) per annum of the gross receipts received as premiums upon fire insurance policies of any and all agents of such corporation, company or association, during the year ending on the first day of July in each year, for any insurance effected, or agreed to be effected on property located in the Village, by or with such corporation, company or association during such year.

**C) REPORTS:** Every person acting in the Village as agent, for or on behalf of any such corporation, company or association shall, on or before the fifteenth (15th) day of July of each and every year, render the Village clerk a full, true and just account verified by his oath, of all premiums upon fire insurance policies which, during the year ending the first day of July preceding such report, shall have been received by him or by some other person for him, in his behalf of any such corporation, company or association on property located in the Village. Such agent shall also at the time of rendering the aforesaid report, pay to the Village Treasurer the sum of money for which such company, corporation or association represented by him is chargeable, by virtue of the provisions of this Ordinance.

1) The sum of money for which such company, corporation or association is so chargeable may be recovered of it, or its agents or agent, by an action in the name of and for the use of the Village as for money had and received. Nothing in this section shall be held to exempt any person, corporation, company or association from indictment and conviction under the provisions of an act entitled "An Act to enable cities, towns and villages, organized under any general or special law, to levy and collect a tax or license fee from foreign insurance companies for the benefit of organized fire departments," in force July 1, 1985.

2) No insurance agent in the Village shall have any insurance business or dealings with any company, association or corporation not incorporated under the laws of this State, which shall be in default for not reporting or making payments, until it shall have complied with all the requirements of this section.

**D) PENALTY:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

### **3.1.8: BUSINESS LICENSE (Rev. Ord. 644, February 8, 1999)**

**A) LICENSE REQUIRED:** No person, firm, partnership, corporation or other entity shall engage in the operation, conduct or carrying on of any trade, profession, business or privilege within the Village of Hampton until the operator of such business shall have secured from the Village a license to operate such business. The license required in this section shall be in addition to any vehicle license, alcoholic beverage license, building permit or fees, or any other license or permit required by any other Village ordinance, state or federal law.

**B) LICENSE EXEMPTIONS:** The requirements of this section shall not apply to any person, firm, partnership, corporation or other entity that meets the following criteria:

1) Any yard sale, estate sale, estate auction or the like.

2) Any religious or not for profit organization conducting a fundraising activity.

3) Any school, school board, Parent Teacher Association (P.T.A.), or any organization associated with any school conducting a fundraising activity.

#### **C) APPLICATION FOR LICENSE:**

Application for the operation of a business is available in the office of the Clerk of the Village and shall be made upon the form prescribed. Upon receipt of an application to operate a business, the Village Board shall have the sole authority to determine whether or not such application shall be approved and a license issued. No license shall be issued, nor shall approval be granted where municipal approval is required for any state or federal license, to any person, firm, partnership, corporation or other entity indebted to the Village on any claim, tax, or account which is more than sixty (60) days delinquent.

**D) TERM OF LICENSE:** Unless otherwise provided, the license term shall begin on May 1 of each year, and shall terminate on April 30 of the following year. Where a license is issued for less than one (1) year, the effective date of such license shall be the date of issue.

**E) LICENSE FEE:** A license fee of fifty dollars (\$50.00) shall be charged for each business license issued. If application for a business license is made more than six (6) months after the beginning of the license term as described above, then the fee for such license shall be twenty five dollars (\$25.00). License fee must be paid in full before the issuance of any license sought.

**F) EXHIBITION OF LICENSE:** Any person, firm, partnership, corporation, or other entity issued a business license under this section shall display such license at all times in a conspicuous location where such trade, profession, business, or privilege is operated, conducted, or carried on.

**G) TRANSFER OF LICENSE:** Unless otherwise provided, no business license shall

be transferable unless such transfer is specifically authorized by the Board of Trustees.

**H) CHANGE OF LOCATION:** The location of any business licensed by the Village may be changed upon written notice to the Clerk of the Village ten (10) days in advance of the date the business will be conducted in the new location, providing that the new location is in compliance with building codes, zoning requirements, and any other applicable requirements of all Village ordinances.

**I) INSPECTION OF PREMISES:** All businesses licensed under this section shall be inspected by officials of the Village semi annually to ensure that businesses comply with the ordinances of the Village.

**J) SUSPENSION OF LICENSE:** Any business license issued by the Village of Hampton may be suspended by any official of the Village for cause, or if conditions precedent to the issue of the business license are not complied with. Notice of suspension must be in written form.

1) For the purposes of this section, the term "cause" as used herein, shall include the doing or omitting of any act, or permitting any condition to exist in connection with any trade, profession, business or privilege for which a license is granted on any premises or facilities used in connection therewith, which act, omission or condition is:

a) Contrary to the health, morals, safety, or welfare of the public;

b) Unlawful, irregular or fraudulent in nature;

c) Not authorized or beyond the scope of the license granted.

d) Forbidden in any ordinance or any duly or adopted rule of the Village, pertaining to the trade, profession, business, privilege or act for which the license has been granted; or

e) The failure to continue to comply with all conditions as precedent to the issuance of the license.

**K) RIGHT TO HEARING:** Any person, firm, partnership, corporation, or other entity holding a business license issued by the Village suspended as aforesaid, shall be entitled to a hearing before the Village Board of Trustees, provided that a written request for such hearing is filed with the Clerk of the Village within ten (10) days after receipt of notice of suspension. The Village Board may confirm such suspension, or it may revoke or reinstate such license, as it shall deem best. The decision of the Village Board shall be final.

**L) PENALTY:** Any person, firm, partnership, corporation, or other entity who engages in the operation, conduct or carrying on of any trade, profession, business or privilege without a license issued by the Village, shall be in violation of this section and shall be subject to a fine of not less than one hundred dollars (\$100.00). Each day or fraction of a day that this section is violated shall constitute and be considered a separate offense.

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# Village of Hampton, Illinois

## Application for Business License

|   |   |   |
|---|---|---|
| Business Name (If no Business Name, Print NONE)   |   |   |
| Location of Business (Street Address)   |   | Business Phone Number   |
| Business Mailing Address  |   |   |
| Type of Business  | <input type="checkbox"/> Retail   | <input type="checkbox"/> Wholesale <input type="checkbox"/> Service |
| Home Occupation   | <input type="checkbox"/> Major  | <input type="checkbox"/> Minor <input type="checkbox"/> N/A         |
| For Home Occupation determination, refer to the Hampton Zoning Ordinance, Section 9.4.9, Home Occupation. |   |   |
| Briefly Describe the Business Activity (i.e., Restaurant, Real Estate Sales, etc.)                        |   |   |
| Days of Week and Hours of Operation:  |   |   |
| C<br>O<br>R<br>P<br>O<br>R<br>A<br>T<br>I<br>O<br>N   | If Corporation, Provide Officers Names, Mailing Address and Corporate Title Below |   |
|   | Name  | Address   |
|   |   |   |
|   |   |   |
|   |   |   |
| P<br>A<br>R<br>T<br>N<br>E<br>R<br>S<br>H<br>I<br>P   | If Partnership, Provide Principal Partners Names and Mailing Address Below        |   |
|   | Name  | Mailing Address   |
|   |   |   |
|   |   |   |
|   |   |   |
| S<br>O<br>L<br>E  | If Sole Owner, Provide Owner's Information Below                                  |   |
|   | Name  | Phone   |
|   | Address   |   |
| City, State, Zip  |   |   |



# Village of Hampton, Illinois

## Retail Business License

Pursuant to Section 3.1.8 of the Village of Hampton Code

Business Owner Name

is hereby granted a license to engage in the operation of the below named trade, profession, business, or privilege within the Village limits of the Village of Hampton known as

Name of Business

Street Address of Business

Issued this \_\_\_ day of \_\_\_, 2000 A.D.

This License expires April 30, 2000 A.D.

Clerk of the Village of Hampton, Illinois

President of the Board of Trustees  
Village of Hampton, Illinois



## ARTICLE 2

### MUNICIPAL UTILITY TAX

(Ordinance 633, January 26, 1998) (Ordinance 640, August 6, 1999)

#### 3.2.1: IMPOSITION

**A)** A tax is imposed on all persons engaged in the following occupations or privileges:

1) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the Village of Hampton and not for resale, at the rate of 5% of the gross receipts therefrom.

2) Repealed Ordinance 640, August 6, 1999.

**B)** No tax is imposed by this Ordinance with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the United States, be made subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity be subject to taxation under the provisions of this Ordinance for such transactions as are or may become subject to taxation, under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1 of the Illinois Municipal Code.

**C)** Such tax shall be in addition to the payment of money, or value or products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

**3.2.2 DEFINITIONS:** For the purposes of this Ordinance, the following definitions shall apply:

**"Gross Receipts"** means the consideration received for distributing, supplying, furnishing or selling gas or electricity, for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever. "Gross receipts" shall not include charges added to customers' bills in respect of other taxes. "Gross receipts" shall not include receipts from any sale to a customer if the taxpayer is prohibited by federal or state constitution, treaty, convention statute or court decision from recovering the related tax liability from such customer.

**"Person"** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator or other representative appointed by order of any court.

**3.2.3 TAX IMPOSED ON GROSS RECEIPTS:** The tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after the 1st day of March, 1998.

**3.2.4 TAX RETURNS REQUIRED:** On or before the last day of April, 1998, each taxpayer shall make a return to the Village Collector for the month of March 1998, stating:

1. His name;

2. His principal place of business;

3. His gross receipts during those months upon the basis of which the tax is imposed;

4. Amount of tax;

5. Such other reasonable and related information as the corporate authorities may require.

On or before the last day of every month thereafter, each taxpayer shall make a like return to the Village Collector for a corresponding one month period.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village Collector, the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if he so elects, report and pay an amount based upon his total billing of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon differences between such billings and the taxable gross receipts.

**3.2.5 ERRONEOUS PAYMENT:** If it shall appear that an amount of tax has been paid which was not due under the provisions of this ordinance, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this ordinance from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefore shall be so credited.

**3.2.7 PENALTY:** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than One Hundred

Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) and in addition shall be liable in a civil action for the amount of tax due.

**3.2.8 IMPOSITION** (Ord 640, August 6, 1999) A Tax is imposed on all persons engaged in the following occupations or privileges:

**A)** Pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2) and all other applicable authority, a tax is imposed on the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:

1. For the first two thousand (2,000) kilowatt hours used or consumed in a month: \$.004630 per kilowatt hour;

2. For the next forty eight thousand (48,000) kilowatt hours used or consumed in a month: \$.003036 per kilowatt hour;

3. For the next fifty thousand (50,000) kilowatt hours used or consumed in a month: \$.002732 per kilowatt hour;

4. For the next four hundred thousand (400,000) kilowatt hours used or consumed in a month: \$.002657 per kilowatt hour;

5. For the next five hundred thousand (500,000) kilowatt hours used or consumed in a month: \$.002581 per kilowatt hour;

6. For the next two million (2,000,000) kilowatt hours used or consumed in a month: \$.002429 per kilowatt hour;

7. For the next two million (2,000,000) kilowatt hours used or consumed in a month: \$.002391 per kilowatt hour;

8. For the next five million (5,000,000) kilowatt hours used or consumed in a month: \$.002353 per kilowatt hour;

9. For the next ten million (10,000,000) kilowatt hours used or consumed in a month: \$.002315 per kilowatt hour;

10. For all electricity used or consumed in excess of twenty million (20,000,000) kilowatt hours used or consumed in a month: \$.002277 per kilowatt hour.

**B)** The tax is in addition to all taxes, fees and other revenue measures imposed by the Village, the State of Illinois or any other political subdivision of the State.

**C)** Notwithstanding any other provision of this Section, the tax shall not be imposed if and to the extent that imposition or collection of the tax would violate the Constitution or statutes of the United States or the Constitution of the State of Illinois.

**D)** The tax shall be imposed with respect to the use or consumption of electricity by residential customers beginning with the first bill issued on or after passage of this Ordinance, and with respect to the use or consumption of electricity by nonresidential customers beginning with the first bill issued to such customers for delivery services in accordance with section 16-104 of the Public Utilities Act (220 ILCS 5/16-104), or the first bill issued to such customers on or after January 1, 2001, whichever occurs sooner.

**3.2.9: REGULATION:** No tax is imposed by this section with respect to any transaction in interstate commerce or otherwise to the extent of which such business may not, under the Constitution and statutes of the United States, be made subject to taxation by this State or any political subdivision thereof, nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity, or engage in the business of transmitting messages be subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying or selling gas or electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this Section for such transactions as are or may be subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by statute and this Ordinance.

Such tax shall be in addition to the payment of money, or value of products or services furnished to the Municipality by the taxpayer as compensation for the use of its streets, alleys or other public places, or installation and maintenance therein, thereon, or thereunder of poles, wires, pipes or other equipment used in operation of the taxpayer's business.

### **3.2.10: COLLECTION OF TAX**

**A)** Subject to the provision of this Ordinance regarding the delivery of electricity to resellers, the tax imposed under this Ordinance shall be collected from purchasers by the person maintaining a place of business in this State who delivers electricity to such purchasers. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and is recoverable at the same time and in the same manner as the original charge for delivering the electricity.

**B)** Any tax required to be collected by this Ordinance, and any tax in fact collected, shall constitute a debt owed to the Village by the person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax.

**C)** Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity shall also be authorized to add such gross charge an amount equal to three percent (3%) of the tax they collect to reimburse them for their expense incurred in keeping records, billing customers, preparing the filing returns, remitting the tax and supplying data to the Village upon request.

### **3.2.11: TAX REMITTANCE AND RETURN**

**A)** Every tax collector shall, on a monthly basis, file a return on a form prescribed by the Village. The return and accompanying remittance shall be due on or

before the last day of the month following the month during which the tax is collected of or is required to be collected of or is required to be collected under Section 3.3.10.

**B)** If the person delivering the electricity fails to collect the tax from the purchaser or is excused from collecting the tax under Section 3.3.12., then the purchaser shall file a return in a form prescribed by the Village and pay the tax directly to the Village on or before the last day of the month following the month during which the electricity is used or consumed.

### **3.2.12: RESALES**

**A)** Electricity that is delivered to a person in the Village shall be considered to be for use and consumption by that person unless the person receiving the electricity has an active resale number issued by the Director of Finance and furnishes that number to the person who delivers the electricity and certifies to that person that the sale is either entirely or partially nontaxable as a sale for resale.

**B)** If a person who receives electricity in the Municipality claims to be an authorized reseller of electricity, that person shall apply to the Municipal Clerk for a resale number. The application shall state facts showing why it is not liable for the tax imposed by this Section on any purchases of electricity and shall furnish such additional information as the Director of Finance may reasonably require.

**C)** Upon approval of the application, the Director of Finance shall assign a resale number to the applicant and shall certify the number to the applicant.

**D)** The Director of Finance may cancel the resale number of any person if the person fails to pay any tax payable under this Section for electricity used or consumed by the person, or if the number:

1) was obtained through misrepresentation; or

2) is no longer necessary because the person has discontinued making resales.

**E)** If a reseller has acquired electricity partly for use or consumption and partly for resale, the reseller shall pay the tax imposed by this Section directly to the Village pursuant to Section 3.2.10 B) on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to Section 3.2.8 A) and remit the tax pursuant to Section 3.3.11 A) on the amount of electricity delivered by the reseller to a purchaser.

Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of this Ordinance shall be excused from collecting and remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the Village the total amount of electricity delivered to the reseller, and such other information that the Village may reasonably require.

**3.2.13: BOOKS AND RECORDS:** Every tax collector and every taxpayer required to pay the tax imposed by this Ordinance shall keep accurate books and records of its business or activity, including contemporaneous books and records denoting the transactions that gave rise, or may have given rise, to any tax liability under this Ordinance. The books and records shall be subject to and available for inspection at all times during business hours of the day.

**3.2.14: DEFINITIONS:** For the purposes of this Ordinance, the following definitions shall apply:

**A) "Gross Receipts"** means the consideration received for the transmission of messages, or for distributing, supplying, furnishing or selling gas, or electricity for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages without any deduction on account of the cost of the service, product or commodity supplied, at the



cost of materials used, labor or service cost or any other expenses whatsoever.

**B) "Transmitting Messages"** in addition to the usual and popular meaning of a person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased) or both, to persons in connection with the transmission of messages where such persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons of the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmission of messages.

**C) "Persons"** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, Municipal corporation or political subdivision of the State, or a receiver, trustee conservator or the representative appointed by order of court. Notwithstanding the foregoing, no municipal utility tax shall be assessed upon bills for utility services rendered to the Village itself.

**D) "Person maintaining a place of business in this State"** means any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

**E) "Purchase at retail"** means any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility as defined in Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2), directly in the generation,

production, transmission, delivery or sale of electricity.

**F) "Purchaser"** means any person who uses or consumes, within the corporate limits of the Village, electricity acquired in a purchase at retail, other than from an Exempt Purchaser.

**3.2.15: CREDIT FOR OVERPAYMENT:** If it shall appear that an amount of tax that has been paid which was not due under the provisions of this Ordinance, whether as the result of a mistake of fact or an error of law, then such an amount shall be credited against any tax due, or to become due, under this Ordinance from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor, shall be so credited. If a taxpayer, under this Ordinance is unable to use a credit authorized by this Section solely because the tax imposed by this Ordinance has been replaced by the tax imposed under Section 3.2.8 then the taxpayer may apply such credit against any tax due under Section 3.2.8.

**3.2.16: STATUTE OF LIMITATION:** No action to recover any amount of tax due under the provisions of this Ordinance shall be commenced more than three (3) years after the due date of such amount.

**3.2.17: PENALTIES:** See Section 181.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)



## **ARTICLE 3**

### **TELECOMMUNICATIONS TAX**

**(Ordinance 633, January 26, 1998)**

**(Repealed Ordinance 02-05, September 16, 2002)**

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Public Act 92-0526 repealed the Municipal Tax on Transmitting Messages under 65 ILCS 5/8-11-2 and the Municipal Telecommunications Tax under 65 ILCS 5/8-11-17 and created a Simplified Telecommunication Tax.

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## **ARTICLE 4**

### **TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE.**

**(Ordinance 629, November 10, 1997)**

**(Repealed Ordinance 02-05, September 16, 2002)**

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Public Act 92-0526 repealed the Municipal Tax on Transmitting Messages under 65 ILCS 5/8-11-2 and the Municipal Telecommunications Tax under 65 ILCS 5/8-11-17 and created a Simplified Telecommunication Tax.

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## ARTICLE 1

### POLICE DEPARTMENT (Ord # 40, June 4, 1904)

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**4.1.1: ORGANIZATION:** The Police Department shall consist of a Chief of Police and other members who shall be appointed by the Village President and Board of Trustees.

**4.1.2: SALARIES:** The Chief of Police and members of the Department shall receive salary as may from time to time be provided by the Board of Trustees.

**4.1.3: DUTIES:**

**A) Police Department:** The "Rules and Duty Manual " adopted as the official manual of the Hampton Police Department shall be the standard rules for which the Police Department shall operate. (Ord # 490, May 14, 1984)

**4.1.4: CROSSING GUARD** (Ord # 346, August 24, 1970)

**A) ORGANIZATION:** The Office of Crossing Guard shall be made the administration of the Chief of Police. The number of Crossing Guards shall be determined by the President and the Board of Trustees by resolution.

**B) TRAINING:** Crossing Guards shall be trained by the Chief of Police.

**C) SALARIES:** Crossing Guards shall be paid at the rate as determined by the Village Board for the school year. They shall be paid out of the Police appropriation.

**D) REQUIREMENTS:** Some knowledge of traffic regulation, ability and willingness to work in the most inclement weather throughout the school year; ability to follow oral and written instructions; courteous tact as well as good physical condition are requirements for the position.

**E) DUTIES:**

1) The duty of the Crossing Guard is to direct traffic in conjunction with movement of children to and from school and related work as required.

2) The work to be done by the Crossing Guards shall be as shown above stated; and for the purpose of illustration only they shall place school bland signs in the roadway at designated points near crossing and remove them before going off duty; control vehicular traffic at designated crossing to allow children to cross safely; control children using the crossing to assure that they conform to traffic regulations; report flagrant traffic violation to police offices and report children who fail to cooperate to immediate supervisor.

3) The President and the Board of Trustees of the Village of Hampton shall by resolution, determine the crossings at which a school Crossing Guard shall be stationed.

**4.1.5 TRAINING (Ord. 728, May 7, 2012)**

**A)** All police officers, other than those officers who shall be employed on a full time basis, shall be qualified to enter and successfully complete any training mandated by the Illinois Law Enforcement Training Standards Board. **(Ord. 699, March 7, 2011)**

**B)** The aforesaid hiring standard, particularly with respect to part time police officers employed by the Village of Hampton, Illinois shall be submitted to the Illinois Law Enforcement Training Standards Board, as required by statute.

**C) Hiring Standards:**

1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.

2) Be at least 21 years of age.

3) Pass a medical examination.

4) Possess a high school diploma or GED certificate.

5) Possess a valid State of Illinois driver's license.

6) Possess no prior felony convictions.

7) Any individual who has served in the U. S. Military must have been honorably discharged.

D) No part time officer may work for more than 1,000 hours per year, unless first approved by the Village Board or in an emergency, the Village President.



## ARTICLE 2

### FIRE DEPARTMENT

(Ord. 253, June 10, 1957) (Rev. Ord. 512, May 9, 1986)  
(Rev. Ord. 558-A, March 9, 1992)

#### 4.2.1: ORGANIZATION: (Rev. Ord. 614, October 14, 1996)

The Fire Department shall consist of fifty (50) firefighters and/or medics and five (5) reserve firefighters. Of this total only fifteen (15) may be out of district members. The Fire Department is divided into two sections: the Operational Section and the Business Section. The Operational Section is headed by the Department Chief and as many officers as he feels necessary. The Department Chief is appointed by the Village President and is approved by the Village Board of Trustees annually. The Business Section of the Department is state chartered and shall elect its own officers in accordance with its constitution and by laws. These officers shall consist of a President, Vice President, Secretary and Treasurer. Other officers shall be appointed by the Department President and shall serve according to the Department constitution and by laws.

#### 4.2.2: DUTIES:

**A) FIRE CHIEF:** The Chief of the Fire Department shall be responsible for the operations of the department. He shall be responsible for the safety and care of all equipment/apparatus belonging to the department. An effort should be made to supply monthly reports of department activity and progress to the Village Board of Trustees. A report of financial needs for the upcoming fiscal year shall be supplied to the Village Board of Trustees by the last board meeting in February. It is the responsibility of the Chief to furnish to the Village Board accurate records of all calls, business meetings, training session and the fire fighters or medics who responded or were in attendance. This report should be made at the first board meeting in January.

**B) ASSISTANT CHIEF:** The first Assistant Chief shall exercise the duties of the Chief during his absence and in general have control of the Fire Department subordinate to the Chief.

**C) CAPTAINS AND LIEUTENANTS:** The duties of the Captains and Lieutenants shall be as described by the Chief. In the absence of the Chief and Assistant Chief, the senior officer is the one in charge.

**D) FIRE FIGHTERS:** The fire fighters' duties include all the areas of fire suppression, medical and other requests for need as long as individual fire fighters have required training and licensing.

**E) MEDICS:** The medics' duties are to function at all calls to the extent of his/her training and licensing, but not to exceed the level at which the Hampton Volunteer Fire Department is legally allowed to operate.

**F) RESERVE FIRE FIGHTERS:** Reserve Fire Fighters are members between the ages of 16 - 18 who have not completed high school. Their actions within the Department are set by the Chief.

#### 4.2.3: GENERAL DUTIES

It shall be the duty of each fireman or medic to care for fire or medical equipment/apparatus and building where the equipment/apparatus is kept.

The Chief and his designated officers shall be the Fire Inspection Department of the Village, and it shall be their duty to inspect, and secure if needed, any building, yard or premises in the Village when any danger or fire shall appear or fire has occurred. They shall notify and coordinate with the Village Building Inspector to assure all Village Codes

and Ordinances are followed and enforced. They shall give written directions to the owner, agent or occupant of any premises containing any of the dangerous structures to remove, alter or amend the same in five (5) days. Failure to comply with this section shall be subject to the General Penalty Clause of the Village of Hampton Codification. They shall also be empowered to inspect any business or public building for public safety or fire hazard conditions. All provisions of the National Fire Code are enforceable. The business owner or occupant shall be informed in writing as to the code that they are in violation of. Failure to correct the condition within the specified time can result in a fine of \$100 (one hundred dollars) and a further sum of \$25 (twenty five dollars) for every day the condition remains.

**4.2.4: SALARY:** Each member of the Fire Department shall be paid for attendance to one training session and one business meeting per month. The amount of pay shall be established by resolution of the Village Board. The amount can be altered at such times as the Village Board deems necessary. Each member of the Fire Department shall be paid for attending calls.

**4.2.5: DISMISSAL OR DISCIPLINARY OFFICERS:**

**A) DEPARTMENT CHIEF:** The Chief may be removed for good cause by the President and Board of Trustees. The President of the Board of Trustees shall submit his reasons for the discharge at the meeting of the Board of Trustees. If the Board approves of the discharge by a majority, it shall be effective.

**B) ASSISTANT CHIEF AND OTHER OFFICERS:** All officers are appointed by the Department Chief. The Department Chief can remove any officer as he may deem necessary for the good of the Department.

**C) FIREMEN OR MEDICS:** All firemen or medics are subject to the Chief and those officers which he has appointed. Any firemen or medic refusing to obey a direct

order of the Chief shall be subject to disciplinary action. All disciplinary action will be reviewed by the Department Chief.

**4.2.6: MISCELLANEOUS**

**A)** The district shall be designated by the Board of Trustees.

**B)** The Fire Department may adopt such constitutions, bylaws and rules of its regulations and government, subordinate to the ordinances of the Village, as it deems best calculated to accomplish the objects of this organization.

**C)** The expense of maintaining the fire trucks and all apparatus and fixtures shall be defrayed by appropriation by the Board of Trustees.

**D)** All members shall reside within the limits of the designated district unless they are willing to cover an assigned tour of duty on a frequency set by the Chief. Non-district residents may function as fire fighters or medics, but **must** be licensed as an EMT-A, EMT-I, or EMT-P. If acting as a fire fighter, members shall have proper training for suppression as approved by the Chief.

**4.2.7: TRAINING: (Rev. Ordinance 9-27-99)** It is the goal of the Village of Hampton Fire Department to provide high quality service to the citizens of the Village. Employees are our most valuable resource, with training being a key element. The Village of Hampton will reimburse employees (Fire Department members in good standing) the cost of their training up to the level which the Hampton Fire Department is legally authorized to operate. All reimbursements for training must be approved by the Chief. Reimbursement will be upon proof of successful completion of the training.

Effective on passing of this ordinance, any employee who is reimbursed the cost of his or her training shall sign a contract to provide services, following all guidelines established by the chief for a period of two years. Any

contractual reimbursement shall be issued for training only within 6 months of the successful completion of training. Any employee breaking this contract must reimburse the Village using the following schedule:

Up to 6 months reimbursement will be in the amount of 100%

From 6 months and one day to 12 months, reimbursement will be in the amount of 75%

From 12 months and one day to 18 months, reimbursement will be in the amount of 50%

From 18 months and one day to 24 months, reimbursement will be in the amount of 25%

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## ARTICLE 3

### ANIMALS AND FOWL (Ord. 472, February 14, 1983)

**4.3.1: DEFINITIONS:** Whenever the following words or terms are used in this Article, they shall have such meanings as ascribed to them below, unless the context specifically indicates otherwise.

**ANIMAL:** Any animal, poultry, bird, reptile or any other dumb creature but shall not include any human being.

**ANIMAL CONTROL OFFICER:** An employee of the Village having custody and control of animals within the Village limits.

**CAT:** All animals of the feline species of the age of four (4) months or older.

**DANGEROUS ANIMAL:** "Dangerous Animal" means any individual animal which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, approaches, in a vicious or terrorizing manner, any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places. (Rev. Ord. 569, June 28, 1993)

**DOG:** All animals of the canine species of the age of four (4) months or older.

**ENCLOSURE:** "Enclosure" means a fence or structure of at least six (6) feet in height, forming or causing an obstruction suitable to prevent the entry of young children, and suitable to confine a vicious animal in conjunction with other measures which may be taken by the owner or keeper. Any opening to said enclosure shall be securely closed and locked and said enclosure shall be designed with secure sides, top and bottom and shall be designed to prevent the animals from escaping from the enclosure.

**IMPOUNDED:** Impounded means taken into the custody of the public pound in the Village of Hampton where the vicious animal is found. (Rev. Ord. 569, June 28, 1993)

**INOCULATION:** The injection, subcutaneously, or in such manner as may be approved by the department of agriculture of the state, pursuant to the rabies control act of the state, of anti-rabic vaccine meeting standards approved by the department of agriculture of the state and by the United States Department of Agriculture.

**KENNEL:** Any lot or premises or portion thereof, on which more than four (4) dogs, cats, and/or other household domestic animals, over four (4) months of age are to be kept of which more than two such animals are boarded for compensation or kept for sale.

**LICENSED VETERINARIAN:** A veterinarian duly licensed as such under the laws of the state or of any other state which, by law, provides for the licensing of veterinarians.

**OWNER OR KEEPER:** Includes any person, including individuals, partnerships, corporations, or firms, who shall harbor, suffer, or permit any dog or cat to remain on any premises within the Village under his charge or control.

**RUNNING AT LARGE OR AT LARGE:** Any time an animal is not controlled by a leash and "at heel" beside a competent person whose commands the animal is obedient, on the property of its owner; or confined within a vehicle being driven or parked upon the street while subject to the control of a competent person.

**VICIOUS ANIMAL:**

1) Any individual animal that, when unprovoked, inflicts bites on or attacks a human being or other domestic animals; or

2) any individual animal which attacks a human being or domestic animal without provocation causing injury or otherwise endangering the safety of human beings or domestic animals; or

3) any individual animal which has been found to be a "dangerous animal" upon three (3) separate occasions.

No animal shall be deemed "vicious" if it bites, attacks, or menaces a trespasser within the domicile of its owner or harms or menaces anyone who has abused it or is an animal professionally trained for law enforcement duties or guard duties. (Rev. Ord. 569, June 28, 1993)

**4.3.2: CRUELTY:** No person may be cruel to any animal. Cruelty to an animal shall consist of one of the following acts:

**A)** By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating, or cruelly killing any animal, or causing or knowingly allowing the same to happen.

**B)** By unnecessarily failing to provide any animal in his charge or custody as owner or otherwise, with proper food, drink, shelter and air.

**C)** By abandoning any animal in a pound, veterinary clinic, or on the premises of others.

**4.3.3: SHOOTING OR MOLESTING BIRDS:** The shooting or in any manner molesting any bird, or the robbing or any bird's nest by any person is hereby declared to be an offense.

**4.3.4: ANIMAL FIGHTS:** No person shall instigate, cause or procure any dog fight, cock fight, or any public or private fighting of animals within the Village.

#### **4.3.5: RUNNING AT LARGE**

**A)** No person shall keep any cattle, sheep, goats, horses, mules, swine, or domestic fowl of the species of geese, ducks, turkeys, guinea hens, or chickens at any place or upon any premises in the Village, nor shall any such

animals be permitted to run at large within the Village.

**B)** The animals and fowl prohibited from being kept in the Village or running at large in the Village by subsection A) above, are hereby declared to be a nuisance.

**C)** The provisions of this Section shall not apply to any duly licensed animal shelter.

**D) Public Nuisance.** It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods. Professionally trained guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police owned dogs are exempt from this Section; provided an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with Chapter 8 of the Illinois Revised Statutes. It shall be the duty of the owner of such exempted dog to notify the Animal Control Officer of the Village of changes of address. In the case of a sentry or guard dog, the owner shall keep the Animal Control Officer advised of the location where such dog will be stationed. The Animal Control Officer shall provide Police and Fire Department with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him.

In the event it is determined that a dangerous dog or other animal exists in the Village of Hampton, the Village Attorney may file a complaint in the Circuit Court on behalf of said Village to enjoin all persons maintaining or permitting such dangerous dog or other animal, to abate the same and to enjoin the owner of such dog or other animal from permitting such dog or other animal to leave his premises when not under control by leash or other recognized control methods. If the existence of this nuisance is so established by ordinance, the court may enter an order restricting the owner from maintaining such

nuisance and may order that such dog or other animal be humanely dispatched. (Rev. Ord. 569, June 28, 1993)

**4.3.6: VICIOUS ANIMALS (Rev. Ord. June 28, 1993)** It shall be unlawful for any person to keep or maintaining animal which has been found to be a vicious animal unless such animal is kept in an enclosure. The enclosure shall be posted with a sign 8 ½ inches by 11 inches; with white background and red lettering. The lettering shall be a minimum of 2 inches in height and shall read: DANGER VICIOUS ANIMAL.

The sign shall be firmly attached to the enclosure on all exposed sides. The only times that a vicious animal may be allowed out of the enclosure is;

1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious animal; or

2) to comply with the order or a court of competent jurisdiction, provided that said vicious animal is securely muzzled and restrained with a chain having tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious animal.

If the Animal Control Officer deems that an animal is vicious, said Animal Control Officer shall notify said owner or keeper of such determination in writing. The written notification may be hand delivered or sent by registered mail. When an owner or keeper is so notified, he shall comply immediately with the provisions of this Ordinance. The Animal Control officer may impound said animal and file an action in court for an order authorizing the destruction of such vicious animal by lethal injection. It shall be unlawful for any owner or keeper of a vicious animal to sell or give away any vicious animal.

**4.3.7: INDECENT EXHIBITION:** No person shall in any manner instigate, cause or procure, or assist in any indecent or immoral show or exhibition of any animal within the limits of the Village.

**4.3.8: ANIMAL BITES, ADMINISTRATIVE POSSESSION:** In the event that the owner of any animal which has bitten a human refuses to turn the animal over to the Animal Control Officer, the Animal Control officer may obtain an administrative search warrant to enter the premises of the owner and take possession of the animal.

**4.3.9: NONRESIDENT NOT TO HAVE ANIMALS IN THE VILLAGE; EXCEPTIONS**

**A)** No person who is not a resident of the Village is permitted to keep any animal in the Village; however, this prohibition shall not apply to any person remaining in the Village for thirty (30) days or less or who are passing through the Village; but shall apply to any nonresident who habitually allows his animal to run at large within the Village. Any animal found within the Village which is not owned by a resident of the Village or by a person passing through or temporarily in the Village shall be impounded by the Animal Control Officer and disposed of as provided in this Ordinance for dogs or cats not wearing a current inoculation tag.

**B)** The provisions of subsection A) shall not apply to veterinary clinics, institutions and license dealers.

**4.3.10: REPORT OF ANIMAL BITES:** All bites or attacks on human beings by any animal within the Village shall be immediately reported to the Chief of Police. In the event of a bite by an animal, a detailed report shall be made out by the receiving officer, including the complainant's name, address and phone number; the name and address of the owner of the animal; a description and location of the wound; and the name of the doctor treating the wound.

**4.3.11: WASTE CONTROL:** No person owning, harboring, keeping or controlling any dog or other domestic animal or pet shall cause, suffer or allow such animal to soil,

defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, by-path, play area, park, or any place where people congregate or walk or upon any public property whatsoever, or upon any private property without permission of the owner of said property. The restriction in this section shall not apply to public property when the owner or person in control of such animal complies with the following conditions:

**A)** The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method; and

**B)** The feces removed from the aforementioned designated areas shall be disposed of by the person owning, harboring, keeping, or controlling any animal curbed in accordance with the provisions of this section in a sanitary manner approved by the local health authority.

**4.3.12: BURIAL:** it shall be unlawful for the owner or possessor of any animal which may die within the Village to leave the animal unburied for more than twelve (12) hours after its death or for anyone to bring and leave the carcass of any dead animal within the Village.

**4.3.13: TRAPPING:** It shall be unlawful to use any type of leg hold animal trap or other trap that could cause cruelty to animals within the Village.

**4.3.14: LOCATION OF ANIMAL RUNS, PENS, ETC.:** No animal run, pen, shed, or house hereafter erected, or reconstructed shall be permitted within twenty five (25) feet of a neighboring building or structure designed for or permitting human habitation.

**4.3.15: PENALTY:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.3.16: ENFORCEMENT:**

##### **A) GENERALLY:**

**1) Authority to enter premises for the purpose of discharging the duties imposed by this ordinance.** The Animal Control officer and any peace officer are authorized to enter any premises wherein he has reasonable grounds to believe that any animal might be harbored in violation of this ordinance. In the event that the owner, occupant or other person in control of the premises shall refuse any officer authorized entry by this section admittance to the premises, the officer shall apply to a court of competent jurisdiction and obtain either a search warrant or an administrative search warrant as may be appropriate under the circumstances of the matter. An officer armed with a search warrant of any sort, shall execute the warrant in accordance with the provisions of the Code of Criminal Procedure of Chapter 38 of the Illinois Revised Statutes.

**2) Hindering officer impounding animal.** No person shall hinder, delay or obstruct any person engaged in taking to the animal shelter any animal liable to be impounded.

**3) Village to provide Animal Shelter and other facilities.** The Village shall provide and maintain an animal shelter suitable for the impounding and maintenance of dogs, cats and other small animals, and shall provide and furnish all other equipment and supplies required in the application of this ordinance.

**4) Unauthorized entry into the Animal Shelter.** No person shall break into or in any manner directly or indirectly aid or assist in or counsel or advise the breaking into of the animal shelter of the Village.

##### **B) ANIMAL CONTROL OFFICER**

**1) Impoundment of animals; record.** The Animal Control Officer shall impound, or cause to be impounded, and shall dispose of according to the provisions of this ordinance, all animals running at large within the Village and shall keep a record of every animal so



impounded, describing the kind of animal, the breed, color, and sex, together with the time and place the animal was captured or received and the final disposition made of each animal, together with such other information that may come to his attention.

**2) Assistants to be responsible to the Animal Control Officer.** All assistants assigned to the Animal Control Program shall be directly responsible to the Animal Control Officer in the performance of their duties.

**3) Remittance of Fees.** The Animal Control officer and all assistants assigned to Animal Control shall be bonded. The Animal Control Officer shall deliver all fees and funds collected by him or his assistants to the Village Clerk at the end of each and every workday, except Saturdays, Sundays and holidays.

#### **4.3.17: DOGS AND CATS**

##### **A) GENERALLY**

**1) Dogs and cats running at large; impoundment:**

a) The owner or keeper of any dog or cat shall not permit his dog or cat to run at large or be at large within the Village.

b) Each dog or cat running at large within the Village is subject to impoundment by the Animal Control officer.

**2) Removal of collars, tags and leashes from dogs or cats prohibited; exceptions:** It shall be unlawful for any person, other than the Animal Control Officer, a Police Officer, or an owner, to remove the collar, inoculation tag or leash from any dog or cat within the Village without consent of the owner or keeper of the dog or cat.

**3) Certain dogs and cats declared a nuisance:** No person shall permit, allow, keep, or harbor in such a way as to permit or allow any dog or cat to unduly disturb the quiet of a neighborhood within the Village, and any dog or cat that unduly disturbs the quiet of a neighborhood is hereby declared to be a nuisance.

**4) Taking up and treating injured dogs and cats:** The Animal Control Officer shall also remove from any street or public place within the Village any injured dog or cat not being attended and properly cared for by the owner and shall, if he sees it advisable, impound or confine the dog or cat with some veterinarian. If the Veterinarian shall treat the dog or cat, he shall advise the Animal Control Officer of the cost of the treatment, and in the event such dog or cat is redeemed as provided in this ordinance, the person redeeming the dog or cat shall also pay the charges of the veterinarian. If the dog or cat is not redeemed, it shall be disposed of in the manner provided in this ordinance.

**5) Female dogs or cats in heat:** No owner or keeper of any female dog or cat shall permit the dog or cat to run at large while in "heat." Any female dog or cat so found running at large shall be taken up and impounded in the Village animal shelter, and the dog or cat shall be disposed of, or may be redeemed upon the payment of the same fees and in the same manner as dogs and cats may be redeemed which have been impounded, as provided for hereunder.

**6) Limitation on dogs or cats per residence:** No person in charge of a residence shall keep, harbor or control more than three (3) dogs, three (3) cats, or a combination of four (4) at his residence.

##### **B) RABIES CONTROL**

**1) Inoculation required:** Each owner or keeper of any dog or cat within the Village shall cause the dog or cat to be inoculated by a licensed veterinarian and shall maintain a current inoculation for such dog or cat at all times. Current status shall be determined by the rules and standards of the State Department of Agriculture and by the United States Department of Agriculture.

**2) Dogs or cats to wear collar with current inoculation tag:** Each dog or cat kept within the Village shall be provided by its owner or keeper with a good and substantial collar, and he shall cause to be attached

thereto in a secure manner a current inoculation tag. The owner or keeper shall at all times cause the dog or cat to wear the collar with the inoculation tag attached thereto.

**3) Dogs or cats without collar and inoculation tag subject to impoundment and disposal:** Any dog or cat found within the Village off of the premises occupied by the owner of the dog or cat and not wearing a collar with the inoculation tag attached thereto as required by this division shall be impounded and disposed of as provided in this ordinance.

**4) Certain dogs or cats not to be removed from the Village; subject to confinement:** It shall be unlawful for the owner or keeper of any dog or cat, when notified that such dog or cat has bitten any person or has so injured any person as to cause an abrasion of the skin, or to sell or give away such dog or cat or to permit or allow the dog or cat to be taken beyond the limits of the Village, but it shall be the duty of the owner or keeper, upon receiving notice of such an injury caused by the dog or cat, from the Animal Control Officer or Police Officer, to surrender possession of the dog or cat to the Animal Control Officer or Police Officer for confinement at a licensed veterinary clinic for not less than ten (10) days, the cost of such confinement to be paid by the owner or keeper.

**5) Duty of Animal Control Officer to give notice of impoundment:**

a) If the Animal Control Officer impounds any dog or cat, he shall attempt to find the owner thereof, and if he finds the owner, or if the dog or cat is licensed, he shall have the authority to issue a notice or summons to the owner or person listed as the licensed owner in the manner provided in subsection (b).

b) The notice provided for in subsection (a) of this section shall be in the following or a similar form:

"NOTICE"

You are hereby notified that a \_\_\_ male \_\_\_ female dog/cat believed to be owned by you, of which you are the registered licensed owner, has been impounded by the Animal Control Officer of the Village of Hampton because said dog/cat was found to be running at large \_\_\_with \_\_\_ without a proper license.

As the owner of said dog/cat, you are liable for a fine up to five hundred dollars (\$500.00) for violating an ordinance of the Village of Hampton entitled "An Ordinance of the Village of Hampton Regarding Animals and Fowl".

You may redeem the dog/cat upon showing the Animal Control Officer that the dog/cat has been inoculated and upon payment of a fee of two dollars (\$2.00) a day for each day the dog/cat has been impounded plus a release fee of five dollars (\$5.00) for the first offense and twenty dollars (\$20.00) for each offense thereafter and the current tax if the same is unpaid. Such fees shall be paid to the Animal Control Officer.

If redemption of the dog/cat is not made within five (5) days of the date of this notice, the dog/cat shall be disposed of in accordance with the provisions of the aforesaid Ordinance of the Village of Hampton.

You are hereby notified that if you do not appear within five (5) days of the date of this notice, I will appear before a Magistrate of the Circuit Court of Rock island County and sign a complaint formally charging you with violation of the aforesaid Ordinance of the Village of Hampton.

\_\_\_\_\_  
Animal Control Officer

**6) Procurement when rabies is suspected.** Any dog or cat having symptoms of the disease known as rabies shall be confined under the supervision of a veterinarian for a period of ten (10) days. Any dog or cat having any symptoms of rabies, when impounded by the Animal Control Officer, shall be immediately placed in the care of a veterinarian. If it shall be deemed that the dog or cat is suffering from rabies, said animal may not be destroyed without specific authorization of the veterinarian.

## **C) IMPOUNDMENT**

### **1) Redemption; fees.**

a) Any dog or cat impounded under the provisions of this article may be redeemed by its owner or his authorized representative within five (5) days from the date of impounding upon payment by such person to the Animal Control Officer or person in charge of the Animal Shelter where the dog or cat is confined for use of the Village the following fees:

- i) A redemption fee of five dollars (\$5.00) for the first offense;
- ii) The amount of the current veterinarian inoculation fee unless current inoculation is proven;
- iii) Two dollars (\$2.00) for each day that the dog or cat has been impounded.

No animal will be released pursuant to this section, unless payment of fees is received or proof established excusing payment.

b) Any dog or cat to be adopted under the provision of this ordinance may be adopted upon payment to the Animal Control Officer or person in charge of the animal shelter where the dog or cat is confined, for the use of the Village, the following fees:

- i) Dogs under four (4) months: five dollars (\$5.00);
- ii) Dogs four (4) months or older: eight dollars (\$8.00);
- iii) Cats: three dollars (\$3.00);
- iv) The amount of the current veterinarian inoculation fee;
- v) The amount of the current veterinarian fee for the distemperhepatitis.

c) Any owner or keeper of a dog or cat may leave the dog or cat with the Village for disposition as an impounded animal free of charge, provided said owner or keeper signs a written waiver relinquishing all rights to the animal and supplies satisfactory proof of ownership. If proof of ownership is

unavailable, the Animal Control Officer shall retain control of the animal for a minimum of five (5) days.

**2) Separation of animals:** The Animal Control Officer or the person in charge of the animal shelter shall, when practicable, keep inoculated dogs and cats separate from dogs and cats which do not have a current inoculation tag.

**3) Notice of impoundment to the owner or keeper:** When any dog or cat displaying an inoculation tag, license tag, or tattoo registered with the Village shall be impounded, the Animal Control Officer shall make a search of the Village records or contact the veterinarian who issued the inoculation tag to determine the owner thereof and shall ascertain who issued the inoculation tag to determine the owner thereof and shall immediately provide the apparent owner thereof, if any, with written notice.

**4) Disposition of dogs and cats not redeemed:** If any dog or cat, impounded under the provisions of this article, is not redeemed within five (5) days after being impounded, the Animal Control officer shall cause the dog or cat to be disposed of in a humane way by approved methods or by adoption.

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# TITLE FOUR

## ARTICLE 4 NUISANCES

### VILLAGE OF HAMPTON, ILLINOIS

Ordinance 365, September 10, 1973  
Revised Ordinance 803, May 22, 2017



**4.4.1: JUNK, TRASH AND REFUSE (Ord. 365, September 10, 1973)**

**A) DEFINITION.** Whenever the following words or terms are used in this Article, they shall have such meanings as ascribed to them below, unless the context specifically indicates otherwise.

**JUNK, TRASH, REFUSE:** Any and all waste matter, whether usable or not which is offensive to the public health, safety or to the aesthetics of the neighborhood, and specifically intended to include but not be limited to worn out wrecks, and/or abandoned automobiles, trucks, machinery of any kind and parts thereof, old ice boxes, refrigerators and stoves.

**B)** The storing of junk, trash or refuse on private property within the Village is hereby declared a nuisance.

**C)** Any property owner or any occupant of property who allows such storage on the property owned or occupied by him shall be guilty of a misdemeanor, and any person who shall have neglected to abate and remove such nuisance after notice thereof, shall for twenty four (24) hours thereafter during which the nuisance continues, be guilty of a misdemeanor.

**D)** Any police officer of the Village, upon observing any violation of Section 4.4.1C of this Article, shall issue a notice directed to the owner of record of the property on which the nuisance occurs, as shown on the records of the Recorder of Deeds of Rock Island County, Illinois, or to both, which the notice shall describe the violation and shall establish a reasonable time limit for the abatement by the owner or occupant, which time shall be not less than two (2) days or more than ten (10) days after service of the notice.

**E)** Any citizen of the Village who observes a violation of Section 4.4.1C of this Article may file his affidavit setting forth in detail the violations, its location, and the name of the owner and occupant of the property and may file the affidavit with the Police

Department who shall assign an officer to investigate the charge and if the nuisance exists, to issue notice to the owner or occupant of the property.

**F)** Any police officer, agent or officer of the Village shall serve the notice, upon the owner or occupant of the property where the nuisance exists, or upon both of them, and shall make his return upon the copy of the notice, showing the time it was served, upon whom it was served or the manner in which it was served.

**G)** Immediately upon the termination of the time allowed in the notice for the abatement of the nuisance, the police officer, agent or officer of the Village who serves such notice or any other police officer or agent of the Village who shall be assigned by a Village officer shall investigate to determine whether or not the nuisance has been abated.

**H)** In the event the owner or occupant of the property where the nuisance exists shall fail within the prescribed time to abate the nuisance, then the Police Officer, agent or Officer of the Village who served the notice, or the citizen of the Village who filed an affidavit with the Village, or the individual who investigated whether the nuisance has been abated, shall file a complaint charging violation of Section 4.4.1C of this Article with the Circuit Court of the Fourteenth Judicial Circuit Court of Rock Island County, Illinois and demanding that the owner or occupant of the property be punished.

**I)** The Village shall prosecute all complaints of violation of Section 4.4.1C.

**J)** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**K) DERELICT AND ABANDONED VEHICLES (Rev. Ord. 531, February 8, 1988)**

**1)** Village Policy: The President and Board of Trustees find that derelict and abandoned vehicles constitute a safety hazard

and a public nuisance; are detrimental to the health, safety and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards and presenting physical dangers to children and others; produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the Village of Hampton; represent a resource out of place and an energy loss to the Hampton economy; and require municipal government attention in order to assure the expeditious removal and recycling of the derelict and abandoned vehicles.

The President and Board of Trustees declare therefore, that it is the policy of the Village of Hampton to:

a) Prohibit the abandonment of vehicles and the retention of derelicts, and to enforce such prohibition by law while reminding vehicle owners of their own individual responsibility to dispose of such vehicles.

b) Encourage the development of procedures and techniques to facilitate the expeditious removal of derelict and abandoned vehicles from public or private premises.

2) Storing, Parking or Leaving Derelict or Abandoned Vehicles Prohibited; and Declared Nuisances; Exceptions;

a) No person shall park, store, leave or permit the parking, storing or leaving of any motor vehicles of any kind which as defined in Subsection (2)b hereof, is a "derelict vehicle" or an "abandoned vehicle", whether attended or not, upon any property, private or public, within the Village for a period of time in excess of seventy two (72) hours. The presence of a derelict or abandoned vehicle, or parts thereof, on private or public property, is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this ordinance.

This Section, relating to the declaration and abatement of nuisances, is enacted pursuant to the powers vested in this Municipality by and through the provisions of Chapter 24, Sec. 11-60-2, Illinois Revised Statutes, 1979, entitled "Definition and Abatement of Nuisances", and Section 4.4.1 of Article 4 of Title Four of Hampton Village Code, including paragraph l) of this ordinance.

This Section shall not apply to any vehicle enclosed within a building on private property or to any vehicle stored or parked on the premises of a business of a business enterprise, actively operated with an office on the premises, and being properly operated in the appropriate business zone, pursuant to the zoning ordinances of the Village, or to any vehicle in operable condition specifically adapted or designated for operation on drag strips or raceways.

**b) Definitions:** For the purpose of this Section, the following words shall have the meaning as ascribed to them as follows:

**Abandoned Vehicle** All vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

**Derelict Vehicle** Any inoperable, unregistered or discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in Section 4.4.1 K) (1) of this Ordinance.

**c) Notice to Remove:** Whenever it comes to the attention of the Police Chief that any nuisance as defined in K) (2) of this Ordinance exists in the Village of Hampton, a notice in writing giving notice of the existence of the nuisance and demanding its removal shall be given as provided in paragraph e).



**d) Responsibility for Removal:** Upon proper notice and opportunity to be heard, the owner of the derelict or abandoned vehicle and the owner or occupant of the private property on which the same is located, whichever party having been so notified, shall be responsible for its removal. In the event of removal and disposition by the Village, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.

**e) Notice Procedures:** The Police Department, or agent thereof, of the Village shall give notice of removal to the registered owner of the vehicle, if said owner can be ascertained and to the owner or occupant of the private property where said vehicle is located at least seven (7) days before the time of compliance. It shall constitute sufficient notice when a copy of same is posted upon the vehicle itself or on a conspicuous place upon the private property on which the vehicle is located and duplicate copies are sent by registered mail to the registered owner of said vehicle if said owner can be as his last known address.

**f) Content of Notice:** The notice shall contain the request for removal within the time specified in this Ordinance, and the notice shall advise that upon failure to comply with the notice to remove, the Village or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

**g) Request for Hearing:** The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the Public Safety Committee of the President and Board of Trustees of the Village of Hampton within the seven (7) day period of compliance prescribed in subsection (e) hereof for the purpose of defending the charge by the Village.

**h) Procedure for Hearing:** The hearing shall be held as soon as practicable after the filing of the request and the persons to whom

the notices are directed shall be advised of the time and place of said hearing at least three (3) days in advance thereof. At any such hearing the Village and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

**i) Removal of Motor Vehicle from Property:** If the violation described in the notice has not been remedied within the seven day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is had, and the existence of the violation is affirmed by the Public Safety Committee, then the Chief of Police, or his designee shall have the right to take possession of the derelict or abandoned vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this Ordinance.

**j) Notice of Removal:** Within forty eight (48) hours of the removal of such vehicle, the Chief of Police shall give notice to the registered owner of such vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed that said vehicle, or vehicles, have been impounded and stored for violation of this Ordinance. The notice shall give location of where the vehicle, or vehicles, are stored and the costs incurred by the Village for removal.

**k) Disposition of Vehicles:** Removed vehicles shall be impounded until lawfully claimed or disposed of in accordance with the disposal procedures of Chapter 95 1/2. Section 4-203 et. seq., Illinois Revised Statutes, (1979).

**l) Penalty:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

1) The Chief of Police or his authorized agent, is hereby authorized to abate or take all necessary action to abate any nuisance existing in the Village of Hampton, Illinois.

**4.4.2: PLANT AND WEED (Ord. 417, July 10, 1978) (Rev. Ord. 647, July 12, 1999)**

**WEED ABATEMENT (Rev. Ord. 02-03-09, September 3, 2002)**

**A) PURPOSE:** The purpose of this section is to protect the public health, safety, and welfare by preventing the spread of noxious weeds and other plants releasing dangerous pollens into the atmosphere, by reducing the danger of conflagration by fire or explosion, by reducing obstruction to vision of the traveling public from weeds and grasses and shrubbery, and by preventing blighting influences to neighborhoods that uncontrolled and unkept weeds and grasses and shrubbery present.

**B) DEFINITIONS:** The terms and phrases as used in this section shall be construed according to their commonly accepted meanings except that the following terms and phrases shall have the meaning ascribed to them herein:

**1) "Agricultural or Farm Land"** shall mean an area of not less than five (5) acres which is used for the growing of the usual farm products such as vegetables, fruit trees, flora, fauna, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep, and swine, provided that the raising and feeding of such farm poultry and farm animals shall be subject to the regulations of the State of Illinois Environmental Protection Agency. The term "farming" includes the operating of such an area for one (1) or more of the above uses, including dairy farms and the necessary accessory uses for treating and storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities, and provided further that farming does not include the extraction of minerals. The term "farm" includes farm dwellings.

**2) "Ground cover"** shall mean any plant whose horizontal dimension tends to exceed its vertical dimensions and which is easily propagated without the benefit of windy or downy seeds or the release of harmful pollens into the atmosphere and is generally used because grass is difficult to propagate at the site.

**3) "Noxious weed"** shall mean any plant declared by the State of Illinois to be a noxious weed pursuant to 505 ILCS 100/1 et seq.

**4) "Open space"** shall mean any land more than two (2) acres in area and used actually and exclusively for maintaining or enhancing natural or scenic resources, protects air or stream or water supplies, promotes conservation of soil, wetlands, beaches, or marshes, including ground cover or planted perennial grasses, trees and shrubs and other natural perennial growth trees and shrubs, and including any body of water, whether man-made or natural, conserves lands and areas, such as public or private golf courses, enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, or preserves historic sites. Land is not used for open space purposes within the meaning of this section if it is used primarily for residential purposes.

**5) "Owner"** the word "owner" applied to building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the custody, of the whole or a part of such building or land; however when the area over which ownership is alleged is public right-of-way which is unimproved or which is commonly known as the boulevard or parkway, "owner" shall mean the owner of the real property immediately adjacent or abutting thereto.

**6) "Property"** The word "property" shall include real and personal property.

7) **"Tenant or Occupant"** The word "tenant" or "occupant" applied to a building or land, shall include any person holding a written or oral lease or who occupies the whole or a part of such building or land, either alone or with others.

**C) DECLARATION OF NUISANCE:** All noxious weeds are hereby declared a public nuisance. In addition, all other weeds and grass allowed to grow to a height of more than ten inches (10") are hereby declared a nuisance, and all shrubbery growing on or standing uncut or otherwise uncontrolled on any property so as to constitute an obstruction to the traveling public in the Village is hereby declared a public nuisance. No owner, lessee, or occupant of any property within the Village shall allow any such public nuisances to exist or grow on said property or property controlled by such person(s).

**D) EXCEPTIONS:** Subsection C) above, except for the provision dealing with noxious weeds, shall not apply to agricultural or farm land or open space; shall not apply to ground cover; and shall not apply to areas such as ravines, terraced slopes, and other areas with steep slopes on which sound erosion control practices would require the propagation of dense vegetation.

**E) NOTICE TO ABATE.**

1) Once per week for two consecutive weeks in the month of May, and once per week for two consecutive weeks in the month of June, of each year, the Village shall cause to be published in a newspaper of general circulation in the Village, a public notice, published in advertising format in the following or a substantially similar form:

VILLAGE OF HAMPTON  
PUBLIC NOTICE OF WEEDS, GRASS AND  
SHRUBBERY NUISANCE VIOLATIONS AND  
ABATEMENT

The Village of Hampton asks that all property owners, tenants and occupants please take notice of the following provisions set forth in

Section 4.4.2 of the Hampton Code of Ordinances governing weed, grass and shrubbery nuisances;

- 1) All noxious weeds are declared a nuisance;
- 2) All weeds and grass allowed to grow to a height of more than ten (10) inches are declared a nuisance;
- 3) All shrubbery growing or standing uncut or otherwise uncontrolled on property so as to constitute an obstruction to the traveling public are declared a nuisance.

If the Village observes such nuisances, it will send one written notice to the property owner, tenant or occupant describing the property and directing the owner, tenant or occupant to remove the nuisance within seven (7) days from the notice's date. If the nuisance is not removed, the Village will remove the nuisance and assess a one hundred dollar (\$100.00) administrative fine plus the actual costs of removal against the owner, lessor or occupant, and additionally the Village may initiate an ordinance violation prosecution in Circuit Court or before the Rock Island County Code Enforcement System. If a second violation occurs within the same calendar year, the Village will take action to abate the nuisance without sending notice to the owner, tenant or occupant removing, at the direction of the code compliance division, and the owner, tenant, or occupant will be assessed the cost of same as provided in Sec. 4.4.2.

**F) SERVICE OF NOTICE.**

1) The notice of violation under this section shall be made in person to the owner, if the property upon which a public nuisance/obstruction exists is occupied, by such officer or employee during regular business hours of Village Hall or by mailing (by certified mail postage prepaid) to the record owner, tenant or occupant at the address of the property upon which said nuisance/obstruction exists. However, if the property upon which the public nuisance/obstruction exists is vacant or unoccupied, such officer or employee shall

serve said notice upon the record owner or tenant by addressing and mailing said notice, as provided above, to the record owner or tenant at said owner or tenant's last known address, if such can be ascertained upon due diligence. If either the name or last known address of the owner or tenant of vacant or unoccupied property upon which public nuisance exists cannot be ascertained upon due diligence, service of said notice shall be made by posting the notice on the property.

2) All notices of intention to pursue the matter shall be made in accordance with service as provided under the Illinois Compiled Statutes, Chapter 735, Sections 5/201 through 5/213 or amendments thereto. Upon failure of the property owner to appear at a hearing for judicial determination, the Village shall send a copy of said judicial determination to the property owner at the last known address of said property owner.

**G) VILLAGE ABATEMENT:** Should said owner, tenant, or occupant fail to abate the public nuisance within the seven (7) day period provided in the notice, the building official or his or her designee shall be authorized to enter upon the property upon which said public nuisance exists to abate same and shall be authorized to cut, spray, or otherwise remove the public nuisance and to perform any cleanup, removal of junk, or any other thing preparatory thereto. Should the public nuisance recur on the property within the calendar year, the building official or his or her designee shall be authorized to take the action described herein, without the necessity of additional notice to the owner, tenant or occupant.

**H) BUILDING OFFICIAL AUTHORIZED TO CONTRACT FOR SAME:** The building official or designee may execute annual contracts in order to provide for Village abatement as provided for in Section G above; provided the fees charged shall be based upon an easily recognizable unit such as per hour or per square foot and the special charges for extra work are clearly identified. A minimum charge shall be permitted, however.

**I) LIABILITY FOR TESTS INCURRED BY ABATEMENT:** The owner, tenant, and occupant shall be jointly and severally liable to the Village for the actual costs (including without limitation the contract fee plus any fees for record searches) incurred by it in abating the nuisance and shall also be liable for an administrative fee of one hundred dollars (\$100.00). In addition to these fees, they shall be jointly and severally liable for a late payment fee of three dollars (\$3.00) for each month said amounts remain unpaid, if not paid within thirty (30) days from the first billing.

**J) See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)**

#### **4.4.3: DISTURBING THE PEACE - NOISE, MUFFLERS (Ord. 365, September 10, 1973)**

**A)** It shall be unlawful for any person to be guilty of disorderly conduct or of any conduct tending toward the breach of the peace. The causing or making of any unnecessary loud noise or shouting or yelling will be considered disorderly conduct.

**B) PENALTY:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.4.4: DISTURBING THE PEACE - NOISE, TIRES (Ord. 365, September 10, 1973)**

**A)** It shall be unlawful and constitute a nuisance by the driver of any vehicle to so drive the same at such a speed and in such a manner to cause the tires of the vehicle to screech or make a noise loud enough to disturb any resident of the Village.

**B) PENALTY:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.4.5: SPILLAGE (Ord. 365, September 10, 1973)**

**A)** It is hereby declared a nuisance and unlawful for any person to operate any vehicle

so loaded that any part of its load spills or drops on any street or avenue in the Village.

**B) PENALTY:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**4.4.6: GENERAL PENALTY** (Ord. 365, September 10, 1973)

**A)** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**4.4.7: INOPERABLE MOTOR VEHICLES** (Ord. 487, February 13, 1984)

**A) DEFINITION:** Whenever the following words or terms are used in this Section, they shall have such meanings as ascribed to them below, unless the context specifically indicates otherwise:

***Inoperable Motor Vehicle*** Any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels, or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power.

It shall not include 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.

**B)** Any vehicle, whether on public or private property, in view of the general public, which falls within the above outlined definition for inoperable motor vehicle, shall be declared a nuisance.

**C)** Persons in possession of the realty on which the nuisance exists shall be given written notice to remove the same within a reasonable period of time, and failure to do so will be considered a violation of this Section.

**D) PENALTY:** See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**4.4.8: ABATEMENT OF CHRONIC NUISANCE PROPERTIES** (Ord. 08-08, November 17, 2008)

**A. APPLICABILITY:** Any certain property within the Village of Hampton, which becomes a chronic nuisance property is in violation of this Section and is subject to its remedies. Any person in charge who permits property under his or her ownership or control to be a public nuisance property shall be in violation of this Section and subject to its remedies.

**B. DEFINITIONS:** For the purposes of this section and in order to carry out the provisions contained in this section, certain words, terms and phrases are to be interpreted as defined herein:

**CHRONIC NUISANCE PROPERTY:** Property upon which three (3) or more of the behaviors listed below have occurred during any sixty (60) day period, as a result of any three (3) separate factual events that have been independently investigated by any law enforcement agency; (i) Disorderly conduct as defined in 720 Illinois Compiled Statutes 5/26-1; (ii) Unlawful use of weapons as defined in 720 Illinois Compiled Statutes 5/24-1 et seq.; (iii) Mob action as defined in 720 Illinois Compiled Statutes 5/25-1.; (iv) Discharge of a firearm as defined in 720 Illinois Compiled Statutes 5/24-1.2 and 1.5.; (v) Gambling as defined in 720 Illinois Compiled Statutes 5/28-1.; (vi) Possession, manufacture or delivery of controlled substances as defined in 720 Illinois Compiled Statutes 570/401 et seq.; (vii) Assault or battery or any related offense as defined in 720 Illinois Compiled Statutes 5/12-1 et seq.; (viii) Sexual abuse or related offenses as defined in 720 Illinois Compiled Statutes 5/12-15 et seq.; (ix) Public indecency as defined in 720 Illinois Compiled Statutes 5/11-9.; (x) Prostitution as defined in 720 Illinois Compiled Statutes 5/11-14 et seq.; (xi) Criminal damage

to property as defined in 720 Illinois Compiled Statutes 5/21-1 et seq.; (xii) Possession, cultivation, manufacture or delivery of cannabis as defined in 720 Illinois Compiled Statutes 550/1 et seq.; or (xiii) Illegal consumption or possession of alcohol as defined in 235 Illinois Compiled Statutes 5/1 et seq.

**CONTROL:** The ability to regulate, restrain, dominate, counteract or govern conduct that occurs on that property.

**OWNER:** Any person, agent, firm or corporation having any legal or equitable interest in the property. "Owner" includes, but is not limited to: a) a mortgagee in possession in whom is vested, 1) all or part of the legal title to the property; or 2) all or part of the beneficial ownership and the right to the present use and enjoyment of the premises; or b) an occupant who can control what occurs on the property.

**PERMIT:** To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

**PERSON:** Any natural person, association, partnership or corporation capable of owning or using property in the Village of Hampton.

**PERSON IN CHARGE:** Any person in actual or constructive possession of a property, including, but not limited to, an owner, occupant of property under his or her domain, ownership or control.

**PROPERTY:** Any real property, including land in that which is affixed, incidental or pertinent to land, including, but not limited to, any premises, room, house, building, or structure or any separate part or portion thereof, whether permitted or not.

#### **C. REMEDY**

(1) See Section 1.8.3 Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

(2) In addition to the remedy provided in subsection C.1 of this Section, the court may

impose upon the owner of the property a civil penalty in the amount of up to one hundred dollars (\$100.00) per day, payable to the Village of Hampton for each day the owner had actual knowledge that the property was a public nuisance property and permitted the property to remain public nuisance property.

(3) In determining what remedy or remedies shall employ, the court may consider evidence of other conduct, which has occurred on the property, including, but not limited to:

- a. The disturbance of neighbors.
- b. The recurrence of loud and obnoxious noises.
- c. Repeated consumption of alcohol by minors.

**D. ABATEMENT OF NUISANCE:** The Village Attorney of the Village of Hampton or the State's Attorney of Rock Island County may commence an action to abate the public nuisance as described above. Upon being satisfied by affidavits or other sworn evidence that an alleged public nuisance exists, the court may without notice or bond enter a temporary restraining order or a preliminary injunction to enjoin any defendant from maintaining such nuisance and may enter an order restraining any defendant from removing or interfering with all property used in connection with the public nuisance.

**E. PROCEDURE:** When the Chief of Police of the Village of Hampton receives two (2) or more police reports documenting the occurrence of nuisance activity on or within a property, the Chief of Police shall independently review such reports to determine whether they describe criminal acts. Upon such findings, the Chief may:

(1) Notify the person in charge in writing that the property is in danger of becoming a chronic nuisance property. The notice shall contain the following information:

- a. The street address or a legal description sufficient for identification of the property.
- b. A statement that the Chief of Police has information that the property may be

chronic nuisance property, with a concise description of the nuisance activities that may exist, or that have occurred. The Chief of Police shall offer the person in charge an opportunity to propose a course of action that the Chief of Police agrees will abate the nuisance activities giving rise to the violation.

c. Demand that the person in charge respond to the Chief of Police within ten (10) days to discuss the nuisance activities.

(2) After complying with the notification procedures described herein when the Chief of Police receives a police report documenting the occurrence of a third nuisance activity at or within a property and determines that the property has become a chronic nuisance property, the Chief of Police shall:

a. Notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:

(1) The street address or legal description sufficient for identification of the property.

(2) A statement that the Chief of Police has determined the property to be chronic nuisance property with a concise description of the nuisance activities leading to his/her findings.

(3) Demand that the person in charge respond within ten (10) days to the Chief of Police and propose a course of action that the Chief of Police agrees will abate the nuisance activities giving rise to the violation.

(4) Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property believed to be a chronic nuisance property, or such other place which is likely to give the person in charge notice of the determination by the Chief of Police.

(5) A copy of the notice shall be served on the owner at such address as shown on the tax rolls of the county in which the property is located, and/or the occupant, at the address of the property, if these persons are different than the person in charge, and

shall be made either personally or by first class mail, postage prepaid.

(6) A copy of the notice shall also be posted at the property after ten (10) days have elapsed from the service or mailing of the notice to the person in charge and the person in charge has not contacted the Chief of Police.

(7) The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under this Section.

b. After the notification, but prior to the commencement of legal proceedings by the Village pursuant to this Section, a person in charge stipulates with the Chief of Police that the person in charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation. If the agreed course of action does not result in the abatement of the nuisance activity or if no agreement concerning abatement is reached within thirty (30) days, the Chief of Police shall request authorization for the Corporation Counsel to commence a legal proceeding to abate the nuisance. 3. Concurrent with the notification procedures set forth herein, the Chief of Police shall send copies of the notice, as well as any other documentation which supports legal proceedings, to the Corporation Counsel.

(3) When a person in charge makes a response to the Chief of Police as required above, any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any nuisance activities have or are occurring. This subsection does not require the exclusion of any evidence which is otherwise admissible or ordered for any other purpose.

**F. COMMENCEMENT OF ACTION, BURDEN OF PROOF:** In an action seeking closure of a chronic nuisance property, the Village shall have the initial burden of showing by preponderance of the evidence that the property is a chronic nuisance property.

It is a defense to an action seeking the closure of chronic nuisance property that the owner of the property at the time in question could not, in the exercise of reasonable care or diligence, determine that the property had become a public nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the findings that the property is a chronic nuisance property.

In establishing the amount of any civil penalty requested, the court may consider any of the following factors if they need be found appropriate, and shall cite those found applicable.

1. The actions or lack of action taken by the person in charge to mitigate or correct the problem at the property.
2. Whether the problem at the property was repeated or continuous.
3. The magnitude or gravity of the problem.
4. The cooperation of the person in charge with the Village.
5. The cost of the Village investigating and correcting or attempting to correct the condition.

**G. EMERGENCY CLOSING PROCEDURES:** In the event that it is determined that the property is an immediate threat to the public safety and welfare, the Village may apply to the court for such interim relief as is deemed by the Chief of Police to be appropriate. In such an event, the notification provision set forth in paragraph (E) of this Section need not be complied with, however, the Village shall make a diligent effort to notify the person in charge prior to a court hearing.

In the event that the court finds the property constitutes a "chronic nuisance property" as defined in this Section, the court may order the remedy set out above. In addition, in the event that it also finds the person in charge had knowledge of activities or conditions of the property constituting or violating this Section and permitted the activities to occur, the court may assess a civil fine as provided above.

The court may authorize the Village of Hampton to physically secure the property against use or occupancy in the event the owner fails to do so within the time specified by the court. In the event that the Village is authorized to secure the property, all costs reasonably incurred by the Village to affect a closure shall be made and assessed as a lien against the property. If used herein "costs" mean these costs actually incurred by the Village for the physical securing of the property, as well as tenant relocation costs.

The Village Clerk shall prepare a statement of cost and the Village of Hampton shall thereafter submit said statement to the court for its review. If no objection of the statement is made within the period described by the court, a lien in said amount may be recorded against said property.

Any person who is assessed the cost of closure and/or civil penalty by the court shall be personally liable for the payment thereof by the Village.

A tenant is entitled to their reasonable relocation costs, as those are determined by the court if, without actual notice, the tenant moved into the property, after either:

1. The owner or tenant received notice as described herein of the Police Chief's determination as described above.
2. Unknown owner or other agent received notice of an action brought pursuant to this Section.
3. Any person who is assessed with costs of closure and/or civil penalty by the court shall be personally liable for the payment thereof to the Village

**H. SEVERABILITY:** If any provision of this Ordinance or its application, or any person or circumstances held to be invalid for any reason, the remainder of said application or its provisions to the other persons or circumstance shall not be in any way affected.



**4.4.9: HEALTH NUISANCES: (Ordinance 785, November 9, 2015)** The President and Village Board of the Village of Hampton are aware that health nuisances do result in scenic blight, cause serious hazards to the public health and safety, create harborage for vermin, depress the value of nearby property, offend the senses, and otherwise interfere with community life and development has deemed it necessary and desirable to regulate nuisances. Therefore, the President and Board of Trustees of the Village of Hampton, Illinois hereby establish certain health nuisance regulations, and shall be controlling within the limits of the Village of Hampton, Illinois, from the date on which this Ordinance shall take effect.

**A. DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this Ordinance:

**HEALTH AUTHORITY:** The Building Inspector for the Village of Hampton or duly authorized representative(s).

**PERSON:** Any individual, group of individuals, association, trust, partnership, corporation, or any other entity.

**PROPERTY OWNER:** Any individual, group of individuals, association, trust, partnership, corporation, or any other entity whose name legal title to the real estate is recorded.

**B. ENUMERATIONS:** Health nuisance includes any act, omission to act, or condition on any real property which injures or threatens the health or safety of one or more persons and shall not be limited to, but shall include the following:

1. The storage, collection, accumulation, discharge, or deposition of any offal, fecal matter filth, refuse, weeds, vegetation, animal carcass, dead organic material, garbage, stagnant or polluted waters, combustible materials and similar materials in any place or on any property so as to threaten the health or safety of the individual or the public or to be conducive to the breeding of

flies, rats, or other vermin, or to the prejudice of others.

2. The presence of rats, flies, or other vermin.

**C. INVESTIGATION:** The Health Authority shall investigate, upon written complaint of any person, or on its own initiative any alleged health nuisance in the Village of Hampton, Illinois.

**D. INSPECTIONS:** The Health Authority shall have the authority to enter any property at any reasonable time to inspect for health, sanitation, or safety purposes to determine compliance with the provisions of this Ordinance. In the event the Health Authority, in attempting to enter any premises for the purpose of making an inspection to carry out the provisions of this Article, shall be refused entry, an affidavit may be made under oath to any judge of the circuit court for a warrant authorizing the Health Authority named in the affidavit to enter upon or into such premises for the purpose of determining the existence of the conditions set forth in the affidavit

1. Non-summary Abatement:

i. By Owner:

1) The Health Authority may serve or cause to be served a notice, in writing, upon the owner, agent, occupant, or person in possession, charge, or control of any lot, building, or premises or item of personally in or upon which any nuisance exists, requiring said person to abate the same within a specified, reasonable time, in such manner as the notice shall direct.

2) An appeal to the Village Board of Trustees from any notice shall be provided if a written request for a hearing is filed with the Health Department within the time established for the abatement of the nuisance.

ii. By Health Department: If the person so served and notified does not abate the nuisance within the specified reasonable time, the Health Authority may proceed to abate the

nuisance in any or all manner allowable by law, including, without limiting the generality thereof, the following:

1) Seeking to impose a monetary penalty as defined by Section 1.8.3 Table 8-1 by instituting Ordinance enforcement action.

2) Seeking to enjoin the continuation of the nuisance by filing of a lawsuit in a court of competent jurisdiction.

3) All expenses incurred thereby shall be paid by the owner, agent, occupant, or person in possession of said property; said expenses shall be a lien upon said property if payment is not made to the Health Department after presentation of a bill and a reasonable period of time.

2. Summary Abatement: Whenever, in the opinion of the Health Authority, a nuisance creates an imminent threat of serious injury to person(s) or real property, or if the nuisance can be abated summarily without or with only minor damage to the items or premises which are creating the nuisance, and the continuation of the nuisance poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the community, the Health Authority shall proceed to abate such nuisance; provided, further that whenever the owner, occupant agent, or person in possession, charge, or control of the real or personal property which has become a nuisance is unknown or cannot readily be found, the Health Authority may proceed to abate such nuisance without notice. Where the abatement of the nuisance requires continuing acts by the Health Authority beyond the initial summary abatement and any other additional emergency abatements, it shall seek abatement of such nuisance on a permanent basis through judicial process as soon as readily possible. All expenses incurred hereby shall be paid by the owner, agent, occupant, or person in possession of said property. Said expenses shall be a lien upon said property if payment is not made to the Health Department after presentation of a bill and a reasonable period of time.

**E. PENALTIES:** Any person who violates any provision of this Ordinance shall be guilty of a petty offense and shall be fined a sum not to exceed five hundred dollars (\$500.00) in accordance with Section 1.8.3 Table 8-1. Each day's violation constitutes a separate offense.

**F. CONFLICT OF ORDINANCE:** In any case where a provision of this Section is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or Code of the Village of Hampton existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority, established the higher standards for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such other ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

**SECTION 4.4.10: BEEKEEPING:**  
**(Ordinance 803, May 22, 2017)** No person shall keep or maintain any bees, beehives or apiaries on any property within the Village limits. In addition to any and all other legal or equitable remedied keeping or maintaining bees, beehives or apiaries with in Village limits is declared to be a nuisance.

**A.** When such a nuisance is declared, the property owner and/or beekeeper shall be notified in person or in writing via certified mail to cease the use of the hives. Compliance must be effected within 60 days from the date of receipt of such notice.

## ARTICLE 5

### GENERAL OFFENSES

#### 4.5.1: DISORDERLY CONDUCT (Ord. 338, 8/11/69)

**A.** It shall be unlawful for any person to commit disorderly conduct within the limits of the Village of Hampton;

**B.** A person commits disorderly conduct when they knowingly:

1) does any act in such unreasonable manner as to alarm or disturb another and provide a breach of the peace, or

2) within intent to annoy another by making a phone call, whether or not conversation evolves, or

3) transmits in any manner, to the Fire Department of the Village of Hampton or to the Fire Department of any city, town, village or fire protection district, a false alarm of fire, knowing at the time of such said transmission that there is no reasonable ground for believing that such fire exists, or

4) transmit in any manner to another a false alarm to the affect that a bomb or 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 a place, or

5) transmit in any manner to any peace officer, public official, or public employee a report to the affect that an offense has been committed knowing at the time of such transmission there is no reasonable ground for believing that such an offense has been committed, or

6) enter upon the property of another and for a lewd or unlawful purpose deliberately look into the dwelling on the property through any window or opening in it, or

7) make any unnecessary loud noise or shouting or yelling when there is no reasonable ground therefore.

**C. Penalty:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### 4.5.2: WEAPONS (Ord. 276, 2/8/60)

**A. DEFINITIONS.** Whenever the following words or terms are used in this Article, they shall have such meanings as ascribed to them below, unless the context specifically indicates otherwise.

**RIFLE:** A shotgun loaded with a rifle slug shall be considered a rifle.

**B. Knives:** It is unlawful for any person to carry or possess or sell, loan or give to any person, any blackjack, slingshot, zip gun, sand club, sandbag, metal knuckles, bludgeon or knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, commonly referred to as a switchblade knife, or to carry or possess, with intent to use the same unlawfully against another, a dagger, dirk, billy, any other dangerous knife, razor, stiletto or any other dangerous or deadly weapon or instrument of like character. It is unlawful for any person to carry or possess any knife which has a blade of four inches or more in length.

**C.** It is unlawful for any person, except persons permitted by law, to transport or carry any shotgun, rifle, pistol or air gun within the municipal limits unless such shotgun, rifle, pistol or air gun is taken apart to render it incapable of being fired or is unloaded when enclosed in case. For the purpose of this ordinance a shotgun loaded with a rifled slug shall be considered a rifle.

**D.** It shall be unlawful for any person to use any bow and arrow BB gun, air rifle, or CO2 (Carbon Dioxide) rifle within the municipal limits of Hampton except when the use of any of the aforementioned shall be supervised by an adult authorized to so supervise by the United States of America, the State of Illinois, or some political subdivision of said state, such as a township, municipality or incorporated town.

**E.** It is unlawful to discharge a rifle within the municipal limits; provided, however, this provision does not apply to persons permitted by law to carry and use rifles, such as sheriffs, constables, policemen or other duly constituted peace officers, and wardens, special police, parole officers and persons lawfully summoned by an officer to assist in making arrests or preserving the peace when so engaged in assisting such officer.

**F.** It is unlawful to hunt adjacent to or within 100 yards of any residence.

**G. REMOVAL OF WEAPON IDENTIFICATION.** No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered or removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

**H.** No person shall sell, give or loan to any alien or to any minor under the age of 18 years any firearm of a size which may be concealed upon the person.

**I. PENALTY:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.5.3: JUNK CARS (Ord. 305, 9/13/65)**

**A.** No person, except a licensed auto wreck business, shall be permitted to keep any abandoned, stored, discarded, dismantled, elevated, propped or unattended vehicle on any property within the Village limits.

**B. PENALTY:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.5.4: DAMAGE TO PROPERTY (Ord. 8, Art. 4, 1/2/92) (Rev. Ord. 524, 12/28/87)**

**A.** No person shall tear up or otherwise injure or destroy any pavement, side or crosswalk, drain sewer or other public work of this Village, nor shall a person hinder or obstruct the making or repairing of any pavement, side or crosswalk and other public work nor shall a person hinder or obstruct any person employed by the Village or any of the street commissioners in making or repairing any public improvement or work ordered by the Village.

Repair of any street, alley, avenue or other public place shall be as good or better than the original. All repairs shall be the responsibility of the person doing the repairs for a period of one year. A bond shall be in the Village's hands to cover the appropriate time period and amount of repair. All permanent street repairs shall be done when the temperature is 50° Fahrenheit or above. If the temperature is above 50° Fahrenheit, permanent repair shall be completed within 72 hours of start of excavation. Temporary street patches will be crushed limestone at least 8 inches thick. All backfill shall be sand. No excavated material may be reused.

**B. PENALTY:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.5.5: PUBLIC PEACE AND QUIET (Ord. 8, Art. 3, 11/21/92)**

##### **A. DISTURBING THE PEACE:**

1) No person shall make, aid or assist in making improper noise, disturbance, diversion or riot the streets of this Village or assemble or crowd for any unlawful or improper purpose to the annoyance, disturbance or terror of any (other) person or persons or assemble together to do unlawful

acts against the property of this Village or against the person or property of any person or persons.

**2) Penalty:**

a) See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

b) See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**B. OFFENSIVE CONDUCT:**

1) No person shall willfully disturb the peace of others by any violent, offensive or obstreperous conduct or by profane, obscene or abusive language calculated to provoke a breach of the peace or by assaulting, tricking or fighting. No person shall permit such conduct in or upon any house or place owned or occupied or controlled by that person so that others in the vicinity are disturbed and no person shall aid, abet or instigate any loud, violent or abusive language or conduct.

**2) PENALTY.** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**C. DISTURBING RELIGIOUS ASSEMBLY:**

1) No person shall disquiet or disturb any congregation or assembly meant for religious worship or any lawful and peaceable assembly by making noise or by rude or indecent behavior or profane discourse within their place of worship or assembly or so near the same as to disturb the order of solemnity of the assembly or in any manner interfere with or hinder the proceedings of the assembly.

**2) PENALTY.** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**4.5.6 CRIMINAL TRESPASS TO LAND (Ord. 742, February 4, 2013)**

**A. OFFENSE OF CRIMINAL TRESPASS TO LAND.** It shall be unlawful for

any person to enter upon the land or part thereof of another after receiving, immediately prior to such entry, notice from the property owner or occupant that such entry is forbidden, or to remain on the land of another after receiving notice from the owner or occupant to depart. A person has received notice from the owner or occupant if he has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at any entrance to such land or the forbidden part thereof.

**B. PENALTY.** The penalty for violation of this section is in Section 1.8.3 Table 8-1.

**4.5.7: THEFT**

**A) Definitions:** All the terms and phrases used herein shall have the same meaning as ascribed to them in the Criminal Code (720 ILCS 5/15-1 et seq., and 5/16-1 et seq.) and amendments thereto; except, should the term "person" be limited therein to natural persons who have attained the age of seventeen (17) years or more, said limitation is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.

**B) Offense of Theft:** A person commits the offense of theft when he knowingly:

1. Obtains or exerts unauthorized control over property of the owner; or

2. Obtains by deception control over property of the owner; or

3. Obtains by threat control over property of the owner; or

4. Obtains control over stolen property knowing the property to have been taken or stolen by another or under such circumstances as would be reasonably induce him to believe that the property was stolen; and

5. Intends to deprive the owner permanently of the use or benefit of the property; or

6. Knowingly uses, conceals, or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or

7. Uses, conceals or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner permanently of such use or benefit.

**C) Penalty:** The penalty for violation of this Section is in Section 1.8.3., Table 8-1.

#### **4.5.8: RETAIL THEFT**

**A) Definitions:** All the terms and phrases used herein shall have the same meaning as ascribed to them in the Criminal Code (720 ILCS 5/16A-1 et seq.) and amendments thereto; except, should the term "person" be limited therein to natural persons who have attained the age of seventeen (17) years or more, said limitation is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.

**B) Offense of retail Theft:** A person commits the offense of retail theft when he knowingly:

1. Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use, or benefit of such merchandise without paying the full retail value of such merchandise; or

2. Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed,

held, stored, or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or

3. Transfers any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or

4. Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or

5. Removes shopping cart from the premises of retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use, or benefit of such cart; or

6. And with the intent to commit an offense as specified above in subsection (B)1, (B) 2, (B)3, (B) 4, or (B)5 of this section, he does any act which constitutes a substantial step toward the commission of that offense.

**C.) Presumption:** If any person conceals upon his person or among his belongings, unpurchased merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment and removes the merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment; such person shall be presumed to have possessed, carried away, or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use, or benefit of such merchandise without paying the full retail value of such merchandise.

**D) Detention:** Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain such person, in or off the premises of a retail

mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

1. To request identification;
2. To verify such identification;
3. To make reasonable inquiry as to whether such person has in his possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise.
4. To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;
5. When such person is a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of that minor of this detention and to surrender custody of such minor to such person.

A merchant may make a detention as permitted hereinabove off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.

**E) Affirmative Defense:** A detention performed pursuant to an in accordance with this Section does not constitute an arrest or an unlawful restraint and this Section may be pleaded in way of an affirmative defense to false arrest, false imprisonment, or any other cause of action for damages or liability where the essence of said cause is the detention made pursuant hereto.

**F) Penalty:** The penalty for violation of this Section is in Section 1.8.3., Table 8-1.

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## ARTICLE 6

### MINORS

**4.6.1: CURFEW (Ord. 390. 10/27/75) (Rev. Ord. 514, May 27, 1986) ( Rev Ord. 674, October 15, 2001) (Rev. Ord. 712, September 19, 2011)**

**A.** No person less than 17 years of age shall be present at or upon any public assembly, building, place, street or highway during the following times unless accompanied by a parent, legal guardian, or other responsible companion at least 18 years of age, approved by a parent or legal guardian, or unless engaged in a business or occupation which the laws of this State authorize a person less than 17 years age to perform:

Between 11:00 PM and 6:00 AM Sunday through Thursday.

Between 12:00 AM and 6:00 AM Friday and Saturday.

**B.** A licensed driver less than 18 years of age, unless one of the exceptions in subsection C) below apply, the license shall, as a matter of law, be invalid for the operation of any motor vehicle during the following times:

1. Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

2. Between 11:00 p.m. Saturday and 6:00 a.m. on Sunday; and

3. Between 10:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

**C.** The driver's license of a person under the age of 18 shall not be invalid as described in subsection B) of this Section if the licensee under the age of 18 was:

1. accompanied by the licensee's parent or guardian or other person in custody or control of the minor;

2. on an errand at the direction of the minor's parent or guardian, without any detour or stop;

3. in a motor vehicle involved in interstate travel;

4. going to or returning home from an employment activity, without any detour or stop;

5. involved in an emergency;

6. going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the licensee, without any detour or stop;

7. exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

8. married or had been married or is an emancipated minor under the Emancipation of Minors Act.

**D.** It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his custody or control to violate the above paragraph of this section.

**E. PENALTY:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.6.2: PARENTAL RESPONSIBILITY FOR ACTS OF MINORS (Ord. 422, 10/23/78)**

**A. DEFINITIONS:** Whenever the following words or terms are used in this section, they shall have such meanings as ascribed to them.

**LEGAL GUARDIAN** A person appointed guardian, or given custody, of a minor by a circuit court of the state, but does not include a person appointed guardian, or given custody of a minor under the Juvenile Court Act.

**MINOR** A person who is above the age of 11 years but not yet 18 years of age.

**B. RESPONSIBILITY:** The parent or legal guardian of an minor residing with the parent or legal guardian shall be presumed, in his absence of evidence to the contrary, to have failed to exercise proper parental responsibility and the minor shall be found to have committed the acts described below with the knowledge and permission of the parent or guardian, in violation of this Section, upon the occurrence of the events described below:

1. Any intentional, willful, malicious, or wanton acts causing injury to a person or property; and

2. The parent or legal guardian shall have received a written notice either by certified or registered mail, return receipt requested, or by personal service, with a certificate or personal service returned, from the police department of the Village of Hampton following said adjudication or nonjudicial sanction; and

3. If at any time within one year following receipt of the notice set forth above, the minor is either adjudicated to be in violation of any ordinance, law or statute as described above, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute as described above.

**C. PENALTY:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.6.3: ILLEGAL POSSESSION OF ALCOHOL BY CONSUMPTION BY A MINOR (Ord. 685, 07/06/2010)**

**A.** It shall be unlawful for any person to whom the sale, gift, delivery or service of any alcoholic beverage is prohibited because of age to consume or possess in any manner, including by consumption, any such alcoholic beverage, except as otherwise provided by law. This violation may be proven by evidence which indicates that the breath of the person charged with such offense had a smell associated, generally or specifically, with any alcoholic beverage and no additional evidence relating thereto shall be necessary to find the defendant to be in violation of this ordinance. It shall not be necessary to show that the person charged with an offense hereunder was at the time in question under the influence of any alcoholic beverage in any manner, but such evidence shall be admissible to prove a violation of this Section.

**B.** An affirmative defense to a charge of violation of this Section may be raised to show that the minor has consumed an alcoholic beverage while participating in a recognized religious ceremony or in the privacy of a home under the direct supervision of the parents or parent or legal guardian, or in a location where consumption by said minor is otherwise prohibited by law.

## ARTICLE 7

### PUBLIC WAYS AND PROPERTY

#### **4.7.1: DIGGING IN STREETS (Ord. 8, Art. 4, January 2, 1892)**

**A)** No person shall dig any hole, drain or ditch in any street, alley, avenue or other public place in this Village without first having obtained the written consent of the Public Works Director.

**B) PENALTY.** See Section 1.8.3, Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.7.2: SIDEWALKS**

**A.) Obstruction of Sidewalks: (Ord. 16, November 4, 1893)**

1) No person shall obstruct a sidewalk with goods, wares or merchandise or pile or leave any boxes, barrels or other obstructions, drive any vehicles in such manner as to interfere with the free use of the sidewalks in the Village.

2) Bicycles under this section shall be termed vehicles.

3) See Section 1.8.3, Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**B) Loading/Unloading of Goods: (Ord. 16, November 4, 1893)**

1) Any person may use any sidewalks in the Village for 30 minutes to load or unload goods to or from their places of business.

**C) Heavy Traffic Across Sidewalks: (Ord. 427, February 26, 1979)**

1) All sidewalks within the Village limits which are subject to heavy vehicular traffic across or over them are to be properly reinforced in such manner as to maintain the sidewalk in a good and travelable condition for foot traffic.

2) It shall be the property owner's or corporation's responsibility to see that the sidewalks which are driven across for purposes of driveway or entrance of heavy vehicles into their property are reinforced.

3) Upon written 15 day notice by the Clerk of the Village of Hampton to repair such sidewalks, the persons or corporations are to have contracted for such work.

4) Penalty: See Section 1.8.3, Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.7.3: ENCROACHMENT ON PUBLIC RIGHT-OF-WAY (Ord. 367, September 10, 1973)**

**A) DEFINITIONS.** Whenever the following words or terms are used in this Article, they shall have such meanings as ascribed to them below, unless the context specifically indicates otherwise.

**ROADWAY RIGHT-OF-WAY** those areas existing or acquired by dedication or by fee simple for highway purposes; also, the areas acquired by temporary easement during the time the easement is in effect;

**ENCROACHMENT** Any building, fence, sign, or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained in, on, under or over any portion of the roadway right-of-way.

**B) NO ENCROACHMENT IN RIGHT OF WAY:** It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, an encroachment, within the limits of the roadway right-of-way.

**C) PENALTY:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.7.4: CREATING A THIRD AVENUE "A" (Ord. 485, September 26, 1983)**

**A)** The area of Fourth Avenue located on the west side of the railroad tracks between Third Street and Seventh Street shall now be known as Third Avenue "A".

**B)** Signs shall be placed at all intersections between Third Street and Seventh Street indicating this change.

#### **4.7.5: CREATING A FOURTH AVENUE "A" (Ord. 504, October 28, 1985)**

**A)** The area of 4th Avenue Alley between 5th Street and 8th Street shall now be known as Fourth Avenue "A",

**B)** Signs shall be placed at all intersections between 5th Street and 8th Street.

#### **4.7.6. Skateboards, Skates, In Line Skates, Scooters and Motorized Carts. (Ord. 06-13, October 2, 2006)**

**A) Definitions:** For the purpose of this Section and in order to carry out the provisions contained in this Section, certain words, terms and phrases are to be interpreted as defined herein:

**Cart** - A wheeled wagon with 2 or more wheels used to transport a person or persons.

**Motorized Cart** - A machine like a mini motorcycle, run by a motor, also known as a motor scooter.

**Golf Cart** - Motorized cart commonly used on golf courses.

**In Line Skates** - A shoe with a single row of wheels used to glide on hard surfaces.

**Scooter** - A board near the ground with a wheel or wheels at each end and a pole with a crossbar for steering. It is propelled by keeping one foot on the board and pushing against the ground with the other foot.

**Motorized Scooter** - A scooter propelled by a motor.

**Skates** - A frame or shoe with wheels used for moving one's self

**Skateboard** - A board constructed of wood, metal plastic, fiberglass or similar material with wheels for standing, riding or coasting.

**Bicycle** - Every device propelled by human power upon which any person may ride, having two tandem wheels except scooters and similar devices.

#### **B) Operation At Various Locations Prohibited.**

1. Owners or managers of restaurants, businesses, professional buildings, industrial buildings, churches, schools and federal, state or municipal owned public buildings, may prohibit or regulate persons from riding upon or in any manner operating any skates, roller blades, skateboards, scooters or similar devices upon their walkways and parking lots of said premises by posting a sign.

a. When posted, the use of devices described in Section A Definitions is unlawful. Village of Hampton Ordinance Section 4.7.6 (B).

**C) Operation on Sidewalks and Bike Path Prohibited:** Motorized transportation devices are prohibited on sidewalks and the bike path.

**D) Excepts for Handicapped:** The provisions of this section shall not apply to wheelchairs or other devices to aid handicapped or impaired persons when operated by a handicapped or impaired person.

**E) Exception for Senior Golf Cart Tour:** The provisions of this section shall not

apply to the annual senior golf cart tour along the bike path.

**F) Penalties:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**4.7.7. RESPONSIBILITIES OF THE VILLAGE AND PRIVATE PROPERTY OWNERS FOR VEGETATION (Ord. 711, October 5, 2011):** Vegetation in the form of grass, flowers, shrubs, and trees provide the Village of Hampton with many environmental, social, and economic benefits. They filter pollutants, provide shade and homes for small animals, create desirable living and working places and increase property value, attract shoppers and businesses, help control storm water runoff and soil erosion, and decrease cooling costs. This Section establishes the rights, responsibilities and duties of private property owners as well as the rights, responsibilities and duties of the Village with respect to vegetation on Village right-of-way and other Village owned property.

**4.7.8: DEFINITIONS (Ord. 711, October 5, 2011):** Words and terms when used in this Section have the following meaning:

**Alley:** Alley includes the entire width of the dedicated or otherwise acquired alley and is not limited to that portion of the right-of-way actually utilized for the alley surface, but includes the entire width of said alley as so dedicated or otherwise acquired.

**Boulevard:** See Parkway below.

**Department of Public Works:** The Village of Hampton, Illinois, Department of Public Works.

**Intersection of Street Lines:** This term shall mean the total area between the right-of-way of both intersecting streets and is not limited to the portion of the intersecting streets used for street purposes.

**Parkway:** That portion of the street right-of-way that is not utilized for street, curb, shoulder or ditch purposes.

**Sight Triangle:** A triangular shaped portion of land at each street intersection corner, established by measuring forty (40) feet along the right-of-way boundaries at each intersection corner to create two (2) sides and the third side by drawing a line from the two (2) end points.

**Street or Public Highway:** The entire width of any dedicated or otherwise acquired public street or highway right-of-way, including but not limited to the portion actually used for street purposes, and including any portion thereof used or occupied by the abutting property owners.

**Street Right-of-Way or Public Highway Right-of-Way:** The entire width of any dedicated or otherwise acquired public street or highway, including but not limited to the portion actually used for street purposes, and including any portion thereof used or occupied by the abutting property owners.

**4.7.9. SUPERVISION OVER TREES, SHRUBS AND PLANTS (Ord. 711, October 5, 2011).**

**A.** The Public Works Department shall have supervision over all trees, shrubs and other plant life growing upon or overhanging any street, highway, alley, park, parkway, public playground, sidewalk or any public place within the Village, including the planting and removal of any trees, shrubs and plants, as herein provided.

**B.** The Public Works Department shall superintend, regulate and encourage preservation, culture and planting of shade and ornamental Trees, plants and shrubbery in the parkways and in the parks and playgrounds and other public places, consistent with the provisions of this ordinance.

**C.** The Public Works Department shall determine and advise property owners and occupants regarding the kind of trees, plants and shrubbery and the method of planting best adapted to, or most desirable on particular streets and places.

**4.7.10. PLANTING (Ord. 711, October 5, 2011).**

**A.** It shall be unlawful to plant any tree or shrub or other plant in any street, alley, park, parkway, public playground, sidewalk or other public place without the written approval of the Department of Public Works, which shall specify the type and site of the approved planting. This section does not prohibit the planting of flowers or other similar vegetation within these areas.

**B.** Such tree planting shall be at least 40 feet from any other tree standing in the street or parkway on the same side of the street.

**C.** Any planting of any trees, plants or other shrubs shall be at least 4 feet from any existing public sidewalk or, if no sidewalk is in place, at least 4 feet from the boundaries of the projected sidewalk line.

**D.** Trees planted in accordance with paragraph A. of this section shall not exceed twenty five feet (25') in height at maturity. Suggested trees are listed in Section 4.7.22.

**4.7.11. TRIMMING STANDARDS OF TREES, PLANTS OR SHRUBS ON PUBLIC PROPERTY (Ord. 711, October 5, 2011).**

**A.** All trees, shrubs and plants growing upon any street, alley, park, parkway, playground or public place shall be trimmed or pruned in such manner as to promote the life and growth thereof.

**B.** All trees, shrubs and plants shall be trimmed so that the branches thereof shall not obstruct the passage of light from any street light in any street, alley, or highway in the Village to the adjacent street or sidewalk.

**C.** Branches of such trees which overhang any street, alley, or public highway shall be trimmed so that there shall be a clear height, unobstructed by branches, of at least fourteen (14) feet above the surface of the street, alley or highway.

**D.** Branches of such trees which overhang any public sidewalk shall be trimmed so there is a clear height, unobstructed by branches, of at least eight (8) feet above the surface of the sidewalk.

**E.** Exception may be made by the Public Works Department in the trimming of young trees.

**F.** All dead, broken or decayed limbs or branches that overhang such street, alley highway or sidewalk shall be removed.

**G.** All shrubs and plant life growing along any public sidewalk shall be trimmed or cut back so that no part thereof shall overhang such sidewalk.

**H.** Grass in the public right-of-way that abuts private property shall be maintained in the same manner as grass on the private property that abuts the right-of-way property by the owner of the private property that abuts the public right-of-way. Grass and weeds that become a nuisance in accordance with Title Four, Section 4.4.2, Plants and Weeds, will be abated as per that Section.

**4.7.12. TRIMMING PROCEDURES ON PUBLIC PROPERTY (Ord. 711, October 5, 2011)**

**A.** If the Public Works Department determines that it is necessary or advisable to trim trees, shrubs or plants on public property to comply with the standards set forth in Section 4.7.11 or for any other public health, safety and welfare reason, the Public Works Department shall, unless the Supervisor of Public Works, in his absolute discretion determines that immediate trimming or other corrective action is necessary, furnish a written notice to the affected adjacent property owner. Such notice shall inform the owner of the trimming standards and requirements and shall further explain that if the owner satisfactorily effects such said trimming within 7 days of said notice, the Village will not effect any such trimming.

**B.** If the property owner does not satisfactorily effect such trimming within said 7 day period, then the Public Works Department shall proceed to do so in accordance with the standards of Section 4.7.11 hereof.

**4.7.13. TRIMMING OF TREES OR SHRUBS ON PRIVATE PROPERTY (Ord. 711, October 5, 2011)**

**A.** It is the duty of each property owner to trim and maintain trees, shrubs and plants located on that owner's private property in a manner Consistent with provisions of Section 4.7.11 hereof in so far as said trees, shrubs or plants overhang or impact the streets, sidewalks or other public property.

**B.** If an owner does not so maintain his property, the Supervisor of Public Works shall cause a written notice to be furnished to said owner regarding that owner's maintenance obligation and

advising the owner if that maintenance obligation is not satisfied within 7 days, that the Village will trim the trees, shrubs and plants as necessary to comply with the provisions of this ordinance and that the cost thereof will be charged to that owner, and will be a lien against that owner's property.

**C.** if the owner does not adequately trim the trees and plants on his property as required by Section 4.7.11 hereof, pursuant to said notice, the Supervisor of Public Works shall effect the trimming and the cost thereof, including the labor for Village employees utilized, a reasonable cost for any Village equipment utilized, and the cost of any equipment or labor contracted for by the Village for said work, shall be the liability of the property owner, and if unpaid shall constitute a lien against said property.

**4.7.14 VILLAGE LIEN FOR TRIMMING ON PRIVATE PROPERTY (Ord. 711, October 5, 2011):**

If the cost of such trimming, provided in Section 4.7.13 hereof, is not paid by the owner thereof within 30 days after written notice to the owner, the amount thereof shall be a lien against the property of said owner, which lien shall be enforceable by the Village as and in the case of foreclosure of other municipal liens against real property as authorized by Illinois law, including Illinois Compiled Statutes Chapter 65 Section 11-20-7.

**4.7.15. SETBACK REGULATIONS. (Ord. 711, October 5, 2011)**

**A. FUTURE PLANTING PROHIBITED.**

**1.** No tree shall hereafter be planted on parkways within the intersection of street lines.

**2.** No shrubbery or plants shall hereafter be planted in any parkway at a

distance of less than forty (40) feet from the intersection of the nearest street line.

3. Any planting permitted under paragraphs 1 or 2 above must have prior written approval of the Public Works Department, as provided in Section 4.7.10 hereof.

4. If any person so plants any tree, shrubs or plants in violation of this Section and fails to remove same after 7 days written notice to do so, then the Public Works Department may do so.

**B. REMOVAL OF EXISTING TREES SHRUBBERY OR PLANT LIFE:**

Any tree, shrubbery or plant life located within the intersection of any street lines within the Village, and all shrubbery or plant life now and hereafter growing in any parkway at a distance of less than forty (40) feet from the intersection of the nearest street line, will be removed by the Public Works Department, if the owner of the abutting property fails to do so after 7 days written notice to do so.

**4.7.16. DEPOSITING MATERIALS ON PUBLIC PROPERTY (Ord. 711, October 5, 2011):**

It shall be unlawful for any person, without written permission from the Public Works Department, to place or maintain upon the ground in any street, park or parkway in the Village any stone, cement or other material which shall impede free passage of water and air to the roots of any tree, without leaving an open space of ground not less than four (4) feet in width all around the trunk of such tree. Wherever there is no such open space about any existing tree in any street or public highway in the Village, the Public Works Department may make open space or cause the same to be made, and charge the expense thereof to the person so depositing such materials.

**4.7.17. INJURY OR REMOVAL OF TREES, SHRUBS OR PLANTS ON PUBLIC PROPERTY (Ord. 711, October 5, 2011):**

It shall be unlawful for any person to remove or destroy any tree, plant or shrub that is now or may hereafter be growing in any street, alley, parkway, park, playground or public place in the Village without written permission from the Public Works Department. Provided, however, that this Section shall not prohibit removals, trimming, or other action authorized or required by other provisions of this ordinance.

**4.7.18. SIGHT TRIANGLE REGULATION. (Ord. 711, October 5, 2011)**

A. No tree, or any portion thereof, shall be planted or maintained in the sight triangle, as defined in Section 4.7.8.

B. If any portion of any tree is in the sight triangle at the passage of this ordinance, it shall be removed by the responsible property owner.

C. No vegetation or shrubs shall be permitted to grow in the sight triangle at a height in excess of 24 inches as measured from the street elevation.

D. Any vegetation or shrubs in the sight triangle in excess of 24 inches in height shall be cut or trimmed to a height of not more than 24 inches by the responsible property owner.

E. The owner of real estate is responsible for such tree trimming and height control within the sight triangle.

F. If any owner fails to remove any tree or to maintain his vegetation or shrubs in the sight triangle, the Public Works Department may provide 7 days written notice to said owner of such



violation and of the required actions, and if the owner fails to properly remove or trim and maintain trees, shrubs and plants in the sight triangle, the Village will do so at the owner's expense.

**G.** If said owner does not do so, then the Public Works Department may enter upon said property and so remove any trees or trim the vegetation and shrubs in compliance with this ordinance and the cost thereof, including the cost of labor, materials and contractor costs as earlier defined in Section 4.7.13.C. hereof shall be a lien upon the property and be enforceable by the Village as in the case of municipal liens as aforesaid.

**4.7.19. VIOLATIONS. (Ord. 711, October 5, 2011)** It shall be unlawful for any owner of any property or any occupant of any property to violate the terms of this ordinance and the liability of each owner and each occupant shall be joint and several.

**4.7.20. SANCTIONS. (Ord. 711, October 5, 2011)** Anyone violating any of the terms of this ordinance shall be punished by a fine of not less than \$50.00 nor more than \$500.00. Each day that the violation continues shall be deemed a separate violation and a separate fine may be imposed for each day of such violation.

**4.7.21. NUISANCE. (Ord. 711, October 5, 2011)** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**4.7.22. CONFORMING AND NON CONFORMING TREES. (Ord. 711, October 5, 2011)** The following list of trees is not all inclusive. Please check with the Hampton Supervisor of Public Works before you plant trees not listed:

**A. CONFORMING TREE:**

Blackhaw Viburnum Crabapple  
Coralburst Crabapple  
Cornelian Cherry Dogwood  
Firebird Crab  
Golden Raindrop  
Jane Magnolia  
Japanese Lilac  
Japanese Lilac - Silk  
Japanese Maple  
Nannyberry-Viburnum Lentago  
Red Bud  
Rugged Charm Maple  
Tartan Maple

**B. NONCONFORMING TREES:**

Ash, all varieties  
Black Locust  
Box Elder  
Buckthorn  
Cottonwood  
Crab Apple  
Crimson King Maple  
Evergreens  
Ginkgo (female)  
Magnolia Grandiflora  
Norway Maple  
Oak  
Poplar  
Russian Olive  
Siberian Elm  
Silver Maple  
Sugar Maple  
Tree of Heaven  
Willow, all varieties

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# TITLE FOUR

## ARTICLE 8

### TRANSPORTATION

VILLAGE OF HAMPTON, ILLINOIS

Ordinance 365, September 10, 1973



**4.8.1: PARKING OF VEHICLES ON PUBLIC WAYS (Ord. 370, January 28, 1974)**

**A) PARKING RESTRICTIONS.** At any time it shall be unlawful to permit any vehicle to stand in any of the following places in the Village of Hampton except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic control device.

1) on Water Street from the north line of Smith Street and extending in northerly direction for 1600 feet (Ord. 118, May 3, 1924)

2) that part of 12th Avenue lying between 4th Street and 6th Street (Ord. 343, July 13, 1970)

3) that part of 13th Avenue lying between 6th and 8th Streets (Ord. 343, July 13, 1970)

4) that part of 14th Avenue lying between 6th and 8th Street (Ord. 343, July 13, 1970)

5) that part of 6th Street lying between 12th and 14th Avenues (Ord. 343, July 13, 1970)

6) that part of 8th Street court lying between 13th and 14th Avenues (Ord. 343, July 13, 1970)

7) that part of 5th Street lying between 3rd Avenue and the alley running north and south between 2nd and 3rd Avenues (Ord. 343, July 13, 1970)

8) in any intersection, or within 25 feet of any intersection (Ord. 370, January 28, 1974)

9) in a crosswalk (Ord. 370, January 28, 1974)

10) within fifty (50) feet of the nearest rail or a road grade crossing (Ord. 370, January 28, 1974)

11) within twenty (20) feet of the driveway entrance to any fire department station (Ord. 370, January 28, 1974)

12) on any sidewalk or parkway (Ord. 370, January 28, 1974)

13) within fifteen (15) feet of any fire hydrant (Ord. 370, January 28, 1974)

14) at any time on:

a) that part of 5th street lying between 3rd Avenue and the alley running north and south between 2nd and 3rd Avenues (Ord. 370, January 28, 1974)

b) on the south side of 8th Street Court (Ord. 370, January 28, 1974)

c) on the east side of 14th Avenue (Ord. 370, January 28, 1974)

d) on the east side of 13th Avenue (Ord. 370, January 28, 1974)

e) on the east side of 12th Avenue between 8th Street Court and 6th Street (Ord. 370, January 28, 1974)

f) on the north side of 6th Street (Ord. 370, January 28, 1974)

g) on the southeast side of 15th Avenue Court (Ord. 370, January 28, 1974)

h) on the west side of 12th Avenue between 6th Street and 4th Street (Ord. 370, January 28, 1974)

i) on the south side of 5th Street A (Ord. 370, January 28, 1974)

j) on the south side of 5th Street (Ord. 370, January 28, 1974)

k) on the south side of 4th Street A (Ord. 370, January 28, 1974)

l) on the east side of 10th Avenue (Ord. 370, January 28, 1974)

m) on the west side of 9th Avenue Court (Ord. 370, January 28, 1974)

n) on the west side of 10th Avenue between 6th Street and 7th Street (Ord. 581, October 10, 1994)

o) on the north side of 7th Street between 10th Avenue and 11th Avenue (Ord. 581, October 10, 1994)

15) on the north side of 5th Street between 2nd Avenue and 3rd Avenue in the Village of Hampton (Ord. 460, October 26, 1981)

16) on the south side of 5th Street between State Avenue and 3rd Avenue in the Village of Hampton (Ord. 460, October 26, 1981)

17) on the east side of 3rd Avenue from 6th Street to the southerly end of Monson Park along the area where Monson Park abuts 3rd Avenue. (Ord. 460, October 26, 1981, Rev. Ord. 09-06, June 2, 2009)

18) Parallel parking only shall be allowed on 1st Avenue between 6th Street and 8th Street in the Village of Hampton (Ord. 494, August 27, 1984)

19) No Parking is allowed on the north side of 8th Street Court from Hubbard Road to 14th Avenue in the Village of Hampton (Ord. 494, August 27, 1984)

20) No Parking is allowed on the south side of 8th Street from Highway 84 to the alley in the Village of Hampton (Ord. 494, August 27, 1984)

21) Parking is prohibited between the intersection of 1st Avenue with the north line of 8th Street and the intersection of 1st Avenue with the southerly line of the Illiniwek Forest

Preserve between the hours of 11:00 P.M. to 6:00 A.M. (Ord. 284, July 10, 1961)

22) Post Office: Parking will be permitted on the west side of 2nd Avenue in front of the Post Office where parking shall be diagonal. (Ord. 370, January 28, 1974)

23) It shall be unlawful to stand or park any vehicle in a street or avenue in the Village of Hampton where parking is permitted other than parallel with the curb or right edge of the traveled way of any street or avenue and with the two right wheels of the vehicle within twelve (12) inches of the regular established right curb line or right edge of the traveled way of a street or avenue. (Ord. 370, January 28, 1974)

24) Parallel parking only shall be allowed on 1st Avenue between 6th Street and 8th Street. (Ord. 494, August 27, 1984)

25) Parallel parking only shall be allowed on 1st Avenue between 5th Street and 6th Street except, on the east side of said Avenue in front of the Village Hall, where parking is to be diagonal. (Rev. Ord. January 12, 1987)

26) Angle parking will be allowed on the south side of 7th Street between State Avenue and 4th Avenue A in the Village of Hampton (Rev. Ord. 576, April 11, 1994)

27) No parking shall be allowed on the west side of 1st Avenue from 3rd Street to 1st Street (Rev. Ord. 541, June 12, 1989)

28) No parking shall be allowed on the east side of 3rd Avenue between 4th Street and 5th Street, and only angle parking shall be allowed on the west side of 3rd Avenue between 4th Street and 5th Street. (Rev. Ord. 541, June 12, 1989)

29) Angle parking will be allowed on the south side of 7th Street between State Avenue and 4th Avenue A in the Village of Hampton. (Rev. Ord. 576, April 11, 1994)

30) at any time on: (Ord. 612 - 6, July 8, 1996)

a) either side of Barrington Drive between Route 84 and North Barrington Drive.

b) the north side of the northern east west portion of Barrington Circle.

c) the east side of the north south portion of Barrington Circle.

d) the south side of the southern east west portion of Barrington Circle.

e) the east side of South Barrington Drive between Barrington Circle and Kennelworth Circle.

f) the west side of South Barrington Drive between the northern east west portion of Kennelworth Circle and the southern east west portion of Kennelworth Circle.

g) the south side of the southern east west portion of Kennelworth Circle

h) the east side of the north south portion of Kennelworth Circle.

i) the north side of the northern east west portion of Kennelworth Circle.

31) on the east side of 8th Avenue from 1st Street to 4th Street. (Ord. 615, October 14, 1996)

32) on either side or along State Avenue, also known as Illinois Route 84, within the corporate limits of the Village of Hampton. (Ord. 625, April 28, 1997)

33) on either side or along 8th Street, also known as County Highway 79, also known as Hubbard Road, on that portion that lies between Illinois Route 84 and 14th Avenue. (Ord. 625, April 28, 1997)

34) There shall be no parking on the south side of 9th Street in the Village of Hampton, Rock Island County, Illinois. (Ord. 00-10-07, July 10, 2000).

35) There shall be no parking on either side of the street between 4th and 5th Street on 4th Avenue A except by attended vehicles. (Ord. 02-08, October 7, 2002)

36) There shall be no parking on the easterly or northerly side of 10th Avenue Court in the Village of Hampton. (Ord. 05-12, July 5, 2005)

37) Parking is not allowed on the westerly side of Cherry Hill Court. Parking will be allowed on the easterly side of Cherry Hill Court except for the area marked with signs stating "No Parking Between Signs", across from the entrance drive for the four plex condominiums. (Ord. 696, January 18, 2011)

**B) PENALTY:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

#### **4.8.2: NO PARKING DURING SNOW REMOVAL (Ord. 425, January 8, 1979)**

**A)** There shall be no parking upon any public way between the hours of 9:00 A.M. and 5:00 P.M. on any day when there has been snow accumulated to a depth of two (2) inches or more.

**B)** This prohibition shall be in effect until the Village maintenance crews have cleared the public way and the snowfall has ceased for that day.

**C)** The presence of operating Village snow removal equipment on the public ways of the Village of Hampton shall be conclusive evidence of two (2) inches of snowfall.

**D)** It is the policy of the Village of Hampton that snow removal from the public ways of the Village shall not be required where there is less than two (2) inches of snowfall.

**E)** No person shall clean private drives or sidewalks in such a manner as shall result in the deposit of snow into the public ways due to the snow removal from such private drives or sidewalks. Further, with the exception of Village employees, in the course of their employment duties, no person shall shovel, push, plow or place, in any way, gravel and/or debris onto another property or right of way. (Rev. Ord. 08-09 December 15, 2008)

**F) VIOLATIONS:** Vehicles in violation of Section 4.8.2 of the Hampton Village Code will be ticketed by the Hampton Police Department and towed away. (Rev. Ord. 527, January 11, 1988)

**4.8.3: LOAD LIMITS (Ord. 433, March 26, 1979)**

**A)** At no time shall any vehicle of the weight of five (5) tons or tandem axle vehicles be allowed to park at any time on any streets or alleys of the Village of Hampton.

1) No vehicle that weighs in excess of five (5) tons may enter the alley between Second and Third Avenues from the Fifth Street side, except garbage trucks and recycling trucks on collection days and school buses. (Ord. 666, April 27, 1998)

2) No vehicle that weighs in excess of five (5) tons shall travel in the alley between Second and Third Avenue from the Fourth Street side from the southern edge of the school building to Fifth Street, except garbage trucks and recycling trucks on collection days and school buses. (Ord. 666, April 27, 1998)

**B)** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012)

**4.8.4: REGULATION OF TRAFFIC ON STREETS AND AVENUES (Ord. 369, January 28, 1974)**

**A) RIGHT OF WAYS:** The following streets, avenues or highways are declared

dominate right of way highways as set forth in Schedule A as follows:

**Schedule A**

1) 8th Street Court at its intersection with 14th Avenue, northbound traffic on 14th Avenue shall stop before entering 8th Street Court.

2) 14th Avenue at its intersection with 6th Street, eastbound traffic on 6th Street shall stop before entering 14th Avenue.

3) 6th Street at its intersection with 12th Avenue, northbound traffic on 12th Avenue shall stop before entering 6th Street.

4) 10th Avenue at its intersection with 5th Street A, eastbound traffic on 5th Street A shall stop before entering 10th Avenue.

5) 10th Avenue at its intersection with 5th Street A, westbound traffic on 5th Street A shall stop before entering 10th Avenue.

6) 8th Street at its intersection with private road lying easterly railroad tracks and on the north side of 8th Street, southbound traffic on said private road shall stop before entering 8th Street.

7) 2nd Avenue at its intersection with 6th Street, eastbound traffic on 6th Street shall stop before entering 2nd Avenue.

8) 2nd Avenue at its intersection with 6th Street, westbound traffic on 6th Street shall stop before entering 2nd Avenue.

9) 2nd Avenue at its intersection with 5th Street, eastbound traffic on 5th Street shall stop before entering 2nd Avenue.

10) 2nd Avenue at its intersection with 5th Street, westbound traffic on 5th Street shall stop before entering 2nd Avenue.



11) 5th Street at its intersection with 1st Avenue, northbound traffic on 1st Avenue shall stop before entering 5th Street.

12) 5th Street at its intersection with 1st Avenue, southbound traffic on 1st Avenue shall stop before entering 5th Street.

13) 4th Street at its intersection with 3rd Avenue, northbound traffic on 3rd Avenue shall stop before entering 4th Street.

14) 4th Street at its intersection with 3rd Avenue, southbound traffic on 3rd Avenue shall stop before entering 4th Street.

15) 2nd Avenue at its intersection with 3rd Street, eastbound traffic on 3rd Street shall stop before entering 2nd Avenue.

16) 2nd Avenue at its intersection with 3rd Street, westbound traffic on 3rd Street shall stop before entering 2nd Avenue.

17) Cherry Hill Court at its intersection with Barrington Drive, westbound downhill traffic on Barrington Drive shall stop before entering or crossing Cherry Hill Court. (Ord. 05-11, July 5, 2005)

**B) YIELD STREETS:** The following streets, avenues or highways are declared dominate right of way highways as set forth in Schedule B. Yield right of way means the act of granting the privilege of immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, but when the roadway is clear may proceed into the intersection.

#### **SCHEDULE B**

1) 14th Avenue at its intersection with 15th Avenue Court, westerly bound traffic on 15th Avenue Court yields before entering 14th Avenue.

2) 8th Street court at its intersection with 13th Avenue, northerly bound traffic on

13th Avenue yields to traffic on 8th Street Court.

3) 6th Street at its intersection with 13th Avenue, southerly bound traffic on 13th Avenue yields to traffic on 6th Street.

4) 8th Street Court at its intersection with 12th Avenue, northerly bound traffic on 12th Avenue yields to traffic on 8th Street Court.

5) 6th Street at its intersection with 12th Avenue, southerly bound traffic on 12th Avenue yields to traffic on 6th Street.

6) 12th Avenue at its intersection with 5th Street A, easterly bound traffic on 5th Street A yields to traffic on 12th Avenue.

7) 12th Avenue at its intersection with 5th Street, easterly bound traffic on 5th Street yields to traffic on 12th Avenue.

8) 10th Avenue at its intersection with 5th Street, westerly bound traffic on 5th Street yields to traffic on 10th Avenue.

9) 12th Avenue at its intersection with 4th Street A, easterly bound traffic on 4th Street A yields to traffic on 12th Avenue.

10) 10th Avenue at its intersection with 4th Street A, westerly bound traffic on 4th Street A yields to traffic on 10th Avenue.

11) 6th Street at its intersection with 10th Avenue, northerly bound traffic on 10th Avenue yields to traffic on 6th Street.

12) 7th Street at its intersection with 8th Street, westerly bound traffic on 8th Street yields to traffic on 7th Street.

13) 8th Street at its intersection with 7th Street, easterly bound traffic on 7th Street yields to traffic on 8th Street.

14) 1st Avenue at its intersection with 8th Street, westerly bound traffic on 8th Street yields to traffic on 1st Avenue.

15) 8th Street at its intersection with 2nd Avenue Court, southerly bound traffic on 2nd Avenue Court yields to traffic on 8th Street.

16) 1st Avenue at its intersection with 7th Street, westerly bound traffic on 7th Street yields to traffic on 1st Avenue.

17) 1st Avenue at its intersection with 6th Street, easterly bound traffic on 6th Street shall yield to traffic on 1st Avenue.

18) 1st Avenue at its intersection with 6th Street, westerly bound traffic on 6th Street shall yield to traffic on 1st Avenue.

19) 7th Street at its intersection with 3rd Avenue, northerly bound traffic on 3rd Avenue yields to traffic on 7th Street.

20) 7th Street at its intersection with 2nd Avenue, northerly bound traffic on 2nd Avenue yields to traffic on 7th Street.

21) 1st Avenue at its intersection with 4th Street, westerly bound traffic on 4th Street yields at 1st Avenue.

22) 3rd Avenue at its intersection with 3rd Street, easterly bound traffic on 3rd Street yields at 3rd Avenue.

23) 3rd Avenue at its intersection with 3rd Street, westerly bound traffic on 3rd Street yields at 3rd Avenue.

24) 1st Avenue at its intersection with 3rd Street, westerly bound traffic on 3rd Street yields to traffic on 1st Avenue.

25) 1st Street at its intersection with 3rd Avenue, northerly bound traffic on 3rd Avenue yields to traffic on 1st Street.

26) 1st Street at its intersection with 3rd Avenue, southerly bound traffic on 3rd Avenue yields to traffic on 1st Street.

27) South Barrington Drive at its intersection with Kennelworth Circle, west bound traffic on Kennelworth Circle yields to traffic before entering South Barrington Drive. (Ord. 612 - 3, July 8, 1996)

28) Barrington Drive at its intersection with the private road known as Cherry Hill, south bound traffic on the private road yields to traffic before entering Barrington Drive. (Ord. 612 - 3, July 8, 1996)

**C) STOP STREETS:** The intersection of the following streets, avenues, or highways are declared four way stop intersections as set forth in Schedule C.

#### **SCHEDULE C**

- 1) 3rd Avenue and 5th Street.
- 2) 2nd Avenue and 4th Street.
- 3) 3rd Avenue and 6th Street (Ord. 507 November 25, 1985)

**D) NO THOROUGHFARE ALLEYS (Ord. 441, August 27, 1979):** The following alley or alleys are declared No Thoroughfare alleys, and through traffic is prohibited as set forth in Schedule D:

#### **SCHEDULE D**

- 1) The north south alley between 4th and 5th Streets and 2nd and 3rd Avenues.

**E) ONE WAY TRAFFIC (Ord. 02-08, October 7, 2002)**

- 1) Fourth Avenue A from 5th Street to 6th Street shall be a one way street for northbound traffic.
- 2) 3<sup>rd</sup> Avenue from 4<sup>th</sup> Street to 5<sup>th</sup> Street shall be a one way street for southbound traffic. (Ord. 779, June 8, 2015)

**F) PENALTY:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).

#### **4.8.5: SPEED RESTRICTION**

**A)** It shall be unlawful to drive any motor vehicle on any street in the Village, not under the jurisdiction of the State of Illinois or Rock Island County, at a speed in excess of 20 miles per hour. (Ord. 369, January 28, 1974)

**B) PENALTY:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).

#### **4.8.6: SIGNS (Ord. 435, April 9, 1979)**

**A) STOP SIGNS:** Stop signs shall be placed by the Village at the following streets and avenues:

1. On the northwest corner of 5th Street A and 10th Avenue, facing north.

2. On the southeast corner of 5th Street A and 10th Avenue, facing south.

3. On the southwest corner of 6th Street and 10th Avenue, facing west.

4. On the northeast corner of 6th Street and 10th Avenue, facing east.

5. On the southwest corner of 6th Street and new 12th Avenue facing west. (Rev. Ord. 533, May 9, 1988)

6. A stop sign, facing east shall be added on the northeast corner of 6th Street and new 12th Avenue. (New 12th Avenue shall be defined as the portion of 12th Avenue lying between 6th Street and 8th Street Court.) (Rev. Ord. 533, May 9, 1988)

7. A stop sign shall be added on the northwest corner of 6th Street and new 12th Avenue, facing north, and the yield sign which is now on the northwest corner of 6th Street and

new 12th Avenue shall be removed. (Rev. Ord. 533, May 9, 1988)

8. A stop sign, facing northerly on the private road that enters 8th Street near the 400 block of 8th Street. Southbound vehicles entering the 400 block of 8th Street from the private road that lies to the north of 8th Street must stop and yield the right of way to traffic on 8th Street. (Ord. 781, July 20, 2015)

**B) FOUR WAY STOP SIGNS (Ord. 507, November 25, 1985):** Four way stop signs shall be placed by the Village of Hampton at the following streets and avenues:

1. On the southwest corner of 6th Street and 3rd Avenue facing west.

2. On the northeast corner of 6th Street and 3rd Avenue facing east.

3. On the northwest corner of 3rd Avenue and 6th Street facing north.

4. On the southeast corner of 3rd Avenue and 6th Street facing south.

5. On the southwest corner of 6th Street and 10th Avenue facing west. (Rev. Ord. 579, August 8, 1994)

6. On the northeast corner of 6th Street and 10th Avenue facing east. (Rev. Ord. 579, August 8, 1994)

7. On the northwest corner of 10th Avenue and 6th Street, facing north. (Rev. Ord. 579, August 8, 1994)

8. On the southeast corner of 10th Avenue and 6th Street, facing south. (Rev. Ord. 579, August 8, 1994)

**C) YIELD SIGNS:** Yield signs shall be placed by the Village of Hampton on the following streets and avenues:

1. On the northwest corner of 6th Street and 13th Avenue, facing north

2. On the northwest corner of 6th Street and 11th Avenue, facing north.

3. On the northwest corner of 7th Street and 10th Avenue, facing east.

**D) STOP SIGNS ON BIKE PATHS:** it shall be unlawful for anyone operating/driving any vehicle on the bike path not to stop at posted stop signs on the bike path.

1. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs.

2. Except when directed by a police officer or traffic control signal, every driver of a vehicle and every motorman of a streetcar or bicycle approaching a stop sign intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before enter the intersection.

3. See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).

**4.8.7: CHANGE OF NAMES TO STREETS AND AVENUES (Ord. 129, April 20, 1927)**

**A) AVENUES:** The names of the streets running north and south in the Village are changed and shall be designated as avenues as follows:

River Street is changed to First Avenue

Broad Street is changed to Second Avenue

Diamond Street is changed to Third Avenue

West side of the railroad tracks between Third Street and Seventh Street shall be known as Third Avenue "A". (Ord. 485, September 26, 1983)

Crystal Street is changed to Fourth Avenue

Pearl Street is changed to Fifth Avenue

High Street is changed to Sixth Avenue

**B) STREETS:** The names of streets running in the general direction of east and west in the Village are changed and shall be designated as streets as follows:

Short Street is changed to First Street

Cherry Street is changed to Second Street

Walnut Street is changed to Third Street

Chestnut Street is changed to Fourth Street

Center Street is changed to Fifth Street

Oak Street is changed to Sixth Street

Locust Street is changed to Seventh Street

Smith Street is changed to Eighth Street

Tenth (10th) St. is changed to Ninth (9th) St. (Ord. 664, February 8, 1999)

**C) HAMPTON ROAD:** The portion of Route 8 which runs in a northeasterly direction and in a southwesterly direction through the Village is changed to State Avenue. (Ord. 180, March 3, 1944)

**D) DISPLAY OF STREET SIGNS:** The names of streets and avenues as designated shall be painted upon slips of tin in plain letters, not less than three inches in length and such slips shall be firmly and conspicuously affixed to corner buildings, or some other conspicuous place where there is no corner building or upon a post properly installed for that purpose.

**4.8.8: NUMBERING OF HOUSES AND LOTS (Ord. 129, April 20, 1927)**

**A) STREETS RUNNING NORTH AND SOUTH:** Numbering shall commence at First Avenue and the numbers of 1 to 100 inclusive so far as necessary shall be used consecutively for the distance of the first block or a fractional block, 50 number for each side of the street and even numbers for the right hand or east side of the avenues and odd numbers for the left hand or west side of the avenues. One number shall be left for and applied to each thirty (30) feet of distance and in any case where a building or place of business occupies less than thirty (30) feet, a fractional number shall be used. The numbers from one hundred (100) and two hundred (200) inclusive shall be used in the same manner for the second block and for succeeding blocks consecutively.

**B) STREETS RUNNING EAST AND WEST:** Number shall commence at First Street, even numbers being used for the right hand or south side of the street and odd numbers for the left hand or north side of the street.

**C)** The Committee on Streets and Alleys shall prepare the necessary maps and records to show the proper numbers to be assigned to all lots and parts of lots within the Village, and shall file the maps with the Village Clerk.

**D)** Each of the figures of every number shall be not less than three inches in length, and plainly marked so as to be easily read, and shall be firmly and conspicuous affixed on the side or above the front door of the buildings to which they are attached.

#### **4.8.9: RAILROADS**

##### **A) SPEED OF LOCOMOTIVE ENGINES (Ord. 22 October 5, 1895)**

1) It shall be unlawful for any railroad company, Canadian engineer, or other person(s) having in their possession, use, control or charge, of a locomotive passenger train drawn by a locomotive engineer train running at a faster rate of speed than ten (10)

miles per hour and all other trains at six (6) miles per hour.

2) Penalty: See Section 1.8.3. Table 8-1 for fines and penalties. (Ord. 730, July 2, 2012)

##### **B) BLOCKING OF STREET CROSSINGS (Ord. 38, February 6, 1904)**

1) It shall be unlawful for any railroad corporation, conductor, brakes man, engineer or other person having charge of any engine or train of cars to block any street crossing in the Village more than five (5) minutes at a time, except for the discharging or receiving passengers or freight or for taking and setting out cars or to receive the necessary fuel and water and in no case to exceed ten (10) minutes for each train car or locomotive engine.

2) Penalty: See Section 1.8.3. Table 8-1 for fines and penalties. (Ord. 730, July 2, 2012)

##### **C) MAINTENANCE AND OPERATION OF STREET RAILWAYS (Ord. 66, August 7, 1909)**

1) All tracks, wires and poles constructed along or upon the street of the Village shall be constructed in a manner so as not to interfere with private or public ways.

2) Tracks shall be laid and kept on grade even with the surface of the streets as they are, or as they may be from time to time along each street over or upon which the railway passes.

3) Rails and tracks shall be kept in constant good repair. Spaces between the rails, and also the space between tracks where it switches or turns out and also the space two (2) feet right to the outside rails shall be well paved, macadamized or graded in conformity with the remainder of the street.

4) Railways shall be free and clear of snow and dirt. Removal of snow and dirt shall not interfere with the free use of the streets by the public.

5) Tracks shall at times be subject to temporary removal where it becomes necessary to remove them in order to repair the streets or construct water mains, sewers, etc., at the expense of the railway company.

**4.8.10: HANDICAPPED PARKING (Ord. 617, October 14, 1996)**

**A) DESIGNATION:** Certain on street and off street public parking spaces within the corporate limits of the Village of Hampton may be reserved for persons with disabilities as described by applicable State laws. Such parking spaces are so designated by a sign indicating that the parking space is reserved as Handicapped Parking. Such sign shall conform with the State manual and specifications for signs.

**B) PROHIBITED PARKING:** It shall be prohibited to park any motor vehicle which is not bearing registration, plates or decals issued to a handicapped person or disabled veteran pursuant to State of Illinois Statutes, as evidence that the vehicle is operated by or for a handicapped person or disabled veteran, in any public parking place within the corporate limits of the Village of Hampton, specifically designated in accordance with Section 4.8.10 A) above, for motor vehicles bearing such registration or plates. Any motor vehicle bearing a handicapped license plate or a handicapped parking decal or device containing the international symbol of access issued to handicapped persons by any local authority, state, district, territory or foreign country shall be recognized as a valid license plate or device for the purposes of this Section.

**C) REMOVAL OF ILLEGALLY PARKED VEHICLE:** The Village of Hampton Police Department may remove or cause to be removed to the nearest garage or other place of safety, any vehicle parked within a space reserved for use by the handicapped which does not display handicapped registration plates or a special decal or device as described in Section B) above.

**D) PENALTIES:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).

**4.8.11. OPERATION OF GOLF CARTS ON PUBLIC STREETS IN THE VILLAGE.** (Ord. 713, October 5, 2011) (Rev. Ord. 715, November 7, 2011) This section is adopted in the intent of public safety. Carts, as defined in this section, are not designed or manufactured to be used on public streets and roads, and the Village of Hampton in no way advocates or endorses their operation on streets. The Village, by permitting and regulating such operation, is merely addressing safety issues. This Section is not to be relied upon as a determination that operation on streets is safe or advisable even if done in accordance with this ordinance. All persons operating golf carts must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. All persons who operate or ride carts on streets within the Village do so at their own risk and peril. The Village of Hampton has no liability under any theory of liability, for permitting carts to be operated on streets.

**A) DEFINITIONS.** Whenever the following words or phrases are used in this Section, they shall have such meaning as ascribed to them below, unless the context specifically indicates otherwise:

**Cart or Golf Cart:** a motorized vehicle with three or four wheels designed and manufactured for operation on a golf course for sporting or recreational purposes, powered by an electric motor or a gasoline engine less than 1200 CC in size, and that is not capable of exceeding speeds of 20 MPH. Cart also includes John Deere brand Gators, either 4 or 6 wheeled, not capable of speeds in excess of 20 MPH. Lawn and garden tractors or riding lawn mowers, Go karts and ATVs are not included in this definition and are not considered carts for the purposes of this section.

**Financial Responsibility:** liability insurance coverage on a cart.

**Operator:** a person holding a valid driver's license.

**B) PERMITTED USE.** Golf carts as defined in the previous section are hereby permitted users, and not intended users, of Village streets in accordance with this Section.

**C) PERMIT REQUIRED.** Carts shall not be operated on Village of Hampton streets until the cart is registered by the owner with the Hampton Police Department, and produce proof of liability insurance covering the cart for operation on the street. The completed forms will be maintained by the Hampton Police Department. The Police Department will issue a sticker that must be attached to the rear of the cart on the slow moving vehicle sign. Permit fee is twenty and 00/100 dollars (\$20.00) payable upon registration and issue of a sticker. The registration sticker shall be issued at the discretion of the Police Chief or his designee.

1. Permits are valid for a period of two (2) years. Renewal requires an application and proof of insurance.

2. Permits/registration of a cart is not transferable to a different cart or different owner of the registered cart.

**D) RULES OF THE ROAD.**

1. Operators of carts on the Village Streets will obey all traffic laws, speeds, and traffic control devices and signs the same as any vehicle.

2. Operators of carts shall stay to the right of the traveled portion of the road and yield to overtaking vehicles.

3. Carts will only be operated between the hours of one half hour before sunrise and one half hour after sunset.

4. Carts shall not be operated when visibility is impaired by weather, smoke, fog or other conditions.

5. Carts shall not be operated on any sidewalk or the bike path except by permission of the Board of Trustees, or as stated in Section 4.7.5. E) of the Hampton Code of Ordinances.

6. Carts shall not be operated on any grassy or non - paved portion of any park, right-of-way (boulevard) or any other Village property except at the direction of an official directing traffic. This section does not preclude

the operation of carts on the designated shoulder of a street or roadway.

7. Carts shall not be operated on any State of Illinois Highway (Route 84) except to cross the highway at a right angle to a Village street on the opposite side within the crossing zone.

8. Carts shall not be operated on any County or Township road except in accordance with directives from the Township or County.

9. Operators who drive carts on Village streets shall adhere to Illinois Motor Vehicle laws governing the possession and use of alcoholic beverages and all other illegal drugs while operating the cart on Village streets.

10. All carts shall display a slow moving vehicle emblem on the rear of the cart, of the size and shape determined by standard ASAE S 276.5 dated November 1997 by the American Society of Agricultural Engineers, for such sign.

11. The number of occupants of a cart is limited by the number of individual seats installed and/or provided for on the cart. The operator and all occupants of the cart shall be seated in the cart, and no part of the operator's or passenger's body shall be extending outside of the cart while the cart is in motion.

12. Owners of carts registered and operated on Village streets are required to show proof of liability insurance upon request.

13. No cart as defined in this Section, shall be operated on any street within the Village unless, at a minimum, it has the following:

- a. brakes;
- b. a steering apparatus;
- c. tires;
- d. a rearview mirror;
- e. red reflectorized warning devices in the front and rear;
- f. a headlight that emits a white light visible from a distance of 500 feet to the front;
- g. a tail lamp that emits a red light visible from at least 100 feet from the rear;
- h. brake lights; and
- i. turn signals.

**14.** A cart shall have its headlights and taillights lighted when operated on Village streets.

**E) PENALTIES.** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).



## ARTICLE 9

### RESIDENTIAL SOLID WASTE AND LITTER CONTROL

Ordinance 623, February 24, 1997

**4.9.1: DEFINITIONS:** The following words or phrases when used throughout this section shall have such meaning as ascribed to them unless the content otherwise requires:

**LITTER** any discarded, used or unconsumed substance or waste. "Litter" may include, but is not limited to, any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging, construction material, motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind, any object likely to injure any person or create a traffic hazard, potentially infectious medical waste as defined by the Illinois Environmental Act, or anything else of an unsightly or unsanitary nature.

**RECYCLABLE MATERIAL** any waste material designated by the Village of Hampton and/or its contracted Recyclable Material Collector to be recycled. "Recycled Material" may include, but is not limited to, newspaper, magazines, cardboard and other paper products, glass, metal, plastic, tires, appliances or anything else that is determined to be of value as a Recyclable Material.

**4.9.2: DUMPING OF LITTER PROHIBITED:**

No person shall dump, deposit, drop, throw, discard, leave, cause or permit the dumping, depositing, dropping, throwing, discarding or leaving of litter upon any public or private property within the corporate limits of the Village of Hampton, or upon or into any river, lake, pond or other stream or body of water within the corporate limits of the Village of Hampton, unless:

**A)** the litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter; or

**B)** the person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard; or

**C)** the person is acting under the direction of proper public officials of the Village of Hampton during special cleanup days; or

**D)** the person is lawfully acting in or reacting to an emergency situation where health and safety are threatened, and removes and properly disposes of such litter, including but not limited to, potentially infectious medical waste as defined in the Illinois Environmental Protection Act, when the emergency situation no longer exists.

**4.9.3: DUMPING OF LITTER FROM MOTOR VEHICLE PROHIBITED:**

**A)** No person shall dump, deposit, drop, throw, discard or otherwise dispose of litter from any motor vehicle upon any public street, avenue, alley or other roadway, upon any public or private property or upon or into any river, lake, pond, stream or body of water within the corporate limits of the Village of Hampton except as permitted in Section 4.9.2.

**B)** No person shall transport by any means garbage or refuse from any dwelling, residence, place of business, farm or other site, to, and deposit such material in, around or on top of trash barrels or other receptacles placed within public parks or other public property within the corporate limits of the Village of Hampton.

**4.9.4: ACCUMULATION OF LITTER PROHIBITED:** No person shall allow litter to

accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.

#### **4.9.5: COLLECTION OF RECYCLABLE MATERIALS**

**A)** The Village shall provide curbside recyclable material collection service on a once per week basis on a day determined by the Board of Trustees.

**B)** Recyclable Material set out for pick up shall be cleaned and segregated from other refuse and set out in special receptacles provided by the Village.

**C)** The recycling receptacle provided is the property of the Village of Hampton and is to be used only for recycling pursuant to this Section. Using it for any other purpose constitutes a violation of this Section and may cause the Village to reclaim the receptacle.

**D)** Ownership of recyclable materials set out for collection by residents or businesses shall be vested in the Village of Hampton or in contractors authorized to collect recyclable material. Unauthorized collection of recyclable material set out for collection within the corporate limits of the Village of Hampton by any person shall constitute a violation of this Section.

**E)** A fee of ten and 00/100 dollars (\$10.00) shall be charged to each resident who obtains a recycle bin for curbside pickup, except that new residents will be allowed the first recycle bin for no fee. **(Ord. 698, March 7, 2011)**

#### **4.9.6: COLLECTION OF RESIDENTIAL SOLID WASTE**

**A)** The Village shall provide for curbside collection service of residential solid waste on a once per week basis on a day to be determined by the Board of Trustees.

#### **B) (Rev. Ord. 09-03, May 4, 2009)**

Solid waste set out for collection shall be contained in 33 gallon bags or containers. Each residence is allowed five (5) bags or containers of solid waste to be set out for collection that do not require a pre paid sticker. Additional bags or containers set out shall have a pre paid sticker attached. Such sticker will be provided by the contracted refuse hauler for the Village of Hampton and made available for sale in retail stores within the corporate limits of the Village of Hampton.

#### **4.9.7: SOLID WASTE COLLECTION FEES: (Ord. 06-12 September 5, 2006)**

**(Rev. Ord. 09-04, May 4, 2009)** A collection fee will be added to all water and sewer bills in the amount of six and 00/100 dollars (\$6.00) per month. A ten percent (10%) penalty charge will be charged if the solid waste collection fee is not paid by the 5th day of the month, the same due date and penalty as on water and sewer bills. The fee per sticker for each additional bag or container of solid waste is one and 00/100 dollars (\$1.00). Stickers are available for sale at the Village Hall and retailers as designated by the Board of Trustees.

#### **4.9.8: COLLECTION OF YARD WASTE MATERIALS: (Ord. 06-12, September 5, 2006)**

The Village shall provide for curbside collection service of yard waste as defined by applicable state laws, at a cost of two and 00/100 dollars (\$2.00) per bag per sticker. Yard waste must be placed in paper or kraft bags with a yard waste sticker attached, and placed at the curb for pickup on the designated day. Stickers are available at the Village Hall and at retailers as designated by the Board of Trustees.

#### **4.9.9: UNAUTHORIZED MANUFACTURE OR SALE OF REFUSE AND YARD WASTE STICKERS:**

No person shall manufacture, copy, duplicate or otherwise counterfeit, nor cause the manufacturing, copying duplicating or otherwise counterfeiting of pre paid stickers used for the collection of residential solid

waste or yard waste by the Village of Hampton  
or its contracted waste collection contractor.

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## ARTICLE 10

### PARK AND RECREATIONAL AREAS

(Ord. 526, December 28, 1987) (Rev. Ord. 578, June 13, 1994)  
(Rev. Ord. 607, March 11, 1996)

**4.10.1: DEFINITIONS:** For the purpose of this section and in order to carry out the provisions contained in this section, certain words, terms and phrases are to be interpreted as defined herein:

**PARK AND RECREATION AREAS:**

The park and recreational system shall consist of property, facilities and institutions either within or beyond the corporate limits as the park and recreation board, with the approval of the President and Village Board, may from time to time determine.

**SPECIAL EVENTS:** A gathering of more than one hundred (100) persons for the purpose of carnivals, music concerts, rallies, sporting events and other similar events determined by the Village Board to fall within this definition. Family gatherings, such as family reunions, for the purposes of this section, shall not be considered a *Special Event*.

**4.10.2: RULES OF CONDUCT:** No person in any park, playground or other area under the jurisdiction of the Village of Hampton shall:

**A)** Permit unleashed or unaccompanied animals on the premises except for special functions.

**B)** Carry or discharge firearms, fireworks, bows and arrows, slingshots or air rifles.

**C)** Cut, mark, break, climb upon, or in any way injure or deface trees, shrubs, plants, buildings, fences, bridges or other structures or property on the premises.

**D)** Remove from the premises sod, trees or plants or other moveable property or to pick flowers of any kind.

**E)** Race with horses, bicycles, automobiles, mini bikes, motorcycles or other vehicles, boats or animals; or drive or ride on drives on any premises at more than fifteen (15) miles per hour, unless otherwise designated.

**F)** Sell, be in possession or be under the influence of any hallucinogenic drugs, marijuana or alcoholic beverages.

**G)** Lie or sleep on tables or benches on the premises.

**H)** Distribute circulars or advertisements, or post notices, bills or other paper upon any structures or trees on any premises, or to advertise by any other means.

**I)** Take any bird eggs or bird nests; fish in the lagoons, unless permitted at times designated; or kill or disturb any water fowl, birds or wildlife.

**J)** Light any fires on the property, other than in established fireplaces.

**K)** Drive or park motorized vehicles on the grassy areas or bike path.

**L)** Swim in any but designated places fro swimming, and only during the designated hours.

**M)** Be on the premises, unless otherwise designated or authorized, between the hours of 10:00 PM and 6:00 AM.

**N)** Be permitted to hold meetings or gatherings on park or recreational property without written consent by permit from the Village Board, such permit should be picked up at the Village Hall and filled out completely by anyone desiring the said location.

**O)** Be permitted to bring into or upon park and recreation properties refuse of any kind.

**P)** Enter any area or portion of any area designated as restricted by signs or notices without consent of the Village Board.

**Q)** Use electricity or the pavilion unless a rental agreement is obtained from the Village Clerk at least twenty-four (24) hours in advance.

**R)** Conduct organized gambling, games or contests of chance within any park within the Village of Hampton.

#### **4.10.3: RULES GOVERNING SPECIAL EVENTS**

**A)** All applications and rental agreements for special events must be completed and received by the Village Clerk forty-five (45) days prior to the event.

**B)** A one hundred dollar (\$100.00) application deposit fee will be required upon applying for a requested date. The application fee is not refundable if canceled.

**C)** All vendors and sponsors of a special event will be required to carry a certificate of insurance in accordance with the Village of Hampton insurance carrier requirements and submit a copy to the Village Clerk ten (10) days prior to the event.

**D)** The Hampton Chief of Police will be notified by the Village Clerk and be given all information on all special events. Security will be coordinated by the Chief of Police of the Village of Hampton. A security fee will be negotiated by the Village Board based upon man power and equipment needs as determined by the Village Board to ensure the safety and well being of the residents of the Village of Hampton as well as any persons attending the event.

**E) (Ordinance 643 April 13, 1998)** The Hampton Fire Rescue Chief will be notified by the Village Clerk and be given all

information on all events. Emergency Medical stand by will be provided by Hampton Fire and Rescue at a special event. The fee for this service will be negotiated by the Village Board. The make up of the stand by crew will be determined by the Fire Rescue Chief based upon the manpower and equipment needs to ensure the safety and well being of the persons attending the event.

Charges for activity under this ordinance shall be at an hourly cost to maintain fire Department. This figure will be attained by the following formula: using the current annual fiscal budget for Fire Department divided by 365 with this quotient again divided by 24, which will be the hourly cost. such figure is to be rounded upward to the nearest dollar.

**F)** The Village of Hampton Electrical Inspector will be notified of any special event by the Village Clerk for the purpose of inspecting any and all temporary electrical work performed. The Village of Hampton will charge a fee for this service.

**G)** Temporary rest room facilities will be obtained by the special event organizer at one (1) rest room per one hundred (100) persons estimated to attend. The facilities must be removed within forty eight (48) hours after said event, or will be subject to a \$10.00 per unit per day fine. Temporary rest room facilities will be approved by the Village Board.

**H)** Clean up will be performed on the day following the special event and no waste will be left on the grounds. A fine will be levied for any waste not removed from the site by the following day.

**I)** Inspections of the grounds will be conducted after the event by the Chief of Police or his/her representative and findings reported to the Village Clerk.

**J)** User fees will be negotiated by the Village Board.

**K)** Liquor vendors will be required to carry Dram Shop insurance and obtain a

Village of Hampton Liquor License for each day.

**L)** Gambling will not be permitted within any park within the Village of Hampton.

**M)** The organizer of the special event will allow a representative of the Village of Hampton to inspect the grounds at various times during the event. This person will not be charged a fee for entry.

**N)** Special events will not exceed three (3) days without permission from the Village Board.

**O)** The Rock Island County Health Department will be notified of any Special Event where food and or beverages is to be served to ensure strict compliance with health rules and regulations.

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## ARTICLE 11

### EMERGENCY RESPONSE COST RECOVERY

(Ord. 595 October 9, 1995)

**4.11.1:** A fee shall be assessed for all responses made to non-citizens of the Village of Hampton or the taxable district of the Village of Hampton. All response fees will be established by the Village Board and will include the fees required by mutual aid responses. No fee assessment will be made to citizens of another taxable district when Hampton employees and equipment are summoned under an established mutual aid agreement.

**4.11.2:** Emergency response fees shall be assessed for any responses to assist a nontax paying customer or residents who do not reside in the Village of Hampton or the said taxable district. This fee will be assessed regardless of who requested the response. In such cases where multiple customers utilize our services, each one will be charged accordingly.

**4.11.3:** Village Employees or Retired Employees who are non-citizens will be excluded from fee assessment in the event that they require our emergency services. This policy will be in effect regardless of whether they are on Village time or not.

**4.11.4:** This Ordinance will be in effect except in cases where it is hazardous material related, then the "Haz-Mat Ordinance" will supersede. Customers can be assessed costs covered in this ordinance that are not covered in the "Haz-Mat" Ordinance.

**4.11.5:** The charges for such services shall be computed at a rate of one hundred twenty five dollars (\$125.00) per hour per vehicle and thirty five dollars (\$35.00) per hour per firefighter responding to a call for assistance. An additional charge may be levied to reimburse the Village for extraordinary

expenses of materials used in rendering such services for which the total charge would be less than fifty dollars (\$50.00). (Ord. 624, March 10, 1997)

All billings shall be rounded off upwards to fifteen (15) minute increments, and charges shall be made based on fifteen (15) minute proration of the hourly charge. (Ord. April 13, 1998)

**4.11.6:** All customers will be subject to legal fees to pursue cost recovery if required.

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## ARTICLE 12

### HAZARDOUS MATERIALS IDENTIFICATION AND COST RECOVERY

(Ord. 580 October 10, 1994)

**4.12.1: SIGNS:** The standard system for identifying hazards of chemicals of The National Fire Protection Association (NFPA) based on NFPA Standard 704-1980 is adopted by reference.

**A) SIZE:** The signs shall be at least seven and one half (7½) inches on each side. The signs shall have four (4) spaces each at least three and three quarters (3¾) inches on each side. Numbers and symbols within each of the four (4) spaces shall be at least three (3) inches in height.

**B) LOCATION:** If a building or structure has a floor space of five thousand (5,000) square feet or less, an employer shall post signs on the outside of the building or structure identifying the type of each hazardous chemical contained in the building or structure. If the building has more than five thousand (5,000) square feet, the employer shall post a sign at the place within the building where each hazardous chemical is permanently stored to identify the type of hazardous chemical. If the hazardous chemical is moved within the building, the employer shall also move the sign or post an additional sign at the location where the hazardous chemical is moved.

**C) CATEGORIES:** The sign shall identify hazards of a chemical in terms of the principal categories, namely, "Health", "Flammability" and "Reactivity" (Instability); and indicate the order of severity numerically by five (5) classifications ranging from four (4), indicating a severe hazard, to zero (0), indicating no hazard. This information is to be presented by a spatial system of diagrams with "health" always on the left; "flammability" at the top; and "reactivity" (instability) on the right. Color backgrounds and numbers are used for the three categories with blue representing "health" hazard, red representing "flammability" and yellow representing "reactivity" (instability). The fourth space shall be at the bottom and used to indicate unusual reactivity or other

special hazard warnings in black and white colors.

**D) EXPLOSIVE EXEMPTION:** Any building or structure, other than an explosives manufacturing building, approved for the storage of explosive materials shall have signs located so as to minimize the possibility that a bullet shot at the sign will hit the magazine.

**4.12.2: AGREEMENT BETWEEN EMPLOYER AND FIRE DEPARTMENT:** In instances where posting of a sign for each hazardous chemical would be ambiguous, repetitive, or where space is limited by the physical characteristics of the structure, or in situations such as in a building, structure or location, where a wide variety of materials may be stored having varying degrees of hazards, the identifying symbol shall indicate the most severe degree of hazard in each category except when a high hazard rating would be misleading because of the presence of an insignificant quantity of the material requiring the rating.

**4.12.3: EMPLOYER VARIANCE APPLICATIONS:** A employer may make application to the Fire Chief for less stringent sign posting requirements:

**A)** The employer shall make written application for variance.

**B)** The employer shall have the burden of proof to show that compliance imposes an undue hardship on the employer and that less stringent sign posting requirements as proposed by the employer offer substantially the same degree of notice and protection to emergency responders as if the ordinance were strictly enforced.

**4.12.4: COST AND ACQUISITION:** The cost of sign production and acquisition of required signs will be at the expense of the employer.

**4.12.5: CATEGORY RATING:** Hazard class will be identified and rated by the Fire Department based on current standards set by the National Fire Protection Association.

**4.12.6: INSPECTION AND ENFORCEMENT:** It shall be the duty of the Fire Department to inspect any building, yard or premises in the Village which contains hazardous chemicals and enforce this ordinance as written. Directions shall be given the owner, agent or occupant of any premises containing hazardous chemicals, to comply with the ordinance within five (5) days. Failure to correct the condition within the specified time can result in a fine of one hundred dollars (\$100) and a further sum of twenty five dollars (\$25) every day the condition remains.

**4.12.7: INCIDENT MITIGATION COST RECOVERY:** Charges will be assessed to the owner of spilled hazardous materials for the cost of cleanup and mitigation. These fees will include the cost of equipment repair and/or replacement, supplies used, wages and established equipment charges, as well as fees charged by mutual aid agencies and cleanup crews of the Village of Hampton. Prices will be established by the Village Board.

**4.12.8: HAZARDOUS MATERIALS PRICE LIST:** Costs shall be in accordance with those costs reflected in the price lists maintained by the Fire Chief and Clerk of the Village of Hampton.

## ARTICLE 13

### TOBACCO SALES, PURCHASES AND POSSESSION

(Ord. 618, October 14, 1996 Repealed

Ord. 05-13 August 15, 2005), (Revised Ord. 08-01, January 23, 2008)

**4.13.1: DEFINITIONS:** The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this Article. Terms not herein defined shall have the meaning customarily assigned to them.

**"TOBACCO PRODUCTS"** any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

**"VENDING MACHINES"** any mechanical, electric or electronic, self service device, which, upon insertion of money, tokens or other form of payment dispenses tobacco products.

**4.13.2: LICENSE REQUIRED:** it shall be unlawful to sell, offer for sale at retail, to give away, deliver, or to keep with the intention of selling at retail, tobacco products within the Village of Hampton without first having obtained a tobacco dealer's license required by this article. Every holder of a tobacco dealer's license issued pursuant to this article shall immediately post and keep posted while in force, in a conspicuous location on the premises, the license so issued.

**4.13.3: LICENSE APPLICATION:** Application for a license here under shall be made in writing to the office of the Village Clerk on forms provided. The term of the license will be for one (1) year, from May 1 to April 30 of the year following its issue.

**4.13.4: LICENSE FEE:** The fee for a tobacco dealer's license shall be fifteen and 00/100 dollars (\$15.00) per year or any part of a year thereof.

**4.13.5: REQUIRED UNDERAGE SIGNAGE:** Signs informing the public of the age restrictions provided for in this Ordinance shall be posted by every retailer within the corporate limits of the Village of Hampton at or near every display of tobacco products for sale. Each sign shall be clearly visible and shall state:

**"THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED BY ORDINANCE OF THE VILLAGE OF HAMPTON."**

**4.13.6: PROHIBITED SALES AND DELIVERY:** It shall be unlawful for any person including any licensee, to sell, offer for sale, buy for, give away or deliver cigarettes, cigars, smokeless tobacco or tobacco in any of its forms to any person within the corporate limits of the Village of Hampton under the age of eighteen (18) years.

**4.13.7: PURCHASE BY MINORS PROHIBITED:** It shall be unlawful for any person under the age of eighteen (18) years to purchase, or to misrepresent their identity or age, or use any false or altered identification for the purpose of purchasing of tobacco products.

**4.13.8: POSSESSION BY MINORS PROHIBITED:** It shall be unlawful for any person under the age of eighteen (18) years to accept, possess or consume any cigarettes, cigars, smokeless tobacco or tobacco in any of its forms; provided that the possession or consumption by a person under the age of eighteen (18) years is under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

**4.13.9: SELF SERVICE PROHIBITED:** It shall be unlawful to sell, offer for sale, give away or display tobacco products where the customer can acquire those products through self service or from a vending machine. The licensee shall display all products from behind a sales or service counter so that no consumer can access the tobacco products without the assistance of an employee of the licensee.

**4.13.10: PENALTIES, SUSPENSION AND REVOCATION OF LICENSE:** Any person convicted of a violation of this article shall be fined in a sum not less than seventy five and 00/100 dollars (\$75.00) nor more than five hundred and 00/100 dollars (\$500.00).

Every act of omission of whatsoever nature, constituting a violation of any of the provisions of this article by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee.

The Village President may suspend or revoke any license issued under the provisions of this article, if he / she determines that the licensee has violated any of the provisions of this article and may levy a fine on the licensee. The fine imposed shall not exceed five hundred and 00/100 dollars (\$500.00) for each violation. Each day on which a violation continues shall constitute a separate violation.

However, no such license shall be suspended or revoked and no licensee shall be fined except after a hearing before the Village President, with not less than ten (10) days written notice to the licensee affording the licensee as an opportunity to appear before the Village President and defend against the charges contained in such notice.

Any licensee determined by the Village President to have violated any of the provisions of this article shall in addition to any fine imposed, pay to the Village the cost of the hearing before the Village President on such violation. The Village President shall determine the cost incurred by the Village for said hearing, including, but not limited to, court reporter fees, the cost of transcripts or

records, attorney fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the Village or such lesser sum as the Village President may allow.

The licensee shall pay said cost to the Village within thirty (30) days of notification of the cost by the Village. Failure to pay said cost within thirty (30) days is a violation of this article and may be the cause for license suspension or revocation.

**4.13.11 GENERAL:** The Village of Hampton seeks to better regulate smoking violations within the Village pursuant to Public Act 95-0017 and 410 ILCS 82 of the Illinois Compiled Statutes, effective January 1, 2008.

**4.13.12 DEFINITIONS:** For the purpose of this section the following terms shall have the following meanings:

**A. BAR:** Means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises. "Bar" includes but is not limited to, taverns nightclubs, cocktail lounges, and cabarets.

**B. EMPLOYEE:** Means a person who is employed by an employer in consideration for the direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

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

**D. ENCLOSED AREA:** Means all space between a floor and a ceiling that is enclosed or partially enclosed with solid walls or windows, exclusive of doorways, or solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including without limitation, lobbies and corridors.

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

**F. PLACE OF EMPLOYMENT:** Means any area under the control of a public or private employer that employees are required to enter, leave, or to pass through during the course of employment.

**G. PRIVATE CLUB:** Means a not for profit association that; (1) has been active and continuous and in existence for at least 3 years prior to the effective date of this Ordinance, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For the purposes of this definition, "private club" means an organization that is managed by a board or directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club.

**H. PRIVATE RESIDENCE:** Means a structure used as a dwelling, where one lives. A private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purpose of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

**I. PUBLIC PLACE:** The portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities of the Village of Hampton or any other public entity, and regardless of whether a fee is charged for admission.

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

**K. SMOKE OR SMOKING:** Means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

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

**4.13.13 PROHIBITED ACTS.** No person shall smoke in a public place or in any place of employment, or within 15 feet of any entrance, or exit, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this ordinance. No person may smoke in any vehicle owned or leased by the Village of Hampton. Smoking is prohibited in indoor public places and workplaces unless specifically exempted in Section 4.13.15.

**4.13.14 POSTING OF SIGNS AND REMOVAL OF ASHTRAYS.**

**A.** The owner, operator, manager, or other person in control of the place, shall clearly and conspicuously post in each public place and place of employment where smoking is prohibited by this ordinance "No Smoking Signs" or the international " No Smoking " symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.

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

**C.** All ashtrays shall be removed from any area where smoking is prohibited by this ordinance by the owner, operator, manager or other persons having control of the area.

**4.13.15 EXEMPTIONS.** Notwithstanding any other provisions of this ordinance, smoking is allowed in the following areas,

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

**B.** Retail tobacco stores as defined in section 4.13.12 in operation prior to the effective date of this ordinance. The retail tobacco store shall annually file with the Village by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that derived from the sale of loose tobacco, plants, or herbs, cigars, cigarettes, pipes or other smoking devices.

Any retail store that begins operation after the effective date of this ordinance may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

**C.** Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room

where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

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

#### **4.13.16 PENALTY, SUSPENSION AND REVOCATION OF LICENSE.**

**A.** Any person, corporation, partnership, association, or other entity that violates any part of this ordinance shall be fined pursuant to this section. Each day that a violation occurs is a separate violation.

**B.** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).



## ARTICLE 14

### FIRE PREVENTION AND PROTECTION - OPEN FIRES

(Ord 616, October 14, 1996)

**4.14.1: FIRES PROHIBITED:** No person shall cause the open burning of refuse or garbage, or conduct any salvage operation by open burning.

**A)** No person shall, in the drug free zone around Hampton Elementary School, cause open burning while students are in session. (Ord 627, October 14, 1997)

**4.14.2: FIRES NOT LIMITED BY THIS SECTION:** This Section shall not limit the open burning of leaves, grass clippings, shrubs, bushes, branches or any other landscape waste upon the premises where it is produced, the burning of landscape waste for agricultural purposes, habitat management (included but not limited to forest and prairie reclamation) or firefighter training. This Section shall not limit the open burning of cooking fires, either charcoal or wood, campfires or other like open fires determined to be recreational in nature.

**4.14.3: LOCATION OF OPEN FIRES:** (Ord. 05-20, December 5, 2005), (Rev. Ord. 09-14, October 19, 2009)

**A)** No person shall kindle, maintain, or cause to be kindled or maintained an fire on any private property within the corporate limits of the Village of Hampton unless the fire is at least ten (10) feet away from any adjoining property line.

**B)** No person shall kindle, maintain or cause to be kindled or maintained, any fire on any Village right-of-way, within five feet (5') of the improved or paved portion of any street, avenue or alley, or within fifteen feet (15') of any structure.

**4.14.4: MONITORING OF OPEN FIRES:** (Ord. 05-17, September 19, 2005)

**A)** Any person conducting open burning shall ensure that adequate provisions are available to prevent the fire from spreading or burning out of control. Adequate provisions include but are not limited to; garden hose, bucket(s) of water or properly rated fire extinguisher of adequate size to extinguish a fire.

**B)** No person shall allow or cause to allow any open fire to be unattended until such fire has extinguished itself or is extinguished by other means. Extinguishment shall mean that all embers are cool and no longer producing heat or flames and there shall be no smoke or smoldering remnants.

**4.14.5: AUTHORITY TO PROHIBIT:** The Fire Rescue Chief, his designee, the Chief of Police or his designee may prohibit any and all open fires allowed by this Section when atmospheric conditions or other factors make such fires, in their judgment, hazardous, dangerous, inconvenient or inappropriate to the public.

**4.14.6: DESIGNATED BURNING TIMES:** Burning of authorized material as defined in Section 4.14.2 will be allowed Tuesday through Saturday during the daytime hours defined as sunrise to sunset or 8:00 PM, whichever is later. All fires must be fully extinguished so no smoldering material or embers are present after sunset or 8:00 PM, whichever is later. Burning days and times in this section do not apply to fires determined as recreational in nature.

(Ord. 09-14, October 19, 2009) (Ord. 729, July 2, 2012)

**4.14.7 PROHIBITING BURNING DURING HALLOWEEN:** All burning of authorized material will be prohibited 24 hours before and the day of Trick-or-Treat. The day of Trick-or-Treat will be determined by the Village Board each year. This does not prohibit

recreational fires. (Ord. 09-14, October 19, 2009)

## ARTICLE 15

### DRUG PARAPHERNALIA AND POSSESSION OF CANNABIS

(Ord 626, April 28, 1997) (Rev Ord 663, February 8, 1999)

**4.15.1: DEFINITION:** For the purpose of this section and in order to carry out the provisions contained in this section, certain words, terms and phrases are to be interpreted as defined herein:

**Controlled Substance** shall have the meaning ascribed to it in Section 102 of the *Illinois Controlled Substances Act* as if that definition were incorporated herein.

**Deliver or Delivery** shall mean the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

**Drug Paraphernalia** shall have the meaning ascribed to it in the *Illinois Drug Paraphernalia Control Act* as if that definition were incorporated herein.

#### **4.15.2: POSSESSION OF DRUG PARAPHERNALIA**

It shall be a violation of this section for any person to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined herein.

#### **4.15.3: MANUFACTURE OF, DELIVERY OF DRUG PARAPHERNALIA**

It shall be a violation of this section for any person to deliver, possess with intent to deliver, drug paraphernalia, knowingly or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store,

contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined herein.

#### **4.15.4: DELIVERY OF DRUG PARAPHERNALIA TO A MINOR**

It shall be a violation of this section for any person eighteen (18) years of age or over who violates Section 4.15.3 by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his/her junior.

#### **4.15.5: ADVERTISEMENT OF DRUG PARAPHERNALIA**

It shall be a violation of this section for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

**4.15.6: PENALTY** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).

#### **4.15.7: DRUG PARAPHERNALIA AND POSSESSION OF CANNABIS (Rev. Ord. 663 Feb. 8, 1999)**

**(A) DEFINITIONS:** All terms and phrases used herein shall have the same meaning as ascribed to them in the Cannabis control act (720 Illinois Compiled Statutes 550/1 et seq.) and amendments thereto; except, should the term "person be limited therein to natural persons who have attained the age of

seventeen (17) years or more, said limitation is specifically excluded herein, and the term "person" is made applicable to all natural persons who have attained the age of thirteen (13) years or more.

**(B) Offense of Possession of Cannabis:** A person commits the offense of possession of cannabis by knowingly possessing ten (10) grams or less of any substance containing cannabis unless permitted or authorized to do so pursuant to the Cannabis Control Act (720 ILCS 550/1 et seq.).

**(C)** Any person violating the provisions of this Ordinance shall be subject to a fine of not less than one hundred dollars (100.00), nor more than five hundred dollars (500.00).

**ARTICLE 16**  
**SEX OFFENDER RESIDENCY RESTRICTIONS**

**Ordinance # 06-02 February 21, 2006**

**Section 4.16.1 DEFINITIONS:** For the purposes of this Section, the following words and phrases shall have such meaning as ascribed to them below, unless the context specifically indicates otherwise.

**A. "Child sex offender"** means any person who:

(1) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection or the attempt to commit an included sex offense, and:

(i) is convicted of such offense or an attempt to commit such offense; or

(ii) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or

(iii) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or

(iv) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

(v) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal procedure of 1963 of such offense or of the attempted commission of such offense; or

(vi) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged

violation or attempted commission of such offense; or

(2) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act; or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or

(3) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

**B. "Sex offense"** means:

(1) A violation of any of the following Sections of the Criminal Code of 1961:

10-7 (aiding and abetting child abduction under Section 10-5(b)(10)),

10-5(b)(10) (child luring),

11-6 (indecent solicitation of a child),

11-6.5 (indecent solicitation of an adult),

11-9 (public indecency when committed in a school, on the real property comprising a school, or on a conveyance, owned, leased, or contracted by a school to transport students to or from school or a school related activity),

11-9.1 (sexual exploitation of a child),

11-15.1 (soliciting for a juvenile prostitute),

11-17.1 (keeping a place of juvenile prostitution),

11-18.1 (patronizing a juvenile prostitute),

11-19.1 (juvenile pimping),

11-19.2 (exploitation of a child),

11-20.1 (child pornography),

11-21 (harmful material),  
12-14.1 (predatory criminal  
sexual assault of a child),  
12-33 (ritualized abuse of a  
child),

11-20 (obscenity) (when that  
offense was committed in any school, on real  
property comprising any school, in any school,  
on real property comprising any school, in any  
conveyance owned, leased, comprising any  
school, in any conveyance owned, leased, or  
contracted by a school, to transport students to  
or from school or a school related activity).

(2) A violation of any of the  
following Sections of the Criminal Code of  
1961, when the victim is a under 18 years of  
age:

12-13 (criminal sexual assault),  
12-14 (aggravated criminal  
sexual assault),  
12-15 (criminal sexual abuse),  
12-16 (aggravated criminal  
sexual abuse).

An attempt to commit any of these  
offenses.

(3) A violation of any of the  
following Sections of the Criminal Code of  
1961, when the victim is a person under 18  
years of age and the defendant is not a parent  
of the victim:

10.1 (kidnapping),  
10-2 (aggravate kidnapping)  
10-3 (unlawful restraint)  
10-3.1 (aggravated unlawful  
restraint)

An attempt to commit any of these  
offenses.

(4) A violation of any former law  
of this State substantially equivalent to any  
offense listed in clause (B) (i) of subsection (c)  
of this Section.

**C. "School"** means a public or private  
preschool, elementary, or secondary school.

**D. "Loiter"** means:

(1) Standing, sitting idly,  
whether or not the person is in a vehicle or  
remaining in or around school property.

(2) Standing, sitting idly,  
whether or not the person is in a vehicle or  
remaining in or around school property, for the  
purpose of committing or attempting to commit  
a sex offense.

(E) **"School Official"** means the  
principal, a teacher, or any other certified  
employee of the school, the superintendent of  
schools or a member of the school board.

#### **4.16.2 PRESENCE PROHIBITED:**

The presence within one thousand feet  
(1,000') of a school zone within the Village of  
Hampton by a child sex offender is prohibited.

**A.** It is unlawful for a child sex offender  
to knowingly be present in any school building,  
on real property compromising any school, or  
in any conveyance owned, leased, or  
contracted by a school to transport students to  
or from school or a school related activity when  
persons under the age of 18 are present in the  
building, on the grounds or in the conveyance,  
unless the offender is a parent or guardian of a  
student present in the building, on the grounds  
or in the conveyance or unless the offender  
has permission to be present from the  
superintendent or the school board or in the  
case of a private school from the principal. In  
the case of a public school, if permission is  
granted, the superintendent or school board  
president must inform the principal of the  
school where the sex offender will be present.  
Notification includes the nature of the sex  
offender's visit and the hours in which the sex  
offender will be present in the school. The sex  
offender is responsible for notifying the  
principal's office when he or she arrives on  
school property and when he or she departs  
from school property. If the sex offender is to  
be present in the vicinity of children, the sex  
offender has the duty to remain under the  
direct supervision of a school official.

**B.** It is unlawful for a child sex offender  
to knowingly loiter on a public way within one  
thousand feet (1000') of a school building or  
real property compromising any school while  
persons under the age of 18 are present in the  
building or on the grounds, unless the offender  
is a parent or guardian of a student present in  
the building or on the grounds or has

permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender has the duty to remain under the direct supervision of a school official.

**4.16.3:** Further the presence within one thousand feet (1,000') of any licensed daycare, library or playground equipment within the Village of Hampton by a child sex offender is prohibited.

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# TITLE FOUR COMMUNITY PROTECTION

## ARTICLE 17 – SEIZED AND IMPOUNDED VEHICLES

Ordinance #778, June 9, 2015



**4.17.1: TITLE:** This Chapter shall be known, cited and referred to as the "Vehicle Impound Ordinance of Hampton."

**4.17.2: PURPOSE:** The purpose of this Chapter is to offset the costs incurred in the preparing, prosecuting, hearing, and disposing of criminal and traffic cases, and recover the costs associated with the towing, impounding, or seizing of motor vehicles used during the commission of criminal, traffic, or other offenses within the corporate limits of the Village of Albany.

**4.17.3: CONSTRUCTION:** The following shall apply in construction of this Chapter:

A. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; words used in the masculine gender shall include the female gender; and such inclusive words shall be reciprocal.

B. The word "may" is permissive or discretionary.

C. The word "shall" is mandatory and not discretionary.

**4.17.4: DEFINITIONS:** For the purposes of this Chapter, the following words and phrases shall have the meaning designated below, except when a particular context clearly requires a different meaning:

*Village* is the Village of Hampton, Rock Island County, Illinois.

*Law Enforcement Officer* means every officer authorized to make arrests and issue citations for criminal and traffic

offenses occurring within the Village.

*Person* means an individual, firm, organization, public or private corporation, government, partnership or unincorporated association.

*Registered Owner* means the record title holder(s) of the vehicle as properly registered with the Illinois Secretary of State, or if registered in a state other than Illinois, record title holder as properly registered with the administrative agency responsible for registration in that state.

*Lessee* means the person authorized by a written lease agreement to possess the vehicle and as properly registered with the Illinois Secretary of State, or if registered in a state other than Illinois, as properly registered with the administrative agency responsible for registration in that state.

**4.17.5: VEHICLES TO BE SEIZED AND IMPOUNDED:** Any vehicle, regardless of whether the Registered Owner or Lessee is operating said vehicle, within the corporate limits of the Village, shall, under this section, be subject to seizure and impoundment, any time the vehicle is used in connection with one or more of the following offenses:

A. Operation or use of a vehicle in connection with the commission of any felony offense.

B. Operation or use of a vehicle in connection with the commission of, or in the attempt to commit, an offense for which a vehicle may be seized and forfeited pursuant to Section 36-1 of

the Illinois Criminal Code of 1961, as now enacted and as amended from time to time; or

C. Driving Under the Influence of Alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of 625 ILCS 11-501, as now enacted and as amended from time to time (unless the law enforcement officer, in his discretion, determines that said vehicle may be released to a sober passenger or co-owner).

D. Operation or use of a vehicle in connection with the commission of, or in the attempt to commit, a felony or in violation of the Illinois Cannabis Control Act, 720 ILCS 550/et seq. as now enacted and as amended from time to time; or

E. Operation or use of a vehicle in connection with the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act 720 ILCS 570 et seq., as now enacted and as amended from time to time; or

F. Operation or use of a vehicle in connection with the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Illinois Criminal Code of 1961, as now enacted and as amended from time to time; or

G. Driving while a driver's license, permit, or privilege to operate a vehicle is suspended or revoked pursuant to 625 ILCS 5/6-303, as now

enacted and as amended from time to time; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving); or

H. Operation or use of a vehicle in connection with soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Illinois Cannabis Control Act or the Illinois Controlled Substances Act, as now enacted and as amended from time to time; or

I. Operation or use of a vehicle by a person against whom a valid warrant is outstanding for which the Village of Hampton is within geographical limits.

J. Operation or use of a vehicle in connection with the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Illinois Criminal Code of 1961, as now enacted and as amended from time to time; or

K. Operation or use of a vehicle in the commission of, or in the attempt to commit, the offense of Fleeing to Elude a Police Officer, in violation of 625 ILCS 5/11-204.1, as now enacted and as amended from time to time; or

L. Any other offense now codified or subsequently enacted, that directs or authorizes a law enforcement officer to seize, impound, or tow the vehicle in question.

**4.17.6: ADMINISTRATIVE FEE:** An Administrative Fee in the amount of Two Hundred Dollars (\$200.00) shall be imposed on the Registered Owner or Lessee of any Vehicle impounded under this Chapter.

A. Said fee is an established fixed amount for the actual administrative costs incurred by the Village agencies as the result of towing and impounding of vehicles, and the preparing, prosecuting, hearing, and disposing of criminal or traffic cases involving the use of vehicles.

B. The Administrative Fee shall be in addition to (1) any other penalties that may be assessed by a court of law for the underlying violations; (2) any towing or storage fees, or both, charged by the towing company; and (3) any Hearing Officer fee imposed under Chapter 13.

C. If there exists more than one Registered Owner or Lessee of the vehicle in question, each Registered Owner or Lessee shall be jointly and severally liable to the Village for the Administrative Fee.

D. Any funds collected under this Chapter as an Administrative Fee shall be used at the discretion of the Chief of Police, or his designee, without need for appropriation, for law enforcement related activities

including but not limited to the purchase or maintenance of police vehicles, equipment, or training.

**4.17.7: COMMENCEMENT OF IMPOUNDMENT:** Whenever a law enforcement officer has probable cause to believe that a vehicle is subject to impoundment, under this Article 17, the officer shall provide for the towing of the vehicle to a facility authorized by the Village. Said vehicle shall be impounded and held until such time as the Administrative Fee is paid or the vehicle is subject to release under the provisions of this Chapter.

**4.17.8: NOTICE OF SEIZURE AND IMPOUNDMENT:** Upon seizure and impoundment, the law enforcement officer shall provide notice as directed under this Section.

A. *Initial Notice.* At the time the vehicle is towed, the officer shall notify, or make a reasonable attempt to notify, the Registered Owner, Lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the Registered Owner's or Lessee's right to an Administrative Hearing.

1. Any notice under this Section shall be in writing, and said notice shall indicate that the vehicle will remain impounded pending the completion of an administrative hearing, unless the Registered Owner, Lessee, or

a lienholder of record posts with the Chief of Police, or his designee, a bond equal to the Administrative Fee and Hearing Officer Fee, as provided by ordinance, and pays for all towing and storage charges.

2. Said notice shall inform the recipient of the right to an Administrative Hearing, and shall provide instructions on the exercise of that right.

B. If a Registered Owner or Lessee is found to be a passenger or driver of any vehicle seized under this Chapter, then he or she shall be personally served with written notice under this Section.

C. If no Registered Owner or Lessee is found to be a passenger or driver of any vehicle seized under this Chapter, then the written notice shall be served on the Registered Owner or Lessee, either by personal service or by first class mail, postage prepaid, to the address as registered with the Secretary of State;

1. All notices shall be served upon the Registered Owner or Lessee within 5 days after a vehicle is seized and impounded; and

2. Said notice shall indicate that the vehicle will remain impounded pending the completion of an Administrative Hearing, unless the Registered Owner, Lessee, or a lienholder of record posts with the Chief of Police, or his designee, a bond

equal to the Administrative Fee and Hearing Officer Fee as provided by ordinance, and pays for all towing and storage charges.

**4.17.9: CASH BOND:** The Registered Owner, Lessee, or a lienholder of record of any vehicle seized pursuant to this Chapter may retrieve the vehicle seized prior to the evidentiary hearing by posting a cash bond at the Hampton Police Department, in addition to the payment of applicable towing and storage fees.

A. The bond shall be an amount totaling the Administrative Fee and Hearing Officer Fee established in this Chapter.

B. Upon posting of bond, the vehicle shall be released to the Registered Owner, Lessee, or the lienholder of record who posted said bond.

C. Any bond posted under this section shall be retained by the Hampton Chief of Police, or his designee, until the disposition of the Administrative Hearing held under this Chapter.

**4.17.10: ADMISSION OF LIABILITY:** The Registered Owner or Lessee of any vehicle seized pursuant to this Chapter may retrieve the vehicle seized prior to the evidentiary hearing by admitting liability to the Village for the Administrative Fee, and, in addition to the payment of applicable towing and storage fees,

remits the full amount of the Administrative Fee established in this Chapter. Said Admission of Liability shall be deemed a waiver of the Administrative Hearing, and upon the entry of an Admission of Liability, any Administrative Hearing scheduled shall be waived and cancelled.

**4.17.11: ADMINISTRATIVE HEARING:** Subject to the provisions of 625 ILCS 5/11-20.3, and in a manner consistent with other statutes or ordinances regulating administrative hearings, a Registered Owner or Lessee may request an Administrative Hearing to review the imposition of the Administrative Fee under this Chapter.

**A. Request for Hearing.** A Registered Owner or Lessee of any vehicle seized pursuant to this Chapter may request a hearing within ten (10) business days of the date of seizure and impoundment or by the service of the notice of seizure and impoundment, whichever is later.

1. All Requests for Hearing shall be in writing and must include the following:

a. The name and mailing address of the Registered Owner or Lessee making the Request for Hearing;

b. The name and mailing address of any Registered Owner or Lessee having an interest in the seized vehicle;

c. The make, model, and registration number of the vehicle seized;

d. The date and location of the seizure; and

e. The identity of the driver who was operating or in control of the vehicle at the time of seizure,

f. All requests for hearing must be delivered to the Hampton Village Hall by personal service.

**B. Waiver of Hearing.** Unless the Registered Owner or Lessee properly delivers a Request for Hearing within the time allowed under this Chapter, said hearing shall be deemed waived, and any right to an Administrative Hearing shall be forfeited.

**C. Notice of Administrative Hearing.** Upon receiving a Request for Hearing, the Chief of Police, or his designee, shall provide written notice that the vehicle shall remain impounded pending the completion of an administrative hearing, unless the Registered Owner, Lessee, or a lienholder of record posts with the Chief of Police, or his designee, a bond equal to the Administrative Fee and Hearing Officer Fee, as provided by ordinance, and pays for all towing and storage charges.

1. This written notice shall be served upon the Registered Owner, Lessee, and any lienholder of record,

2. The written notice shall be served either by personal service or by first class mail, postage prepaid, to the address as registered with the Secretary of State;

3. All notices shall be served upon the Registered Owner, Lessee, and any lienholder of record

within five (5) business days after the Request for Hearing is received; and

4. The written notice shall contain the date, time, and location of the Administrative Hearing. An initial hearing shall be scheduled not less than seven (7) days and no more than forty-five (45) days after the date of the mailing of the notice of hearing.

D. ADMINISTRATIVE HEARING OFFICER. The Administrative Hearing shall be conducted by a hearing officer designated by the Village. The village through intergovernmental agreement shall utilize the code enforcement hearing officer.

E. The party challenging the imposition of the Administrative Fee shall be responsible for the costs associated with use of the Administrative Hearing Officer, as described in this Chapter.

F. The party challenging the hearing must appear personally or through a licensed attorney at law. A failure of the challenging party to appear shall result in a default ruling sustaining the vehicle impoundment.

G. All interested persons shall be given a reasonable opportunity to be heard at the hearing,

H. The formal rules of evidence shall not apply and hearsay evidence shall be admissible.

I. The burden shall be on the party challenging the Administrative Fee to prove one of the available defenses by a preponderance of the evidence.

J. At the conclusion of the Administrative Hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment.

K. If the basis for the vehicle impoundment is sustained by the Administrative Hearing Officer, any Administrative Fee, Hearing Officer Fee, or bond posted to secure the release of the vehicle shall be forfeited to the Village.

L. Unless the Administrative Hearing Officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the Registered Owner, Lessee, or lienholder of record until all Administrative Fees, Hearing Officer Fees, and towing and storage charges are paid.

M. If the Administrative Hearing Officer overturns the basis for the vehicle impound, the vehicle shall be released to the Registered Owner, Lessee, or lienholder of record challenging such fee, provided all towing and storage charges are paid. The Administrative Hearing Officer shall not have the authority to waive towing and storage charges.

**4.17.12: DEFENSES:** At any hearing reviewing the imposition of the Administrative Fee, the Administrative Hearing Officer shall only consider defenses recognized by this Section.

A. There shall only be three recognized defenses to the imposition of the Administrative Fee:

1. The vehicle was stolen at the time the illegal item was



found in the vehicle, and the theft was reported within 24 hours after the theft was discovered or reasonably should have been discovered;

2. The vehicle was operating as a common carrier and the violation occurred without the knowledge of the person in control of the vehicle;

3. The vehicle was not used in connection with an offense described in this Article.

B. Notwithstanding the limitations set forth in Paragraph A of this Section, the following circumstances shall **NOT** constitute a defense to the imposition of the Administrative Fee:

1. The Registered Owner, Lessee, or lienholder of record was not the driver of the vehicle during the commission of the offense in question;

2. Any criminal charge related to the incident giving rise to the impoundment has been adjudicated not guilty;

3. Any criminal charge related to the Incident giving rise to the impoundment has been dismissed or otherwise disposed of; or

4. Any other circumstance not specified in Paragraph A of this Section.

**4.17.13: HEARING OFFICER FEE:** The party challenging the imposition of

the Administrative Fee shall be responsible for the costs associated with use of the Administrative Hearing Officer. Said fee shall be \$150.00, and shall be used to pay for the costs associated with the use of the Administrative Hearing Officer, subject to the following:

A. If the party challenging the imposition of the Administrative Fee posts bond under this Chapter, the Hearing Officer Fee must be included in said bond.

B. If the Registered Owner or Lessee of any vehicle seized pursuant to this Chapter admits liability as provided in this Chapter, provided said admission occurs more than 48 hours prior to the scheduled Administrative Hearing, no Hearing Officer Fee shall be assessed. A failure to admit liability and waive the Administrative Hearing in a timely manner will result in the imposition of the Hearing Officer Fee on the Registered Owner of the vehicle in question.

C. If no Admission of Liability or waiver of Administrative Hearing is received prior to the deadline described in paragraph B of this Section, the Hearing Officer Fee shall be Imposed on the Registered Owner of the vehicle in question.

D. If the Administrative Hearing Officer overturns the basis for the vehicle impound, no Hearing

Officer Fee shall be assessed, and any previously posted Hearing Officer Fee shall be refunded.

E. Every Registered Owner of the subject vehicle shall be jointly and severally liable to the Village for any Hearing Officer Fee imposed under this Chapter.

**4.17.14: ADMINISTRATIVE REVIEW LAW:** All Administrative Hearing rulings shall be subject to review under the provisions of the Administrative Review Law, as codified as *735ILCS 5/3-101 et seq.*

**4.17.15: ENFORCEMENT:** Unless stayed by a court of competent jurisdiction, any Administrative Fee imposed under this Chapter which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction,

**4.17.16: ABANDONED VEHICLES:** Vehicles not retrieved from the towing facility or storage facility within 60 days after the Administrative Hearing Officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 of the Illinois Vehicle Code,

**4.17.17: SEVERABILITY:** If any provisions in this Chapter or the application thereof is held to be unconstitutional or otherwise invalid

by a court of competent jurisdiction, such ruling shall not affect any other provisions of this Chapter not specifically included in such ruling or which can be given effect without the unconstitutional or invalid provision or application; and to this end, the provisions of this Chapter are declared severable.

## ARTICLE 1

### WATER REGULATIONS (Ordinance #283 July 10, 1961)

**5.1.1. ORGANIZATION:** The Water Department is established as an executive department of the Village of Hampton. The Village President and Board of Trustees are authorized to appoint a Superintendent of Water Department, and all other necessary employees in accordance with Article 4, Title One of the Hampton Code of Ordinances.

**5.1.2. DEFINITIONS:** Unless the context specifically indicates otherwise, the meaning in this ordinance shall be as follows:

**A) Federal Government**

"Federal Act" means the Federal 1996 Safe Drinking Water Acts Amendments.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency.

**B) State Government**

"State Act" means the Illinois Anti-Pollution Bond Act of 1970.

"Director" means the Illinois Environmental Protection Agency.

"State Loan" shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.

**C) Local Government**

"Ordinance" means this ordinance.

"Village" means the Village of Hampton.

"Approving Authority" means the Village Board of the Village of Hampton.

**D) "Person"** shall mean any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.

**E) Clarification of word usage:** "Shall" is mandatory, "may" is permissible.

**F) Water and its characteristics:**

"ppm" shall mean parts per million by weight.

"Milligrams per Liter" shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.

"pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the TEPA Division of Laboratories Manual of Laboratory Methods.

**G) "Curb Cock", "Shot Off", "Curb Stop"** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called curb stop.

**H) "Easement"** shall mean an acquired legal right for the specific use of land owned by others.

**I) "Service Box"** shall mean a valve box used with corporation or curb cock.

**J) Types of charges:**

"Water Service Charge" shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in Section 5.1.21. and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.

"User Charge" shall mean the basic assessment levied on all users of the public water system.

"Debt Service Charge" shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

"Capital Improvement Charge" shall mean a charge levied on users to improve, extend or reconstruct the water works.

"Local Capital Cost Charge" shall mean charges for costs other than the Operation, Maintenance and Replacement costs, i.e. Debt service and capital improvement costs.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

"Useful Life" shall mean the estimated period during which the water works will be operated.

"Water Fund" is the principal accounting designation for all revenues received in the operation of the water system.

**5.1.3. RULES AND REGULATIONS OF THE WATER DEPARTMENT.** The rules and regulations as indicated in the Ordinance shall be considered a part of the contract with every consumer of Village water. The consumer shall be governed by and subject to the rules and regulations.

**5.1.4. APPLICATION FOR WATER SERVICE CONNECTIONS.** Application and payment of fees as required by ordinance must be made at the Office of the Clerk by the owner or agent of the property to be served. The application shall state the official house number, the size of the pipe required and the approximate location where the service shall enter the premises. Each applicant for connection to the water system shall pay an inspection tap on fee of \$75.00 plus the cost of making each connection.

**5.1.5. SERVICE CONNECTIONS.** The making of all service connections and laying pipes, setting of water service fixtures in streets, public grounds and in premises to be served by Village water shall be made by duly licensed plumbers under the supervision of the Village Director of Public Works or the Village Engineer.

**5.1.6. SERVICE TAPS.** No service taps shall be made unless first authorized by the water department. Upon authorization the service tap shall be made as directed by the water department.

**5.1.7. NO ALTERATIONS OR ADDITIONS OF SERVICE PIPES WITHOUT PERMITS.** After a service connection has been laid, no plumber or other person shall make any attachment or connection to it to serve other premises so as to connect the same with the Village water system unless a written permit shall be obtained from the Water Department. The permit shall specify the particular additions, repairs, or alterations to be made. The Plumber or other person shall perform all work in conformity with the permit, ordinances of the Village, and rules and regulations of the Water Department.

No addition or alterations whatsoever in or about any conduit, pipe or water cock shall be made or caused to be made by any person taking water without notice first given and obtaining permission in writing from the water department.

**5.1.8. NO SPRINKLER OR FIRE PROTECTION SERVICE UNTIL PLANS ARE**

**APPROVED.** Whenever an application is made to the Village to do construction, alteration, or repair work upon any fire extinguishing apparatus involving the use of Village water as the primary source of supply, the application with plans shall be submitted to the superintendent of the water department for his approval. No permits shall be issued or any work done until the superintendent has approved issuance of the permit and plans of the work to be done.

Village water will not be turned on into any sprinkler or fire protection service unless all pipe, in connection with the system are left exposed for a pressure test to be made. The water department must be notified that a representative may be present at such test. Any change in the number of sprinklers in service must be reported to the Water Department.

**5.1.9. SEPARATE CONNECTIONS.** There shall be separate service pipes laid from the main to each building wherever there is a water main laid in front, rear or side of such dwelling. Service pipes shall be laid on a straight line at right angles to the water main and connections made within two lines drawn parallel to the sides of the building to be served or within 3 feet. Where services are laid to premises, where there are no water mains available for direct connection, a small temporary main will be permitted to be laid as provided under "Temporary Mains." In all cases such building served must have an independent service shut off.

**5.1.10. SPECIAL SERVICE.** Persons desiring special connections must make application at the office of the Water Department. Special connections embody all connections larger than the standard one inch water service, or water services to be installed outside the Village limit. Water services requested to be installed outside the Village limits require that a special agreement form must be filed and certain fees paid in advance of the issuance of a permit therefor. Forms are obtainable from the Office of the Clerk and the request must be concurred upon by the Board of Trustees.

**5.1.11. YARD HYDRANTS, SPRINKLING PLUGS AND SILL COCKS.** Yard hydrants, sprinkling plugs, and sill cocks must be connected in such a manner that the water consumed through these devices first passes through the water meter on the service.

**5.1.12. SERVICE CURB COCKS.**

**A)** A curb stop box and shutoff for controlling the supply of water to consumers shall be placed on every service. When connections are made in streets or avenues, the stop box shall be placed 12 inches outside the sidewalk line on the street side. When made in alleys, it shall be placed 6 inches outside the lot line. The cover of the stop box shall be maintained at the same height as the sidewalk or the surrounding ground. Where area walls or curb lines prevent the location of stop box and shutoff at the point indicated, they shall be placed immediately within the area wall or curb line. All stop boxes must be set on a line drawn at right angles to the main through the service corporation or connection in the main. Any variation in the location for setting of stop boxes shall be made only when authorized by the Superintendent of the Water Department. The stop box used shall be of a design approved by the Superintendent and must have an unobstructed opening at least 1 inch in diameter and fitted with a substantial cover, the word "Water" in raised letters.

**B)** Every service pipe must also have a stop and waste valve placed in the building within 18 inches of the point where the pipe enters the building. The stop must have a handle, wheel or wrench attached to turn the same, and be kept in working order at all times so that the water may be shut off by the occupant of the premises. There shall also be a gate valve placed on the outlet side of the water meter not more than 3 feet from the meter, so that the meter can be taken out or replaced without draining the pipe system in the building.

**C)** All stop cocks on the line of service must have round ways of the same diameter as the pipe with which they are placed, and the proper tee head and rods for turning on and off, and of a make and pattern approved by

the Superintendent. Services larger than 1 inch shall have gate valve stop cocks.

**D)** Whenever a meter cannot be set on the premises without danger of freezing, difficulty of reading or other cause inimical to the water department service, the Superintendent may demand the installation of an outside meter dial extension. Type to be designated by him.

**E)** Owners of premises having water services which do not have separate curb stop cocks and boxes for each building or which otherwise do not conform to the requirements in this Ordinance at the time of its passage shall be required to put in a curb stop cock or make other changes as are necessary to conform to these requirements when so instructed by the Superintendent of Water Department.

**F)** The outside shutoff and stop box shall be under the sole control of the Village Water Department and no one except an employee or person specially authorized by the Village Water Department shall open the cover of such box, or turn on or off water. Provided, however, that licensed plumbers may turn on or off water for testing plumbing or making repairs, but whenever so used, the shutoff must be left closed if found closed, and open if found open by the plumber who uses it.

**G)** The stop box on every service must be kept flush with the surrounding ground or sidewalk surface, and must be visible from the sidewalk. The valves, curb box and shutoff must be kept in good condition and ready for use at all times by the property owner. Should the property owner neglect to maintain such valves, curb box and shutoff in proper condition to be used, and if stop box is found to be filled up, or the stop box or shutoff found to be out of repair at any time, the Water Department shall have the right of clean or repair the same when needed without giving notice, and charge the cost thereof to the owner, and if payment is refused may turn off the water in the service until the same is paid. The Village will not be responsible for any damage due to the breaking of a service or

stop cock, done while setting, resetting or repairing a water meter.

**5.1.13. NO CONNECTION BETWEEN DIFFERENT SERVICES.** When there are two or more services on premises, the piping from each service must be kept separate, and no connection made from one to the other.

**5.1.14. DEPTH OF SERVICE PIPE.** Service Pipes must be laid at least 4 feet below the surface of the ground. When pipes are laid in streets or grounds subject to fixed grades, where the surface of the ground is higher than the established grades, they shall be so laid that they will be at least 4 feet below the established grade, except in sandy soil formation, the Water Department may require pipes to be laid to a depth of at least 5 feet below the established grade.

**5.1.15. MAINTENANCE OF SERVICE PIPES.** All service pipes and fixtures from the street watermain to the premises, including the corporation cocks at the mains shall be installed and maintained at the expense of the property owners, and any leaks or other defects in the same shall be promptly repaired by them, or if not promptly repaired the water shall be turned off until repairs have been made, and the expense shall be charged against the owner, and must be paid before water shall be turned on again.

**5.1.16. BREAKS IN SERVICE OR FIXTURES.** The Village shall not be held responsible by reason of the breaking of any service pipe or apparatus, water coil, or for failure in the supply of water.

**5.1.17. ABANDONED SERVICE PIPES.** All service pipes that may become useless because of laying of larger or other new services, or because water will be no longer used through them, must be permanently closed off at the water main at the expense of the owner on the premises, and reported to the Superintendent of Water Department. No plumber or owner of property shall disconnect or remove water supply fixtures or piping from any premises served by Village water, or alter the same in such a way as to make the service connection unnecessary for the premises;

without permanently closing off the connections at the water mains and reporting the same to the Superintendent of the Water Department.

If a service pipe or connection, which is not being used is found to be leaking, the Village Water Department may without notice, repair or turn off the same, and charge the expense to the owner of property for which the repair was made.

#### **5.1.18. RIGHT TO SHUT OFF WATER.**

**A) REPAIRS.** The Village may, when necessary, without notice, shut the water off in its mains for the purpose of making repairs or extensions or for other purposes and no claims shall be made against the Village for any interruption of service, or by reason of the breakage of any service pipe or service cock, or from any other damage that may result from shutting off water for repairing, laying or relaying mains, hydrants, or other connections. The Village Water Department shall give notice of shutting off water if conditions are such that it is reasonably possible to do so.

**B) BOIL ORDERS.** The Director of Public Works or his representative shall, when deemed necessary or when directed by the Illinois Environmental Protection Agency to do so, issue boil orders to users of the Village water supply until the water supply is deemed safe through laboratory testing in accordance with directives from the Illinois EPA. The Village Water Department shall give notice of boil orders issued through the news media and when reasonably possible, through written notice to each user effected by such boil order. Notice of cancelled boil orders shall be issued to the news media.

#### **5.1.19. TEMPORARY MAINS.**

**A)** Pipe laid temporarily in the streets or alleys where there are not water mains must be laid in such a manner as to not conflict with the location of where water mains may be placed in the future and shall be placed as designated by the Superintendent. Service pipe 2½ inches in size or less must be lead, copper or other material as approved by the

Superintendent for installation from the main to the shutoff located in the boulevard. Three inch pipe or larger shall be cast iron. The location of the meter shall be designated by the Superintendent.

**B)** Temporary mains shall be laid at the expense of the party to be served. A fee of \$50.00 per customer shall be charged for the privilege of obtaining water service. The charge will be in addition to a permit or inspection charges as covered by other sections of this or any other ordinance. The fee shall be construed as a water main assessment or paid in lieu of an assessment or paid in lieu of an assessment which may become due at a later date as a result of the Village extending its water mains.

**C)** The permit for any temporary mains shall provide that the size of such main shall be designated by the Water Department subject to the approval of the Board and shall be of a size as to allow other party connections to be made to such main if requested by intervening property owners, or to allow or any further extension which may be deemed necessary by the Water Department.

**D)** If a request is made to the Water Department for permission to connect onto such main, the Water Department shall, before granting such permission, require such person to pay a just and equitable amount to the person who laid such main under the original permit.

**E)** If at any future time the Village deems it necessary to extend its regular water service on any street or alley and paralleling such temporary main, then all consumers being served by such temporary main shall abandon their service connection with such temporary main. The connection shall be made within 30 days after completion of the water service.

#### **5.1.20: APPLICATION FOR WATER SERVICE.**

**A)** No water shall be turned on for use on or in any premises until an application in writing has been made for that purpose and

filed with Village Clerk. The application shall state the purpose for which the water is to be used. The application shall contain an agreement to pay all bills. The application when accepted by the Water Department shall constitute a contract between the applicants and the Village. All applications for use of water by a tenant, shall in addition to the signature of the tenant, contain the name, address and telephone number of the owner, or landlord/manager of the premises.

**B)** The applicant shall deposit with his application the sum of \$75.00 before any water is turned on. The deposit shall be held by the Village of Hampton as security for the payment of water used by the applicant and may be so applied when any default is made in payment of a water bill by the owner of the premises, as well as by the occupant. The \$75.00 deposit shall be refunded to the depositor, subject to the following:

**1)** If the depositor has paid his water bill and all water charges promptly for a period of 5 years after the making of such deposit, then such deposit shall be returned five years after the date of such deposit.

**2)** If the depositor has been frequently delinquent or dilatory in the payment of his water bill and water charges, then the \$75.00 shall not be refunded until 7 years after the date of such deposit. For the purpose of this ordinance the words "frequently delinquent" or "dilatory" means 20 percent of the time, over the five year period. The refund shall be authorized by the Village Clerk in accordance with the provisions of this Ordinance.

**5.1.21: NO SERVICE AT NEW LOCATION UNTIL PAYMENT OF DELINQUENT RENTALS.** No persons, either owners or tenants, who in changing their residence from one location to any other location served by the Water Department, shall be given water service until any and all delinquent water rentals which are charged against them at former place or residence, shall have been paid in full. No water at new location shall be turned on and if water has been turned on, it shall be turned off until settlement of such

delinquent water rental at former location is made.

**5.1.22: WATER RATES (Revised Ord. 6-20, December 18, 2006)**

**A) COLLECTIONS.** The following shall be the rates for water supplied, payable monthly on the fifth day of the month following the month the meter is read, the bill is prepared, and mailed or delivered to each customer:

**B) CALCULATION OF RATES:** The water service charge shall be computed by the following formula:

$$CW = CM + (Vu-x) CU$$

Where

CW = Amount of water service charge per billing period.

CM = Minimum charge for operation, maintenance and replacement.

Vu = Water volume for billing period.

X = Allowable consumption in gallons for the minimum charge.

CU = Basic user charge for operation, maintenance and replacement.

**C) BASIC USER CHARGE:** There shall be and there is hereby established a basic user charge of twelve and 20/100 dollars (\$12.20) per month to be applied to each user to cover operation, maintenance and replacement costs of the water facility.

**D) DEBT SERVICE CHARGE.** There shall be and there is hereby established a debt service charge of one and 78/100 dollars (\$1.78) per month to each user of the water facility.

**E) TOWER PAYMENT CHARGE:** There shall be and is hereby established a tower payment charge of sixty seven cents (\$0.67) per month to each user of the water system to help defray the costs of the new water tower constructed in 2000. The charge shall continue until the year 2020, at which time it will cease being charged.



**F) RATES.** A minimum charge of fourteen and 65/100 dollars (\$14.65) per month shall be applied to all users of the water facility for the first 2,000 gallons used per month. This minimum charge consists of twelve and 20/100 dollars (\$12.20) for operation, maintenance and replacement costs, one and 78/100 dollars (\$1.78) for debt service costs and sixty seven cents (\$0.67) for lower payment costs.

Usage in excess of 2,000 gallons per month will be charged at a rate of four and 32/100 dollars (\$4.32) per 1,000 gallons. This rate consists of two and 00/100 dollars (\$2.00) for operation, maintenance and replacement costs, One and 00/100 dollar (\$1.00) for debt service costs and One and 32/100 dollars (\$1.32) for capitol improvement costs.

**G) RATE REVIEW.** The adequacy of the water service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capitol costs or operation, maintenance and repair costs.

**5.1.23: RESPONSIBILITY IN TURNING ON WATER.** In turning on water, the Village or the Water Department shall not be responsible for any damage that may occur by reason of improper fixtures, open or improper connections, or for any other causes.

**5.1.24. DISCONTINUED USE OF WATER.** Owners or consumers desiring to discontinue the use of water shall give notice in writing to the Water Department who shall then turn off the water and/or remove the meter. Owners or consumers desiring to continue the use of water or water service that has been shut off due to nonpayment of the bill shall pay a charge of \$25.00 to have their water service turned on, once the past due amount has been paid in full. When water service is disconnected, all water rentals for such service shall become due and payable.

**5.1.25: PAYMENT DATES AND PENALTIES.** Payment in full for water service is due to the Village of Hampton Water Department on the fifth (5th) day of the month following the month

the bill is rendered and mailed to the customer. If payment is not received in full by the due date, the account will be in default and past due. A ten percent (10%) penalty (late charge) will be added to the balance due on all accounts that are past due. A delinquency notice will be sent to each delinquent account within ten (10) days of the account becoming delinquent.

Failure to receive a bill will not entitle the owner or consumer to a discount. Written notice must be given by the owner or authorized agent if it is desired that bills be forwarded to any other address than the premises supplied.

The Village of Hampton shall have full power and authority to require the payment in advance for the use of water furnished by it in and upon any building, place of premises, and in case prompt payment for the same shall not be made, it may shut off the water from buildings, place or premises and shall not be compelled again to supply the building, place or premises with water until the arrears, together with the costs and expense of turning the water off and on, shall be fully paid.

All bills for installation of special water service connections or service repairs and for the installation and repair of meters shall be payable to the Water Department as soon as the work is completed and bill is rendered. If the bill or bills are not promptly paid, the village water supply may be turned off by the Water Department until the total amount of the bill or bills have been paid.

The Village Water Department shall impose a charge for checks received as payment on an account which is returned to the Village as unpaid. The amount will be as set by the Village Board.

**A) NOTICE OF DELINQUENCY - SHUTOFF.** Whenever a bill for water service remains unpaid 60 days after it is due, the Collector shall serve a shutoff notice to the occupants of the premises or the consumer of the water. The shutoff notice shall be served by regular US Mail or in person by the Police Department. The shutoff notice shall state the

amount in arrears and shall allow ten (10) days from the date of said notice for payment in full of the arrears before the service is shutoff. If the past due amount has not been paid after serving said notice and the ten (10) days past, then the Collector shall direct the Water Department to shutoff the service to the premises.

**B) NOTICE TO OWNERS.** If the consumer of the water whose bill is unpaid is not the owner of the premises, and the Village Clerk has notice of this, notice shall be mailed to the owner of the premises, if his address be known to the Water Department whenever such bill remains unpaid for a period of 60 days after it has been rendered.

**C) NOTICE OF LIEN.** Whenever the charges for water services remains unpaid for 75 days after the due date, the Clerk of the Village shall file with the Recorder of Deeds of Rock Island County, a statement of lien claim. This statement shall contain a legal description of the premises served, the amount of the unpaid bill, and notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

**D) FAILURE TO NOTIFY OR RECORD LIEN.** The failure of the Clerk of the Village to record the lien claim or to mail the notice, or the failure of the owner to receive the notice, shall not affect the right to foreclose on the lien for unpaid water service bills as mentioned in the following section.

**E) FORECLOSURE OF LIEN.** Property subject to a lien for unpaid water service charges shall be sold for non payment of the same, and proceeds of such sale shall be applied to pay the charges after deducting costs as is the case in the foreclosure of statutory liens. Foreclosures shall be by bill in equity, the same of the Village.

**F) VILLAGE CLERK AUTHORIZED TO START PROCEEDINGS TO FORCLOSE.** The Clerk of the Village is hereby authorized and directed to institute proceedings in the name of the Village, in any Court having jurisdiction over such matters against any

property for which the water bill remains unpaid 75 days after it has been rendered.

#### **5.1.26: WATER METERS.**

**A)** All water furnished consumers shall be metered. All meters 3/4 inches and under shall be furnished and set by the Village Water Department but owners must provide suitable location in piping system for same. Meters shall be placed on service pipe not to exceed 2 feet from the wall where the pipe enters the premises. There shall be a suitable place provided for the meter so as to keep it dry and clean, and readily accessible at all times to the Water Department. All valves and fittings necessary to comply with the requirements and to provide connection to meter, except a coupling or flange at each end of the meter, shall be provided by the owner of premises to be served.

**B)** In case two or more meters are desired for measuring water to different tenants in the same building from one service connection, they shall be so placed that no one of them shall measure water which has passed through another one.

**C)** All water meters larger than 3/4" shall be furnished by the consumer and be of such type and size as required by the Village Water Department. All such meters shall be installed with a by-pass with a valve connection at each end of the by-pass to permit the repair or replacement of a meter.

**D) Size of Meters.** Size of meters for larger buildings, industry, apartments or flats shall be designated by the Water Department, at time of application for water supply. The size of meters specified may be subject to change, as the demand or other conditions may develop to be out of accord with the provisions of these rules.

The Water Department reserves the right to require an increase in the size of meter, as in these rules provided, in any case where in the discretion of the department the use of water in larger quantities places any meter under undue or unusual strain.

**E)** The meter reader shall have access to the water meter in each dwelling at least once every twelve months.

**F)** If a meter reading is not obtained or submitted from any residence, that residence shall be billed for the average usage based upon the usage for the prior two (2) billing periods. Proper adjustments will be made to the account upon the next reading.

**G)** Every water meter must have a seal on it. No meter shall be removed or in any way disturbed, nor the seal broken, except in the presence of, or under the direction of the Superintendent or his authorized agent. The owner or occupant of the building served by the meter will have 48 hours to report a broken seal. If a seal is broken and there is evidence of tampering, the owner or occupant shall be subject to a fine of not less than \$100.00 and not more than \$500.00 for such seal breakage.

**H) CONDOMINIUMS:** All new structures erected either as a condominium, cooperative or apartment building:

1) Shall have a separate meter for each separate unit and shall have a separate meter for any common areas. Common areas are defined as those areas of a condominium which are considered open for the public or common use of all unit owners.

2) May have a single meter for the entire building provided that the condominium association or similar association will pay for the water service provided for the entire building.

**I) EXISTING CONDOMINIUM STRUCTURES:** Existing condominium, cooperative, or apartment structures with only one meter shall be billed at a minimum meter bill per unit or at the reading on the meter, whichever is the greater.

1) Should an existing structure with only one meter be made into a condominium, under these circumstances, the structure shall be considered grandfathered.

2) In the event that such structures should undergo major remodeling, then at that time, metering shall be required as in new structures.

**J) IRRIGATION SYSTEM METERS:** (Ordinance #740, January 7, 2013) Property owners within the Village of Hampton, may install separate water meters that measure water usage for irrigation systems in accordance with this section.

1) For the purposes of this section, "irrigation system" is defined as a permanently installed system of pipes and devices, usually installed below ground level, to scatter or spray water over a lawn or other vegetation and landscape areas.

2) Additional meters for irrigation systems will be installed to measure water used for the irrigation system separate from the water used for the rest of the premises. The meter for the irrigation system shall not be installed in line with the main meter for the rest of the premises, where water for the irrigation system will be metered on both the main meter and the irrigation meter. The intent is to meter water for the irrigation system in addition to water used for the rest of the premises..

3) Water used for the irrigation system will not be used for the computation of sewer charges. Property owners will be charged for water used for the irrigation system at the rate charged for water used over and above the minimum charge for the main meter for the premises.

4) The cost for the meter and any remote reading equipment required will be the responsibility of the property owner. Further, the cost of repairs to the meter, back flow device and read equipment will be the responsibility of the property owner.

5) The irrigation system will have a back flow device installed and maintained by the property owner in accordance with rules and regulations established by the United States Environmental Protection Agency, the Illinois Plumbing Code and Title Five, Article 2,

6) The back flow device must be inspected annually by a licensed plumber in accordance with Title Five, Article 2 of the Hampton Code of Ordinances. Results of the annual inspection shall be provided to the Village Clerk.

7) Water meters installed for irrigation systems are for those systems only. The connection of sinks, lavatories, showers, washing machines or any other device or fixture for water use other than an irrigation system as defined in this section shall be a violation of this section. Property and dwellings deemed to be in violation of this section will have the water service discontinued until modifications are made to the plumbing system to be in accordance with this section.

#### **5.1.27. ADJUSTMENT OF WATER CHARGES.**

**A) CHALLENGES TO METER ACCURACY: (Ord. 703, May 2, 2011)** In case of a dispute over the amount of a bill due to the accuracy of a meter, the Water Department shall, at the request of the consumer, test the meter. If it is found upon testing that the meter registers a greater amount of water than has actually passed through it (allowing 2% for accuracy) the bill will be adjusted to conform with the correct amount passing through the meter. The test shall be made without charge. If, however, the meter registers correctly the amount of water passing through it or is slow by 2% or more the owner shall be required to bear the expense of such test.

The charge for testing the accuracy of a water meter, at the request of the consumer, shall be one hundred fifty and 00/100 dollars (\$150.00). The charge for testing the water meter will be added to the next billing for the consumer whose meter was tested and found to be accurate.

**B) APPEALS FOR METHOD OF CALCULATION.** The method for computation of rates and service charges established for

user charges in Section 5.1.21 shall be made available to a user within 15 days of receipt of a written request for such. Any disagreement over the method used in the computations there of shall be remedied by the Accountant for the Village within 30 days after notification of a formal written appeal outlining the discrepancies.

#### **5.1.28: REPAIRING METERS.**

**A)** The Water Department reserves the right at any time to enter any premises supplied by Village water and exchange any meter, for repairs or other cause, as may be deemed necessary by the department.

**B)** No allowance for leakages. No deduction shall be made on account of leakage after the water has passed through and been registered by the meter.

#### **5.1.29: UNLAWFUL TO OBSTRUCT.**

**A)** No person shall obstruct the access to any stopcock, hydrant or valve, or any public faucet or opening for taking water in any street, alley, public ground or place connected with or in part of water system. Hay, lumber, brick, or building material, etc. shall be piled or placed within 12 feet of any stop cock, hydrant, valve or public faucet. No person shall interfere with or obstruct the flow, rental, storage or authorized use of water in the water system, reservoir or plant, or to injure, deface, remove or displace any water main, hydrant, service pipe shutoff box, public fountain, valve, engine or building connected with the water system, or plant, or to cause, suffer or permit any of said things to be done.

**B)** Penalty violation of this section of the ordinance shall result in a fine not less than \$10.00 or more than \$50.00 for each offense. In addition, the person shall be liable for the actual damage done or caused.

#### **5.1.30: WATER FOR CONSTRUCTION AND SPECIAL PURPOSES.**

Where water is to be used in the construction of new buildings, or for repairing or remodeling of existing structures, or for construction

purposes, of any description it can only be used in the following manner:

**A)** Through a water meter installed for the purpose, in accordance with rules and regulations governing installation, cost of installation and removal of water meters. All water consumed to be billed to the applicant and all water registered by the meter shall be paid for at regulate meter rates.

**B)** No meter larger than 1 inch will be set for construction purposes and no hose or pipe connection or more than 1 inch in diameter will be permitted or allowed on the meter. The applicant for such meter will be held responsible for any damage to meter after it is set. In case that the dial is broken, or meter fails to register the amount of water consumed, water must be paid for at the regular flat rates governing such work. Rates to be determined by the Superintendent of the Water Department.

**C)** Through an existing water meter on premises, or an adjoining property, after proper permission for water supply in this manner has been granted.

**D)** Where water cannot be obtained from any other source, a meter may be attached to one of the openings of a Fire Hydrant, the supply to be controlled by a small valve on the meter connection. In no case shall the actual fire hydrant valve be opened or closed by anyone but a representative of the Water Department. A charge shall be made for use of hydrant with the cost to be determined by the Superintendent of Water Department from time to time.

**E)** Where water is to be used for paving and sewer construction, or where, in judgment of the Superintendent it is not advisable to set a meter, a special valve will be set on one of the openings of a Fire Hydrant for the control of such supply. In no case shall the valve be set or removed or the actual fire hydrant valve be opened or closed by anyone but a representative of the Water Department.

1) A fee, which shall be determined by the Superintendent of Water Department will

be charged each time valve is set; and a charge shall be made for use of fire hydrant, cost to be determined by the Superintendent of Water Department from time to time.

**F)** All service connections to regularly laid Village watermain shall be made before the beginning of any paving construction on any street or alley so designated by the Board of Trustees to be paved. All property owners abutting such street or alley designated to be paved shall upon being notified of such improvement immediately establish such connections with the watermain serving the street or alley ordered paved, provided, however:

1) If such connections to watermain are not made when requested the Village may at its discretion make such necessary connection before paving of streets or alleys and charge the cost of same to the abutting property owners served by said mains.

**G) FILLING CISTERNS.** per cistern minimum charge for water plus charge for use of hydrant in accordance with rules and rates governing opening of hydrant.

#### **5.1.31: MOLESTATION OR INJURY TO WATERMAIN, ETC.**

**A)** Any person, persons, company, contractor or corporation so ever, who may be working in any street or streets of this Village who may molest or in any way damage the Village watermain, or appurtenances, shall be responsible to the Water Department of the Village of Hampton for any and all such damages. The party shall bear all expense of the replacement or repair made necessary and shall also be responsible for damage to surrounding properties, on account of the damage to the watermain.

**B)** All fire hydrants installed in the Village of Hampton, for the purpose of extinguishing fires in the Village are declared to be public hydrants and no person(s) other than members of the Fire Department of the Village of Hampton, and those specially authorized by the Water Department shall open any of the hydrants or attempt to draw

water from the hydrant or in any manner interfere with or injure any fire hydrants.

**5.1.32. WRONGFUL USE OF HYDRANTS.**

Penalty. Any person or member of the Fire Department who shall allow or permit any person(s) to take wrenches furnished by the Fire Department to be used in case of fire, shall forfeit and pay, on conviction, the sum of not less than \$10.00 nor more than \$50.00 for each offense.

**5.1.33. WASTE OF WATER.** No person or persons, corporation or corporations, shall allow the water to run to waste through defective pipes, faucets, or other fixtures; provided, however, that a reasonable time, not exceeding 48 hours shall be allowed to repair the same. In case of neglect or refusal by the person(s) or corporation(s) to have the fixtures repaired, the Water Department shall have them repaired at the expense of the owner or occupant, or withhold the water supply. The Water Department reserves the right to prohibit and control water when in the judgment of the Village it shall be necessary to do so.

**5.1.34. NO WATER CONNECTIONS OR PREPARATION THEREFORE WITHOUT PERMIT.**

Penalty. Any persons who shall lay any water service, or introduce in or about any building or on any grounds, any water pipes or any other plumbing work in or about any other plumbing work in or about any building or any grounds for the purpose of connecting such pipes or plumbing work with the main pipes of the Village of Hampton Water Department, or preparing them for connection with a view of having the premises supplied with water by the Village of Hampton Water Department, or who shall made addition to or alteration of any of the pipes, bath, closets, stop cocks, make addition to or alteration of any supply of any premises with water, without obtaining a permit from the Plumbing Inspector to perform such work shall be subject to a fine of not more than \$100.00.

**5.1.35: PLUMBING AND WATER INSPECTOR TO REPORT.** It shall be the duty of the Plumbing and Water Inspector to report, in writing, to the Superintendent of the Water

Department all premises inspected by him where Village water is used or about to be used, within 48 hours after an inspection. The report shall contain the name of the owner, the official house number and the name of the street, the name of the plumber(s) performing the work, also any necessary data required as to location of tap on main, curb cocks, etc.

**5.1.36: INSPECTIONS AND INSPECTORS.**

Inspectors, foremen, meter readers, or any other employee of the Water Department whose duty it may be to enter upon private premises to make inspections and examinations of water meters, pipes, fixtures, or appurtenances, for any reason in connection with the Village water supply will be provided with a badge or other credentials to identify themselves as authorized agents and representatives of the Water Department.

Any officer, inspector, foreman, meter reader or authorized agent, or employee of the Water Department shall upon presentation of the badge or other credentials provided for in the next preceding section or paragraph, have free access at any and all reasonable hours to any premises, supplied by Village water, for the purpose of making any inspection.

**5.1.37: WATER DEPARTMENT MAY INSPECT PREMISES.** In case any authorized agent or employee on the Water Department is refused admittance to any premises, or is hindered or prevented in making an examination, the water department may cause the Village water supply to be turned off from the premises, after giving 24 hours notice to the owner or occupant of the premises.

No person not an authorized agent or employee of the Water Department shall have, wear or exhibit any badge or credential of the Department. It shall be the duty of each and every officer, agent or employee upon resignation or dismissal to surrender and deliver to the Superintendent of the Water Department all badges and credentials.

**5.1.38. OTHER DEPARTMENTS REQUIRED TO AID.** It shall be the duty of the employees of the Police, Engineer, Fire and Street Departments to give vigilant aid to the Water

Department in the enforcement of this ordinance and to this end they shall report all violations which come to their knowledge, to the office of the Water Department.

**5.1.39: NO CONNECTIONS BETWEEN VILLAGE AND OTHER SUPPLY.** No person, company or corporation shall be permitted to cause a connection to be made or allow one to exist with Village water supply for commercial, domestic, sanitary, fire protection, domestic, sanitary, fire protection, or boiler feed purposes, or for any other purpose where water foreign to the Village water supply is used for a second source of supply.

**5.1.40: NO CONNECTIONS PERMITTED THAT MAY CONTAMINATE SUPPLY.** No person, company or corporation shall be permitted to cause a connection to be made, or allow one to exist with the Village water supply, to boilers, tanks, vats, processing equipment or any other connection, which may at any time cause contamination of the Village supply by siphon action or draining into supply system, or otherwise cause contamination of the Village water supply.

**5.1.41: WATER DEPARTMENT REVENUE.** All revenue derived from the sale of water, shall be kept separate and apart by the Treasurer of the Village from the other revenues of the Village and the moneys shall be known as the "Water Department Fund." Moneys shall be used exclusively for Water Department purposes, (i.e., for the maintenance, extension and operation, etc.), except as otherwise authorized by law.

**5.1.42. AUDITING.** The Water Works Fund and Account shall be audited after the close of each fiscal year by an independent firm of certified accountants.

The audit report should include the following items:

- (a) Balance sheet,
- (b) Operating statement,
- (c) and other information as may be required from time to time.

**5.1.43: ACCESS TO RECORDS.** The Illinois Environmental Protection Agency (IEPA) or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Loan Agreement and Rules.

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## ARTICLE 2

### CROSS CONNECTION CONTROL (Ordinance 552, February 11, 1991)

**5.2.1. PURPOSE.** The purpose of these Rules and Regulations is:

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

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

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

**A) APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village of Hampton.

**B) POLICY.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back siphonage of contaminants through the customer's water service connection. If, in the judgment of the Superintendent of Water or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to

install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in Section 5.2.5D(4) below for a period of at least five years. The Superintendent of Water may require the consumer to submit a cross connection inspection report to the Village of Hampton to assist in determining whether or not service line protection will be required. All cross connection inspections shall be conducted by a Cross Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

#### 5.2.2. DEFINITIONS

**A)** The following definitions shall apply in the interpretation and enforcement of these regulations:

1. "Fixed proper air gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

2. "Agency" means Illinois Environmental Protection Agency.

3. "Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

4. "Auxiliary water system" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water

supply system; or water from a source such as wells, lakes, or streams, or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

5. "Backflow" means the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

6. "Backflow prevention device". means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

7. "Consumer" or "Customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

8. "Consumer's water system" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

9. "Contamination". means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

10. "Cross connection". means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

Direct cross connection means a cross connection formed when a water system is physically joined to a source of unknown or unsafe substance.

Indirect cross connection means a cross connection through which an unknown substance can be forced. drawn by vacuum or

otherwise introduced into a safe potable water system.

11. "Double check valve assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly must include tight shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each check valve.

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

13. "Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Adm. Code 890.

14. "Non potable water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

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

where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system five feet beyond the foundation walls.

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

17. "Potable water" means water which meets the requirements of 35 Ill Adm. Code 604 for drinking, culinary, and domestic purposes.

18. "Potential Cross Connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

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

- a. polluted or contaminated waters;
- b. process waters;
- c. used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- d. cooling waters;
- e. questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- f. chemicals in solution or suspension;
- g. oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes;

20. "Public water supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or

intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non community water supply".

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

22. "Service connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

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

24. "System hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

25. "Used water" means any water supplied by a public water supply system to a consumer's water system after it has passed

through the service connection and is no longer under the control of the water supply official custodian.

26. "Water purveyor" means the owner or official custodian of a public water system.

### **5.2.3. WATER SYSTEM**

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

**B)** The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent of Water up to the point where the consumer's water system begins. **C)** The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

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

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

### **5.2.4. CROSS CONNECTION PROHIBITED**

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

**B)** No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality

as determined by inspection and analysis by the Agency.

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

### **5.2.5. SURVEY AND INVESTIGATIONS**

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

**B)** On request by the Superintendent of Water, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent of Water for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross connection inspection results.

**C)** It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system. All cross connection control or other plumbing inspections must be conducted in accordance with Ill. Rev. Stat. 1987, ch. 111, par. 1103(1).

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

1. All cross connections are removed; or approved cross connection control devices are installed for control of backflow and back siphonage.

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

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

#### 4. Testing and Records

(1) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.

(2) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with 111. Rev. Stat. 1987, ch. 111 1/2, par. 1004(e).

(3) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

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

- a. date of each test;
- b. name and approval number of person performing the test;
- c. test results;
- d. repairs or servicing required;
- e. repairs and date completed; and
- f. serving performed and dated completed.

#### 5.2.6. WHERE PROTECTION IS REQUIRED

A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent

of Water, actual or potential hazards to the public water supply system exist.

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

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

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

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

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

5. Premises having a repeated history of cross connections being established or reestablished.

C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent of Water

determines that no actual or potential hazard to the public water supply system exists:

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

#### **5.2.7. TYPE OF PROTECTION REQUIRED**

**A)** The type of protection required under Sections 6.1, 6.2, and 6.3 of these regulations shall depend on the degree of hazard which exists as follows:

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

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

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

**B)** The type of protection required under Section 6.4 and 6.5 of these regulations shall be an approved fixed proper air gap

separation or an approved reduced pressure principle backflow prevention device.

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

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

2. water is pumped into the system from another source; or

3. water flows by gravity from a non potable source; or water can be pumped into the fire safety system from any other source;

4. there is a connection whereby another source can be introduced into to the fire safety system.

**D)** All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines. Section

#### **5.2.8. BACKFLOW PREVENTION DEVICES**

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

**B)** Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

#### **5.2.9. INSPECTION AND MAINTENANCE**

**A)** It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance

with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

1. Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.

2. Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within five (5) days.

3. Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within five (5) days.

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

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

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

1. date of each test or visual inspection
2. name and approval number of person performing the test or visual inspection;
3. test results;
4. repairs or servicing required;
5. repairs and date completed; and
6. servicing performed and date completed.

**E)** Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by Section 5.2.9 A.

**F)** Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent of Water.

#### **5.2.10. BOOSTER PUMPS**

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

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

#### **5.2.11. VIOLATIONS**

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

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

**C)** Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with these Regulations and to the satisfaction of the Superintendent of Utilities/Operations.

**D)** Neither the Village of Hampton, the Superintendent of Water, or its agents or assigns shall be liable to any customers of the, Hampton water supply for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

**E)** The consumer responsible for back siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of cleanup of the potable water supply system.

**F)** Any person found to be violating any provision of this Ordinance shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

**G)** Any person violating any of the provisions of this Ordinance in addition to the fine provided, shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, whether the same was caused before or after notice.



# TITLE SIX

# ARTICLE 1

## LIQUOR CONTROL

## GENERAL

VILLAGE OF HAMPTON, ILLINOIS

**Ordinance 02-07, October 7, 2002**

**Revised Ordinance 789, August 22, 2016**



**6.1.1. TITLE:** This ordinance shall be sited as the Liquor Control Ordinance of the Village of Hampton, Illinois.

**6.1.2. DEFINITIONS:** Whenever the following word or phrases are used in this ordinance, they shall have the meaning as ascribed to them below, unless the context specifically states otherwise:

**"Alcohol"** means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

**"Alcoholic Liquor"** includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this Section shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one half or one percent, or less, of alcohol by volume.

**"Banquet Facility"** means any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

**"Bar/Restaurant"** shall have the same meaning as a restaurant in this Section.

**"Beer"** means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

**"Caterer Retailer"** means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.

**"Cider"** means any alcoholic beverage obtained by the fermentation of the juice of apples or pears including, but not limited to, flavored, sparkling, or carbonated cider.

**"Club"** means a corporation organized under the laws of the State of Illinois, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provide with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the local liquor control commissioner at the time of its application for a license under this Section two copies of names and residences of its members, and similarly files within 10 days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting and that no member or any officer, agent of employee of the

club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or their guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

**"Hotel"** means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to traveler's and guests, whether transient, permanent or residential, in which twenty five (25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

**"Minor"** a person less than 18 years of age.

**"Non-beverage user"** means all laboratories and hospitals and sanatoria using alcoholic liquor for non-beverage purposes.

**"Original Package"** means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of

alcoholic liquor, to contain and to convey any alcoholic liquor.

**"Private Function" or "Private Party"** means a prearranged function or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designed and used exclusively for the private party, function or event, the host controls access to the premises, and alcoholic beverages are provided to invited guests free of charge.

**"Restaurant"** means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

**"Retailer"** means a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

**"Sale"** means any transfer, exchange or barter in any manner, or by any means whatsoever, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. "Sale" includes, but is not limited to, the "giving away" of any alcoholic beverage and the dispensing of any alcoholic beverage.

**"Sell at Retail and Sale at Retail"** refer to and mean sales for use or consumption and not for resale in any form.

**"Special Event"** means an event conducted by an educational, fraternal, political, civic, religious or nonprofit organization.

**"Special Event Retailer"** means an educational, fraternal, political, civic, religious, or nonprofit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license.

**"Special Use Permit License"** means a license for use by a retailer to allow for the transfer of alcoholic beverages from an existing licensed retail premises to a designated site for a specific event.

**"Spirits"** means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

**"To Sell"** means to keep or expose for sale and to keep with intent to sell.

**"Wine"** means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

**6.1.3. SCOPE:** It shall be unlawful for any person to sell or offer for sale any alcoholic liquor for beverage purposes within the Village of Hampton, unless such person has been issued a license by the Village of Hampton, provided, however, nothing

herein contained shall prevent the possession and transportation of alcoholic liquor by the possessor for the personal use of the possessor, his family and guests, and provided further that nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution; and provided further that any drug store employing a licensed pharmacist may possess and use alcoholic liquors in the concoction of prescriptions of duly licensed physicians; and provided further, that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this Section.

**6.1.4. LOCAL LIQUOR CONTROL COMMISSIONER:** The President of the Board of Trustees is the Liquor Commissioner for the Village of Hampton. The following powers are statutory granted to the Liquor Commissioner:

A. The Liquor Commissioner is the sole authority to determine whether an applicant should be issued a license.

B. To grant and/or suspend for not more than 30 days or to revoke for cause all local liquor licenses issued to persons or premises within the Village of Hampton.

C. To enter or authorize any law enforcing officer to enter at any time upon any premises, licensed by the Village of Hampton, to determine whether any of the provisions of the Liquor Control Act of 1934

or any rules and regulations of this ordinance or by the State Liquor Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith.

D. To notify the Secretary of State when a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated the Liquor Control Act of 1934 by selling or offering for sale at retail alcoholic liquors without a retailer's license

E. To receive complaints from any citizen within the Village that any of the provisions of the Liquor Control Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints.

F. May require fingerprints of any applicant for a license or for a renewal thereof except an applicant who is an air carrier operating under a certificate or foreign air permit pursuant to the Federal Aviation Act of 1958. A fee shall be charged for the fingerprinting and the appropriate policing body who must submit the fingerprints and the fees to the Illinois Department of State Police.

G. May levy fines in lieu of a revocation or suspension.

H. The right to examine or cause to be examined any applicant for a license or for the renewal of a license or any licensee upon whom notice of revocation or suspension has been served.

I. May examine the books and records of an applicant or licensee.

J. May issue subpoenas to hear testimony and obtain information in the performance of his duties.

# TITLE SIX

## ARTICLE 2

### LIQUOR CONTROL THE LIQUOR LICENSE

#### VILLAGE OF HAMPTON, ILLINOIS

**Ordinance 02-07, October 7, 2002**

**Revised Ordinance 04-03, January 5, 2004**

**Revised Ordinance 09-07, June 2, 2009**

**Revised Ordinance 765, August 25, 2014**

**Revised Ordinance 770, November 24, 2014**

**Revised Ordinance 789, August 22, 2016**





**6.2.1. GENERAL:** A liquor license is purely a personal privilege. A license does not constitute property, and it is not subject to attachment, garnishment, or execution. It is not transferable or subject to being encumbered or hypothecated. A liquor license does not descend by the laws of testate or intestate devolution, it ceases upon the death of the licensee. However, the executor of the estate or trustee of an insolvent or bankrupt licensee may continue the operation of the business under the direction of the appropriate court until the license expires but no longer than six months after the death, bankruptcy, or insolvency. A liquor license attaches to both the person licensed and the premises for which the license is issued. Each license applies only to the location described therein and separate licenses are required for separate premises. A licensee, however, upon a request in writing and a statement under oath that a different premises complies with the requirements of the Liquor Control Act and this and other ordinances of the Village of Hampton, may be allowed by the Liquor Commissioner to move from the licensed premises to the other one and operate under the same license.

**6.2.2. RESTRICTIONS ON LICENSES:** A licensee is subject to the following restrictions:

**A.** It is unlawful for any person having a retailer's license or any agent of such licensee to accept, receive, or borrow money or anything of value, or accept or receive credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any manufacturer, importing distributor, or distributor of alcoholic liquor.

**B.** No licensee or agent thereof shall sell, give, or deliver alcoholic liquor to any person under the age of 21 or to any intoxicated person or person known by the licensee to be under a legal disability or in need of mental treatment.

**C.** No person after purchasing or otherwise acquiring liquor shall give, sell, or deliver such liquor to a person under the age of 21. Licensees may refuse to sell liquor to anyone unable to give proof of identity and age.

**D.** No licensee shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of any licensed premises.

**E.** No licensee shall sell liquor to any persons on credit, or in payment for services rendered, but this does not apply to clubs and hotels and liquor purchased for consumption off the premises.

**F.** No licensee shall fill or refill any original package of alcoholic liquor with the same or any other kind or quality of liquor. No liquor shall be sold except in original packages.

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

**H.** Whenever any license has been revoked for any cause, no license shall be granted to any person for the same premises for which the license was revoked for a period of one year.

**I.** An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee

ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of non-use.

J. All licensees shall maintain a schedule of the prices charged for all drinks to be served and consumed on the licensed premises or in any room or any part thereof. Pursuant to Illinois law prohibiting "happy hours", no licensee or employee or agent of such licensee shall:

(1) Serve two or more drinks of alcoholic liquor at one time to one person for consumption by that person, except selling or delivering wine by the bottle or carafe, and other alcoholic beverages in pitchers, carafes, buckets, and the like, customarily sold in that manner and delivered to two or more persons;

(2) Sell, offer to sell, or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;

(3) Sell, offer to sell, or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage the consumption of alcoholic liquors;

(4) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(5) Encourage or permit, on the licensee premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises;

(6) Advertise or promote in any way, whether on or off the licensed premises, any of the prohibited practices.

**K. AGE OF PATRONS: (Revised Ord. 789, August 22, 2016)** Licensees who sell alcohol for consumption on the premises and also serve food as a restaurant or bar/restaurant as defined in Section 6.1.2, may allow minors as defined in Section 6.1.2 to enter the establishment that are accompanied by an adult or guardian. Persons under the age of 21 and not a minor may enter a restaurant or bar/restaurant unaccompanied. This Section applies as long as the establishment is serving food and for one half (½) hour after the cooking, preparing and serving of food has ceased for the day.

**L. AGE OF SERVERS: (Revised Ord. 789, August 22, 2016)** Licensees shall not allow minors to be sellers/servers of alcohol, who sell alcohol for consumption on the premises and also serve food as a restaurant or bar/restaurant as defined in Section 6.1.2. as long as the establishment is serving food and for one half (½) hour after the cooking, preparing and serving of food has ceased for the day. If the establishment is not cooking, preparing and serving food, a seller/server must be twenty-one (21) years of age. Selling and serving in these establishments includes the selling, serving, pouring, drawing, mixing and/or opening of alcoholic beverages.

**6.2.3. CLASSIFICATION OF LICENSES:** Licenses issued by the Liquor Commissioner for the Village of Hampton shall be of the following classes:

**A. Class A License:** shall authorize the retail sale of alcoholic liquor for consumption on the premises as well as original package sale of alcoholic liquor.

**B. Class B License:** shall be issued to a club, as defined in Section 6.1.2 and shall authorize the retail sale of alcoholic

liquor for consumption only on the premises occupied by the club and only to members of the club in good standing and their invited guests.

**C. Class D License:** shall authorize the sale of original package alcoholic liquor for consumption off the premises where the alcoholic liquor is sold. Alcoholic liquor will not be consumed on the premises of a licensee who holds a Class D License.

**D. Class E License:** shall authorize the sale of alcoholic liquor on the premises operated as a restaurant or hotel as defined in Section 6.1.2.

**E. CLASS F LICENSE (Rev. Ord. 09-07, June 2, 2009):** shall authorize the sale of alcoholic liquor for consumption on the premises as well as original package sale of alcoholic liquor. The premises will also be allowed extended closing hour to 4:00 a.m. Live entertainment will also be allowed under the following conditions:

1. Live entertainment inside the facility may be allowed to continue until the closing hour of 4:00 a.m.
2. Live entertainment outside the facility may be allowed until the hour of 10:00 P.M. from Sunday through Thursday inclusive.
3. Live entertainment outside the facility may be allowed until the hour of 12:00 a.m. on Friday, Saturday and State designated holidays.

**F. Special Use Permit Liquor License:** shall authorize a licensed retailer to transfer a portion of its alcohol inventory from its licensed retail premises to a designated site for a special event as defined in Section 6.1.2.

**G. Special Event Retailer's Liquor License:** shall authorize the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form, and only at the location and on the specific date(s) designated for the Special Event on the License. The Special Event Retailer's License is intended for not-for-profit organizations. This license shall also be issued to individuals/organizations that hold a Private Function or Private Party as defined in Section 6.1.2.

**H. Class G License:** shall permit the sale of alcoholic liquor for consumption on the premises at the Heritage Center on the Mississippi by the exclusive caterer designated by the Village to provide catering services for events held at the Heritage Center on the Mississippi as an incidental part of the food service provided. (Ord. 04-03, January 5, 2004)

License holders who operate outside the parameters for the class of license held shall be in violation of this Section.

**6.2.4. NUMBER OF LICENSES:** There shall be issued in the Village of Hampton no more than an aggregate total of eight (8) Liquor Licenses at any one time. In addition, there shall be a limit of two (2) Class E and two (2) Class F licenses issued at any one time.

**6.2.5. LICENSE DURATION: (Revised Ord. 04-03, January 5, 2004)** Liquor Licenses issued by the Liquor Commissioner for the Village of Hampton shall be for the following duration:

**A. Class A:** six (6) months and shall expire on June 30 or December 31 following its issuance.

**B. Class B:** six (6) months and shall expire on June 30 or December 31 following its issuance.

**C. Special Use Permit:** one (1) day or for the length of the special event if longer than one (1) day, but not for more than three (3) consecutive days.

**D. Special Event Retailer's Liquor License:** one (1) day or for the length of the special event if longer than one day, but for not more than three (3) consecutive days.

**E. Class D:** six (6) months and shall expire on June 30 or December 31 following its issuance.

**F. Class E:** six (6) months and shall expire on June 30 or December 31 following its issuance.

**G. Class F:** six (6) months and shall expire on June 30 or December 31 following its issuance.

**H. Class G:** one (1) year and shall expire on December 31 following its issuance.

**6.2.6. LICENSE FEES:** Fees for Liquor Licenses issued by the Liquor Commissioner for the Village of Hampton shall be paid to the Village of Hampton at the time an application is approved and the license is issued. The fee for licenses shall be as follows:

|  |             |
|--|-------------|
| Class A  | \$375.00    |
| Class B  | \$375.00    |
| Special Use Permit or Special Event Retailer's License | \$25.00/day |
| Class D  | \$375.00    |
| Class E  | \$375.00    |
| Class F  | \$875.00    |
| Class G  | \$750.00    |

Fees collected under this Section shall be paid into the General Fund for the Village of Hampton.

A refund shall be made of the portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license because of death, bankruptcy, or insolvency.

**6.2.7. APPLICATION FOR LICENSE:** Applications for Liquor Licenses shall be made to the Liquor Commissioner and shall be made using forms available in the Clerk's office. No Liquor License of any kind shall be issued by the Liquor Commissioner to:

**A.** A nonresident of the Village of Hampton;

**B.** A person who is not of good character and reputation in the Village;

**C.** A person who is not a United States citizen;

**D.** A person who has been convicted of a felony under any Federal or State law, unless the Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commissioner's investigation (the burden of proof is on the applicant to show rehabilitation);

**E.** A person who has been convicted of being the keeper or is keeping a house of ill fame;

**F.** A person who has been convicted of pandering or any other crime or misdemeanor opposed to decency and morality;

**G.** A person whose license under the Act has been revoked for cause;

**H.** A person who at the time of application for renewal of any license issued under this Section would not be eligible for such license upon a first application;

**I.** A co partnership, if any general or limited partners thereof, owning more than 5% of the aggregate limited partner interest in such co partnership would not be eligible to receive a license under this Section for any reason other than residence within the Village of Hampton;

**J.** 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 under this Section for any reason other than citizenship and residence within the Village of Hampton;

**K.** A corporation unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the "Business Corporation Act of 1983" to transact business in Illinois;

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

**M.** A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic beverages, or has forfeited his bond to appear in court to answer charges for any such violation;

**N.** A person who does not beneficially own the premises for which a license is sought, or does not have a lease

thereon for the full period for which the license is to be issued;

**O.** Any law enforcing public official, including members of the liquor control commission for the Village of Hampton, the President of the Village Board of Trustees, any member of the Village Board of Trustees of the Village of Hampton; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;

**P.** A person who is not a beneficial owner of the business to be operated by the licensee;

**Q.** A person who has been convicted of a gambling offense as prescribed by any of subsections (a) (3) through (a) (10) of Section 28-1 of, or as proscribed by section 28-3 of, the "Criminal Code of 1961", or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

**R.** A person to whom a federal wagering stamp has been issued by the federal government for the current tax period;

**S.** A co partnership to which 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 for the current tax period;

**T.** 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 wagering stamp for the current tax period;

**U.** Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period.

**V.** No license may be issued (for the sale at retail of any alcoholic liquor) within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children, or any military or naval station. This prohibition does 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; nor 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 feet since the issuance of the original license.

**W.** No 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.

**6.2.8. HOURS OF OPERATION: (Revised Ord. 765, August 25, 2014)** Unless otherwise herein provided, it shall be unlawful to sell or offer for sale, alcoholic beverages between the following hours for each class of license:

**A. CLASS A:** Between the hours of 2:00 am and 6:00 am Monday through Thursday, between the hours of 3:00 am and 6:00 am on Friday and Saturday, and between the hours of 3:00 am and 9:00 am on Sunday.

**B. CLASS B:** Between the hours of 2:00 am and 6:00 am Monday through Thursday, between the hours of 3:00 am and 6:00 am on Friday and Saturday, and between the hours of 3:00 am and 9:00 am on Sunday.

**C. Special Use Permit and Special Event Retailer's License:** Between the hours of 2:00 am and 6:00 am Monday through Thursday, between the hours of 3:00 am and 6:00 am on Friday and Saturday, and between the hours of 3:00 am and 9:00 am on Sunday.

**D. CLASS D:** Between the hours of 1:00 am and 5:00 am on any day of the week.

**E. CLASS E:** Between the hours of 1:00 am and 6:00 am Monday through Saturday, and between the hours of 2:00 am and 9:00 am on Sunday.

**F. CLASS F: (Revised Ord. 770, November 24, 2014)** Between the hours of 3:00 am and 6:00 am Monday through Saturday, and between the hours of 3:00 am and 9:00 am on Sunday.

**G. CLASS G:** Between the hours of 1:00 am and 10:00 am on any day of the week. (Ord. 04-03, January 5, 2004)

**6.2.9. TRANSFER OF LICENSE:** The sale of a licensed establishment does not transfer the privilege of the license itself and, if a license is issued to the purchaser, the legal

effect is that of issuing a new license and not merely renewing the old license. Any attempt made to transfer a license through

a lease shall render the license null and void.





# **TITLE SIX ARTICLE 3**

## **LIQUOR CONTROL ENFORCEMENT ACTION**

**VILLAGE OF HAMPTON, ILLINOIS**

**Ordinance 02-07, OCTOBER 7, 2002**

**Revised Ordinance 730, JULY 2, 2012**



**6.3.1. REVOCATION OR SUSPENSION OF LICENSE:** The Liquor Commissioner may revoke or suspend any license issued by him/her if he determines that the licensee has violated any provisions of the Liquor Control Act or any valid ordinance or resolution of the Village of Hampton.

**A.** No license may be revoked or suspended, and no licensee may be fined except after a public hearing by the Liquor Commissioner with a three (3) day written notice to the licensee affording the licensee an opportunity to appear and defend.

**B.** If the Liquor Commissioner has reason to believe that the continued operation of the establishment will immediately threaten the welfare of the community, upon the issuance of a written order stating the reason for such conclusion and without notice of hearing, the licensed premises may be ordered closed for not more than seven (7) days. The licensee must be given a hearing within the seven (7) day period.

**C.** If after a public hearing, the Liquor Commissioner determines that a license should be suspended or revoked, a written order and a copy thereof shall be served upon the licensee within five (5) days after the hearing.

**6.3.2. FINES AND PENALTIES:** Each day on which a violation continues constitutes a separate violation. No more than ten thousand dollars (\$10,000.00) in fines may be levied against any licensee during the period of his or her license.

**A. First Offense:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).

**B. Second Offense:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).

**C. Third Offense:** See Section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).



APPENDIX A

**SAMPLE OF CITATION AND NOTICE OF HEARING**

TO: Licensee  
Establishment  
Address  
Hampton, Illinois 61256

You are hereby notified, pursuant to Section 5/7-5 of the Illinois Liquor Control Act and Section \_\_\_\_\_ of the Village of Hampton Code of Ordinances of and as the holder of Class \_\_\_\_ liquor License No. \_\_\_\_ of the Village of Hampton, Illinois, that the undersigned shall hold a public hearing, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the Village Hall, 520 - First Avenue, to determine whether your said liquor license should be fined, suspended or revoked by reason of an alleged sale of alcoholic liquor, to wit: two glasses of beer, by your agent or employee John Jones, on or about \_\_\_\_\_ to a person under the age of 21 years, Carol Smith, in violation of Section 5/6-16 of Chapter 235 of the Illinois Compiled Statutes, and \_\_\_\_\_ of the Village Code of the Village of Hampton, Illinois, at which time you shall be given the opportunity to appear and defend against such charge. Please take notice that at said hearing you may be represented by an attorney and you may call witnesses on your own behalf.

\_\_\_\_\_  
Name  
Liquor Control Commissioner  
Village of Hampton, Illinois  
Date: \_\_\_\_\_

Certificate of Service:

The undersigned does hereby certify that the foregoing Citation and Notice of Hearing was served upon the licensee on: \_\_\_\_\_

by \_\_\_\_\_  
Personal Service or Certified Mail

\_\_\_\_\_  
Signature of Serving Agent

APPENDIX B

SAMPLE OF ORDER OF SUSPENSION

ORDER OF SUSPENSION

In the Matter of  
Licensee  
Establishment  
Address  
Hampton, Illinois 61256

This matter having come on to be heard upon Citation and Notice directing establishment, address, Hampton, Illinois, to appear before the Liquor Control Commissioner of the Village Of Hampton, Illinois to show cause why this Commissioner should not fine (suspend or revoke) its Village Retail Liquor License No.      by reason of an alleged sale of alcoholic liquor, to wit: two glasses of beer, by its agent or employee John Jones on or about December 10, 1988, to a person under the age of 21 years, namely, Carol Smith, in violation of the Statutes of the State of Illinois and Village Code of the Village Of Hampton, Illinois, and this Commissioner having heard and considered the evidence, for and against, the allegations contained in said Notice at the hearing held on December 31, 1988, a copy of which was served upon the respondent licensee, and, being fully advised herein, FINDS:

- 1) That notice of aforesaid charges was given in writing upon all parties entitled thereto at least 3 days prior to said public hearing and in the manner as provided for by law.
- 2) That at the hearing held herein on December 31, 1988, the respondent licensee was represented by James East, an attorney, and the Village Of Hampton, Illinois, was represented by its attorney, Jane West.
- 3) That all witnesses were duly sworn and all testimony was received under oath. That all parties were given the opportunity to cross examine all witnesses. Said hearing was held in all respects according to law.
- 4) That on December 10, 1988, John Jones was employed as an authorized agent of the licensee herein, and was acting in said capacity.
- 5) That John Jones did sell alcoholic liquor, to wit: 2 glasses of beer to Carol Smith, a person under the age of 21, having been born on January 4, 1968.
- 6) That the sale of alcoholic liquor is a violation of section 5/6-16 of Chapter 235, Illinois Compiled Statutes, and Section      of the Village Code of the Village Of Hampton, Illinois.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Village Of Hampton, Illinois, Class B Liquor License No.      of                                  covering the premises at                                 , Hampton, Illinois, be, and the same is hereby **SUSPENDED** for a period of          days to commence at          a.m. on                  and to terminate at          a.m. on                 .

Dated                                 

    
Name, Liquor Control Commission  
Village Of Hampton, Illinois 61256

VILLAGE OF HAMPTON  
520 - FIRST AVENUE  
PO BOX 77  
HAMPTON, IL 61256-0077  
309/755-7165



## APPLICATION FOR VILLAGE OF HAMPTON RETAILER'S LIQUOR LICENSE

**DEFINITION:** A retailer's liquor license shall allow the licensee to sell and offer for sale at retail, only at the premises specified in such license, alcoholic liquor for use or consumption, but not for resale in any form.

All applicants for licensing as a liquor "retailer" must complete this application form. Respond to all questions on the application and furnish all required supporting documents. Failure to do so will result in the rejection of the application and non-issuance of a Village of Hampton Retailer's Liquor License.

**NOTE!** The date of expiration on your initial Village of Hampton Liquor License will either be June 30 or December 31, depending on the issue date of your license. In some cases, the term of your first Liquor License may be less than six (6) months. The fee for any license is not pro rated if for less than six (6) months.

You will be required to pay for your Liquor License when it is issued. The cost will be based upon the class of license applied for.

| Class of License                                    | Duration  | Fee      |
|---|-----------|----------|
| Class A Consumption & Package Sales                 | 6 Months  | \$375.00 |
| Class B Club License                                | 6 Months  | \$375.00 |
| Class D Package Sales Only                          | 6 Months  | \$375.00 |
| Class E Restaurant or Hotel                         | 6 Months  | \$375.00 |
| Class F Consumption, Package Sales, & Entertainment | 6 Months  | \$875.00 |
| Class G Heritage Center Caterer                     | 12 Months | \$750.00 |

PLEASE PRINT OR TYPE THE INFORMATION REQUESTED IN THE SPACES PROVIDED. THE APPLICATION FORM MUST BEAR AN ORIGINAL SIGNATURE.

For Office  
Use Only

| License Number | Date Issued | Expiration Date |
|----------------|-------------|-----------------|
|                |             |                 |

AFFIDAVIT

STATE OF ILLINOIS            )  
  )SS  
COUNTY OF ROCK ISLAND    )

I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the Village of Hampton or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and Sworn to  
before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
(Signature of Applicant)



VILLAGE OF HAMPTON  
520 - FIRST AVENUE  
PO BOX 77  
HAMPTON, IL 61256-0077  
309/755-7165



## APPLICATION FOR VILLAGE OF HAMPTON SPECIAL EVENT RETAILER'S LIQUOR LICENSE

**DEFINITION:** A Special Event Retailer's Liquor License (not-for-profit) shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for sale or consumption, but not for resale in any form, and only at the location and on the specific date(s) designated for the special event on the license.

An event can be defined as a single theme. A Special Event Retailer's Liquor License must be obtained for each single theme with a maximum duration of 3 consecutive days. Should the single theme event exceed 3 consecutive days, a new license must be obtained for each 3 day increment.

**ELIGIBILITY:** The Special Event Retailer's Liquor License (not-for-profit) application form is to be used for events conducted by an educational, fraternal, political, civic, religious or not-for-profit organization. This application is also used for individuals or organizations that hold a private party or function.

**DRAM SHOP INSURANCE TO THE MAXIMUM LIMIT IS REQUIRED FOR THIS  
LICENSE**

You will be required to pay for your Special Use Event Retailer's License when it is issued. **The fee is \$25.00 per day.**

PLEASE PRINT OR TYPE THE INFORMATION REQUESTED IN THE SPACES PROVIDED. THE APPLICATION FORM MUST BEAR AN ORIGINAL SIGNATURE.

For Office  
Use Only

| License Number | Date Issued | Expiration Date |
|----------------|-------------|-----------------|
|                |             |                 |

### **Dram Shop Insurance:**

You must submit proof that Dram Shop Insurance to the maximum limit set by the Village of Hampton's insurance carrier has been secured for this event. Please attach a copy of the insurance rider to this application. If the event is being held at one of the Village's Parks, or on any other Village property, it must name the Village of Hampton as additionally insured. The insurance rider must also cover the location where the event is to be held and the coverage must coincide with the date(s) of the event.

### **Signature/Date/Title:**

The application must be signed and dated by the applicant or an authorized agent of the applicant along with the title/position of the person signing. The signature must be an original.

I, the undersigned applicant or authorized agent thereof, swear or affirm that; the matters stated in the foregoing application are true and correct; they are made upon my personal knowledge and information; they are made for the purpose of requesting the Village of Hampton to issue the license herein applied for; the applicant is qualified and eligible to obtain the license applied for; and the applicant will not violate any of the laws of the United States of America, the State of Illinois, or ordinances of the Village of Hampton. Further I agree to notify the Village of Hampton of changes in any of the above information.

\_\_\_\_\_  
SIGNATURE OF APPLICANT/AUTHORIZED AGENT

\_\_\_\_\_  
TITLE/POSITION

\_\_\_\_\_  
DATE

VILLAGE OF HAMPTON  
520 - FIRST AVENUE  
PO BOX 77  
HAMPTON, IL 61256-0077  
309/755-7165



## APPLICATION FOR VILLAGE OF HAMPTON SPECIAL USE PERMIT LIQUOR LICENSE

**DEFINITION:** A special use permit liquor license shall allow a Village of Hampton licensed liquor retailer to transfer a portion of its alcohol inventory from its licensed retail premises to a designated site for a special event.

An event can be defined as a single theme. A Special Use Permit Liquor License must be obtained for each single theme with a maximum duration of 3 consecutive days. Should the single theme event exceed 3 consecutive days, a new license must be obtained for each 3 day increment.

**ELIGIBILITY:** The applicant must already hold a Village of Hampton retail Liquor License.

**DRAM SHOP INSURANCE TO THE MAXIMUM LIMIT IS REQUIRED FOR THIS  
LICENSE**

You will be required to pay for your Special Use Permit Liquor License when it is issued. **The fee is \$25.00 per day.**

PLEASE PRINT OR TYPE THE INFORMATION REQUESTED IN THE SPACES PROVIDED. THE APPLICATION FORM MUST BEAR AN ORIGINAL SIGNATURE.

For Office  
Use Only

| License Number | Date Issued | Expiration Date |
|----------------|-------------|-----------------|
|                |             |                 |

### **Dram Shop Insurance:**

You must submit proof that Dram Shop Insurance to the maximum limit set by the Village of Hampton's insurance carrier has been secured for this event. Please attach a copy of the insurance rider to this application. If the event is being held at one of the Village's Parks, or on any other Village property, it must name the Village of Hampton as additionally insured. The insurance rider must also cover the location where the event is to be held and the coverage must coincide with the date(s) of the event.

### **Signature/Date/Title:**

The application must be signed and dated by the applicant or an authorized agent of the applicant along with the title/position of the person signing. The signature must be an original.

I, the undersigned applicant or authorized agent thereof, swear or affirm that; the matters stated in the foregoing application are true and correct; they are made upon my personal knowledge and information; they are made for the purpose of requesting the Village of Hampton to issue the license herein applied for; the applicant is qualified and eligible to obtain the license applied for; and the applicant will not violate any of the laws of the United States of America, the State of Illinois, or ordinances of the Village of Hampton. Further I agree to notify the Village of Hampton of changes in any of the above information.

\_\_\_\_\_  
SIGNATURE OF APPLICANT/AUTHORIZED AGENT

\_\_\_\_\_  
TITLE/POSITION

\_\_\_\_\_  
DATE

# L I C E N S E

No. 123

## TO SELL ALCOHOLIC LIQUOR AT RETAIL

By Authority of the Village of Hampton, Illinois, License is hereby granted to

ABC BAR AND GRILL

to sell Alcoholic Liquor at Retail

CLASS A - CONSUMPTION AND PACKAGE SALES

10123 State Avenue

in the Village of Hampton until the 31 st Day of December, 2002.

Subject to the provisions of all Ordinances now in force by the Village of Hampton.

Witness the hand of the Hampton Liquor Commissioner and the

Corporate Seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

Attest: \_\_\_\_\_  
Village Clerk

\_\_\_\_\_  
Liquor Commissioner



# L I C E N S E

No. 123

## TO SELL ALCOHOLIC LIQUOR AT RETAIL

By Authority of the Village of Hampton, Illinois, License is hereby granted to

### THE NATIONAL LIVER FOUNDATION

to sell Alcoholic Liquor at Retail

### SPECIAL EVENT RETAILER'S

at ILLINIWAUK PARK in the Village of Hampton  
from 6:00 to the 13 th Day of June, 2002  
until 2:00 on the 13 th Day of June, 2002.

Subject to the provisions of all Ordinances now in force by the Village of Hampton.

Witness the hand of the Hampton Liquor Commissioner and the

Corporate Seal this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_

Attest:

Village Clerk

Liquor Commissioner





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## CHAPTER A

# SEWER USE ORDINANCE

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## **ARTICLE 1**

### **GENERAL**

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**7A.1.1: ADMINISTRATION:** The construction, maintenance and repair of all sewage disposal systems, sewer and sewer service lines including the connection to all sewers within the Village of Hampton shall be under the direction of and subject to the approval of the Village whether constructed or maintained by the Village or by private firms, individuals or utilities.

**7A.1.2: SEPARATE SYSTEMS:** The sewer systems of the Village shall consist of a separate storm water system and a sanitary sewer system.

**7A.1.3:** Wherever the term Village is used within this ordinance it is understood to be the Village of Hampton and its duly authorized officials.



## ARTICLE 2

### DEFINITIONS

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Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

#### 7A.2.1: FEDERAL GOVERNMENT

**FEDERAL ACT:** Federal Water Pollution Control Act (33 U.S.C. 1251 et seq) as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L. 92-500) and (Pub. L. 93-243).

**ADMINISTRATOR:** Administrator of the U.S. Environmental Protection Agency.

**FEDERAL GRANT:** The U.S. Government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

#### 7A.2.2: STATE GOVERNMENT

**STATE ACT:** Illinois Anti-Pollution Bond Act of 1970.

**DIRECTOR:** Director of the Illinois Environmental Protection Agency.

**STATE GRANT:** The State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of Illinois.

#### 7A.2.3: LOCAL GOVERNMENT

**ORDINANCE:** This ordinance.

**VILLAGE:** The Village of Hampton, Rock Island County, Illinois.

**APPROVED AUTHORITY:** The Village Board of Trustees or Village Inspector of the Village.

**7A.2.4: PERSON:** Any and all persons, natural or artificial including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprises, governmental agency or other entity.

**7A.2.5: NPDES PERMIT:** Any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Water Pollution Control Amendments of 1972, to regulate the discharge of pollutants pursuant to section 402 of the Federal Act.

**7A.2.6: Clarification of word usage:** "Shall" is mandatory; "may" is permissible.

#### 7A.2.7: WASTEWATER AND ITS CHARACTERISTICS:

**WASTEWATER:** The spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

**SEWAGE:** Used interchangeably with "wastewater".

**EFFLUENT CRITERIA:** Defined in any applicable "NPDES Permit".

**WATER QUALITY STANDARDS:** Defined in the Water Pollution Regulations of Illinois.

**UNPOLLUTED WATER:** Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**ppm:** Parts per million by weight.

**MILLIGRAMS PER LITER:** Unit of concentration of water or wastewater constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, part per million, to which it is approximately equivalent, in reporting the results of water and wastewater analysis.

**SUSPENDED SOLIDS:** Solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".

**BOD (denoting Biochemical Oxygen Demand):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C. expressed in milligrams per liter. pH: The logarithm (base 10) or the reciprocal of the hydrogenion concentration expressed by one of the procedures outlined in "Standard Methods".

**STANDARD METHODS:** The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

**GARBAGE:** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

**PROPERLY SHREDDED CABBAGE:** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeter) in any dimension.

**FLOATABLE OIL:** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free to floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**POPULATION EQUIVALENT:** Term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing .167 pounds of BOD and .209 pound of suspended solids.

**SLUG:** Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

**INDUSTRIAL WASTE:** The solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing commercial or business establishment or process or from the development, recovery or processing of any natural resources as distinct from sanitary sewage.

**MAJOR CONTRIBUTING INDUSTRY:** An industrial user of the publicly owned treatment works that: (a) has a flow of 50,000 gallons or more per average work day; or (b) has a flow greater than ten percent of the flow carried by the municipal system receiving the waste; or (c) has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the Federal Act; or (d) is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

#### **7A.2.8: SEWER TYPES, AND APPURTENANCES:**

**SEWER:** A pipe or conduit for conveying sewage or any other waste liquids, including storm, surface and groundwater drainage.

**PUBLIC SEWER:** A sewer provided by or subject to the jurisdiction of the Village. It shall also include sewers within or outside the Village boundaries that serve one or more persons and ultimately discharge into the Village sanitary sewer system, even though those sewers may not have been constructed with Village funds.

**SANITARY SEWER:** A sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

**STORM SEWER:** A sewer that carries storm, surface and groundwater drainage but excludes sewage and industrial wastes other than unpolluted cooling water.

**COMBINED SEWER:** A sewer which is designed and intended to receive wastewater, storm, surface and groundwater drainage.

**BUILDING SEWER:** The extension from the building drain to the public sewer or other place of disposal.

**BUILDING DRAIN:** The part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

**STORMWATER RUNOFF:** That portion of the precipitation that is drained into the sewers.

**SEWERAGE:** The system of sewers and appurtenances for the collection, transportation and pumping of sewage.

**EASEMENT:** An acquired legal right for the specific use of land owned by others.

#### **7A.2.9: TREATMENT**

**PRETREATMENT:** The treatment of wastewaters from sources before introduction into the wastewater treatment works.

**WASTEWATER TREATMENT WORKS:** An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "pollution control plant".

**7A.2.10: WASTEWATER FACILITIES:** The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

#### **7A.2.11: WATERCOURSE AND CONNECTION**

**WATERCOURSE:** A channel in which a flow of water occurs, either continuously or intermittently.

**NATURAL OUTLET:** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

#### **7A.2.12: USER TYPES**

**USER CLASS:** The type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

**RESIDENTIAL OR COMMERCIAL or NON-INDUSTRIAL USER:** Any user of the treatment works not classified as an industrial user or excluded as an industrial user as provided for in this section.

**INDUSTRIAL USER:** Any nongovernmental user or publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

**A. Division A** --Agriculture, Forestry, and Fishing

**B. Division B** --Mining

**C. Division D** --Manufacturing

**D. Division E** --Transportation, Communications, Electric, Gas and Sanitary Services

**E. Division I** --Services

A user in the Division listed may be excluded if it is determined by the Village that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

**CONTROL MANHOLE:** A structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.

#### **7A.2.13: TYPES OF CHARGES**

##### **WASTEWATER SERVICE CHARGE:**

The charge per quarter or month levied on all users of the Wastewater Facilities. The service charge shall be computed as outlined in Chapter B, Article I and shall consist of the total or the Basic User Charge, the Debt Service Charge and a Surcharge, if applicable.

**USER CHARGE:** A charge levied on users of treatment works for the cost of operation and maintenance.

**BASIC USER CHARGE:** The basic assessment levied on all users of the public sewage system.

**DEBT SERVICE CHARGE:** The amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding and shall be computed by dividing the annual debt service by the number of users connected to the Wastewater Facilities.

**SURCHARGE:** The assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than the concentration values established in

**REPLACEMENT:** Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

**USEFUL LIFE:** The estimated period during which the collection system and/or treatment works will be operated and shall be 30 years from the date of startup of any wastewater facilities constructed with a State grant.

**SEWERAGE FUND:** The principal accounting designation for all revenues received in the operation of the sewerage system.



### ARTICLE 3: USE OF PUBLIC SEWER REQUIRED

- 7A.3.1: It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village of Hampton or in any area under the jurisdiction of said Village, any human or animal excrement, garbage or other objectionable waste.
- 7A.3.2: It shall be unlawful to discharge to any natural outlet within the Village of Hampton or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- 7A.3.3: Except as hereinafter provided, It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- 7A.3.4: The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Village, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so, provided that said sewer is within 200 feet (61 meters) of the property line.

#### ARTICLE 4: PRIVATE SEWAGE DISPOSAL

7A.4.1: Where a public sanitary sewer is not available under the provisions of Article 3, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article 4.

7A.4.2: Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Village and the County Health Department.

The application for such permit shall be made on a form furnished by the Village (reference Appendix #1) which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Village.

A permit and inspection fee of \_\_\_\_ dollars shall be paid to the Village at the time the application is filed.

7A.4.3: A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Village Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Village when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within \_\_\_\_ hours of the receipt of written notice by the Village.

7A.4.4: The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet (1,858 square meters). No septic tank or cesspool shall be permitted to discharge to any natural outlet.

7A.4.5: At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article 1, Section 3D, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

7A.4.6: The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.

7A.4.7: It shall be unlawful for any person to construct or maintain any cesspool, privy vault or septic tank under any of the following circumstances:

- A) Within 200 feet of the public sewer system or on property abutting such system;
- B) Within 40 feet of any school, church or public building;
- C) Within 10 feet of any dwelling;
- D) Within 5 feet of any side lot line;
- E) Within 50 feet of any side lot line;
- F) On property which contains an area of less than 20,000 square feet; or
- G) On property which violates any of the requirements of the county health department.

7A.4.8: No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the County Health Department.

7A.4.9: When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

## ARTICLE 5: BUILDING SEWERS AND CONNECTIONS

- 7A.5.1: No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Village.
- 7A.5.2: Application: All applications for permits required by Section A shall be submitted in duplicate on blanks furnished by the Village for that purpose and shall include complete details of the nature and location of the work to be done, the name of the person contracting to have the work done and the name of the person who is to do the actual work. Where any sewer or water service connections are to be made, a scale drawing showing the location of proposed and existing water and sewer lines, together with accurate elevations and slope of sewer lines shall accompany the application. A stamped, approved set of drawings and the permit shall be kept on the job site at all times.
- 7A.5.3: All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.
- 7A.5.4: There shall be 2 classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Village, (reference Appendix #1). The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the Village. Fees for permits shall be in accordance with the schedule of fees approved from time to time by the Village Board of Trustees and on file in the office of the Village Clerk. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- 7A.5.5: A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers, pump stations and wastewater treatment facilities have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- 7A.5.6: Bond required - Each applicant for a permit required by this article for work on public property shall file a bond in the amount of \$10,000, with surety to be approved by the Village Board of Trustees, conditioned to indemnify the Village for any loss or damage resulting from the work undertaken or the manner of doing the same.
- 7A.5.7: Insurance required. Each applicant for a permit required by this chapter for work on public property shall carry adequate public liability and property damage insurance to indemnify the Village in case of any accident or damage occurring in conjunction with or as a result of the work being done under the permit. The Village shall be named coinsured in any policy.
- A) The form of insurance required herein shall be subject to the approval of the Village Attorney.
  - B) Limits of liability shall be at least \$100,000 for injury to any one person and \$500,000 for injury resulting from any one accident and \$50,000 for injury to any property.
  - C) The insurance required may not be cancelled until completion of the work for which a permit is issued and following final inspection and approval of the work by the Village. Cancellation or lapse of the insurance required shall terminate any permit for which the insurance required shall terminate any permit for which the policy provides coverage.
- 7A.5.8: All costs and expenses incident to the installation, maintenance, and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and connection. A license to enter upon a street area for purpose of maintenance is granted to each home served by sanitary sewer service. (Rev. Ord. 525, 12/28/87)
- 7A.5.9: A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- 7A.5.10: Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Village, to meet all requirements of this ordinance.

- 7A.5.11: The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of Article 8.
- 7A.5.12: Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved by the Village and discharged to the sewer service line.
- 7A.5.13: No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- 7A.5.14: The connection of the building sewer into the public sewer shall conform to the requirements of Article 9. All connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.
- 7A.5.15: The applicant for the building sewer permit shall notify the Village Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village Inspector or his representative.
- 7A.5.16: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Village. A street excavation permit separate from the sewer construction permit shall be obtained and the required inspection fees shall be paid.
- 7A.5.17: All house or building sewer services must be connected to the Hampton Sewer System by July 1, 1978 or shall be considered in violation of this ordinance. (Ord. 409, 3/13/78)

## ARTICLE 6: USE OF PUBLIC SEWERS

- 7A.6.1: It shall be unlawful to introduce or make any sewer connections designed to or which could permit the introduction of any stormwater, rainwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- 7A.6.2: Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Village Inspector. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village Inspector, to a storm sewer, or natural outlet.
- 7A.6.3: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- A) Any gasoline benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.
- 7A.6.4: No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Village that such wastes can harm either the sewers, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Village will give consideration to such factors as the quantities of subject wastes of the sewers nature of the sewage treatment process, capacity of the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:
- A) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°), (65°C).
  - B) Any water or wastes containing toxic or poisonous materials; or oil, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit, (0 and 65°C).
  - C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Village Inspector.
  - D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
  - E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exceeding an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.
  - F) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
  - G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

- H) Any waters or wastes having a pH in excess of 9.5.
- I) Any mercury of any of its compounds in excess of 0.0005 mg/l as Hg at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
- J) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.
- K) Materials which exert or cause:
  - 1) unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
  - 2) excessive discoloration (such as, but limited to, dye wastes and vegetable tanning solutions);
  - 3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
- L) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

7A.6.5: If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which water contain the substances or possess the characteristics enumerated in Section 4 of this Article, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973 and any amendment thereto, and which in the judgement of the Village may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

- A) reject the wastes;
- B) require pretreatment to an acceptable condition for discharge to the public sewers;
- C) require control over the quantities and rates of discharge; and/or
- D) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of Section 2 of this Article.

If the Village permits the pretreatment or equalization of wastes flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Village and subject to the requirements of all applicable codes, ordinances, and laws.

7A.6.6: Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection.

7A.6.7: Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

7A.6.8: When required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall be required to install a control manhole and, when required by the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Village. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

- 7A.6.9: Oil Separators - When required. - Every garage or other storage, repair or servicing area where solid material or flammable liquids could be introduced into the sewer system shall be equipped with a catch basin or basins equipped with oil or gasoline separators constructed in accordance with the requirements of the Village.
- 7A.6.10: Same - To be kept clean. - All oil or gasoline separators shall be cleaned at such regular intervals as required to prevent the material from entering the sewer system.
- 7A.6.11: Same - Inspections. - A list of all separators required by section 9 shall be furnished to the fire chief who shall cause regular periodic inspections to be made of the units to determine and assure their proper cleaning and maintenance.
- 7A.6.12: At the request of the Village, the owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this ordinance and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary, the Village reserves the right to take measurements and sample for analysis by an outside laboratory service.

- 7A.6.13: All measurements, tests, and analyses of the characteristics of wasters and wastes to which reference is made in the ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from period grab samples.)
- 7A.6.14: No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby industrial wastes of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with Chapter B, Article I, of this ordinance, by the industrial concern, provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System.

ARTICLE 7: PROTECTION OF SEWAGE WORKS FROM DAMAGE

7A.7.1: No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct, or as a violation of this ordinance.



## ARTICLE 8: SEWER CONSTRUCTION AND MATERIALS

- 7A.8.1: All sanitary sewer service lines installed in the Village or installed outside the Village and connected to the Village Sanitary Sewer System shall be installed and maintained in accordance with the requirements of this ordinance.
- 7A.8.2: All sanitary sewers, including sewer service lines, shall be constructed of extra strength vitrified-clay sewer pipe manufactured in accordance with and conforming to American Society for Testing Materials (ASTM) Standards for Clay Sewer Pipe (ASTM designation C200 and C700T), approved cast-iron or ductile iron pipe or composite pipe formed by extruding ABS resin into a truss shape forming inner and outer walls supported by webs and then filling the voids with light weight concrete all meeting ASTM Specifications D2680-70. Sewer Service lines only may also be extra strength solid walls ABS Pipe or Polyvinyl Chloride Pipe (PVC) ASTM designation D3034 bearing National Sanitary Foundation Seal.
- 7A.8.3: Sewer service line defined - A sewer service line or building sewer, shall consist of the sewer line to the building or improvement being served.
- 7A.8.4: Individual service lines required - No property owner will be permitted to construct a sewer service line to serve more than one parcel of property, but shall construct individual sewer service lines connecting each parcel of property to the public sewer line abutting and serving said property.

Exceptions. Regarding individual sewer service lines connecting each parcel of land, exceptions will be allowed only in extreme circumstances, and such exceptions will be allowed only after approval by a majority vote of the Board of Trustees of the Village of Hampton. The Board will determine whether such circumstances are to be considered an extreme situation and thereby allow one sewer service line to serve two parcels of property. If such exception is allowed, the party hooking up to the sewer service line on another parcel of property shall be subject to all other portions of the sewer ordinance as far as inspection, any hook-up fees to the Village, and all other requirements of the existing Ordinance shall be applicable unless waived by the Village Board. (Rev. Ord. 568, 4/12/93)

The Village Board, for allowing the multiple hook-ups, shall require that a written agreement between the parties sharing such line be submitted to the Village for its approval, and such agreement shall include legal descriptions of both properties served, shall define the rights and duties of the parties sharing the line and shall provide for a hold harmless and indemnifying statement to the Village for granting this right, by both parties who receive permission, and shall state that this agreement runs with the land and shall have provisions for one or the other parties to repair the line at said party's sole expense if the other party refuses to participate and shall allow the party who repairs the line to have a legal right to seek repayment of such monies in accordance with the terms of the agreement as well as the costs and expenses in bringing any such action to seek repayment, and shall have provisions for emergency situations regarding time arrangements to connect and the ability to assert their rights to repair immediately and later seek reparations. (Rev. Ord. 568, 4/12/93)

- 7A.8.5: Joints and Couplings - All pipe installed on private property and in any location adjacent to trees and subject to root exposure shall be equipped with root-resistant joints as in (a) below.
- A) All joints in vitrified-clay pipe shall be approved, factory made, precast joints, conforming to and meeting and requirements of ASTM standards C-425-58-T, using material type I or III.
  - B) All joints in cast-iron pipe shall be made with oakum and poured caulked lead, with standard bolted mechanical joints, or with an approved rubber compression ring.
  - C) All joints in plastic pipe shall be chemically welded conforming to ASTM specification D 2680-72, latest revisions.
  - D) Than when two sections of sewer pipe are to be joined where the bell or spigot has been removed, or where two pipes of the same inside diameter but made of different materials are to be joined, a pipe coupling with stainless steel clamps, properly sized transition bushing and shear ring must be used (equal to Clow adjustable repair coupling, ASTM specification C594 for compression couplings)
  - E) That where pipes of different sizes are to be joined such as 4" cast iron to 6" clay, a reducer coupling must be used (equal to Clow Mission couplings ASTM C594), concrete or other types of sealing are not acceptable.

7A.8.6: Construction of lines

- A) All sewer lines shall be laid in trenches the bottom of which are undistributed soil. Approved granular backfill, properly compacted, shall be used immediately under and up to the center line of all sewer lines. Additionally granular backfill shall then be placed to a depth of at least two (2) pipe diameters over the top of the pipe and additional sewers on private property the type of the last backfill material shall be at the option of the owner. Within a street or alley right-of-way and within areas of present or future pavement or sidewalks as designated on the approved permit, thoroughly compacted, approved, granular backfill shall be placed up to the surface. This backfill, unless otherwise approved by the Village Inspector, shall be placed in the presence of an inspector of the Village. Approved gravel backfill shall be material meeting the requirements of Section 20-2.21C of Standard Specification for Water Main and Sewer Main Construction in Illinois.
- B) All sanitary sewer service lines serving a one family unit shall have a minimum internal diameter of four (4) inches, shall slope a minimum of one-fourth (1/4) inch per foot. All sanitary sewer service lines serving units greater than one family shall have a minimum internal diameter of six (6) inches, shall slope a minimum of one-eighth (1/8) inch per foot with a slope of at least one-fourth (1/4) inch per foot being preferable.
- C) No sanitary sewer line shall be constructed in the same trench with or within ten (10) feet of a water or storm sewer line.
- D) If a sewer service line is constructed with changes in direction of the line approximately 90 degrees any such change shall be constructed using "long sweep bends" of not greater than 45 degrees change in direction. If an abrupt 90 degree bend cannot be avoided, a manhole or cleanout shall be constructed at that point to make possible rodding the sewer in case of blockage.

7A.8.7: Inspection, approval of service lines - No part of a sewer service line shall be covered until inspected and approved by an authorized inspector of the Village.

7A.8.8: Service lines shall be property of owner. Sewer service lines shall be and shall remain the property of the owner of the lot or parcel or real estate being served and any required repairs, maintenance, or cleaning shall be the responsibility of said property owner. Should, at some future time, the sewer service line be found to be defective, permitting the introduction of storm or ground water into the system the line shall be repaired at the property owner's expense so that such entry is stopped.

7A.8.9: Method of connecting sewer lines - Connection of sewer service lines to the Village sewers shall be by means of a tee or wye connection in the line or by use of a Village approved metal or by one of the methods indicated below. Indiscriminate breaking of the sewer main or lateral is prohibited.

- A) Circular saw-cut of sewer pipe by proper tools ("Sewer-Tap" machine or similar), and proper installation of hub wye saddle or hub tee saddle, in accordance with manufacturer's recommendations.
- B) Remove an entire section of pipe and replace with a wye or tee branch section. Pipe section shall be removed by breaking only the top of one bell. After the wye or tee branch is inserted, the connection shall be completed by the use of a pipe coupling with stainless steel clamps as defined above.
- C) Using pipe cutter, neatly and accurately cut out desired length of pipe for insertion of proper fitting. After the proper fitting is inserted, the connection shall be completed by the use of a pipe coupling with stainless steel clamps as defined above.
- D) Actual tapping of the line shall only be done when an Inspector of the Public Works Department is present. If, in making a tap, a section of sewer pipe is cracked, that section shall be replaced or, at the option of the inspector, shall be entirely encased in not less than six (6) inches of Portland cement concrete.

7A.8.10: Separate connections required - Separate connections shall be made for storm sewer lines and sanitary sewer line.

7A.8.11: Cutting, removing pavement, etc.; replacing; notice - When an existing pavement or sidewalk is cut or removed in the course of making a sewer connection, the sections shall be restored to meet the original condition in accordance with the requirements of the Village. Such street cuts shall be made only at such times and in such manner as approved by the Village following at least 24 hours notice to the Village.

7A.8.12: Connection to sanitary sewer or property contiguous to the Village and not located in another municipality. - No property contiguous to the Village limits and not located within the corporate limits of another municipality shall be permitted to connect to the Village sewer lines until said property shall have been annexed to the Village. After annexation, said property may be connected to the sanitary sewer lines of the Village upon the following conditions:

- A) Connection at owner's expense. The owner of any such property which does not front on a street in which a Village sewer line is located shall be required to install, at his own expense, the necessary lateral sewer line in accordance with Village specifications and requirements hereinafter set forth in subsections (b) and (c). In the event an owner constructs the necessary lateral sewer extensions at his expense an agreement may be made between said owner and the Village to run for a period of not to exceed 10 years and providing for the Village to collect a connection fee from the owner of any intervening property who connects to the sewer extension with the connection fee to be the normal fee of the Village plus a proportion of the cost of construction of the construction cost portion for the fee to the property owner who originally paid for the construction.
- B) Fees: deferred payments. For each property improved by a single family residence, the fee for connecting to the Village sewer line shall be in accordance with the schedule of fees adopted from time to time by the Village Board of Trustees and on file in the office of the Village Clerk. At the option of the property owner, said connection fee may be paid in ten (10) equal annual installments the first of which shall be paid within thirty (30) days after application for connection to said sewer, and the remaining installments annually thereafter until fully paid, with interest at the rate of eight per cent (8%) per annum on the deferred installment remaining due. If the property owner elects to pay said connection fee in installments, he shall execute a proper contract with the Village wherein he agrees to make such payments, which agreement shall be recorded in the office of the recorder of deeds and shall be binding upon successors in title to the property for which the connection is made.
- C) Building other than single-family residence. For each property improved by any building other than a single-family residence, the fee shall be such amount as may be determined by the Village Council computed on the basis of estimated water consumption.
- D) If a property owner has made every effort possible to effect annexation to the satisfaction of the Village Board of Trustees, the owner of the premises may secure sewer service to the premises if he shall execute an agreement with the Village providing that he, his successors and assigns shall execute a petition to annex immediately when legal barriers are removed, and the premises are or become contiguous to the city limits. The agreement shall provide that sewerage service may be terminated upon failure to annex to the Village when possible.
- E) No provision of this article shall be construed as preventing any special arrangement agreement or contract between the Village and any municipality, person or industrial concern for sewerage service, subject to the rate, cost or conditions as established by the Village.

7A.8.13: Connection to sanitary sewer of property not contiguous to Village or contiguous but located in another municipality. - Provided that the property to be served is within two hundred (200) feet of a village sanitary sewer line and not contiguous to the Village or contiguous to the Village but located within the corporate limits of another municipality may be connected to the sanitary sewer lines of the Village upon payment of a connection fee and upon compliance with the following conditions:

- A) Connection at owner's expense. The owner of any such property which does not front on a street in which a Village sewer line is located shall be required to install, at his own expense, the necessary lateral sewer lines in accordance with Village specifications and requirements, and in addition thereto shall comply with all of the requirements hereinafter set forth in subsections (b), (c) and (d).
- B) Fee. For each property improved by a single-family residence, the fee shall be in accordance with the schedule of fees adopted from time to time by the Village Board of Trustees and on file in the Office of the Village Clerk.
- C) Building other than single-family residence. For each property improved by any building other than a single-family residence, the fee shall be such amount as may be determined by the Village Board of Trustees computer on the bases of estimated water consumption.
- D) Sewer rental fee. The owner of each property shall pay to the Village, in addition to said connection fee, a sewer rental fee assessed in accordance with the schedule of fees adopted from time to time by the Village Board of Trustees and on file in the office of the Village Clerk.

## ARTICLE 9: POWERS AND AUTHORITY OF INSPECTORS

- 7A.9.1: The Village Inspector and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency, bearing property credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Village Inspector or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the king and source of discharge to the sewers or waterway or facilities for waste treatment.
- 7A.9.2: While performing the necessary work on private properties referred to above, the Village Inspector or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the U.S. Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in this ordinance.
- 7A.9.3: The Village Inspector and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## CHAPTER B: WASTEWATER SERVICE CHARGES AND INDUSTRIAL WASTE COST RECOVERY

### ARTICLE 1: WASTEWATER SERVICE CHARGES

7B.1.1: Basis for wastewater service charges: The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement, a debt service charge and a surcharge, if applicable.

The debt service charge shall be computed by dividing the annual debt service of all outstanding loans and bonds by the number of users. Through further division, the monthly debt service charge can be computed.

The basic user charge shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentrations:

- A) A five day, 20 degree centigrade (20°C) bio-chemical oxygen demand (BOD) of 200 mg/l.
- B) A suspended solids (SS) content of 250 mg/l.

It shall consist of operation and maintenance costs plus replacement and shall be computed as follows:

- A) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all works categories.
- B) Proportion the estimated costs to wastewater facility categories by Volume, Suspended Solids and BOD, if possible.
- C) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.
- D) Proportion the estimated costs to non-industrial and industrial users by volume, suspended solids and BOD.
- E) Compute costs per 1000 gal. for normal sewage strength.
- F) Compute surcharge costs per 1000 gal. per mg/l in excess of normal sewage strength for BOD and SS.

A surcharge will be levied to all users whose waters exceed the normal concentrations for BOD (200 mg/l) and SS (250 mg/l). The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes which exceed the 200 mg/l and 250 mg/l concentration for BOD and SS respectively. Article I, Section 6 specifies the procedure to compute a surcharge.

The adequacy of the wastewater service charge shall be reviewed annually by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs including replacement costs.

7B.1.2: Measurement of flow: The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of 100 gallons.

- A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person will install and maintain, at his expense, water meters of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources.
- B) Devices for measuring the volume of waste discharged may be required by the Village if these volumes cannot otherwise be determined from the metered water consumption records.
- C) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is cancelled, without the consent of the Village.

7B.1.3: Debt service charge: A debt service charge of \$3.75 per month to each user of the wastewater facility of the Village is hereby established. (Ord. 420, 9/11/78)

7B.1.4: Connection Fee:

- A) Any person connecting to the Village of Hampton Sewer System shall pay a connection fee as established herein.
- B) The connection fee for connection of any sewer service to the Village Sewer System for property assessed for said sewer shall be \$150.00 if paid within 30 days of start of construction of the sewer system and shall be \$250.00 if not paid within 30 days of start of construction. The Village of Hampton shall cause a notice to be published in the newspaper at least once advising the public of the date of the start of construction and setting forth the date the sewer hook-up fee will increase from \$150.00 to \$250.00.
- C) The connection fee for each sanitary sewer connection for property adjacent to the sewers constructed under Special Assessment Project #C-17-1093 and not assessed for the construction of the sewer system shall be \$1200 per connection per residential unit and shall be \$1200 times a factor based on estimated proportional water usage compared with average residential consumption, for each non-residential sewer connection.
- D) The connection fee for each sanitary sewer connection for any additional lots created by subdivision of existing lots adjacent to the sewer constructed under Special Assessment Project #C-17-1093 shall be \$1200 per connection per residential unit and shall be \$1200 times a factor based on estimated proportional water usage, compared with average residential consumption, for non-residential sewer connection.
- E) The connection fee for each sanitary sewer connection for lots not assessed and not adjacent to the sewers constructed under Special Assessment Project #C-17-1093 shall be \$300 per connection per residential unit and shall be \$300 times a factor based on estimated proportional water usage, compared with average residential consumption for each non-residential connection.
- F) The sewer connection fee for any annual cases not provided for above shall be established by the Village Board of Trustees in keeping with the above fees.

7B.1.5: Basic user rate: There shall be and there is hereby established a minimum charge and a basic user rate for the user of and for service supplied by the Wastewater Facilities of the Village. A minimum charge of \$25.15 per quarter shall be applied to all users whose water consumption does not exceed 9000 gallons per quarter (not including debt service charge). (Ord. 477, 5/23/83)

A basic user rate of \$1.40 per 1000 gallons shall be applied to all users for water consumption in excess of 9000 gallons per quarter. (Ord. 477, 5/23/83)

- A) Where only sewerage use is desired and no Village water is used, or where partial Village water and partial well water or water from other sources is used, the supplementary or total source of water shall be metered by meter or meters installed and maintained at the expense of the user. To assure availability of repair or replacement parts and service, the meter or meters shall be purchased from the Village at the actual cost to the Village. The water used shall be charged for at the rates established in this division.
- B) The meter shall be located in a suitable place to prevent freezing or other conditions that may cause damage to the meter, and accessible for reading, repair or replacement.
- C) The user shall give immediate notice to the Village in case of injury, stoppage or imperfect working of any meter and the Village reserves the right to enter the premises of any user to read, inspect, test, repair or replace any meter that meters water furnished by the Village or water that enters the water pollution control system.
- D) No meter shall be removed or in any way disturbed, nor the seal broken except in the presence of the superintendent or an authorized agent or employee of the Village.
- E) Requests by the user or owner of any meter for tests shall be in accordance to the provisions of the rules and regulations of the Village water department.

- F) If any meter fails to register the quantity of water entering the sewer, the quantity and sewer service charges will be based on the average quantity registered during the last preceding year prior to date of failure, or if the meter has not been installed for a period of one (1) year, the sewer service charges shall be in accordance to the schedule of minimum charges per month based on the size of meter.

7B.1.6: Surcharge rate: The rates of surcharges for BODS and SS shall be as follows: In accordance with East Moline Sewer Rate Ordinance Fee Schedule.

7B.1.7: Computation of surcharge: The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Village and shall be binding as a basis for surcharges.

7B.1.8: Computation of Wastewater Service Charge: The wastewater service charge shall be computed by the following formula:

$$CW = CD + CM + (Vu-X) CU + CS$$

Where CW = Amount of wastewater service charge (\$) per billing period.

CD = Debt Service Charge (Section 1)

CM = Minimum Charge for Operation, Maintenance and replacement (Section 2)

Vu = Wastewater Volume for the billing period.

X = Allowable consumption in gallons for the minimum charge (Section 2) = 3000 gals.

Cu = Basic User Rate for Operation, Maintenance and Replacement (Section 2)

Cs = Amount of Surcharge (Sections 3 and 4)

## ARTICLE 2: INDUSTRIAL COST RECOVERY

- 7B.2.1: **INDUSTRIAL COST RECOVERY REQUIRED:** Each industrial user shall pay that portion of any State grant which has been obtained by the Village and/or City of East Moline for the financing of the construction of wastewater treatment works allocable to the treatment of the wastewater from such user. Such users share shall not include an interest component.
- 7B.2.2: **DETERMINATION OF INDUSTRIAL POPULATION EQUIVALENT:** An industrial user's portion of any State grant shall be based on the population equivalents attributable to wastewater of such tributary to the wastewater treatment works of the Village and/or City of East Moline. The population equivalents shall be determined as follows:
- A) **VOLUME POPULATION EQUIVALENT:** this population equivalent equals the average daily rate of water consumption records of the past year divided by the average domestic water consumption or, where water consumption does not reflect the actual quantity of wastewater tributary to the treatment works from such user, then the average daily flow as recorded in the control manhole required, and divided by the average domestic water consumption.
  - B) **BOD POPULATION EQUIVALENT:** this population equivalent equals the average daily pounds of BOD in the wastewater as determined by the Village and/or City of East Moline divided by the average per capita BOD of non-industrial discharges per day.
  - C) **SS POPULATION EQUIVALENT:** this population equivalent equals the average daily pounds of suspended solids in the wastewater from such user as determined by the Village and/or City of East Moline divided by the average per capita SS of non-industrial discharges per day.
- 7B.2.3: **COST PER CAPITA:** The dollar cost per capita shall be determined in accordance with the City of East Moline Rate Study approved by EPA.
- 7B.2.4: **COST FOR INDUSTRIAL USER:** The cost to be recovered from an industrial user (CI) shall be determined in accordance with the City of East Moline Rate Study approved by EPA.
- 7B.2.5: **CHARGE FOR INDUSTRIAL COST RECOVERY:** Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay the cost recovery amount determined for such industry, divided by the recovery period. Where an industry is connected to a public sewer after the start-up of the facilities constructed under a State grant, such industry shall only pay its portion of the State grant for each month remaining in the recovery period. Such industry will not be required to pay for those months of the recovery period prior to connection to a public sewer.
- 7B.2.6: **LENGTH OF INDUSTRIAL COST RECOVERY PERIOD:** The industrial cost recovery period shall be equal to the useful life of the treatment works which shall be in accordance with the East Moline Rate Study and not to exceed 30 years.
- 7B.2.7: **PAYMENTS AND BILLING PERIODS FOR INDUSTRIAL COST RECOVERY:** For the purpose of industrial cost recovery, the year shall be divided into monthly periods, said period to correspond to the water billing periods and all industrial users of the Village shall pay the cost as determined by this ordinance for industrial cost recovery and such payments shall be made monthly on the ninth day of the month immediately following the expiration of the monthly period, for which service has been supplied, and such charge be payable within 15 days after rendition thereof, and in the event such bills are not paid within said 15 days, a service charge of ten percent (10%) shall be added thereto.
- 7B.2.8: **DELINQUENCY AND TERMINATION OF SERVICE:** In the event the charges for industrial cost recovery are not paid within 60 days after the rendition of that bill, then such service charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquent charge shall constitute a lien upon the real estate for which such sewer services were supplied. The Village Clerk is hereby authorized and directed each month to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Rock Island County, Illinois, and the filing of such statements shall be deemed notice of a lien for the payment of such charges for sewer service. If the delinquency in the payment of the recovery cost continues for a period of more than 60 days, the sewer service shall be discontinued.
- 7B.2.9: **TIME OF FIRST PAYMENT:** The initial payment made by an industrial user which is connected to a public sewer after the start-up of the treatment works constructed with a State grant shall be made by the next schedule due date as defined in Article II, Section 7 and shall be equal to one twelfth of the amount as determined by Article II, Section 5 of this Chapter.



- 7B.2.10: **ADJUSTMENT OF CHARGE DUE TO STRENGTH OF VOLUME CHANGES:** If there is a change in the strength and/or volume introduced into the treatment works by an industrial user as determined by the previous year records, the Village shall adjust the user charges accordingly.
- 7B.2.11: **ADJUSTMENT OF CHARGE DUE TO PLANT IMPROVEMENT UTILIZING STATE GRANT FUNDS:** If there is an expansion or upgrading of the treatment works utilizing a State grant, each existing industrial user's share shall be adjusted accordingly.
- 7B.2.12: **NO CHARGE FOR UNUSED OR UNRESERVED CAPACITY:** An industrial user's portion of any State grant shall not include any portion of the grant amount allocable to unused or reserved capacity.
- 7B.2.13: **COMMITMENT FOR INCREASED USE:** An industrial user's portion of any State grant shall include allowance for the cost of any firm commitment to the Village for any increased use by such user.
- 7B.2.14: **PAYMENT TO THE STATE OF ILLINOIS REQUIRED:** The Village shall retain 50% of the amounts recovered from industrial users. The remainder, together with any interest earned thereon, shall be returned to the State of Illinois Anti-Pollution Fund on an annual basis.
- 7B.2.15: **DISPOSITION OF RETAINED AMOUNTS:** Eighty percent (80%) of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Federal Act and the State of Illinois. The Village prior to commitment of the retained amounts shall obtain written approval of the Illinois Environmental Protection Agency for any expansion or reconstruction. The remainder of the retained amounts may be used for such expenditures as the Village deems appropriate.
- 7B.2.16: **INVESTMENT OF RETAINED AMOUNTS REQUIRED:** Pending use, the grantee shall invest the retained amounts for reconstruction and expansion in: (1) Obligations of the U.S. Government; or (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or (3) shall deposit such amount in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.
- 7B.2.17: **VILLAGE TREASURER RESPONSIBILITY:** The Village Treasurer shall maintain the necessary records for determination of user share of necessary records for determination of user share of the cost and shall provide the billing and collection services as required by this ordinance.
- 7B.2.18: **THE VILLAGE TREASURER RESPONSIBILITY:** The Village Treasurer shall be responsible for the investment and expenditure of all moneys collected for industrial cost recovery in accordance with this ordinance.
- 7B.2.19: **MONITORING REQUIRED:** The Village shall maintain a program of monitoring industrial user discharges as the Village deems necessary provided that any major contributing industry shall be monitored no less than 12 times annually and any industrial user that has a population equivalent as determined by this ordinance greater than or equal to 50 shall be monitored no less than once annually. All other industrial users shall be monitored at such frequency as deemed necessary by the Village and/or City of East Moline for determination of the population equivalent of the industrial user. The monitoring data collected shall be used to determine the population equivalent in accordance with this ordinance.

### ARTICLE 3: EFFECTIVE DATES OF RATES

7B.3.1: For the purpose of the operation of the sewerage system, the calendar year shall be divided into 12 monthly periods, the periods to begin on the 15th day of each month. The rates or charges for service above provided for, shall be payable monthly on or before the 12th day of the month immediately following the end of the monthly period for which service has been supplied.

## CHAPTER C: GENERAL

### ARTICLE 1: GENERAL PROVISIONS

- 7C.1.1: BILLS:** Said rates or charges for service shall be payable monthly or quarterly depending on the classification of service for which bills are rendered.

The owner of the premises, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the Village only upon the condition that the owner of the premises, occupant and user of the services are jointly and severally liable therefor to the Village.

Bills for sewer service shall be sent out by the Village Clerk on the first day of the month succeeding the period for which the service is billed.

All sewer bills are due and payable 15 days after being sent out. A penalty of 10 percent shall be added to all bills not paid by the 15th day after they have been rendered.

- 7C.1.2: DELINQUENT BILLS:** If the charges for such services are not paid within 60 days after the rendition of the bill for such services, water service shall be discontinued without further notice and shall not be reinstated until all claims are settled, including \$10.00 for reinstating such service.

- 7C.1.3: LIEN-NOTICE OF DELINQUENCY:** Whenever a bill for sewer service remains unpaid for 21 days for monthly service after it has been rendered, the Village Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

If the user whose bill is unpaid is not the owner of the premises and the Village Clerk has notice of this, notice shall be mailed to the owner of the premises if his address is known to the clerk, whenever such bill remains unpaid for the period of twenty-one days for a monthly bill after it has been rendered.

The failure of the Village Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid bills as mentioned in the foregoing section.

- 7C.1.4: FORECLOSURE OF LIEN:** Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the Village. The Village attorney is hereby authorized and directed to institute such proceedings in the name of the Village in any court having jurisdiction over such matters against any property for which the bill has remained unpaid twenty-one days in the case of a monthly bill after it has been rendered.

- 7C.1.5: REVENUES:** All revenues and moneys derived from the operation of the sewerage system shall be deposited in the sewerage account of the sewerage fund. All such revenues and moneys shall be held by the Village Clerk separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Village Treasurer not more than ten days after receipt of the same, or at such more frequent intervals as may from time to time be directed by the President and Board of Trustees.

The Village Treasurer shall receive all such revenues from the sewerage system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Sewerage Fund of the Village of Hampton". Said Treasurer shall administer such fund in every respect in the manner provided by statute of the "Revised Cities and Villages Act," effective January, 1942.

- 7C.1.6: ACCOUNTS:** The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the sewerage system, and at regular annual intervals he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewerage system.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the wastewater facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do in fact meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- A) Flow data showing total gallons received at the wastewater plant for the current fiscal year.
- B) Billing data to show total number of gallons billed.
- C) Debt service for the next succeeding fiscal year.
- D) Number of users connected to the system.
- E) Number of non-metered users.
- F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

7C.1.7: NOTICE OF RATES: A copy of this article properly certified by the Village Clerk shall be filed in the office of the Recorder of Deeds of Rock Island County and shall be deemed notice to all owners of real estate of the charges of the sewerage system of said Village on their properties.

7C.1.8: PENALTY: Any person, firm or corporation violating any provisions of this article shall be fined not less than 10 dollars nor more than 500 dollars for each offense. (Ord. 410, 3/13/78)

7C.1.9: ACCESS TO RECORDS: The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the Special and General Conditions to any State Grant.

## ARTICLE 2: SEWERAGE SYSTEM SERVICE AND FUNDS & PAYMENTS OF FEES

- 7C.2.1: ACCOUNTING: The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts, separate from all other records and accounts, in which complete and correct entries shall be made of all transactions relating to the sewerage system.
- 7C.2.2: FUNDS TO BE KEPT SEPARATE AND APART: The Village Clerk & Treasurer shall keep separate and apart from all other funds of the Village moneys received for any and all fees and charges collected by him in connection with the operation of the sewerage system.
- 7C.2.3: TREASURER TO DEPOSIT REVENUES, ETC. IN SEWERAGE FUND AND ADMINISTER FUND, ETC: The Village Treasurer shall deposit the funds received from the operation of the sewerage system and all other funds and moneys incident to the operation of such system in a separate fund designated as the "Sewerage Fund" of the Village and shall divide and administer such fund in every respect in the manner provided in this ordinance and as provided by statute.
- 7C.2.4: PAYMENTS FROM SEWERAGE FUND: The funds and moneys deposited in the sewerage fund of the Village shall be paid out by the Village Treasurer upon due authorization of the Village Board of Trustees for the following purposes only:
- A) Maintenance and repair of the existing sewerage system.
  - B) A reserve fund to be built up to and maintained at \$4,800 to guarantee and be used only for payment of Sewer System Bonded indebtedness including special assessment bonds if collections fail to be adequate to meet payments when due or to help make the final payment on any bonded indebtedness including special assessment bonds.
  - C) A public benefit fund covering the Village's share of the cost of special assessment projects on new sewerage systems, including only that portion which is assessed against the Village as a public benefit.
  - D) Extensions and alterations to existing sewerage system, but only where such extensions and alterations are of a character which will tend to benefit the Village as a whole or a substantial portion thereof.

### ARTICLE 3: PENALTIES

- 7C.3.1: Any person found to be violating any provision of this ordinance shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within a period of time stated in such notice, permanently cease all violations. The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.
- 7C.3.2: Any person who shall continue any violation beyond the time limit provided for in under Penalties, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- 7C.3.3: Any person violating any of the provisions of this ordinance shall become liable to the Village by reason of such violation.

## APPENDIX #1

### APPLICATIONS FOR SEWER PERMITS

- a) Residential or Commercial Building Sewer
- b) Private Sewage Disposal
- c) Industrial Sewer

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

To the Village Hampton:

A. THE UNDERSIGNED, being the \_\_\_\_\_ of  
(Owner, Owner's Agent)  
property located at \_\_\_\_\_  
Number \_\_\_\_\_ Street \_\_\_\_\_  
DOES HEREBY REQUEST a permit to install and connect a building to serve the \_\_\_\_\_  
\_\_\_\_\_ at said location.  
(Residence, Commercial Building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

| Number | Fixtures      | Number | Fixtures         |
|--------|---------------|--------|------------------|
| _____  | Kitchen Sinks | _____  | Water Closets    |
| _____  | Lavatories    | _____  | Bath Tubs        |
| _____  | Laundry Tubs  | _____  | Showers          |
| _____  | Urinals       | _____  | Garbage Grinders |

Specify other fixtures \_\_\_\_\_

2. The maximum number of persons who will use the above fixtures is \_\_\_\_\_.
3. The name and address of the person or firm who will perform the proposed work is \_\_\_\_\_.
4. Plans and specifications for the proposed building sewer are attached hereunto as Exhibit "A".
- B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:
1. To accept and abide by all provisions of the Village Code of the Village of Hampton and of all other pertinent ordinances or regulations that may be adopted in the future.
  2. To maintain the building sewer at no expense to the Village.
  3. To notify the Village when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Address of Applicant)

\_\_\_\_\_  
(Certification by Village Treasurer)

\$ \_\_\_\_\_ connection fee paid.

\$ \_\_\_\_\_ inspection fee paid.

Application approved and permit issued.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Approving Authority)



PRIVATE SEWAGE DISPOSAL APPLICATION

To the Village Hampton:

A. THE UNDERSIGNED, being the \_\_\_\_\_ of  
\_\_\_\_\_ (Owner, Owner's Agent)  
property located at \_\_\_\_\_  
\_\_\_\_\_ Number \_\_\_\_\_ Street \_\_\_\_\_  
DOES HEREBY REQUEST a permit to install and connect a building to serve the \_\_\_\_\_  
\_\_\_\_\_ at said location.  
(Residence, Commercial Building, etc.)

1. The proposed facilities include: \_\_\_\_\_  
\_\_\_\_\_
2. The area of the property is \_\_\_\_\_ square feet (or \_\_\_\_\_ square meters).
3. The name and address of the person or firm who will perform the proposed work is \_\_\_\_\_  
\_\_\_\_\_
4. The maximum number of persons to be served by the proposed facility is \_\_\_\_\_.
5. The locations and nature of all sources of private or public water supply within the one hundred (100) feet (30.5 meters) of any boundary of said property are shown on the plat attached hereunto as Exhibit "B".

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the Village.
2. To accept and abide by all provisions of the Village Code, of the Village of Hampton and of all other pertinent ordinances or regulations that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the Village and at no expense to the Village.
4. To notify the Village at least twenty-four (24) hours prior to commencement of the work proposed, and again at least twenty-four (24) hours prior to the covering of any underground portions of the installation.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
\_\_\_\_\_ (Applicant)

\_\_\_\_\_  
(Address of Applicant)

\$ \_\_\_\_\_ inspection fee paid.

\_\_\_\_\_  
(Certification by Village Treasurer)

Application approved and permit issued.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
\_\_\_\_\_ (Approving Authority)

INDUSTRIAL SEWER CONNECTION APPLICATION

To the Village Hampton:

A. THE UNDERSIGNED, being the \_\_\_\_\_ of  
(Owner, Lessee, Tenant, etc.)  
property located at \_\_\_\_\_

DOES HEREBY REQUEST a permit to \_\_\_\_\_ an industrial sewer connection serving the  
(Install, Use)  
\_\_\_\_\_ at said location.  
(Name of Company)

1. A plat of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A".
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B".
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit "C".
4. The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_

B. In consideration of the granting of this permit, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be adopted in the future.
2. To operate and maintain a control manhole and any waste pretreatment facilities as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the Village.
3. To cooperate at all times with the Village, representative in their inspecting, sampling, and study of the industrial wastes involved in an efficient manner at all times, and at no expense to the Village.
4. To notify the Village immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes not covered by this permit.

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Address of Applicant)

\_\_\_\_\_  
(Certification by Village Treasurer)

\$ \_\_\_\_\_ connection fee paid.

\$ \_\_\_\_\_ inspection fee paid.

Application approved and permit granted:

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
(Approving Authority)

APPENDIX #2

HAMPTON-EAST MOLINE  
FACILITIES AGREEMENT

INTERGOVERNMENTAL AGREEMENT PROVIDING FOR  
THE PURCHASE OF WASTEWATER TREATMENT SERVICES  
FROM THE CITY OF EAST MOLINE, ILLINOIS

THIS AGREEMENT is made and entered into between and among the City of East Moline, Illinois, the City of Silvis, Illinois, the Village of Hampton, Illinois, and the Village of Carbon Cliff, Illinois, (all parties being hereinafter called the "municipalities").

WITNESSETH:

ARTICLE I

GENERAL

Pursuant to the provisions of Chapter 24, Article 11, Division 147, Illinois Revised Statutes, the municipalities hereby contract and agree that the City of Silvis, Illinois, the Village of Hampton, Illinois, and the Village of Carbon Cliff, Illinois, said parties being hereinafter called the "Customer Municipalities," shall purchase wastewater treatment services from the City of East Moline, Illinois, through use of the East Moline regional sewerage system, and that said Customer Municipalities shall establish their own user charge and industrial cost recovery systems, all in accordance with the U.S. Environmental Protection Agency regulations and guidelines of the City of East Moline, Illinois, as is more particularly set forth herein.

ARTICLE II

THE SEWERAGE SYSTEM

The East Moline regional sewerage system components shall be 1) the State Farm or Northeast Interceptor, and 2) the Regional Sewage Treatment Plant. The Regional Sewage Treatment Plant is that facility as described in a certain application for Federal Grant for Sewage Improvements filed by the City of East Moline with the U.S. Environmental Protection Agency. A copy of said application as amended is hereto attached marked Exhibit A and incorporated herein by this reference. The regional sewerage system project is titled "Federal Sewage Works Grant Project No. C171332, Regional Sewage Treatment Plant Expansion, East Moline, Illinois," for Federal grant purposes. The Regional Sewage Treatment Plant also includes the pumping and primary treatment facilities owned by the City of East Moline that were in existence prior to construction of the facilities described in the application as set forth above.

ARTICLE III

COVENANTS

Section 1. Treatment of Wastewater. During the term hereinafter set forth, the City of East Moline agrees that it will operate and maintain its regional sewerage system in accordance with the current requirements of the State of Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency, and will accept wastewater to be discharged from the sewerage collection system of each Customer Municipality, and will treat said wastewater to the degree of treatment as required now and in the future for municipal wastewater treatment according to current and future standards established by the State of Illinois Environmental Protection Agency and the U.S. Environmental Protection Agency.

Section 2. Payments. During the term hereinafter set forth, each Customer Municipality agrees to pay the City of East Moline for accepting and treating the wastewater. Said payments will be made in accordance with certain rates as set forth in an ordinance entitled: "Sewer Rate System Ordinance for Customer Municipalities of the City of East Moline, Illinois," a copy of which is hereto attached marked Exhibit B and incorporated herein by this reference. Said ordinance will be passed and approved by the corporate authorities of the City of East Moline, Illinois. Said ordinance may be amended from time to time adjusting the rates set forth therein in accordance with United States Environmental Protection Agency (EPA) regulations. Said adjustments shall only be made in proportion to the increase or decrease then made to the rates as set forth in an ordinance establishing the sewer rate system for internal customers of the City of East Moline, Illinois, as set rates pertain to the regional sewerage system components.

Section 3. User Charge System. Each Customer Municipality, with the City of East Moline review and approval, shall establish their own user charge system in accordance with the United States Environmental Protection Agency regulations and guidelines of the City of East Moline, Illinois. The User Charge System may be incorporated into an ordinance which shall include both user charges and fixed capital financing requirements. The User Charge System shall assess charges proportional to all users of the Customer Municipality's treatment works.

Section 4. Industrial Cost Recovery System. Each Customer Municipality, with the City of East Moline review, approval and guidance, shall survey the industries located within its treatment works, and shall determine which industries are "Industrial Users" as defined in Section 35.905-8 entitled "Industrial User" of Part III of the Federal Register of February 11, 1974. Each Customer Municipality shall determine wastewater characteristics of each "Industrial User", for which the Regional Sewage Treatment Plant was designed, and shall then charge each "Industrial User" in accordance with the then applicable Industrial Cost Recovery Ordinance or Ordinances for users of the regional sewage treatment plant of the City of East Moline. The Customer Municipality shall pay over any such moneys so collected to the City of East Moline. The City of East Moline shall apply said moneys in accordance with U.S. Environmental Protection Agency regulations.

The City of East Moline shall have the right to accept or reject any determination made by a Customer Municipality that an Industry is an Industrial User and the wastewater characteristics of that Industrial User. The City of East Moline shall provide guidance to each Customer Municipality to insure uniform application of the industrial cost recovery system.

Section 5. Sewer Use Ordinance for Customer Municipality. Each Customer Municipality shall enact, prior to connection with and discharge to the regional sewage treatment works, a sewer use ordinance which establishes standards, requirements and procedures for permissible wastewater discharge that are at least as stringent as standards, requirements and procedures established by the sewer use ordinance of the City of East Moline. Said sewer use ordinance of the Customer Municipality shall be approved, prior to connection and discharge, by the City of East Moline, subject to U.S. Environmental Protection Agency requirements.

Section 6. Wastewater Monitoring and Sampling. For each connection from a Customer Municipality to the regional sewage treatment works, the quantity of wastewater volume and strength of pollutant load shall be determined from a wastewater flow metering station, constructed and maintained at the expense of the Customer Municipality, equipped with a sampling device to collect and preserve composite wastewater samples. Said station shall be constructed to specifications established by the City of East Moline. The City shall have the right to analyze a portion of any sample obtained, and to conduct sampling and gauging programs using these facilities at any time.

a. The City of East Moline shall have the complete right of access to all industrial facilities of an "Industrial User", which uses the sewage treatment works of a Customer Municipality, in order to determine the quantity of wastewater volume and strength of pollutant load of the Industrial User. Such access and all other obligations of the Industrial User, shall be provided for in a sewer use ordinance to be enacted by the Customer Municipality prior to connection and discharge to the regional sewage treatment works.

b. For such Industrial User, the wastewater flow and wastewater characteristics shall be determined by agreement among the Industrial User, the Customer Municipality and the City of East Moline. In the event the parties fail to agree, the City of East Moline may elect to require the Industrial User to determine its quantity of wastewater volume and strength of pollutant load from a wastewater flow metering station, constructed and maintained at the expense of the Industrial User, and equipped with a sampling device to collect and preserve composite wastewater samples. Said station shall be constructed to specifications established by the City of East Moline. The City shall have the right to analyze a portion of any sample obtained, and to conduct sampling and gauging programs using these facilities at any time.

c. With respect to the wastewater flow metering station of the Customer Municipality and the wastewater flow metering station of the Industrial User, the required maintenance shall include periodic calibration of the metering and sampling equipment by qualified manufacturer service personnel to maintain accuracy of the equipment.

d. In the event that the results of analysis of samples by the Customer Municipality do not substantially agree with the analysis performed by the City of East Moline, the two parties shall agree on a qualified third party arbitrator to reconcile the differences. Cost of arbitration shall be borne by the party in error to the greater degree.

Section 7. Design Wastewater Discharges. The treatment works design anticipates the following 1992 average day wastewater loads from each of the participating Customer Municipalities:

|   | <u>Volume</u><br>(in million gallons<br>per day) | <u>BOD</u><br>(in pounds<br>per day) | <u>SS</u><br>(in pounds<br>per day) |
|---|--|--------------------------------------|-------------------------------------|
| City of East Moline                         | 8.746  | 17,470                               | 17,970                              |
| City of Silvis                              | 1.700  | 2,240                                | 2,760                               |
| Village of Hampton                          | 0.335  | 560                                  | 700                                 |
| Village of Carbon Cliff                     | <u>0.319</u>                                     | <u>530</u>                           | <u>670</u>                          |
| Total Design Capacity<br>of Treatment Works | 11.100   | 20,800                               | 22,100                              |

The above 1992 average day wastewater loads will be used to calculate the interim capital financing charge.

However, each Customer Municipality and the City of East Moline may discharge increased wastewater loads to the treatment works, with no restriction on unused capacity available to any customer, until the total design capacity of the treatment works is exceeded. Each Customer Municipality and the City of East Moline shall inform the remaining Customer Municipalities of increases in wastewater loads to the treatment works, amounting to greater than 10 percent of its current loads, at least one year in advance of commencement of such increased loads. If unused capacity is not available, no Customer Municipality nor the City of East Moline, shall be allowed to discharge further increase in wastewater loads until capacity of the treatment works is increased.

Each Customer Municipality and the City of East Moline agree to periodically analyze the need for additional regional sewage treatment works capacities and capabilities. If additional capacities or capabilities are needed, all parties agree to participate in the required expansions, in proportion to projected wastewater loads from each community, at that time. All communities shall participate in negotiations for the determination of projected wastewater loads.

Section 8. Interim Capital Financing. Each Customer Municipality agrees to enter into a separate agreement with the City of East Moline for the payment of interim capital financing to the City of East Moline for the Customer Municipality's proportionate share of the fixed charges of the regional sewage treatment works incurred prior to connection and discharge by the Customer Municipality. Fixed charges shall include revenue and general obligation bond principal and interest payments, regional bond reserve account payments, E.P.A. replacement and E.P.A. depreciation account payments.

#### ARTICLE IV

##### TERM

The term of this agreement shall commence upon execution and shall terminate only upon mutual agreement of all parties. Each Customer Municipality shall enter into an Interim Capital Financing Agreement, as described in Article III, Section 8, prior to connection and discharge by the Customer Municipality.

#### ARTICLE V

##### MISCELLANEOUS

Section 1. E.P.A. Guidelines. It is understood by all parties hereto that the conditions of this agreement are in compliance with the guidelines of the United States Environmental Protection Agency ("E.P.A.") and have been reviewed and approved by said agency and any other regulatory agencies.

Section 2. Definitions. It is understood by all parties hereto that the definition of terms in this agreement follow (1) the Environmental Protection Agency ("E.P.A.") regulations; (2) the City of East Moline Sewer Use Ordinance; and (3) the agreement among all parties.

Section 3. Parties. It is intended that this agreement, when signed by the Mayor and City or Village Clerk of each municipality as duly authorized by the corporate authorities of each respective municipality, will be the agreement among the parties relating to all wastewater emanating from the sewer treatment works of each Customer Municipality and will be binding upon their successors and assigns.

## **ARTICLE 1**

### **INTENT AND PURPOSE**

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**8.1.1** An Ordinance establishing regulations and procedures for the subdivision and platting of land, for the dedication and acceptance of land for public use, for the installation of utilities, roadway pavements and other essential improvements, for the approval and recording of plats in the Village of Hampton, Illinois, and in the area one and one half (1½) miles beyond the Village limits; and providing the means of its enforcement and imposition of penalties for its violations; all in accordance with authority vested in the Village under the provisions of the applicable Statutes of the State of Illinois.

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## ARTICLE 2

### PURPOSE, JURISDICTION AND GENERAL REGULATIONS

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**8.2.1** Because each new subdivision accepted by the Village becomes a permanent unit in the basic physical structure of the future community, and to which the future community will, of necessity, be forced to adhere, all subdivisions hereafter planned within the incorporated limits of the Village of Hampton as provided by statute shall, in all respects, be in full compliance with the regulations hereinafter contained in this ordinance and in conformity with the master plan. These regulations are designed to provide for the orderly and harmonious development of the Village, for the coordination of streets within new subdivisions with other existing or planned streets, and to secure a uniform system of utilities and services.

From and after the passage of this ordinance, no plat of subdivision shall be valid or entitled to record, unless and until it has been approved by the Village Board on favorable recommendation of the Plan Commission of the Village. If within the corporate limits of the Village, or if outside the said corporate limits, within the area under the jurisdiction of the Village, as provided by statute.

#### **8.2.2 GENERAL REGULATIONS**

**A)** No land within the applicable area shall, after the adoption of these Subdivision Regulations Standards, be subdivided without complying with its provision.

**B)** No lot, tract, or parcel of land within any such proposed subdivision (smaller than the entire tract) shall be offered for sale or be sold until such subdivision plans have been properly reviewed and officially approved by the Village Board and recorded.

**C)** No building permit shall be issued for any building or other structure on a lot, tract or parcel of land which does not meet applicable provisions of this Ordinance.

**D)** No improvements, such as sidewalks, water supply, storm water drainage, sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of any street, shall be made within any such proposed subdivision by any owner or owners or his or their agent, or by any public utility corporation at the request of such owner or owners or by his or their agent until the plats for the subdivision and also the plans for the improvements have been properly reviewed by the Village Engineer, and officially approved by the Village Board and the plat recorded.

**E)** Where a tract of land is proposed to be subdivided in several stages over a period of years, and the subdivider requests approval in parts, he shall, at the time of submission of the first part, submit a detailed plan of the entire tract to be eventually developed, with appropriate total design as proposed for the entire subdivision is acceptable under the terms of these standards. The Plan Commission and Village Board may give preliminary approval to the overall plan and final approval on the parts as submitted from time to time.

**F)** The provisions of this Ordinance should be held to be the minimum requirements necessary in the subdivision of land.

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## ARTICLE 3

### DEFINITIONS

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**8.3.1.** The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

A) The singular number includes the plural and the plural the singular.

B) The present tense includes the past and future tenses and the future the present.

C) The word "shall" is mandatory and the word "may" is permissive.

D) The masculine gender includes the feminine and neuter.

E) Whenever a word or term defined appears in the text of this ordinance, its meaning shall be construed as set forth in the definition; and any word appearing in parenthesis directly after a word defined shall be construed in the same sense as that word. Terms not specifically defined shall have the meaning customarily assigned to them.

**8.3.2.** The following words and terms, wherever they occur in this ordinance shall be construed as defined:

**ADMINISTRATIVE OFFICER:** The person appointed to occupy the office created herein, in which office is vested the chief administrative and enforcement duties as outlined in the attached standards.

**ALLEY:** A trafficway, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street.

**BLOCK:** Tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad right-of-way, shorelines of waterways, and/or other physical barriers.

**BUILDING SETBACK-LINE:** A line within a lot or other parcel of land so designated of the plat, which denotes the area between such line and the adjacent street right of way line, where structures are prohibited except those that are permitted by the Zoning ordinance regulations.

**COMMUNITY SEWERAGE SYSTEM:** A sanitary sewerage system which is owned, operated, and maintained by a private corporation or a nonprofit property owner's association and is of a type which meets the requirements of the Illinois Environmental Protection Agency and the standards of this ordinance as properly designed to serve one or more subdivisions. A septic tank is not a "community sewerage system." Within the corporate limits of the Village, any such "community sewerage system" shall be designed and constructed by the subdivider, and further subject to the approval of the Village Board, said system shall be dedicated to the Village which shall maintain and operate said system.

**COMMUNITY WATER SUPPLY SYSTEM:** A water supply system which is owned, operated, and maintained by a private corporation or a nonprofit property owner's association and is a type which meets the requirements of the Illinois Environmental Protection Agency and the standards of this ordinance as properly designed to serve one or more subdivisions. Within the corporate limits of the Village, said "community water supply system" shall be designed and constructed by the developer and further said system shall be dedicated to the Village which shall maintain and operate said system.

**CROSS-WALK:** A strip of land dedicated to public use, which is reserved across a block to provide pedestrian access to adjacent areas.

**CUL-DE-SAC:** A local street, terminated at one end with a permanent turnaround, the open end being the only means of access to another street.

**EASEMENT:** A grant by a property owner for the use of a strip of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

**HALF STREET:** A street having a width less than required by these and other appropriate regulations.

**HOUSE SERVICES:** Those lines running from a utility service main to serve individual parcels of property and for the purpose of this ordinance includes sewer and water services.

**INDIVIDUAL SUBSURFACE SEWAGE TREATMENT FACILITY:** A sewage disposal system designed to function on an individual lot basis. A septic tank system is a type of individual subsurface sewage treatment facility.

**LAND IMPROVEMENT, PUBLIC:** Includes any and all sanitary sewerage systems, water distribution utility systems, sidewalk systems, street systems, street lighting systems, off street parking areas, and other improvements or facilities which the Village may require under this ordinance and which will become the property of the Village if within the Village limits.

**LOT:** Designated parcel of land in a subdivision or other parcel of land intended for transfer of ownership or for building development as a complete and individual lot.

**LOT, CORNER:** A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot.

**LOT, DOUBLE FRONTAGE:** A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot.

**LOT, FLAG:** A parcel of land which fronts on a street only by virtue of an unbuildable area which provides access to the buildable portion of said parcel of land.

**LOT, INTERIOR:** Any lot other than a corner lot with only one (1) frontage street.

**LOT AREA:** The total horizontal area included within lot lines.

**LOT FRONTAGE:** That dimension of a lot or portion of a lot abutting on a street excluding the side dimension of a corner lot.

**LOT LINES:** "Lot lines" are the lines bounding a lot as defined herein.

**LOT LINE, FRONT:** The property line abutting the street i.e., the street Right of Way line. On a corner lot it shall correspond to the front lot lines of the other lots on the street.

**LOT LINE, REAR:** The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front line not less than ten (10) feet long and wholly within the lot.

**LOT LINE, SIDE:** Any lot boundary line not a front or rear lot line.

**NO-ACCESS STRIP:** Land area along the rear lot line of a double frontage lot and abutting a major street or thoroughfare and across which no vehicular access shall be permitted.

**OFFICIAL MAP:** The map established as a guide for coordinating proposed land use and the construction of proposed major streets and improvements.

**OWNER:** Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to the land sought to be subdivided under this ordinance.

**PARKWAY:** A strip of land located within the dedicated street right of way between the roadway and right of way line.

**PEDESTRIAN WAY:** A right of way across or within a block and designated for pedestrian use.

**PLANNING COMMISSION:** "Planning Commission" shall mean the Planning Commission of the Village of Hampton, Illinois.

**PLAT, FINAL:** The final map or plan of a subdivision presented to the Village for approval which, if approved, will be recorded in the office of recorder of deeds of Rock Island County.

**PLAT, PRELIMINARY:** A tentative map or plan of a proposed subdivision indicating a proposed layout submitted to the Village for its consideration.

**RIGHT OF WAY:** A strip of land dedicated to the public for access purposes including but not limited to, streets, alleys and pedestrian ways and may include surface access for vehicles or pedestrians, overhead access, when permitted, for certain public utilities, and underground access for sewers and public utilities.

**ROADWAY:** That portion of the street which has or is to be improved and is or will be available for vehicular traffic.

**SIDEWALK:** Designated portion of a street Right of Way or pedestrian way which is improved and intended for pedestrian use only.

**STREET:** A general term used to describe a public right-of-way which provides designated improved areas for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of utilities (both above and below ground).

**STREET, COLLECTOR:** A street which carries traffic from minor streets, and serves as a principal trafficway within or between various districts.

**STREET, FRONTAGE ROAD:** A minor street which is parallel to, adjacent to,

and separate from the main traveled pavement surface of a major street or thoroughfare.

**STREET, HALF:** A street where less than the ultimate total required right-of-way width has been dedicated along one or more exterior property lines of a subdivision.

**STREET, MAJOR:** A trafficway connecting trafficways which in turn, connect to other communities.

**STREET, MINOR:** A street of limited continuity used primarily for access to abutting properties and to serve local needs of a neighborhood.

**STREET, THOROUGHFARE:** A limited access trafficway connecting two or more communities.

**STREET, WIDTH:** The shortest distance between right-of-way lines of a given street.

**SUBDIVIDER:** An individual, partnership, corporation, or other legal entity or agent thereof which undertakes the activities covered by these regulations. Inasmuch as the subdivision plan drawings are merely a necessary means to the end of assuring satisfactory development, the term "subdivider" includes "developer", "owner", or "builder", even though the persons and their precise interest may vary at different project stages.

**SUBDIVISION:** The division of any tract or parcel of land into two or more lots or parcels, or any division of land when a new street or easement for access is involved. The division or subdivision of land into parcels or tracts of five acres or more in size and not involving any new streets, easements of access, or the sale or exchange of existing lots, parcels or tracts of land with no change in their boundaries shall not be termed to be a subdivision. The term subdivision includes resubdivision and, where it is appropriate to the context, relates to the process of subdividing or the land subdivided.

**SUBDIVISION DESIGN STANDARDS:**

The basic land planning requirements established by this ordinance for the preparation of plats and installation of required improvements.

**VILLAGE:** The Village of Hampton, Illinois.

**VILLAGE BOARD:** The Village Board of Trustees of the Village of Hampton, Illinois.

**VILLAGE CLERK:** The Village Clerk of the Village of Hampton, Illinois.

**VILLAGE ENGINEER:** The Village Engineer of Hampton, Illinois, or person designated to act in the capacity of Village Engineer in the review of engineering data as outlined herein where the services of a Village Engineer are specifically mentioned.

**ZONING ORDINANCE:** The official zoning ordinance of the Village of Hampton.

## ARTICLE 4

### PROCEDURE FOR PRELIMINARY PLATS

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**8.4.1.** Any owner of land within the corporate limits of the Village of within one and one half miles beyond the Village limits, wishing to subdivide such land, and or wishing to dedicate streets and other lands for public use, shall first submit a Preliminary Plat and then a Final Plat to be acted upon by the Village in accordance with the following requirements:

**A) ANNEXATION:** Where a proposed subdivision is contiguous to the corporate limits of the Village, the extension or connection of Village water mains to the proposed subdivision, or the extension or connection of sanitary sewers or storm drains to Village sewers or storm drains shall not be permitted unless the proposed subdivision shall first have been annexed to the Village.

#### **B) PRELIMINARY PLAT PROCEDURES**

**1) Preliminary Consultation.** It is recommended, before submitting a Preliminary Plat for official approval that the subdivider consult with the Village Engineer and meet with the Plan Commission for advice and assistance. This step does not require formal action on the part of the subdivider and does not obligate him or the Village.

**2) Submitting Preliminary Plat to the City.** Preliminary Plats in four (4) copies, each accompanied by a key map shall be furnished to the Village Clerk not less than fifteen (15) calendar days prior to the next regular meeting of the Plan Commission.

The Village Clerk shall upon receipt of a preliminary plat, make the following distributions:

a) First copy to the Village Board at their next meeting following submission.

b) To be sent immediately upon receipt:

• 1 copy to the Village Engineer

• 2 copies to the Chairman of the Plan Commission

#### **3) Review of Preliminary Plat.**

a) The Plan Commission shall act on any Preliminary Plat submitted as above no later than its second meeting following receipt by the Clerk. In case delivery is not made in sufficient time prior to the Plan Commission's meeting for action as required, the Preliminary Plat will not be considered until the second meeting of the Plan Commission following delivery by the Clerk.

The Plan Commission shall notify the owner or subdivider as to the time and place of the Plan Commission meeting at which he will be afforded an opportunity of being heard. The Engineer shall furnish the Plan Commission a report of his review of the preliminary plat.

b) Upon approval of the Preliminary Plat by the Plan Commission, the certificate of approval at Appendix A shall be placed on three prints of the Preliminary Plat, signed by the Chairman, and forwarded to the Village Clerk.

When the Plan Commission deems that amendment of the plat is necessary, approval may be granted subject to the required changes.

Within 30 days after approval of the Preliminary Plat by the Plan Commission it shall be either approved or disapproved by the Village Board.

Upon approval of the Preliminary Plat by the Village Board, a copy of the resolution of approval shall be attached to three prints of the plat by the Village Clerk. One print shall be retained by the Village Clerk, one shall be returned to the subdivider, and one shall be delivered to the Village Engineer.

**4) Period of Validity of a Preliminary Plat.** Approval of a preliminary plat shall be valid for not more than one year following the date of approval.

**5) Qualifications covering Approval of a Preliminary Plat.** Approval of a preliminary plat shall only constitute approval of the land subdivision layout as submitted.

a) The Plan Commission shall review the Preliminary Plat to assure the proposed street layout and grades, other improvements proposed, and proposed lot sizes conform to this ordinance. Grades and layout shall meet good planning standards and shall be in keeping with the orderly development of the Village. No land will be approved for subdivision which is subject to periodic flooding or which contains inadequate drainage facilities unless such areas become unified parts of contiguous lots or parcels not subject to flooding. However, if the subdivider agrees to make improvements which will, in the opinion of the Village Engineer, make such land safe for residential or commercial occupancy, subdivision of such land may be approved.

b) Approval of a preliminary plat shall not constitute a waiver of any improvement requirements set up by Ordinance by the Village subsequent to this approval but prior to submission of the Final Plat.

**6) Disapproval of Preliminary Plat.** If the preliminary plat is disapproved by the Plan Commission, one print of the proposed preliminary plat shall be retained by the Plan Commission and the remaining prints or copies returned to the subdivider with a written statement of the reasons for such disapproval. At the same time a copy of such statement shall be sent to the Village Clerk for record.

**C) Preliminary Plat -- Details.** The Preliminary Plat and the application for preliminary plat approval shall be prepared in accordance with and include the following:

**1) Location Map -** Sketch map showing relationship of the proposed

subdivision to the streets and other community facilities serving it. Such map shall include:

- Subdivision Name
- Outline of area to be subdivided
- Existing streets and city utilities on adjoining property
- North point, scale, and date

**2) Preliminary Plat -** A Preliminary Plat of the subdivision drawn to the scale of one (1) inch to one hundred (100) feet or larger and including:

a) Name of proposed subdivision with the length and bearing of the exterior boundaries, which are to be included by a solid heavy line.

b) Name and address of owner

c) Name and address of subdivider

d) Names of persons who prepared the Plat and subdivider's attorney, representative, or agent

e) North point, graphic scale, and date

f) Location of the proposed subdivision by township, section, town and range, or by other legal description

g) Topographic data including existing contour at vertical intervals of not more than one foot, except in unusual topographical conditions, such vertical intervals may be required to be altered subject to the approval of the Village Engineer. Topographic data shall refer to the United States Geological Survey Datum. The location of water courses, marshes, and other significant features. Soil boring data and seepage tests may be required at locations and depths as determined by the Village Engineer.

h) Location, widths, and names of all existing or prior platted streets or other public ways, lot lines, railroad and utility rights-of-way, parks and other public open spaces, permanent easements, and section and corporation lines within or adjacent to the



tract and/or other relevant information required by the Planning Commission.

i) Existing sewers, water mains, culverts, or other underground facilities within or adjacent to the tract, indicating pipe sizes, grades, manholes, and exact location.

j) Boundary lines of adjacent tracts of unsubdivided or subdivided land, showing ownership where possible.

k) Layout of proposed blocks (if used) and lots, including the dimensions, of each, and the lot and block number in numerical order.

l) Proposed setback (front) lines and size setback lines on intersecting street sides of corner lots.

m) Location, width, other dimensions, and names of existing and proposed streets, alleys, and roads (with approximate radii of all curves), utility easements, parks, and other open spaces or reserved areas. No street names shall be used which will duplicate or be confused with names of existing streets. Street names shall be subject to the approval of the Planning Commission and the City Council.

n) Zoning classification of and adjacent to the subdivision.

o) Grades of proposed streets and alleys.

p) Typical cross sections of the proposed streets showing roadway locations, type of curb and gutter, surfacing material to be used, and sidewalks to be installed.

q) The proposed layout of water mains and sanitary sewers.

r) The proposed drainage system of the subdivision including storm sewers, ditches, rear yard swales, culverts, bridges, and other structures.

s) Boundaries of the highest known flood or record affecting the subdivision.

t) Locations of or reference to locations of existing monuments or survey markers used in preparation of survey and grade elevation of each monument and marker.

u) If the proposed subdivision borders on a lake or stream the distances and bearings of a meander line established not less than twenty (20) feet back from the mean high water mark of the lake or stream.

v) A statement, near the subdivider's name, to read: PRELIMINARY PLAT, NOT TO BE RECORDED.

3) Land that is subject to periodic flooding, which lies in flood plain areas as designated on the most recent applicable flood maps or which contain inadequate drainage facilities will not be approved for development or occupancy in a subdivision, unless the subdivider agrees to make all necessary improvements and agrees to all required covenants which will, in the opinion of the Village Engineer, Plan Commission, and Board of Trustees make such land safe for occupancy, and providing necessary safeguards for adjacent property which would be affected by the following, grading, drainage or other changes being permitted or required for this subdivision.

4) A table of the following information: total acreage of subdivision, total number of lots, and acreage of public lands to be dedicated other than streets. A complete listing of all existing covenants which apply to the land to be subdivided, and a complete listing of all covenants which apply to the land to be subdivided, and a complete listing of all covenants which are proposed by the developer to apply to the subdivided land. If septic tanks are used, results and locations of percolation tests, conducted by a Registered Professional Engineer, are to be furnished.

### CERTIFICATE OF APPROVAL

This preliminary plat has been approved by the Plan Commission of the Village of Hampton at their meeting held on \_\_\_\_\_.

This approval is granted subject to the following conditions:

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\_\_\_\_\_  
Chairman

Appendix A

## ARTICLE 5

### FINAL PLAT PROCEDURES AND REQUIREMENTS

**8.5.1: FINAL PLAT SUBDIVISION FEE:** At the time of filing of a plat or replat for approval, the subdivider shall pay to the Village Clerk a fee according to the following schedule:

| No. of Lots | Fee  |
|-------------|--|
| 1 to 10     | \$25.00  |
| 11 or more  | \$25.00 plus<br>\$1.00 per lot for<br>each lot over 10 |

**8.5.2: SMALL SUBDIVISIONS,  
SUBDIVISION OF NOT MORE THAN THREE  
LOTS**

A) When an application for approval of a subdivision plat containing not more than three lots and located within the Village limits is submitted, and is accompanied by an affidavit that such plat comprises the entire contiguous undeveloped land area in which the applicant has any interest, the Village Clerk shall refer such plat to the Village Board and if, upon its consideration thereof and after receiving a report from the Plan Commission which includes a finding that the plat contains the entire contiguous undeveloped land in which the applicant has any interest, it finds that the intent and purpose of this ordinance is not violated, the Village Board may approve such plat without further procedure.

B) The plat of such a subdivision submitted by the subdivider for approval shall meet all requirements for a final plat as required by these Standards.

**8.5.3: FINAL PLAT PROCEDURE**

A) Within one year following approval of the Preliminary Plat the subdivider shall submit the original drawing and four prints of the final plat together with copies of all required supporting documentation in

quadruplicate to the Village Clerk. These shall then be transmitted to the Village Engineer who will examine the Plat and supporting documents. The Plat and supporting documents must be submitted to the Village Engineer at least 15 days prior to the next meeting of the Plan Commission if the plat is to be considered at that meeting. In no case will the Village Engineer forward the final plat to the Plan Commission until all requirements of this ordinance have been met and until all required supporting documents have been submitted. The Village Engineer will immediately notify the subdivider when upon checking, he finds that all of the requirements of this ordinance have not been met so that the necessary changes can be made or missing documents supplied.

B) If all the requirements of this ordinance have been met, and if the plat agrees with the preliminary plat as approved by the Plan Commission the Village Engineer shall sign his certificate on the plat and shall forward the original and 3 copies of the plat and supporting documents to the Chairman of the Plan Commission at least five days prior to the next meeting of the Plan Commission. The Village Engineer upon approving the Plat shall prepare a check list which shall show each requirement of this ordinance and shall indicate whether each such requirement has been complied with. Sufficient copies of this list will be forwarded with the Plat to provide each member of the Plan Commission and of the Village Board with a copy. The Plan Commission shall then act on the plat at their next meeting and the Chairman and the Secretary shall sign the Plan Commission certificate on the plat following approval. This certificate is not to be signed until all other required certificates on the plat except the certificate of final approval by the Village Board have been signed.

C) If the proposed final plat is not in basic agreement with the Preliminary Plat the Village Engineer shall notify the subdivider to

furnish sufficient copies of the revised plat so that the procedure for the Preliminary Plat approval may again be followed and upon approval by the Plan Commission. The Certificate of Approval for a preliminary plat shall be affixed and copies distributed as outlined. The Village Engineer will then, if no changes are required in the plat submitted, check the supporting documents from the subdivider and then follow the procedure in the preceding paragraph.

D) After approval by the Plan Commission, the original plat and a set of supporting documents shall be transmitted to the Village Board, together with a letter of transmittal, calling attention to all variations (if any) approved by the Plan Commission and its reasons for approving them and conveying to the Village Board such other information as the Plan Commission may deem necessary. The Plan Commission shall also transmit to the Village Board two prints of the Final Plat and two sets of the supporting documents submitted with the Final Plat.

E) When the Village Board is satisfied with the final plat and the supporting documents submitted therewith, it shall by resolution approve the said plat and authorize the Village President to sign the certificate of approval.

F) Upon approval by the Village Board, the final plat and the two prints of the final plat and supporting documents shall be distributed as follows: One set of the approved supporting documents and the Final Plat shall be returned to the subdivider for recording. Within five days following the recording, the final plat or a legible clear translucent reproduction tracing cloth or transparent plastic shall be filed with the Village Clerk as a part of the permanent records of the Village. One print and one set of supporting documents shall be retained by the Village Clerk for filing.

G) Any approval of the final plat by the Village Board shall be null and void if the plat is not recorded in the exact form approved, within 30 days following approval.

#### 8.5.4: FINAL PLAT — DETAILS

A) The final plat shall conform in every respect with the requirements specified in this ordinance. A final or record plat may be a portion of a larger subdivision for which a preliminary plat had previously been approved. Application for approval of a part or parts of this larger subdivision may be made beyond 1 year from the date of preliminary approval with the approval of the Planning Commission and Village Board. However, improvements shall be made for all parts of the subdivision submitted for final approval.

The final plat shall be drawn with non-fading black ink on linen tracing cloth or transparent plastic, and it shall show the following:

##### 1) Identification and Description

##### a) Proposed name of subdivision

b) A full and detailed description of the land embraced in the plat, showing the township and range in which such land is situated and the sections and parts of sections platted, and in the case of replatting or resubdividing, describe the part of, and the name of, the original plat which is replatted or resubdivided, containing the name of the town, city, village or addition platted, the name of the proprietor required to sign the plat and of the surveyor making it. If there is any excepted parcel within the plat boundary it must be accurately described by metes, bounds and courses.

c) Scale of plat, not smaller than 1 inch equals 100 feet.

d) North Point indicating true North.

e) Date of Preparation.

##### 2) Delineation of Final Plat

a) Boundary of the Plat based on an accurate traverse with all angular and linear dimensions shown. Error of closure of such boundary survey shall not exceed normally accepted standards. .

b) All Blocks, Lots, Streets, Alleys, Crosswalks, Easements and setback lines within or adjacent to the plat, all of which shall have all angular and linear dimensions given and all radii, internal angles, points of curvature, tangents, bearings and lengths of all curves so that no dimensions or data are missing which are required for the future relocation of any of the corners or boundaries of blocks, lots, streets, etc. as listed above. All dimensions shall be given to the nearest hundredth of a foot.

c) True angles and distances to the nearest established official monuments, not less than 3 of which shall be accurately described on the plat.

d) Municipal, township, or section lines accurately tied to the lines of the subdivision by distances and angles.

e) Block and lot numbers of all blocks and lots. Names of all existing streets and all streets in the subdivision. All blocks consecutively numbered or lettered in alphabetical order; the block in numbered additions to subdivision bearing the same name shall be numbered or lettered consecutively through the several additions.

f) All lots in each block, numbered consecutively. All lake or stream shore meander lines established by the surveyor in accordance with the Preliminary Plat requirements, the distances and bearing thereof, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.

g) Designation of all areas being dedicated to public use, with the purposes indicated thereon.

h) Location of all iron stakes and all permanent monuments required by this ordinance.

i) Any protective covenants.

j) Statements covering easement provisions.

k) All other information required by State Statutes.

l) The following certificates:

- Owner's Certificate of Plat and Dedication.
- Notary's Certificate of Owners.
- Surveyor's Certificate.
- County Clerk's Certificate on Taxes.
- Village Treasurer's Certificate on unpaid Special Assessments.
- Village Engineer's Certificate on Required Improvements.
- Certificate of Approval by Plan Commission.
- Certificate of Approval by Village Board.
- Certificate of County Recorder.

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## ARTICLE 6

### SUPPORTING DOCUMENTS — FINAL PLAT

#### 8.6.1: SUPPORTING DOCUMENTS

**GENERAL.** The final plat shall be accompanied by the following supporting documents, when submitted.

A) Complete plans, specifications and cost estimates of the improvements to be installed, prepared by a registered Professional Engineer.

B) An agreement signed by the Subdivider listing the public improvements he proposes to make, at his expense, in the subdivision, the time of completion of said improvements and the method of payment of the improvements.

This agreement shall provide for the method of selection of the contractors engaged to construct the improvements, require their approval by the Village Engineer, and require them to submit evidence of insurance covering their employees and indemnifying the Village against any loss or damage to persons or property during the course of the work.

C) Village Engineer's check list to be attached by him listing the improvements required by this ordinance.

D) Written evidence from the proper governmental agencies if other than the Village of their willingness and ability to accept and maintain all dedicated areas.

**8.6.2: POSTING OF CASH OR BOND** To insure compliance with the requirements of this ordinance applicant shall within ten days after approval of the final plat by the Village Board and prior to the recording thereof post a bond or cash, establish an escrow account or submit irrevocable letters of credit with the Village Clerk sufficient to cover the cost of the required improvements including all required engineering and survey work, including final staking and monumentation, and all inspection

fees, as estimated by the Village Engineer with the approval of the Village Board. The amount of said guarantee shall be the estimated amount of the total cost of said improvements plus twenty five percent (25%). The form of guarantee and the surety shall be approved by the Village Attorney. Filing of such a guarantee shall not be required until the Final Plat has been approved by the Village Attorney. Filing of such a guarantee shall not be required until the Final Plat has been approved by the Village Board. The Village Clerk shall deliver the signed plat to the subdivider upon receipt of and approval of the guarantee. All such public improvement must be installed within 5 years after recording of the Final Plat. In lieu of depositing said additional twenty five percent (25%), the subdivider may deposit contracts signed by responsible contractors for the installation of said improvements.

If cash or other security is deposited, it may be used to defray the cost of making such improvements as provided in an agreement between the Village and the developer accepting said deposit as complying herewith. Such agreement shall provide that no payments shall be made from the cash or other security deposited without the joint consent of the Village Engineer and the owner or subdivider. Any unused balance will be returned to the depositor after acceptance of the improvements by the Village. There shall be no reduction of that portion of the bond or other guarantee or deposit applying to a particular improvement, unless and until that improvement is complete and accepted or approved by the Village Board, except that upon the completion of major portions of the work, as determined by the Village Engineer, the Village Board may reduce the amount of that portion of the bond or other guarantee or deposit covering such land improvements completed, but such reduction shall not be more than an amount equal to 90 percent of their estimated cost.

**8.6.3:** The completion bond shall be acknowledged before a notary public by the principal and surety and shall include the following provisions:

**A)** Penal sum in accordance with Paragraph B in this section.

**B)** Irrevocably bind the principal, surety, their heirs, executors, administrators or assigns jointly and severally.

**C)** Completion date of improvements.

**D)** Description of improvements to be constructed.

**E)** Provide for construction of the improvements in a good and workmanlike manner in conformance with the ordinances and standards of the Village of Hampton and in accordance with the approved plans and specifications.

**F)** Payment of all inspection fees.

**G)** Such other provisions as may be required by the project.

*Note: Such agreements, as set forth above, shall not be required for subdivisions located in the unincorporated areas one and one-half miles beyond the Village limits when there is evidence that agreements are entered into between the owner or subdivider and Rock Island County, except when the Village standards of public improvements are of higher quality than County standards, such agreements may be required by the Village.*

**8.6.4: VILLAGE ENGINEER'S SERVICES AND FEES.** The Village Engineer shall review the improvement plans and specifications, confer with the subdivider's engineers and make periodic inspections during construction of all required land improvements to assure compliance with the requirements of this ordinance. The fee for this work will be paid by the owner or subdivider in accordance with the Village Engineer's charges to the Village. The fee shall be due and payable following approval of the final plan and prior to recording of the

final plat. The subdivider shall pay the Village all inspection costs monthly.

**8.6.5: CONSULTING ENGINEER'S RESPONSIBILITY.** The Consulting Engineer who designed the improvements is completely responsible for the construction stake out of the project and for the furnishing to the contractor and the Village inspection personnel all necessary information including information regarding lines and grade as required by the Village Engineer, so that the construction can be accomplished in accordance with the approved plans and can be properly checked as the work proceeds. The Consulting Engineer shall also make sufficient periodic checks of the work during construction so that he is satisfied that the work has been done in accordance with the plans and specifications so that on completion he can execute the required EPA certificates for sewer and water construction, and prepare the as built drawings. He shall also arrange for and be responsible for taking any required test samples and material testing for paving construction.



## ARTICLE 7

### GENERAL DESIGN AND DEVELOPMENT STANDARDS

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**8.7.1: GENERAL.** The subdivision plan should conform to design standards that will encourage good development patterns and adhere to the goals and standards of the Village. The streets, drainage, rights-of-way, school sites, public parks, playgrounds, and other public facilities shown on the officially adopted comprehensive plan and/or official map should be in harmony with all applicable sections of the zoning ordinance of the Village of Hampton including any amendments.

#### **8.7.2: DESIGN STANDARDS**

**A) BLOCK LAYOUT:** In determining the shape and size of blocks existing topographic features, basic street system and traffic plan, areas designated for public and other nonresidential land use, and the minimum lot areas and dimensions required by the Zoning Ordinance for the applicable zoning area shall be considered.

**1) Length of Blocks.** Block lengths shall not exceed fifteen hundred (1,500) feet. Where a subdivision adjoins a major street, the greater dimension of the block shall front or back upon such major street to avoid unnecessary access or egress.

**2) Pedestrian Ways.** The Planning Commission may require pedestrian ways in blocks which exceed eight hundred (800) feet in length. These shall not be less than ten (10) feet in width located at the approximate centers of the blocks. The use of additional pedestrian ways to provide safe and convenient access to schools, parks, or other similar destinations may be required by the Planning Commission.

**3) Widths of Blocks.** Blocks shall be of sufficient width to accommodate two (2) tiers of lots.

**4) Shapes of Blocks.** No specific rule concerning shape of blocks is made, but blocks must fit easily into the overall show consideration of lot planning, traffic flow, and public areas.

**5) Blocks in Commercial and Industrial Areas.** Blocks intended for commercial and industrial use shall be designated as such, and the plan shall show adequate off street areas to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles.

#### **B) LOT DESIGN STANDARDS**

**1) Lots shall abut on a public street.** Flag or Interior Lots shall not be permitted unless after review by the Village Engineer and Planning Commission, a determination is made that the land in question cannot be reasonably developed in any other way. When a Flag or Interior Lot is permitted, the area of any such lot which is used for access shall not be construed as the front yard of said lot nor shall the access area be used to satisfy any other yard, setback or minimum lot area requirement as set forth in the Zoning Ordinance, and said access area shall be a minimum of thirty feet (30') in width except when the Planning Commission may deem additional width to be necessary.

**2) Lot Size, Width, Depth, Shape and Orientation.** The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated; providing, however, no lot size, width, or depth shall be less than the applicable requirements of the zoning ordinance.

Lot sizes in those areas outside the corporate limits should be in conformance with the applicable ordinances regulating lot sizes outside the corporate boundaries. Where a

water supply system or a sanitary sewer system is not available the minimum lot area shall meet the applicable requirements of the County Health Department and the Illinois Environmental Protection Agency.

3) **Building Setback Lines to be Established.** Building setback lines, appropriate for the location of the subdivision and the type of development contemplated, shall be established on all lots providing however, that such setback lines are not less than the applicable requirements of the appropriate zoning ordinance.

4) **Lot Lines to be at Right Angles to Street Lines.** Side lot lines shall be substantially at right angles or radial to the center line of the street or center of a cul-de-sac turn-around.

5) **Corner Lots to be Extra Width.** Corner lots for residential use shall have extra width to permit appropriate building setback from both streets.

6) **Residential lots fronting on major streets** shall have extra depth to permit deeper building setbacks.

7) **Lots abutting upon water courses, drainage ways, channels or streams** shall have an additional depth or width as required by the Plan Commission if necessary to provide adequate acceptable building sites.

8) **"Buffer Treatment" May Be Required Between Proposed Subdivision and Adjacent Uses.** Where a proposed subdivision abuts such a land use which may have an adverse effect on the residential subdivision, the Planning Commission may require some buffer treatment such as screen planting along rear lot lines, deep lots, or any other such treatment which may protect proposed residential subdivision from these outside influences.

9) **Where a subdivision is traversed by a natural watercourse,** there shall be provided a drainage easement, granted to the Village if within the Village or to the County if outside conforming substantially with the flood plan

areas bordering such water course. The flood plan areas shall be as determined by the Village Engineer from the most recent US. Flood Plan Maps. Such easement shall include access for the purpose of maintenance of such watercourse.

10) **Double Frontage Not Normally Allowed.** Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. The Planning Commission may require a planting screen easement of at least ten (10) feet across which there shall be no access.

**C) RESERVE STRIPS NOT ALLOWED.** "Reserve Strips", created by the platting of property strips adjacent to street rights-of-ways with the objective the receiving of remuneration for access to an improved street, will not be allowed.

**D) PUBLIC USE AREAS.** When an area of land for public use (in addition to streets, alleys, pedestrian ways, and utility easements) shall be required by the Planning Commission to be located in whole or in part in a subdivision the subdivider shall designate on the Preliminary Plat and Final Plat that such land is reserved for public use.

#### **E) TOPOGRAPHY**

1) **In the subdivision of any lands,** due regard shall be shown for all natural features such as large trees, water courses, topography and other elements which if preserved would add attractiveness to the proposed development.

2) **Consideration should be given to varying the building setback lines** for a subdivision in order to retain large trees, use existing topography and add variety of appearance.

**F) No construction shall take place within the areas known to be subject to flooding or as depicted upon the flood hazard maps except where appropriate exhibits and documents are prepared and approved for the**

flood plain use in accordance with the flood plain ordinance of the Village.

**G) LAND IMPROVEMENT STANDARDS:** The following improvements are required to be constructed by the subdivider in accordance with the following standards for those improvements. for all subdivisions in the planning jurisdiction area of the Village of Hampton.

**1) Streets**

**a) Plan.** The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets; to reasonable circulation of traffic within the subdivision and adjoining lands; to topographical conditions; to runoff of storm water; to public convenience and safety; and in their appropriate relations to the proposed uses of the area to be served. (Each lot shall abut upon a public street and thereby no private street shall be permitted.)

**1) Street To Be Continued.** Streets in new subdivisions shall be designed to provide for the continuation of existing and planned streets. In addition the Planning Commission or the Village Board may require the provision of right-of-way from the connection of a proposed subdivision to any adjoining unsubdivided land.

**2) Discourage Through Traffic on Minor Streets.** Minor streets shall be so laid out that their use by through traffic will be discouraged.

**3) Streets to Intersect at Right Angles.** Intersections of streets shall be as nearly right as possible. No street shall intersect any other street at less than 60 degrees.

**4) Not More Than 2 Streets To Intersect.** Intersection of more than 2 streets at a point will be prohibited.

**5) Intersection Corners To Be Rounded.** Property lines at street intersections shall be rounded with a radius of 10 feet where the row width is less than sixty six (66) feet.

Comparable cutoffs or chords in place of such rounded corners are acceptable.

**6) Obstructions To Visibility At Intersection Prohibited.** There shall be no obstructions of any type to visibility at street intersections within the sight triangle formed by the center of intersection and two points 75 feet distant, each point being on the centerline of an intersecting street.

**7) Minimum Centerline Offsets.** Street jobs with centerline offsets of less than 125 feet shall be prohibited.

**8) Connecting Street Lines To Be Joined By Curves.** Connecting street lines deflecting from each other at anyone point by more than 10 degrees shall be joined by curves, the inner radius of which shall be not less than 350 feet for a major street, 250 feet for a collector street, and 100 feet for a minor street.

**9) Reverse Curves To Be Connected By Tangent.** A tangent or portion of street in straight alignment and of not less than one hundred (100) feet in length shall be introduced between reverse curves on major and collector streets.

**10) Right-of-Way and Pavement Width.** Right-of-Way widths and pavement widths measured between back of curbs will be provided as follows:

|                  | Right-of-Way Width |          |
|------------------|--------------------|----------|
|                  | Residential        | Non-Res. |
| Major Street     | 80'                | 100'     |
| Collector Street | 66'                | 80'      |
| Minor Street     | 60'                | 66'      |

|                  | Pavement Width* |          |
|------------------|-----------------|----------|
|                  | Residential     | Non-Res. |
| Major Street     | 41'             | 49'      |
| Collector Street | 38'             | 41'      |
| Minor Street     | 30'             | 37'      |

*\* Additional widths may be required if projected traffic loads show necessity as determined by the Village Engineer and/or Illinois Department of Transportation.*

**11) Maximum and Minimum Street Grades.** Street grades as measured along the centerline shall be not less than four-tenths of one percent (0.4%) and not greater than:

|                   |            |
|-------------------|------------|
| Major Street      | 6 percent  |
| Collector Streets | 8 percent  |
| Minor Streets     | 10 percent |

**12) Cul-De-Sac or Dead-End Streets.** Cul-de-sac or dead-end streets shall meet all the requirements for a minor street and, in addition, shall provide a turn-around with a right-of-way radius of fifty (50) feet and a pavement radius of forty (40) feet. No cul-de-sac shall exceed five hundred (500) feet in length. The grade of cul-de-sac turn-around shall not exceed six (6) percent.

**13) Change in Street Grade.** All changes in street grade shall be connected by vertical curves of minimum length in feet equal to twenty-five (25) times the algebraic difference in percent of grade.

**14) Half Streets.** Half streets shall be prohibited.

**15) Access to Highways Under Jurisdiction of the State.** If the tract of land proposed to be subdivided or any part thereof lies adjacent to a highway over which the Division of Highways of the State of Illinois has jurisdiction with respect to maintenance and upkeep thereof and an entrance or entrances are desired from such highway to lots, streets, roadways or alleys in such proposed subdivisions, the subdivider shall submit to the Planning Commission a written permit from the said Division of Highways, granting him permission to obtain and construct such an entrance or entrances.

#### **8.7.3: STREET CONSTRUCTION**

**A)** All streets shall be paved with Portland Cement Concrete Pavement design, in the opinion of the Village Engineer, to withstand the projected traffic that the roadways will carry. The pavement shall be designed and built in accordance with Illinois

Division of Highways design policies and current standard specifications for road and bridge construction or may be designed in accordance with the Municipal Concrete Pavement Manual published by the American Concrete Paving Association, 1977. Minimum pavement thickness shall be 6". Granular base with Illinois Asphalt Surfacing for equivalent design loading may be substituted with the design approval of the Village Engineer, and substitution approval of the Village Board.

**B)** Curbs and gutters shall be required and installed in accordance with the Village standards and specifications in all subdivisions except they may be waived on the recommendation of the Planning Commission for those residential subdivisions where all lots exceed 1 acre in area.

**1) Curb Corners.** Curb corners of local streets shall have radii of not less than 25 feet.

**C)** Pavements On Major and Collector Streets. The subdivider shall be responsible for providing pavement of the required width to serve the traffic generated in the subdivision. Where greater width is required on major and collector streets for through traffic, the excess width required for this traffic is to be paid for by the Village.

**D)** Before pavement is laid, all of the underground work, such as sewer, water, and gas mains, house service connections therewith, and any underground conduits for electric and telephone lines shall be completely installed in place and approved and the backfilling of all trenches dug for the installation of the aforementioned utility services have completely settled or been compacted to the satisfaction of the Village Engineer.

#### **8.7.4: ALLEYS**

**A)** Alleys in Commercial and Industrial Districts. Alleys may be provided in commercial and industrial districts.

1) **Width of Alleys.** Alleys shall have right-of-way and pavement widths of not less than 20 feet.

2) **Alignment of Alleys.** Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

3) **Dead-End Alleys.** Dead-end alleys shall be prohibited.

4) **Alleys to Be Prohibited in Residential Districts.** Alleys shall be prohibited in residential districts.

**8.7.5: WATER DISTRIBUTION SYSTEM:** A water distribution system designed and constructed in accordance with Village standards and requirements shall be installed to serve all properties within the subdivision and will include water mains, fittings, fire hydrants with auxiliary valves, valves and valve vaults, and water service lines to property line for each lot.

A) System layout shall conform with the long range water plans of the Village of Hampton. All mains shall be a minimum of 6 inch diameter. Shall be ductile iron pipe, cement lined, or equal as approved by the Village.

B) Fire hydrants with auxiliary valves and valve boxes shall be installed at intervals not to exceed 400 feet and not less than 4 feet from the edge of street pavement. Hydrant locations shall be as required by the Village Engineer.

C) Subdivisions containing no lots less than one acre in area and located in the unincorporated areas within one and one-half miles of the corporate limits of the Village, may be served with water supply from individual wells conforming with standards approved by County Health Department and other applicable governmental authorities, except individual wells shall be permitted in such subdivisions only after specifically approved by the Village Board when it is determined that

connection with a public or community water supply system is not practicable.

D) System shall be designed to provide a minimum water pressure of 35 lbs./sq. inch in the top floor of every building to be built in the subdivision.

E) System shall be designed to provide a fire hydrant flow of 600 gallons per minute at the hydrants.

F) Dead end mains shall be prohibited except where looping of the mains is impossible or impractical. Such determination shall be made by the Village Engineer.

**8.7.6: SANITARY SEWER SYSTEM:** Sanitary sewer lines including house service sewer stubs to the property line for each lot shall be installed to adequately service all property in the subdivisions within the Village.

A) Sanitary sewer layout shall conform to the long range sanitary sewer plans of the Village of Hampton.

B) Design and construction of sanitary sewers shall conform to the current "Rules and Regulations Governing Submission of Plan Documents and the Design of Sewage Work" adopted by the Illinois Environmental Protection Agency and in accordance with the standard requirements for sewer construction of the Village of Hampton.

C) Any sewage lift stations shall be of a design approved by the Village Engineer.

D) All sanitary sewers will be checked on completion for infiltration in accordance with the requirements of the Village Engineer. Complete written reports will be submitted to the Village Engineer for permanent records. This work will be the responsibility of and at the expense of the developer. Records shall include complete sets of notes giving sewer size, type, location, location of any faults, unsatisfactory joints and grade, all services, etc.

#### **E) INDIVIDUAL SEWAGE**

**TREATMENT:** If the subdivider can provide conclusive evidence to the Planning Commission that a public sanitary sewerage system is not reasonably available and further, that a community sewerage system is not feasible, the developer may design the subdivision to be served by individual subsurface sewage treatment facilities, provided that the following conditions are met:

1) All lots served by an individual subsurface sewerage treatment facility shall have a minimum width of two hundred (200) feet measured at the building line, and a minimum area of one (1) acre.

2) If individual disposal systems are provided, they shall be located on each lot. The absorption of the surface drainage and topography shall be the criteria for determining whether or not the installation of individual septic tank disposal systems are feasible. Feasibility shall be ascertained by the subdivider whenever individual systems are proposed. At least two (2) percolation tests shall be made on each lot at the approximate location of the septic system absorption field. Such tests shall be performed in accord with the requirements of the County and the State Department of Public Health. The results of these tests shall be certified by a registered professional engineer and submitted to the Village Engineer for review.

F) Both sewer and water service line connections will be extended to the lot line of each lot.

**8.7.7: STORM DRAINAGE SYSTEM:** Storm drainage systems shall be designed and constructed to service the entire subdivision to carry off water from all sump pumps, inlets, catch basins, or open drainage ways, and be connected with an adequate outfall. The storm drainage system shall be separate and independent of the sanitary sewer system. It shall consist of sewers, manholes, inlets, catch basins and other necessary facilities to adequately drain the subdivision, protect roadway pavements, and prevent standing water exception designed retention basins. Open ditches shall be avoided if possible.

A) Storm sewer systems shall conform to the long range needs of the Village. The storm sewer system shall be designed and installed to meet the requirements for sewer construction of the Village.

B) The amount of run-off from the proposed improvement shall not exceed the existing capacity of downstream out fall or the increased capacity of downstream out fall as improved.

C) All run-off in excess of that amount carried by the downstream out-fall shall be stored safely and released slowly without damage to public or private property.

D) Storm Water Inlets. Storm water inlets shall be provided within the street improvements at such distances that storm water will not exceed the capacity of the inlets.

E) Design of storm drains shall provide for capacity for a "25 year" storm with run off design from the subdivision or water retention basin design based on a "50 year storm".

F) General Lot Drainage Requirements. Complete grading plans shall be provided showing proposed elevation on all lot corners and building sites. When conditions are such, due to soil types and ground slopes, that soil erosion might be possible, the developer will be required to submit, and implement, plans to reduce said erosion to an acceptable level.

**8.7.8: SIDEWALKS:** Paved sidewalks shall be installed on both sides of each street, provided that this requirement may be waived by the Village Board for good cause, shown by the owner on recommendation by the Planning Commission. The Planning Commission, when making its recommendations to the Village Board shall indicate the extenuating circumstances.

**8.7.9: STREET LIGHTING SYSTEM:** A street lighting system shall be installed on all streets within the subdivision, designed and

constructed in accordance with the Lighting Standards as adopted by the Village, unless waived by the Village Board. The Planning Commission, when making its recommendations to the Village Board, shall state whether or not in its opinion such requirements should be waived and any extenuating circumstances justifying the waiver.

#### **8.7.10: PUBLIC UTILITIES**

**A)** All utility distribution lines including but not limited to telephone, electric and gas service in the subdivision shall be placed underground.

**B)** Underground telephone, electric and gas service shall be placed within easements or dedicated public ways in a manner which will not conflict with other underground services. All transformer boxes and service posts shall be located so as not to be unsightly or hazardous to the public.

**8.7.11: SIGNS.** Street signs shall be furnished and erected to identify every street within the subdivision and shall be so designed and constructed as to conform with Village standards.

**8.7.12: GRADING AND LANDSCAPING:** A grading and landscaping plan shall be submitted for all unpaved or otherwise unimproved areas within the public right of ways or public use areas. These areas shall be graded and seeded and planted in accordance with the approved plan.

**8.7.13: MONUMENTS AND MARKERS:** Permanent monuments consisting of steel pipes or bars not less than three-quarter (3/4) of an inch in diameter and thirty-six (36) inches long encased in concrete at least four (4) inches in diameter and thirty-six (36) inches long shall be located as follows:

**A)** At all points of intersection and of boundary lines of (where alignment changes) the subdivision.

**B)** At the intersection of street property lines and at the beginning and end of all curves along street property lines.

**C)** Markers consisting of steel bars not less than 1/2" square, 30 inches long shall be located as follows:

**1)** At all points where lot lines intersect street right-of-way lines.

**2)** At all angles in the lot property lines and at the beginning and end of all curves in the property lines.

**3)** At all other lot corners.

**D)** Monuments and markers should be provided by the subdivider and so placed that the center point should coincide with the intersection of lines to be marked and the top level with the surface of the surrounding ground after final grading.

**8.7.14: EASEMENTS:** Utility distribution or transmission installations serving the subdivision, and when required, storm water drainage ways shall be located in easements as designated on the subdivision plat of record. Such easements shall be located along the rear lines or side lot lines at locations of extensions of utility installations between blocks or to provide continuity of drainage way. They shall occupy not less than the rear 10 feet of lot depth on each lot and not less than the 6 feet adjacent to side lot lines where necessary. Additional easements at other locations on the lot or additional widths may be required for specific special conditions by the Village Engineer.

**A) MAINTENANCE EASEMENTS TO BE PROVIDED FOR NATURAL WATER COURSES.** Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right of way, conforming substantially with the lines of such water course, and additional width or construction as deemed necessary by the Planning Commission.

**B) FREE ACCESS OF AUTHORITIES TO EASEMENTS.** No tree, shrub, or structure shall be placed or erected in any easement for utility or drainage purposes preventing the proper authorities free access to and use of such easements at any time.



## ARTICLE 8

### ACCEPTANCE OF IMPROVEMENTS AND AS BUILT DRAWINGS

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**8.8.1: AS BUILT DRAWINGS:** Upon completion of the various public improvements, the subdivider's engineer will prepare for the Village "As Built Drawings" of all public improvements corrected to show actual dimensions and location of all construction, and supply the Village Engineer with one set of prints and the corrected original tracings which shall become the property of the Village. Final acceptance and release of bond is contingent on this material being supplied.

**8.8.2: ACCEPTANCE OF IMPROVEMENTS:** Upon completion of the required land improvement and submission of evidence of payment in full for all work and submission of the "As Built Drawings", the registered professional engineer responsible for the improvement plans shall file with the Village Engineer a statement that all construction has been completed in accordance with the engineering plans and specifications approved by the Village and meets the requirements set forth by the Village. The subdivider shall also transfer ownership of the improvements to the Village, and also furnish a statement and Bond providing for the developer to be responsible for repairs and corrections which may be required due to failures or because of or on account of faulty construction for one year beyond final acceptance of such improvements by the Village. Upon receipt of these statements and concurrence on final inspection of the improvements, the Village Engineer shall submit to the President and Board of Trustees of the Village a statement indicating the satisfactory completion and recommending acceptance of said improvements on behalf of the Village. Upon issuance of this statement, the improvements shall be considered complete and the bonds released accordingly.

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## ARTICLE 9

### ADMINISTRATION AND LEGAL DATA

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#### 8.9.1: VARIATION AND EXCEPTION

##### **A) STANDARDS ARE MINIMUM:**

These land subdivision regulations are adopted and enforced only as minimum standards, and all developers may develop their subdivisions at higher standards. The subdivider is encouraged at any time to surpass these regulations.

**B) VARIANCES, GENERAL:** The Village Board hereby reserves the authority to vary the strict application of the provisions herein contained but such variances shall be exercised only upon written recommendation of the Planning Commission and only after evidence is presented to the Planning Commission that:

1) Because of the particular physical surroundings shape, or topographic conditions of the specific property involved a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was adhered to.

2) The purpose of the variation is not based exclusively upon a desire for financial gain.

3) The conditions creating the need of a variance are unique and are not applicable generally to other property and have not been created by any person having an interest in the property.

4) The granting of the variation will not be detrimental to public safety, health, or welfare, or injurious to other property or improvements in the area in which the property is located.

**C) VARIANCES, LARGE SCALE DEVELOPMENTS.** The standards and requirements of these regulations may be modified by the Village Board in case of a plan

or program for a complete planned unit development. Such modification shall not be made until after written recommendation of the Planning Commission, which recommendation may be given when, in the judgment of the Planning Commission, the specific plan or program presented provides adequate public space and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and population and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

**8.9.2: AMENDMENTS:** Amendments to this subdivision ordinance shall be made by the Village Board as provided by Statutes; providing, however, that no amendment shall be adopted without first referring the proposed amendment to the Planning Commission and receiving a report therefrom. However, if no report is received within ninety (90) days, it shall be deemed to be approved by the Planning Commission.

**8.9.3: BUILDING PERMITS:** No building permit shall be issued by any governing official for the construction of any building, structure, or improvement to the land or any lot within a subdivision as defined herein, which has been approved for platting or replatting, until all requirements of this ordinance have been fully complied with.

**8.9.4: OCCUPANCY PERMIT:** No occupancy permit shall be granted by any governmental official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and roadways providing access to the subject lot or lots have been constructed or are in the process of construction.

**8.9.5: PENALTIES:** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Each day a violation is permitted to continue shall constitute a separate offense.

# TITLE NINE

## ARTICLE 1

ZONING – TITLE, PURPOSE,  
NATURE, AUTHORITY AND  
DEFINITIONS

VILLAGE OF HAMPTON, ILLINOIS

Ordinance 641-A, January 25, 1999



**9.1.1: TITLE:** This ordinance shall be known as and may be referred to and sited as the Zoning Ordinance of the Village of Hampton, Illinois.

**9.1.2: PURPOSE**

A) The various use districts which are created by this ordinance and the various articles and sections of this ordinance are adopted for the purpose among others of:

1) Promoting the public health, safety, morals, comfort and general welfare;

2) Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible;

3) Encouraging such distribution of population, classification of land use and distribution of land development that will tend to facilitate adequate and economic provisions of transportation, communication, water supply, drainage, sanitation, education, recreation and other public requirements;

4) Lessening or avoiding congestion in the public streets and highways;

5) Protecting against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare;

6) Helping to insure that all residential, commercial and manufacturing structures as well as other types of

structures will be accessible to fire fighting and other emergency equipment;

7) Prohibit the formation or expansion of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;

8) Promoting the development of residential neighborhoods which are free of noise, dust, fumes and heavy traffic volumes in which each dwelling unit is assured of light, air and open spaces;

9) Helping to prevent land development activities which lead to roadside blight and to minimize the effects of nuisance producing activities;

10) Promoting and guiding the continued growth and expansion of the Village while protecting the natural, economic and scenic resources of the Village;

11) Conserving the taxable value of land and buildings throughout the Village; and

12) Defining and limiting the powers and duties of the Zoning Officer and bodies as provided herein.

**9.1.3: NATURE:** This ordinance classifies and regulates the use of land, buildings and structures within the corporate limits of the Village of Hampton, Illinois, as hereinafter set forth. The regulations contained here are necessary to promote the health, safety, convenience and welfare of the inhabitants by dividing the Village into zoning districts and regulating therein the use of the land and the use and

size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings and the density of population.

**9.1.4: AUTHORITY:** This ordinance is adopted in pursuance of the authority granted by the 1973 Revised Statutes of the State of Illinois, Chapter 24, Article 11, Division 13.

#### **9.1.5: DEFINITIONS**

**A)** For the purpose of this ordinance and in order to carry out the provisions contained in this ordinance, certain words, terms and phrases are to be interpreted as defined herein.

1) Words used in the present tense shall include the future tense; the singular number includes the plural and the plural number includes the singular. The word "lot" includes the word "plot" or "parcel." The word "shall" is mandatory and the word "may" is permissive.

2) The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

#### **ACCESSORY BUILDING OR USE:**

**Accessory Structure:** A subordinate structure detached but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Accessory Use:** A structure or use that:

1) is clearly incidental to and customarily found in connection with a principal building or use;

2) is subordinate to and serves a principal building or a principal use;

3) is subordinate in area, extent, or purpose to the principal building or principal use serviced;

4) contributed to the comfort, convenience, or necessity of occupants, business or industry in the principal building or principal use served; and

5) is located on the same lot as the principal building or use served.

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

Specific Sexual Activities are defined as:

1) Human genitals in a state or sexual stimulation or arousal;

2) Acts of human masturbation, sexual intercourse or sodomy; and



3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Specific Anatomical Areas are defined as:

1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**ADULT MINI-MOTION PICTURE THEATERS:**

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

**ADULT MOTION PICTURE THEATERS:** An enclosed building with capacity of fifty (50) or more persons, used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specific Anatomical Areas" or "Specific Sexual Activities" for observation by patrons therein.

**ADULT MODELING ENTERTAINMENT FACILITY:** An establishment having its primary activity the presentation of live models displaying lingerie, or otherwise presenting live, artistic modeling, with said modeling displaying the human body in a nude or semi-nude state, distinguished or characterized by an emphasis on Specific

Anatomical Areas" or "Specific Sexual Activities" for observation by patrons therein.

**ALLEY:** A traffic way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street.

**AMUSEMENT CENTER:** Any premises which contains four (4) or more coin or token operated devices played for a fee, such as pinball machines, foosball tables, pool tables, and other similar entertainment or amusement devices.

**AUTO LAUNDRY/ CAR WASH:** A building or portion thereof, containing facilities for washing more than two (2) automobiles; using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices; or providing space, water, equipment or soap for the complete or partial hand washing of such automobiles, whether by operator or by customer.

**AUTOMOBILE REPAIR - MAJOR:** General repair, rebuilding of or reconditioning of engines of any type, motor vehicles, trucks, buses or trailers. Collision service, including body work, frame or fender straightening or repair, overall painting of motor vehicles, trucks, trailers or painting booth.

**AUTOMOBILE REPAIR - MINOR:** Minor repairs, incidental body and fender work, touchup painting and upholstering, replacement of minor parts and general tune-up service to passenger automobiles and trucks not exceeding one and one-half (1½) tons capacity.

**AUTOMOBILE SERVICE STATION:** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

1) Sale and servicing of spark plugs, batteries, distributors and distributor parts;

2) Tire servicing and repair, but no recapping or regrooving;

3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;

4) Radiator cleaning and flushing;

5) Washing and polishing where no mechanical conveyer, blower, or steam cleaning device is employed provided that not more than one single bay of the service station shall be equipped with washing equipment; and provided that the lot on which the washing equipment is to be located shall be sufficient to provide on-site waiting storage for a total number of vehicles equal to the number capable of being processed during one-half (½) hour; and provided that a drip area shall be provided where vehicles can be dried, located such that water will be confined to the site and will not run onto any street or alley so as to cause a hazard.

6) Greasing and lubrication;

7) Providing and repairing fuel pumps and lines;

8) Minor servicing and repair of carburetors;

9) Emergency wiring repairs;

10) Adjusting and repairing brakes;

11) Minor motor adjustments not involving removal of the head or crank case or racing the motor;

12) Sale of cold drinks, packaged foods, tobacco products and similar convenience goods for filling station customers, as accessory to and incidental to principal operation;

13) Provision of road maps and other information material to customers and provision of restroom facilities.

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

**AUTOMOBILE WRECKING YARD:** Any place where two (2) or more vehicles not in running condition, or parts thereof, are stored in the open, and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial

salvaging of any other goods, articles or merchandise.

**BASEMENT:** A story having part but not more than fifty (50) percent of its height below the average grade of the adjoining ground as distinguished from a "cellar." A basement shall be counted as a story for purpose of height measurement.

**BED AND BREAKFAST:** Shall mean an owner occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Breakfast may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. "Operator" shall mean the owner of the bed and breakfast establishment, or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.

**BILLBOARD:** A type of sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

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

**BOARD OF APPEALS:** The Zoning Board of Appeals of the Village of Hampton, Illinois.

**BUILDING:** Any structure designed or built for the support, enclosure, shelter or protection of people, animals, chattels or property of any kind. Any structure with interior areas not normally accessible for human use shall not be considered as a building.

**BUILDING, HEIGHT OF:** The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.

2) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in item 10 above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum of any segment of the building.

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

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

**CELLAR:** A story having fifty (50) percent or more of its height below the average grade of the adjoining ground. A cellar shall be counted as a story, for the purpose of height measurement, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

**CHILD CARE CENTER:** Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years, and not of common parentage, for the care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation.

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

**CLINIC:** An establishment where patients who are not lodged overnight are admitted for examination or treatment by a physician and/or practitioners practicing together.

**COMPREHENSIVE PLAN:** The plan or any portion thereof adopted by the Village to guide and coordinate the physical and economic development of the Village. The

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

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

**DAY CARE CENTER:** A child care facility which regularly provides day care for less than twenty-four (24) hours per day for:

- 1) more than eight (8) children in a family dwelling unit; or
- 2) more than three (3) children in a facility other than a family dwelling unit.

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

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

1) A physical or mental impairment that substantially limits one or more major life activities;

2) a record of such impairment; or

3) is regarded as having such an impairment.

**DRIVE-IN RESTAURANT OR REFRESHMENT STAND:** Any place or premises principally used for the sale, dispensing or serving of food, refreshment or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on or off the premises.

**DWELLING:** Any building or portion thereof which is designed for or used for residential purposes.

**DWELLING UNIT:** A dwelling which consists of one or more rooms which are arranged, designed or used as living quarters for one family only.

**DWELLING, SINGLE FAMILY:** A detached residential dwelling unit, other than a mobile home, designed for occupancy by one (1) family only.

**DWELLING, TWO FAMILY:** A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

**DWELLING, MULTIPLE FAMILY:** A residential building designed for occupancy by three (3) or more families.

**ESSENTIAL SERVICES:** Includes the erection, alteration or maintenance, by

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

**FAMILY:** One or more persons each related to them by blood, marriage or adoption (including foster children), together with such relatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with said family; such servants or guest shall be included in the unrelated persons attained by this definition, and shall not be in addition thereto.

**FAST FOOD RESTAURANT:** An establishment whose principal business is the sale of rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises. The establishment may include a drive-up or

drive-through service facility or offers curb service.

**FENCE:** A structure, other than a building, which is an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Decorative corner treatments which do not exceed six (6) feet in length and three (3) feet in height are not considered fences.

**FOSTER FAMILY HOME:** A family home which provides full-time family care to foster children unrelated to them. Foster family homes are limited to a maximum of eight (8) children, including the foster family's children, unless all the children unrelated to the foster family are of common parentage, or the applicable department of the State of Illinois has waived the limit of eight (8) unrelated children to facilitate an adoptive placement.

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

**GARAGE, PRIVATE:** An accessory building designed or used for the storage of not more than four (4) motor driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial vehicle exceeding two (2) ton capacity.

**GARAGE, PUBLIC:** A building or portion thereof, other than a private or storage

garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor driven vehicles.

**HALFWAY HOUSE/GROUP HOME:** A temporary residential living arrangement for up to five (5) persons, excluding staff, who are receiving therapy, counseling and/or care from support staff who are present at all times residents are present, for the following purposes:

1) To help them reenter society while housed under supervision while under constraints of alternatives to imprisonment including, but not limited to, prerelease, work release, and probationary programs;

2) to help persons with family or school adjustment problems that require specialized attention and care in order to achieve higher personal independence;

3) to provide temporary shelter for persons who are victims of domestic abuse and/or neglect; or

4) to provide adult congregate living arrangements without nursing care.

**HAZARDOUS WASTE:** Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency (EPA) has developed a list of hazardous wastes based upon corrosivity, reactivity, and toxicity. Hazardous substances include, but are not limited to, inorganic mineral acids of sulfur,

fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts, lead, nickel and mercury and their inorganic salts, or metallo-organic derivatives; coal, tar acids, such as phenol and cresols and their salts, and all radioactive materials.

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

**HOTEL:** A building in which lodging and food service are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house or multiple family dwelling as herein separately defined.

**INSTITUTIONS:** A nonprofit corporation or a nonprofit establishment for public use.

**JUNK YARD:** A lot, land, or structure or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded materials or for the collection, storage, dismantling and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

**KENNEL:** Any lot or premise on which are kept four (4) or more dogs, more than six

(6) months of age for compensation or sale.

**LAUNDROMAT:** An establishment providing home style washing, drying or ironing machines for hire to be used by customers on the premises.

**LOADING AND UNLOADING SPACE, OFF STREET:** An open hard surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors, and trailers to avoid undue interference with the public use of streets and alleys.

**LOT:** The word "lot" when used alone shall mean a "zoning lot" unless the context of this Ordinance clearly indicates otherwise.

**LOT AREA:** The total horizontal area included within lot lines.

**LOT DEPTH:** The depth of a lot which shall be considered to be the distance between the midpoints of straight lines connecting foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**LOT FRONTAGE:** That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

**LOT OF RECORD:** A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of Rock Island County; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deed prior to the adoption of this Ordinance.

**LOT WIDTH:** The width of a lot which shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot. Where side lot lines are not continuously parallel or at right angles to the abutting street, the average of the rear and front widths shall be used.

**LOT, CORNER:** A lot which has at least two (2) adjacent sides abutting for their full length on a street provided the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees.

**LOT, INTERIOR:** Any lot other than a corner lot with only one (1) frontage street.

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

**MOBILE HOME:** A portable or mobile living unit used or designed for human occupancy on a permanent basis. A travel trailer is not to be considered a mobile home.

**MOBILE HOME PARK:** A parcel of land under single ownership which has been designated or improved or is intended to be used or rented for occupancy by one (1) or more mobile homes.

**MOTOR COURT OR MOTEL:** A building or groups or buildings used primarily for the temporary residence of motorists or travelers.

**NONCONFORMING USE:** A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

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

**PARKING SPACE, AUTOMOBILE:** Space within a public or private parking area of not less than one hundred-eighty (180) square feet, nine (9) feet by twenty (20) feet, exclusive of access drives or aisles, ramps, columns, or office work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half (1½) ton capacity.

**PLANNED UNIT DEVELOPMENT:** A planned unit development is a parcel of land or contiguous parcels of land of a size sufficient to create its own environment, controlled by a single landowner or by a group of land owners in common agreement as to which is compatible with adjacent parcels, and the intent of the zoning district or districts in which it is located. The developer or developers of a planned unit development may be granted relief from specific land use regulations and design standards and may be awarded certain premiums in return for assurances of an overall quality of development, including any specific features which will be of exceptional benefit to the community as a whole.



**PROPERTY OWNER:** An individual, group of individuals, association, corporation, joint stock association, joint venture, or any other entity whose name the legal title to the real estate is recorded.

**RECREATIONAL VEHICLE:** A vehicle which is:

- 1) built on a single chassis;
- 2) four hundred (400) square feet or less in size;
- 3) designed to be self-propelled or permanently towable by a light duty truck; and
- 4) designed primarily for use as a temporary living quarters for recreational, camping, travel, or seasonal use and not as a permanent dwelling.

The term "Recreational Vehicle" shall also include travel trailers, motor homes, and buses, trucks and other vehicles converted for the uses listed above.

**SEPTIC TANK:** A sewerage system with a seepage field designed to function on an individual or multiple lot basis.

**SEWERAGE SYSTEM, CENTRAL:** A type approved by the Illinois Environmental Protection Agency as property designated to serve one (1) or more subdivisions. A septic tank is not a central sewerage system.

**SIGN:** A name, identification, description, display or illustration which is affixed to or represented directly or indirectly upon, a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution,

organization or business. However, a "sign" shall not include any display of official court or public office notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religious group.

**SIGN, ON SITE:** A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. On site signs do not include billboards.

**SIGN, OFF SITE:** A sign other than an onsite sign.

**STABLE, RIDING:** A stable shall mean a building or buildings including other structures and grounds used for the boarding or housing of horses used for riding sessions or pleasure riding on the premises.

**STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such roof, provided that, for the purpose of determining the required dimensions of yards and courts, when the average story height of a building exceeds twelve (12) feet, each twelve (12) feet or fraction thereof of the story building height shall be considered a separate full story or fractional story respectively, except the first story which may be fifteen (15) feet high.

**STORY, HALF:** A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story; provided however, that any partial story used for

residential purposes shall be deemed a full story.

**STREET:** A general term used to describe a public right of way which provides a channel for vehicular and pedestrian movement, and may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of utilities (both above and below ground).

**STRUCTURE:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards and poster panels.

**TELECOMMUNICATIONS TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers, used for the purpose of transmitting, receiving, or retransmitting messages or information, be it by laser, microwave, radio, satellite or similar means. The term includes, but is not limited to microwave towers, common carrier towers, cellular telephone towers, earth satellite stations, alternative tower structures, and the like.

**TRAVEL TRAILER:** See Recreational Vehicle.

**VILLAGE:** The Village of Hampton, Illinois.

**VILLAGE BOARD:** The Village Board of Trustees of the Village of Hampton, Illinois.

**VILLAGE CLERK:** The Village Clerk of the Village of Hampton, Illinois.

**YARD:** Required open space at grade unoccupied and unobstructed by any structure or portion of a structure, other than projections of uncovered steps, uncovered balconies or uncovered porches, provided however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height and visibility requirements. In measuring a yard for the purpose of determining the width of side yard, depth of a front yard or rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

**YARD, FRONT:** An open space extending the full width of a lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

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

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

**ZONING OFFICER:** The person appointed to occupy the office created herein, in which office is vested the chief administrative and enforcement duties as outlined in this Ordinance.

# TITLE NINE

## ARTICLE 2

ZONING -  
ADMINISTRATION

**Ord. 624-1, April 14, 1997**

**Revised Ord. 02-02, January 22, 2002**



### **9.2.1: ORGANIZATION**

**A)** The administration of this Ordinance is vested in the following three (3) offices of the government of the Village of Hampton: Zoning Officer, Board of Appeals and Village Board.

**B)** This article shall first set out the authority of each of these three offices, and then describe the procedure and substantive standards with respect to the following administrative functions: review by the Rock Island County Soil and Water Conservation District, issuance of zoning certificates and occupancy permits, variances, appeals, uses on review and other powers of the Board of Appeals and amendments.

### **9.2.2: ZONING OFFICER**

**A) APPOINTMENT OF ZONING OFFICER:** The Zoning Officer shall be appointed by the Village President with the advice and consent of the Village Board.

**B) POWERS AND DUTIES OF THE ZONING OFFICER:** The Zoning Officer shall enforce this Ordinance, and in addition thereto and in furtherance of said authority, shall:

1) Issue all zoning certificates and make and maintain records thereof;

2) Issue all occupancy permits and make and maintain records thereof;

3) Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Ordinance;

4) Maintain permanent and current records of this Ordinance including, but not limited to, all maps, amendments, uses on review, variances, appeals and applications therefore;

5) Provide and maintain a public information service relative to all matters arising out of this Ordinance;

6) Transmit to the Board of Appeals applications for appeals, variances, uses on review, or other matters on which the Board of Appeals is required to pass under this Ordinance;

7) Issue occupancy permits regulating the erection of buildings or structures and use of land for periods not to exceed 10 days for specific purposes such as temporary carnivals, churches, charities and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience or general welfare; provided, however, that said use of operation and any incidental temporary structures or tents are in conformance with all other Ordinances and codes of the Village; and

8) Initiate, direct, and review from time to time a study of the provisions of the Ordinance and make reports of his recommendations to the Village Board.

**C) REVIEW BY THE SOIL AND WATER CONSERVATION DISTRICT.** Any person who petitions the Village for a variation, amendment or other relief from this Ordinance shall furnish a copy of such petition or proposal to the Rock Island Soil and Water Conservation District for review and comment. The district shall not be given more than thirty (30) days from the time of receipt of the petition or proposal

to issue its written opinion concerning the petition or proposal and to submit the same to the Zoning Officer for further action.

### **9.2.3: BOARD OF APPEALS**

**A) CREATION.** The Board of Appeals, as established under the applicable provisions of the Illinois Revised Statutes, is the Board of Appeals referred to in this Ordinance.

**B) MEMBERSHIP.** The Board of Appeals shall consist of seven (7) members appointed by the Village president with the consent of the Village Board. The members of said Board of Appeals shall serve respectively for the following terms, or until their respective successors the following terms, or until their respective successors are appointed and qualified: One (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, one (1) for five (5) years, one (1) for six (6) years and one (1) for seven (7) years; the successor to each member so appointed to serve for a term of five (5) years. One of the members shall be designated by the Village President, with the consent of the Village Board as Chairman, and shall hold office until his successor is appointed.

**C) JURISTITION.** The Board of Appeals is hereby vested with the following jurisdiction and authority;

1) To hear and make recommendations on all applications for planned developments, amendments and uses on review in the manner described in this Ordinance.

2) To petition the Village Board, on its own initiative, requesting an amendment, supplement, change or repeal of the Zoning ordinance, provided that it has first held a public hearing thereon;

3) To hear and decide appeals from any order, requirements, decision or determination made by the Zoning officer under this Ordinance;

4) To hear and make recommendations on the applications for variance from the terms provided in the Ordinance in the manner prescribed and subject to the standards established herein;

5) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, as prescribed by the applicable provisions of the Illinois Revised Statutes.

**D) MEETINGS AND RULES:** All meetings of the Board of Appeals shall be held at the call of the Chairman and at such time as the Board of Appeals may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent or failing to vote indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, order, requirement, decision or determination of the Board of Appeals shall

be filed immediately in the office of the Zoning Officer and shall be public record. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable Illinois Revised Statutes, and select or appoint such officers as it deems necessary. The Village Clerk shall act as clerk for the Board and shall make and keep a record of all its meetings and official acts of the Board of Appeals.

**E) FINALITY OF DECISION OF THE BOARD OF APPEALS:** All decisions and findings of the Board of Appeals on appeals, applications for a variance or application for a use on review, after a hearing, shall in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.

#### **9.2.4: PRESIDENT AND VILLAGE BOARD**

**A) JURISDICTION:** The President and Village Board of Hampton shall discharge the following duties under this Ordinance:

1) Appoint the Zoning Officer whose responsibility will be to enforce the provisions of this Ordinance;

2) Appoint members to the Board of Appeals as provided for in this Ordinance;

3) Receive and decide upon all recommendations concerning variances, amendments, uses on review, planned developments, supplements, changes or repeal of the Zoning Ordinance submitted to them; and

4) To decide all matters upon which it is required to pass under this Ordinance.

#### **9.2.5: ZONING CERTIFICATES AND OCCUPANCY PERMITS**

**A) ZONING CERTIFICATES:** Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department or employee of the Village of Hampton unless the application for such permit has been examined by the Zoning Officer, indicating that the proposed building or structure complies with all the provisions of this Ordinance. Any permit or certificate issued in conflict with the provisions of this Ordinance shall be null and void.

**B) OCCUPANCY PERMITS:** No building or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until an occupancy permit has been issued by the Zoning Officer. No change in a use other than that of a permitted use to another similar permitted use, shall be made until an occupancy permit has been issued by the Zoning Officer. Every occupancy permit shall state that the use or occupancy complies with the provisions of this Ordinance.

1) Application for Occupancy Permit. Every application for a building permit shall be deemed to be an application for an occupancy permit for a new use of land. Where no building permit

is required application shall be made directly to the Zoning Officer.

2) Issuance of Occupancy Permit. No occupancy permit for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed and the premises inspected and certified by the Zoning officer to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. Reasons in writing for refusal to issue an occupancy permit must be forwarded to the applicant no later than fourteen (14) days after the request for an occupancy permit.

#### **9.2.6: VARIANCES**

**A) PURPOSE AND FINDINGS OF FACT:** The Village Board after public hearings before the Board of Appeals and Village Board, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in specific instances hereinafter set forth, where the Board of Appeals makes written findings of fact in accordance with the standards hereinafter prescribed, and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

#### **B) APPLICATION FOR VARIANCE AND NOTICE OF HEARING**

1) An application for a variance shall be filed in writing with the Zoning Officer. Said application shall contain such information as the Village Board may, by rule, require.

2) Notice of the time and place of such public hearings shall be published at least once, not less than 15 days nor more than 30 days before the hearing, in a newspaper of general circulation within the Village of Hampton. The published notice may be supplemented by such additional form of notice as the Village Board by rule, may require.

#### **C) STANDARDS FOR VARIANCE:**

The Village Board shall not vary the regulations of this Ordinance, as authorized in this section; unless there is evidence presented to it in each specific case that:

1) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulation were to be carried out;

2) That the conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;

3) The purpose of the variance is not based exclusively upon a desire to make more money out of the property;

4) The alleged difficulty or hardship is caused by this Ordinance and has not



been created by any persons presently having an interest in the property;

5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;

6) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion of the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.

#### **D) AUTHORIZED VARIANCES:**

Variances authorized from the regulations of this Ordinance shall be granted by the Village Board only in accordance with the standards established in this section and may be granted only in the following instances and in no others:

1) To permit any yard or setback of less dimension than required by the applicable regulations;

2) To permit any building or structure to exceed the height limitations imposed by the applicable regulations;

3) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than fifty (50) percent of the required area and width;

4) To permit the same off street parking facility to qualify as required

facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

5) To reduce the applicable off street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty (20) percent of the applicable regulations, whichever number is greater;

6) To increase by not more than twenty - five (25) percent the maximum distance that required parking spaces are permitted to be located from the use served; and

7) To increase by not more than ten (10) percent the maximum gross floor area of any use so limited by the applicable regulations.

**E) RECOMMENDATION OF THE BOARD OF APPEALS:** Within forty-five (45) days after the close of the hearing on a proposed variance, the Board of Appeals shall submit its recommendation to the Village Board.

**F) GRANTING A VARIANCE:** The concurring vote of four (4) members of the Village Board shall be necessary to grant a variance. No order of the Village Board granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

**G) EFFECT OF DENIAL OF VARIANCE:**

Application for a variance that has been denied wholly or in part by the Village Board shall not be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence found to be valid by the Village Board.

**9.2.7: APPEALS**

**A) SCOPE OF APPEALS:** An appeal may be taken to the Board of Appeals by a person, firm or corporation, or by any office, department, board or bureau aggrieved by a decision of the Zoning Officer. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by filing with the Zoning Officer a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Appeals all of the papers constituting a record upon which the Section appealed from was taken.

**B) FINDINGS ON APPEAL:**

1) An appeal shall stay all proceedings in furtherance of the actions appealed from unless the Zoning Officer certifies to the Board of Appeals, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.

2) The Board of Appeals shall stay select a reasonable time and place for the hearing of the appeal, give due notice thereof to the parties and shall render a written decision on the appeal without unreasonable delay. The Board of Appeals may affirm or, upon the concurring vote of

four (4) members, may reverse, in whole or in part, or modify the order, requirement, decision or determination that, in its opinion, ought to be done. To that end the Board of Appeals shall have all the powers of officer from whom the appeal is taken. The Village Clerk shall maintain records of all actions of the Board of Appeals relative to appeals.

**9.2.8: USES ON REVIEW, PLANNED DEVELOPMENTS AND OTHER POWERS OF THE BOARD OF APPEALS AND VILLAGE BOARD**

**A) USES ON REVIEW**

1) Purpose: The development and administration of this Ordinance is based upon the division of the Village into zoning districts, within such districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such uses on review fall into two categories:

a) Uses publicly operated or traditionally affected with a public interest.

b) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact on neighboring property or public facilities.

2) Initiation of use of Review: Any person having a freehold interest inland, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one or more of the uses on review provided for in this Ordinance in the zoning district in which the land is located.

3) Application for Use on Review: An application for a use on review shall be filed with the Zoning Officer on a form as he shall prescribe. The application shall be accompanied by such plans and/or data prescribed by the Village Board and shall include a statement in writing by the applicant and adequate evidence that the proposed use will, on review, conform to the standards set forth in this Ordinance. Such application shall be forwarded from the Zoning Officer to the Board of Appeals with a request for a public hearing and report relative thereto.

4) Hearing on Application: Upon receipt in proper form of the application and statement referred to above, the Board of Appeals and Village Board shall each hold at least one (1) public hearing on the proposed use on review. Notice of time and place of such hearings shall be published not less than neither fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in a newspaper of general circulation in the Village of Hampton. Supplemental or additional notices may be published or distributed as the Village Board may, by rule, prescribe from time to time. At a minimum, all owners of property adjoining the property for which the proposed use

on review is requested shall receive written notice of the hearing.

5) Authorization: For each application for a use on review the Zoning Officer shall prepare a file with the Village Board and Board of Appeals findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.

6) Standards: No use on review shall be granted by the Village Board unless such Board shall find:

a) That the establishment, maintenance or operation of the use on review will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

b) That the use on review will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impair property values within the neighborhood;

c) That the establishment of the use on review will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

d) The adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

e) 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

f) That the use on review shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Appeals.

7) Recommendation by Board of Appeals: Within forty-five (45) days after the close of their hearing on a proposed use on review, the Board of Appeals shall submit its recommendation to the Village Board.

8) Granting a Use on Review: The concurring vote of four (4) members of the Village Board shall be necessary to grant a use on review. No order of the Village Board granting a use on review shall be valid for a period longer than twelve (12) months from the date of such order unless it can be documented that the authorized use on review has been established within such period.

9) Conditions and Guarantees: Prior to the granting of any use on review, the Village Board shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the use on review as it deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above. In all cases in which uses on review are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the condition stipulated in connection therewith are being complied with.

10) Continuation, Denial and Revocation of Uses on Review.

a) Continuation of a Use on Review: Upon approval by the Village Board, a use on review may continue to exist as long as the conditions and guarantees stipulated by the Village Board are met. All uses on review shall be subject to an annual review by the Village Board to ensure that the conditions and guarantees are being met.

b) Denial of a Use on Review: No application for a use on review that has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Village Board.

c) Revocation of a use on Review: In any case where a use on review has not been established within one (1) year after the date of granting thereof, then, without further action by the Village Board the use on review or authorization shall be null and void.

## **B) PLANNED DEVELOPMENTS (Rev. Ord. 02-02, January 22, 2002)**

1) MINIMUM REQUIREMENTS: The following requirements specified in this Section shall be considered minimum for planned developments.

### **2) DWELLING GROUPS**

a) In the case of a project consisting of a group of two (2) or more buildings to be constructed on a plot of ground not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to

apply the requirements of this Title to the individual building units in such project, the applying of such requirements to such project shall be done by the Board of Zoning Appeals in a manner that will ensure substantially the same character of occupancy, maximum intensity of use and minimum standards of open spaces as permitted by this Title in the district in which the proposed project is to be located.

b) In no case shall the Board authorize a use of a building height prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required under this Title in such district. Nor shall the Board authorize a building coverage exceeding that which would be obtained were the same area to be developed by the customary subdivision thereof into streets and lots in conformance with the adopted subdivision regulations and by the type of buildings customary in the district and in compliance with the requirements of this Title. The Board shall not authorize the erection of a project on a parcel of ground occupied by another principal structure.

### 3) RESIDENCE DEVELOPMENT PROJECTS :

a) A residence development project consisting of any number of buildings, the contemplated arrangement of which makes it impossible to apply the requirements of this Title to the individual buildings, may be authorized by the Board of Zoning Appeals in districts in which such projects are permitted under this Title. In so doing, the Board shall first refer the plans for the said project to the Planning Commission for study, public hearing and

report upon finding that the plans of such project meet the following conditions:

1. That the tract of land on which the project is to be erected meets the minimum size requirements as specified in subsection (B) of this Section.

2. That the buildings are to be used only for residential purposes and the customary accessory uses, such as private garages, storage spaces, recreational and community activities.

3. That the average lot area per family or dwelling unit on the site, exclusive of the area occupied by drives or streets will not be less than ninety percent (90%) of the lot area per family required in the district in which the project is to be located.

4. That there is to be provided within the tract, or immediately thereto, parking spaces in private garages or off-street areas as specified in Article 14 of this Title.

5. That there are to be provided, as a part of the project, adequate recreation areas to serve the needs of the anticipated population to be housed therein.

6. That drives, access ways and parking areas are developed to standard equal to that required for public use.

7. That such drives and access ways are protected by recorded deed covenants assuring their availability to all residents of the project.

8. That the proposed project will constitute a residential environment of a

sustained desirability and stability; that it will be in harmony with the character of the surrounding neighborhood and ensure substantially the same type of occupancy as obtains or may be expected to obtain in said neighborhood; that it will result in intensity of land utilization no higher, and standards of open spaces at least as high as permitted or specified in this Title in the district in which the project is to be located.

9. That the project will be consistent with the intent and purposes of this Title to promote public health, safety and general welfare.

b) Height, yards and lot coverage shall be regulated by the schedule at the table below and in no case shall the Board authorize standards less than those depicted in the table below.

c) Any change in an approved plan shall be referred by the Board of Zoning Appeals to the Planning Commission for study and report, prior to any action by the Board.

d) The Board of Zoning Appeals shall approve or disapprove any plan or revision of an approved plan within sixty (60) days of the filing of all elements of the plan.

#### 4) INTEGRATED SHOPPING CENTERS

a) Minimum Area: The owner of a tract of land located in any district at or near where a proposed shopping center is shown on the adopted Land Use Plan shall submit to the Planning Commission for its

review a preliminary plan for the use and development thereof for an integrated shopping center, provided that said tract of land shall meet the following minimum area requirements:

Neighborhood Shopping Center: Not less than two (2) acres;

Sub community Or Community Shopping Center: Not less than ten (10) acres;

Shopping Centers Defined: For the purposes of this Section, shopping centers shall be defined as follows:

1. "Neighborhood shopping center" shall mean a shopping center the principal establishment of which is customarily a supermarket type food store.

2. "Subcommunity shopping center" shall mean a shopping center the principal establishment of which is customarily a variety store.

3. "Community center" shall mean an area within which various facilities and services, such as filling stations, restaurants, banks, fire or police stations, clubs, etc. may be established.

b) Applicant; Financial Ability: In accepting such plan for review, the Planning Commission shall be satisfied that the applicant is financially able to carry out the proposed project, that construction will start within one year, if a neighborhood shopping center, of the approval of the project and necessary zoning district change, and will be completed within a reasonable time as determined by the Planning Commission.

c) Commission Findings: It then shall be the duty of the Planning Commission to investigate and ascertain whether the location, size and other characteristics of the site and the proposed plan comply with the following conditions:

1. Need Must Be Demonstrated: That need for the proposed center at the proposed location, to provide adequate shopping facilities to the surrounding neighborhood, sub community or community or part thereof, as the case may be, has been demonstrated by the applicant by means of market studies and such other evidence as the Planning Commission may require.

2. Adequacy, Site: That the proposed shopping center is adequate, but not excessive in size to provide adequate shopping or service facilities for the population which reasonably may be expected to be served by the proposed center .

3. Traffic Congestion; Not To Be Created: That the proposed shopping center is at a location where traffic congestion does not exist at present on the streets to be utilized for access to the proposed center, and where such congestion will not likely be created by the proposed center; or where such existing or possible future congestion will be obviated by presently projected improvement of access thoroughfares or by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking.

4. Thoroughfare Access Required: That any neighborhood shopping center will abut and front a street designated on

the official Transportation Plan as an expressway or arterial thoroughfare; and any sub community or community shopping center shall abut and front on a street designated on said Plan as an expressway or arterial thoroughfare.

5. Integrated Design: That the plan provides for a shopping center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping. The project shall be arranged in an attractive and efficient manner, convenient, pleasant and safe to use, and fitting harmoniously into and having no adverse effects upon the adjoining or surrounding properties.

d) The uses permitted in an integrated shopping center shall be appropriate to the specific functions thereof. In the case of all shopping centers, the allowable uses shall be those permitted in the C-1 District; provided, however, that no residential, heavy commercial or industrial uses shall be permitted in any shopping center, and only those uses shall be authorized which are necessary or desirable to supply the surrounding neighborhood, sub community or community with goods or services. All uses authorized in this manner shall be in harmony with the design of the center and the environs thereof.

e) Standards Applicable: The following regulations shall apply to an integrated shopping center:

1. Building Height: No building shall exceed two and one half (2½) stories or thirty five feet (35') in height.

2. Yards: No building shall be less than fifty feet (50') distant from any boundary of the tract or site on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any R District, and except for necessary entrances and exits from all properties located in any R District across the street and within one hundred feet (100') from such center. The type and nature of such screening shall be determined by the Planning Commission.

3. Tract Coverage: The ground area occupied by all the buildings shall not exceed in the aggregate twenty five percent (25%) of the total area of the tract or size.

4. Customer Parking Space: Notwithstanding any other requirements of this Title, there shall be provided at least two (2) square feet of off-street parking area, including driveways, for every square foot of total floor space, not including storage space, in an integrated neighborhood shopping center; and three (3) square feet of off-street parking area for every square foot of total floor space, not including storage space, in a sub community or community shopping center.

5. Loading Space: Notwithstanding any other requirements of this Title, there shall be provided one off-street loading space for each five thousand (5,000) square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one-third (1/3) of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.

6. Illumination Of Access Ways and Parking Areas: Access way and parking areas shall be adequately lighted by shielding media lighting fixtures which shall be so installed as to reflect light away from adjoining properties.

7. Signs: Subject to the provisions of State Statutes and approval of the Planning Commission, all signs within the center shall be controlled by written agreement between the owners and tenants of the center, or otherwise, with the view to preventing excessive advertising and promoting a harmonious appearance of the center as a whole.

f) Final Development Plan: Upon determination by the Planning Commission that the proposed integrated shopping center as shown in the preliminary plans appears to conform to the requirements herein and all other applicable requirements of this Title, the proponents shall prepare and submit a final development plan, which plan shall incorporate any change or modifications required by the Planning Commission, along with an application for change of zoning to the appropriate business district classification.

g) Recommendations To Board of Trustees: If the final development plan is found to comply with the requirements herein and other applicable provisions of this Title, the Planning Commission, after public hearing on both the development plan and application for a zoning district change, shall submit said plan, its report and recommendations to the Board of Trustees.



h) Rezoning: The Board of Trustees may modify the plan consistent with the intent and meaning of this Title, and may rezone the property to a classification permitting the proposed center, for development in substantial conformity with the final plan, as approved by the Board of Trustees.

#### **9.2.9: AMENDMENTS**

**A) AUTHORITY:** For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the value of property throughout the Village, and lessening or avoiding congestion in the public streets and highways, the Village Board may from time to time in the manner hereinafter set forth amend the regulations imposed in the districts created by this Ordinance. The Ordinance may be amended, provided that in all amendments adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire community, and the uses to which the property is devoted at the time of the adoption of such amendment.

**B) INITIATION OF AMENDMENT:** Amendments may be proposed by the Board of Appeals, the Village Board or by any interested person or organization.

**C) APPLICATION FOR AMENDMENT:** An application for an amendment shall be filed with the Zoning Officer in such form and accompanied by such information as required by the Zoning Officer. Such application shall be forwarded to the Board of Appeals with the

request to hold a public hearing on said application for amendment.

**D) MINIMUM SIZE OF PARCEL:** A lot, lots or parcel of land shall not qualify for a zoning amendment unless it possesses one hundred twenty (120) feet of frontage or contains fifteen thousand (15,000) square feet of area, or adjoins a lot, lots or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

**E) HEARING ON APPLICATION:** The Board of Appeals shall hold a public hearing on each application for an amendment at such time and place as shall be established by the Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Board of Appeals shall, by rule, prescribe from time to time.

**F) NOTICE OF HEARING:** Notice of time and place of such hearing shall be published at least once in one or more newspapers of general circulation in the Village of Hampton not less than fifteen (15) nor more than thirty (30) days before such hearing. Supplemental or additional notices may be published or distributed as the Board of Appeals may, by rule, prescribe from time to time. At a minimum, all owners of property adjoining the property for which the proposed amendment is requested shall receive written notice of the hearing.

**G) FINDINGS OF FACT AND RECOMMENDATION OF THE BOARD OF APPEAL.**

1) Within forty-five (45) days after the close of the hearing on a proposed

amendment, the Board of Appeals shall make written findings of fact and shall submit same together with its recommendations to the Village Board. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the findings of fact and recommendation shall include the following information:

a) Existing use of property within the general area of the property in question;

b) The zoning classification of property within the general area of the property in question;

c) The suitability of the property in question to the uses permitted under the existing zoning classification; and

d) The trend in development, if any, in the general area of the property in question, including changes if any which have taken place since the day the property in question was placed in its present zoning classification.

2) The Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purposes of this paragraph, the "R-1" District shall be considered the highest classification and the "I-2" District shall be considered the lowest classification.

#### **H) ACTION BY THE VILLAGE BOARD**

1) The Village Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Board of Appeals on the proposed amendment.

2) The Village Board may grant or deny any application for an amendment, provided, however, that in case of a written protest against any proposed amendment, signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, is filed with the Village Clerk, the amendment shall not be passed except by a favorable vote of two thirds (2/3) of all members of the Village Board.

**I) EFFECT OF DENIAL OF AMENDMENT:** No application for an amendment that has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of said denial except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Appeals.

#### **9.2.10: PLANNING AND ZONING COMMISSION (Ord. 624-1, April 14, 1997)**

**A) PLANNING AND ZONING COMMISSION CREATED.** A Planning and Zoning Commission is hereby created for the Village of Hampton consisting of nine members. The members of said

commission shall serve for the following terms, or until their respective successors are appointed and qualified: Four (4) for four (4) years and five (5) for two (2) years. The successor to each member so appointed shall serve for a term of four (4) years. One of the so appointed members shall be named as Chairman of the Commission at the time of his/her appointment.

**B) VACANCY FILLED:** A vacancy shall be filled for the unexpired term of any member whose place has become vacant.

**C) MEETINGS:** All regular meetings of the Planning and Zoning Commission shall be held at the call of the Chairman and any other meetings at such other times as the Chairman and the Board may determine.

**D) EX-OFFICIO MEMBERS:** The President of the Board of Trustees shall be an ex-officio member of the Planning and Zoning Commission.

**E) POWERS:** The Planning and Zoning Commission shall have the following powers:

1) To prepare and recommend to the Village authorities a comprehensive plan of public improvements looking to the present and future development of the Village. After its adoption by the Village authorities, this plan shall be known as the Official Plan of the Village of Hampton. From time to time, the Planning and Zoning Commission may recommend changes in the Official Plan. This plan may include reasonable requirements with reference to streets, alleys and public grounds in unsubdivided land situated within the

corporate limits of the Village or in contiguous territory not more than one and one half (1,½) miles beyond the Village limits and not included in any municipality.

2) To prepare and recommend to the Village authorities, from time to time, plans for specific improvements in pursuance of the Official Plan.

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

4) To exercise such other powers germane to the powers granted by Chapter 65, ILCS 1994 as may be conferred by the corporate authorities.

| <b>Planned Developments – Sizes and Set Backs</b>       |                   |                                |   |
|---|-------------------|--------------------------------|---|
|   | <b>One Family</b> | <b>Detached<br/>Town House</b> | <b>High Rise Apartment</b>              |
| Minimum Size of Development                             | 3 acres           | 5 acres                        | 10 acres                                |
| Garage and Parking Area (per dwelling unit)             | 600 sq. ft.       | 600 sq ft.                     | 600 sq. ft.                             |
| Land Coverage (maximum % of land coverage)              | 20%               | 20%                            | 10%                                     |
| Height of main building                                 | 30'               | 35'                            | 120'                                    |
| Setback from any dedicated R.O.W.                       | 25'               | 25'                            | 75% of building height but at least 30' |
| Distance between building and adjoining property line   | 10'               | 15'                            | Height of building                      |
| Distance between buildings face to face                 | 80'               | 120'                           | 150% of building height                 |
| Distance between buildings face to rear or face to side | 60'               | 80'                            | 150% of building height                 |
| Distance between buildings side to side                 | 20'               | 30'                            | Height of Building                      |
| Distance between buildings rear to rear                 | 80'               | 50'                            | Height of building                      |

# TITLE NINE

## ARTICLE 3

ZONING - ESTABLISHMENT  
OF DISTRICTS, ZONING MAP,  
BOUNDARY  
INTERPRETATIONS AND  
ANNEXED TERRITORY



### 9.3.1: ESTABLISHMENT OF DISTRICTS

A) For the purpose of this Ordinance, the Village of Hampton, is hereby organized into the following zoning districts:

1) Residential Districts

"R-1" Single Family Residence District

"R-2" Two Family Residence District

"R-3" General Residence District

2) Commercial Districts

"C-1" Neighborhood Commercial District

"C-2" General Commercial District

3) Industrial Districts

"I-1" Light Industrial District

"I-2" General Industrial District

4) Agricultural Districts

"AG-1" Agricultural District

"AG-2" Agricultural Suburban District

**9.3.2: ZONING MAP:** The location and boundaries of the zoning districts established by this Ordinance are set forth on the map entitled "Zoning Map" which is herein and hereby made a part of this Ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

### 9.3.3: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

A) Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:

1) Boundaries shown as following or approximately following streets, highways or alleys shall be construed to follow the center lines of such streets, highways or alleys;

2) Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to be said boundary lines;

3) Boundaries shown as following or approximately following the center lines of streams rivers, or other continuously flowing water course shall be construed as following the channel center line of such water courses taken at a mean low water mark;

4) Boundaries shown as following or closely following the Village limits of the Village of Hampton shall be construed as following such limits;

5) Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals; and

6) Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

**9.3.4: ANNEXED TERRITORY:** All territory which may be annexed to the Village of Hampton shall be classed according to the primary use of the land at the time of annexation into the Village as determined by the President and Board of Trustees.



# TITLE 9 ARTICLE 4

## ZONING – GENERAL PROVISIONS

Revised Ord. 04-04, January 20, 2005



**9.4.1: ZONING AFFECTS EVERY STRUCTURE AND USE:**

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

**9.4.2: MINIMUM STREET FRONTAGE, LOT OF RECORD, NUMBER OF BUILDINGS ON LOT AND LOTS NOT SERVED BY SEWER OR WATER**

**A) MINIMUM STREET FRONTAGE:**

No lot shall be created after the adoption of this Ordinance unless it abuts at least twenty (20) feet on a public street and has access thereto.

**B) LOT OF RECORD:**

In any Residence District on a lot of record at the time of enactment of this Ordinance, a single family dwelling may be established regardless of the size of the lot, provided all other requirements of this Ordinance are complied with. However, where two (2) or more undeveloped lots of record prior to the adoption of this Ordinance are held in common ownership, they shall be considered as a single zoning lot for purposes of this Ordinance, unless each has a lot area no more than ten percent (10%) less than the required minimum lot area for the district in which they are located.

**C) NUMBER OF BUILDINGS ON A ZONING LOT:** Except in the case of planned developments, not more than one (1) principal detached residential building shall be located on a zoning lot, nor shall a

principal detached residential building be located on the same zoning lot with any other principal building.

**D) LOTS NOT SERVED BY SEWER AND/OR WATER:**

In any residential district where neither central water supply nor central sewerage system are reasonably available, one (1) single family detached dwelling may be constructed, provided, the otherwise specified lot area and width requirements shall be a minimum of twenty thousand (20,000) square feet, and one hundred (100) feet respectively; further provided, however, that where either a public water supply system or a public sanitary sewer system is accessible these requirements shall be ten thousand (10,000) square feet and seventy five (75) feet respectively, except as hereinafter required.

**9.4.3: ACCESSORY BUILDINGS**

**A) TIME OF CONSTRUCTION:**

No accessory buildings or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

**B) PERCENTAGE OF REQUIRED YARD OCCUPIED:** (Ord. 04-04, January 20, 2005) No detached accessory building or buildings shall occupy more than fifty percent (50%) of the area of a required rear yard.

**C) HEIGHT OF ACCESSORY BUILDING:** No detached accessory building or structure shall exceed the height of the principal building or structure.

**D) LOCATION ON A LOT:** No accessory building shall be erected in any front yard. Accessory buildings shall be no closer than five (5) feet from all lot lines of adjoining lots which are in any Residence District and at least six (6) feet from alley lines. If an accessory building is created on either side of the principal building, it shall not encroach on the required side yard.

**9.4.4: REQUIRED SIDE YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING:** No lot, yard, court parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this Ordinance, and if already less than the minimum required it shall not be further reduced. No required open space provided about any building or structure shall be included as part of any open space required for another building or structure.

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

**9.4.6: TRAFFIC VISIBILITY ACROSS CORNER LOTS:** In a Residence District on any corner lot, no fence, structure or planting shall be erected or maintained, or any vehicle parked within twenty (20) feet of the corner so as to interfere with traffic visibility across the corner.

**9.4.7: VALIDITY OF EXISTING BUILDING PERMITS:** Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated uses or any development, building, structure or part thereof, for which the official approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Ordinance and the completion therefore carried on in a normal manner within the subsequent six (6) month period, and not discontinued until completion, except for reasons beyond the builders control.

**9.4.8: RESIDENTIAL USE OF BASEMENTS AND CELLARS:** The residential use of buildings or structures consisting solely of primarily a basement or cellar shall be prohibited. The residential use of all or a portion of a basement or cellar which is part of a conventionally designed building shall comply with all other applicable buildings, health, fire, and safety or housing regulations.

#### **9.4.9: HOME OCCUPATION**

**A) HOME OCCUPATION - MAJOR:** Major home occupations are home occupations that:

1) Shall be conducted entirely within a dwelling unit and carried on by the inhabitants thereof and no other.

2) Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in such a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations that carry beyond the premises.

3) Shall have no more than two hundred (200) square feet of floor area used for the home occupation.

4) Shall have no signs present on the property except for one wall sign, not to exceed two (2) square feet, indicating the name of the occupant, for example, Joe Doe - Accountant.

5) Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that incidental retail sales may be made in connection with other permitted home occupations, for example, a single chair beauty parlor would be allowed to sell combs, hair spray, and other merchandise items to customers. However, a dressmaker would be required to do only custom work for specified clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.

6) Shall have no storage or display of goods visible from outside the structure.

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

8) Shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.

9) Shall have adequate off street parking spaces available to compensate for additional parking needs generated.

10) Shall have no use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence.

11) Shall have no deliveries from commercial suppliers made more than once a week, and the deliveries shall not be made from semi-tractor trailers.

12) Shall include, but are not necessarily limited to the following:

- Single chair beauty parlors and barber shops;
- Photo developing and printing;
- Organized classes with up to six (6) students at a time;
- Television and other electric or electronic repair, excluding major appliances such as refrigerators or storage;
- Upholstering;
- Dressmaking and millinery; and
- Woodworking, excluding cabinet making.

- Any other similar uses deemed to be consistent by the appropriate authority.

**B) HOME OCCUPATION - MINOR:**

Minor home occupations are home occupations that:

1) Shall be conducted entirely within a dwelling unit and carried on by the inhabitants thereof and no other.

2) Shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in such a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations that carry beyond the premises.

3) Shall have no more than two hundred (200) square feet of floor area used for the home occupation.

4) Shall be no advertising, display, or other indications of a home occupation on the premises.

5) Shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves, racks or from inventory is not allowed, but a person may pick up an order placed earlier as described above.

6) Shall have no storage or display of goods visible from outside the structure.

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

8) Shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located.

9) Shall have no use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence.

10) Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than twice a year, and each sale shall not last more than seventy-two (72) consecutive hours, and only goods which have been generated from within the household and not purchased elsewhere for resale. Sales shall be conducted on the owner's property except that multiple family sales are permitted if they are held on the property of one of the participants and any and such sale shall be considered to be a sale for all participants.

11) Deliveries from commercial suppliers may be made more than once a week, and the deliveries shall not be made from semi-tractor trailers.

12) Shall include, but are not necessarily limited to the following:

- Artists and sculptors;

- Authors, desktop publishers and composers;

- Home crafts for sale off-site;

- Office facility of clergy;

- Office facility of a salesman, sales representative or manufacturer's representative provided that no transactions are made in person on the premises;

- Address of convenience used solely for receiving and making telephone calls including computer usage, mail, keeping business records in connection with a profession or occupation;

- Individual tutoring;

- Preserving and home cooking for sale off-site;

- Individual instrument and vocal instruction provided that no instrument may be amplified;

- Telephone solicitation work;

- Any other similar uses deemed to be consistent by the appropriate authority.

Professional offices are not allowed in minor home occupations.





# TITLE NINE

## ARTICLE 5

ZONING – R-1 SINGLE  
FAMILY RESIDENCE  
DISTRICT

Ord. 641-A, January 25, 1999

Revised Ord. 548, May 14, 1990

Revised Ord. 04-04, January 20, 2004



**9.5.1: GENERAL DESCRIPTION:** This is the most restrictive residential district. The principal use of land is for single family dwelling and for related recreational, religious and educational facilities normally required to provide an orderly and attractive residential area. These residential areas are intended to be defined and protected from encroachment of uses which are not appropriate to a residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of the different uses.

**9.5.2: USES PERMITTED:** Property and buildings in an "R-1" Single Family Residence District shall be used only for the following purposes:

- A) Single family dwellings.
- B) Essential services.
- C) Home occupations - minor.
- D) Child care center.
- E) Day care home.
- F) Foster family homes.
- G) Accessory buildings not to exceed one thousand (1,000) square feet in size. (Ord. 04-04, January 20, 2004)

**9.5.3: USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the Board of Appeals in accordance with the provisions contained in this Ordinance:

A) Church or temple.

B) Public school or school offering general educational courses the same as ordinarily given in public schools.

C) Public library and similar public culture uses, located not less than twenty (20) feet from any side lot line in any Residence District.

D) Park, playground and community center.

E) Municipal administrative or public service building or properties, except such cases as storage yard, warehouse, garage or other uses customarily conducted as gainful business, provided any building is located not less than twenty (20) feet from any lot in any Residence District.

F) Branch telephone exchange, transformer station and booster or pressure regulating station without service yard storage.

G) Cemeteries.

H) Telecommunication towers

I) Home occupations - major.

J) Bed and Breakfast.

K) Accessory buildings between one thousand (1,000) square feet and no larger than one thousand two hundred (1,200) square feet in size. (Ord. 04-04, January 20, 2004)

**9.5.4: HEIGHT REGULATIONS:** No building or structure shall exceed three (3) stories or thirty five (35) feet in height.

**9.5.5: LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

**A) LOT AREA:** All lots shall be served by a public water supply and a public central sewerage system, and each lot shall have a minimum lot area of seven thousand five hundred (7,500) square feet, except as specified in Article 4 of this Ordinance.

**B) FRONTAGE AND YARD REQUIREMENTS:** The following minimum requirements shall be observed:

|                       |         |
|-----------------------|---------|
| Lot Width             | 65 feet |
| Front Yard Depth      | 25 feet |
| Side Yard Least Width | 7 feet  |
| Rear Yard Depth       | 30 feet |

**9.5.6: UTILITIES ( Ordinance 548 May 14, 1990 )**

**A)** No electrical distribution or transmission line with a capacity to transmit electric energy in excess of twenty five (25) kilovolts shall be installed overhead or underground, nor operated over, across or along public streets, alleys and public ways within the boundaries of the Village of Hampton, except by a public utility having a valid Village franchise.

**B)** No electric distribution or transmission poles in excess of fifty (50) feet in height above the ground shall be installed over, across or along public streets, alleys or public ways within the boundaries of the Village of Hampton, except by public utility having a valid Village franchise.

# TITLE NINE

# ARTICLE SIX

ZONING – R-2 TWO  
FAMILY RESIDENCE  
DISTRICT

Ord 641-A, January 25, 1999



**9.6.1: GENERAL DESCRIPTIONS:** This is a residential district which provides for a slightly higher population density, but with basic regulations similar to the "R-1" District. The principal use of land is for single and two family dwelling and for related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. Internal stability, attractiveness order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the different uses.

**9.6.2: USES PERMITTED:** Property and buildings in an "R-2" Two Family Residence District shall be used only for the following purposes:

A) Any use permitted in the "R-1" Single Family Residence District.

B) Two family dwellings.

C) Home occupations - minor.

D) Bed and Breakfast.

E) Care Home - small residential.

F) Child Care Center.

G) Day Care home.

H) Foster Group Homes.

I) Halfway House / Group Home.

**9.6.3: USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the Board of Appeals in accordance with the provisions contained herein:

A) Any use permitted on review in the "R-1" Single Family Residence District.

B) Private clubs or lodges, except those whose chief activity is a service customarily carried on as a business, provided any buildings are located not less than twenty (20) feet from any lot in any Residence District.

C) Parking areas accessory to a use in an adjoining less restricted district when abutting or directly across an alley, subject to the applicable conditions contained herein and such further conditions may be stipulated by the Board of Appeals.

D) Day Care Center.

E) Telecommunications Towers.

F) Home occupations - major.

G) Planned Unit Development.

**9.6.4: HEIGHT REGULATIONS:** No building or structure shall exceed three (3) stories or thirty five (35) feet in height.

**9.6.5: LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

A) **LOT AREA:** All lots shall be served by a public water supply and public central sewerage system and each one family residence shall be located on a lot containing at least six thousand (6,000) square feet and each structure containing more than one family shall be located on a lot having at least four thousand five hundred (4,500) square feet for each dwelling unit.

**B) FRONTAGE AND YARD AREA REQUIREMENTS:** The following minimum requirements shall be observed:

**Single Family Dwelling**

|                       |         |
|-----------------------|---------|
| Lot Width             | 60 feet |
| Front Yard Depth      | 25 feet |
| Side yard Least Width | 7 feet  |

|                 |         |
|-----------------|---------|
| Rear Yard Depth | 30 feet |
|-----------------|---------|

**Two Family Dwelling**

|                       |         |
|-----------------------|---------|
| Lot Width             | 90 feet |
| Front Yard Depth      | 25 feet |
| Side yard Least Width | 7 feet  |
| Rear Yard Depth       | 30 feet |



# TITLE NINE

## ARTICLE 7

ZONING - R-3 GENERAL  
RESIDENCE DISTRICT

**Ordinance 641-A, January 25, 1999**



**9.7.1: GENERAL DESCRIPTION:** This is a residential district which provides for medium and high population density. The principal use of land may range from single family to multiple family dwelling units. Certain uses are permitted which are more compatible with intensive residential use than with commercial uses. The recreational, religious and educational facilities normally required to provide an orderly and attractive residential area are included. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationships of each use permitted in the district.

**9.7.2: USES PERMITTED:** Property and buildings in an "R-3" General Residence District shall be used only for the following purposes:

- A) Multiple family dwellings.
- B) Two family dwellings.
- C) Home occupations - minor.
- D) Care Home - large residential.
- E) Day Care Center.
- F) Foster Group Home.
- G) Halfway House / Group Home.
- H) Planned Unit Development.

**9.2.3: USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the Board of Appeals in accordance with the provisions contained in this Ordinance.

A) Any use permitted on review in the "R-2" Two Family Residence District.

B) Any use permitted on review in the "R-1" Single Family Residence District.

C) Public and private school for academic instruction, including dormitories.

D) Hospitals, sanitariums and nursing homes.

E) Institutions of a religious, educational or philanthropic nature.

F) Physicians' and dentists' offices and private clinics for human care; professional offices of architects, engineers, lawyers and the like; barber and beauty shops; offices devoted to real estate insurance, management and similar enterprises when not displaying or handling merchandise on the premises. The buildings permitted under this subsection shall be of a design and location compatible with the permitted residential uses.

G) Boarding and lodging houses.

H) Telecommunications Towers.

I) Home occupations - major.

**9.7.4: HEIGHT REGULATIONS:** No building or structure shall exceed three (3) stories or forty (40) feet in height.

**9.7.5: LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

**A) LOT AREA:** All lots shall be served by a public water supply and public central sewerage system and the following minimum lot area requirements shall be observed:

Single Family Dwelling 6,000 square feet

Two Family Dwelling 9,000 square feet

Multiple Family Dwelling 3,500 square feet  
per dwelling unit

Boarding and Lodging House 9,000 square  
feet

#### **Boarding and Lodging House**

|                       |         |
|-----------------------|---------|
| Lot Width             | 90 feet |
| Front Yard Depth      | 25 feet |
| Side Yard least Width | 7 feet  |
| Rear Yard Depth       | 30 feet |

#### **B) FRONTAGE AND YARD**

**REQUIREMENTS:** The following minimum requirements shall be observed:

##### **Single Family Dwelling**

|                       |         |
|-----------------------|---------|
| Lot Width             | 60 feet |
| Front Yard Depth      | 25 feet |
| Side Yard least Width | 7 feet  |
| Rear Yard Depth       | 30 feet |

##### **Two Family Dwelling**

|                       |         |
|-----------------------|---------|
| Lot Width             | 90 feet |
| Front Yard Depth      | 25 feet |
| Side Yard least Width | 7 feet  |
| Rear Yard Depth       | 30 feet |

##### **Multiple Family Dwelling**

|                       |          |
|-----------------------|----------|
| Lot Width             | 100 feet |
| Front Yard Depth      | 25 feet  |
| Side Yard least Width | 12 feet  |
| Rear Yard Depth       | 30 feet  |

# TITLE NINE

## ARTICLE 8

ZONING – C-1  
NEIGHBORHOOD  
COMMERCIAL DISTRICT

Ordinance 641-A, January 25, 1999



**9.8.1: GENERAL DESCRIPTION:** This commercial district is for the conduct of retail trade and personal service enterprises to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational uses, more restrictive requirements for light, air, open space and off street parking are made that are provided in the other commercial district.

**9.8.2: USES PERMITTED:** Property and buildings in a "C-1" Neighborhood Commercial District shall be used only for the following purposes:

- 1) Antique shop.
- 2) Appliance store.
- 3) Art and school supply store.
- 4) Bank and other financial institutions.
- 5) Barber shop.
- 6) Beauty shop.
- 7) Book or stationary store, except adult book store.
- 8) Camera shop.
- 9) Candy store.
- 10) Community center.
- 11) Computer sales and service including software sales.
- 12) Dairy products or ice cream store.
- 13) Day Care Center.
- 14) Day Care Home.
- 15) Drug store.
- 16) Florist shop.
- 17) Food store, grocery store, meat market, fish market, bakery and delicatessen.
- 18) Gift shop.
- 19) Hardware store.
- 20) Jewelry store.

- 21) Municipal administrative or public service office.
- 22) Music and dancing studio.
- 23) Optometrist sales and service.
- 24) Package liquor sales.
- 25) Photographer or artist studio.
- 26) Physician's and dentist's office and private clinic for human care.
- 27) Professional and business office.
- 28) Public library and similar public culture uses.
- 29) Restaurant, except a drive-in restaurant and one serving alcoholic beverages.
- 30) Self-service laundry or dry cleaning.
- 31) Shoe repair shop.
- 32) Tailor shop.
- 33) Toy store.
- 34) Variety store.
- 35) Video Rental or Sales except Adult Video Rental or Sales.
- 36) Wearing apparel shop.
- 37) Any other use determined by the Board of Appeals to be of the same general character as the foregoing permitted use.

**9.8.3: USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the Board of Appeals in accordance with provisions contained in this Ordinance:

- 1) Any use permitted on review in the "R-3" General Residence District that is not a residential use.
- 2) Private club or lodge.
- 3) Public or private school for academic instruction, including dormitories.
- 4) Automobile service station.
- 5) Hospitals, sanitariums and nursing homes.
- 6) Restaurants serving alcoholic beverages.

- 7) Institutions of religious, educational or philanthropic nature.
- 8) Boarding or lodging houses.
- 9) Radio and television broadcast towers and telecommunications towers.
- 10) Any other use determined by the Board of Appeals to be of the same general character as the foregoing uses permitted on review.

**9.8.4. HEIGHT REGULATIONS:** No building or structure shall exceed three (3) stories or fifty (50) feet in height.

**9.8.5: LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

**A) LOT AREA:** Each structure containing a dwelling unit as a principal use shall be located on a lot containing the minimum lot area requirements set forth in Article 7. All other structures have no minimum lot area requirement.

**B) FRONTAGE AND YARD REQUIREMENTS:**

**Lot width** - None.

**Front Yard Depth** - Twenty five (25) feet.

**Side Yard Width** - None, except where adjoining a Residence District, then the same as the least width required in the Residence District.

**Rear Yard Depth** - Twenty (20) feet, except where adjoining a Residence District, then the same as required in the Residence District.



# TITLE NINE

## ARTICLE 9

### ZONING – C-2 GENERAL COMMERCIAL DISTRICT

Ordinance 641-A, January 25, 1999



**9.9.1: GENERAL DESCRIPTION:** This commercial district is designed to accommodate the needs of a larger consumer population than is served by the "C-1" Neighborhood Commercial District thus a wider range of services and goods is permitted for both daily and occasional shopping and service needs. Persons living in the community and in the surrounding trade territory require direct and frequent access.

**9.9.2: USES PERMITTED:** Property and buildings in a "C-2" General Commercial District shall be used only for the following purposes:

- 1) Amusement establishments, including: bowling alley, miniature golf course, practice golf range, pool halls, dance halls, swimming pools, skating rinks, archery ranges, shooting galleries and similar amusement facilities.
- 2) Animal hospitals and kennels.
- 3) Auction rooms.
- 4) Automobile service station.
- 5) Automobile repair - major.
- 6) Automobile repair - minor.
- 7) Bar or tavern.
- 8) Bicycle sales, rental and repair store.
- 9) Boat or watercraft sales.
- 10) Branch telephone exchange, transformer station and booster or pressure regulating station without service yard storage.
- 11) Contractor or construction office.
- 12) Department store.
- 13) Fast Food Restaurant
- 14) Frozen food locker.
- 15) Furniture repair and upholstery.
- 16) Garages - for storage, repair and servicing of motor vehicles,

including body repair, painting and engine rebuilding.

- 17) Garden supply store.
- 18) Greenhouses and nurseries.
- 19) Hotel, motel or other tourist lodging establishment.
- 20) Laboratories - medical and dental.
- 21) Laundry and dry cleaning shop.
- 22) Locksmith shop.
- 23) Machinery sales.
- 24) Monument sales.
- 25) Mortuary.
- 26) Motor vehicle and motor home sales, not including junk yards.
- 27) Parking lots and garages.
- 28) Pet shop.
- 29) Printing, publishing, engraving or lithographing shop.
- 30) Private club or lodge.
- 31) Produce market.
- 32) Theaters, indoor, except Adult Mini Motion Picture and Adult Motion Picture theatres.
- 33) Any other use determined by the Board of Appeals to be of the same general character as the foregoing permitted uses, but not including any use that may become noxious or offensive in a "C-2" District.

**9.9.3: USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the Board of Appeals in accordance with provisions contained in this Ordinance.

- 1) Any use permitted in the "C-1" Neighborhood Commercial District.
- 2) Contractor's and construction storage yard.
- 3) Farms implement sales.
- 4) Model home and garage displays
- 5) Feed and seed sales.
- 6) Theater, drive-in.
- 7) Fuel and oil sales.

- 8) Lumber yard.
- 9) Radio and television broadcast towers and telecommunications towers.
- 10) Any other use determined by the Board of Appeals to be of the same general character as the foregoing uses permitted on review, but not any use which may become noxious or offensive in a "C-2" District.

#### **9.9.4: HEIGHT REGULATIONS**

No building or structure shall exceed three (3) stories or fifty (50) feet in height.

#### **9.9.5: LOT AREA, FRONTAGE AND YARD REQUIREMENTS.**

- A) **LOT AREA:** There is no minimum lot area required.
- B) **FRONTAGE AND YARD REQUIREMENTS:** The following minimum requirements shall be observed:
  - 1) Lot Width - None.
  - 2) Front Yard Depth - Twenty five (25) feet.
  - 3) Side Yard Width - None, except where adjoining a Residence District, then the same as the least width required in the Residence District.
  - 4) Rear Yard Depth - Twenty (20) feet, except where adjoining a Residence District, then the same as required in the Residence District.

# TITLE NINE

## ARTICLE 10

ZONING – I-1 LIGHT  
INDUSTRIAL DISTRICT

**Ordinance 641-A, January 25, 1999**



**9.10.1: GENERAL DESCRIPTION:** This industrial district is intended primarily for the conduct of manufacturing, assembling and fabrication. It is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards. The uses permitted in this district make it most desirable that they be separated from residential uses.

**9.10.2: USES PERMITTED:** Property and buildings in an "I-1" Light Industrial District shall be used only for the following purposes:

- 1) Bottling of soft drinks or milk, or distribution stations.
- 2) Mini breweries.
- 3) Automobile repair garage doing major repair, including tire retreading or recapping, battery service and repair.
- 4) The manufacture, compounding, processing packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products.
- 5) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared material: aluminum, canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stone, rubber textiles, wood or yarn.
- 6) The manufacture or assembly of electrical appliances, electronic instruments and devices, phonographs, radio and television sets, electric and neon signs, refrigerators and stoves.
- 7) Storage buildings or warehouses.

- 8) Any other use that is determined by the Board of Appeals to be of the same general character as the foregoing permitted uses but not including any use which may become noxious or offensive in an "I-1" District. In determining the character of such use, the Board shall refer to Article 2.

**9.10.3: USES PERMITTED ON REVIEW:** The following use may be permitted on review by the Board of Appeals in accordance with the provisions contained in this Ordinance:

- 1) Any use of structure permitted in the "C-2" General Commercial District and any use permitted on review in the "C-2" General Commercial District except as hereinafter modified.
- 2) Commercial excavation of natural materials.
- 3) Radio and television broadcast towers and telecommunication towers.

**9.10.4: PROHIBITED USES:** The following uses are specifically prohibited in the "I-1" Light Industrial District:

- 1) Dwellings, except for watchman or caretaker on the premises.
- 2) Churches or temples, schools, hospitals, clinics and other institutions for human care, except when incidental to a permitted use.
- 3) Auto salvage and wrecking operations, industrial metal and waste salvage operations and junk yard.

**9.10.5: HEIGHT REGULATIONS:** No building or structure shall exceed three (3) stories or fifty (50) feet in height.

**9.10.6. YARD REQUIREMENTS:** The following minimum requirements shall be observed:

- 1) Front Yard Depth - Twenty - five (25) feet.
- 2) Side Yard Width - Equal to building height.
- 3) Rear Yard Depth - Equal to the height of the building but not less than twenty (20) feet.

**9.10.7: SCREENING:** Newly established or newly expanding industrial uses which are adjacent to existing residential properties shall provide within the industrial property along that adjacent property line, a properly maintained dense hedge, tree row or other suitable landscape device to visually screen the industrial area from such adjacent residential area. Failure to provide or maintain such a landscape buffer shall constitute a violation of this Ordinance.



# TITLE NINE

## ARTICLE 11

ZONING – I-2 GENERAL  
INDUSTRIAL DISTRICT

**Ordinance 641-A, January 25, 1999**



**9.11.1: GENERAL DESCRIPTION:** This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the district established by this Ordinance. The intensity of uses permitted in this District makes it most desirable that they be separated from residential and commercial uses.

**9.11.2: USES PERMITTED:** Property and buildings in an "I-1" General Industrial District may be used for any use **except** the following:

- 1) Uses not complying with this Ordinance or any other city, county, state or federal regulation or law.
- 2) All uses enumerated under Section 2, except as hereinafter provided and Section 3 of this Ordinance.
- 3) Any agricultural uses.

**9.11.3: USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the Board of Appeals in accordance with provisions contained in this Ordinance:

- 1) Adult bookstore.
- 2) Adult mini motion picture theater.
- 3) Adult motion picture theater.
- 4) Adult modeling entertainment facility.
- 5) Cement, lime or gypsum manufacture.
- 6) Petroleum refining.
- 7) Wholesale or bulk storage of gasoline, propane or butane or other petroleum products.
- 8) Disposal plants of all types including trash, garbage and sewage treatment.
- 9) Automobile salvage or junk yard, building material salvage yard,

scrape metal storage yard, or other salvage yard or any kind, provided that, all such operations are conducted in such a manner that all operation, display, or storage of material or equipment is screened by ornamental fences, walks, and/or permanent planting that it cannot be seen from a public street or from adjoining lots when viewed by a person standing on ground level, and provided further, that no such screening in excess of seven (7) feet in height shall be required.

- 10) Radio and television broadcast towers and telecommunications towers.

**9.11.4: PROHIBITED USES:** The following uses are specifically prohibited in the "I-2" General Industrial District:

- 1) Dwellings, except for watchman or caretaker on the premises.
- 2) Churches or schools, hospitals, clinics and other institutions for human care, except when incidental to a permitted use.
- 3) The following uses permitted in a "C-1" District:
  - a) antique shop
  - b) appliance store,
  - c) art and school supply store,
  - d) bank and other financial institutions,
  - e) barber shop,
  - f) beauty parlor,
  - g) book or stationary store,
  - h) camera shop,
  - i) candy store,
  - j) community center,
  - k) dairy products or ice cream store,
  - l) drug store,

- m) florist shop,
- n) food store,
- o) grocery store,
- p) meat market,
- q) fish market,
- r) bakery and delicatessen,
- s) gift shop,
- t) hardware store,
- u) jewelry store,
- v) municipal administrative or public service office,
- w) music and dancing studio,
- x) optometrist sales and service,
- y) package liquor sales,
- z) photographer or artist studio,
- aa) physician's and dentist's office,
- bb) professional and business office,
- cc) public library and similar cultural uses,
- dd) self-service laundry or dry cleaning,
- ee) shoe repair shop,
- ff) tailor shop, toy store,
- gg) variety store,
- hh) wearing apparel shop.

4) The following uses permitted in a "C-2" District:

- a) amusement establishment;
- b) animal hospital and kennel;
- c) bar or tavern;
- d) bicycle sales,
- e) rental and repair store;
- f) bus terminal;
- g) business school;
- h) department store;
- i) farm implement sales;
- j) feed and seed sales;
- k) frozen food locker;
- l) garden supply store;
- m) greenhouse and nurseries;

- n) hotel, motel or other tourist lodging establishment
- o) laboratories - medical and dental;
- p) laundry and dry cleaning shop;
- q) locksmith shop;
- r) monument sales;
- s) mortuary;
- t) pet shop;
- u) physical culture and health services;
- v) private club or lodge;
- w) produce market;
- x) indoor and outdoor theater;
- y) stadium and auditorium.

**9.11.5: HEIGHT REGULATIONS:** No building or structure shall exceed three (3) stories or fifty (50) feet in height.

**9.11.6: YARD REQUIREMENTS:** The following minimum requirements shall be observed:

- 1) Front Yard Depth - Twenty five (25) feet.
- 2) Side Yard Width - Equal to the building height.
- 3) Rear Yard Depth - Equal to the height of the building but not less than twenty (20) feet.

**9.11.7: SCREENING** Newly established or newly expanding industrial uses which are adjacent to existing residential properties shall provide within the industrial property along that adjacent property line, a properly maintained dense hedge, tree row or other suitable landscape device to visually screen the industrial area from such adjacent residential area. Failure to provide or maintain such a landscape

buffer shall constitute a violation of this Ordinance.



# TITLE NINE

## ARTICLE 12

ZONING – AG-1  
AGRICULTURAL DISTRICT

Ordinance 641-A, January 25, 1999





**9.12.1: GENERAL DESCRIPTION:** The main purpose of this district is to provide for open spaces that serve as a buffer zone between the Village's urban areas and neighboring communities which may have incompatible land uses. This district is not intended for subdivided residential type development. This district is primarily located on the fringe of the Village limits and contains land that is used primarily for agricultural purposes. It is not the intention to provide a district for large commercial livestock and poultry operations, but rather for small and family type farm operations that would also serve the districts main purpose.

**9.12.2: USES PERMITTED:** Property and buildings in an "AG-1" Agricultural District shall be used only for the following purposes:

- 1) Single family dwellings.
- 2) Raising of livestock and poultry that is not for commercial use.
- 3) Growing and harvesting of an agricultural crop, including timber, for personal or commercial use.
- 4) Home occupations - major
- 5) Home occupations - minor.

**9.12.3: USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the Board of Appeals in accordance with the provisions contained in Section 9.2.8:

- 1) Any use permitted in "AG-2" Agricultural Suburban District.
- 2) Commercial raising of livestock and poultry.
- 3) Animal hospitals, kennels, and private stables.

- 4) Living quarters of persons employed on the premises.
- 5) Radio and television broadcasting towers, and telecommunication towers.

**9.12.4: HEIGHT REGULATIONS:** No building or structure shall exceed two (2) stories or fifty (50) feet in height.

**9.12.5: LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

- 1) **LOT AREA:** Minimum lot area is 217,800 square feet (five acres).
- 2) **LOT WIDTH:** None.
- 3) **FRONT YARD DEPTH:** Minimum front yard depth is twenty-five (25) feet.
- 4) **SIDE YARD DEPTH:** None, except where adjoining a Residential District, then the same as the least width required in that district.
- 5) **REAR YARD DEPTH:** None, except where adjoining a Residential District, then the same as the least width required in that district.



# TITLE NINE

## ARTICLE 13

ZONING – AG-2  
AGRICULTURAL  
SUBURBAN DISTRICT



**9.13.1: GENERAL DESCRIPTION:** The main purpose of this district is to provide for large tracts of land that are used primarily for urban development and light agricultural uses. This district is not intended for subdivided residential type development. Land in this district will be mainly situated between the fringe and the urban area of the Village. Many tracts will be in close proximity to developing residential and commercial uses. The intent of this district is to provide for uses which are compatible with both light agricultural uses and the developing commercial and residential uses.

**9.13.2: USES PERMITTED:** Property and buildings in an "AG-2" Agricultural Suburban District shall be used only for the following purposes:

1. Single family dwellings.
2. Growing and harvesting of agricultural crops, including timber for personal or commercial use.
3. Nurseries and greenhouses.
4. Golf course, country club, swimming club, public tennis courts, baseball fields, soccer fields, and similar outdoor recreational uses, provided that any principal building or swimming pool be located not less than one hundred (100) feet from any lot in any residential district.
5. Accessory buildings which are customarily incidental to any of the above stated uses.
6. Home occupations - major.

7. Home occupations - minor.

**9.13.3: USES PERMITTED ON REVIEW:** The following uses may be permitted on review by the Board of Appeals in accordance with the provisions contained in Section 9.2.8:

1. Raising of livestock and poultry for commercial or personal use.
2. Park or playground.
3. Radio and television broadcasting towers, and telecommunications towers.
4. Animal hospitals, kennels, and private stables.

**9.13.4: HEIGHT REGULATIONS:** No building or structure shall exceed 2, stories or fifty (50) feet in height.

**9.13.5: LOT AREA, FRONTAGE AND YARD REQUIREMENTS**

1. **LOT AREA:** Minimum lot area is 217,800 square feet (five acres).
2. **LOT WIDTH:** None.
3. **FRONT YARD DEPTH:** Minimum front yard depth is twenty-five (25) feet.
4. **SIDE YARD DEPTH:** None, except where adjoining a Residential District, then the same as the least width required in that district.
5. **REAR YARD DEPTH:** None, except where adjoining a Residential District, then the same as the least width required in that district.



# TITLE NINE

## ARTICLE 14

### ZONING – SPECIAL PROVISIONS

Rev. Ord. 604, February 26, 1996

Rev. Ord. 543, July 10, 1989

Rev. Ord. 05-15, August 15, 2005

Rev. Ord. 800, February 14, 2017





9.14.1: OFF STREET PARKING AREAS AND LOADING SPACES

**A) OFF STREET LOADING SPACES:**  
In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of two thousand five hundred (2,500) square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise there shall be provided and maintained on the same premises with such building the following off street loading spaces:

| <u>Gross Floor Area</u>  | <u>Spaces Required</u> |
|--------------------------|------------------------|
| 2,500 to 19,999 sq. ft.  | 1                      |
| 20,000 to 29,999 sq. ft. | 2                      |

For each additional ten thousand (10,000) square feet in excess of fifty thousand (50,000) square feet one (1) additional off street loading space shall be required. Such spaces may occupy all, or any part of a required rear yard, or when authorized by the Board of Appeals part of any other yard or court space on the same premises.

**B) PROVISION OF OFF STREET PARKING:** In all districts off street accessory parking areas, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of Residence Districts shall be on the premises intended to be served; and in the case of Commercial and Industrial Districts, such areas shall be on the premises intended to be served or on adjoining or nearby property within one hundred (100)

feet of any part of said premises and in the same or less restrictive district.

**C) NUMBER OF PARKING SPACES REQUIRED:** Parking spaces required in connection with uses are as shown on Table 9-14. In the case of any use that is not specifically mentioned herein, the provisions for a similar use mentioned shall apply.

**D) DEFINITION AND INTERPRETATION**

- 1. Loading Space:** Each loading space shall not be less than ten (10) feet wide, forty (40) feet in length and fourteen (14) feet in height, exclusive of access and turning areas.
- 2. Floor Area:** In the case of merchandising or service type of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public or customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or restrooms, utilities or dressing rooms.
- 3. Benches in Places of Public Assembly:** In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off

street parking facilities under this Ordinance.

**E) DEVELOPMENT STANDARDS:**

Off street accessory parking areas shall be of usable shape, and shall be improved with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in any Resident District.

**F) EXCEPTIONS:** The Zoning Board of Appeals may authorize on appeal a modification, reduction or waiver of the foregoing requirements if it should find that in the particular case the peculiar nature of any use, or other exceptional situation or condition would justify such modification, reduction or waiver.

**9.14.2: RECREATIONAL VEHICLES AND TRUCKS (Ordinance 543, July 10, 1989 Amended Ord. 05-15, August 15, 2005)**

**A) GENERAL:** It is the intent of this Section to provide for the limited parking and storing of recreational vehicles, boats and other water craft, utility trailers, and certain trucks in residential areas. This Section allows for the parking of one (1) of these types of vehicles in the driveway in front of the building line and not extending into the right-of-way. Any additional vehicles of this type shall be parked behind the building line at the side or behind the dwelling, considered to be out of public view. It is recognized that this creates a hardship for some lots, particularly corner lots. However, lessening or avoiding congestion in the public streets and providing that each dwelling unit is assured

of light, air and open spaces is in the best interest of the public, specifically the residents of the Village of Hampton.

**B) DEFINITIONS:** The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this Section. Terms not herein defined shall have the meaning customarily assigned to them.

1. **"RECREATIONAL VEHICLE"** is defined as a vehicle which is:

- i) built on a single chassis;
- ii) designed to be self-propelled or permanently towable by a motorized vehicle;
- iii) designed primarily for use as a temporary living quarters for recreational, camping, travel, or seasonal use and not as a permanent dwelling;
- iv) designed to be loaded onto the bed of a truck and is constructed to provide temporary living quarters for recreational, camping, travel or seasonal use;
- v) The term **"Recreational Vehicle"** shall also include travel trailers, tent top trailers, pop up campers, motor homes; buses, trucks and other vehicles or trailers, converted from

their customary use to the uses listed above.

2. **"TRAILER"** is defined as every vehicle without motive power in operation designed for carrying persons or property and to be drawn by a motorized vehicle and includes, but is not limited to the following types:

- i. **"UTILITY TRAILER"** is defined as a trailer, open or closed, designed, built and maintained for transporting personal property of any kind.
- ii. **"BOAT TRAILER"** is defined as a trailer designed, built, modified, or maintained for the transportation and storage of water craft.
- iii. **"CAR TRAILER"** is defined as any trailer open or closed, designed, built, modified or maintained for the transportation of vehicles.

3. **"BUS"** is defined as a vehicle designed, built, and maintained for the transportation of more than ten (10) persons.

4. **"COMMERCIAL VEHICLE"** is defined as any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van or a vehicle used in a ride sharing

arrangement when being used for that purpose.

5. **"GROSS VEHICLE WEIGHT RATING (GVWR)"** is defined as the value specified by the manufacturer or manufacturers as the maximum loaded weight of a single vehicle. The GVWR of a combination of vehicles (commonly referred to as the "Gross Combination Weight Rating" or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or units. In the absence of a value specified by the manufacturer, GCWR is determined by adding the GVWR of the power unit and the total weight of the towed unit and any load on the unit.

6. **"RIGHT-OF-WAY (ROW)"** A strip of land dedicated to the public for access purposes including but not limited to, streets, alleys and pedestrian ways and may include surface access for vehicles or pedestrians, overhead access, when permitted, for certain public utilities, and underground access for sewers and public utilities. ROW when used for a street or roadway, typically extends beyond the improved portion of the street or roadway towards the buildings that abut the ROW. In some areas, ROW includes any boulevard and sidewalks.

**C) PARKING AND STORING PROHIBITED:** Recreational vehicles and trailers shall not be parked or stored on any right-of-way within the Village limits except for the

loading or unloading of cargo or personal belongings. A time limit of twenty four (24) hours is allowed for loading or unloading.

At no time shall any trailer be parked in the right-of-way unless connected to a vehicle designed for towing said trailer.

**D) PARKING AND STORING ON RESIDENTIAL PROPERTY:** Recreational vehicles and trailers shall not be parked on any residential zoned property or any other zoned property occupied by a dwelling that creates a visual obstruction for vehicles entering, exiting or traveling on any right-of-way. Parking of one of these types of vehicles and trailers in the driveway of a lot is permitted, provided it does not extend into the right-of-way (see the definition of right-of-way in paragraph A).

Recreational vehicles, trailers and water craft parked or stored on residential property shall be maintained in operable condition during the season of its intended use.

**E) OFF SEASON PARKING OF RECREATIONAL VEHICLES:** Off season storage of recreational vehicles and trailers is prohibited except for the following provisions:

1. The recreational vehicle or trailer is parked behind the front building line of the dwelling. On corner lots, the trailer or recreational vehicle must be parked behind the front building line and the side building line of the dwelling that faces the opposing street or avenue.

2. The recreational vehicle or trailer is stored inside an enclosed building.
3. Tarps or any similar material used to cover recreational vehicles or cargo in and on trailers shall be in good repair and securely fastened to prevent tears, rips and flapping from wind.

**F) PARKING AND STORAGE OF MORE THAN ONE RECREATIONAL VEHICLE:** No more than one (1) recreational vehicle or trailer shall be parked on any residential zoned property or any other zoned property occupied by a dwelling except for the following provisions:

1. The additional recreational vehicle(s) or trailer(s) is parked behind the front building line of the dwelling. On corner lots, the trailer or recreational vehicle must be parked behind the front building line and the side building line of the dwelling that faces the opposing street or avenue.
2. The additional recreational vehicle(s) or trailer(s) is stored inside an enclosed building.

Additional recreational vehicles, trailers and water craft parked or stored on residential property shall be maintained in operable condition during the season of its intended use.

**G) OCCUPANCY OF RECREATIONAL VEHICLES:** Recreational vehicles that are parked or stored in accordance with this Section shall not be occupied or used as a permanent dwelling. Recreational vehicles

may be occupied temporarily no more than two (2) days in a thirty (30) day period.

**H) PARKING AND STORAGE OF TRUCKS:** Trucks exceeding ten thousand (10,000) pounds GVWR and trucks with trailers connected exceeding ten thousand (10,000) pounds GCWR, exceeding eight feet (8') in height and used commercially shall not be parked or stored on any right-of-way within the Village of Hampton or on any residential zoned lot or any other zoned lot occupied by a dwelling unless loading or unloading goods or personal property, or providing a service to the owner of the lot where parked or stored.

**I) PARKING AND STORAGE OF BUSES:** Buses shall not be parked or stored on any residential zoned property or any other zoned property with a dwelling except for the following provisions:

1. The bus is parked behind the front building line of the dwelling. On corner lots, the bus must be parked behind the front building line and the side building line of the dwelling that faces the opposing street or avenue.
2. The bus is stored inside an enclosed building.

**J) FINES AND PENALTIES:** Each day on which a violation continues constitutes a separate violation. Recreational vehicles, trailers, trucks or buses that are in violation of any Section of this ordinance and are inoperable or unable to be moved because of a mechanical failure, the property owner will be given twenty-four (24) hours to make necessary repairs or arrange for the recreational vehicle or trailer in violation to

be moved to comply with this Section before fines and penalties are levied.

1. **First Offense:** For the first violation of any part of this Section, the fine will be fifty dollars (\$50.00).
2. **Second Offense:** For the second violation of any part of this Section within six (6) months of the first violation, the fine will be one hundred dollars (\$100.00).
3. **Third Offense:** For the third violation of any part of this Section within six (6) months of the second violation, the owner of the vehicle will be served with a notice to appear in 14th Judicial Court, East Moline, or the appropriate civil court for a hearing before a judge of that court. The fine for the third offense shall not exceed five hundred dollars (\$500.00), plus any and all court costs and attorney fees.

#### **9.14.3: SIGNS**

##### **A) GENERAL PROVISIONS**

1. No sign shall be erected or maintained at any location where by reason of its position, working, illumination, size, shape or color it may impair, obstruct, obscure or be confused with any authorized traffic control sign, signal or device.
2. No off site sign or billboard having flashing, intermittent or animated illumination shall be permitted within three hundred (300) feet of

property in any Residence District unless such sign is not visible from such property.

3. No off site sign or billboard shall be erected or placed within one hundred (100) feet of any Residence District.
4. Political Advertising signs of no more than six (6) square feet in area shall be permitted in any district provided they comply with 1 and 2 above. These signs shall be removed within thirty (30) days following the election to which they pertain.

**B) RESIDENCE DISTRICTS.** In any Residence District, the following regulations shall apply:

1. For single family and two family dwellings: non illuminated identification sign not exceeding two (2) square feet in area shall be permitted for each dwelling unit. One (1) such sign shall be permitted for each dwelling unit. Such sign shall indicate nothing other than name and/or address of the occupants, premises, announcement of boarders or roomers, home occupation or sale of farm goods.
2. For multiple family and group family dwellings identification signs not to exceed nine (9) square feet in area shall be permitted. Such signs may have indirect lighting.
3. One temporary, non-illuminated, on site sign not to exceed nine (9)

square feet in area for the sale of real estate.

4. Announcement of church, school or other public buildings or uses, where permitted, bulletin boards or identification signs shall be permitted.
5. All other signs are prohibited in Residence Districts.

**C) COMMERCIAL DISTRICTS:** The following regulations shall apply with respect to Commercial Districts:

1. **Neighborhood Commercial Districts:** On site signs shall be permitted, but shall not exceed one and one half (1½) square feet of surface area for each one (1) lineal foot of building face. Off-site signs are prohibited.
2. **General Commercial Districts:** On site signs, off site signs and billboards are permitted.

**D) INDUSTRIAL DISTRICTS:** The following regulations shall apply with respect to the Industrial Districts:

1. **Light Industrial Districts:** On site signs, off site signs and billboards are permitted.
2. **General Industrial Districts:** On site signs, off site signs and billboards are permitted.

**9.14.4: STREET NUMBERS (Rev. Ord 604, February 26, 1996)**

**A) GENERAL PROVISIONS:** Every new residence or commercial establishment on any property in the Village of Hampton shall receive a number assigned by the Zoning Officer or other official designated by the Village Board in accordance with the current numbering system. Building numbers shall be of such size, character and color as to be legible from the street in front of the structure, and the same shall be affixed on, about, below, at either side, or other conspicuous place, in close proximity to the main entrance of the building to which the number applies.

**B) NOTICE TO NUMBER BUILDING:**

Any owner of any building on any street, avenue, drive or place within the corporate limits of the Village, who, after being notified by the police Department, Fire Department or any other official that the building has no number or has an incorrect number and that the correct number of such building is on file at the office of the Clerk of the Village, shall, within thirty (30) days, affix the appropriate number on the building in accordance with Section 9.14.4 A) above.

**9.14.5: Interment of Remains: (Rev. Ord. 800, February 14, 2017)** It shall be unlawful to make any interment or bury the dead body of any person within the Village limits, except in a properly established cemetery.

**Table 9 - 14**

| <b>USE</b>   | <b>PARKING SPACES REQUIRED</b>   |
|--|--|
| Automobile or machine sales and service garages                              | 1 for each 1,000 sq. ft. of floor area plus 1 for each full time employee                          |
| Banks, businesses and professional offices                                   | 1 for each 1200 sq. ft. of floor area  |
| Bowling alleys   | 6 for each alley   |
| Churches and schools   | 1 for each 6 seats in principal auditorium   |
| Convenience, drug, grocery, hardware and similar stores                      | 1 for each 200 sq. ft. of floor area devoted to sales plus 1 for each full time employee           |
| Dance halls and assembly halls without fixed seats                           | 1 for each 50 sq. ft. of floor area used for assembly or dancing                                   |
| Drive in eating establishments   | Not less than 1/3 of the total ground area be devoted exclusively to parking and access ways       |
| Dwellings  | 2 for each dwelling unit   |
| Food pick up establishments  | Minimum of 1 plus 1 for each 100 sq. ft. of floor space  |
| Funeral home, Mortuaries   | 6 per chapel room or parlor of 1 for 50 sq. ft. of rooms used for services whichever is greater    |
| Hospitals, nursing homes and similar care centers                            | 1 for each 5 beds plus 1 for each 2 doctors and employees  |
| Manufacturing plants, research or testing labs, bottling plants              | 1 for each 2 employees on maximum working shift  |
| Medical or dental clinics  | 6 spaces for each doctor plus 1 for each 2 employees   |
| Motels or motor hotels   | 1 for each unit, plus for each 2 employees at work at the same time                                |
| Motor fuel stations  | 1 for each employee on duty plus 2 for each service bay  |
| Barber shops   | 2 for each chair plus 1 for each 2 employees at work at the same time                              |
| Coin operated laundries and/or dry cleaning establishments                   | 1 for each 3 washers and/or cleaning machines plus 1 for each 2 employees at work at the same time |
| Restaurants  | 1 for each 3 seats plus 1 for each 2 employees at work at the same time                            |
| Shoppers' goods – appliance household equipment furniture and similar stores | 1 for each 500 sq. ft. of floor area plus 1 for each full time employee                            |
| Taverns or bars  | 1 for each 2 seats plus 1 for each 2 employees at work at the same time                            |
| Theaters   | 1 for each 4 seats   |
| Wholesale establishments   | 1 for each 4 employees on maximum work shift   |
| Beauty shops   | 1 for each dryer plus 1 for each 2 employees at work at the same time                              |
| Marinas  | 1½ spaces for each slip  |
| Dry stacks   | 1½ spaces for each dry stack   |



# TITLE NINE

## ARTICLE 15

ZONING –  
NONCONFORMING  
BUILDINGS, STRUCTURES  
AND USES OF LAND

Ordinance 641-A, January 25, 1999



### **9.15.1: NONCONFORMING BUILDINGS AND STRUCTURES**

**A) GENERAL:** A nonconforming building or structure existing at the time of adoption of this Ordinance may be continued, maintained and repaired, except as otherwise provided in this Section. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector.

**B) ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES:** A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements is made to conform to all of the regulations of the District in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off street parking space, said building or structure may be enlarged or added to provide that the enlargement or addition complies with the yard and height and off street parking requirements of the District in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part of another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the District in which it is located.

**C) BUILDING VACANCY:** A building or structure or portion thereof nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied

except by a use which conforms to the use regulations of the District in which it is located.

**D) DESTRUCTION OF NONCONFORMING BUILDING OR STRUCTURE:** Any nonconforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot or any other act of God, may be reconstructed and used as before if it be done within twelve (12) months of such calamity, unless damaged more than sixty percent (60%) of its fair market value as determined by the Board of Appeals, at the time of such damage, in which case reconstruction shall be in accordance with the provisions of the Ordinance.

**E) CHANGE IN USE:** A nonconforming use of a conforming building or structure will not be expanded or extended into any other portion of such conforming building or structure or changed except to a conforming use. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the District in which such building or structure is located.

A vacant or partially vacant conforming building or structure may be occupied by a use which the building or structure was designed and intended if occupied within a period of one (1) year after the effective date of this Ordinance, but otherwise it shall be used in conformity with the regulations of the District in which it is located. The use of a nonconforming building or structure may be changed to a

use of the same or a more restricted classification; but where the use of nonconforming building or structure is changed to a use of a more restricted classification it thereafter shall not be changed to a use of a less restricted classification.

#### **9.15.2: NONCONFORMING USES OF LAND**

A) A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than five hundred (500) dollars, existing at the time of adoption of this Ordinance, may be continued for a period of not more than five (5) years provided that:

1. Said nonconforming use may not be extended or expanded, nor shall it occupy more area than was in use on the effective date of this Ordinance.
2. If said nonconforming use or any portion thereof is discontinued for a period of six (6) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the District in which said land is located.

# TITLE NINE

## ARTICLE 16

ZONING – ADDITIONAL  
REQUIREMENTS,  
EXCEPTIONS AND  
MODIFICATIONS

Ord. 641-A, January 25, 1999  
Rev. Ord. September 27, 1999



**9.16.1: GENERAL:** The requirements and regulations specified elsewhere in this Ordinance shall be subject to the additional requirements, exceptions, modifications and interpretations contained in this Section.

#### **9.16.2: HEIGHT LIMITS**

**A)** Any limitations stipulated elsewhere in this ordinance shall not apply in the following situations:

1. To barns, silos or other farm buildings or structures on farms provided these are not less than fifty (50) feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building. However, if in the opinion of the Building Inspector, such greater height shall not be authorized except by the Board of Appeals.
2. To bulkheads, conveyers, derricks, elevator penthouses, water tanks, monitors and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures where the manufacturing process required a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Appeals.

#### **9.16.3: FRONT YARD EXCEPTIONS AND MODIFICATIONS**

##### **A) FRONT YARD REQUIREMENTS DO NOT APPLY TO THE FOLLOWING:**

Bay windows or balconies occupying in the aggregate not more than one third (1/3) of the front wall, provided that these projections come entirely within planes drawn from either main corner of the front wall, making an interior angle of twenty two and one half (22.5) degrees in the horizontal plane with sills, pilaster, uncovered porches, plantings or similar features not over three (3) feet high above the average finished grade and distant five (5) feet from every lot line.

**B)** In any District where the average depth of two (2) or more existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed, front yards may be varied. The depth of the front yard on such lot shall not be less than the average depth of said existing front yards or the average depth of the two (2) lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on a lot in any Residence District shall be at least ten (10) feet.

#### **9.16.4: SIDE YARD EXCEPTIONS AND MODIFICATIONS**

**A)** Along any district boundary line, any abutting side yard on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district. Where a lot in an

Industrial District abuts a lot in a Residential District, the side yard shall be increased by three (3) feet for each story that the building proposed on such lot exceeds the height limit of the said Residence District.

**B)** On a corner lot, the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required on such a side street.

**C)** The following projections or structure subject to the provisions contained elsewhere in this Ordinance:

1. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
2. Fences, planting or walls not over five (5) feet above the average natural grade.
3. Fire escapes, three (3) feet from side lot line. Bays and balconies not more than three (3) feet from the building, provided these projections are entirely within planes drawn from either main corner of the side wall, making an interior angle of twenty two and one half (22, ) degrees in the horizontal plane with the side wall. The sum of the lengths of such projection shall not exceed one third (1/3) of the length of the wall of the main building.
4. Chimneys, flues, felt courses, leaders, sills, pilasters and lintels, ornamental features, cornices,

gutters and the like into or over a required side yard not more than one and one half (1, ) feet.

5. Terraces, steps, uncovered porches, stoops or similar features, not higher than the elevation of the ground story of the building and distant three (3) feet from a side lot line.

#### **9.16.5: REAR YARD EXCEPTIONS AND MODIFICATIONS**

**A)** The following projections or structures may be permitted in rear yards:

1. Accessory buildings or structures subject to the provisions contained elsewhere in this Ordinance.
2. Fences or walls, not over seven (7) feet above the natural average grade.
3. Fire escapes, six (6) feet; bays and balconies, not more than three (3) feet, provided these projections are entirely within planes drawn from either main corner of the rear wall, making an interior angle twenty two and one half (22, ) degrees in the horizontal plane with the rear wall. The sum of the lengths of such projections shall not exceed one half (, ) of the width of the rear wall.
4. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves and the like, into or over a required rear yard not more than one and one half (1, ) feet.



5. Terraces, steps, uncovered porches or similar features not more than ten (10) feet into a required rear yard, nor closer than six (6) feet of an alley or within ten (10) feet of a rear lot line, not any alley lot line.

**9.16.6: FENCING:** No person, firm or corporation shall erect a fence on any lot or property in the Village of Hampton that is higher than six (6) feet across the back of the Lot, or higher than six (6) feet on the side of any lot up to the building set back line, and any such fencing shall be no higher than four (4) feet across the front of any lot from the front building line to the Village easement. (Ord. 510, March 10, 1986) (Rev. Ord. September 27, 1999)



# TITLE NINE ARTICLE 17

ZONING – FEES, PENALTIES AND LEGAL STATUS  
PROVISIONS



**9.17.1: FEES (Ordinance 446, May 27, 1980):** Any application for an amendment, variance, use on review or zoning certificate, filed by or on behalf of the owner of the property affected, shall be accompanied by a fee as specified in the zoning fee schedule established by the Village Board of Trustees.

#### **FEE SCHEDULE**

The fee is to be \$20.00, plus charge for Ordinance if one is necessary.

**9.17.2: PENALTIES:** See section 1.8.3., Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).

**9.17.3: REPEALER:** All Ordinances and resolutions or any part thereof in conflict with all or any part of this Ordinance are hereby repealed.

**9.17.4: CONFLICT WITH PRIVATE DEEDS AND COVENANTS:** In case of any conflict between this Ordinance or part thereof, and the whole or part of any existing or future private covenants or deeds, the most restrictive shall apply. Although the Village is not responsible for enforcing private covenants or deeds.

**9.17.5: SEVERABILITY:** If any section or part thereof of this ordinance shall be held to be unconstitutional by a court of competent jurisdiction, the remainder of the provisions herein shall be deemed to continue in full force and effect.

**9.17.6: EFFECTIVE DATE:** This Ordinance shall take effect and be in full force from and after its adoption and publication as permitted by Statute.



# TITLE NINE

## ARTICLE 18

### DEVELOPMENT IN FLOODPLAIN AREAS

Village of Hampton, Illinois

Ordinance 574 January 24, 1994

Revised Ordinance 02-21-10A Oct. 21, 2002

Revised Ordinance 679 January 19, 2010





**9.18.1. PURPOSE:** This ordinance is enacted pursuant to the police powers granted to this Village by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:

**A.** to prevent unwise developments from increasing flood or drainage hazards to others;

**B.** protect new buildings and major improvements to buildings from flood damage;

**C.** to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

**D.** to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

**E.** maintain property values and a stable tax base by minimizing the potential for creating blight areas;

**F.** make federally subsidized flood insurance available, and

**G.** to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

**9.18.2. DEFINITIONS:** For the purposes of this ordinance, the following definitions are adopted:

**Base Flood:** The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base

flood elevation at any location is as defined in Section 9.18.3 of this ordinance.

**Base Flood Elevation (BFE):** The elevation in relation to mean sea level of the crest of the base flood.

**Basement:** That portion of a building having its floor sub-grade (below ground level) on all sides.

**Building:** A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than one hundred eighty (180) days per year.

**Critical Facility:** Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

**Development:** Any man-made change to real estate including, but not necessarily limited to:

**1.** Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

**2.** Substantial improvement of an existing building;

3. Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than one hundred eighty (180) days per year;

4. Installation of utilities, construction of roads, bridges, culverts or similar projects;

5. Construction or erection of levees, dams walls or fences;

6. Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

7. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. "Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

**Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be

affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA:** Federal Emergency Management Agency

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood Fringe:** That portion of the floodplain outside of the regulatory floodway.

**Flood Insurance Rate Map:** A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

**Flood Insurance Study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Floodplain and Special Flood Hazard Area (SFHA):** These two terms are synonymous. Those lands within the jurisdiction of the Village of Hampton, the extraterritorial jurisdiction of the Village of Hampton, or that may be annexed into the Village of Hampton, that are subject to inundation by the base flood. The floodplains of the Village of Hampton are generally identified as such on panel numbers 135 and 145 of map number 17161C0145F of the countywide Flood Insurance Rate Map of Rock Island County prepared by the Federal Emergency Management Agency and dated April 5, 2010. Floodplain also includes those areas of known flooding as identified by the community. The floodplains of those parts of unincorporated Rock Island County that are

within the extraterritorial jurisdiction of the Village of Hampton or that may be annexed into the Village of Hampton are generally identified as such on the Flood Insurance Rate map prepared for Rock Island County by the Federal Emergency Management Agency and dated April 5, 2010.

**Flood proofing:** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**Flood proofing Certificate:** A form published by the Federal Emergency management agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

**Flood Protection Elevation (FPE):** The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

**Floodway:** Those portions of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Mississippi River shall be as delineated on the countywide Flood Insurance Rate Map of Rock Island County prepared by FEMA and dated April 5, 2010. The floodways for each of the remaining floodplains of the Village of Hampton shall be according to the best data available from the Federal, State, or other sources.

**Freeboard:** An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

**Historic Structure:** Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency. IDNR/OWR- Illinois Department of Natural Resources/Office of Water Resources.

**Lowest Floor:** the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 9.18.7 of this ordinance.

**Manufactured Home:** A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

**New Construction:** Structures for which the start of construction commenced on

after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**NFIP:** National Flood Insurance Program.

**Recreational Vehicle or Travel Trailer:** A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less in size;
3. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Repetitive Loss:** Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

**SFHA:** See definition of floodplain.

**Start of Construction:** Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building. Structure (see "Building")

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten (10) year period equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

**Substantial Improvement:** Any reconstruction, rehabilitation, addition or improvement of a structure taking place during a ten (10) year period in which the cumulative percentage of improvements: equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or increases the floor area by more than twenty percent (20%). "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial

damage, regardless of the actual repair work done. The term does not include:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2. any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

**Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

**9.18.3. BASE FLOOD ELEVATION:** This ordinance's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

**A.** The base flood elevation for the floodplains of the Mississippi River shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Rock Island County prepared by the Federal Emergency Management Agency and the Flood Insurance rate map dated April 5, 2010.

**B.** The base flood elevation for each floodplain delineated as an "AH Zone" or AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Rock Island County.

**C.** The base flood elevation for each of the remaining floodplains delineated as a "A

Zone" on the countywide Flood Insurance Rate Map of Rock Island County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

**D.** The base flood elevation for the floodplains of those parts of unincorporated Rock Island County that are within the extraterritorial jurisdiction of the Village of Hampton, or that may be annexed into the Village of Hampton, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Rock Island County prepared by the Federal Emergency Management Agency and dated April 5, 2010.

#### **9.18.4.DUTIES OF THE BUILDING INSPECTOR:**

The Building Inspector shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the Village of Hampton meet the requirements of this ordinance. Specifically, the Building Inspector shall:

**A.** Process development permits in accordance with Section 9.18.5;

**B.** ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 9.18.6;

**C.** ensure that the building protection requirements for all buildings subject to Section 9.18.7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or flood proof certificate;

**D.** assure that all subdivisions and annexations meet the requirements of Section 9.18.8;

**E.** ensure that water supply and waste disposal systems meet the Public Health standards of Section 9.18.9;

**F.** if a variance is requested, ensure that the requirements of Section 9.18.11 are met and maintain documentation of any variances granted;

**G.** inspect all development projects and take any and all penalty actions outlined in Section 9.18.13 as a necessary to ensure compliance with this ordinance;

**H.** assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

**I.** notify IDNR/OWR and neighboring communities prior to any alteration or relocation of a watercourse;

**J.** provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

**K.** cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;

**L.** maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance;

**M.** perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain, and

**N.** maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

**9.18.5. DEVELOPMENT PERMIT.** No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Building Inspector. The Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

**A.** The application for development permit shall be accompanied by:

**1.** Drawings of the site, drawn to scale showing property line dimensions;

**2.** Existing grade elevations and all changes in grade resulting from excavation or filling;

**3.** The location and dimensions of all buildings and additions to buildings;

**4.** The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 9.18.7 of this ordinance, and

**5.** Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

**B.** Upon receipt of an application for a development permit, the Building Inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation

and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this ordinance. The Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification. The Building Inspector shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Building Inspector shall not issue a permit unless all other federal, state, and local permits have been obtained.

**9.18.6. PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES:** Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

**A.** Except as provided in Section 9.18.6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

**1.** Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:

**a.** the crossing will not result in an increase in water surface profile elevation in excess of 1.0 feet, and

**b.** the crossing will not result in an increase in water surface profile elevation in excess of one half (0.5) feet at a point one thousand (1,000) feet upstream of the proposed structure.

**c.** There are no buildings in the area impacted by the increases in water surface profile.

**d.** The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.

**e.** The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.

**f.** The design must be certified by a second licensed professional engineer.

**2.** Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit Number 3:

**a.** The permit is only applicable when dead men, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.

**3.** Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit Number 4;

**a.** The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.

**b.** A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.

**c.** No supporting towers or poles shall be located in a river, lake or stream.

**d.** Supporting towers including foundation and poles shall be

designed and located so as to not cause an obstruction of flood flows by trapping debris.

e. All disturbed areas shall be returned to pre-construction grades and re-vegetated.

f. All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.

4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:

a. The boat dock must not extend more than fifty (50) feet into a waterway and no more than one quarter (1/4) of the width of the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.

b. The width of the boat dock shall not be more than ten (10) feet.

c. For L-Shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed fifty percent (50%) of the landowner's shoreline frontage nor fifty (50) feet.

d. Docks must be aligned so as not to cross the projection of property lines into the waterway or come within ten (10) feet of the projected property line.

e. Dock posts must be marked by reflective devices.

f. The boat dock must be securely anchored to prevent detachment during times of high wind or water.

g. Metal drums or containers may not be used as buoyancy units

unless they are filled with floatation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.

h. This permit does not authorize any other related construction activity such as shore protection or fill.

i. Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.

j. At any future date, the permit holder must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers

5. Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit Number 6:

a. the following activities (not involving fill or positive change in grade) are covered by this permit:

(i) The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.

(ii) The construction of light poles, sign posts, and similar structures.

(iii) The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.

(iv) The construction of properly anchored, un-walled, open structures such as playground equipment, pavilions, and carports.

(v) The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) square feet in any dimension. Only one such building on a property is authorized by this statewide permit.

(vi) The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.



6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:

a. Any outfall structure, including any headwall or end section, shall not extend riverward or lake-ward of the existing adjacent natural bank slope or adjacent bank protection.

b. The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.

c. Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.

d. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:

a. In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of three (3) feet of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.

b. Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall

be restored to their original contours and seeded or otherwise stabilized upon completion of construction.

c. Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (415 ILCS 5), shall be provided with shut-off valves on each side of the body of water to be crossed.

d. If blasting is to be utilized in the construction of the crossing, the permit holder shall notify the IDNR/OWR at least ten (10) days prior to the blasting date to allow monitoring of any related fish kills.

8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:

a. Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within ten (10) years. (The Department should be consulted if there is a question of whether or not an area is considered urban).

b. In addition to the materials listed in Section 9.18.6 (A) (8) (a), other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.

c. The following materials shall not be used in any case: auto bodies, garbage or debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which

would cause water pollution as defined by the Environmental Protections Act (415 ILCS 5).

d. The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, one thousand (1000) feet.

e. All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.

f. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.

g. Materials shall not be placed higher than the existing top of the bank.

h. Materials shall be placed so that the modified bank full width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site. For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than ten percent (10%) nor the volume of material placed exceed two (2) cubic yards per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.

i. If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.

j. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be

seeded or otherwise stabilized upon completion of construction.

k. In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless: (i) It is constructed in alignment with an existing seawall(s) or gabion structure(s), and (ii) the volume of material placed, including the structure, would not exceed two (2) cubic yards per lineal foot.

l. Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.

9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:

a. The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.

b. The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).

c. The accessory structure or addition must not exceed five hundred (500) square feet in size and must not deflect floodwaters onto another property, and

d. must not involve the placement of any fill material.

e. No construction shall be undertaken in, or within fifty (50) feet of the bank of the stream channel.

f. The accessory structure or addition must be properly

anchored to prevent its movement during flood conditions.

**g.** Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.

**h.** Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas shall be seeded or otherwise stabilized upon completion of construction.

**10.** Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:

**a.** The affected length of the stream shall not either singularly or cumulatively exceed one thousand (1000) feet.

**b.** The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel, and

**c.** the cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and downstream of the site.

**d.** Dredged or spoil material shall not be disposed of in a wetland and shall be either: (i) removed from the floodway; (ii) used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than ten percent (10%), nor the volume of material placed exceed two (2) cubic yards per lineal foot of stream bank; (iii) used to fill an existing washed out or scoured floodplain area

such that the average natural floodplain elevation is not increased; (iv) used to stabilize an existing levee provided the height of the levee would not be increased nor its alignment changed; (v) placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or (vi) used for beach nourishment, provided the material meets all applicable water quality standards.

**e.** Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.

**11.** Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:

**a.** A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that: (i) No buildings or structures have been impacted by the backwater induced by the existing structure, and (ii) there is no record of complaints of flood damages associated with the existing structure.

**b.** A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.

**c.** The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all

points on the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).

d. The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, channel and Stream bank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).

e. The permit holder shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.

**12.** Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:

a. No temporary construction activity shall be commenced until the individual permit holder determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.

b. The term "temporary" shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within one year of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.

c. The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties.

For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.

d. This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.

e. No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.

f. The permit holder shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.

g. Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.

h. Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (415 ILCS 5).

**13.** Any Development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

**B.** Other development activities not listed in 6(A) may be permitted only if:

1. permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or

2. sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

#### **9.18.7. PROTECTING BUILDINGS.**

**A.** In addition to the damage prevention requirements of Section 9.18.6 of this ordinance, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

1. Construction or placement of a new building or alteration or addition to an existing building valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.

2. Substantial improvements or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively during a 10 year period. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during a 10-year period. If substantially damaged the entire structure must meet the flood protection standards of this section.

4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.

6. Repetitive loss to an existing building as defined in Section 9.18.2.

**B.** Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in accordance with the following:

a. The lowest floor (including basement) shall be at or above the flood protection elevation.

b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.

c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.

d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and

e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm water management techniques such as swales or basins shall be incorporated.

2. The building may be elevated on solid walls in accordance with the following:

a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.

b. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.

c. If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation, and

d. the foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.

i. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

ii. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.

iii. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or

iv. in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

3. The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

4. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

5. Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.

6. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.

7. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.

8. An adequate drainage system must be installed to remove floodwaters from the interior area of the

crawlspace within a reasonable period of time after a flood event.

9. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and

10. utility systems within the crawlspace must be elevated above the flood protection elevation.

C. Non-residential buildings may be structurally dry flood proofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

3. Flood proofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

4. Levees, berms, floodwalls and similar works are not considered flood proofing for the purpose of this subsection.

D. Manufactured homes or travel trailers to be permanently installed on site shall be:

1. Elevated to or above the flood protection elevation in accordance with Section 9.18.7(B), and

2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and

regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code ( 870.

E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of Section 9.18.7(D) unless the following conditions are met:

1. The vehicle must be either self-propelled or towable by a light duty truck.

2. The hitch must remain on the vehicle at all times.

3. The vehicle must not be attached to external structures such as decks and porches

4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.

5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.

6. The vehicle's wheels must remain on axles and inflated.

7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.

8. Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.

9. The vehicle must be licensed and titled as a recreational vehicle or park model, and

10. must either:

a. entirely be supported by jacks, or

b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

1. The garage or shed must be non-habitable.

2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.

4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.

5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.

8. The garage or shed must be less than ten thousand dollars (\$10,000) in market value or replacement cost whichever is greater or less than five hundred (500) square feet.

9. The structure shall be anchored to resist floatation and overturning.

10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.

11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

#### **Section 9.18.8. Subdivision Requirements.**

The Board of Trustees shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 9.18.6 and 9.18.7 of this ordinance. Any proposal for such development shall include the following data:

1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;

2. the boundary of the floodway when applicable, and

3. a signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2). Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains



shall be included within parks or other public grounds.

#### **9.18.9. PUBLIC HEALTH AND OTHER STANDARDS.**

**A.** Public health standards must be met for all floodplain development. In addition to the requirements of Sections 9.18.6 and 9.18.7 of this ordinance the following standards apply:

1. No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a flood proofed and anchored storage tank and certified by a professional engineer or flood proofed building constructed according to the requirements of Section 7 of this ordinance.

2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be

permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry flood proofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

**B.** All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

**9.18.10. CARRYING CAPACITY AND NOTIFICATION:** For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, the Village of Hampton shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

**9.18.11. VARIANCES:** Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Board of Trustees. The Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

**A.** No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

1. The development activity cannot be located outside the floodplain.

2. An exceptional hardship would result if the variance were not granted.

3. The relief requested is the minimum necessary.

4. There will be no additional threat to public health, safety or creation of a nuisance.

5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.

6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and

7. all other state and federal permits have been obtained.

**B.** The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 9.18.7 that would lessen the degree of protection to a building will:

1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;

2. increase the risk to life and property, and

3. require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

**C.** Variances to the building protection requirements of Section 9.18.7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 9.18.6 and 9.18.7 of this ordinance subject to the conditions that:

1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

**9.18.12. DISCLAIMER OF LIABILITY:** The degree of protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the Village of Hampton or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

**9.18.13. PENALTY:** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Building Inspector may determine that a violation of the minimum standards of this ordinance exists. The Building Inspector shall notify the owner in writing of such violation.

**A.** If such owner fails after ten (10) days of notice to correct the violation:

1. The Village of Hampton shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.

2. See section 1.8.3. Table 8-1 for penalties and fines. (Ord. 730, July 2, 2012).

3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and

4. the Village of Hampton shall record a notice of violation on the title of the property.

**B.** The Building Inspector shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended. The Building Inspector is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit. No site development permit shall be permanently suspended or revoked until a hearing is held by the Board of Appeals. Written notice of such hearing shall be served on the permit holder and shall state:

1. The grounds for the complaint, reasons for suspension or revocation, and

2. The time and place of the hearing. At such hearing the permit holder shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Board of Appeals shall determine whether the permit shall be suspended or revoked.

**C.** Nothing herein shall prevent the Village of Hampton from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

**9.18.14. ABROGATION AND GREATER RESTRICTIONS:** This ordinance repeals and replaces other ordinances adopted by the Board of Trustees to fulfill the requirements of the National Flood Insurance Program including: Ordinance 02-21-10A, dated October 21, 2002. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**9.18.15. SEVERABILITY:** The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.



**ORDINANCE #840**

**AN ORDINANCE AMENDING TITLE FOUR "COMMUNITY PROTECTION", ARTICLE 4 "PARKING OF VEHICLES ON PUBLIC WAYS", OF THE VILLAGE CODE OF HAMPTON, ROCK ISLAND COUNTY, ILLINOIS, IN THE VILLAGE OF HAMPTON, ILLINOIS.**

**WHEREAS**, the Village of Hampton, Rock Island County, Illinois (the "Village") is a duly organized and existing municipal corporation created under the provisions of the laws of the State of Illinois and under the provisions of the Illinois Municipal Code, as from time to time supplemented and amended; and

**WHEREAS**, the corporate authorities of the Village of Hampton have determined that it is appropriate and necessary for the Village to amend the above section of the Village Code of Ordinances; and

**NOW THEREFORE BE IT ORDAINED**, by the President and Board of Trustees of the Village of Hampton the following shall be amended:

**SECTION ONE:** That the amended Title Four, Police Protection, Article 4 "Parking of Vehicles on Public Ways"; of the Village of Hampton, Rock Island County, Illinois, attached hereto as Exhibit A is hereby approved.

**SECTION TWO:** All ordinances or parts of ordinances in conflict herewith are expressly repealed, insofar as they do so conflict.

**SECTION THREE:** This ordinance shall be in full force and effect from and after its passage, approval and publication thereof, as required by law.

**PASSED** this 26<sup>th</sup> day of October, 2020, by the President and Board of Trustees of the Village of Hampton, pursuant to a roll call vote as follows:

|           | <b>AYE</b>    | <b>NAY</b>    | <b>ABSENT</b> |
|-----------|---------------|---------------|---------------|
| Bornhoeft | <u>✓</u>      | <u>      </u> | <u>      </u> |
| Hamilton  | <u>✓</u>      | <u>      </u> | <u>      </u> |
| King      | <u>      </u> | <u>      </u> | <u>✓</u>      |
| VanDieren | <u>✓</u>      | <u>      </u> | <u>      </u> |
| Goodman   | <u>✓</u>      | <u>      </u> | <u>      </u> |
| Adams     | <u>✓</u>      | <u>      </u> | <u>      </u> |

**APPROVED** by the President of the Village of Hampton this 26<sup>th</sup> day of October, 2020.



Richard Vershaw, President of the Village of  
Hampton, Illinois

**Attest:**



Michelle J. Reyes, Clerk of the  
Village of Hampton, Illinois

**481: PARKING OF VEHICLES ON PUBLIC WAYS (Ord. 370, January 28, 1974)**

**PARKING RESTRICTIONS.** At any time it shall be unlawful to permit any vehicle to stand in any of the following places in the Village of Hampton except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic control device.

- 1) that part of 12th Avenue lying between 4th Street and 6th Street (Ord. 343, July 13, 1970)
- 2) that part of 13th Avenue lying between 6th and 8th Streets (Ord. 343, July 13, 1970)
- 3) that part of 14th Avenue lying between 6th and 8th Street (Ord. 343, July 13, 1970)
- 4) that part of 6th Street lying between 12th and 14th Avenues (Ord. 343, July 13, 1970)
- 5) that part of 8th Street court lying between 13th and 14th Avenues (Ord. 343, July 13, 1970)
- 6) that part of 5th Street lying between 3rd Avenue and the alley running north and south between 2nd and 3rd Avenues (Ord. 343, July 13, 1970)
- 7) in any intersection, or within 25 feet of any intersection (Ord. 370, January 28, 1974)
- 8) in a crosswalk (Ord. 370, January 28, 1974).
- 9) within fifty (50) feet of the nearest rail or a road grade crossing (Ord. 370, January 28, 1974)
- 10) within twenty (20) feet of the driveway entrance to any fire department station (Ord. 370, January 28, 1974)
- 11) on any sidewalk or parkway (Ord. 370, January 28, 1974)
- 12) within fifteen (15) feet of any fire hydrant (Ord. 370, January 28, 1974)

13) at any time on:

- a) that part of 5th street lying between 3rd Avenue and the alley running north and south between 2nd and 3rd Avenues (Ord. 370, January 28, 1974)
- b) on the south side of 8th Street Court (Ord. 370, January 28, 1974)
- c) on the east side of 14th Avenue (Ord. 370, January 28, 1974)
- d) on the east side of 13th Avenue (Ord. 370, January 28, 1974)
- e) on the east side of 12th Avenue between 8th Street Court and 6th Street (Ord. 370, January 28, 1974)
- f) on the north side of 6th Street (Ord. 370, January 28, 1974)
- g) on the southeast side of 15th Avenue Court (Ord. 370, January 28, 1974)
- h) on the west side of 12th Avenue between 6th Street and 4th Street (Ord. 370, January 28, 1974)
- i) on the south side of 5th Street A (Ord. 370, January 28, 1974)
- j) on the south side of 5th Street (Ord. 370, January 28, 1974)
- k) on the south side of 4th Street A (Ord. 370, January 28, 1974)
- l) on the east side of 10th Avenue (Ord. 370, January 28, 1974)
- m) on the west side of 9th Avenue Court (Ord. 370, January 28, 1974)
- n) on the west side of 10th Avenue between 6th Street and 7th Street (Ord. 581, October 10, 1994)
- o) on the north side of 7th Street between 10th Avenue and 11th Avenue

{Ord. 581, October 10, 1994}

- 14) on the north side of 5th Street between 2nd Avenue and 3rd Avenue in the Village of Hampton (Ord. 460, October 26, 1981)
- 15) on the south side of 5th Street between State Avenue and 3rd Avenue in the Village of Hampton (Ord. 460, October 26, 1981)
- 16) on the east side of 3rd Avenue from 6th Street to the southerly end of Monson Park along the area where Monson Park abuts 3rd Avenue. (Ord. 460, October 26, 1981, Rev. Ord. 09-06, June 2, 2009)
- 17) Parallel parking only shall be allowed on 1st Avenue between 6th Street and 8th Street in the Village of Hampton (Ord. 494, August 27, 1984)
- 18) No Parking is allowed on the north side of 8th Street Court from Hubbard Road to 14th Avenue in the Village of Hampton (Ord. 494, August 27, 1984)
- 19) No Parking is allowed on the south side of 8th Street from Highway 84 to the alley in the Village of Hampton (Ord. 494, August 27, 1984)
- 20) Parking is prohibited between the intersection of 1st Avenue with the north line of 8th Street and the intersection of 1st Avenue with the southerly line of the Illiniwek Forest Preserve between the hours of 11:00 P.M. to 6:00 A.M. {Ord. 284, July 10, 1961}
- 21) Post Office: Parking will be permitted on the west side of 2nd Avenue in front of the Post Office where parking shall be diagonal. (Ord. 370, January 28, 1974)
- 22) It shall be unlawful to stand or park any vehicle in a street or avenue in the Village of Hampton where parking is permitted other than parallel with the curb or right edge of the traveled way of any street or avenue and with the two right wheels of the vehicle within twelve {12} inches of the regular established right curb line or right edge of the traveled way of a street or avenue. {Ord. 370, January 28, 1974}
- 23) Parallel parking only shall be allowed on 1st Avenue between 6th Street and 8th Street. (Ord. 494, August 27, 1984)
- 24) Parallel parking only shall be allowed on 1st Avenue between 5th Street and 6th Street except, on the east side of said Avenue in front of the Village Hall, where parking is to be diagonal. (Rev. Ord. January 12, 1987)
- 25) Angle parking will be allowed on the south side of 7th Street between State Avenue and 4th Avenue A in the Village of Hampton (Rev. Ord. 576, April 11, 1994)
- 26) No parking shall be allowed on the west side of 1st Avenue from 3rd Street to 1st Street (Rev. Ord. 541, June 12, 1989)
- 27) No parking shall be allowed on the east side of 3rd Avenue between 4th Street and 5th Street, and only angle parking shall be allowed on the west side of 3rd Avenue between 4th Street and 5th Street. (Rev. Ord. 541, June 12, 1989)
- 28) Angle parking will be allowed on the south side of 7th Street between State Avenue and 4th Avenue A in the Village of Hampton. (Rev. Ord. 576, April 11, 1994)
- 29) Angle parking will be allowed on the south side of 7th Street between State Avenue and 4th Avenue A in the Village of Hampton. (Rev. Ord. 576, Apr 11, 1994)
- 30) At any time on (Ord. 612 – 6, July 8, 1996)
  - a) the north side of the northern east west portion of Barrington Circle.
  - b) the east side of the north south portion of Barrington Circle.
  - c) the south side of the southern east west portion of Barrington Circle.
  - d) the east side of South Barrington Drive between Barrington Circle and Kennelworth Circle.



- e) the west side of South Barrington Drive between the northern east west portion of Kennelworth Circle and the southern east west portion of Kennelworth Circle.
  - f) the south side of the southern east west portion of Kennelworth Circle
  - g) the east side of the north south portion of Kennelworth Circle.
  - h) the north side of the northern east west portion of Kennelworth Circle.
  - i) on the east side of 8th Avenue from 1st Street to 4th Street. (Ord.15, October 14, 1996)
- 31) on either side or along State Avenue, also known as Illinois Route 84, within the corporate limits of the Village of Hampton. (Ord. 625, April 28, 1997)
- 32) on either side or along 8th Street, also known as County Highway 79, also known as Hubbard Road, on that portion that lies between Illinois Route 84 and 14th Avenue. (Ord. 625, April 28, 1997)
- 33) There shall be no parking on the south side of 9th Street in the Village of Hampton, Rock Island County, Illinois. (Ord. 00- 10-07, July 10, 2000).
- 34) There shall be no parking on either side of the street between 4th and 5th Street on 4th Avenue A except by attended vehicles. (Ord. 02-08, October 7, 2002)
- 35) There shall be no parking on the easterly or northerly side of 10th Avenue Court in the Village of Hampton. (Ord. 05-12, July 5, 2005)
- 36) Parking is not allowed on the westerly side of Cherry Hill Court. Parking will be allowed on the easterly side of Cherry Hill Court except for the area marked with signs stating "No Parking Between Signs", across from the entrance drive for the four-plex condominiums. (Ord. 696, January 18, 2011)

penalties and fines. (Ord. 730, July 2, 2012)