

MUNICIPAL CODE OF THE CITY
OF
SHAWNEETOWN, ILLINOIS
OF 1976

PUBLISHED IN BOOK FORM BY AUTHORITY OF THE MAYOR AND CITY COUNCIL
OF THE CITY
OF SHAWNEETOWN, ILLINOIS

MAYOR

Richard February

ALDERMEN

Arthur A. Brown	Cora Suermann
Bowen Walker	Eddie Speer
Roy G. Berry	Dan Byassee

CITY CLERK

Paulette Byassee

CITY TREASURER

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ATTORNEY

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REVISED, COMPILED, AND EDITED BY
ASSOCIATED MUNICIPAL CONSULTANTS, INC.
NAPERVILLE, ILLINOIS
Municipal Code of the City of Shawneetown

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AN ORDINANCE

Be it ordained by the Mayor and the-City Council of the City of Shawneetown, Illinois, that:

CHAPTER 1. GENERAL GOVERNMENT

ARTICLE 1. THE CORPORATE AUTHORITIES

1.101 COMPOSITION: The Corporate Authorities of the City of Shawneetown shall consist of the Mayor and the City Council. The City Council shall consist of six (6) Aldermen, two elected from each of

the three wards as provided by the Statute. The Corporate Authorities shall be judges of the election and qualifications of their members.

1.102 FUNCTIONS OF THE MAYOR: The Mayor shall be the Chief Executive Officer of the City, and shall perform all such duties as may be required of him by statute, this Code, or ordinance. He shall have supervision over all of the executive officers of the City and shall have the power and authority to inspect all books and records kept by any officer of the City at any reasonable time.

1.103 FUNCTIONS OF THE CITY COUNCIL: The City Council shall be the legislative department of the City government, and shall perform such duties and have such powers as may be authorized by statute, this Code, or ordinance. Every legislative act of the City Council shall be by ordinance, resolution, or order. Every power of the City government not specifically delegated to some other office or board by statute, this Code, or ordinance shall belong to the City Council.

1.104 WARDS: The boundaries of the Wards of the City are hereby established as follows:

(a) The First Ward shall include all that territory within the corporate limits lying South of Logan Avenue and West of Lincoln Boulevard East and that part of Lincoln Avenue South of Logan Avenue and all that territory within the corporate limits lying South of Shawnee Avenue. (Ord. 339, S. 1)

(b) The Second Ward shall include all that territory within the corporate limits lying North of Logan Avenue. (Ord. 339, s. 2)

(c) The Third Ward shall include all that territory within the corporate limits lying East of Lincoln Boulevard East and Lincoln Avenue which is South of Logan Avenue and North of Shawnee Avenue. (Ord. 339, S. 3)

1.105 REGULAR MEETINGS: The regular meeting of the City Council shall be held on the second Monday of each month at the Council Chamber in City Hall; and such meeting shall begin at the hour of 7:00 P.M., from October first to May first and at 7:30 P.M., from May first to October first of said day. Any meeting falling upon a legal holiday shall be held on the day following at the place above mentioned.
(Ord. 41)

1.106 SPECIAL MEETINGS: The Mayor or any three Aldermen may call a special meeting of the City Council by notifying the City Clerk of such a meeting. The Clerk shall notify the Mayor, Aldermen, and appropriate officers at least twenty-four (24) hours in advance of said special meeting, either personally or by leaving a message at his usual place of abode, stating the purpose for which said meeting is called. No business shall be transacted at a special meeting except that mentioned in the Clerk's notice unless the entire Council is present and all members agree to the transaction of other business. The Clerk shall enter into the minutes of a special meeting proof that all members were notified. The Clerk shall give public notice of a special meeting in the manner provided by the Statute.

1.107 NOTICE OF MEETINGS: A schedule of regular meetings shall be prepared by the Clerk at the beginning of each calendar year. Said schedule shall be posted in the City Hall. A copy of said schedule and a copy of every notice of a special meeting shall be provided to any representative of the news media who has requested such notices.

1.108 ATTENDANCE: It shall be the duty of every member of the Corporate Authorities to be present on time at every meeting of the Council unless unavoidably prevented; nor shall any member absent himself during the session unless excused by a majority of the members present.

1.109 QUORUM: No business of the Corporate Authorities shall be conducted without a quorum present. A quorum shall consist of at

least four (4) Aldermen, or of the Mayor and at least three (3) Aldermen.

1.110 VOTES REQUIRED: All ordinances for whatever purpose, and any resolution or motion to create any liability against the City or for the expenditure or appropriation of money shall require the concurrence of a majority of all members of the Corporate Authorities then holding office. All ordinances, resolutions, or motions to sell property or to vacate streets and alleys shall require the concurrence of three-fourths (3/4) of the Aldermen then holding office.

1.111 APPROVAL OF ORDINANCES, RESOLUTIONS, AND MOTIONS: All resolutions and motions that create any liability against the City or that provide for the expenditure or appropriation of money and all ordinances passed by the Council are subject to the approval of the Mayor. If the Mayor approves of them, he shall sign them.

1.112 VETO: The Mayor may disapprove of any one or more terms appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. Those of which he disapproves, he shall return to the Council with his written objections at the next regular meeting of the Council occurring not less than five (5) days after their passage.

1.113 FAILURE OF THE MAYOR TO ACT ON ORDINANCES, ETC.: If the Mayor fails to return an ordinance or any specified resolution or motion with his written objections by the next regular meeting of the City Council occurring not less than five (5) days after its passage, it shall become effective despite the absence of his signature.

1.114 COUNCIL OVERRIDE OF VETO: If the Mayor disapproves of an ordinance or specified resolution or motion, the Council, upon

receipt of the Mayor's written objections, shall reconsider the same, and if, after such reconsideration, two-thirds (2/3) of all the Aldermen then holding office agree to pass such ordinance, resolution, or motion over the Mayor's veto, then it shall be effective.

1.115 RECONSIDERATION OF ACTIONS: The Council may reconsider its votes and actions upon questions before it and may rescind its previous action as provided by Statute.

1.116 VOTE OF THE MAYOR: The Mayor shall preside at all meetings of the Council and at all times when the Council meets as a committee of the whole. Except as otherwise provided by law, he shall not vote on any ordinance, resolution, or motion except: (a) where the vote of the Aldermen has resulted in a tie; or (b) where one-half (1/2) of the Aldermen elected have voted in favor of an ordinance, resolution, or motion, even though there is no tie vote; or (c) where a vote greater than a majority of the Corporate Authorities is required by Statute to adopt an ordinance, resolution, or motion. In each instance specified, the Mayor shall vote.

1.117 ABSENCE OF THE MAYOR: If a vacancy in the office of the Mayor occurs, the Council shall elect one of its members to be Acting Mayor to hold office until such time that a new Mayor is elected as provided by statute. If the Mayor is absent from any meeting of the Council, the Council shall elect one of its members Mayor Pro-Tem who, during such absence, shall possess the powers of the Mayor. An Acting Mayor or a Mayor Pro-Tern may vote in his capacity as Alderman but he shall not be entitled to another vote in his capacity as Acting Mayor or Mayor Pro-Tem.

1.118 RULES OF ORDER: The Mayor shall preserve order and decorum and shall decide all questions of order, subject to an appeal to the Council. Appeals to the Council shall be decided without debate. On all points of order not herein specifically provided for, Robert's

Rules of Order is adopted and made the law governing the deliberations of the Council.

1.119 ORDER OF BUSINESS: The order of business of all regular meetings of the City Council at which a quorum is present shall be as follows:

- A. Roll call
- B. Reading and approval or disapproval of the minutes of the proceedings of the last meeting
- C. Petitions and communications to the Council
- D. Reports of Standing Committees
- E. Reports of Special Committees
- F. Reports of officers
- G. Presentations of claims and accounts
- H. Unfinished business
- I. New and miscellaneous business

1.120 STANDING COMMITTEES: The City Council shall be divided into the following Standing Committees:

- A. Police
- B. Fire
- C. Gas
- D. Water and Sewer
- E. Streets
- F. Finance

1.121 MEMBERSHIP ON COMMITTEES: At the first Council meeting after each annual election, the Mayor shall appoint three Aldermen, one from each Ward, to each committee and shall designate the chairman of each, subject to the advice and consent of the City Council. The Mayor may be an ex-officio member of all committees but he shall not be the chairman of any committee.

1.122 FUNCTIONS OF COMMITTEES: Each Standing Committee shall supervise the personnel and activities of each department assigned to it by this Code. Each committee shall perform such other functions as may be assigned to it by the City Council. Each committee shall report to the City Council at each regular Council meeting on such matters as it sees fit or that the Council may require.

ARTICLE 2. THE CLERK

1.201 GENERAL DUTIES:

(a) It shall be the duty of the City Clerk to attend the special and stated meetings of the City Council, and keep a full record of its proceedings in the Minutes, and to record, in a book to be kept for that purpose, all ordinances which may be passed from time to time by the Council, and at the foot of the record of each ordinance so recorded to make a memorandum of the date of the passage and the publishing or posting of such ordinance.

(b) He shall keep and preserve safely all papers pertaining to his office, prepare and deliver all licenses, bonds, and certificates of sale and redemption, on the receipt of the proper sums of money therefore, countersign all vouchers and deliver the same when called for, taking a receipt for the same.

(c) He shall notify all officers appointed by the Mayor, or elected, of their selection.

(d) He shall have the charge, custody, and control of all deeds, leases, warrants, vouchers, books, and papers of any kind, the custody and control of which is not herein given to any other officer. He shall seal and attest all contracts of the City, and all licenses, permits, and other documents as shall require this formality.

1.202 SEAL: The common seal of the City of Shawneetown, shall be circular, one and a half (1½) inches in diameter, and shall be engraved with the words, "City of Shawneetown, Gallatin County, Illinois." No impression of said seal to any contract or writing shall have validity or be binding upon the city of Shawneetown unless such impression be accompanied by the attestation of the Clerk, and then only in cases authorized by law, and the ordinances of the city. (Ord. 2, S. J)

1.203 RECORDS: In addition to the record of ordinances and other records which the Clerk is required by statute to keep, he shall keep a register of all licenses and permits issued, and the payments thereon; a record showing all of the officers and regular employees of the City, and such other records as may be required by the Council.

1.204 ADDITIONAL DUTIES: The Clerk shall perform such other duties and functions as may be required by statute, by this Code, or by the City Council.

1.205 DEPUTY CLERK: The Clerk is hereby authorized to appoint one Deputy Clerk by and with the advice and consent of the City Council. Said Deputy Clerk shall have the power and duties to execute all documents required by any law to be executed by the Clerk and affix the seal of the City thereto whenever required, such Deputy Clerk to act at such times as hereinafter provided. In signing any documents, the Deputy Clerk shall sign the name of the Clerk followed by the word "by" and the Deputy Clerk's name and the words "Deputy Clerk." The powers and duties hereinabove described shall be exercised by such Deputy Clerk only in the absence of the Clerk from the Clerk's office, and only when the either written direction has been given by the Clerk to such Deputy to exercise such power or when the Corporate Authorities have determined by resolution that the Clerk is temporarily or permanently incapacitated to perform such functions.

ARTICLE 3. OFFICERS AND EMPLOYEES

1.301 ELECTED OFFICERS: The elected officers of the City of Shawneetown shall consist of the Mayor, the Aldermen, the Clerk, and the Treasurer. All said officers shall serve for a term of two (2) years or until their successors are elected and qualified as provided by Statute.

1.302 ELIGIBILITY FOR OFFICE: No person shall be eligible for any City office or employment unless he is a qualified elector of the City and has resided therein at least one year preceding his election or appointment. However, these requirements shall not apply to those appointed officers who require technical training or knowledge. But no person shall be eligible to any office who is a defaulter to the City.

1.303 CERTIFICATE OF APPOINTMENT OR ELECTION: Whenever a person has been appointed or elected to office, the Mayor shall issue a certificate of appointment or election, under the corporate seal, to the Clerk. All appointed officers shall be commissioned by the warrant, under the corporate seal, signed by the Clerk and the Mayor.

1.304 OATH: Before entering upon the duties of their respective offices all officers, whether elected or appointed, shall take and subscribe to the following oath:

"I solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Illinois and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

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

1.305 BOND: Before entering upon the duties of their respective offices, all officers, except Aldermen, shall execute a bond with security, to be approved by the City council. The bond shall be

payable to the City of Shawneetown in whatever penal sum may be directed by statute or resolution, conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer, according to law and also the ordinances of the City. These bonds shall be filed with the Clerk, except the bond of the Clerk, which shall be filed with the Treasurer.

1.306 DELIVERY OF OFFICE TO SUCCESSOR: Within five days after notification and request, any person who has been an officer, or employee, shall deliver to his successor in office all property, books, and effects in his possession, belonging to the City, or appertaining to the position he has held. Upon his refusal to do so, he shall be liable for all the damages caused thereby and shall be subject to the penalty set out in Section 1.313 of this Code.

1.307 MONEY COLLECTED: Every officer and employee shall turn over all money received by him on behalf of the City to the Treasury promptly upon receipt of the same. He shall keep an account showing all money received by him, and the source and disposition thereof, and shall keep such other accounts as may be required by the City Council.

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

1.309 LIABILITY FOR DAMAGES, FAILURE TO DO DUTY: All officers shall be liable to the City for all loss or damage that may arise from their negligence or willful misconduct in the discharge of any official duty, and the City Council may, after notice and hearing, by order, withhold the salary of any such officer or employee, to secure the City from loss. If any officer shall fail, neglect, or refuse to discharge or perform any duties required of him, the Mayor may employ or appoint some competent person to perform such duty and the cost and expenses of doing the same shall be charged to such officer and

deducted from his salary or if his salary shall be insufficient to pay the same, they may be collected from him and recovered by suit in the name of the City, before any court of competent jurisdiction.

1.310 RESISTING OFFICERS: Any person who shall willfully hinder, delay, resist, or obstruct any City officer, or any person legally authorized by him, in the discharge of his duty, or shall aid, abet, or encourage any such hindering, delaying, resisting, or obstructing, or shall neglect or refuse to obey any lawful order or direction of any such officer, shall be subject to the penalty set out in Section 1.313 of this Code.

1.311 DESIGNATION OF DUTIES: Whenever there is a dispute as to the respective duties or powers of any officers or employees of the City, this dispute shall be settled by the Mayor after consultation with the City Attorney. The Mayor shall have the power to delegate to any appointed officer or employee any duty which is to be performed when no specific officer or employee has been directed to perform that duty.

1.312 LIBRARY BOARD: The Mayor shall, with the approval of the City Council, appoint a Board of nine (9) Directors chosen from City residents concerning their fitness for such office, and not more than one member of the City Council shall be at any one time a member of the Library Board, all as provided in Section 4-1 of Chapter 81 of the Illinois Revised Statutes. (Ord. 354, s. 2)

1.313 PERSONNEL POLICY: The Corporate Authorities shall adopt a personnel policy to define the City's rules on hiring, firing, vacations, benefits, discipline, and related personnel matters. Such policy shall be adopted and amended by a majority vote of the Corporate Authorities.

1.314 PENALTY: Any person who violates any provision of this Article shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00).

ARTICLE 4. SALARIES

1.401 MAYOR: The Mayor shall receive a salary of Five Hundred Dollars (\$500.00) per year. (Ord. 303, S. 1)

1.402 ALDERMEN: Each Alderman shall receive a fee of Fifteen Dollars (\$15.00) per meeting for expenses.

1.403 CLERK: The City Clerk shall receive a salary of One Hundred Seventy Dollars (\$170.00) per month, payable monthly. (Ord. 343, S. 1)

1.404 TREASURER: The City Treasurer shall receive a salary of One Hundred Fifty Dollars. (\$150.00) per month, payable monthly. (Ord. 343, S. 2)

CHAPTER 2. FINANCES

ARTICLE 1. FINANCE DEPARTMENT

2.101 DEPARTMENT CREATED: There is hereby created the Finance Department of the City of Shawneetown. Said department shall consist of the Treasurer, the Bookkeeper, the Collector and such other officers and employees as the Corporate Authorities may from time to time deem necessary to implement the provisions of this Chapter. The department shall be under the general supervision of the Finance Committee.

2.102 OFFICERS: The Bookkeeper and the Collector and any employees shall be appointed by the provisions of

Article 1.3 of this Code. The Treasurer, the Bookkeeper and the The collector shall each take an oath of office and shall each execute a bond as officers of the City as provided by Article 1.3 of this Code.

2.103 DUTIES OF THE BOOKKEEPER: The Bookkeeper shall keep such accounts and records of those funds and monies as may be assigned to him from time to time by the Corporate Authorities. Said accounts and records shall be available for inspection by any member of the Corporate Authorities. The Bookkeeper shall report to and be under the general supervision of the City Treasurer.

2.104 DUTIES OF THE COLLECTOR: The Collector shall conduct the collection of monies for all utility services operated by the City. He shall maintain all customer records of said utilities. He shall turn over all money received by him on behalf of the City to the Treasurer, promptly on receipt of the same. He shall keep accounts showing all money received by him, and the source and disposition thereof. He shall report to and assist the Treasurer in other duties as may be assigned to him.

2.105 ORGANIZATION OF CITY FINANCES: The City monies shall be kept by the Treasurer in such funds as are from time to time required by law or determined by the Corporate Authorities.

2.106 FISCAL YEAR: The fiscal year of the City of Shawneetown, Illinois, shall commence on the third Tuesday of April in every year, and end at midnight on the Monday preceding that day in the following year. The term municipal year, whenever used in an ordinance of said city, shall be construed to mean "fiscal year" and the municipal year of said city shall begin and end with the fiscal year. (Ord. 7, S. 1,2)

2.107 DEPOSITORIES: The following bank is hereby designated a a depository in which the funds and money of the City may be

deposited::

The First National Bank in Shawneetown.

Each bank designated as a depository for such funds or monies shall furnish the Treasurer with a copy of all bank statements which is required to furnish to the State of Illinois while acting as such Depository.

2.108 CHECKS AND WARRANTS: All checks or warrants properly authorized to be drawn on the Treasury of the City shall bear the signatures of the Mayor and the City Clerk respectively and no such check or the warrant shall be valid unless the signatures of each of the said City officers appear thereon.

2.109 INDEBTEDNESS: No indebtedness shall be incurred by the City, excepting such indebtedness as may be payable solely from the proceeds of a duly authorized bond issue or from a designated specified source, unless there is a prior appropriation out of which such indebtedness could be paid, as provided by statute. The City shall not become indebted in any manner or for any purpose to an amount in the aggregate exceeding those limitations prescribed by Statute.

2.110 CLAIMS: No bills, claims, or expenditures of any kind or nature shall be paid and no order drawn on the Treasury of the City Therefore, unless such bills or claims shall have been passed on and allowed by the Corporate Authorities, specifying upon which fund and account the order shall be drawn,

2.111 CONTRACTS: No officer of this City shall make any contract unless lawfully authorized to do so either by the laws of the State or by the ordinances of the City, or by some appropriate action of the Corporate Authorities. Whenever in any department, supplies of any kind is needed, the head of such department shall make application to the committee in charge of that department, and in no

the event shall any contract for such supplies be enforceable against the City unless approved beforehand by such committee or by the City Council in session.

2.112 LARGE EXPENDITURES: All contracts for the purchase of supplies or equipment or public improvements requiring an expenditure of a sum over fifteen hundred dollars (\$1500.00) shall be advertised for bids and let to the lowest responsible bidder.

2.113 AUDIT: As soon as practicable at the close of each fiscal year, and no later than six (6) months thereafter, there shall be an audit of all accounts of the City made by a competent person authorized to act as an auditor under the laws of the State of Illinois, to be designated by the Corporate Authorities. Copies of such audit report shall be filed with the Clerk and with the State Comptroller and in such other places as may be required by law.

ARTICLE 2. THE TREASURER

2.201 REQUIREMENTS OF THE OFFICE: The Treasurer shall comply with the requirements of elected officers as described in Chapter 1, Article 3, of this Code.

2.202 GENERAL DUTIES: The Treasurer shall perform such duties as may be prescribed for him by statute or by ordinance. He shall receive all money paid into the City, either directly from the person paying the money or from the hands of such other officer as may receive it, and he shall pay out money only on checks, warrants, or orders properly signed by the provisions of Section 2.108 of this Code. He shall have general management and control of the Finance Department.

2.203 DEPOSIT OF FUNDS: The Treasurer shall deposit the City funds only in such depositories as are designated in Section 2.107 of this

Code. He shall keep the deposit of City money separate and distinct from his own money, and shall not intermingle his own money with the City money and he shall not make private or personal use of any City Money.

2.204 RECORDS: The Treasurer shall keep the records showing all money received by him, showing the source from which it is received and the purpose for which it is paid; and he shall keep records at all times showing the financial status of the City. The Treasurer shall keep such books and accounts as may be required by the Corporate Authorities and shall keep them in the manner required by the Corporate Authorities. The Treasurer shall keep a register of all checks, warrants, bonds, or orders filed with him or paid by him and all vouchers, as is required by statute. The Treasurer may authorize the Bookkeeper and the Collector to assist him in keeping these Records.

2.205 MONTHLY REPORT: At the end of every month, the Treasurer shall render an account to the City Council showing the state of the Treasury. This monthly financial report shall include statements of monies received, money expended, and the balance of money in the Treasury for each fund.

2.206 ANNUAL REPORT: Each fiscal year, as required by statute, the Treasurer shall make out and file with the Clerk a full and detailed account of all City receipts and expenditures, and all his transactions as Treasurer during the preceding fiscal year, and he shall show in that account the state of the Treasury at the close of the fiscal year. The Clerk shall publish the account at least once, within ten (10) days, in one or more newspapers with a general circulation within the City.

2.207 ADDITIONAL DUTIES: The Treasurer shall perform such other duties as may be prescribed by statute or by the Corporate Authorities.

ARTICLE 3. REVENUES

2.301 SOURCES OF REVENUE: The City may receive monies from taxes, licenses, permits, payments for services and sales, fees, fines, grants, interest on investments, donations, and such other sources as the Corporate Authorities may from time to time prescribe.

2.302 TAX LEVY: No sooner than ten (10) days after the publication of the Appropriation Ordinance and on or before the second Tuesday in September of each year, a tax levy ordinance shall be enacted as required by law levying such taxes as may be needed to meet the anticipated expenses of the coming year, together with such taxes as may be required to meet outstanding bond issues, or for purposes payable from special taxes properly authorized, A certified copy of the Tax Levy Ordinance shall be filed with the County Clerk not later than the second Tuesday in September. Such ordinance shall show the total appropriated for each item, and the amount of tax levied
Therefore,

2.303 MONEYS RECEIVED: Every officer and employee of the City shall on or before the twenty-fifth (25th) day of each month turn over all money received by him in his official capacity to the Treasurer with a statement showing the source from which the same was received.

2.304, MUNICIPAL RETAILERS' OCCUPATION TAX:

(a) A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in this city at the rate of one percent (1%) of the gross receipts from such sales made in the course of such business while this ordinance is in the effect, by the provisions of Section 8-11-1 of the Illinois Municipal Code. (Ord. 374, S. 1)

(b) Every such person engaged in such business in the city shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Three of "An Act about a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 28, 1933, as amended. (Ord. 374, S. 2)

(c) At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month. (Ord. 374, S. 3)

2.305 MUNICIPAL SERVICE OCCUPATION TAX:

(a) A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of services at the rate of one percent (1%) of the cost price of all tangible personal property transferred by said servicemen either in the form of tangible personal property or. in the form of real estate as an incident to a sale of service, by the provisions of Section 8-11-5 of the Illinois Municipal Code. (Ord. 375, s. 1)

(b) Every supplier or serviceman required to account for Municipal Service Occupation Tax for the benefit of this municipality shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Nine of the "Service Occupation Tax Act," approved July 10, 1961, as amended. (Ord. 375, S. 2)

(c) At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed. (Ord. 375, S. 3)

2.306 MUNICIPAL USE TAX: A tax is hereby imposed by the provisions of Section 8-11-6 of the Illinois Municipal Code upon

the privilege of using in the City any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at a rate of one percent (1%) of the selling price of such tangible property with the selling price To have the meaning as defined in the Use Tax Act, approved on July 14, 1955.

Such tax shall be collected by the Illinois Department of Revenue and shall be paid before the title or certificate of registration for the personal property is issued.

2.307 LIBRARY TAX: The Corporate Authorities of the City are hereby authorized to levy a tax for library purposes of not to exceed 0.12% of the full, fair cash value of all the taxable property in the City, as equalized or assessed by the Department of Local Government Affairs and that such library taxes shall be in addition to all other taxes or tax rates authorized to be levied by the City, and shall. not be a part of the taxes making up any rate prescribed as a limitation on the amount of taxes the City may levy. (Ord. 354, S. 3)

2.308 PLAYGROUND TAX. : The Corporate Authorities be and they are hereby authorized to levy a tax to establish, maintain, and conduct a playground and recreation system in the City at a rate not to exceed 0.20% of the value as equalized or assessed by the Department of Local Government Affairs for all taxable,e property therein, by Article 11, Division 95 of the Illinois Municipal Code and as authorized by the voters of the City at an election held on April 15, 1947, (Ord. 236)

2.309 LEASE TO PRN PHARMACIES, LTD.

LEASE TO PRN PHARMACIES, LTD.

AN ORDINANCE LEASING REAL ESTATE OWNED BY THE CITY OF SHAWNEETOWN TO
PRNPHARMACIES, LTD.

WHEREAS, the City of Shawneetown owns the following described real property (hereinafter "subject property"):

The North Five (5) feet of Lot Number Twenty-one (21) and the South of Lot Number Twenty-two (22) all in Block Number Ten (10) of Unit "A" of the Housing Authority Addition to the City of Shawneetown, Gallatin County Illinois subject to all easements, conditions, reservations, restrictions, and exceptions as o or referred to in a prior deed for said premises from the Housing Authority of Gall County, Illinois;

which is commonly described as 254 North Lincoln Boulevard East, Shawneetown, Illinois, and

WHEREAS, the subject property is currently vacant commercial property that is not necessary or appropriate for public use; and

WHEREAS, in accordance with Section 11-76-2 of the Illinois Municipal Code (65 ILCS 5/11-76-2) notice has been given of the proposal to lease the subject property; and

WHEREAS, PRN Pharmacies, LTD., of 130 Fairway Drive, Harrisburg, Illinois 62946, is in the pharmaceutical and medical equipment sales business; and

WHEREAS, the City of Shawneetown Board of Aldermen does hereby find and determine that the best interests of the City of Shawneetown and its residents will be served by lease of the subject property to PRN Pharmacies, LTD.

NOW, THE CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS, acting through its Mayor and City Council/Board of Aldermen, does hereby PASS, DECLARE and ORDAIN:

'Section 1. The Mayor and City Clerk of the City of Shawneetown are hereby authorized and directed to sign and execute a certain Lease dated March 12, 2018 by and between the City of shawneetown, as Lessor, and PRN Pharmacies, LTD., as Lessee, concerning the subject property.

Section 2. The subject property shall be used for pharmaceutical and medical i purposes only and no other purposes. The subject property shall not be used in the regulation of any governmental body. violation of any governmental body.

Section 3. This Ordinance shall take effect immediately upon its passage by a vote of at least three-fourths of the corporate authorities now holding office and publication by law.

YEAS: Steve Wood, Lisa Smith, MichaelRushing, Michael Blain, Brandon Vickery, June Rushing

NAYS: 0

THIS ORDINANCE WAS ADOPTED ON THE 12TH DAY OF MARCH, 2018

A handwritten signature in black ink, appearing to read "D. Blain", written over a horizontal line.

Mayor
City of Shawneetown

Attest:

A handwritten signature in black ink, appearing to read "Nancy Larkin", written over a horizontal line.

ARTICLE 4. MUNICIPAL UTILITY TAX

TAX IMPOSED: A tax is imposed on all persons engaged in the following occupations or privileges:

(a) Persons engaged in the business of transmitting messages using electricity, at the rate of five percent (5%) of the gross receipts from such business originating within the corporate limits of the City of Shawneetown.

(b) Persons engaged in the business of distributing, supplying, furnishing, or selling electricity for use or consumption within the corporate limits of the City of Shawneetown and not for resale, at the rate of five percent (5%) of the gross receipts therefrom. (Ord. 360, S. 1)

ACTIVITIES NOT TAXED: No tax is imposed by this Article concerning any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and the 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 electricity, or engaged in the business of transmitting messages be subject to taxation under the provisions of this Article 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. (Ord. 350, S. 2)

TAX IN ADDITION TO FRANCHISE PAYMENTS: Such tax shall be in addition to the payment of money or value of 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 taxpayer's business. (Ord. 350, s. 3)

DEFINITIONS: For this Article, the following definitions shall apply:

(a) "Gross Receipts" means the consideration received for the transmission of messages, or for distributing, supplying, furnishing, or selling electricity, or gas, for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith are valued in rr. only, whether received in money or otherways, 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 services, product or commodity supplies, the cost of materials used, labor or service cost, or any other expense whatsoever.

(b) "Transmitting message", in addition to the usual and popular meaning of person to person, the action shall include the furnishing. ng, 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 considerable time in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for consideration, by such persons to other persons, for the transmission of messages.

(c) "Person means any natural individual, firm, trust, estate, partnership, associations- joint stock company, joint adventure, corporation, municipal corporation or a political subdivision of this State, or a receiver, trustee, conservator, or other representative appointed by order of any court. (Ord. 350, S. 4)

PAYMENT: On or before the last day of December 1967, each taxpayer shall make a return to the City Council for the months of September 1967, October 1967, and November 1967, stating:

A. His name.

B. His principal place of business.

- C. His gross receipts during those months upon the basis of which tax is imposed.
- D. Amount of tax.
- E. Such other reasonable and related information as the Corporate Authorities may require.

On or before the last day of every third month thereafter, each taxpayer shall make a like return to the City Council for a corresponding three months period. The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City Treasurer 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 billings 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 on any differences between such billings and the taxable gross receipts. (Ord. 350, S. 6)

OVERPAYMENT: If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, 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 under this Article from the taxpayer who made the erroneous payment, provided that no amounts erroneously paid more than three

(3) years before the filing of a claim therefore shall be so credited. (Ord. 350, s. 7)

2.407 LIMITATION ON CLAIMS: No action to recover any amount of tax due under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount. (Ord. 350, S. 8)

2.408 PENALTY: Any taxpayer who fails to make a return, who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and upon conviction thereof

shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) and in addition shall be liable in a civil action for the amount of tax due. (Ord. 350, S. 9)

ARTICLE 5. FOREIGN FIRE INSURANCE COMPANIES

2.501 COMPLIANCE REQUIRED: It shall be unlawful for any corporation or association not incorporated under the laws of the State of Illinois, to engage in the City in effecting fire insurance, or to transact any business of fire insurance in the City, while in default by not fully complying with any of the requirements of this Article, 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 Article. (Ord. 334, s. 1)

2.502 TAX IMPOSED: Any such corporation, company, or association not incorporated under the laws of the State of Illinois, which is engaged in the City in effecting fire insurance, shall pay the City Treasurer, for the maintenance, use, and benefit of the Fire Department of the City a sum of money equal in amount to two percent (2%) per annum of the gross receipts received premiums upon fire insurance policies by any agents of such corporation, company, or association, during the year ending on the first day of July in each year, for any insurance affected, or agreed to be affected on the property, and in the City, by or with such corporation, company or association during such a year. (Ord. 334, S. 2)

2.503 REPORT AND PAYMENT: Every person acting in the City as an agent, for or on behalf of any such corporation, company, or association, shall, on or before the fifteenth (15th) day of July of every year, render the City 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 City. Such agent shall also at the time of rendering the aforesaid report, pay to the City Treasurer the sum of money for which company, corporation, or association, represented by him, is chargeable, by the provisions of this Article. (Ord. 334, S. 3)

2.504 RECOVERY OF MONEY: The sum of money for which such company, corporation, or the 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 City 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, 1895. (Ord. 334, s. 4)

2.505 COMPLIANCE PREREQUISITE TO DOING BUSINESS: No insurance agent in the City shall have any insurance.. business or dealings with any company, association or the corporation not incorporated under the laws of the State, which shall be in default for not reporting or making payments as hereinbefore provided, until it shall have complied with all the requirements of this Article. (Ord, 334, S. 5)

2.506 PENALTY: Any person, firm, or corporation violating any of the provisions of this article shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200,00) for each offense. (Ord. 334, S. 6)

CHAPTER 3. LICENSES AND PERMITS

ARTICLE 1.- GENERAL PROVISIONS

3.101 PERSONS SUBJECT TO LICENSE: Whenever in this Code, or any City ordinance, a license or permit is required for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm or corporation shall be subject to the requirement if by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity, or occupation, or if he or it solicits patronage therefore, actively or passively; or if he or it performs or attempts to perform any part of such business, activity, or occupation in the City, '

3.102 APPLICATION: Any person, firm, or corporation desiring a license or permit required by this Code shall make a written application therefore to the City Clerk or other officer as designated by this Code. The application shall state:

- (a) The applicant's name and residence
 - (b) The purpose for which the license or permit is required (c) The location, if appropriate
 - (d) For what length of time the license or permit is needed
 - (e) Such additional information as may be needed for the proper guidance of the City officials
- in the issuing of the license or permit applied for.

3.103 FEE: The application for a license or permit shall be accompanied by payment of the fee as determined by the appropriate Article of this Code. Where no fee is specifically defined, there shall be no payment required.

3.104 INSPECTIONS: Upon the receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Clerk, within forty-eight (48) hours of such receipt, shall refer the application to the officer authorized by this Code to issue such license or permit for the making of such investigation or inspection.

3.105 ACTION UPON INSPECTION: Within four (4) business days the issuing officer shall report to the Applicant:

(a) If it shall appear to the officer that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the applicant for the inclusion of such additional information as may be specified necessary and appropriate.

(b) If, after due consideration of the information contained within the application and the related inspection, the officer shall determine that the matters concerning the application are unsatisfactory, he may disapprove such application, indicating the reasons therefore. Thereupon, the Clerk shall promptly return any license or permit fee.

(c) If, after due consideration of the information contained within the application and the related inspection, the officer shall determine that the application is satisfactory, he shall approve the application. Thereupon the officer and the Clerk shall issue the license or permit.

3.106 FORM OF LICENSE OR PERMIT: Each license, permit, or certificate shall be signed by the officer authorized by this Code to issue such

license, permit, or certificate and countersigned and sealed by the City Clerk, and shall be, as near as feasible, in the following form:

STATE OF ILLINOIS)
)
COUNTY OF GALLATIN) SS
)
CITY OF SHAWNEETOWN)

LICENSE

WHEREAS _____, on the day of _____, 19_____, paid into the Treasury of the City of Shawneetown the sum of

_____ Dollars, being the sum required or fixed by ordinance, and has otherwise complied with the Municipal Code in this behalf;

Therefor, the said

_____ is hereby authorized to _____

_____ for the term beginning_____ and ending_____ and no longer, under the penalty of the laws of the said city.

This license shall be posted in a prominent place on the premises so licensed.

In testimony whereof I have hereunto set my hand and had affixed hereto the seal of the corporation of the City of Shawneetown this _____ day of _____ A.D., 19 _____.

Issuing Officer

Clerk

3.107 LICENSE TO BE POSTED: It shall be the duty of every person conducting a licensed business or permitted activity in the City to keep his license or permit posted in a prominent place. the premises used for such business or activity at all times. •

3.108 TERMINATION OF LICENSES: All annual licenses or permits shall be operative and the license year for the City shall commence on the first day of July of each year and shall terminate on the last day of June of the following years, where no provision to the contrary is made. The Clerk shall notify all licensees of the City of the time of expiration of the license held by the licensee (if annual) three (3) weeks before the date of such expiration. Provided, however, that a failure to make such notification, or the failure of the licensee to receive it, shall not excuse the licensee from the obligation to obtain a new license or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

3.109 BUILDING AND PREMISES: No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of the City and the State of Illinois. ,

3.110 LOCATION: No license for the operation of a business or establishment in the City shall be construed to permit the operation of a licensed business or establishment in more than one location in the City; a separate license shall be required for each location of a licensed establishment. For this Article, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel, shall be. operated and managed by the same

person or omer, and shall be an establishment with the same classification.

3.111 NON-ASSIGNABILITY: No license or permit granted by the City shall constitute the property, nor shall it be subject to attachment, garnishment, or execution; nor shall it be alienable or transferable voluntarily or involuntarily, nor subject to being encumbered or hypothecated; nor shall anyone be permitted to do business under it except the person therein named.

3.112 INSPECTIONS OF LICENSED BUSINESSES: Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation or permitted purpose or activity are provided for or required by ordinance, or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of the City, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto to make the inspection any officer or an employee of the City who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

3.113 REFUSAL TO SUBMIT TO INSPECTION: In addition to any other penalty which may be provided, The mayor may revoke the license or permit of any owner or operator of a licensed business or permitted activity in the City that refuses to permit any duly authorized officer or employee to make such inspection, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of the City after first having presented a warrant authorizing such entry.

3.114 SUSPENSION, REVOCATION OF LICENSE OR PERMIT:

(a) When the conduct or operation of any business, establishment, or activity, whether or not licensed or permitted, shall constitute a nuisance in fact and a clear and present danger to the public health, safety, or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed ten (10) days.

(b) Within eight (8) days after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

(c) Licenses and permits issued under the ordinances of the City, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in subsections (d) and (e) of this Section for any of the following causes:

(1) Any fraud, misrepresentation, or false statement contained in the application for the license or permit;

(2) Any violation by the licensee or permittee of ordinance provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;

(3) Conviction of the licensee or permittee of any felony or a misdemeanor involving moral turpitude;

(4) Failure of the licensee or permittee to pay any fine or penalty owing to the City;

(5) Refusal to permit an inspection or sampling, or any interference with a duly authorized City officer or employee while in the performance of his duties in making such inspections. Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable ordinances of the City.

(d) Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail (return receipt requested) to the licensee or permittee at his last known address at least five (5) days before the date set for the hearing.

(e) At the hearing the City Attorney shall present the complaint and shall represent the City. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

3.115 APPEAL: Any person aggrieved by the decision of the Mayor or other officer of the City regarding the denial of an application for a license or permit, or in connection with the suspension or revocation of a license or permit, shall have the right to appeal to the City Council. Such appeal shall be taken by filing with the Clerk, within ten (10) days after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The City Council shall thereupon set the time and place for a hearing on such appeal, and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in Section 3.114 of this Code. The decision of the City Council on such an appeal shall be final.

3.116 PENALTY: Any person, firm, or corporation who shall be convicted of violating any provision of this Ordinance shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each such offense. A separate offense shall be

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

ARTICLE 2. AMUSEMENT LICENSE

3.201 LICENSE REQUIRED: Within the corporate limits of the City it shall be unlawful for any person, firm or corporation to exercise, offer, operate, or engage in any of the following activities for gain, or to which the public is required to pay a fee for admission, without first obtaining an amusement license therefore:

(a) All bowling or pin alleys or allies.

(b) All pool, billiard, pigeonhole, or bagatelle table or tables.

(c) All shooting galleries or places for target shooting.

(d) All jukeboxes, pinball machines, and other coin-operated amusement devices. For this Article, the term "coin-operated amusement device" means and includes a coin-in-the-slot device which returns to the player thereof no money or property or right to receive money or property. Said term shall not mean and include a coin-in-the-slot device maintained by any public utility for furnishing service of any public utility, nor any device that is designed and used strictly as a vendor of merchandise or service and which is not an amusement device.

(e) All roller skating or ice skating rinks or halls.

(f) All public dance halls. (Ord. 18)

3.202 EXEMPTION FROM LICENSE REQUIREMENT: No license shall be required for any amusement or entertainment of the nature set out above, when such entertainment is given exclusively for charitable or benevolent purposes, by societies or citizens of this City, or by other persons not engaged in giving such entertainments as a business.

3.203 APPLICATION: Any person, persons, or corporation desiring to exercise or engage in any of the activities enumerated in Paragraph 3.201 of this Code shall apply to the City Clerk by the provisions of Chapter 3, Article 1 of this Code. Said applications shall be submitted no less than seven (7) days before said amusement activity is to be opened to the public or no less than seven (7) days before the expiration of a license previously granted by the City.

3.204 FEES:

(a) The fee for an annual amusement license for each of the activities set out in Sections 3.301(a), (b), (c), and (d) above shall be Twenty Dollars (\$20.00) for each alley, table, gallery, machine, or device.

(b) The fee for an annual amusement license for each of the activities set out in Sections 3.301(e) and (f) above shall be Twenty Dollars (\$20.00) per rink or hall.

3.205 ISSUANCE: The Mayor is hereby authorized to issue an amusement license. An amusement license shall not be issued to any activity that does not comply with Section 3.207 of this Code.

3.206 COMPLIANCE WITH OTHER PROVISIONS: The holder of any amusement license issued by the City shall comply with such other provisions of Article 3.1 of this Code as are appropriate. Any such holder failing to comply with the provisions of this Article or Article 3.1 shall be liable to revocation of such license as provided by Section 3.114 of this Code.

3.207 SAFETY REQUIREMENTS: Whether licensed under this Article or not, it shall be unlawful for any business, carnival, amusement, or other activity:

(a) To permit more people than can be provided with seats to

enter any building to witness any public amusement, exhibition, or theatrical; or

(b) To gather such crowds in any building or premises as to cause danger to the safety of the building or structure to endanger the health or safety of any person; or

3.208-3.209

(c) To give or exhibit any public show, exhibition, or theatrical in any building, structure, or enclosure which is unsafe from any cause; or

(d) To cause or allow any exit from any building or enclosure to become obstructed when people are inside said building or enclosure to witness any public amusement, exhibition or theatrical.

3.208 INSPECTIONS: It shall be the duty of the Chief of Police to see that every exhibition, amusement, theatrical or other public show or amusement is inspected by a member of the police department to ensure conformity with the provisions concerning such amusements. The Chief of Police and the Fire Marshall shall make such inspections as may be necessary to ensure compliance with the provisions of this Article,- and shall be admitted free to every public show, theatrical, carnival, or other amusement in the City at every performance.

3.209 PENALTY: Any person violating any of the provisions of this Article shall be subject to a fine of not less than Twenty- five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each such violation. Each day such violation is committed or permitted to continue shall constitute a separate offense. The revocation of any license shall not be considered a recovery or penalty to bar enforcement of any other penalty that may be applicable.

ARTICLE 3. LIQUOR LICENSE

3.301 DEFINITIONS: Unless the context otherwise requires, the following terms as used in this Article shall be construed according to the definitions given below:

(a) Alcoholic Liquor - And spirits, wine, beer, ale, or other liquid containing more than one-half of one percent of alcohol by volume which is fit for beverage purposes.

(b) Beer - Any beverage obtained by 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.

(c) Restaurant - Any public place as defined by the present Illinois Liquor Control Law to be a restaurant.

(d) Hotel - Any building or structure as defined by the present Illinois Liquor Control Law to be a hotel,

(e) Club - Any club as defined by the present Illinois Liquor Control Law to be a club,

(f) Retail Sale - The sale for use and consumption and not for resale.

(g) Wholesale - The sale for resale and not for consumption.
(Ord. 156, S. 1)

3.302 LICENSE REQUIRED: It shall be unlawful to sell or offer for sale at retail, or possess for sale at retail any alcoholic liquor within this city without having a license to do so. (Ord. 156, S. 2)

3.303 APPLICATION: Applications for such licenses shall be made to the Mayor in writing, signed by the applicant, if an individual, or by a duly authorized agent if a corporation, verified by oath or affidavit, and shall contain the following information and statements:

(a) The name, age, and address of the applicant if an individual, or in the case of a co-partnership, the persons entitled to share in the profits thereof, and the case of a corporation, the objects for which it is organized, the names and addresses of the officers, directors, and stockholders.

(b) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.

(c) The character of the business of the applicant, and in the case of a corporation, the objects for which it was formed.

(d) The length of time that said applicant has been in business of that character, or in case of a corporation, the date on which its charter was issued.

(e) The amount of goods, wares, and merchandise on hand at the time application is made.

(f) The location and description of the place or premises of the business which is to be operated under such License.

(g) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license because of any matter or thing contained in any of the ordinances of this City, or the laws of this State.

(h) A statement that the applicant will not violate any laws of the State, or of the United States or any ordinances of the said City.

(Ord. 156, S. 3)

3.304 RESTRICTIONS ON LICENSES: No license shall be issued to:

- (a) Any person who is not a resident of this City.
- (b) A person who is not of good character and reputation in the community in which he resides.
- (c) A person who is not a citizen of the United States.
- (d) A person who has been convicted of a felony as defined by the laws of the State of Illinois.
- (e) A person who has been convicted of or is keeping a house of ill-fame.
- (f) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
- (g) A person whose license issued under this ordinance has been revoked for cause.
- (h) A co-partnership, unless all the members of such co-partnership -shall be qualified to obtain a license.
- (i) A corporation, if any officer, manager, director, or any stockholder, would not be eligible to receive a license hereunder for any reason, except citizenship and ' residence of the stockholder.
- (j) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications as the licensee.
- (k) A person who has been convicted of a violation of any Federal or State law or any ordinance of this City relative to the sale of alcoholic liquors or concerning the manufacture, sale, or possession of alcoholic liquor, after the passage of this Ordinance, or shall have forfeited his bond to appear in court to answer charges for any such violation.
- (l) A person who does not 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.
- (m) Any law-enforcing public official, mayor, alderman;

and no such official shall be interested in any way, either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor.

(n) Any person, association, or corporation not eligible for a state license under the State laws.(Ord. 156, S. 4) , "

3.305 TERM OF LICENSE: Each license shall terminate on the * thirtieth (30th) day of June following its issuance. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year before the issuance of the license. (Ord. 156, S. 5)3.306 - 3.308

3.306 CLASSES AND FEES: Such licenses shall be and are hereby divided into the following classes:

(a) Class A: A license which shall license the sale at retail on the premises specified of alcoholic liquor. The annual license fee for such a license is One Thousand Dollars (\$1000.00).

(b) Class B: A license which shall authorize the sale at retail on the premises specified of alcoholic liquors by non-profit corporations or organizations. The annual license fee for such a license to be Fifty Dollars (\$50.00).

(c) Class A licenses to sell at retail on the premises • specified alcoholic liquor shall be limited to five (5).

(d) Class B licenses which shall be issued to authorize the sale at retail on the premises specified of alcoholic liquor by non-profit organizations or corporations shall be limited to one (1).

(e) There shall be no other licenses issued in the City of Shawneetown for the sale of alcoholic liquor or beer other than those above provided for,
(Ord. 291, S. 1, 2, 3, 4)

3.307 PAYMENT OF FEES: All such fees shall be paid to the Mayor at the time the application is made and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant; If the license is granted then the fee shall be deposited in the general corporate fund of the City. (Ord. 291, S. 5)

3.308 PROPER LICENSE REQUIRED FOR SALE: It shall be unlawful for any person, firm or corporation, or any agent, servant, or employee thereof to sell at retail alcoholic liquor within the City without having a license so to do, or for any person, firm, or corporation, or any servant, agent, or employee thereof having a wholesale license to sell or deliver alcoholic liquor at retail, or to any person, firm, or corporation not having a license to retail alcoholic liquors; or for any person, firm or corporation or any agent, servant, or employee thereof having a license to sell alcoholic liquor at retail to sell any alcoholic liquor at wholesale; or for any person, firm or corporation, agent, servant, or employee thereof having a license to sell alcoholic liquor not to be drunk on the premises to sell any alcoholic liquor except in the original package as purchased by him, or to allow any alcoholic liquor to be drunk on the premises licensed or on any adjacent premises controlled by the licensee.

3.309 RECORDS: The Mayor shall keep a record of all licenses issued by him and upon issuing the same shall notify the City Clerk, City Treasurer, and Chief of Police in writing; also if he shall revoke any such license he shall likewise notify such officers. (Ord. 156, S. 9)

3.310 NON ASSIGNABILITY: All licenses are declared personal privileges and cannot be transferred from one person, firm, or corporation to another person, firm, or corporation. (Ord. 197, S. 2)

3.311 PEDDLING OF LIQUOR PROHIBITED: It shall be unlawful to peddle alcoholic liquor within the City. (Ord. 156,S. 11)

3.312 PREMISES TO BE KEPT CLEAN: All premises used for the retail sale of alcoholic liquor, or for the storage of such liquor for sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the ordinances regulating the conditions of premises used for the storage or sale of food for human consumption. (Ord. 156, S. 12)

3.313 DEFINITION OF RESIDENTIAL AREA: It is hereby determined and declared that the following described portions of the City of Shawneetown are predominately residential in character; the entire City of Shawneetown, except

(a) Those lots fronting on Shawnee Avenue (Ord. 234)

(b) That part of the Housing Authority Addition to the City of Shawneetown marked on the map of said Addition "Civic Building" fronting on Lincoln Boulevard East between McClernand Avenue and Posey Avenue (Ord. 234)

(c) Lots one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10) and eleven (11) in Unit "C" of the Housing Authority Addition to the City of Shawneetown. (Ord. 250)

3.314 SALES IN RESIDENTIAL AREAS PROHIBITED: The City shall not issue a license for sale at retail on any premises in the City defined in Section 3-313 above to be predominately residential.(Ord. 156, S. 14)

3.315 PERSONS WITH DISEASES PROHIBITED FROM WORKING: It shall be unlawful to employ in any such premises used for the sale of alcoholic liquor any person who is afflicted with or is a carrier of any contagious, infectious, or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any such premises or to engage in

any way in the handling, preparation or distribution of such liquor.
(Ord. 156, S. 15)

3.316 DISTANCE FROM CHURCH OR SCHOOL: No license shall be issued for the sale at retail of alcoholic liquor within one hundred (100) feet of any church or school. (Ord. 291, S, 16)

3.317 HOURS: A) It shall be unlawful to serve, distribute, sell, or offer for sale at retail an alcoholic liquor by any establishment owning a Liquor License being granted by the City except for the following days and times:

1) Monday through Saturday: 7 AM until 1 AM (including Sunday 1 AM)

2) Sunday: 12 Noon until 12 Midnight.

(B) All persons holding a Class A license under this chapter shall have their interior place of business cleared of all patrons, customers, and other persons and all lights therein extinguished within 30 minutes after closing time which shall be at 1:00 AM Monday-Saturday (12 Midnight Sunday night). "Last Call" is advised to be made known 30 minutes prior to closing time. All patrons should be removed from the premises within our hour of closing.

(C) The premises shall not reopen liquor sales until 7:00 AM on Monday-Saturdays and 12 Noon on Sundays.

(d) Those establishments holding a Class A license are advised to seek law enforcement aid and document such calls as to show an attempt to clear patrons not wishing to abide by the City Ordinance.

(E) The 12-month rolling time period penalties for establishments found to be in violation of the stated ordinance by way of local law enforcement are as follows:

1st offense-Verbal warning that will be signed by the person in charge of establishment and officer in charge. The 12-month rolling time period starts on the day of 1st offense.

2nd offense-\$250 fine is to be paid to the City of Shawneetown at City Hall.

3rd offense-\$500 fine to be paid to the City of Shawneetown at City Hall and a 5-day ban on liquor sales. If a violator is to be found selling alcohol during this time period, they will be prosecuted as one without a valid license.

4th and all subsequent offenses-\$1000 fine to be paid to the City of Shawneetown at City Hall and a 5-day ban on liquor sales. If a violator is to be found selling alcohol during this time period, they will be prosecuted as one without a valid license.

(F) All fines shall be made payable to the "City of Shawneetown", paid at the City Hall, and establishments shall not be allowed to sell alcohol until fine is paid. **(Amended with Ordinance No. 04102023)**

3.318 CLEAR VIEW REQUIRED: No license shall be issued to sell alcoholic liquor on any premises except on the first or ground floor, and in premises upon which the sale of alcoholic liquor for consumption on the premises is licensed. No screen, blind, curtain, partition, article, or thing shall be permitted in the windows or upon the doors of such licensed premises nor inside such licensed premises, which shall prevent a clear view into the interior of such licensed premises from the street or sidewalk at all times, and no booth, screen, partition, or other obstruction, nor any arrangements of lights shall be permitted in or about the interior of such premises which shall prevent a full view of the entire interior of such premises from the street or sidewalk, and said premises shall be so located that there shall be a full view of the entire interior of such premises from the street or sidewalk. All rooms where alcoholic liquor is sold for consumption on the premises shall be continuously lit during the business hours by natural light or artificial white light so that all parts of the interior of the premises shall be visible. The Mayor shall have the right before issuing any license or afterward to require plans of the premises to be licensed or that are licensed to be filed with him showing clearance of view and description of said premises, generally. The provisions of this

Section do not apply to premises holding a class B license. (Ord. 156, S. 18, Ord. 238)

3.319 REVOCATION: The Mayor may revoke any license issued hereunder for any violation of this Article or any amendment thereto whether the licensee is convicted therefor or not, and in case any license is revoked no part of the license fee shall be returned. (Ord. 156, S. 19)

3.320 CARD PLAYING PROHIBITED: It shall be unlawful to play cards in or upon any premises licensed under this ordinance and it shall be unlawful to play cards in any restaurant, pool room, barber shop, or other public place within the City or for any person owning or controlling or managing any such licensed premises, restaurant, pool room, barber shop or other public place to permit card-playing therein. (Ord. 156, S. 22)

3.321 SALE TO MINORS, ETC. PROHIBITED: No licensee shall sell, give, or deliver alcoholic liquor to any minor or any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, or insane, feebleminded, or distracted person. (Ord. 156, S. 23)

3.322 MINORS PROHIBITED: It shall be unlawful for and no licensee shall permit any minor to frequent, enter, attend, loiter, or loaf on or in the premises where alcoholic liquor is sold or consumed as herein provided for. (Ord. 309, S. 2)

3.323 INSPECTIONS. The Mayor or any other peace officer of the City shall have the right at all times to inspect or search any premises licensed hereunder without a search warrant. (Ord. 156)

3.324 PENALTY: Any person, firm, or corporation violating any of the provisions of this Article shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each

offense, and each sale in violation hereof shall constitute a new offense. (Ord. 156)

AN ORDINANCE AUTHORIZING THE OPERATION OF QUALIFIED GOLF CARTS, UTILITY-TERRAIN VEHICLES {not intended for 4 wheelers) ON STREETS UNDER THE JURISDICTION OF THE CITY OF SHAWNEETOWN, ILLINOIS.

FILED
COUNTY CLERK AND RECORDER

APR 22 2013

Elizabeth Wargel
GALLATIN COUNTY

ORDINANCE NO. 482013

WHEREAS, the City Of Shawneetown has determined that the operation of qualified golf carts, utility terrain vehicles, (not intended for 4-wheelers) should be allowed under certain conditions on the streets under the jurisdiction of the City Of Shawneetown, Illinois; and

WHEREAS, THE Illinois Vehicle Code Section 625 ILCS 5/11-1428(c) authorizes municipalities, by ordinance to permit qualified golf carts to operate in the streets under the jurisdiction of the municipality; and

WHEREAS, the Illinois Vehicle Code Section 625 ILCS 5/11-1426(d) authorizes municipalities by ordinance to permit qualified utility terrain vehicles as defined therein as "Neighborhood Vehicles" to be operated on the streets under the jurisdiction of the municipality if public safety would not be jeopardized:

WHEREAS, the City of Shawneetown has considered the volume, speed, and character of the traffic on the streets within its jurisdiction and has determined that subject to the conditions stated herein and the provisions of 625 ILCS 5/11-1428(c) and 625 ILCS 5/11-1426(d), has determined that qualified golf carts and utility-terrain vehicles, as defined herein, may safely operate on the streets within the jurisdiction of the city.

WHEREAS, the City Of Shawneetown shall enact an ordinance which shall allow qualified golf carts and utility-terrain vehicles (not intended for 4-wheelers) to operate on municipal streets upon the terms and conditions stated herein.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF SHAWNEETOWN, ILLINOIS AS FOLLOWS:

A. Golf carts and utility-terrain vehicles (not intended for 4-wheelers), as defined and qualified herein shall be allowed on city streets under the conditions stated herein.

B. Definitions:

1. A "Golf Cart" is defined as a motorized vehicle with three or four wheels that is not designed to be operated at a speed more than twenty-five miles per hour (25 M.P.H.) and whose purpose can include, but is not limited to, the playing of golf and has bench seating for each occupant and a steering wheel for control.

2. "Utility-Terrain Vehicle" (not intended for 4-wheelers) shall mean a self-propelled motor vehicle with four or more tires, has bench or bucket seating for each occupant, and a steering wheel for control. All of which conform to the federal regulations under Title 49 C.F.R. Part 571.500.

3. "City Streets" means any of the streets within the boundaries of the City of Shawneetown.

C. Requirements:

All persons wishing to operate a golf cart or a utility-terrain vehicle on the city streets must ensure compliance with the following requirements.

1. Proof of current liability insurance.
2. Must be certified with the city and have the vehicle certified with the city by inspection by the Chief of Police or designated representative.
3. Must comply with the published "Rules Concerning Alternate Transportation for the City of Shawneetown" as periodically updated.
4. Must have the city decal displayed on the rear of the vehicle.
5. Must have a current, valid Illinois driver's license.
6. Golf carts must be equipped as follows:
 - a. Horn;
 - b. Brakes and Brake lights;
 - c. Turn Signals;
 - d. A Steering Wheel Apparatus;
 - e. Tires;
 - f. Rearview Mirror; or 2 side view mirrors
 - g. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709)
 - h. Photocopy of applicants liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
 - f. Such other information the city may require

3. No permits shall be granted unless the following conditions are met:

a. The vehicle must be inspected by the Shawneetown Chief of Police or designated representative to insure that the vehicle is safe to operate on city streets and is in compliance with this ordinance and with the State of Illinois Motor Vehicle Code;

b. A physically handicapped applicant must submit a certificate signed by a physician certifying that the applicant is able to safely operate a qualified golf cart or utility-terrain vehicle on city streets;

c. The applicant must provide evidence of valid insurance in compliance with provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicles to be operated on the roads of the State of Illinois.

4. The city may suspend or revoke a permit granted hereunder upon finding the holder thereof has violated any provision of this ordinance or there is evidence that permittee cannot safely operate a qualified golf cart or utility terrain vehicle on the designated roadways.

F. Violations:

Any person who violates any provisions of this ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine of \$75.00 and the possibility of revocation of the permit. If the permit is revoked the subject must meet with the City Council and Chief of Police to go over the reason for revocation. If it is agreed by City council that permit can be reissued then the subject shall pay \$50 to reestablish his permit. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than one (1) or more than five (5) years. To the extent that any violation of this ordinance also constitutes a violation of a criminal

prosecution, then the violator shall also be subject to criminal prosecution.

G. Miscellaneous:

1. In the event that a court of competent jurisdiction declares any particular provision of this ordinance to be invalid or unenforceable the remaining provisions of this ordinance shall be construed to be valid and enforceable. The invalidity of any part of this ordinance shall not affect any part of parts thereof.

2. This ordinance shall be in full force and effective from and after passage and approval as provided by law.

3. Any ordinance or portion thereof, of the City of Shawneetown which is contrary to this ordinance shall be deemed to be repealed.

Application for Golf Cart or Side by Side
Permit for City of Shawneetown

Name of Applicant _____ Date of Birth _____
Address of Applicant _____
Driver's License Number _____
Name of Insurance Company _____
Phone Number for Insurance Company _____
Policy Number _____

When application is turned in a copy of your insurance on the vehicle that you are applying for must be left with application along with a copy of driver's license. We don't make copies!

DO NOT FILL OUT BELOW THIS LINE

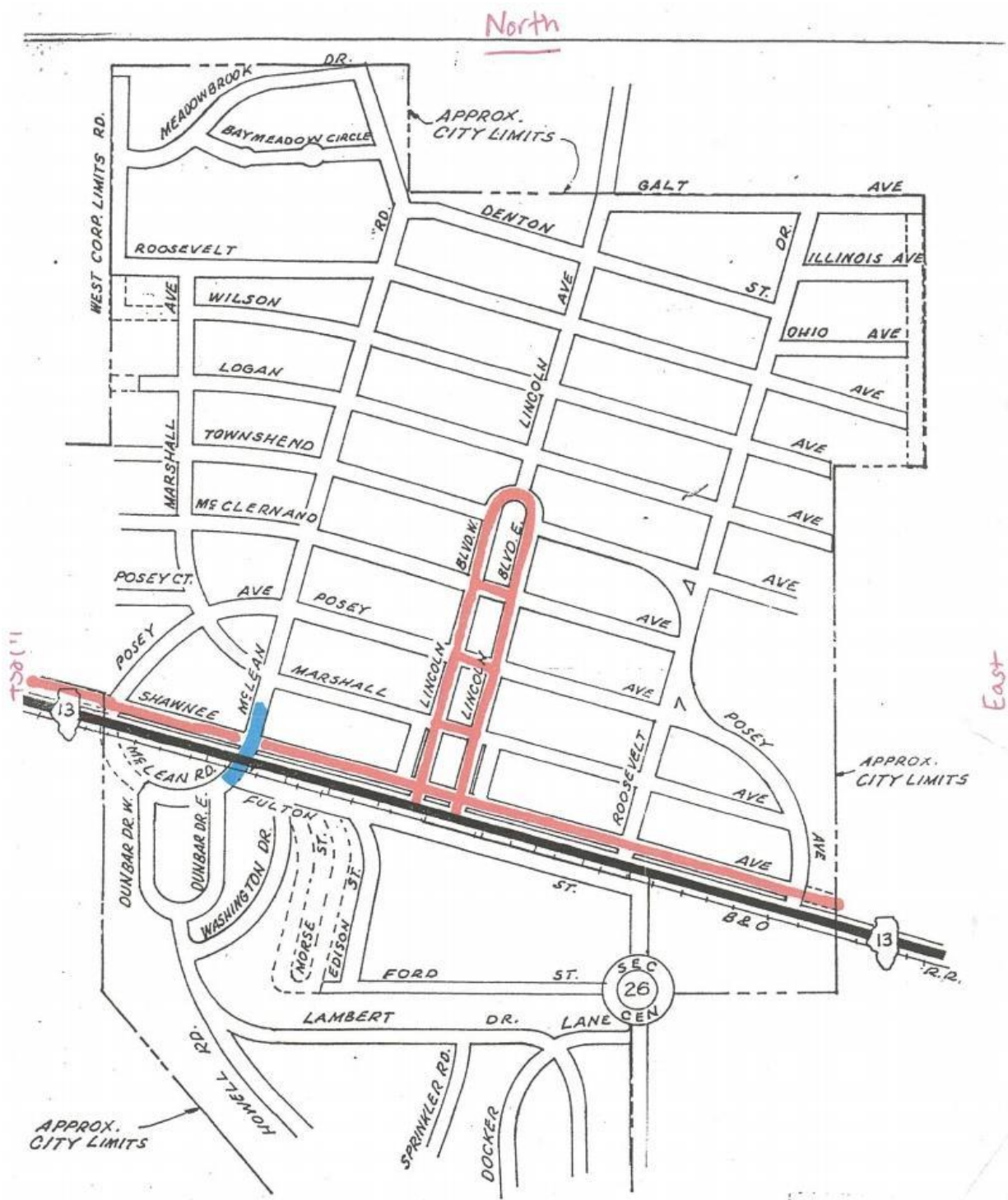
The vehicle under review must be in 100% compliance with the equipment list below

- Horn
- Rearview Mirror or 2 side view mirrors
- Brakes and Brake lights
- Headlights that emit a white light visible from a distance of 300 feet to the front of the vehicle which is illuminated when in operation
- Turn Signals
- Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709)
- Steering Wheel Apparatus
- Tail Lamps that emit red light visible from a distance of 100 feet from the rear of the vehicle which is illuminated when in operation
- Tires
- Any additional requirements which may be Amended to the Illinois Vehicle Code or 625 ILCS 5/11-1428.

Name of Officer doing inspection _____

Signature of Applicant _____

Fee of \$50 must be paid after inspection to the City of Shawneetown City Clerk



North

East

11100

Spindle

ARTICLE 4. PEDDLERS AND ITINERANT MERCHANTS

3.401 DEFINITIONS: Now for this Article, the following words as used herein shall be construed to have the following meanings:

(a) Soliciting shall mean and include any one or more of the following activities: seeking to obtain orders for the purchase of goods, wares, merchandise, and services of any kind, care, or description whatsoever for any kind of consideration; or seeking to obtain prospective customers for application for purchase of insurance of any size, kind, or character; or seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every type or kind of publication.

(b) Residence shall mean and include every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.

3.402 CERTIFICATE OF REGISTRATION: No person shall engage in soliciting from a person or persons in a residence within this City without having on his or her person a current, valid Certificate of Registration issued to said person as hereinafter provided.

3.403 APPLICATION: Application for Certificate of Registration shall be made to the City Clerk. Applicants shall truthfully state in full the information requested on the application, to-wit:

(a) Name and address of present place of residence and length of residence at such address; and business address if other than residence address;

(b) Name and address of the person, firm, corporation, or association whom the applicant is employed by or whom he represents ;

(c) Age of applicant;

(d) period for which the certificate is applied for;

(e) Description sufficient for identification of such matter of solicitation which the applicant will engage in;3.403 - 3.408

(f) The date or approximate date of the latest previous application for a certificate under this Article, if any;

(g) Whether a Certificate of Registration issued to the applicant under this Article has ever been Revoked;

(h) Whether the applicant has ever been convicted of a violation of any of the provisions of this Article or Ordinance of any other Illinois municipality regulating solicitors;

(i) Whether the applicant has ever been convicted of a felony;
and

(j) Any additional information that the Clerk deems necessary.

3.404 FEE: The fee for a Certificate of Registration shall be Five Dollars (\$5.00) for each day certificate.

3,405 ISSUANCE: Upon review of an application to ensure its accuracy, the City Clerk is authorized to issue a Certificate of Registration within forty-eight (48) hours of receiving such application, Said Certificate shall be in the form prescribed in Section 3,106 of this Code and shall state the dates during which soliciting is permitted,

3.406 COMPLIANCE WITH OTHER PROVISIONS: The holder of any Certificate of Registration issued by the City shall comply with such other provisions of Article 3.1 of this Code as are appropriate. Any such holder failing to comply with the provisions of this Article or Article 3.1 shall be liable to revocation of such license as provided by Section 3.114 of this Code.

3.407 TIME LIMIT ON SOLICITING: It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Article or not, to go upon any premises and ring a doorbell upon or near any door of a residence located thereon or rap or knock on any door or create any sound in any other manner calculated to attract the attention of the occupant thereof and engage in soliciting as herein defined prior to nine o'clock (9:00) A.M. or after sunset of any weekday or at any time on a Sunday or a State or National holiday.

3.408 SELLING PROHIBITED FROM DOWNTOWN: It shall be unlawful for any person or persons whether or not licensed under the provisions of this Article in the highly congested area for travel and transportation of the City, that is on the streets or sidewalks of the City embracing Lincoln Boulevard East and Lincoln Boulevard West between Shawnee Avenue and Posey Avenue, to sell, offer for sale, or solicit to purchase any article of merchandise including magazines, newspapers, circulars, pamphlets, or other printed articles. (Ord. 231, S. 1)

3.409 DISTRIBUTING PROHIBITED FROM DOWNTOWN: It shall be unlawful for any person or persons, whether or not licensed under the provisions of this Article, in the highly congested area for travel and transportation of the City, that is on the streets or sidewalks of the City embracing Lincoln Boulevard East and Lincoln Boulevard West between Shawnee Avenue and Posey Avenue, to distribute, give away, disburse, or offer to Give away or distribute any article of merchandise including magazines, newspapers, circulars pamphlets or other printed articles. (Ord. 231, S. 2)^

3.410 DISTRIBUTING RESTRICTED: It shall be unlawful for any person or persons to distribute, disburse, or place in any automobile or any home in the City of Shawneetown, any magazine, newspaper, circular, or pamphlet, without the permission of the ot-mer of said automobile or house or premises. (Ord. 231, S. 3)

3.411 RECORDS: The Clerk shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Article and of the denial of application. Applications for certificates shall be numbered in consecutive order as filed and every certificate issued and any renewal thereof shall be identified with a duplicate number of the application upon which it was issued.

3.412 PENALTY: Any person violating any of the provisions of this Article shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each such violation. Each day such violation is committed or permitted to continue shall constitute a separate offense. The revocation of any certificate shall not be considered a recovery or penalty to bar enforcement of any other penalty that may be Applicable.

ARTICLE 5. CIGARETTE SELLERS

3.501 LICENSE REQUIRED: It shall be unlawful for any person or persons, firm or corporation to sell any cigarettes, cigarette papers, or tobacco containing cigarette papers, within the City of Shawneetown, without first procuring a license so to do, which license shall be issued by the City Clerk to any person presenting the treasurer's receipt showing that he has paid for the same at the following rate, to-wit: for one year or any period less than a year, Five Dollars (\$5.00). Any person, firm, or corporation violating any provisions of this Section shall be fined not less than Three Dollars (\$3.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Ord. 114, S. 1)

3.502 SELLING TO MINORS: It shall be unlawful for any person or persons or firm or corporation to sell cigarettes, cigarette papers, or tobacco containing cigarette papers within said City of Shawneetown, to any person under the age of sixteen (16) years. Any person, firm, or corporation violating any of the provisions of this Section shall be fined not less than Three Dollars (\$3.00) nor more than One Hundred Dollars (\$100.00) for each offense. (Ord. 114, S. 2)

ORDINANCE NO. 0910-2018-1

AN ORDINANCE AMENDING ARTICLE 3 of the Shawneetown Municipal Code about liquor licenses and provisions as defined in 3.301, et seq., of the Municipal Code of the City of Shawneetown, Illinois of 1976.

WHEREAS, the City of Shawneetown (hereafter City) has heretofore passed and approved certain Ordinances, including Ordinance 156, about the regulation and sale of alcoholic liquor, and such have been subsequently amended, in part, by other ordinances, and restated in code form as Article 3- Liquor License, more fully outlined in Sections 3.301 through 3.324 of the Municipal Code of the City of Shawneetown, Illinois of 1976; and

WHEREAS, the City now further amends the aforesaid Ordinances and Shawneetown Municipal Code about the subject of liquor license, control, and regulation, and, in particular, the provisions concerning hours of operation for the sale of alcoholic liquor by any establishment licensed to sell alcoholic liquor for consumption on the premises, or otherwise.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMEN

(CITY COUNCIL) OF THE CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS, AS FOLLOWS:

1. **Section 3.317 HOURS** of Article 3 Liquor License of the Shawneetown Municipal Code of 1976, shall be amended to read as follows:

3.317 HOURS: It shall be unlawful to serve, distribute, sell, or offer for sale at retail any alcoholic liquor in the City of Shawneetown, Illinois, except for the following days and times:

A. Monday through Saturday: 7 a.m. until 1 a.m. of the day following.

B. Sunday: 12 Noon until Midnight.

All times herein shall be the current prevailing time, whether standard or daylight savings time.

2. The remaining portions of other Ordinances and provisions of Article 3 Liquor License of the Shawneetown Municipal Code not in conflict with this Amendment are hereby ratified and reaffirmed.

3. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form as provided by law.

4. This Ordinance shall be published in pamphlet form and made available to the public as provided by law.

PASSED AND APPROVED this 10th day of September 2018, under roll call vote as follows:

AYES: 2 Lisa Smith, Michael Blain

NAYS: 2 June Rushing, Steve Wood

ABSENT: 2 Michael Rushing, Brandon Vickery

MAYOR: Mayor David Barker votes aye, breaking the tie vote of 2 aye and 2 nay.

This Amendment/Ordinance passed by a vote of three (3) aye, two (2) nay, and two (2) absent

CITY OF SHAWNEETOWN

By *David Barker*
David Barker, Mayor

ATTEST:

Nancy Larkin
Nancy Larkin, City Clerk



CERTIFICATION OF ORDINANCE
THE CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS

The undersigned, duly elected, qualified and acting Clerk of the City of Shawneetown, Gallatin County, Illinois, does hereby certify that attached hereto is a true and correct copy of the Ordinance No. 0910-2018-1, being an Ordinance amending Article 3 Liquor License of the Shawneetown Municipal Code of 1976.

Dated this 10th day of September, 2018.

Nancy Larkin
Nancy Larkin
City Clerk



CHAPTER 4. PUBLIC HEALTH

ARTICLE 1. BOARD OF HEALTH

4.101 COMPOSITION: There shall be appointed by the Mayor, by and with the consent of the City Council, a Board of Health in and for the City, which shall consist of an Alderman from each Ward and three (3) members appointed by the Mayor and the Mayor shall be ex-officio President of said Board of Health. (Ord. 9, S. 1)

4.102 COMPENSATION: The medical members of said Board shall not receive any compensation whatever for their services on said Board and the Health Officer, as hereinafter provided for, shall not receive any compensation whatever for his services to the City. (Ord. 90)

4.103 TERM OF OFFICE: The members of the Board of Health shall be appointed as soon after the city election in April as is practicable and their term of office shall be for two (2) years or until their successors shall be appointed. (Ord. 9, S. 3)

4.104 HEALTH OFFICER: The Mayor, by and with the consent of the City Council, shall designate one of the medical members so appointed on said board to be the Health Officer of the city, who shall be a Legally qualified physician, possessed of the requisite knowledge of sanitary science, and of preventative medicine; and it shall be the duty of the Health Officer to assist and advise the Board in all matters relating to the public health, and to superintend and assist in the enforcement and observance of all ordinances of the city relating to the public health. The Health Officer shall be the Secretary of the Board of Health. (Ord. 9, S. 4)

4.105 DANGEROUS PREMISES: Whenever it shall come to the knowledge of the Board of Health that the condition of any building or premises is injurious to health or dangerous to the lives of the occupants or the public, it

shall be the duty of the Health Officer, or the Chief of Police, under the direction of the Health Officer, to make a thorough examination of the building or premises and to direct or instruct as to the remedy of such condition, and if this be not remedied within a reasonable time, he shall report the facts to the Board of Health, who shall thereupon cause such building or premises to be put in good sanitary condition, at the cost of the individual responsible for, or causing or permitting such unreal thy condition, to be recovered in an action at law, and in addition thereto, the party or individuals may be prosecuted for maintaining a nuisance. (Ord. 9, S. 5)

4.106 JURISDICTION OVER SCHOOLS: The Board of Health shall have jurisdiction in all matters about the preservation of the health of those in attendance at the public and private schools in the City, to which end it is hereby made the duty of the Board of Health:

(a) To require that all persons attending said schools, either as teachers or pupils, shall have presented satisfactory evidence of proper and satisfactory vaccination;

(b) To exclude from said schools any person suffering from a contagious or infectious disease, or liable to convey such disease to those in attendance;

(c) To make regular inspections of all school buildings and premises as to their hygienic conditions, and to report the result of such inspections to the City Council, and to those having charge and control cf such schools, with instructions as to the remedy of such conditions, where the health of those in attendance may be impaired or life endangered by a continuation of such conditions. (Ord. 9, S. 6)

4.107 RULES AND REGULATIONS CONCERNING DISEASES: The Board of Health shall make such rules and resolutions as they may deem necessary, concerning cholera, small-pox, yellow fever, diphtheria, scarlet fever, typhoid fever, and all other contagious and infectious diseases, and it shall be the duty of the Health Officer, the Chief

of Police, and every officer of the City to see that the rules and regulations of the Board of Health shall be enforced, and They are hereby enjoined and commanded to assist in the enforcement of such rules and regulations.

4.108 RULES CONCERNING BURIAL: The Board of Health shall make such rules and regulations as they may deem necessary for the preservation of the public health concerning the transportation or removal of bodies of persons who have died of small-pox, cholera, yellow fever fever, diphtheria, or other contagious or infectious diseases, dangerous to the public health. (Ord. 9, S. 8)

4.109 NOTIFICATION TO STATE: It shall be the duty of the Board of Health, or the Health Officer, to act for the Board' when it shall come to his or their knowledge that any of the contagious or infectious diseases herein set forth, is, or ax in the limits of the City, to at once notify the State Board of Health of the existence of such disease, and shall subsequently cause a full report to be made by the Health Officer to the Secretary of the State Board of Health upon the blanks furnished for that purpose. (Ord, 9, S. 9)

4.110 ANNUAL INSPECTION: The Board of Health shall cause a thorough sanitary inspection of the entire area within its jurisdiction to be made under the supervision of the Board, or the ' Health Officer, at least once each year, and more often if deemed necessary by the Board, Such inspection shall include all matters affecting the public health and a report of the sanitary conditions disclosed by the inspector shall be made in writing to the City Council, and to the State Board of Health, (Ord. 9, S. 10)

4.111 OTHER DUTIES: The Board of Health shall exercise general supervision over the public health of the City, and shall make a diligent examination into all matters affecting the same. They shall promptly cause all nuisances to be abated or removed, which they may deem prejudicial or obnoxious to the public health, and may make such regulations as they think necessary to prevent the introduction or spreading of any contagious, malignant, infectious, or pestilential disease. (Ord. 9, S. 11)

4.112 PENALTY: Any person violating any of the foregoing provisions shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00); and provided further, that any persons-violating any regulation of said Board of Health shall be fined not less than Ten Dollars (\$10.00) nor more than one Hundred Dollars (\$100.00). (Ord. 77)

4.202 REGISTRATION OF DOGS: Every owner of a dog four (4) months or more of age shall cause such dog to be registered with the appropriate authorities of the County of Gallatin. Each dog so registered shall be provided by the owner with a suitable collar or harness to which the license tag for that dog shall be securely attached. Both collar or harness and license tag shall be worn by such a dog at all times.

4.203 RUNNING AT LARGE: No owner shall permit or suffer a dog to run at large within the City at any time. large at any time within the City shall be provided in Section 4.207 of this Code.
Any dog found running at taken up and impounded as

4.204 VICIOUS DOGS: No person shall keep within the City limits a vicious, dangerous, or fierce dog.

4.205 NOISY DOGS: No person shall keep any dog, whelp, bitch or other animal shut up or tied up in any yard, house or other place, which, by barking, howling, yelping, or by other noises, shall disturb the

peace and quiet of any family, individual or neighborhood. (Ord. 15, S. 23)

4.206 DECLARED A NUISANCE: Any vicious, dangerous or fierce dog, or any noisy dog which in any manner disturbs the quiet of any person or neighborhood, is hereby declared to be a nuisance and such dog shall be taken up and impounded as provided in Section 4.207 of this Code.

4.207 IMPOUNDMENT: Animals taken up under the provisions of this Article shall be impounded in some suitable place provided by the City by contract or otherwise. Such animals shall be impounded for not less than seven (7) days after the giving of notice as herein provided, unless earlier redeemed by the owner as hereinafter provided. Within thirty- six (36) hours after an animal is impounded, the person impounding said animal shall give notice thereof as follows:

(a) If the owner is known to the person, or is made known to said person within twenty-four (24) hours after such animal is impounded, and the address of such owner is reasonably ascertainable, said person shall mail notice to said owner, which notice shall show the date, time and place of impoundment and shall recite the manner by which such animal may be redeemed.

(b) If such animal does not have a county license tag upon it and the person impounding said animal does not know the name of the owner or the name of the owner is not made known to said person within twenty-four (24) hours of the impoundment of said animal, then notice shall be given by said person so impounding by posting a brief description of the size, color and breed, if known, of such animal, along with a statement of the date, time and place such animal was taken up, which notice shall be posted at the place of impoundment.

(c) The certificate of the person impounding said animal that said person has given notice as in this Section provided stating the manner and time of the giving thereof shall be sufficient and adequate proof that a notice was given as required.

4.208 REDEMPTION FROM IMPOUNDMENT: In case the owner of any impounded animal desires to make redemption thereof, he may do so on the following conditions:

(a) If such animal is a dog four (4) months or more of age, the owner shall present proof that said dog is currently registered with the County of Gallatin, and

(b) The owner shall pay the pound for the board of the animal for the period it was impounded, and

(c) The owner shall pay the penalties for violation of this Article as provided in Section 4.21.8 of this Code.

4.209 DISPOSING OF UNREDEEMED ANIMALS: Animals not redeemed from impoundment as provided herein after seven (7) days shall be humanely destroyed or shall otherwise be disposed of in such manner as may be from time to time authorized by statute of the State of Illinois.

4.210 RABIES CONTROL: The owner of any dog or other animal which exhibit clinical signs of rabies or which has bitten a person, whether or not such dog or other animal has been inoculated against rabies, shall immediately notify the City Police, and shall promptly confine such dog or other animal, or have it confined, under suitable observation. The City Police shall immediately notify the appropriate County and State authorities and shall assist said authorities as appropriate. Any dog or other animal in direct contact with such dog or other animal, whether or not the exposed dog or other animal has been inoculated against rabies, shall also be confined.

4.211 NOTIFICATION OF RABIES DANGER: It shall be unlawful for any person having knowledge that any person has been bitten by a dog or other animal to refuse to notify the City Police promptly. It shall be unlawful for the owner of such a dog or other animal to euthanize, sell, give away, or otherwise dispose of any such dog or other animal known to have bitten a person, until it is released by the County authorities.

4.212 CRUELTY TO ANIMALS:

It shall be unlawful to cruelly treat any animal or animals by overloading, overdrawing, overworking, cruelly beating or riding, torturing, tormenting, mutilating, cruelly killing, or causing or knowingly allowing the same to be done; or by cruelly working any old, maimed, infirm, sick or disabled animal or animals, or causing or knowingly allowing the same to be done; or by starving, abandoning, wilfully neglecting or abusing any animal or animals.

(Ord. 15, S. 3)

4.21.3 KILLING DANGEROUS ANIMALS: It shall be lawful for City police officers or their designees to kill any vicious animals at large found within the limits of the City, which cannot safely be taken up and impounded or which are killed while being taken up.

4.214 SLAUGHTERHOUSES PROHIBITED: It shall be unlawful to use, keep or maintain a slaughterhouse, or other place where animals are slaughtered, within the limits of the City, or so close to the same that any of the inhabitants of the City are annoyed there- by. (Ord. 15, S. 23)

4.215 ANIMALS PROHIBITED: It shall be unlawful to keep or permit to be kept any animals of the species of cattle, horse, mule, ass, swine, sheep, or goat within the corporate limits. Any such animals found within the City are hereby declared to be a nuisance and shall be impounded in accordance with the provisions of Section 4.207 above.

4.216 HOUSING UNCLEAN ANIMALS : No person shall cause or allow any stable, kennel, or other place where any animal is or may be kept to become unclean or unwholesome.

4.217 DISPOSAL OF DEAD ANIMALS: The owner or owners of any animal which shall die within the limits shall dispose of the same so as to cause no nuisance; such disposal shall be performed not later than

six (6) hours after the owner or owners have been notified, or informed, of the death of said animal.

4.218 PENALTY: 4.218 PENALTY: Any person, firm or corporation in violation of any provision of this Article shall be liable to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense. A separate offense shall be deemed committed upon each and every day on which a violation occurs or continues to occur.

FILED
SECOND JUDICIAL CIRCUIT

AUG 15 2017

Brittney Capehart
CLERK OF THE CIRCUIT COURT
GALLATIN COUNTY, ILLINOIS

FILED
COUNTY CLERK AND RECORDER

AUG 15 2017

Elizabeth A. Weyel
GALLATIN COUNTY

ORDINANCE NO. 0814-2017-1

ANIMALS

***AN ORDINANCE READOPTING IN PART AND AMENDING IN PART
ARTICLE 2 (ANIMALS) OF CHAPTER 4 (PUBLIC HEALTH) OF THE
MUNICIPAL CODE OF THE CITY OF SHAWNEETOWN, ILLINOIS OF
1976.***

WHEREAS, the City of Shawneetown City Council has determined that it is in the best interest of the welfare and safety of its citizens that Article 2 (Animals) of Chapter 4 (Public Health) of the Municipal Code of the City of Shawneetown, Illinois of 1976 be readopted in part and amended in part; and

**NOW, THE CITY OF SHAWNEETOWN, GALLATIN COUNTY,
ILLINOIS, acting through its Mayor and City Council or Board of Alderman,
does hereby ORDAIN:**

Section 1. That Sections 4.201 through Section 4.217 of Article 2 (Animals) of Chapter 4 (Public Health) of the Municipal Code of the City of Shawneetown, Illinois of 1976 are hereby readopted, and expressly ratified.

Section 2. That Section 4.218 (Penalty) of Article 2 (Animals) of Chapter 4 (Public Health) of the Municipal Code of the City of Shawneetown, Illinois of 1976 is hereby repealed in its entirety and is amended and replaced by the following:

4.218 PENALTY: Any person, firm or corporation in violation of any provision of this Article shall be liable to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense. A separate offense shall be deemed committed upon each and every day on which a violation occurs or continues to occur.

Section 3. This Ordinance shall take effect immediately upon its passage and publication in accordance with law.

YEAS: (names) Steve Wood, Lisa Smith, Michael Blain, Brandon Vickery, June Rushing

NAYS: (names) 0

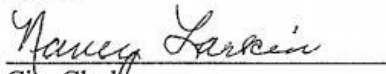
THIS ORDINANCE ADOPTED ON THIS 14th DAY OF AUGUST, 2017.

APPROVED:



Mayor
City of Shawneetown, Illinois

Attest:



City Clerk
City of Shawneetown, Illinois

CERTIFICATE OF ADOPTION

I, Nancy Larkin, the duly elected Clerk of the City of Shawneetown certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the City Council/Board of Alderman of the City of Shawneetown on the 14th day of August, 2017.

Nancy Larkin

City Clerk

City of Shawneetown, Illinois

ARTICLE 3. WEEDS

4.301 WEEDS: Any weeds such as jimson, burdock, ragweed, thistle, cocklebury, European Barberry, or other obnoxious weeds or plants found growing in or upon any lot or tract of land in the City are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place.

4.302 OVERGROWN PLANTS: It shall be unlawful for anyone to permit any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants, to grow to a height exceeding twelve (12) inches anywhere in the City; any such plants or weeds exceeding such height are hereby declared to be a nuisance.

4.303 REMOVAL NOTICE: It shall be the duty of the Chief of Police to serve or cause to be served a notice in writing upon the owner or occupant of any premises on which weeds or plants are permitted to grow in violation of the provisions of this Article, and to demand the abatement of the nuisance within ten (10) days. If the owner or occupant is unknown, the Chief of Police shall post the notice on the premises.

4.304 FAILING TO COMPLY: If such person or entity shall fail to comply with said notice, the Street Superintendent shall cause the same to be cut and the expense thereof shall be repaid to the City by the owner, person or entity in control of said premises.

4.305 CHARGES: All charges for said cutting shall be a lien upon the premises and whenever a bill for said cutting remains unpaid for thirty (30) days after the same has been rendered by the City, the Clerk shall file a lien claim as provided by statute.

4.306

PENALTY : In addition to said cutting expense, any person or entity who has allowed said nuisance to continue for more than ten (10) days after notification by the Chief of Police shall be in violation of

this Article and shall be fined the sum of Ten Dollars (\$10.00) for the first such offense, Fifteen Dollars (\$15.00) for the second such offense, Twenty Dollars (\$20.00) for the third such offense, and not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each subsequent offense and a separate offense shall be deemed committed on each and every day during or on which a violation occurs.

ARTICLE 4. GARBAGE

4.401 ACCUMULATION DECLARED A NUISANCE: The accumulation of garbage and debris upon private property within the corporate limits, and such garbage and debris are hereby declared to be a nuisance, and it shall be unlawful to permit any such accumulation of garbage and debris to remain on any lot or tract of land in the City. (Ord. 397, S. 1)

4.402 NOTICE: It shall be the duty of the Chief of Police to serve or cause to be served upon the owner of the property on which garbage and debris have accumulated in violation of the provisions of this Article and to demand the abatement of the nuisance within ten (10) days. (Ord. 397, S. 2)

4.403 ABATEMENT: If the person so served does not abate the nuisance within ten (10) days, the City may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such cost and expense shall be charged and paid by the owner of the property. 397, S. 3) ^r

4.404 LIEN: Charges for such garbage and debris removal shall be a lien upon the real estate affected, superior to all subsequent liens and encumbrances, except tax liens, if within sixty (60) days after such cost and expense is incurred the municipality, or person performing the service of removing the garbage and debris by authority of the municipality, in his or its own name, files notice of lien in the Office of the Gallatin County, Illinois, Recorder of

Deeds. The notice shall consist of a sworn statement setting out (1) a description of the real estate sufficient for identification thereof, (2) the amount of money representing the cost and expense incurred or payable for the service, and (3) the date or dates when such cost and expense was incurred by the municipalities. Notice of such lien claim shall be mailed to the owner of the premises if his address is known. However, the lien shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to removal of the garbage and debris and prior to the filing of such notice, and the lien shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice.

Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the City or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien. Failure to mail a notice of such lien to the owner of the premises or of the owner to receive such notice, shall not affect the right to foreclose the lien for such charges as provided in the following Section. (Ord. 397, S. 4)

4.405 SUIT TO FORECLOSE: The lien may be enforced by proceedings to foreclose as in case of mortgages or mechanic's liens. Suit to foreclose the lien shall be commenced within two (2) years after the date of filing notice of lien. (Ord. 397, S. 5)

CHAPTER 5. PUBLIC SAFETY
ARTICLE 1. POLICE DEPARTMENT

5.101 DEPARTMENT CREATED: Thereby created the Police Department of the City of Shawneetown. Said department shall consist of the Chief of Police and such other Police Officers and employees as the Corporate Authorities may from time to time deem it necessary to implement the provisions of this Chapter, The Department shall be under the general supervision of the Police Committee

5.102 APPOINTMENT: The Chief of Police and any police officers and employees shall be appointed in accordance with Chapter 1, Article 3 of this Code. The Chief of Police and All officers of the Police Department shall take an oath of office and shall execute a bond as provided by Chapter 15 Article 3 of this Code.

5.103 DUTIES OF THE CHIEF OF POLICE: The Chief of Police shall exercise General management and control of the Police Department:

(a) He shall supervise and be responsible for the conduct and performance of all officers and employees of said department.

(b) He shall be the custodian of all stolen goods or other property received and retained under police authority.

(c) He shall be the custodian of all vehicles, equipment, structures, and property provided by the City for the use of said Department.

(d) He shall enforce the provisions of this Chapter and make such inspections as necessary for that purpose.

(e) He shall perform such other duties as may be assigned to him by the provisions of this Code or by the Corporate Authorities.

5.104 ARRESTS: The Mayor and Aldermen, as well as every officer of the Police Department, are hereby declared to be peace officers with such powers to make arrests as are given to peace officers by statute.

5.105 DUTIES OF MEMBERS OF THE POLICE DEPARTMENT: The members of the Police Department when on duty shall devote their time and attention to the discharge of the duties of their office according to the provisions of the Ordinances of the City and the rules and regulations of the Police Department. They shall, to the best of their ability, preserve order, quiet, and peace throughout the City, and enforce the provisions of this Code, of the ordinances of the City, of the ordinances of the County, of the statutes of the State of Illinois, and the laws of the United States. When it shall come, to the knowledge of any policeman that any provision of said ordinances and laws has been violated, such policeman shall immediately cause a complaint to be made before a court and the proper witnesses to be subpoenaed and evidence procured for the successful prosecution of the offender. All police officers shall render prompt and efficient aid to each other in the discharge of their duties.

5.106 COMPLIANCE WITH POLICE OFFICER: No person shall wilfully fail or refuse to comply with any lawful order or direction of a police officer If such person knows that the person giving the order or direction is a police officer and the order or direction is an authorized act within, the official capacity of the police officer giving such order or direction.

'5.107 POLICE REPORT: The Chief of Police shall make to the Corporate Authorities at each regular meeting thereof, and also at the end of each municipal year thereof, a report in writing of the doings of his

department since the last report. Such report shall set forth the number of arrests, by whom made, and on what charge, the number of prosecutions for the recovery of fines, before what court brought, how disposed of, the amount of fines and costs assessed, and the amount collected in money or labor, together with a statement of all property received by him during the period covered by such report, by his office.

5.108 POLICE RECORD: The Chief of Police shall provide a suitable policy record which shall be kept at the City Hall and in which each officer making an arrest shall enter the name of the person arrested, where arrested, on what charge, what property, if any, was taken or found on such person, and how disposed of, and shall also record his own name as the officer making the arrest. The disposition of all cases arising out of such arrests shall be shown on such records.

5.109 SPECIAL POLICE: Special policemen for the City may be appointed by the Mayor with the advice and consent of the City Council, whenever in their opinion, the public good and the preservation of the peace may require the same. The duties of such special policemen shall be the same as the duties of Police Officers. All such special policemen shall be subject to the orders of the Chief of Police. Such special policemen shall not receive any compensation from the City for their services. (Ord. 119)

5.110 GROUNDS FOR REMOVAL OF POLICEMEN: The following offenses shall be deemed sufficient ground for removal of the Chief of Police or any member of the Police Department:

(a) Disobedience to the orders of the Mayors the City Council when in session, or the Chief of Police.

(b) Drunkenness.

(c) Holding familiar conversation on the streets with prostitutes
or association with rowdies or gamblers.

(d) Violent, insolent, or abusive language to a superior officer or to any citizen.

(e) Drinking intoxicating liquor, wine or beer while on duty, or entering any saloon, gambling house, or house of ill fame while on duty except in the discharge of the duties of his office.

(f) Accepting or receiving from any person while in custody or after he shall have been discharged or from any such person's friends, any gratuity, gift, pay, or reward.

(g) Communicating to any person any information which may lead to the escape from arrest or punishment of persons accused of any crime, misdemeanor, or violation of this Code or any City Ordinance.

(h) Leaving his beat or post during his hours of duty except in the discharge of the duties of his office, or going to sleep during his hours of service.

(i) Charging or receiving any fee or compensation, other than his legal salary, or receiving or accepting any present or reward for police services rendered or to be rendered unless with the written permission of the Mayor, first had and obtained.

(j) Using for his own personal use. or pleasure a City police car' or other City property.

(k) Failure to enforce the ordinances of the City.

ARTICLE 2. CRIMES AND MISDEMEANORS

5.201 RESISTING OFFICERS: It shall be unlawful to resist, oppose, or obstruct any officer in the discharge of his duty, or assault or beat any officer, or any other person duly authorized or deputized by him in the discharge of his duty, or to aid, abet, or encourage any such resisting or obstructing, or to neglect, or refusing to obey any lawful order of any such officer. (Ord. 15, S. 37)

5.202 ABETTING AN ESCAPE: it shall be unlawful to rescue or attempt to rescue, or aid, abet, or encourage the rescue or escape of any person in the custody of any officer or other person having him legally in charge, or to molest or interfere with any officer or other person legally having any person in custody; or to in any man." ner aid, abet or encourage the rescue or escape or the attempt to escape from any prison of any person committed thereto; or to supply or attempt to supply any such person with any weapon or implement or means of escape; or for attempting to escape.

5.203 IMPERSONATING AN OFFICER: It shall be unlawful to falsely represent oneself to be an officer of the City, or to, without authority, exercise or attempt to exercise any of the powers, duties, or functions of any City officer.

5.204 DISORDERLY CONDUCT: It shall be unlawful to commit disorderly conduct. A person commits disorderly conduct when he knowingly:

(a) Does any act in such an unreasonable manner as to alarm or disturb another and provoke a breach of the peace; or

(b) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or

(c) Transmits in any manner to the fire department of any city, town, village, or fire® protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or

(d) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such a 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

(e) Transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or

(f) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through a window or other opening in it.

5.205 TRESPASS: It shall be unlawful for any person, firm or corporation, to commit a trespass upon either public or private property. Any of the following sets by any person, firm or corporation shall be deemed to constitute a trespass in violation of the provisions of these Code.

(a) Any entry upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the entrance to said .premises or at any point of approach or entry or in the case of private property in violation of any notice, warning, or protest given orally or in writing, by any owner or one legally in possession thereof; or-

(b) The pursuit of a course of conduct or action incidental to the asking of an entry upon the land of another, including any public property, in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry a or in the case of private property, in violation of any notice, warning, or protest given orally or in writing by any owner or one legally in possession thereof; or

(c) A failure or refusal to depart from the private premises of another in case of being requested, either orally or in writing, to leave by any owner or one legally in possession of; or

(d) An entry into or upon any vehicle, aircraft, or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicles, aircraft or watercraft after, being requested to leave by the person having such a right.

5.206 CRIMINAL DAMAGE TO PROPERTY: It shall be unlawful for any person

To:

(a) Knowingly damage any property of another without his consent; or

(b) Recklessly using fire or explosion damage property of another; or

(c) Knowingly start a fire on the land of another without his consent; or

(d) Knowingly injure a domestic animal of another without his consent; or

(e) Knowingly deposit on the land or in the building of another
>
without his consent, any stink bomb or any offensive-smelling compound
and thereby intend to interfere with the use by another of the land
or
Building.

5.207 DESTROYING OR INJURING PROPERTY: It shall be unlawful to willfully or maliciously break., deface, destroy, or otherwise injure any public property or any private property of any person.

5.208 DAMAGE TO CITY PROPERTY: Any person who shall either intentionally, wilfully, negligently, or accidentally injure or damage any water meters, water mains and pipes, sewer mains and pipes, gas meters, gas mains and pipes, fire hydrants, pavements, curbs, gutters, manholes, sidewalks, trees, automotive equipment, buildings, or any other City property of any kind or description shall immediately notify the Police Department of the time, place, nature, and extent of such damage.

5.209 CONCEALED WEAPON - FLOURISHING WEAPON: It shall be unlawful to carry any concealed weapon upon or about one's person, or in a threatening manner display any pistol, knife, sling-shot, brass,' steel or iron knuckles, or a razor as a weapon, or other deadly weapon. (Ord. 15, S. 4)

5.210 DISCHARGING FIREARMS: It shall be unlawful to within the City, fire or discharge any cannon, musket, rifle, shotgun, pistol, or other firearm; provided, however, that any person may discharge any such firearms in the performance of a public act of lawful duty. (Ord. 15, S. 5)

5.211 FIREWORKS: The sale of Roman candles, firecrackers, torpedoes, and all other implements loaded with powder or any substitute therefore, commonly known as fireworks, is hereby prohibited and it shall be unlawful to explode discharge or shoot any Roman candle, firecracker, torpedo or other implement loaded with powder or any substitute therefore, commonly known as fireworks, except as hereinafter provided.

The Mayor may, in writing, give his permission for a fireworks

display on the fourth day of July or any such holiday, said display to be under the supervision of the Chief of Police. (Ord. 188, S. 1 and 2)

5.212 HUNTING: It shall be unlawful for any person to engage in killing any animal or bird other than as prescribed by Section 4.213 of this Code without a permit from the Mayor.

5.213 POSSESSION OF LIQUOR: It shall be unlawful for any person under the age of nineteen (19) to have any wine, beer, alcoholic spirits or other intoxicating liquor. It shall be unlawful for any person under the age of twenty-one (21) to have any intoxicating liquor other than wine or beer.

5.214 INTOXICATION OR POSSESSION: It shall be unlawful for any person:

(a) To be intoxicated while on any street, alley, school grounds or other public place; or

(b) To have a bottle, can, or other container of wine, beer, or intoxicating liquor which is opened or has a seal broken while on any street, alley, school grounds, or other public place; or

(c) To be intoxicated or in possession of the bottle, can or another container of wine, beer, or intoxicating liquor that is open or has the seal broken and to be disturbing the peace of the public or of his own or another family while in any private building or place.

5.215 GAMBLING: It shall be unlawful to play for money or another valuable thing at any game with cards, dice, checks, billiard balls, or with any other article, instrument, or thing whatsoever, which may

be used to bet upon or win or losing money, or any other article or thing of value, or to bet on any games others may be playing. (Ord. 15, S. 17)5.216 5.221

5.216 GAMBLING - OWNER OF PREMISES: It shall be unlawful to keep a common gaming house, or in any building, booth, yard, garden, boat or float, by oneself or agent used and occupied, to procure or permit any person or persons to frequent or come together to play for money or other valuable thing, or any game, or to keep or suffer to be kept any table or other apparatus for the purpose of playing any game or sport for money or other valuable thing, or to knowingly rent any such place for such purpose.' (Ord. 15, S. 18)

5.217 HOUSES OF ILL-FAME: It shall be unlawful to keep and maintain a house of ill-fame, or boat, or other place for the practice of prostitution or lewdness, or to patronize the same, or to let any house, room, or other premises for any such purpose, knowing the same is to be used for such purpose of prostitution or lewdness, or to keep a common ill-governed and disorderly house to the encouragement of idleness, gaming, drinking, fornication, or any other misbehavior, or frequent any such place. (Ord. 15, S. 19)

5.218 UNLAWFUL ASSEMBLIES: It shall be unlawful for any two (2) or more persons to assemble to disturb the peace, or of committing an unlawful act, and who shall not disperse when commanded or requested by any peace officer.

5.219 PERMITTING UNLAWFUL ASSEMBLIES: It shall be unlawful to knowingly suffer or permit any assemblage to disturb the peace, or of committing any unlawful act. or any breach of the peace, or any riotous, tumultuous, offensive, or disorderly conduct or any loud or unusual noise of disturbance or obscene, offensive, profane, or unseemly language, to the annoyance, disturbance, or vexation of others, in or upon any premises.

5.220 CURFEW: It shall be unlawful for any person under the age of seventeen (17) years, unless accompanied by a parent or guardian, to be found upon the streets, alleys, or other public place after 10:00 P.M. on weekdays or after 11:00 P.M. on Saturday, (Ord. 266, S. 2)

5.221 HALLOWEEN: It shall be unlawful for any person except children Under the age of fourteen (14) years to solicit candy or other goods undertake activities commonly known as "trick or treating". It shall be unlawful for any person to undertake such activities except during the hours of 6:00 P.M. to 8:00 P.M. on October 31st of each year.

5.222 PENALTY ON PARENTS OR GUARDIAN: It shall be unlawful for any parent, guardian, or other person having legal custody or control of any minor, to allow said minor to be upon the streets, alleys, or in any other public place in violation of any of the provisions of this 'Code.

5.223 PLAYING ON STREETS: It shall be unlawful to play a ball, or fly any kite, or throw any stone, brick, bat, stick, or other hard substance along, across, or over any street, alley, sidewalk, or public place, or indulge in any practice or pastime tending to annoy any person, endanger life or property, or frighten animals. (Ord. 15, S. 34)

5.224 OBSCENITIES: It shall be unlawful to place open or expose to public View, write, mark, draw, print, paste, stick, cut, or make any indecent, lewd or obscene words, sentences, designs, figures, pictures, or posters.

5.225 SPITTING: It shall be unlawful to spit or expectorate upon the floor, platform, sides, or steps of any railroad railway station, or railroad car or street car, or upon the floor, platform, step, or walls of any public buildings, halls, churches, theaters, markets,

elevators in public or private buildings, or upon any sidewalk, or any walk in any park or public place. (Ord. 61, S. 1) '

5.226 LITTERING: It shall be unlawful to cause or permit any litter to be dumped, deposited, dropped, thrown, discarded, or left upon any streets, alley, or other public place. No person shall allow litter to accumulate on real property, of which said person 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 up onto the real property of another person or onto any street, alley, or other public place. The term "litter*" means any discarded, used, or unconsumed substance or waste, including but not limited to, garbage, trash, debris, or rubbish whether of man-made or natural origin.

5.227 WATER COURSES: It shall be unlawful and a nuisance for any person, firm, or corporation to obstruct or pollute any watercourse or source of water supply.

5.228 POOLS: Any stagnant pool of water is hereby declared to be a nuisance. It shall be unlawful for any person, firm, or corporation to permit any such nuisance to remain or exist on any property under his or its control.

5.229 DENSE SMOKE: It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner, or any other agency.

5.230 DANGEROUS APPLIANCES: It shall be unlawful to abandon or discard in any Place accessible to children any refrigerator, icebox, ice chest, freezer, stove, or other appliance of a capacity of one and one-half (1½) cubic feet or more, which has an attached lid or door that may be opened or fastened shut using an attached latch. It shall be unlawful for the order, lessee, or manager of any place to

knowingly permit such an abandoned or discarded appliance to remain there in such condition.

5.231 CARCASSES, FILTH, ETC.: It shall be unlawful to cause or suffer the carcass of any animal, or any offal, filth, or noisome substance to accumulate, be deposited, collected, or to remain in any place in the City to the prejudice of others; or to throw or deposit any offal, filth, manure, or the carcass of any animal, or other offensive matter, on any street, alley or public ground, or allow the same to remain thereon. (Ord. 15, S. 23)

5.232 NUISANCES: To do any act or acts or carry on any business, or exercise any calling which by creating any annoyance or occasioning any noxious or offensive smell, or exhalation, or otherwise offensive to the peace, or dangerous to the health of any individual, family, or neighborhood is hereby declared a nuisance. It shall be unlawful for any person, firm or corporation to permit or maintain the existence of any nuisance on any property under his, her, or its control. The Police Department is hereby authorized to abate any such nuisance existing, whether such nuisance is specifically recognized by ordinance or not. (Ord. 15, S. 23)

5.233 PENALTY: Any person, firm, or corporation in violation of any provision of this Article shall be fined the sum of Ten Dollars (\$10.00) for the first such offense. Fifteen Dollars (\$15.00) for the second such offense, Twenty Dollars (\$20.00) for the third such -offense, and not less than Twenty-five Dollars (\$25.00) nor more Than Two Hundred Dollars (\$200.00) for each subsequent offense and a separate offense shall be deemed committed on each and every day during or on which a violation occurs.

ARTICLE 3. CIVIL DEFENSE

5.301 ESTABLISHMENT: There is hereby created the Civil Defense Organization to prevent, minimize, repair, and alleviate lurv or damage resulting from disaster caused by enemy attack, sabotage, or

other hostile action, or from natural disaster, in accordance- with The Illinois Civil Defense Act of 1951" as amended. This civil defense organization shall consist of the director and such additional members as may be selected by the director.

5.302 DIRECTOR: The director of the civil defense organization shall be appointed by the Mayor with the advice and consent of the City Council, and shall serve until removed by same. The director shall have direct responsibility for the organization, administration, training, and operation of the civil defense organization, subject to the direction and control of the Mayor, as provided by statute.

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

5.303 FUNCTIONS: The civil defense organization shall perform such civil defense functions within the City as shall be prescribed in and by the state civil defense plan and program prepared by the Governor, and such orders, rules, and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required under any Mutual Aid agreement with any other political subdivision, the municipality or quasi-municipality entered into as provided by "Illinois Civil Defense Act of 1951".

5.304 SERVICE AS MOBILE SUPPORT TEAM: All or any member of the civil defense organization may be designated as members of a Mobile Support Team created by the state director of civil defense as provided by law. The leader of such The Mobile Support Team shall be designated by the director of the civil defense organization. Any member of a Mobile Support Team who is a City employee or officer while serving on call to duty by the Governor, or the State Director, shall receive

the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is acting as a paid officer or employee of the City, while so serving, shall receive from the State reasonable compensation as provided by law. ,

5.305 AGREEMENTS WITH OTHER POLITICAL SUBDIVISIONS: The Director of the Civil defense organization may negotiate Mutual Aid agreements with other cities or political subdivisions of the state, but no such agreement shall be effective until it has been approved by the City Council and by the State Director of civil defense.5.305 5.309

5.306 EMERGENCY ACTION: If the Governor declares a civil defense emergency exists in the event of an actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from natural disaster, it shall be The duty of the civil defense organization is to cooperate fully with the State Office of Civil Defense and with the Governor in the exercise of emergency powers as provided by law.

5.307 COMPENSATION: Members of the civil defense organization who are paid employees or officers of the City, if called for training by the State Director of Civil Defense shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such City employees or officers shall receive for such training time such compensation as may be established by the City Council.

5.308 REIMBURSEMENT BY STATE: The State Treasurer may receive and allocate to the appropriate fund for any reimbursement by the State to the City for expenses incident to training members of the civil defense organization as prescribed by the State Director of Civil Defense, compensation for services and expenses of members of a Mobile Support Team while serving outside City in response to a call by the Governor or State Director of Civil Defense, as provided by

law, and any other reimbursement made by the State incident to civil defense activities as provided by law.

5.309 PURCHASES AND EXPENDITURES: The City Council may, on the recommendation of the Director of Civil Defense, authorize any purchase or contracts necessary to place the City in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property and provide emergency assistance to victims in the case of such disaster, or from natural disaster. Tn the event of enemy-caused or natural disaster, the Director of Civil Defense is authorized, on behalf of the Citv, to procure such services, supplies, equipment or material as may be necessary for such purposes, given the exigency without regard to the statutory procedures or formalities normally prescribed by law about City contracts or obligations, as authorized by "The Illinois Civil.Defense Act of 1951'', provided that if the City Council meets at such time he shall act subject to the directions and restrictions imposed by that body.

5.310 OATH: Every person appointed to serve in any capacity in the civil defense organization shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the Director:"I _____, . . . do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further, swear (or affirm) that I do not advocate, nor am I, nor have I been, a member

of any political party or organization that advocates the overthrow of the government of the United States or this state by force or violence; and that during such time as I am affiliated with the Civil Defense Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or this state by force or violence,"

5.311 OFFICE: The Mayor is authorized to designate space in a City building,- or elsewhere, as may be provided for by the City Council for the Civil Defense organization as its office.

5.312 APPROPRIATION - LEVY OF TAXES: The City Council may make an appropriation for Civil Defense purposes in the manner provided by law, and may levy in addition for Civil Defense purposes only, a tax not to exceed five (5) cents per One Hundred Dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by the "Illinois Civil Defense Act of 1951" as amended; however, that amount collectible under such levy shall in no event exceed .25 cents per capita.

5.313 CORPORATE AUXILIARY POLICE

CITY OF SHAWNEETOWN - ORDINANCE NO. 0311-2019-1

-
The Corporate Authority of the City of Shawneetown in Gallatin County, Illinois, hereby ordained as follows:

SECTION I. AUXILIARY POLICE.

A. Appointment. The Corporate Authority may appoint auxiliary police officers in such numbers as they form from time to time deem necessary.

B. Status. Auxiliary police officers shall not be "conservators of the peace" and shall only carry firearms while on duty, with the permission of the chief of police, and only after completing the state-certified 40-Hour Mandatory Firearms Training Course as provided under 50 ILCS 710/2. Auxiliary police officers shall not be considered to be members of the regular police department, and shall not supplement members of the regular police department of the City of Shawneetown in the performance of their assigned and normal duties except as otherwise provided herein.

C. Identification symbol. Identification symbols worn by the auxiliary police officers shall be different and distinct from those used by the regular police department.

D. Supervision. Auxiliary police officers shall, at all times during the performance of their duties, be subject to the direction and control of the chief of police of the City of Shawneetown.

E. Powers and duties. Auxiliary police officers shall only be assigned to perform the following duties in the City of Shawneetown:

1. To aid or direct traffic within the municipality,
2. To aid in the control of natural or man-made disasters, and
3. To aid in case of civil disorder as directed by the chief of police.

When it is impractical for members of the regular police department to perform those normal police duties, however, the chief of police of the regular police department may assign auxiliary police officers to perform those normal police duties.

F. Hiring standards. No person shall be hired as an auxiliary police officer who has not been fingerprinted, subject to the background check, and found to have never been convicted of a felony or other crime involving moral turpitude. No person may be hired as an auxiliary officer if he or she resides outside the limits of Gallatin County.

5.400 ADOPTION OF THE ILLINOIS VEHICLE CODE

ORDINANCE NO. 0311-2019

AN ORDINANCE REGULATING TRAFFIC

WHEREAS, the corporate authorities of the City of Shawneetown, Gallatin County, Illinois desires to promulgate rules and regulations necessary to carry into effect the regulation of traffic within the corporate limits of the City of Shawneetown.

WHEREAS, the corporate authorities of the City of Shawneetown, Gallatin County, Illinois finds that it is in the best interests of the health, safety, and welfare of the residents of the City of Shawneetown to enact a traffic control ordinance for purposes of local enforcement within the corporate limits of the City of Shawneetown; and

WHEREAS, the corporate authorities of a municipality are authorized by 625 ILCS 5/20-204 to adopt all or any portion of the Illinois Vehicle Code by reference; and

WHEREAS, the corporate authorities of the City of Shawneetown, Gallatin County, Illinois, has reviewed the Illinois Vehicle Code and has determined that it is proper and necessary to adopt the Illinois Vehicle Code to carry into effect the powers granted to municipalities under 65ILCS 5/1-2-1 and 625 ILCS 5/11-208 to regulate traffic within the corporate limits of the City of Shawneetown; and

NOW THEREFORE, be it ORDAINED by the City Council of The City of Shawneetown, Gallatin County, Illinois, as follows:

1. The City of Shawneetown hereby adopts and incorporates by reference the Illinois Vehicle Code and subsequent amendments thereto (625 ILCS 5/1-100 et seq.), and makes those paragraphs and sections

part of this ordinance with the same force and effect as though set out in full herein.

2. No person shall violate those provisions of the Illinois Vehicle Code so adopted by the City of Shawneetown.

3. Law enforcement officials of the City of Shawneetown shall be authorized to issue uniform citations or tickets to those persons, firms, and/or corporations who commit offenses described in the Illinois Vehicle Code in violation of this ordinance. Those uniform citations and tickets shall be verified as provided in Section 1-109 of the Code of Civil Procedure and shall contain, at minimum, the following:

a. The name of the prosecuting entity ("The City of Shawneetown, Illinois");

b. The name of the defendant and his or her address, if known;

c. The nature of the offense and a reference to the relevant ordinance;

d. A statement whether the defendant is required to appear in court and, if so, the date, time and place of appearance;

e. If applicable, the steps the defendant can take to avoid an otherwise required appearance;

f. A statement that the defendant may demand a jury trial by filing a jury demand and paying a jury demand fee when entering his or her appearance, plea, answer to the charge, or other responsive pleading; and

g. A statement that a default judgment may be entered in the event the person fails to appear in court or answer the charge made on the date set for the defendant's court appearance or any date to which the case is continued. The statement must also contain the specific amount of any default judgment.

4. Any violation of those provisions of the Illinois Vehicle Code adopted hereunder shall hereafter be considered a violation of this ordinance. The penalties for such violations shall be as follows:

a. Violation of any provision of the Illinois Vehicle Code as adopted

herein unless otherwise specified, or of any offenses classified as "petty" offenses under the Illinois Vehicle Code shall be punishable by a fine of not less than Seventy-Five Dollars (\$75.00) or more than Seven Hundred Fifty Dollars (\$750.00) for each offense. In addition, The penalty for such violations may also include or consist of, requirements under 65 ILCS 5/1-2-1 that the defendant complete an education program and/ or perform some reasonable public service work.

b. Offenses classified as "business" offenses under the provisions of the Illinois Vehicle Code shall be punishable as outlined in the Illinois Vehicle Code.

5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this ordinance.

6. All ordinances and/or parts thereof in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

7. This ordinance shall be in full force and effect upon its passage and publication according to law.

CONSIDERED, PASSED, AND APPROVED by the Mayor and the City Council of the City of Shawneetown, Illinois, at the regular meeting held on the 11th day of March 2019, to be effective as provided above and under vote as shown below.

YEAS: 5 June Rushing, Brandon Vickery, Michael Blain,
Melissa Charlie Lisa Smith

NAYS: 0

ABSENT: 1 Steve Wood

ABSTAINING:

CHAPTER 6. TRAFFIC

ARTICLE 1. GENERAL PROVISIONS

6.101 ADOPTION OF ILLINOIS TRAFFIC LAWS: The Illinois Rules of the Road, Chapter 11 of the Illinois Motor Vehicle Code, as the same is or may hereafter be amended, and the Illinois Vehicle Equipment Law, Chapter 12 of the Illinois Motor Vehicle Code, as the same is or may hereafter be amended, are hereby adopted in this Section and made a part of this Chapter to the same extent and with the same legal

effect as if fully set forth herein. Any violation of the Such adopted provisions shall be deemed a violation of this Chapter and be subject to penalties herein fixed. Chapter 1 of the Illinois Motor Vehicle

Code, as the same is or may hereafter be amended, insofar as said Chapter defines words and phrases used in this Chapter of this Code, is hereby adopted in this Section as definitions for the words and phrases used in this Chapter of this Code.

6.102 APPLICABILITY: The Illinois Traffic Laws as adopted herein and the provisions of this Chapter apply to persons riding snowmobiles, motorcycles, minibikes, bicycles, farm equipment, animals, or animal-drawn vehicles, except those provisions which by their nature can have no application.

6.103 LICENSE PLATES REQUIRED: It shall be unlawful for any person to operate a motor vehicle without displaying thereon valid state or territorial license plates.

6.104 MINI BIKES RESTRICTED: It shall be unlawful to operate a minibike, go kart, or other unlicensed motor-powered vehicle on any street, sidewalk, alley, or other public property.

6.105 DRIVING ON SIDEWALKS PROHIBITED: It shall be unlawful to operate an automobile, truck, motorcycle, farm machinery, or other motor-driven vehicle on any sidewalk.

6.106. VEHICLES WITH LUGS PROHIBITED: It shall be unlawful to drive or operate a vehicle with lugs on its wheels or any of its wheels on the public streets of the City. (Ord. 245, S. 1) In addition to any fine imposed for violating the provisions of this Section, any person or persons who either by himself or by his agent or employee drives or operates any vehicle with lugs on its wheels on any of the public

streets of the City and thereby 6.11injures such streets, shall be liable to the City for all damages done. (Ord. 245, S. 3)

6.107 OBSTRUCTING TRAVEL: It shall be unlawful for any person to willfully and unnecessarily hinder, obstruct, or delay, or to wilfully and unnecessarily attempt to hinder, obstruct or delay, any other person in lawfully driving or traveling along or upon any street or highway.

6.108 BUSINESS DISTRICT SPEED LIMIT: No person or persons shall drive a vehicle on Lincoln Boulevard East between Townshend Avenue and Route 13 or on- Lincoln Boulevard West between Townshend Avenue and Route 13 at a speed greater than twenty miles per hour (20 mph) (Ord. 264, S.-4)

6.109 RESIDENTIAL SPEED LIMIT: No person or persons shall drive a motor vehicle on the streets or public highways of the City where the same passes through a residential district of the City at a speed over twenty-five miles per hour (25 mph) or where the same passes through a suburban district of the City at a speed over thirty-five miles per hour (35 mph). (Ord. 264, S. 5)

6.110 SCHOOL SPEED LIMIT: It shall be unlawful to drive any vehicle on the following streets or parts thereof over twenty miles per hour (20 mph) on school days when children are present:

(a) Route 13 between Lincoln Boulevard East and the East City limits;

(b) Logan Avenue between Lincoln Avenue and Roosevelt Drive;

(c) Wilson Avenue between Lincoln Avenue and Roosevelt Drive;

(d) Lincoln Avenue between Roosevelt Avenue and Townshend Avenue.

6.111 ADJUSTING SPEED FOR CONDITIONS: The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, or when special hazards exist with respect to pedestrians or other traffic because of weather or road conditions; and speed shall be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

6.112 NOISY VEHICLES: It shall be unlawful to operate a vehicle which makes unusually loud or unnecessary noise or which is not equipped with a muffler in good working order and in constant operation.

6.113 RECKLESS DRIVING: It shall be unlawful to operate any vehicle in the City with a willful or wanton disregard for the safety of persons or property. (Ord. 265, S. 2)

6.114 PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS: It shall be unlawful for any person who is a habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive or operate a vehicle within the City. (Ord. 265, S. 3)

6.115 DRAG RACING: No person as an operator of a motor vehicle shall race any motor vehicle or engage in the practice of drag racing within the City, whether below or over the established speed limits of the City. For purposes of this Section, "drag racing" means the act of two or more individuals competing or racing on any street or highway within the City in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the one driver attempts to prevent the competing driver

from passing or overtaking him, or one or more individuals competing in a race against time on any street or highway in this City.

6.116 EXCESSIVE ACCELERATION: No operator or driver of a vehicle shall engage in any unnecessary excessive acceleration within the City, whether below or in excess of the established speed limits, and whether from a stop or not.

6.117 PENALTY: Any person, firm, or corporation in violation of any provision of this Article shall be fined the sum of Ten Dollars (\$10.00) for the first such violation, Fifteen Dollars (\$15.00) for the second such violation, Twenty Dollars (\$20.00) for the third such violation, and not less than Twenty-five Dollars (\$25.00) nor less than Two Hundred Dollars (\$200.00) for each subsequent violation.

ARTICLE 2. PARKING

6.201 NO PARKING PLACES: At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Policeman or traffic control device:

(a) In any intersection.

(b) In a crosswalk.

(c) Upon any bridge.

(d) Within thirty (30) feet of a traffic signal, beacon, or sign on the approaching side.

(e) Within twenty (20) feet of any intersection or crosswalk.

(f) At any place where the standing of a vehicle will reduce the

usable, width of the roadway for moving traffic to less than ten (10) Feet.

(g) Within fifteen (15) feet of a fire hydrant.

(h) At any place where the vehicle would block the use of a driveway.

(i) Within twenty (20) feet of the driveway entrance to the Fire Station.

(j) On any sidewalk or parkway.

(k) At any place where signs or yellow curbing authorized by The ordinance prohibits parking.

(l) On the West side of Lincoln Boulevard East between' Shawnee Avenue and McClernand Avenue. (Ord. 299, S. 1)

(m) On the East side of Lincoln Boulevard West between Shawnee Avenue and McClernand Avenue. (Ord. 299, S. 1)

6.202 PARKING FOR PURPOSE OF SALE, WASHING, GREASING OR REPAIRING: No a person shall stand or park a vehicle upon any roadway for the principal purpose of:

(a) Displaying it for sale; or.

(b) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

6.203 PARKING over FORTY-EIGHT (48) HOURS: It shall be unlawful for any person or operator of a vehicle to park such a vehicle on any street and to permit it to remain without moving the same for a span of time over forty-eight (48) consecutive hours.

6.204 OVERSIZED VEHICLES: It shall be unlawful for any truck, trailer, semi-trailer, road tractor, farm tractor, or recreational vehicle over twenty (20) feet in length to be parked:

(a) In the street in front of or adjacent to or in the yard of any residential property other than the residence of the operator or owner of such vehicle for a period longer than two (2) hours, except when loading or unloading at such residence; or.

(b) In the street in front of or adjacent to or in the yard of any residential property for a period longer than twenty-four (24) consecutive hours.

6.205 TRUCK PARKING: No trucks larger than three-fourths (3/4) ton trucks shall park on Lincoln Boulevard East or Lincoln Boulevard West between Posey Avenue and Marshall Avenue. No trucks shall park or stop on either Lincoln Boulevard East or Lincoln Boulevard West between Marshall Avenue and Posey Avenue to unload their trucks and deliver their cargo to any of the stores along the said portion of Lincoln Boulevard East or Lincoln Boulevard West is described above.
(Ord.299,S. 6 and 7)

6.206 ANGLE PARKING: No vehicle of any kind shall park on the following streets or parts thereof except at an angle of forty-five degrees (45°) only:

(a) On the East side of Lincoln Boulevard East between McClernand

Avenue and Shawnee Avenue; 6.206 6.211

(b) On the West side of Lincoln Boulevard West between McClernand Avenue and Shawnee Avenue.

The place where said vehicles may park is to be marked out in painted by the City with white or yellow lines. All vehicles of any kind parking as permitted by this Section shall park their vehicles equally distance between the lines marked by the City for said purpose. (Ord. 299, S. 8)

6.207 PARALLEL PARKING: No vehicle shall be parked on the left side of such vehicles next to the curb, except on one-way streets. streets, and it shall be unlawful to stand or park any vehicle in a street other than. parallel with the curb and with two (2) wheels of the vehicle within twelve (12) inches of the regularly established curb line, except upon those streets that have been marked for angle parking.

6.208 DOUBLE PARKING: No person or persons shall stand or park a vehicle on the roadway side of any vehicle stopped or parked at the edge or curb of a street.

6.209 ' MOVING ILLEGALLY PARKED VEHICLES: Whenever any police officer finds a vehicle standing upon a street or highway in violation of any of the provisions of this Article, such officer is authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main- traveled part of such a street or highway.

6.210 NOTICE OF VIOLATION: Every police officer shall attach to every

vehicle parking in violation of any of the provisions of this Article
a notice that

(a) such vehicle has been so illegally parked, and

(b) instructs the operator as to the procedure of paying any
fine therefore or of contesting the violation.

6.211 PENALTY: Every person who permits a vehicle to be parked in
violation of any of the provisions of this Article may, within
forty-eight (48) hours of the time when the notice required in
section 6.210 of this Code was attached to such vehicle, pay as the
penalty for, and in full satisfaction of such violation, the sum of
Three Dollars (\$3.00) and Within the next seventy-two (72) hours the
sum of Five Dollars (\$5.00). The failure of such a person to make
such payment within such seventy-two (72) hours shall render such
person subject to a fine of not less than Ten Dollars (\$10.00) nor
more than Two Hundred Dollars (\$200.00). .6.301

ARTICLE 3. STOP AND YIELD STREETS

6.301 STOP STREETS: Whenever a stop sign is placed at any
intersection, Every driver of approaching the intersection shall stop
such vehicle before

(a) Four-way Stop:

Logan Avenue and McLean Road

Logan Avenue and Lincoln Avenue

Roosevelt Avenue Lincoln Avenue

(b) Two-way Stop:

On West Marshall Avenue entering West Posey Avenue
On Shawnee Avenue entering West Posey Avenue
On Shawnee Avenue entering McLean Road
On Shawnee Avenue entering Lincoln Boulevard West
On Shawnee Avenue entering Lincoln Boulevard East
On Shawnee Avenue entering Roosevelt Drive
On Posey Avenue entering Lincoln Boulevard West
On Posey Avenue entering Lincoln Boulevard East
On Roosevelt. Drive entering Logan Avenue
On Roosevelt Drive entering Roosevelt Avenue
On Roosevelt Drive entering Posey Avenue
On McLean Road entering Posey Avenue
On Marshall Avenue entering Posey Avenue
On McLean Road entering Route 13
On Roosevelt Drive entering Route 13

(c) One-way Stop:

On Roosevelt Drive entering Galt Road
On Galt Road entering Lincoln Avenue
On Roosevelt Drive entering Shawnee Avenue from the North
On Lincoln Boulevard West entering Shawnee Avenue from the North
On McLean Road entering Shawnee Avenue from the North
On East Posey Avenue entering Route 13 from the North.
On Lincoln Boulevard West entering Route 13 from the North
On West Posey Avenue entering Route 13 from the North •
On Fulton Street entering Route 13 from the South.
On Fulton Street entering Roosevelt Drive
On Posey Court entering Marshall Avenue On Docker Lane entering
Roosevelt Drive

6.302 YIELD STREETS: Whenever a yield sign is placed at any of these intersections, every driver of a vehicle approaching said yield sign shall reduce the speed of said vehicle to not more than twenty miles per hour (20 mph), and shall yield the right of way to vehicles 'in

the intersecting street which are in the intersection or approaching so close as to constitute an immediate hazard:

(a) Two-way Yields

On Denton Street entering Lincoln Avenue
On Roosevelt Avenue entering McLean Road
On Wilson Avenue entering McLean Road
On Wilson Avenue entering Lincoln Avenue
On Wilson Avenue entering Roosevelt Drive
On Townshend Avenue entering McLean Road
On Townshend Avenue entering Roosevelt Drive
On McClernand entering McLean Road
On McClernand Avenue entering Lincoln Boulevard West
On Marshall Avenue entering Roosevelt Drive
On Marshall Avenue entering McLean Road

(b) One-way Yield:

On Logan Avenue entering Marshall Avenue from the East
On Wilson Avenue entering Marshall Avenue from the East
On Roosevelt Avenue entering Marshall Avenue from the East
On Townshend Avenue entering Marshall Avenue from the East
On Townshend Avenue entering Lincoln Blvd. West from the West
On Townshend Avenue entering Lincoln Blvd. East from the East
On McClernand Avenue entering Marshall Avenue from the West
On McClernand Avenue entering Lincoln Blvd. East from the East
On McClernand Avenue entering Roosevelt Drive from the West
On Posey Avenue entering Roosevelt Drive from the Southeast
On Marshall Avenue entering Lincoln Blvd. East from the East
On Marshall Avenue entering Lincoln Blvd. West from the West
On Illinois Avenue entering Roosevelt Drive from the East
On Ohio Avenue entering Roosevelt Drive from the East
On Denton Street entering Roosevelt Drive from the West.

6.303 PENALTY: Any person, firm, or corporation in violation of any provision of this Article shall be fined the sum of Ten

Dollars (\$10.00) for the first such violation. Fifteen Dollars (\$15.00) for the second such violation, Twenty Dollars (\$20.00) for the third such violation, and not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each subsequent violation.

ARTICLE 4. ABANDONED VEHICLES

6.401 DEFINITION: For this Article, the term "abandoned vehicle" shall mean any 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 Deserted.

6.402 ABANDONMENT ON HIGHWAY PROHIBITED: It shall be unlawful to abandon a vehicle or any part thereof on any highway. When a vehicle is abandoned on a highway for ten (10) hours or more, its removal by a towing service may be authorized by the Police Department.

6.403 ABANDONMENT ON PRIVATE PROPERTY: It shall be unlawful to abandon a vehicle or any part thereof on private or public property, other than a highway, given the general public, except on property of the owner or bailee of such abandoned vehicle. Upon discovering a vehicle so abandoned, the Police Department shall notify the owner thereof by certified mail that such owner has seven (7) days to remove such vehicle. If the owner cannot be identified, a notice requesting removal shall be attached to the windshield of such vehicle for seven (7) days. The Police Department may authorize the removal of such a vehicle by a towing service after the seven (7) day waiting period.

6.404 REMOVAL OF TRAFFIC HAZARDS: When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic

hazard because of its position about the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by the Police Department.

6.405 TOWING: When a vehicle is authorized by this Article to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason ' for towing, and the name of the officer authorizing the tow. The owner of the vehicle will be responsible for all towing costs.

6.406 RECORD SEARCHES: When the police officer authorizes the impounding of a vehicle does not know the identity of the registered owner or other legally entitled person, that officer will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information. The officer will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle.

6.407 NOTIFICATION TO OWNER: Whenever a vehicle has been removed by a towing service, the Police Department shall send a notification by certified mail to the owner or legally entitled person advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Exceptions to a notification by certified mail to the registered owner or other legally entitled persons are outlined in Section 6.410 of this Code.

6.408 RECLAIMED VEHICLES: Any time before a vehicle is sold at public sale or disposed of as provided in Section 6.409 following, the owner

or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department's proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charges have been paid.

6.409 DISPOSAL OF UNCLAIMED VEHICLES: When an abandoned, lost, stolen or unclaimed vehicle remains unclaimed by the registered owner or other person legally entitled to its possession for a . a period of thirty (30) days after notice has been given, the Police Department shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days before the sale on the premises where the vehicle has been impounded. At least ten (10) dē 's before the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle. In those instances where the certified notification specified in Section 6.407 above has been returned by the postal authorities due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.6.410 6,413

6.410 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE:

(a) When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of four (4) years of age or newer cannot be determined by any means provided for in this Article, the vehicle may be sold as provided in Section 6.409 without notice to the registered owner or other • person legally entitled to the possession of the vehicle.

(b) When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this Article, it will be kept in custody for a minimum of ten (10) days to determine ownership), the contacting of the registered owner by the U.S. Mail, public service, or in person for a determination of disposition; and, an examination of the State Police stolen vehicle files for theft and wanted information. At the expiration of the ten (10) day period, without the benefit of disposition information being received from the registered owner, the Police Department will authorize the disposal of the vehicle as junk only.

(c) A vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore it.

6.411 POLICE REPORTS: When a vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Article, a report of the transaction will be maintained by the Police Department for a period of one year from the date of the sale or disposal.

6.412 LIABILITY: A law enforcement officer or agency, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, the former registered owner, or his legal representative or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Article.

6.413 PENALTY: Any person, firm or corporation in violation of any provision of this Article shall be liable to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars

(\$500.00) for each offense. A separate offense shall be deemed committed upon each and every day on which a violation occurs or continues to occur. Such person, firm or corporation shall also be required to make a disposition on the abandoned or unclaimed vehicle. (Amended with ORDINANCE NO. 0814-2017-2)

6.414 ABONDED VEHICLES:

ORDINANCE NO. 0814-2017-2

ABANDONED VEHICLES

AN ORDINANCE READOPTING IN PART AND AMENDING IN PART ARTICLE 4 (ABANDONED VEHICLES) OF CHAPTER 6 (TRAFFIC) OF THE MUNICIPAL CODE OF THE CITY OF SHAWNEETOWN, ILLINOIS OF 1976.

WHEREAS, the City of Shawneetown City Council has determined that it is in the best interest of the welfare and safety of its citizens that Article 4 (Abandoned Vehicles) of Chapter 6 (Traffic) of the Municipal Code of the City of Shawneetown, Illinois of 1976 be readopted in part and amended in part; and

NOW, THE CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS, acting through its Mayor and City Council or Board of Alderman does hereby ORDAIN:

Section 1. Sections 6.401 through Section 6.412 of Article 4 (Abandoned Vehicles) of Chapter 6 (Traffic) of the Municipal Code of the City of Shawneetown, Illinois of 1976 are hereby readopted, and expressly ratified.

Section 2. That Section 6.413 (Penalty) of Article 4 (Abandoned Vehicles) of Chapter 6 (Traffic) of the Municipal Code of the City of Shawneetown, Illinois of 1976 is hereby repealed in its entirety and is amended and replaced by the following:

6.413 PENALTY: Any person, firm, or corporation in violation of any provision of this Article shall be liable to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense. A separate offense shall be deemed committed upon every day on which a violation occurs or continues to

occur. Such person, firm, or corporation shall also be required to make a disposition on the abandoned or unclaimed vehicle.

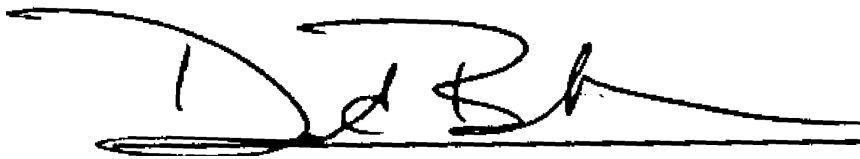
Section 3. This Ordinance shall take effect immediately upon its passage and publication in accordance with law

YEAS: (names) Steve Wood, Lisa Smith, Michael Blain, Brandon Vickery, June Rushing

NAYS: (names) 0 _____

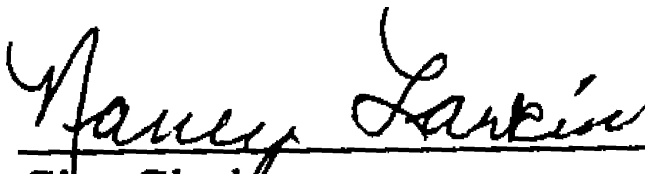
THIS ORDINANCE ADOPTED ON THIS 14th DAY OF AUGUST, 2017.

APPROVED

A large, stylized handwritten signature in black ink, appearing to read 'D. B.', is written over a horizontal line.

Mayor,
City of Shawneetown, Illinois

Attest

A handwritten signature in black ink, appearing to read 'Nancy Larkin', is written over a horizontal line.

City Clerk,
City of Shawneetown, Illinois

ARTICLE 5. BICYCLES

6.501 DEFINITION: The term "bicycle" shall mean, and include a device with two wheels in tandem propelled by human power and having wheels over twenty (20) inches in diameter with tires inflated.

6.502 MANNER OF RIDING - GENERALLY: No person shall ride any bicycle otherwise than as follows:

(a) The rider controlling and propelling a bicycle shall ride only upon a regular and permanent seat provided for such rider.

(b) Any rider other than the operator shall ride only upon a suitable seat provided for that purpose and attached to the bicycle in such a place and manner that the rider thereon will not interfere with the safe and proper operation of the bicycle by its operator.

(c) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.6,503

COMPLIANCE WITH VEHICLE REGULATIONS: Every person riding a bicycle upon a roadway shall be subject to the provisions of this Code applicable to drivers of vehicles except as otherwise provided in this Chapter and except those provisions of this Chapter which by their nature have no application.

6.504 OBEDIENCE TO TRAFFIC-CONTROL DEVICES: Any person operating a bicycle shall obey the instructions of official traffic signals, signs, and other control devices applicable thereto placed by this Code unless otherwise directed by a Police Officer.

6.505 RIGHT OF WAY: The operator of a bicycle, approaching an intersection shall yield the right of way to a vehicle entering or which has entered the intersection. The operator of a bicycle emerging from an alley, parking space, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on such sidewalk or sidewalk area; and upon entering the roadway shall yield the right of way to all vehicles approaching the roadway.

6.506 DUTY TO KEEP TO RIGHT: Every person operating a bicycle on a roadway shall ride as near the curb on the right-hand side of the roadway as practicable, exercising due care when passing a vehicle proceeding in the same direction or standing.

6.507 RIDING ON SIDEWALKS: No person shall ride any bicycle on any sidewalk within the downtown area defined in Section 7.216 of this Code. Outside of said area, riding on the sidewalk shall be permitted. Any person riding a bicycle on a sidewalk shall keep to the right side of such sidewalk insofar as practicable and shall yield the right of way to every pedestrian and, when approaching a pedestrian from the rear shall give a audible warning signal when at least twenty-five (25) feet from such a pedestrian.

6.508 RIDING ABREAST: Persons riding bicycles shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

6.509 SPEED LIMITS: No bicycle shall be operated at a speed faster than is reasonable and proper about the safety of both the rider and other persons.

6.510 CLINGING TO MOVING VEHICLES: No bicycle rider shall cling to or attach himself or his bicycle to any moving vehicle on any street.

6.511 TURNING: No bicycle rider upon any roadway shall turn suddenly in front of any pedestrian, bicycle, or motor vehicle. Every bicycle rider, when upon Any roadway with other traffic near shall signal his intention to turn by extending an arm in the direction of the intended turn or by some distinct and unmistakable signal, in ample time for other traffic to recognize his intention to turn and act accordingly.

6.512 TRICK RIDING, RACING: No bicycle rider shall practice or perform any stunt, trick, fancy, or acrobatic riding on any street except that exhibitions may be given under a permit from and under

the supervision of a police officer. No bicycle rider shall participate in any race for speed, or any endurance contest, with any bicycle or vehicle on any street except under a permit from and under the supervision of a police officer.6.513 6..517

6.513 LIGHTING EQUIPMENT: Whenever operated upon any street or highway

During the .period between sunset and sunrise, every bicycle shall display a white light on the front thereof visible for a distance of not less than two hundred feet (200') and on the rear thereof shall display a reflector so designed and maintained as to be visible at all distances within two hundred feet (200') when such a bicycle is directly in front of a motor vehicle displaying lawfully lighted headlights. A lamp exhibiting a red light visible for a distance of not less than two hundred feet (200*) to the rear may be used in addition to or instead of such a rear reflector.

6.514 BRAKES: Every bicycle shall be equipped with a brake adequate to control the movement of and stop such bicycles quickly.

6.515 RENTAL AGENCIES: Bicycles offered for rent by a rental agency shall be equipped by such agency with lights and other safety equipment required by this Article, and shall be kept in good and safe working order. Rental agencies shall comply in all respects with all the provisions of this Article and shall be responsible for the condition of the bicycles they rent.

6.516 BICYCLE PARKING: It shall be unlawful for any person or operator of a bicycle to park such a bicycle on any sidewalk in the downtown area as defined in Section 7,216 of this Code.

6.517 PENALTY: Any person, firm, or corporation in violation of any provision of this Article shall be fined the sum of One Dollar (\$1.00) for the first such violation, Two Dollars (\$2.00) for the

second such violation, Five Dollars (\$5.00) for the third such violation and not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each subsequent violation.

6.8 Seizures and Impoundments

ORDINANCE NO. 112013-1

CITY OF SHAWNEETOWN

AN ORDINANCE OF SEIZURE AND IMPOUNDMENT

WHEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SHAWNEETOWN, ILLINOIS: SEIZURE AND IMPOUNDMENT OF VEHICLES OF SHAWNEETOWN IS AS FOLLOWS:

VEHICLE IMPOUNDMENT SECTIONS:

6-8-1

Definitions

6-8-2

Conduct Prohibited

6-8-3

Seizure and Impoundment

6-8-4

Initial Notice

6-8-5

Follow-Up Notice

6-8-6

Fees for Release of Vehicle

6-8-7

Hearings

6-8-8

Abandonment of Vehicles

6-8-9

Monies

6-8-1 DEFINITIONS (for the purpose of this Chapter):

KNOWINGLY: A person engages in conduct "knowingly" if, when a person engages in conduct, the person is aware of a high probability that he or she is doing so.

MOTOR VEHICLE: Every vehicle, which is self-propelled, including but not limiting to, all automobiles, trucks, motorcycles,

and motor scooters.

OWNERS OF RECORD: The record title holder of the vehicle

6-8-2 CONDUCT PROHIBITED:

(A) Operation or use of motor vehicle in the commission of, or in attempt to commit, any misdemeanor or felony offense in violation of the Criminal Code of the State of Illinois.

(B) Operation or use of a motor vehicle in the commission of, or attempt to commit a felony.

(C) Operation or use of motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substance Act.

(D) Operation or use of a motor vehicle while soliciting, possessing or attempting to solicit or possess a controlled substance, as defined by the Illinois Controlled Substances Act.

(E) Operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or otherwise violate the Cannabis Control Act.

(F) Driving under the influence of alcohol, another drug or drugs, and intoxicating compound or compounds, or any combination thereof, in violation of the Illinois Motor Vehicle Code

(G) Driving while a driver's license, permit, or privilege to operate vehicle is suspended or revoked pursuant to Section 6-303 of the Illinois Motor Vehicle Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.

(H) Operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of the Illinois Motor Vehicle Code.

(I) Operation or use of a motor vehicle without ever having been issued a

driver's license or permit, in violation of Section 6-101 of the Illinois Motor

Vehicle Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a person's age.

(J) Operation or use of a motor vehicle by a person against whom a warrant has

been issued by a circuit clerk in Illinois for failure to answer charges that the

driver violated Section 6-1014, 6-303, and or 11-501 of the Illinois Motor Vehicle Code.

(K) Operation or use of a motor vehicle in the commission of, or in attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Illinois Criminal Code.

6-8-3 SEIZURE AND IMPOUNDMENT

Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this chapter, the police officer shall provide the towing of the vehicle to a facility controlled by the city or its agents. This section shall not apply if the vehicle used in the violation of 6-8-2 of this Ordinance was stolen at the time of the alleged violation and the theft was reported to the appropriate police authorities within seventy two (72) hours after the theft was discovered or reasonably should have been discovered. For any towing company or storage facility to become approved by the City, such must provide proof of insurance coverage to cover loss by fire, theft, or other risks and be open or available for business as required by the Police Department.

6-8-4 INITIAL NOTICE:

At the time that the vehicle is towed, the police department shall notify or make a reasonable attempt to notify the 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 as follows:

The fact of the seizure of the vehicle
The vehicle owner's or lessee's right or an administrative hearing
The vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or lien

holder posts with the municipality a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

6-8-5 FOLLOW-UP NOTICE:

Within 10 days after a vehicle is impounded, the police department shall provide further notice by personal service or by first class mail to interested parties (including the registered owner or lessee of the vehicle and any lien holder of record) to the address(es) of the interested parties as registered with the Secretary of State. Such further notice shall contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of mailing of the notice of hearing.

6-8-6 FEES FOR RELEASE OF VEHICLE:

The following fees or bond (being additional to any other penalties that be assessed by a court of law for the underlying violations) are imposed on the registered owner of the motor vehicle or the agents of that owner and shall be paid to the Shawneetown Police Department for the release of an impounded vehicle: The sum of \$100.00 for City administrative fee plus towing and storage fees as established by the City or an approved towing and storage contractor of the City. If the owner or agents of the owner does not seek a hearing, they shall pay the required fee and sign a waiver of hearing. If the owner or agent of the owner seeks a hearing, they shall pay the required fee and costs which the City Treasurer shall hold as bond pending the results of the administrative hearing as initially scheduled by the police department.

6-8-7 HEARINGS:

Administrative hearings shall be conducted by an administrative hearing officer being the City Attorney or other attorney as time by time appointed by the City who is an attorney licensed to practice law in the State of Illinois for a minimum of 3 years.

The date and time of initial hearing shall be scheduled by the Police Department and a notice of such shall be provided by the above mentioned follow-up notice. An interested party may request a change to the date and time of the initial hearing by contacting the City Clerk. The initial hearing shall be conducted no later than 45 days after the date of the follow-up notice.

At the hearing, the administrative hearing officer shall determine by a preponderance of evidence whether or not the police officer directing the impoundment of the vehicle had cause to believe that the vehicle was subject to impoundment under this ordinance. The party seeking return of the vehicle shall bear the burden of proof. Formal rules of evidence shall not be applicable to the hearing. The party seeking return of the vehicle fails to appear at the hearing, the hearing officer shall enter a default order sustaining the impoundment.

At the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment. If the administrative hearing officer overrules the impoundment, the vehicle shall be released (if not already released) and any bond posted shall be refunded to the party posting the bond. If the administrative hearing officer sustains the vehicle impoundment, any bond posted to secure the release of the vehicle shall be forfeited to the municipality. If no bond was posted, the vehicle shall remain impounded until all fees are paid or the vehicle is deemed abandoned. Fees owed to the City may be collected and enforced in the same manner as a judgment entered by a court of competent jurisdiction unless such collection action is stayed by a court of competent jurisdiction. All final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law.

6-8-8 ABANDONED VEHICLES:

Vehicles not retrieved from the towing facility or storage facility within 35 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.

6-8-9 MONIES DEPOSITED:

All fees collected and retained by the city for violation of this ordinance, after payment of towing and storage charges, shall be deposited with the City Treasurer. The funds will be directed for the Police Department.

Page 6 of 7

The ordinance shall become effective herein after its approval. This ordinance may be published in pamphlet form as provided by law.

Passed and approved this
11th day of March, 2013.

CHAPTER 7. FIRE
ARTICLE 1. FIRE DEPARTMENT

7.101 DEPARTMENT CREATED: Thereby created the Fire Department of the City of Shawneetown. Said department shall consist of the Fire Marshall and such other members as the Corporate Authorities may from time to time deem necessary to implement the provisions of this Chapter. The department shall be under the general supervision of the Fire Committee.

7.102 OFFICERS: Said Fire Department shall hold at least one meeting each month, and shall, on the first meeting of each December, elect a Fire Marshall, two assistant Fire Marshalls, a Secretary, and a Treasurer for the ensuing year. Said officers shall qualify and take office on the first meeting of the following January. (Ord. 333, S. 2)

7.103 DUTIES OF THE FIRE MARSHALL: The Fire Marshall shall exercise General management and control of the Fire Department:

(a) Upon taking office and at the first regular meeting held In January of each year, he shall appoint such engine men, ladder men, hose men, nozzle men, hydrant men, and make such other appointments and prescribe such duties as may be necessary and proper in the organization and effective operation of said Fire Department during that year. (Ord. 333, S. 3)

(b) He shall have the control and supervision, subject to the order and direction of the Corporate Authorities, of the Fire

Department and all fire apparatus and equipment belonging to the City. (Ord. 333, S. 3)

(c) He shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that Purpose.

(d) He shall perform such other duties as may be assigned to him by the provisions of this Code or by the Corporate Authorities.

7.104 DUTIES OF FIREMEN: It shall be the function and duties of the Fire Department and every member thereof to extinguish accidental or destructive fires, to prevent the occurrence of or7.104 7.103 spread of fires, to enforce all ordinances relating to the occurrence or spread of such fires. (Ord. 333, S. 6)

7.105 SECRETARY: The Secretary shall keep a record of all nestings of the Department and the attendance of the members, a record of all fires, and the attendance of the members at such fires. During the last week of March of each year he shall file with the City Clerk a full report of such record of attendance and fires which said report shall be made under oath. He shall also keep such other records, make such reports, and keep and furnish such statistics as may be required of him by law or by the Fire Marshall. (Ord. 333, S. 4)

7,106 TREASURER.: The Treasurer, before taking office, shall execute and file with the City Clerk a sufficient bond to the City, to be approved by the Mayor and City Council, conditioned for the faithful performance of his duty. less under this Article. The Treasurer shall receive all money collected for and on behalf of the Fire Department. The Treasurer shall make monthly reports to the Fire Department on the condition of the funds in his hands and shall, on the first Tuesday of December in each year, make a sworn report and statement to the Mayor and City Council of the City of all money received and

disbursed by him as such Treasurer and the balance of money in his bands. The books, records, and accounts of the Treasurer shall be faithfully kept and shall, at all times, be open to inspection and an audit by the Mayor and City Council of the City. He shall, at the expiration of his term of office, surrender, pay, and deliver to his successor in office all books, records, accounts, and money in his hands as Treasurer. (Ord. 333, S. 5)

7.107 DEPARTMENT RULES: The members of the Fire Department shall have the authority to make such rules for the government of their department as they deem proper for the fulfillment of the job. acts and duties of the Fire Department. Whenever the provisions of said rules may conflict with the provisions of this Code or the statutes, the provisions of this Code or the statutes shall prevail. (Ord. 310, S. 3)

7.108. COMMAND AT FIRES: In case of fire, the Fire Marshall and his assistants in their order of rank shall take command at such fire, and
The officer highest in rank shall take command of the Fire Department and direct the management thereof for the suppression of the fire, in the best manner possible. (Ord. 333, S. 3) 7.109 7.114

7.109 FAILURE TO OBEY ORDERS: No fireman in attendance at a fire shall
neglect or refuse to obey the orders of the officer in command at such
fires. (Ord. 333, S. 7)

7.110 TRAFFIC RULES: It shall be unlawful for any automobile, truck, or other vehicle to pass from behind or to follow a fire truck within three hundred (300) feet when such fire truck is on its way to a fire, or to drive or park an automobile, truck or other vehicle within a block of any fire. It shall be unlawful for any person or persons to drive any automobile, truck, or other vehicle over or

across any line of hose in use or lying across any street. (Ord. 333, S. 10)

7.111 DESTRUCTION OF BUILDINGS: Whenever it may be necessary for the protection of other property to prevent the spread of the conflagration, the officer in command may cause buildings to be removed, torn down, or destroyed in the best manner possible. (Ord. 333, S. 3)

7.112 DUTY OF CITIZENS: Every male person above the age of twenty-one (21) years who shall be present at a fire shall be subject to the orders of the officer in command at such fire and shall render all the assistance in his power, and in such manner as he may be directed, in the extinguishment of the fire, and in the removal of and protection of property. Provided that no person shall be bound to obey any such officer unless such officer's official character shall be known or made known to such person. It shall be lawful for any fire marshall or any assistant or other person in command of the fire company to require any person above the age of twenty-one (21) years with or without any horse or team or with or without any motor vehicle that such person may own or control, to assist in hauling or conveying any fire apparatus to the place of the fire. (Ord. 333, S. 8)

7.113 POLICE POWERS: It shall be the duty of all officers of the fire department and all police officers of the municipality to see that the provisions of this Article are enforced and to arrest on view any person who shall be found violating any of the provisions of this Article or who shall hinder, resist, or refuse to obey any such officer in the discharge of his duty, and to that end all such officers are hereby vested with the usual power and authority of police officers. (Ord. 333, S. 9)

7.114 IMPROPER USE OF EQUIPMENT: It shall be unlawful to use any fire

engine, hose, cart, or any other apparatus, belonging to the City for any private purpose, other than the extinguishment of fires.. (Ord. 333, S. 10)

7.115 DAMAGE TO DEPARTMENT EQUIPMENT: It shall be unlawful to wilfully or negligently break, deface, or in any manner injure any fire engine, hose equipment, or other fire apparatus belonging to the municipality. It shall be unlawful to remove any screw, bolt, nut, or part of any such engine or other apparatus or in any manner interfere with the working or use of the same when being used by the proper person or authority. (Ord. 333, S. 10)

7.116 MUTUAL AID: The Mayor is hereby authorized to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system. (Ord. 310, S. 19)

7.117 EQUIPMENT TO LEAVE CITY: No apparatus shall be hired out or permitted to leave the City except in response to a call for aid at a fire in a neighboring community without the consent of the Fire marshal. The officer in charge of the department shall have the power to assign equipment for response to calls for outside aid, only when the absence of such equipment will not jeopardize protection in this city. (Ord. 310, S. 20)

7.118 PENALTY: Any person violating any of the provisions of this Article shall be subject to a fine of not less than Twenty- five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200,00) for each such violation. Each day such violation is committed or permitted to continue shall constitute a separate offense.

ARTICLE 2. FIRE PREVENTION

7.201 OPEN BURNING OF REFUSE: The outdoor burning of refuse, including but not limited to paint, oil, automobiles, tires, • plastics, building materials, garbage, trash, debris, or any other noxious combustible materials, is hereby prohibited; however, nothing in this Section shall be construed to prohibit the burning of wood, charcoal, gasoline, or other clean fuel oil, or natural gas, in a fireplace, grill, or a facility for cooking or social heating purposes.

7.202 BONFIRES: Fires in conjunction with holidays and festive celebrations or other special occasions, set and supervised by personnel qualified in fire fighting techniques, fire containment, and the use of fire-fighting equipment are permitted as an exception to the prohibition of Section 7.201 above so long as the same are not situated upon any parkway, boulevard, or other public lands. These types of fires, when ignited or when lighted for public observance or in the presence of large crowds, shall be allowed only by special permission issued by the Fire Marshall by Article 3.1 of this Code.

7.203 LEAF BURNING: The burning of Leaves or tree or shrub twigs or clippings is permitted as an exception to the prohibition of Section 7.201 of this Article, providing:

(a) Said burning is conducted between the hours of 10:00 A.M. and 5:00 P.M.;

(b) Said burning is not conducted on any public thoroughfare; and

(c) Said burning does not create a visibility hazard on roadways or railroad tracks. The Mayor or the Board of Health may from

time to time prohibit any burning of leaves due to atmospheric or other conditions.

7.204 TIME LIMIT: No fires shall burn for more than four (4) consecutive hours. All fires shall be completely extinguished by sunset.

7.205 SUPERVISION: All fires must be personally attended unless said fire is in a container with a lid thereon.

7.206 LOCATION OF FIRES:

(a) No fires shall be started within one hundred (100) feet of any gasoline station, fertilizer plant or storage area, elevator or business establishment.

(b) It shall be unlawful to build or light any bonfire so close to any building or other structure or on any street or sidewalk or pavement as to endanger it.

(c) It shall be unlawful to build or light any open flame - or flame in 7.206 7.209 any building used exclusively for the storage of flammable liquids; or to build or light any fire within one hundred (100) feet of any tank used for the storage of such liquids; or to light a match or carry or permit any lighted substance or open flame within any such building or one hundred (100) feet of any such tank.

7.207 DEFINITIONS :

(a) The term "Flammable Liquids" as used in this Article shall be construed to mean natural gas, heating oil,- coal oil, benzine, turpentine, gasoline, propane, petroleum, or any products thereof in liquid form.

(b) The term "Explosive" shall mean gunpowder, black powder, nitroglycerine, T.N.T., dynamite, and similar materials except for ammunition and very small amounts used only for medicinal purposes.

7.208 EXPLOSIVES: It shall be unlawful to store any explosives within the City.

7.209 TANKS AND RECEPTACLES:

(a) It shall be unlawful to store any flammable liquids in any other but leak-proof metallic tanks or receptacles. Provided that receptacles and tanks of other materials may be used if such material used is lead and absorption-proof. Tanks containing more than fifteen (15) gallons of such liquids, must be equipped with adequate escape valves.

(b) It shall be unlawful to store flammable liquids in greater quantities than fifty (50) gallons in any but an underground tank, unless such, tank is in a separate fire. proof building used only for the storage of such liquids.7=209 7.213

(c) It shall be unlawful to store any flammable liquids in a greater quantity than ten (10) gallons in any building, except in an underground tank or as mentioned in the preceding subsection.

7.210 STORAGE LOCATION: It shall be unlawful to store any greater quantity than fifteen (15) gallons of any flammable liquid within two hundred (200) feet of any building used exclusively for school or church purposes; or within one hundred (100) feet of any theater.

7.211 ENFORCEMENT OF ORDINANCES: It shall be the duty of all officers of the Fire Department to see that the provisions of this Article are enforced and to arrest on view any person who shall hinder, resist, or refuse to obey any such officer in the discharge of his duty, and

to that end all such officers are hereby vested with the usual power and authority of police officers.

7.212 ADOPTION OF FIRE PREVENTION CODE: As a guide to giving orders or suggestions for correction of hazardous fire conditions, either as to buildings or materials therein, or the business operated therein, the Fire Marshall is hereby authorized to use the "Fire Prevention Code, as required by the National Board of Fire Underwriters" and the rules and regulations as therein set forth except such portions as are deleted, modified, or amended by the provisions of this Article.

7.213 ORDERS TO CORRECT FIRE HAZARD: Whenever any officer of the Fire Department shall find any fire, building, or premises in violation of the provisions of this Article or shall find in any building or upon any premises or any other place, combustible or explosive matter or a dangerous accumulation of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any other highly inflammable materials especially liable to fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes stairs,

passageways, doors, or windows, liable to interfere with the operations of the Fire Department, or egress of occupants, in case of fire, he shall order the same to be removed or remedied. The service of any such order shall be made upon the occupant of the premises to whom it is directed by either delivering a true copy of the same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the person a true copy of such order, or, if such owner is absent from the jurisdiction of the officer making the order by mailing such copy to the owner's last known post office address.

7.214 COMPLIANCE WITH ORDER: Such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject

to appeal within twenty-four (24) hours to the Mayor. Upon such appeal, the Mayor shall within ten (10) days review such order and file his decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant failing to comply with such order within ten (10) days after such appeal shall have been determined, or if no appeal is taken, then within ten (10) days after the service of such order shall violate this Article.

7.215 RIGHT OF ENTRY FOR INSPECTIONS: The Fire Marshall or his designated representative may enter and inspect any premises or materials therein, for the purpose of eliminating conditions that might present fire hazards, when he:

(a) Has the consent of the owner or occupant of said premises;
or

(b) Has reasonable cause to believe that said premises present a fire hazard and has obtained a search warrant identifying the premises to be entered and the purpose of the inspection. Upon finding any hazardous condition, it shall be the duty of said Fire Marshall to issue an order as provided by Section 7.213 above.

7.216 FIRE LIMITS ESTABLISHED: The fire limits of the City are hereby established as follows: Beginning at the Southeast corner of Block Six in the Housing Authority Addition of the City and running thence westerly to McLean Road, thence northerly to the Alley running East and West through said Block Six, thence easterly along the South side of said Alley to the Northwest corner of Lot Thirteen in said Block Six, thence along the Alley to the Northwest corner of Lot Twenty in Block Eleven, thence easterly to the Northeast corner of Lot Twenty-four in Block Ten, thence southerly along the Alley to the Northwest corner of Lot Thirteen of Block Seven and thence easterly along the Alley to the Northeast 7.216 7.219 corner of Lot One in

said Block Seven and thence southerly to Shawnee Avenue, thence along the North side of Shawnee Avenue to the place of beginning. Also, Lots 1, 2, 3, 4, 5, 6, 7, 8, 22, and 23 in Block. Five and the Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 25, and 26 in Block Eight, all in the Housing Authority Addition to the City of Shawneetown, Illinois. (Ord. 346, S. 7)

7.217 FIRE LIMITS ~ WALLS: No building or structure of wood or wood frame wall, or of other combustible walls or of unprotected metal wall, construction of which has a wooden cornice, shall be erected hereafter in the fire limits. Within the fire limits no building or structure of wood or wood frame wall or other combustible walls or of unprotected metal wall construction shall be hereafter extended on any side unless the construction of such extension conforms to the requirements of this ordinance for new construction. (Ord. 205, S. 3 and 4)

7.218 REMOVAL OF UNSAFE BUILDINGS: A building or structure or any part thereof that may be or shall at any time hereafter become dangerous or unsafe as a fire hazard, shall unless made safe and secure for said purpose, be taken down and removed. (Ord. 205, S. 5)

7.219 REMOVAL OF DESTROYED BUILDINGS: When any wooden building within the fire limits shall be damaged by fire, decay, or otherwise, to the extent of fifty percent (50%) of its value, it shall be the duty of the owner of such building to remove the same within fifteen (15) days after such damage is ascertained and the report of the committee hereinafter provided for filing with the City Clerk. 'The manner of ascertaining the damage shall be by a committee of three (3) citizens of the City, one of whom shall be selected by the Mayor, the second by the owner or agent of said building, and the two thus chosen shall select a third, who shall ascertain the percent of the damage done to the said building by fire, decay or otherwise, and file their report in writing with the City Clerk, which findings shall be prima facie

true and correct in any court in any action brought to enforce the provisions of this Article. In case the owner or agent of any such building refuses or neglects after five (5) days notice in writing by the Mayor to select a member of said committee, then the Mayor shall appoint two members of said committee and said two members shall appoint the third member of said committee with power and authority and proceedings as heretofore provided. (Ord. 205, S. 6,7)

7.220 FIRE LIMITS - CONSTRUCTION REQUIREMENTS': In the fire limits:

(a) Every roof hereafter placed on a building shall be covered with an approved roofing of brick, tile, slate, concrete, metal, asbestos or built-up roofing finished with asphalt, slag, or gravel, or with other approved material.

(b) Except where roofing is of a character permitting attachment direct to steel framework, it shall be applied to a solid or closely fitted deck.7.220

(c) Roofings which are classified as Class A or B under the test specifications of Underwriters* Laboratories, Inc., shall be accepted as meeting the requirements of this section.

(d) All chimneys shall be of brick, concrete, stone, hollow tile of clay or concrete, concrete block, or reinforced concrete.

(e) Chimneys shall extend at least three (3) feet above the highest point at which they come in contact with a roof of the building and at least two feet higher than any ridge within ten (10) feet of the chimney.

(f) Chimneys shall be built upon concrete or solid masonry foundations. The footing of an exterior chimney shall start below the frost line.

(g) Chimneys shall at all times be in a safe condition as to fire hazard and if on examination of the Fire Committee they are found not to be in a safe condition shall on request of the Fire The committee is immediately put in a safe condition.

(h) Smoke pipes shall enter the side of chimneys through a fire clay or metal thimble or flue rim of masonry. No smoke pipe shall pass through a floor or a roof unless such roof is of fireproof or semi-fireproof construction, No smoke pipe shall pass through a window or side wall of any building.

(Ord. 205, S. 8, 9, 10)

7.221 PENALTY: Any person, firm, or corporation in violation of any provision of this Article shall be liable for any property damages incurred and shall be fined the sum of Ten Dollars (\$10.00) for the first such offense. Fifteen Dollars (\$15.00) for the second such offense, Twenty Dollars (\$20.00) for the third such offense, and not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each subsequent offense and a separate offense shall be deemed committed on every day during or after which a violation occurs.

7.222 LANDSCAPE DEBRIS SITE

USE OF THE CITY OF SHAWNEETOWN CITY LANDSCAPE DEBRIS SITE

AN ORDINANCE REGULATING AND CONTROLLING THE USE OF THE CITY LANDSCAPE DEBRIS SITE AREA IN THE MUNICIPAL PROPERTY OF THE CITY OF SHAWNEETOWN, ILLINOIS, AND PROVIDING FOR THE LIMITED USE THEREOF, AND ASSESSING PENALTIES AND COSTS FOR VIOLATIONS THEREOF.

WHEREAS, the City of Shawneetown owns and maintains an area of municipally owned property, commonly known as the City Landscape Debris Site, in the Municipal Park on the South side of Galt Road, in the Northeastern part of the City, and the City has determined a need to regulate, prohibit, and provide for the proper use of said City Landscape Debris Site area of the property of the City, and the City Council has determined that it should do so in the interests of the residents of the City, and for their health and safety;

THE CITY OF SHAWNEETOWN, GALLATIN COUNTY,

ILLINOIS, acting through its Mayor and City Council or Board of Aldermen, does hereby PASS, DECLARE, and ORDAIN:

Section 1. LIMITED USE OF THE CITY LANDSCAPE DEBRIS SITE AREA

It shall be unlawful for any owner, lessee, or occupant, or any agent, servant, representative, bailee or an employee of a City resident, owner, lessee, or occupant having control of trees, limbs, bushes, brush, debris, weeds or greenery to place, deposit, leave, or store at the City Landscape Debris Site area any such growth or materials of a size greater than six (6) inches in diameter. It shall also be unlawful for any such person or persons to cause, suffer, or allow poison ivy, ragweed, or other poisonous plants, or plants detrimental to health to be left at the City Landscape Debris Site. Any use of the City Landscape Debris Site beyond the extent set forth herein is not authorized and shall constitute a nuisance, and a violation of this Ordinance:

Section 2. LIMITED USE BY CITY RESIDENTS ONLY; NO CONTRACTORS OR COMMERCIAL USE

Only actual residents of the City shall be permitted to use the City Landscape Debris Site area, for any purpose. Use of the City Landscape Debris Site by Contractors or Commercial Operators is strictly prohibited and is a violation of the Ordinance.

Section 3. EXEMPTIONS

Exempted from the provisions of this Ordinance are those using the City Landscape Debris Site under written permission previously approved by action of the City Council/Board of Alderman. An exemption

under the terms of this Ordinance cannot be claimed unless such permission has been sought and obtained in advance of the conflicting use.

Section 4. PENALTY

a. Municipal Ordinance Violation or Infraction. A violation of this Ordinance shall be a municipal civil ordinance violation or infraction punishable as follows:

i. First violation: \$100 fine

ii. Second violation within a two (2) year period: \$200 fine

iii. Third or subsequent violation within a two (2) year period \$500 fine.

In addition to the above prescribed civil fines, reasonable costs may be assessed by and in favor of the City

b. Abatement of Violation. In addition to, or lieu of, enforcing this Ordinance by issuance of municipal civil ordinance violation or infraction(s), the City may institute an appropriate action in the Circuit Court of Gallatin County, Ulinos seeking equitable relief, which shall include, but not be limited to, an order to abate the nuisance, to remove the offending and noncompliant materials, and all other remedies appropriate under the provisions of Illinois law.

Section 5. DEFINITION

The word "person" as used in this Ordinance shall mean and include persons, corporations, partnerships, associations, joint stock

companies, societies, limited liability companies, and all other entities of any kind capable of being sued.

Section 6. SEVERABILITY

Should any provision or section of this Ordinance be 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 thereof.

Section 7. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage and publication in accordance with law. This Ordinance may be published in pamphlet form, and made available for distribution to the public.

YEAS: 6

NAYS: 0

June Rushing, Steve Wood, Kay Raymer, Brenda Hirsch, Lisa Smith, Brandon Vickery

THIS ORDINANCE ADOPTED ON SEPTEMBER 9, 2013.

7.3 Hazardous Materials

ORDINANCE NO. 3292019-01
AN ORDINANCE RELATING TO THE RELEASE AND CLEANUP OF HAZARDOUS
MATERIALS OR ENVIRONMENTALLY DAMAGING
SUBSTANCES

BE IT ORDAINED by the City Council of the City of Shawneetown, Illinois:

SECTION 1: UNLAWFUL RELEASES PROHIBITED

No person shall cause, threaten or allow the release of hazardous materials or environmentally damaging substances within the corporate limits of the City of Shawneetown, or within the response area covered by the City of Shawneetown Fire Department, unless such release is in accordance with an appropriate permit granted by the

Illinois Environmental Protection Agency or other state or federal agency having primary authority over the release and such release is in such a place and manner as will not create a substantial present or potential hazard to any human, health, property or the environment. Any prohibited release is hereby declared a public nuisance.

SECTION 2: DEFINITIONS

HAZARDOUS MATERIALS: Any substance or material in a quantity or form determined by the U.S. Occupational Safety and Health Administration, the U.S. Department of Transportation, the U.S. Environmental Protection Agency or the U.S. Nuclear Regulatory Commission to be a "hazardous material". Said materials are generally considered to be any item or agent biological, chemical or physical which has the potential to cause harm to humans, animals or the environment either along or through interaction with other chemicals or compounds.

RELEASE: To leak, seep, spill, emit or discharge, or to create a substantial threat of release requiring emergency response.

RESPONSIBLE PARTY: Any person, corporation, partnership, unincorporated association or any unit of federal, state or local government or any other entity who, whether intentionally or unintentionally:

- A. Owns or has custody of hazardous material that is involved in an incident requiring emergency action by an emergency response agency in response to a release, as defined herein; or
- B. Owns or has custody of bulk or nonbulk packaging or transport vehicle that contains hazardous material that is involved in an incident requiring emergency action by an emergency response agency in response to a release, as defined herein; or
- C. Causes or substantially contribute to the cause of an incident of release, as defined herein.

SECTION 3: A responsible party shall be jointly and severally liable to the City of Shawneetown (City) for the payment of all costs incurred by the City as a result of a response to, cleanup of, or abatement of any release of hazardous materials, including costs and attorney's fees incurred in the collection of the amounts due, and shall include any costs incurred by the City for additional manpower by any hazardous material team, or any other municipal or fire protection district, any party to a mutual aid agreement or any other

independent contractors as deemed necessary by the Fire Chief during the incident.

When a response is required outside the corporate limits of the City, a responsible party shall be liable for the City's normal charge for out of town fire calls as established from time to time, in addition to costs incurred as set forth herein for the cleanup or abatement of hazardous materials.

SECTION 4: The Shawneetown Fire Department is authorized and directed to respond immediately upon being notified, and to do all things within their capabilities to contain, remove and dispose of any materials hazardous to the public health and safety, as defined herein, that are released within the corporate limits of the City or the City of Shawneetown Fire Department's response area.

SECTION 5: The amount to be paid by the responsible party for costs incurred by The City of Shawneetown for the use of personnel and equipment is designated as follows:

A. PUMPER TRUCK, AERIAL LADDER TRUCK, COMMUNICATIONS UNIT AND HAZARDOUS MATERIALS TRUCK - \$300 PER HOUR

B. OUT OF CITY - RATES BASIC \$1500.00

C. MATERIALS-COST OF REPLACEMENT

D. OTHER EQUIPMENT REGULAR HOURLY RATE

SECTION 6: PAYMENT

A. The City shall, within thirty (30) days of completion of cleanup, containment or abatement of any hazardous material release, provide an invoice for the costs incurred by the City as set forth herein, to the person or persons determined by the City to be the responsible parties.

B. The responsible party or parties shall submit payment for the invoice within thirty (30) days of the date of the City's invoice.

C. In the event any responsible party fails to pay the amount invoiced

within thirty (30) days after the date of the City's invoice, then the responsible party or parties shall be responsible for all costs of collection of the amounts due, including reasonable attorney fees and court costs incurred by the City in enforcement of this Ordinance.

D. The remedies provided by this section shall be in addition to any other remedies provided by law.

SECTION 7: Should any portion of this Ordinance hereafter be declared by a court of competent jurisdiction to be invalid, such declaration shall not affect the validity or enforceability of the remaining provisions of this Ordinance.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to the laws of the State of Illinois.

Adopted at a regular meeting on this vote as follows:

29 day of March, 2019, on roll call

AYES-6

NAYS

ABSENT-0

ATTEST:

NANCY LARKIN, CITY CLERK

DAVID BARKER, MAYOR

CHAPTER 8. STREETS

ARTICLE 1. STREET DEPARTMENT

8.101 DEPARTMENT CREATED: Thereby created the Street Department of the City of Shawneetown. Said department shall consist of the Street Superintendent and such other employees as the Corporate Authorities may from time to time deem necessary to implement the provisions of this Chapter. The department shall be under the general supervision of the Street Committee.

8.102 EMPLOYEES: The Street Superintendent and any employees shall be appointed by the provisions of Article 1.3 of this Code. The Superintendent shall take an oath of office and shall execute a bond as an appointed officer of the City as provided by Article 1.3 of this Code, *

8.103 DUTIES OF THE SUPERINTENDENT: The Superintendent shall exercise General management and control of the Street Department:

(a) He shall supervise and be responsible for the conduct and performance of all employees of said department.

(b) He shall be responsible for the maintenance of the City's Streets, alleys, sidewalks, parkways, storm drains, parking lots, and the Public Parkway.

(c) He shall be the custodian of all vehicles, equipment, structures, and property provided by the City for the use of said Department.

(d) He shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose.

(e) He shall perform such other duties as may be assigned to him by the provisions of this Code or by the Corporate Authorities.

8.104 DEPOSITS ON STREETS PROHIBITED:

(a) No person shall throw or deposit upon any street any glass bottles, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal, or vehicle on the street.

(b) Any person who drops, or permits to be dropped or thrown, upon any street any destructive or injurious material shall

8.108

immediately remove the same or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such a vehicle.

8.105 STREETS AND GUTTERS TO BE KEPT CLEAN:

(a) The placing of obstructions, refuse, foreign materials, and the burning or storing of leaves and trash in the streets and gutters

and in the ditches and sewers in the City is hereby declared to be a public nuisance.

(b) It shall be unlawful to place or permit to remain in the streets, gutters, and ditches and sewers in the City any obstruction, refuse or foreign material or to bum leaves or trash in such streets, gutters, sewers and ditches. (Ord. 385)

8.106 OPENINGS: It shall be unlawful to leave open any cellar door, vault, well, cistern, excavation, ditch or other like hole, upon or adjoining any street or sidewalk, without securing and protecting the same to prevent persons or animals passing thereby from falling therein.

8.107 BARBED WIRE FENCES: It shall be unlawful to use, or cause to be used, any barbed wire for fencing, or any other purpose along, near, or contiguous to any sidewalk, street, or alley; or on or near the line of any lot or parcel of land abutting upon any street or alley. Such use of barbed wire as aforesaid, is hereby declared to be a nuisance. (Ord. 15, S. 48) '

8.108 WARNING SIGNS AND BARRIERS: Whenever any street, alley, sidewalk, Water main and pipes, bridge, culvert, or sewer in the City is being built or repaired, the contractor or the public official having charge of such work shall erect or cause .to be erected at such points as he may deem desirable, suitable barriers, with signs thereon, stating that such street, alley, sidewalk, or the street, alley, or sidewalk on which is situated such water main or pipe, bridge, culvert, or sewer is closed and by whose order such street, alley or the sidewalk is closed. (Ord. 209, S. 1)

8.109 DETOURS AND LIGHTS: Said persons shall also erect or cause to be erected at such places as they may deem best, detour signs directing

travel around such construction or repair work, and said persons shall

Also, cause to be placed and maintained at said barriers between sundown and sunrise suitable warning lights. (Ord. 209, S. 2)

8.110 REMOVING SIGNS OR BARRIERS PROHIBITED: Whenever a street, alley or sidewalk has been closed as provided herein it shall be unlawful for any person to remove such barrier or signs, or to deface or injure the same, or to walk, ride, or drive upon any part of said street, alley, or sidewalk so closed, except for such persons duly authorized to do so. (Ord. 209, S. 3)

8.111 OBSTRUCTION OR INJURY TO STREETS, ETC: It shall be unlawful to obstruct, injure, deface, or encroach upon any street, alley, curbing, gutter, ditch, sidewalk, or other public property within and of the City and except as provided in Sections 8.108 and 8.112 of this Code.

8.112 BLOCKAGE FOR CONSTRUCTION PURPOSES, PERMIT REQUIRED: Any person engaged in constructing or improving any building, fence, lot, street or sidewalk may apply to the City Clerk for a permit to deposit material upon a contiguous street, alley, or sidewalk. Said permit shall be applied for and issued by the provisions of Article 3.1 of this Code. Said permit shall state during what period blockage of such street, alley or sidewalk shall be permitted. There shall be no fee for said permit.

8.113 ISSUANCE: The Clerk shall forward the application to the Street Superintendent. The superintendent shall make such inspections as may be necessary. The

The superintendent shall take the appropriate action as provided in Section 3.105 of this Code. The Superintendent shall not issue a permit for any activity that does not comply with the provisions of this Article. No permit shall be valid for some time longer than four (4) months from the date of issuance.

8.114 COMPLIANCE WITH OTHER PROVISIONS: The holder of any permit as provided in Section 8.112 above, issued by the City shall comply with such other provisions of Article 3.1 of this Code as are appropriate. Any such holder failing to comply with the provisions of this Article or Article 3.1 shall be liable to revocation of such permit as provided by Section 3.114 of this Code.

8.115 BLOCKAGE FOR CONSTRUCTION PURPOSES, REQUIREMENTS: Any permitted blockage of a street, alley, or sidewalk for construction purposes shall comply with the following requirements:

(a) The obstruction of the street, alley, or sidewalk as permitted shall not occupy more than one-half (1/2) of such street, alley or Sidewalk.

(b) Said obstruction by material shall in all cases be placed or deposited to create the least possible interference with vehicles and persons lawfully passing by and using said street, alley or sidewalk.

(c) No material shall be placed in front of any premises other than those being improved, or about to be improved, without the consent of the occupant.

(d) The work site and all materials shall be cleaned up in according to the directions of the Street Superintendent.

8.116 EASEMENTS: It shall be unlawful to plant, construct or erect any tree, structure, fence, or other obstruction over any easement for a utility of the City that cannot be moved within one minute of notice to Move the same.

8.117 INTERFERENCE WITH SIGNS OR SIGNALS: No person shall without lawful authority attempt to alter, deface, injure, knock down, or

Remove any official traffic-control device, any railroad sign or signal of any inscription, shield, or insignia thereon, or any other part thereof.

8.118 DISPLAY OF UNAUTHORIZED SIGNS: No person shall place, maintain or display upon or given any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles any official traffic-control device railroad sign or signal, or which attempts to direct the movement of traffic; nor shall any person place, maintain, or display upon or give any highway any other sign which hides from view or interferes with the movement of traffic or the effectiveness of any traffic control device, any railroad sign or signal.

8.119 DISPLAY OF COMMERCIAL SIGNS: No person may place or maintain nor may any public authority permit upon any highway any traffic sign or signal to bear thereon any commercial advertising.

8.120 SIGNS DECLARED A NUISANCE: Every sign, signal, or marking prohibited by this Article is a public nuisance and the Street The superintendent is hereby empowered to remove the same or cause it to be removed without notice.

8.121 BOULEVARDS: For this Section, the term " Boulevard" shall mean that territory between the pavement or traveled portion of a street and the property line between the street right-of-way and the adjacent property.

(a) Grass: It shall be the responsibility of the owner of the property adjacent to any boulevard to keep the plants and grass properly trimmed by Article 4.3 of this Code,

(b) Trees: It shall be the responsibility of the owner of the

property adjacent to any boulevard to keep the trees trimmed so as to permit unobstructed travel along the street or sidewalk. Said the owner shall also be responsible for removing any dead or dangerous trees or limbs that present a threat to public safety.

(c) Storm Drainage: It shall be the responsibility of the Street Superintendent to maintain all storm drain pipes and mains and all ditches in the boulevards so that rainwater can flow properly. The provisions of this Section do not relieve the adjacent property owner from compliance with Sections 8.111 of this Code or subsections (a) and (b) above.

8.122 PENALTY: Any person violating any of the provisions of this Article shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each such violation. Each day such violation is committed or permitted to continue shall constitute a separate offense. The revocation of any permit and the payment made for any damages or repairs shall not be considered a recovery or penalty to bar enforcement of any other penalty that may be applicable.8.201 8.206

ARTICLE 2. SIDEWALKS

8.201 SUPERVISION: All sidewalks in the City shall be under the supervision of the Street Superintendent. He shall have general supervision of all work done in such places shall superintend the cleaning, and shall see to the enforcement of all ordinance provisions relating thereto.

8.202 PERMIT REQUIRED FOR CONSTRUCTION: It shall be unlawful to Construct or lay the pavement for any public sidewalk within the City without having first obtained a permit, therefore. Applications for such Permits shall be made in writing to the City Clerk by Article

3.1 of this Code. The Clerk shall forward the application to the Street Superintendent who is hereby authorized to issue a permit in accordance with the provisions of this Article and Article 3.1 of this Code.

8.203 BOND: All applicants for a sidewalk construction permit shall file with the City Clerk a bond in the penal sum of Five Hundred Dollars (\$500.00) conditioned upon the compliance by the applicant with all the provisions of this Article, including the payment of costs for repairing or reconstructing an improperly constructed sidewalk.

8.204 COMPLIANCE WITH OTHER PROVISIONS: The holder of any sidewalk construction permit issued by the City shall comply with such other provisions of Article 3.1 of this Code as appropriate. Any such holder failing to comply with the provisions of this Article or of Article 3.1 shall be liable to revocation of such permit as provided by section 3.114 of this Code.

8.205 SPECIFICATIONS: All sidewalks shall be of concrete, four (4) feet in width and four (4) inches in thickness. All sidewalks shall be six (6) inches in thickness and reinforced with steel rods where they may cross a driveway or alley. No sidewalk shall be constructed to obstruct or hinder the free flow of water in any drainageway. Such specifications shall be incorporated in the permit and it shall be unlawful to deviate in any material way from such specifications.

8.206 RESPONSIBILITY: It shall be the responsibility of the owner of the property adjacent to any public sidewalk to keep such sidewalk in good repair. Except as provided in Section 8.207 below, a property owner shall bear the entire cost of repairing, replacing or constructing any sidewalk located on the boulevard adjacent to the property of such an owner.

8.207 COST SHARING: The City Council may from time to time enter into a cost-sharing agreement for constructing new or replacement

sidewalks. The costs of such construction shall be shared as follows: the petitioning adjacent property owner or owners shall purchase all materials needed and the Street Department shall install such sidewalk. The Street Superintendent shall furnish the list of all materials needed before any such agreement is approved by the City Council.

8.208 BARRICADES: All repair or construction work on any sidewalk shall be protected by barricades and lights as provided in Section 8.406 of this Code.

8.209 WORK DONE BY THE CITY: The provisions of Sections 8.202 and 8.203 relating to the construction of sidewalks shall not apply to sidewalks which are laid by the City.

8.210 PAINTING SIGNS ON SIDEWALKS: It shall be unlawful for any person to paint any sign or advertisement upon any sidewalk or pavement within the corporate limits.

8.211 PENALTY: Any person violating any of the provisions of this Article shall be subject to a fine of not less than Twenty- five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each such violation. Each day such violation is committed or permitted to continue shall constitute a separate offense. The revocation of any permit, the forfeiture of any bond, and the payment made for any repairs shall not be considered a recovery or penalty to bar enforcement of any other penalty that may be applicable.

ARTICLE 3. DRIVEWAYS

8.301 PERMIT REQUIRED: It shall be unlawful for any person to cut any curbing for any driveway entry or to construction or reconstruct any driveway between the property line and the pavement or traveled way

of a street or alley under the jurisdiction of the City, without having first obtained a permit to do so as provided in this Article or without complying with the provisions of this Article or in violation of or in variance from the terms of any such permit.

8.302 APPLICATION: Any person desiring to cut any curbing or to construct any- driveway as referred to in Section 8.301 above, shall apply for a driveway permit to the City Clerk by Article 3.1 of this Code. The application shall state the place where the curb is to be cut and how the driveway is to be constructed, together with a plan thereof. There shall be no fee for a driveway permit.

8.303 ISSUANCE: The Clerk shall forward the application to the Street The superintendent shall inspect the plans and proposed locations. The

The superintendent shall take the appropriate action as provided in Section 3.105 of this Code. The Superintendent shall not issue a permit for any proposed driveway that does not comply with the provisions of this Article. No driveway permit shall be valid for some time longer than six (6) months from the date of issuance.

8.304 COMPLIANCE WITH OTHER PROVISIONS: The holder of any driveway permit issued by the City shall comply with such other provisions of Article 3.1 of this Code as appropriate. Any such holder failing to comply with the provisions of this Article or Article 3.1 shall be liable to revocation of such permit as provided by Section 3.114 of this Code.

8.305 CONSTRUCTION REQUIREMENTS: Any driveways constructed within The city shall comply with the following requirements:

8.306 It shall be of material approved by the Street Superintendent.

8.307 Special care shall be taken to effect a neat, perfect and durable junction with the original curbing, and to prevent injury to

the gutter.

8.308 No driveway shall be so constructed or graded as to leave a step, sharp depression, or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk,

8.309 Construction of a driveway shall comply with such other provisions of this Code as apply to excavations, blockage of streets and sidewalks, and other construction requirements.

8.306 CROSSING DRAINAGEWAYS: Whenever a proposed driveway crosses a drainage way, watercourse, or another surface drain, cross-drainage shall be provided. Said cross drainage shall consist of a pipe, the size of which shall be specified by the Street Superintendent. Said pipe shall be purchased by the owner of the driveway and shall be installed by the Street Department.

8.307 DRIVEWAY ACROSS SIDEWALK: It shall be the duty of every person maintaining a driveway to keep the same in good repair where it crosses the sidewalk, and free from obstructions and openings.

8.308 PENALTY: Any person violating any of the provisions of this Article shall be liable for the cost of such repairs as may be necessary to correct such violation and shall be subject to a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each such violation. Each day such violation is committed or permitted to continue shall constitute a separate offense. The revocation of any permit and the payment made for any repairs shall not be considered a recovery or penalty to bar enforcement of any other penalty that may be applicable.

ARTICLE 4. EXCAVATIONS

8.401 PERMIT REQUIRED: It shall be unlawful for any person, firm or

corporation to tunnel under or to make any excavation in any street, alley, easement, or other public place without first having obtained a permit as is herein required, or without complying with the provisions of this Article, or in violation of or variance from the terms of any such permit.

8.402 APPLICATIONS: Applications for such permits shall be made to the City Clerk and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefore, and the person, firm, or corporation doing the actual excavating work; and the name of the person, firm or corporation for whom or for which the work is being done. There shall be no fee for such a permit.

8.403 ISSUANCE: The Clerk shall forward the application to the Street Superintendent. The Superintendent shall inspect the application and the proposed location. The Superintendent shall take the appropriate action as provided in Section 3.105 of this Code.

8.404 BOND: No such permit shall be issued unless and until the applicant therefor has filed with the Clerk such bond as the Superintendent may specify, with good and sufficient surety thereon, in a form satisfactory to and to be specified by the Superintendent, conditioned to indemnify the City for any loss, liability, or damage that may result or accrue from or because of the making, existence, or manner of guarding or constructing any such as a tunnel or excavation.

8.405 COMPLIANCE WITH OTHER PROVISIONS: The holder of any excavation permit issued by the City shall comply with such other provisions of Article 3.1 of this Code as appropriate. Any such holder failing to comply with the provisions of this Article or Article 3.1 shall be liable to revocation of such permit as provided by Section 3.114 of this Code.

8.406 BARRICADES REQUIRED: Any person, firm, or corporation laying or

repairing any pavement on a street, sidewalk, or other public place
or

An excavation in such a place shall maintain suitable barricades to prevent injury to any person because of the work, and shall have the barricades lighted at night.

8.407 DISTURBING BARRICADES: It shall be unlawful to disturb or Interfere with any barricade or light lawfully erected to protect or mark any new 8.410 pavement or excavation or opening in any public street, alley, or sidewalk.

8.408 RESTORING SURFACE: Any person, firm, or corporation making any excavation or tunnel in or under any public street, alley, or other public place shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in Such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a street shall be repaired and the surface relaid by the applicant, in compliance with the ordinances of the City and under the supervision of the Street Superintendent.

8.409 SUPERVISION: The Street Superintendent shall, from time to time, inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, alley, or other public place to see to the enforcement of the provisions of this Article. Notice shall be given to him at least ten (10) hours before the work or refilling of any such tunnel or excavation commences. - 8.410

PENALTY: Any person violating any of the provisions of this Article shall be subject to a fine of not less than Twenty- five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) for each such violation. Each day such violation is committed or permitted to continue shall constitute a separate offense. The revocation of any

permit, the forfeiture of any bond, and the payment made for any damages or repairs shall not be considered a recovery or penalty to bar enforcement of any other penalty that may be applicable.

ARTICLE 5. THE PUBLIC PARKWAY

8.501 DEFINITION: The Public Parkway shall mean the planting area or parkway running east and west through the City, between and separating

Shawnee Avenue and Illinois State Bond Issue Highway Route Number 13. Said parkway is dedicated to public use as a planting area and parkway. (Ord. 330, preamble)

8.502 PROHIBITED USES: No person, firm, corporation or business shall put, place, store or keep any machinery, equipment, vehicle, or sign, except as hereinafter provided, or other item or property on the public parkway; and it shall be unlawful to put, place, store, or keep or permit to be put, placed, stored, or kept in said planting area any machinery, equipment, vehicle or sign, except as hereinafter provided, or other item of property. This Article shall not prohibit the placement of picnic tables and waste receptacles in the said area providing they are kept painted and repaired neatly and attractively. (Ord. 330, S. 1)

8.503 SIGN PERMIT: Any person, firm, corporation, or business operating a commercial enterprise fronting Shawnee Avenue or Fulton Street in the City Shawneetown desires to place an advertising sign on said planting area shall make an application to the City Clerk in writing for a permit so as to do by the provisions of Article 3.1 of this Code. Said application shall set forth the name of the person, firm, corporation or business, the general specifications, and details of the advertising sign for which permission is sought and the general location of the planting area where the said sign is proposed to be placed. The applicant must satisfy the City Council

that the sign proposed to be erected shall be of good quality and constructed in such a manner that it will be self-supporting and stable. No permit shall be granted for the erection of any sign which exceeds twenty (20) feet in height or eight (8) feet in width or, exclusive of the supporting structures or poles shall be less than eight (8) feet from ground level or shall be located within fifty (50) feet of any other sign legally placed on said planting area. (Ord. 330, S. 2)

8.504 NON-PROFIT PERMIT: Any non-profit or religious corporation, organization or society doing business and operating in the City desiring to erect a sign on said planting area must first make an application to the City Clerk in writing for a "non-profit permit". Said application shall contain the name of the non-profit or religious organization, the general plans and the general dimensions of the sign sought to be erected. No such permit shall be issued by the City Council for any sign which shall exceed twenty (20) feet in height or eight (8) feet in width. The applicant shall satisfy the City Council that the proposed sign shall be of sufficient quality and constructed in such a way as to be self-supporting and stable. (Ord. 330, S. 3)

8.505 PERMIT APPLICATION: The applications herein above required shall be submitted to the City Clerk who shall present the same to the City Council at the next regular meeting of the City Council and shall be acted upon by the City Council at its following regular meeting. In the absence of the applicant, his agent or representative from the City Council meeting, consideration of said application may be continued from time to time until the applicant shall appear and present evidence in support of said application. (Ord. 330, S. 4)

8.506 ISSUANCE: Upon the authorizing vote of the City Council, the Mayor shall issue a sign permit. Said permit shall be an annual permit in accordance with the provisions of Section 3.108 of this Code.

8.507 NON-CONFORMING USES: All signs located on the said planting area on the effective date of this Code and which do not comply with the specifications hereinabove set forth as to height, width, distance above ground level and stability shall be removed by the owner or the person in charge thereof within thirty (30) days from said date. All other machinery, equipment, vehicles, signs and items of property excepting picnic tables and waste receptacles hereinbefore mentioned, located or placed on said planting area on the effective date of this Code shall be removed by the owner or person in charge thereof within thirty (30) days from said effective date. (Ord. 330, S. 5)

8.508. MAINTENANCE: All signs erected and placed on said planting area pursuant to this Article shall be kept in good repair and maintenance by the owner or person in charge thereof and failure to so maintain and repair said sign shall be sufficient cause for revocation of any permit issued by the City Council. (Ord. 330, S. 6)

8.509 REMOVAL OF NON-CONFORMING USES: Any items of property maintained, placed or located on said planting area in violation of this Article, from and after thirty (30) days from the effective date of this Code shall be considered as abandoned by the owner thereof and shall be removed by the Street Superintendent by order of the City Council. Any property so removed and not claimed by the owner thereof within twenty (20) days may be disposed of by the City Council. Any person claiming any property within the twenty (20) day period and establishing his right thereto, before he is entitled to recovery of the same, shall reimburse the City for the cost of removing said property from the planting area. (Ord. 330, S. 7)

8.510 PENALTY: Any person, firm, corporation or business violating this Article shall be fined not less than One Dollar (\$1.00) or more than Fifty Dollars (\$50.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 330, S. 9)

CHAPTER 9. WATER AND SEWER
ARTICLE 1. RATES AND PROCEDURES

9.101 DEPARTMENT CREATED: Thereby created the Water and Sewer Department of the City of Shawneetown. Said department 'shall consist of the Water and Sewer Superintendent and such other employees as the Corporate Authorities may from time to time deem ' necessary to implement the provisions of this Chapter, The department shall be under the general supervision of the Water and Sewer Committee.

9.102 EMPLOYEES: The Water and Sewer Superintendent and any employees shall be appointed by the provisions of Article 1.3 of this Code. The Superintendent shall take an oath of office and shall execute a bond as an appointed officer of the City as provided by Article 1.3 of this Code.

9.103 DUTIES OF THE SUPERINTENDENT: The Superintendent shall exercise general management and Control of the Water and Sewer Department:

(a) He shall supervise and be responsible for the conduct and performance of all employees of said department.

(b) He shall be responsible for the operation and maintenance of the water and sewerage system.

(c) He shall be the custodian of all vehicles, equipment, structures, and property provided by the The city for the use of said department.

(d) He shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose.

(e) He shall perform such other duties as may be assigned to him. him by the provisions of this Code or by the Corporate Authorities.

9.104 RATES: The following rates and charges for the use and services of the combined water and sewerage system of the City, based on the amount of water consumed, are hereby established:

Combined Water and Sewerage Service

per month

First 2,000	gallons	\$2.00	pier 1,000 gallons
Next 4,000	gallons	1.50	pier 1,000 gallons
Next 4,000	gallons	.60	pier 1,000 gallons
Next 40,000	gallons	.50	pier 1,000 gallons
Next 50,000	gallons	.40	pier 1,000 gallons
All over 100,000	gallons	.30	pier 1,000 gallons

Water Service Alone

per month

First 2,000	gallons	\$1.00	pier 1,000 gallons
Next 4,000	gallons	.75	pier 1,000 gallons
Next 4,000	gallons	.60	pier 1,000 gallons
Next 40,000	gallons	.50	pier 1,000 gallons
Next 50,000	gallons	.40	pier 1,000 gallons
All over 100,000	gallons	.30	pier 1,000 gallons

Minimum charges: Water and Sewerage - \$4.00 per month

Water alone - \$2.00 per month

(Ord. 336, S. 1)

9.105 FAILURE OF METER TO OPERATE: Klien ever for any cause a water meter fails to operate, a reasonable estimate shall be made by the Superintendent of the amount of water supplied during the period such a meter fails to operate and the user shall pay a rate based in whole or in part on the estimated amount of water supplied. (Ord. 336, S. 1)

9.106 HYDRANT RENTAL: The City shall transfer to the Waterworks Funds From any funds available, other than the revenues of the waterworks, the sum of Twelve and 50/100 Dollars (\$12.50) for each fire hydrant connected to the system at the beginning of each fiscal year. This transfer shall be made within thirty (30) days after the beginning of the fiscal year. (Ord. 336, S. 1) '

9.107 DESIGNATION OF CUSTOMERS: Charges for combined water and sewerage service shall be made and collected against each lot, parcel of land, or premises to which water is supplied by the City water system which may have any active sewer connection with the sewerage system of the City or which may actively discharge sewage or industrial waste either directly or indirectly into said system or any part thereof or where connection with the sewerage system of the City is feasible as defined in Section 9.304 of this Code. Charges for water service only shall be made and collected against each lot, parcel of land, or premises receiving water from the City which shall not be connected with the sewerage system of the City, where connection is not feasible. (Ord. 336, S. 2)

9.108 BILLS DUE: Bills for the rates and charges herein established shall be made out by the Superintendent and shall be sent out monthly. The bills shall be payable on the first day of the month following the reading of the water meters. All bills shall be payable at the office of the City Collector. (Ord. 336, S. 3)

9.109 OVERDUE BILLS: If any charges for the services of the system shall not be paid by the fifteenth (15th) day after the bill shall

have been sent out, a delayed payment charge of ten percent (10%) of the amount of the bill shall be added thereto and collected therewith. (Ord. 336, S. 4)

9.110 UNPAID BILLS: If any bills for the services of the combined system shall remain unpaid after twenty (20) days following the rendition of the bill therefore, the water supply for the lot, parcel of land, or premises affected shall be cut off and shall not be turned on again except upon payment in full of the delinquent charges therefore, in addition to the payment of a charge of One Dollar (\$1.00). (Ord. 336, S. 5)

9.111 LIABILITY OF OWNER AND USER: The owner of any lot, parcel of land, or premises receiving any of the services of the combined water and sewage system of the City, the occupant of such premises, and the user of the services shall be jointly and severally liable for the payment of services to such lot, parcel of land or premises and all services are rondo rod to the premises by the City only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the City. (Ord. 336, S. 6)

9.112 APPLICATION FOR SERVICE: Application for water or water and sewerage service must be made to the City Collector in writing by the owner or agent for the premises to be served and shall contain an agreement by the applicant to abide by and accept all the provisions of this Code relating to the procedures of the Department.

9.113 DEPOSIT: A deposit of Fifteen Dollars (\$15.00) shall accompany all applications for water service or water and sewerage service to each building not occupied by the owner thereof. Such deposit shall be held by the The City of Shawneetown as security for the payment of water or sewerage service used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment of the bill by this Article. (Ord. 164, S. 14)

9.114 REQUEST FOR DISCONTINUANCE: Water shall be deemed to have been supplied to any property connected to the waterworks system during any month unless the water user has given written notice to the Water and Sewer Superintendent before the first day of the month that service should be discontinued on or before the first day of such month. Upon the receipt of such notice, water service shall be discontinued in accordance therewith and shall not be resumed until a request for the resumption of water service shall be made. (Ord. 336, S. 8)

9.115 SPECIAL RATES: The City Council reserves the right to make special charges for water or sewerage service supplied to properties not covered by the above rates or which, in the judgment of said board, should be charged special rates. (Ord. 336, S. 9)

9.116 REVENUES: The City Collector shall receive all such revenues from the combined waterworks and sewerage system and all other funds and money incident to the operation of such system as the same may be delivered to him and deposited the same in a separate fund and a separate bank account designated as the "Waterworks and Sewerage Fund" of the City, established by Ordinance Number 335, which authorized the abovementioned revenue bonds, and said City Bookkeeper shall administer such funds in every respect in the manner provided by said ordinance and by law. (Ord. 336, S. 10)

9.117 RESALE PROHIBITED: No water supplied by the waterworks system of the City shall be resold by any user and such resale shall be grounds for the discontinuance of water service to the user so reselling water. (Ord. 336, S. 11)

9.118 CITY HELD HARMLESS: All water or sewerage service supplied by the combined system shall be upon the express condition that the City of Shawneetown shall not be liable nor shall any claim be made

against it for damages or injury caused because of the breaking of any main, branches, service pipes, apparatus, or appurtenances connected with said combined system or any part or portion thereof, or for any interruption of the supply because of the breakage of machinery, or because of stoppage, extensions, alterations, or renewals. (Ord. 336, S. 12) 9

9.119 RIGHT OF ACCESS BY CITY: The City and its employees shall have ready access at all reasonable times to the premises, places, or buildings where water or sewerage service is supplied to examine and testing the consumption, use, and flow of water or the operation of the sewerage portion of the combined system and it shall be unlawful for any person or corporation to interfere with, prevent, or obstruct said City or its duly authorized agent, in its duties hereunder. Every user of the system shall take the same upon the conditions prescribed in this section. (Ord. 336, S. 13)

9.120 COMMENCEMENT OF RATES: The rates established by this Article shall go into effect as soon as water shall be supplied to any premises. (Ord. 336, S. 18)

ARTICLE 2. WATER SYSTEM

9.201 DEFINITION: The Water System of the City of Shawneetown shall include equipment, real property, pipes, and facilities assigned to the Water and Sewer Department by the City Council for the supply, storage, treatment, and distribution of water. The water system shall be operated and maintained under the supervision of the Water and Sewer Superintendent.

9.202 RECORDS: The Superintendent shall cause to be made a complete and correct map or profile of all water mains now or hereafter laid, showing their location, connections, valves, hydrants, shut-offs, etc., and all such books of account, maps, and profiles shall be open

at all times for the inspection of the Mayor and members of the City Council. It shall be the duty of the Superintendent at the time each permit, as herein required, is granted, to enter in a book for that purpose provided, a record of such permit showing the size of the connection, the size of the meter, and the amount of all charges collected. (Ord. 164, S. 7)

9.203 CONNECTION WITH WATER SYSTEM: Any person or corporation desiring to make any connection with said water system or plant, or use water therefrom, shall first make an application to the Superintendent for that purpose upon a blank form or forms to be furnished by the Department. Every such applicant shall state specifically and in detail, the place, location, and kind of connection and appendages sought, the purpose for which the water is to be used and the plumbing or plumbing work in any manner or way connected therewith. Every such person or corporation connected with said system or plant or using water therefrom, shall do so subject at all times to the provisions and conditions of the ordinances of the City in force or to become in force at any time during the period such connections are maintained or such water is used and shall in all respects conform to the provisions and conditions of this Article. (Ord.360, S. 12)

9.204 PERMIT TO MAKE CONNECTION: Upon making the application for connection with said water system or plant as provided for in this Article, the applicant shall tender and pay to the City Collector a connecting charge of Fifty Dollars (\$50.00) to be connected with the waterworks system. Such charge shall include payment for the labor and material necessary to install curb-stop or meter-yoke, meter-box, tap to the water main, and no more than sixty (60) feet of Water pipes are necessary to connect the tap to the meter yoke or curb-stop which, where possible, shall be located one foot outside the sidewalk. The user will also be required to pay for any pipes, when more than sixty (60) feet from the main, to furnish his material,

install His oxm service pipe, and make his connection at the meter or curb-stop provided such connection shall be by the requirements and provisions of the ordinances of the City. All plumbing and plumbing work required to be done by the applicant as well as all excavating and filling shall be done by a plumber authorized by the ordinances of the City to do such plumbing. A permit and connection fee must be obtained for each connection and such connection shall serve only a single building, residence, premises, or place. The applicant may, at the discretion of the Superintendent, be permitted to do his oxm plumbing and excavation work. (Ord. 360, S. 13)

9.205 SEPARATE PREMISES: No owner or plumber shall be permitted to conduct water pipes into any two distinct premises or tenements unless separate and distinct stop-cocks shall be placed on the outside of each such premise along the sidewalk opposite the same, nor shall any pipe be allowed to cross lots or buildings to adjoining premises. (Ord. 336, S. 16)

9.206 CARE OF METERS:

(a) All water consumers supplied by the City of Shawneetown shall be supplied through water meters only, and shall pay for the water at the rates and in the manner specified.

(b) No water meter shall be used by any consumer unless and until such meter is sealed by the Superintendent, or by someone acting under his direction and authority.

(c) Every consumer of water shall afford to the Superintendent and any persons acting under his directions and authority, free access to any meter used by said consumer for enabling the same to be sealed as herein provided.

(d) Only members or employees of the Water and Sexier Department shall be allowed to repair, remove, or in any manner

interfere with x^water meters. All repairs and renewals of meters shall be made by the City, and the applicant for said meter shall at all times be responsible for any damage done to such meter, including that done by freezing hot water, or breakage.

(e) It shall be unlawful for any person to injure, deface, mar, destroy, or in any manner interfere with any such meter. It shall be the duty of such applicant for said meter promptly to notify the department of all defects in any such meter or its failure properly to register the quantity of water. (Ord. 164, S. 17)

9.207 OBSTRUCTING HYDRANT: No person shall in any manner 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 part of said water system or plant; nor pile or place any lumber, brick, or building material or other article, thing, or hindrance whatsoever within twelve (12) feet of the same or to in any manner hinder, delay, or obstruct the members of the fire department in reaching the same. (Ord. 164, S. 15)

9.208 INTERFERENCE: It shall be unlawful for any person or corporation in any manner to interfere with or obstruct the flow, retention, storage, or authorized use of water in said water system or plant or any part thereof; or to injure, deface, remove, or displace any water main, hydrant, service pipe, water meter, shut off box, public fountain, valve, engine, or buildings connected with said water system or plant; or to cause, suffer, or permit any of said things to be done. (Ord. 164, S. 15)

9.209 UNAUTHORIZED USE: No person not duly authorized shall turn the water on at any fire hydrant or service cock, or use water therefrom when so turned on; the person so using or wasting water in such unlawful manner shall be liable to pay therefor at the regular water rates without discount. (Ord. 164, S. 16)

9.210 LEAKS: At any time a leak develops the same shall be repaired immediately upon notice to the owner by the Superintendent. Should the same not be repaired immediately upon notice, the City shall cause the same to be repaired at the expense of The owner or water shall be cut off until such repairs shall have been made.

9.211 CONSERVATION: Hydrants, taps, hoses, water closets, baths, and other fixtures will not be permitted to be kept running when not in actual use; all faucets connected with the service pipes must be of such a pattern as may be approved by the Superintendent. (Ord. 164, S.32)

9.212 - 9.216 9.212 TURNING ON WATER: The water will not be turned on into any house or private service pipe except upon the order of the Superintendent nor until the applicant has paid the charge required. This rule shall not be construed to prevent any plumber from admitting water to test pipes and for that purpose only. (Ord. 164, S. 32)

9.213 LOCATION OF HYDRANTS AND FAUCETS: No hydrant, except public drinking fountains, shall be placed within the limits of any street, and no drinking fountain shall be erected for public use which has openings by which it can be used as a source of domestic supply. No private hydrant or faucet shall be located on the sidewalk or elsewhere beyond the limits of the lot of the party to whom the permit is issued. (Ord. 164, S. 32)

9.214 CHANGE IN OWNERSHIP: Every owner of property in the City shall within five (5) days after making any lease or contract of sale thereof or any portion thereof, to any person, whether the said lease or contract be written or verbal, notify the City Collector in writing of the making of said lease or contract giving the name of the tenant or purchaser, the duration of said lease or period of

contract. Any owner of any property who fails to comply with the foregoing requirements shall be liable to the City for the payment of the water bills accruing against said premises. (Ord. 164, S. 34)

9.215 SERVICE TO ONLY ONE CONSUMER: No water consumer may supply water to other families or allow them to take it, except for use on the premises and the purposes specified in the application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap, or connection with work upon the premises for alterations, repairs, extensions or attachments without written permit therefore. (Ord. 336, S. 14) '

9.216 REPAIRS TO THE SYSTEM: The City reserves the right to shut off the water at any time in the mains for the purpose of repairing, cleaning, making connections with or extensions to same, or for the concentrating of water in any part of the City in case of fire, and for restricting the use of water in case of deficiency in supply, including the suspension of the use of water for sprinkling lawns or gardens. No claim shall be made against the City by reason of the breaking of any service pipe or service cock, or damage arising from shutting off water for repairing, laying or relaying mains, hydrants, or other connections or repairing any part of the water system, or from failure of the water supply, or by increasing the water pressure at any time, or from concentrated or restricted use of water as above. (Ord. 336, S. 15)

9.217 WATER SHORTAGES: The right is reserved to suspend the use of water from the water system of the City for sprinkling lawns, and gardens and for washing automobiles and to otherwise limit the use of water in said water system whenever in the opinion of the City Council the public exigencies require it. If any person or persons, firm or corporation, violates any resolution or order of the City Council made in pursuance of the above rule, the City Council may

cause the water supply of such person or persons, firm or corporation to be disconnected. (Ord. 256)

ARTICLE 3. SEWER USE

9.301 DEFINITION: The sewerage system of the City of Shawneetown shall include equipment, real property, pipes, and facilities assigned to the Water and Sewer Department by the City Council for the collection and treatment of sanitary sewage. The sewerage system shall be operated and maintained under the supervision of the Water and Sewer Superintendent.

9.302 SEWAGE PROHIBITED FROM STORM DRAINS: It shall be unlawful for any person, firm, or corporation to connect or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances, to any stormwater drain in the City. (Ord. 203, S. 1)

9.303 DISPOSAL OF SEWAGE REQUIRED: It shall be unlawful for any owner or lessee of any house, building, or property situated within the City to place, deposit, or permit deposited, any human excrement, garbage, or any other organic waste upon the premises in an unsanitary manner. (Ord. 351, S. 1)

9.304 CONNECTION TO SYSTEM REQUIRED: The use of any premises in the City in such manner as to create sewerage thereon not discharged into the sewerage system of the City is hereby declared to be a nuisance: every water closet or privy connected and used in any building not connected with the sewerage system of the City is hereby declared to be a nuisance, provided that this section shall be inapplicable to premises where connection with said sewerage system is not feasible. Such connection with the set wage system is hereby declared to be

feasible as to any premises abutting any street, alley, or other public way or sewer right-of-way in which any line of the sewerage system of the City exists. (Ord. 336, S. 19')

9.305 CONNECTION DEADLINE: The owner of any premises so used as to create sewage, or on which there exists any water closet or privy, or any tenant or other person occupying any such premises is hereby required to cause the proper connection to be made with the sewerage system of the City within six (6) months from the date when such connection with the sewerage system shall become feasible. (Ord. 336, S. 20)

9.306 PENALTY: Whenever it is found that any person or persons are violating any of the provisions or requirements set out in this Article, a written notice stating the offense and setting the time limit for the correction thereof shall be served upon the offender by the Water and Sewer Superintendent, either personally or mailing to said the offender a written notice addressed to him at his last known place of residence. The offender shall within the time limit stated in the notice served upon him forever cease all violations. Any person who shall continue to violate the provisions of this Article shall be guilty of a misdemeanor, and upon conviction thereof, be fined in a sum not exceeding One Hundred Dollars (\$100.00) per day. Each day in which any such violation may continue shall be deemed a separate offense. (Ord. 307, S. 3)

CHAPTER 10. GAS

ARTICLE 1. RATES AND PROCEDURES

10.101 RATES: The rates and charges for the use and services of the municipal gas utility of the City be and are hereby established. Such rates and charges shall be made and collected against each consumer

who shall directly or indirectly receive gas from the said municipal utility. The rates and charges shall be based on the quantity of gas used by each consumer, as measured by the gas meter, and said charges shall be computed every month at the following rates:

First	2	Mcf@	\$2.30 per Mcf
Next	98	Mcf@	\$1.15 per Mcf
Over	100	Mcf	\$1.00 per Mcf

Minimum monthly bill - \$2.50

Said rates shall be subject to adjustment from time to time to reflect any increase or decrease in the cost of purchased gas by the terms and conditions and regulations prescribed and approved by the Illinois Commerce Commission. (Ord. 389, S. 1)

10.102 NO FREE SERVICE: No free service of the gas utility shall be furnished to any person, firm, organization or corporation, public or private, and all rates and charges shall be non-discriminatory, provided that The City Council reserves the right to impose special rates and charges in cases where particular circumstances render The regular rates are inadequate or unjust. If the City should elect to supply itself with gas for any purpose, regular rates therefore shall be charged against the City and payment made from the funds thereof to the Gas Fund. (Ord. 389, S. 2)

10.103 METERS REQUIRED: Gas shall be supplied only through meters, and all meters shall be read monthly. (Ord. 389, S. 3)

10.104 BILLS: Bills for gas service shall be delinquent fifteen (15) days after their rendition, and in the event of failure to pay any bill within said fifteen (15) day period, an additional charge of ten percent (10%) shall be added to the bill. If any bill shall remain delinquent for a period of thirty (30) days or more, then gas service

shall be disconnected and shall not be reconnected except upon payment of all delinquent bills, together with a reconnection charge of Twenty-five Dollars (\$25.00), provided, however, that in case of a change in occupancy of any premises the new occupant shall not be charged with the delinquencies of the prior occupant, but the gas shall be reconnected upon the payment of the reconnection charge. (Ord. 389, S. 4)

10.105 DEPOSIT: The services of the gas system shall be deemed to be furnished to both the occupant and the owner of the premises receiving such services and shall be deemed an obligation of both the occupant and the owner of any such premises, and the owner shall be held liable for any charges left unpaid by the tenant. However, where a tenant or lessee of the premises shall make application for gas service, such tenant or lessee shall be required to deposit with the City at the time of such application the sum of Twenty-five Dollars (\$25.00) which sum shall be held and retained by the City as a guarantee of payment of gas supplied to such tenant or lessee and which shall be returned to said tenant or lessee at such time as the tenant or lessee shall vacate the premises and discontinue the gas service, provided, however, that should there be any unpaid balance for gas furnished to the tenant at the time of such vacation of the premises, then the amount due the City for gas shall first be deducted from the said deposit and the balance then remaining shall be returned to such tenant or lessee. (Ord. 393, S. 5)

10.106 DISPOSITION OF MONEYS: All moneys received as charges for the services of the municipal gas system shall be deposited in a bank account separate and distinct from the bank accounts in which other City funds are held. Said funds shall be administered and allocated in strict accordance with the provisions of Ordinance Number 377 of the City, authorizing the issuance of Gas Public Utility Certificates, or in accordance with any ordinance which may hereafter be adopted to refund said certificates. (Ord. 381, S. 6)

10.107 ACCOUNTING: It shall be the duty of the City Treasurer to set up and maintain a proper system of accounts and records separate from all other accounts and records, showing the amount of revenues received from the gas system and the application of such revenues and all financial transactions in connection therewith. Such accounts shall annually be audited properly by an independent certified public accountant as provided by said Ordinance Number 377 and as provided by the Illinois Municipal Accounting Act. (Ord. 389, S. 7)

10.108 COLLECTION PROCEDURES: It shall be the duty of the officials of the City diligently to collect the charges imposed by this Article and to employ the proper means for the collection thereof. (Ord. 389, S. 8)

ARTICLE 2. GAS DEPARTMENT

10.201 DEPARTMENT CREATED: There is hereby created the Gas Department of the City of Shawneetown. Said department shall consist of the Gas Superintendent and such other employees as the Corporate Authorities may from time to time deem necessary to implement the provisions of this Chapter, The department shall be under the general supervision of the Gas Committee.

10.202 EMPLOYEES : The Gas Superintendent and any and all employees shall be appointed in accordance with the provisions of Article 1.3 of this Code. The Superintendent shall take an oath of office and shall execute a bond as an appointed officer of the City as provided by Article 1.3 of this Code.

10.203 DUTIES OF THE SUPERINTENDENT: It shall be the duty of the Superintendent to oversee and superintend the operation of said system and to see to all necessary repairs and maintenance of the system which may from time to time be required or necessary for its effective operation. The Superintendent shall be in charge of the function of said system, shall oversee the installation of services to consumers as may, from time to time, be authorized and to assist

the City Clerk in the regulation of said system and the collection of accounts, connections, dis-connections and reconnections. (Ord. 394, S. 3)

10.204 MAINTENANCE OF SYSTEM: The Superintendent shall maintain said system in accordance with the ordinances of the City heretofore or hereafter adopted and when necessary negotiate in behalf of the City for a supply of gas for the City. (Ord. 394, S. 4)

10.205 EMPLOYEES: The Superintendent shall oversee and direct the work of any persons which may, from time to time be employed by the City in connection with the operation, maintaining and repairing of the said gas system and may recommend to the City Council the employment of persons in connection with the operation of said system. (Ord. 394, S. 5)

10.206 SALARY: The salary of the Superintendent shall be fixed by the City Council and for all purposes the Superintendent shall be considered an appointed officer of the City. (Ord. 394, S. 6)

10.207 CONNECTIONS: The Superintendent shall have the authority and is hereby empowered to authorize the connection of gas service to applicants in accordance with the terms and provisions of the ordinances of the City of Shawneetown heretofore or hereafter adopted and shall be charged with the responsibility to see that any such connections are properly made and that the applicant complies with all of the rules, regulations and requirements of the City in connection therewith including the payment of deposits, where required. (Ord. 394, S. 7)

10.208 OPERATIONS MANUAL: The Municipal Gas System of the City of Shawneetown hereby adopts and incorporates the Operations Manual in this Code by reference.

CHAPTER 11. COMMUNITY DEVELOPMENT

ARTICLE 1. PLAN COMMISSION

11.101 PURPOSE: So that adequate provisions be made for the preparation of a comprehensive City plan for the guidance, direction, and control of the growth and development or redevelopment of the The City of Shawneetown and contiguous territory not more than one and one-half (1½) miles beyond the corporate limits and not included in any municipality, a Plan Commission is hereby created under the authority of an act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code" approved May 29, 1961, and effective July 1, 1961, and as amended. (Ord. 331, S. 1)

11.102 MEMBERSHIP: Said Plan Commission shall consist of six (6) members, citizens of the City, appointed by the Mayor, based on their particular fitness for their duty of said Plan Commission, and subject to the approval of the City Council. Plus one ex-officio member is to be the Mayor. (Ord. 331, S. 2)

11.103 TERM OF OFFICE: Of the six (6) members, two (2) shall serve for a period of three (3) years, two (2) for a period of two (2) years, two (2) for a period of one (1) year, etc. Thereafter, such members shall serve for a period of three (3) years. Vacancies shall be filled by appointments for unexpired terms only. All members of the Commission shall serve without compensation except that if the City Council deems it advisable, they may receive such compensation as may be fixed from time to time by said City Council and provided for in the appropriation ordinance. Ex-officio members shall serve for the term of their elective office. (Ord. 331, S. 3)

11.104 PROCEDURE: Immediately following Lheli's appointment, the members of the Plan The commission shall meet, organize, elect such officers as it may deem necessary, and adopt and later change or alter, rules and regulations of organization and procedure consistent

with city ordinances and state laws. The Commission shall keep written records of its proceedings, which shall be open at all times to public

inspection. The Commission shall also file an annual report with the Mayor, and City Council, setting forth its transactions and recommendations. (Ord. 331, S. 4)

11.105 POWERS AND DUTIES: Said Plan Commission shall have the following powers and duties.

(a) To prepare and recommend to the City Council of Shawneetown' a comprehensive plan for the present and future development or redevelopment of said City and contiguous unincorporated territory not more than one and one-half ($1\frac{3}{4}$) miles beyond the corporate limits of, said City and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted shall be the official comprehensive plan, or part thereof, of Shawneetown. Such plan shall be advisory, except as to such part thereof as has been implemented by ordinances duly enacted by the City Council. All requirements for a public hearing, filing of a notice of adoption with the County Recorder of Deeds, and filing of said plan and ordinances with the City Clerk shall be complied with as provided for by law. To provide for the health, safety, comfort, and convenience of the inhabitants of Shawneetown and contiguous territory such plan or plans shall establish reasonable

(b) standards of design for subdivisions and for subdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, stormwater drainage, water supply and

distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by ordinance.

(c) To designate land suitable for annexation to the municipality and the recommended zoning classification for such land upon annexation. ,

(d) To recommend to the City Council from time to time, such changes in the comprehensive plan or any part thereof as may be deemed necessary.

(e) To prepare and recommend to the City Council from time to time, plans and/or recommendations for specific improvements in pursuance of the official comprehensive plan.

(f) To give aid to the officials of the City, charged with the direction of projects for improvements embraced within the official plan or parts thereof, to further ' the making of such improvements, and generally to promote the realization of the official comprehensive plan.

(g) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding. '

(h) To cooperate with municipal or regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

(i) To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois entitled "Illinois Municipal Code" approved May 29, 1961, and effective July 1, 1961, and as amended, as may be conferred by the City Council. (Ord. 331, S. 5)

11.106 LAND SUBDIVISION OR SUBDIVISION AND THE OFFICIAL MAP: At any time or times, before or after the formal adoption of the official comprehensive plan by the Corporate Authorities, An official map may be designated by ordinance, which map may consist of the whole area included within the official comprehensive plan or one or more separate geographical or functional parts, and may include all or any part of the contiguous unincorporated area within one and one-half ($1\frac{3}{4}$) miles from the corporate limits of the City. All requirements for a public hearing, filing of a notice of adoption with the County Recorder of Deeds, and filing of said plan and ordinances including the official map with the City The clerk shall be complied with as provided for by law. No map or plat of any subdivision or subdivision presented for record, affecting land within the corporate limits of the City, or within contiguous territory which is not more than one and one-half ($1\frac{3}{4}$) miles beyond the corporate limits, shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design, and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, storm and flood water run-off channels and basins, water supply and distribution, sanitary sewers, and sewage collection and treatment, in conformity with the applicable requirements of the ordinances including the official map. (Ord. 331, S. 6)

11.107 IMPROVEMENTS: The City Clerk shall furnish the Plan Commission for its consideration a copy of all ordinances, plans, and data relative to public improvements of any nature. The Plan Commission may report in relation thereto if it deems a report necessary or advisable, for the consideration of the City Council. (Ord. 331, S. 7)

11.108 EXPENDITURES: The Commission may at the discretion of the City Council employ a paid secretary, or staff, or both, whose salaries,

wages, and other necessary expenses shall be provided for by adequate appropriation made by the City Council from the public funds. If said Plan Commission shall deem it advisable to secure technical advice or services, it may be done upon authority from the City Council and appropriations by the City, therefore. (Ord. 331, S. 8)

ARTICLE 2. ANNEXATIONS AND SUBDIVISIONS

11.201 COMPLIANCE REQUIRED: Applications for the annexation of territory to the City of Shawneetown shall comply with the rules, regulations, and provisions hereinafter set out and that the plans for the development of said territory to be annexed conform to the provisions contained in this Article. (Ord. 353sS. 1)

11.202 FILING OF PLAT: Before or at the time of the filing and presentation of a proposal and petition to annex territory to the City, the owners of said territory shall file with the City a plat of the property proposed to be annexed which plat must be approved by the City Council and contain the following:

(a) If a subdivision, is the proposed name of the subdivision.

(b) The location of the territory or subdivision by Section, Township, and Range or by other generally accepted legal description.

(c) The names and addresses of the owners and if a subdivision, the designer of the Subdivision.

(d) The date of preparation, scale 100 feet to the inch and Northpoint (designated as to North).

(e) Layout of streets showing location and widths of streets, crosswalks and easements together with the layout numbers and dimensions of lots.

(f) Parcels of land intended to be dedicated to the public or set aside for the use of property owners in the subdivision.

(g) Building setback lines - showing dimensions together with easements for public utilities,

(h) Accurate angular and linear dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important Features.

(i) An identification system for all lots and blocks and names of streets. Lot lines to show dimensions in feet and hundreds.

(j) Pipes or other physical markers shall be placed at each lot corner.

(k) Certification by a licensed land surveyor to the effect that the plat represents a survey made by him that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.

(l) Certification showing that all taxes and special assessments due on the property to be subdivided and/or annexed have been paid in full.

(m) Proposed location of sewer, gas, and water lines to be installed.

(n) Where required by the statutes of the State of Illinois and insofar as may apply to the proposed development, the plans and

specifications have been approved by the Department of Public Health and the Environmental Protection Agency of the State of Illinois. (Ord. 353, S. 2)

11.203 SUBDIVISIONS: Subdivisions proposed to be annexed to the City shall meet the following requirements:

(a) The traveled portion of all through streets, the traveled portion of all secondary streets and the traveled portion of all dead-end streets shall be laid out to a minimum width of forty (40) feet which may permit parking on either side, with a full sixty (60) foot street right of way.

(b) All alleys and easements for public utilities shall be twenty (20) feet in width and shall provide for the installation and maintenance of main sewer lines, electric power lines and telephone lines.

(c) Building lines shall be established to provide for a minimum of thirty-five (35) feet between, the inside edge of the front sidewalk of the main building line and the main portion of no building shall extend in front of the building line nor shall any building be built closer than five (5) feet to the side line of any lot except those lots which may be shown on the plat as business or commercial lots and which have no front or side building lines. (Ord. 353, S. 3)

11.204 WATER, GAS, AND SEWER LINE COST SHARING: If the owners of the proposed the subdivision shall desire the City to participate in the cost of materials only for water, gas, and sewerage lines, The following provisions and requirements shall be applicable:

(a) Sixty (60) days before any construction, the owners or subdividers shall notify the City in writing the number of feet of sewer, gas, or water lines that said owners or subdividers desire a participation in construction costs by the City.

(b) The City shall thereupon promptly advertise for bids for the purchase of the materials required for the construction of such water, gas, and/or sewer lines by plans and specifications thereof. The contract for said materials shall be let by competitive bidding to the lowest and best bidder but the materials shall be paid for by the owners or subdividers. At such time as the gas, water, and sewer lines are installed, such installation is to be subject to the inspection and acceptance by the City, and are producing income for the City,

Seventy-five percent (75%) of the amount of such income as collected by the City shall be refunded every quarter to the owners or subdividers until the bid price for said sewer, gas, and water mains so purchased at the aforesaid letting are paid for. In any event, said water, gas, and sewer lines as and when the same are installed and constructed shall become the property of the City and neither the subdividers nor the lot owners served thereby shall retain any interest in or ownership of said main sewer, gas, and water lines.
(Ord. 353, S. 4)

11.205 STREET SPECIFICATIONS: Before the acceptance by the City of any public streets provided for in such plat and subdivision, such platted streets shall be constructed by the owners or subdividers with a minimum of eight (8) inches of stone base for through streets and a minimum of six (6) inches of stone base for secondary and dead-end streets and with adequate drainage. As and when said streets are so constructed the City shall accept the responsibility for maintenance and improvement of said streets to the end that they shall be improved and maintained to the same general standards as the then existing streets in the City. Nothing herein contained shall,

however, require the City to finish such streets with asphalt and chips within any specific period. The City shall, however, incorporate said streets in its general street improvement program and shall proceed to improve and surface said streets based on a general overall plan or program for improvement and maintenance of all of the streets of the City. (Ord. 353, S. 5)

11.206 SIDEWALKS: Residential portions of any subdivision sought to be annexed to the City shall provide for sidewalks that meet the specifications provided in Article 8.2 of this Code. (Ord. 353, S. 6)

11.207 APPROVAL OF PLANS REQUIRED: The plans for and construction of sewers, water mains, and streets within the subdivision sought to be annexed to the City shall be laid out and constructed by generally accepted engineering practices and subject to the approval of the City engineer. (Ord. 353, S. 7)

11.208 ARRANGEMENT OF STREETS: The arrangement of streets in new subdivisions shall make provision for the direct continuation of principal existing streets in adjoining subdivisions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. In general, such streets shall be a width at least as great as existing streets. The street and alley arrangement must also be such as to provide an opportunity for access and use by adjoining property owners. (Ord. 353, S. 8)

11.209 DEDICATION OF STREETS AND PUBLIC SPACES: The owners or subdividers shall furnish to the City an effective dedication of all streets and other public spaces to be dedicated and of all easements provided by the subdivision land. (Ord, 353, S. 9)

11.210 ANNEXAION OF TERRY AND ANITA GOLDEN:

ORDINANCE NO. 3-12-2012-1
CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS
AN ORDINANCE ANNEXING
TERRITORY CONTIGUOUS TO MUNICIPALITY

WHEREAS, the City of Shawneetown Board of Aldermen/City Council has been presented with a Petition for Annexation signed under oath by all of the owners of record of the territory sought to be annexed, and also signed under oath by at least 51% of the electors residing in said territory, which Petition has been filed with the City Clerk; and

WHEREAS, said Petition states that the territory sought to be annexed is not situated within the limits of any municipality, but is contiguous to the City of Shawneetown; and

WHEREAS, the Board has determined that it is in the best interests of the City, City authorities, property owners, and electors residing within the City, that the contiguous, inhabited, unincorporated territory as described herein, be annexed to the City, in accordance with the provisions of 65 ILCS 5/7-1-8;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN (CITY COUNCIL) OF THE CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS, AS FOLLOWS:

A. That the property legally described on Exhibit "A" attached hereto and incorporated herein by reference is hereby annexed to the City of Shawneetown, Gallatin County, Illinois.

B. That a copy of this Ordinance, along with the map of the annexed territory attached hereto as Exhibit "B", be recorded with the Gallatin County Recorder, and that a Certificate of Annexation be filed with the Gallatin County Clerk, pursuant to statute.

C. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet as provided by law. Council of the City of Shawneetown its passage, approval and publication in pamphlet form as provided by law.

D. This Ordinance shall be published in pamphlet form and made available to the public as provided by law.

PASSED AND APPROVED this 12th day of March, 2012, pursuant to roll call vote as follows:

AYES:

Raymer, Miles, Word and Mayor Williams

NAYS: 0

ABSENT: Sauls and Smith, Smith

CERTIFICATE OF ANNEXATION
CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS

I, Nancy Larkin, being the duly elected, qualified, and acting City Clerk of the City of Shawneetown, Gallatin County, Illinois, do hereby certify that what is attached hereto is a true copy of Ordinance No. 3-12-2012-1, being AN ORDINANCE ANNEXING TERRITORY CONTIGUOUS TO MUNICIPALITY, along with the map of the property being annexed, as described in said Ordinance, which was passed and approved at a regular meeting of the Board of Aldermen/City Council of the City of Shawneetown held on March 12, 2012, which said Ordinance is effective and in force, and has not been repealed. This certified copy is identical to that appearing in the official Ordinance Book and Records of the said City of Shawneetown.

EXHIBIT "A"

TERRY LEE GOLDEN and ANITA K. GOLDEN ANNEXATION DESCRIPTION:

A part of the Northeast Quarter of Section 27, Township 9 South, Range 9 East of the 3rd P.M., more particularly described as follows: Commencing at a point located 306.00 feet South of the Northeast corner of said Section 27, thence West, parallel to the North line of the Northeast Quarter of said Section 27, a distance of 334.00 feet to the point of beginning of the land herein described, running thence West parallel to the North line of the Northeast Quarter, 100.00 feet to a point, thence South parallel to the East line of said Northeast Quarter a distance of 200.00 feet to a point, thence East parallel to the North line of said Northeast Quarter a distance of 100.00 feet to a point, thence North parallel to the East line of said Northeast Quarter, a distance of 200.00 feet to the point of beginning, situated in Gallatin County, Illinois, and containing 0.46 acres, more or less.

INCLUDING the right of ingress and egress for access to said premises for the owners, their heirs, successors, and assigns, such right of access to be assignable and to apply over and across the following described real estate: A part of the Northeast Quarter of Section 27, more particularly described as follows, to-wit: Commencing at a point located 288 feet South of the Northeast corner of said Section 27, thence West, parallel to the North line of the Northeast Quarter of said Section 27, a distance of 434 feet to the point of termination of the access. Said line as heretofore described is the centerline of a 36 feet roadway for which access is granted and guaranteed to the owners, and the owners shall have the right for purposes of ingress and egress to use the said strip of land 36 feet in width lying 18 feet to the North and 18 feet to the South of the centerline aforesaid.

PETITION FOR ANNEXATION

We, the undersigned, first being duly sworn, hereby declare that we, collectively, are owners of land described in this Petition for Annexation; further, that we constitute at least 51% of the electors (voters) living in the territory described herein. We request the City of Shawneetown, Gallatin County, Illinois, and all other appropriate authorities to annex this territory to the City of Shawneetown, Gallatin County, Illinois. The territory sought to be annexed is not situated within the limits of any municipality, but is contiguous to the City of Shawneetown, and is described on the attached schedules and is shown on the attached map

which is incorporated herein by reference:

Terry Lee Golden, Owner & Elector

Nathan Golden, Elector

Anita K. Golden, Owner & Elector

Subscribed and Sworn to before me this 12th day of March, 2012.

OFFICIAL SEAL

CYNTHIA A WILLIAMS

NOTARY PUBLIC-STATE OF ILLINOIS

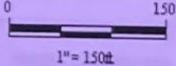
MY COMMISSION EXPIRES:05/11/12

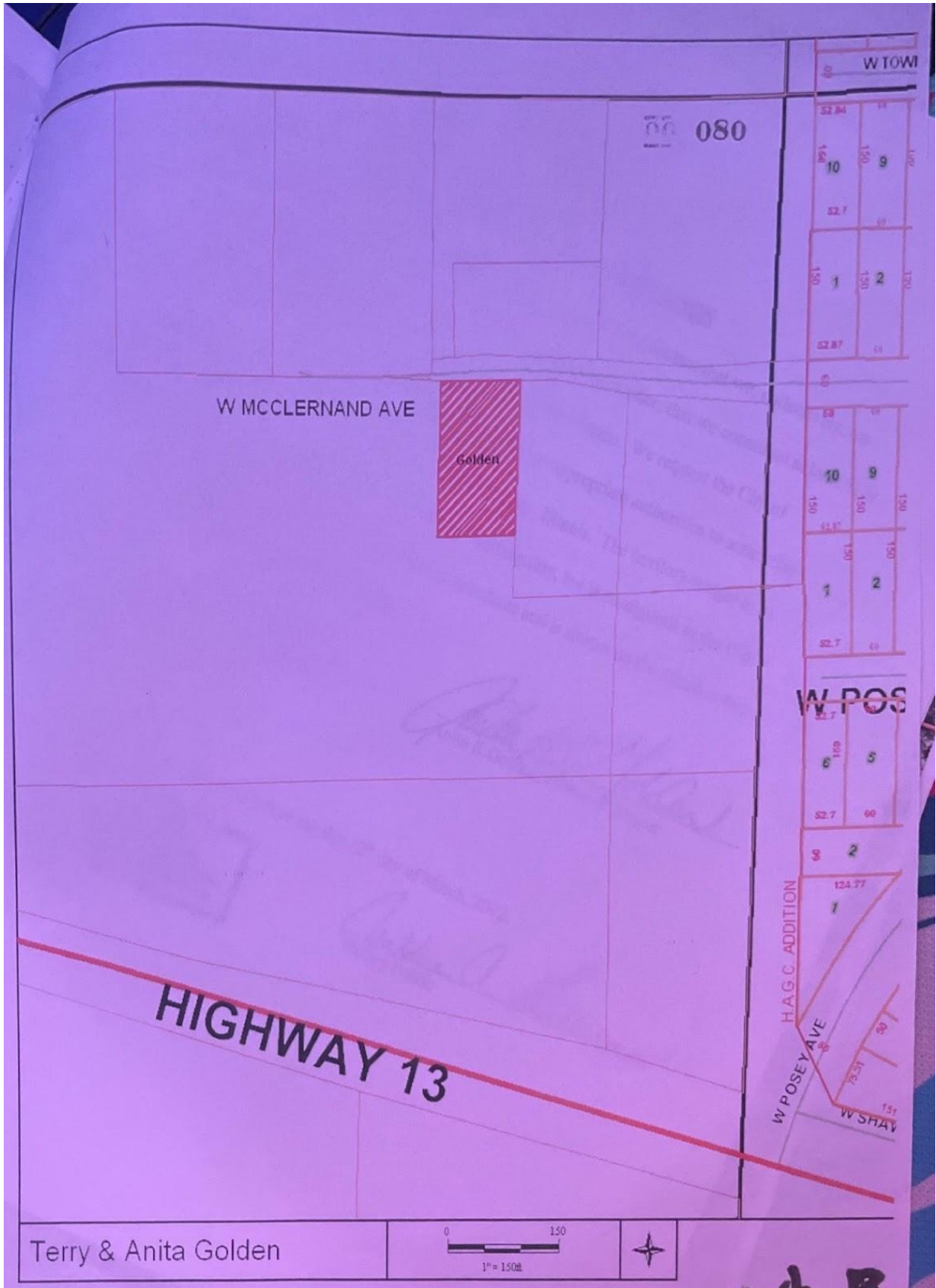
Canthia A. Williams

Notary Public



Terry & Anita Golden





W TOW

080

52.84	10	9
10	150	150
52.7	1	2
150	150	150
52.87		

10	9
150	150
52.7	60
1	2
150	150

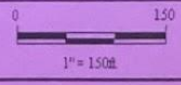
W POS

6	5
60	60
56	2

HAG.C. ADDITION

W POSEY AVE

W SHAW



Terry & Anita Golden

ARTICLE 3. HOUSE NUMBERING

11.301 ADOPTION OF DECIMAL SYSTEM: The decimal system of numbering streets is hereby adopted in and for the City of Shawneetown. (Ord. 302, S. 1)

11.302 STREETS: Shawnee Avenue shall be the initial or starting point of all streets running north or northerly therefrom; and the westerly boundary line of Lincoln Boulevard West and Lincoln Avenue shall be the starting point for numbering all streets running east and west, lying west of said Lincoln Boulevard West and Lincoln Avenue; and the easterly boundary line of Lincoln Boulevard East and Lincoln Avenue shall be the starting point for numbering all streets running east and west, lying east of said Lincoln Boulevard East and Lincoln Avenue. The word "streets" shall include avenues, boulevards, and roads. One hundred numbers shall be assigned on each street to each block or square. Each lot shall be given a single number provided if there is more than one house on any one lot, then the houses thereon shall be given a distinct number by adding the number one-half (1/2) or another proper fractional number, depending on how many houses there are on a single lot. (Ord. 302, S. 2)

11.303 APARTMENTS: If there are upstairs apartments on any lot, their number shall be designated the same as the downstairs house, except that there shall be added thereto the letter "A". (Ord. 302, S. 3)

11.304 LOT NUMBERING: The first square on each street running easterly from Lincoln Boulevard East and Lincoln Avenue shall be commenced with the number 100; the first square on each street running westerly from Lincoln Boulevard West and Lincoln Avenue shall be commenced with the number 100; and the first square running northerly from Shawnee Avenue shall commence with the number 100; and each succeeding square shall commence with an even 100 as aforesaid; and in all respects shall adhere to the decimal system of

enumeration. On the northern side of Shawnee Avenue, even numbers shall be on the easterly side of the street and odd numbers shall be on the westerly side of streets running northerly from said Shawnee Avenue. On streets running easterly and westerly, the even numbers shall be on the northerly side and the odd numbers on the southerly side of such streets. (Ord. 302, S. 4)

11.305 FIGURE SPECIFICATIONS: The figures of every house number shall be at least three (3) inches in height, being so marked or composed as to be easily and distinctly read. Said numbers shall be placed in a conspicuous place beside or above the front door or on the front of the front porch of the buildings to which the same are attached. (Ord. 302, S. 5)

11.306 MORE THAN ONE LOT FOR A BUILDING: In cases where there is a single house or building occupying more than one lot, the number of the lot nearest the main entrance shall be used and placed as otherwise provided for in this Article. (Ord. 302, S. 6)

11.307 AREAS WITHOUT LOTS: In areas not laid out in lots, twenty-five (25) lineal feet shall constitute a lot for numbering. (Ord. 302, S. 7)

11.308 CHART: The City Clerk shall keep a chart showing the proper street number of every lot in the City, which said chart shall be open to inspection by anyone interested. (Ord. 302, S. 8)

11.309 STREET NAMES: The names of streets shown on the plats of the City of Shawneetown on file in the office of the Recorder of Deeds of the County of Gallatin, State of Illinois, are hereby adopted and confirmed, and Each street so named shall be adopted or confirmed as to the name of said streets in the City of Shawneetown, except that all streets intersecting and lying east of Lincoln Boulevard East and Lincoln Avenue shall be called by the name of said street as now existing and by adding the prefix "East" thereto; and that all

streets intersecting and lying west of Lincoln Boulevard West and Lincoln Avenue shall be called by the name of said street as now existing and by adding the prefix "West" thereto, except that part of Marshall Avenue west of its intersection with West Posey Avenue shall have added the prefix "Northwest".(Ord. 302, S. 9)

11.310 PENALTY: Any person being the owner of or occupant of any building in the City of Shawneetown who, after being notified by the City Marshall or police officer of the City of Shawneetown, to number any building owned or occupied by him in conformity with the provisions of this Article shall for thirty (30) days fail, or neglect so to do, shall be subject to a fine of not less than Five Dollars(\$5.00) nor more than Twenty Dollars (\$20.00) for each thirty (30) days after being so notified that he shall so neglect or refuse to number such buildings. (Ord. 302, S.

ARTICLE 4. DANGEROUS BUILDINGS

11.401 DEFINITIONS: The term "dangerous building" as used in this Article, is hereby defined to mean and include

(a) Any building, shed, fence, or other man-made structure which is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of the occupants of it or neighboring structures;

(b) Any building, shed, fence, or other man-made structure which, because of faulty construction, age, lack of proper repair, or any other cause, is especially liable to fire and constitutes or creates a fire Hazard;

(c) Any building, shed, fence, or other man-made structure which, because of faulty construction, age, lack of proper repair, or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such a structure;

(d) Any building, shed, fence, or other man-made structure which, because of its condition or because of the lack of doors or windows available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure. (Ord. 315, S. 1)

11.402 DECLARED A NUISANCE: Any such dangerous building as defined in Section 11.401 above in the City of Shawneetown, Illinois, is hereby declared to be a nuisance. (Ord. 315, S. 2)

11.403 PROHIBITED: It shall be unlawful to maintain or permit the existence of any dangerous building in the City; and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition. (Ord. 315, S. 3)

11.404 ABATEMENT: Whenever the building official, the Fire Marshall, the health inspector, or any other officer or employee of the City shall think that any building or structure in the City is a dangerous building, he shall file a written statement to this effect with the City Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in dangerous condition, and that such dangerous conditions must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied at once. Such notice may be in the following form:

"To _____ (owner-occupant of the premises) of the premises known and described as

"You are hereby notified that (describe building) on the premises above described has been condemned as a nuisance and a dangerous building after inspection by _____

"The causes for this decision are (here insert the facts as to the dangerous condition)."You must remedy this condition or demolish the building immediately, or the City of Shawneetown, Illinois will proceed to do so."

If the person receiving such notice has not complied therewith within ten (19) days from the time when this notice is served upon such person by personal service or by registered mail, the Fire Marshall may, upon orders of the Mayor, proceed to remedy the condition or demolish the dangerous building. (Ord. 315, S. 4)

11.405 UNKNOWN OWNERS: If the owner of the premises concerned is unknown, or if his address is unknown, service of any notice provided for in this Article may be made by posting a copy thereof on the premises and by publishing one time a copy thereof in a newspaper published within the municipality. (Ord. 345, S. 7)

11.406 ALTERNATIVE ACTION: In addition to the actions authorized by other sections of this Article, the fire marshall, chief of the fire department, or any other municipal official whose duty it is to investigate fires, may make the investigations authorized by the statute found in Illinois Revised Statutes, Chapter 127Jg, Paragraphs 11.406 - 11.407. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or because of faulty construction, age, lack of repair, or for any other cause is especially liable to fire, or is liable to cause injury by collapsing or otherwise, he shall order the dangerous condition removed or remedied, and shall so notify the owner or occupant of the premises. Service of such notice may be in person or

by registered mail, and any person so notified may appeal from the decision of such officer in the manner provided by law. (Ord. 345, S. 8)

11.407 PENALTY: Any person, firm, or corporation violating any provision of this Article, or permitting any dangerous building, or any building or structure to remain in a dangerous condition, or to remain in the fire limits after it has been damaged to the extent of fifty percent (50%) of its value, shall be fined not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00) for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.- The penalties provided herein shall not be deemed to prohibit the City Council or any of its officers by any other appropriate action, remedy, or proceedings to enforce the possession of this Article. (Ord. 345, S. 9 and 10)

ORDINANCE NO. 3-12-2012

CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS

AN ORDINANCE ANNEXING TERRITORY CONTIGUOUS TO MUNICIPALITY

WHEREAS, the City of Shawneetown Board of Aldermen/City Council has been presented with a Petition for Annexation signed under oath by all of the owners of record of the territory sought to be annexed, and also signed under oath by at least 51% of the electors residing in said territory, which Petition has been filed with the City Clerk; and

WHEREAS, said Petition states that the territory sought to be annexed is not situated within the limits of any municipality, but is contiguous to the City of Shawneetown; and

WHEREAS, the Board has determined that it is in the best interests of the City, City authorities, property owners, and electors residing within the City, that the contiguous,

inhabited, unincorporated territory as described herein, be annexed to the City, in accordance with the provisions of 65 ILCS 5/7-1-8;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN (CITY COUNCIL) OF THE CITY OF SHAWNEETOWN, GALLATIN COUNTY, ILLINOIS, AS FOLLOWS:

- A. That the property legally described on Exhibit "A" attached hereto and incorporated herein by reference is hereby annexed to the City of Shawneetown, Gallatin County, Illinois.
- B. That a copy of this Ordinance, along with the map of the annexed territory attached hereto as Exhibit "B", be recorded with the Gallatin County Recorder, and that a Certificate of Annexation be filed with the Gallatin County Clerk, pursuant to statute.
- C. This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form as provided by law.
- D. This Ordinance shall be published in pamphlet form and made available to the public as provided by law.

PASSED AND APPROVED this 12th day of March, 2012, pursuant to roll call vote as follows:

AYES: Rayner, Miles, Wood and Mayor

NAYS:

ABSENT: Sauls, Smith

THOMAS L. HIRSCH ANNEXATION DESCRIPTION

A part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Twenty-seven (27), Township Nine (9) South, Range Nine (9) East of the Third Principal Meridian, Gallatin County, Illinois, described as the following tract:

Tract 1: Commencing at the Northeast corner of said Quarter-Quarter, thence Westerly along the North line of said Quarter-Quarter Four

Hundred Fifty-five and Zero Hundredths (455.00) feet to the point of beginning; thence deflect 88 degrees 44 minutes 35 seconds to the left, Southerly Two Hundred Seventy and Zero Hundredths (270.00) feet; thence deflect 88 degrees 44 minutes 35 seconds to the right, Westerly One Hundred Ninety-eight and Twenty-five Hundredths (198.25) feet; thence deflect 91 degrees 15 minutes 25 seconds to the right, Northerly Two Hundred Seventy and Zero Hundredths (270.00) feet to the North line of said Quarter-Quarter; thence deflect 88 degrees 44 minutes 35 seconds to the right, Easterly along said North line One Hundred Ninety-eight and Twenty-five Hundredths (198.25) feet to the point of beginning, containing 1.228 acres, more or less, situated in the County of Gallatin, State of Illinois.

TOGETHER with a non-exclusive easement appurtenant in perpetuity for the use and benefit of the tract described above for the purposes of obtaining and maintaining telephone service, water service, electrical service, cable television service, any and all other utility services, and also for the purpose of ingress and egress in, upon, and across the following described real estate, to-wit:

Beginning at the Southwest corner of Tract 1 above; thence West 20 feet to a point; thence South 25 feet to a point; thence East parallel with the South line of Tract 1 above 218.25 feet to a point; thence continuing East 40 feet to a point, thence continuing Easterly to the East line of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section Twenty-seven (27), Township Nine (9) South, Range Nine (9) East at a point 306 feet South of the Northeast corner of said Quarter-Quarter Section; thence North 36 feet to a point; thence Westerly 415 feet to a point 245 feet South of the North line of said Quarter-Quarter Section and 415 feet West of the East line of said Quarter-Quarter Section; thence West 40 feet to a point 25 feet North of the Southeast corner of Tract 1 above; thence South 25 feet to the Southeast corner of Tract 1 above; thence West 198.25 feet to the point of beginning.

We, the undersigned, first being duly sworn, hereby declare that we, collectively, are owners of land described in this Petition for Annexation; further, that we constitute at least 51% of the electors(voters) living in the territory described herein. We request the City of Shawneetown, Gallatin County, Illinois, and all other appropriate authorities to annex this territory to the City of Shawneetown, Gallatin County, Illinois. The territory sought to be annexed is not situated within the limits of any municipality, but is contiguous to the City of Shawneetown, and is described on the attached schedules and is shown on the attached map which is incorporated herein by reference:

Thomas L. Hirsch, Owner & Elector

Caitlin Hirsch, Elector

Brenda Hirsch, Elector

Subscribed and Sworn to before me this 12th day of March, 2012.

OFFICIAL SEAL

JENNIFER J COX

NOTARY PUBLIC-STATE OF ILLINOIS Notary Public

MY COMMISSION EXPIRES:08/01/15 STATE OF ILLINOIS

(COUNTY OF GALLATIN)

Thomas and Brenda Hirsch (Signed)...

First being duly sworn, on his/her oath

states that he/she circulated the foregoing Petition and that he/she is familiar with the area therein and has investigated the ownership of the land thereon. He/She further states that the persons who signed this Petition are the persons whose names appear thereon and that they each did sign said Petition in person. Further that the signers represent all of the owners of land described in the Petitioner. Further that the signers represent at least 51% of the electors (voters) residing on the lands described in said Petition.

Thomas and Brenda Hirsch (Signed)

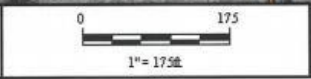
Subscribed and Sworn to before me this 12th day of March, 2012.

Notary Public

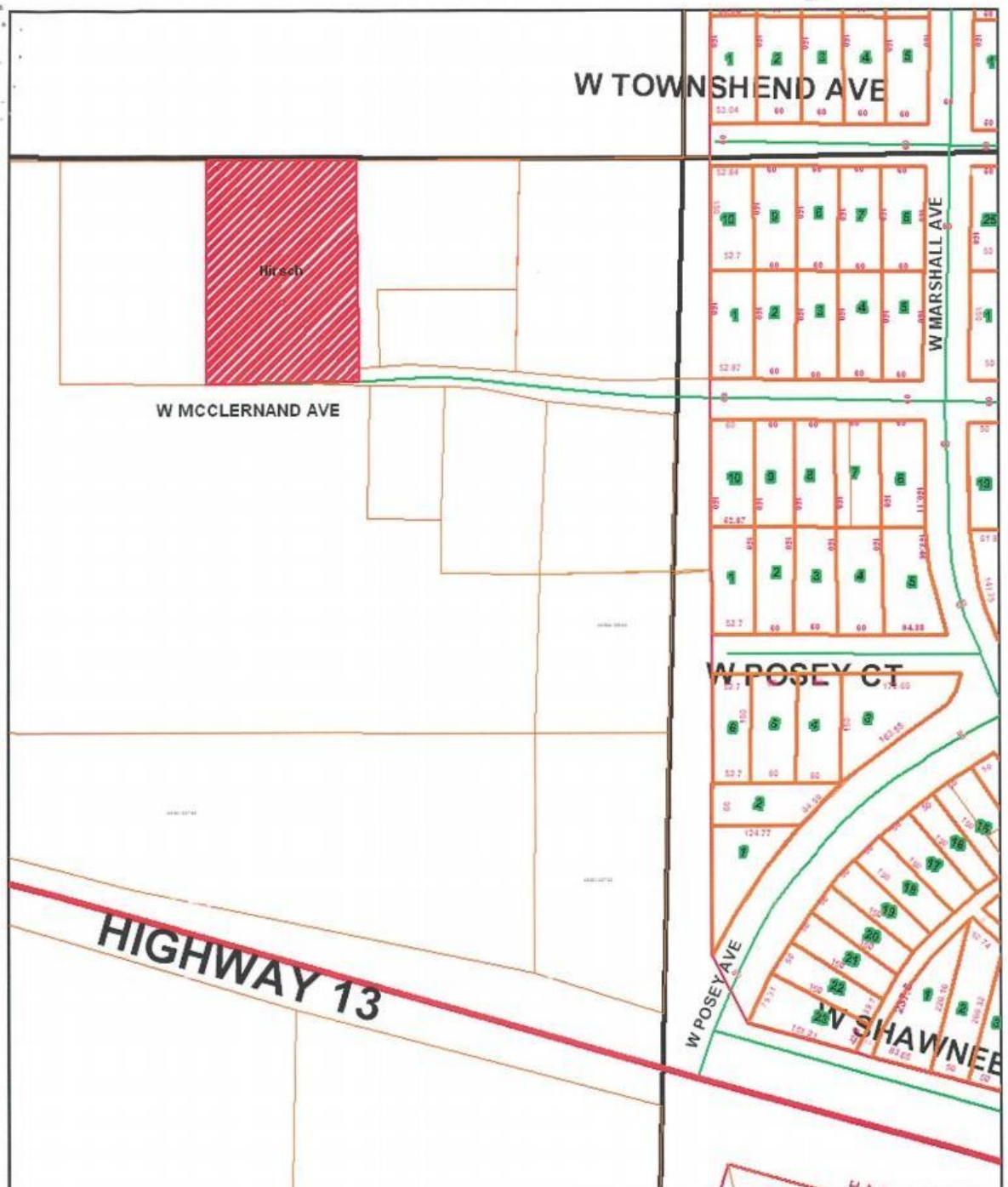
Jennifer Cox



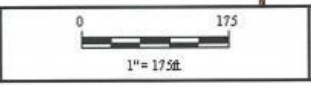
Tom & Brenda Hirsch



exh B



Tom & Brenda Hirsch



exh B

CHAPTER 12. PRIVATE UTILITIES

ARTICLE 1. ELECTRIC FRANCHISE

12.101 ELECTRICITY DESIRED: For the mutual and other valuable considerations as herein provided, the right, permission, and authority to construct, maintain, and operate a system for the manufacture, transmission, distribution, and sale of electric energy for lighting, heating, and power purposes in the Municipality is deemed to be to the best interests of the Municipality and the Public. (Ord. 218, S. 1)

12.102 2 FRANCHISE GRANTED: The right, permission, and authority be, and the same are hereby granted to the Illinois Power Company, hereinafter also designated as "Grantee", to construct, maintain and operate in the City of Shawneetown, a Municipal Corporation, hereinafter also designated as "Municipality", organized and existing under and by the laws of the State of Illinois, a system for the manufacture, transmission, distribution, and sale of electric energy for lighting, heating, and power purposes. The Grantee may Construct, maintain, and operate all necessary poles, conductors, conduits, and apparatus necessary or convenient for such system in, upon, over, across, and under each and all of the streets, alleys, avenues, bridges, and other public places, and may trim trees where necessary, in Municipality as it may at any time exist, subject to the conditions and regulations hereinafter set forth. (Ord. 218, S. 2)

12.103 POLES AND EQUIPMENT: All poles, conductors, conduits, and apparatus erected or placed under this grant shall be located in streets or alleys whenever practicable so to do, and shall be so located, whether in streets, alleys, avenues, bridges, or other public places, so as not to interfere unnecessarily with travel on such streets, alleys, avenues, bridges, or other public places, and shall be erected and placed under the supervision of the Committee on Streets and Alleys of the Municipality or under such supervision as Municipality may from time to time provide. All poles erected under

this Article shall be not less than twenty- five (25) feet in length, and all poles and conduits shall be so located as not to injure unnecessarily any pavements, drains, sewers, catch-basins, water pipes, or other like improvements, but should any pavement or any drain, sewer, catch-basin, water pipe, or other like improvement be injured by such location. Grantee shall forthwith repair the damage caused by said injury, to the satisfaction of said Committee on Streets and Alleys. All abandoned poles shall be removed as soon as the service is discontinued. All poles shall be set in straight lines as far as possible, and all overhead wires, conductors, and cables shall, so far as possible, be kept at least eighteen (18) feet above the level of the ground. (Ord. 218, S. 3)

12.104 MOVING POLES: When any street, avenue, alley, bridge, or public place, upon which or in which any poles of Grantee have been placed, shall be graded, curbed, paved, or otherwise changed to make the resetting or reconstruction of such poles necessary, Grantee, its successors or assigns shall make such necessary change in construction. Should it become necessary or should the Grantee desire to use conduits or other similar fixtures, the Grantee shall make an application to the Municipality for the establishment of permanent grades, and such conduits or other similar fixtures shall not be installed until such permanent grades have been established. The Municipality agrees to establish promptly such permanent grades upon such application. (Ord. 218, S. 4)

12.105 RATES: The rates to be charged by the Grantee and the rules and regulations to govern the furnishing of service to the inhabitants of the Municipality and for the general pumping and street lighting services to the Municipality shall be by those on file with the Illinois Commerce Commission. (Ord. 218, S. 5)

12.106 STREET LIGHTING: As further consideration for the right, permission, and authority provided by this Article, so long as Grantee during the term hereof shall exercise such right, permission,

and authority and shall furnish Municipality^ entire street lighting requirements. Grantee shall furnish free of charge to the Municipality electric street lighting service as herein provided.

(a) The initial street lighting service to be furnished free of charge hereunder shall consist of twenty-one (21) electric street lamps; provided that

(b) The number of electric street lamps to be furnished free of charge hereunder from time to time shall be subject to increase or decrease to such number as determined by multiplying twenty-one

(21) by the ratio of the number of lamps furnished by Grantee and in service under electric Street Lighting Ordinance Contract with Grantee at the time effective, to the number of electric street lamps furnished by the Grantee under and specified in the Electric Street Lighting Ordinance Contract with Grantee effective with the acceptance of this Article, by Grantee;

(c) The number of electric street lamps of any type, size, and burning schedule to be furnished free of charge hereunder shall at any time be proportionately the same as that of the electric street lamps furnished by the Grantee and in service under the Electric Street Lighting Ordinance Contract effective at that time between Municipality and Grantee. (Ord. 218, S. 6)

12.107 TAX EXEMPTION: All poles, conductors, conduits, and equipment placed in the streets or public places in the Municipality shall be exempt from any special tax, assessment, license, or rental charge during the term of this Article. (Ord. 218, S. 7)

12.108 TERM OF FRANCHISE: All rights and privileges granted by this Article are granted for a term of fifty (50) years from and after the

acceptance of this Article as hereinafter provided. (October 16, 1944) (Ord. 218, S. 8)

12.109 SUCCESSION OF FRANCHISE: All provisions of this Article which are obligatory upon or which inure to the benefit of Illinois Power Company, shall also be obligatory upon and shall inure to the benefit of all successors and assigns of Illinois Power Company, and the word "Grantee" wherever used in this Article shall include and be taken to mean not only Illinois Power Company but all successors and assigns of Illinois Power Company. (Ord. 218, S. 10)

ARTICLE 2. TELEPHONE FRANCHISE

12.201 FRANCHISE GRANTED: That the General Telephone Company of Illinois, its lessee's, successors and assigns are hereby granted the right, privilege, authority, and franchise to construct, erect, maintain, replace and operate in, upon, along, across, under, and over the streets, alleys, and public ways within the corporate limits, as

the same now exist or may hereafter be extended, of the City of Shawneetown (hereinafter referred to as "Municipality") lines of poles, anchors, wires, cables, conduits, vaults, laterals and other fixtures and equipment, and to use the same for the transmission of sounds and signals using electricity, and especially for the conduct of a general telephone system and business, for the period of twenty-five (25) years from and after the effective date of this Article (December 12, 1960), and thereafter until terminated by sixty(60) days written notice, either by the Municipality to the Company, or by the Company to the Municipality. (Ord. 320, S. 1)

12.202 POLES AND EQUIPMENT: The location end height above or the depth below the public thoroughfares of the existing lines of poles, anchors, wires, cables, conduits, vaults, laterals, and other fixtures and equipment of said Company within the Municipality is

hereby approved, and the same shall be maintained and operated under and subject to the provisions of this Article. Any change in or extension of any said poles, anchors, wires, cables, conduits, vaults, laterals, or other fixtures and equipment (herein referred to as "structures"), or the construction of any additional structures, in, upon, along, across, under, or over the streets, alleys, and public ways of the

Municipality shall be made under the direction of the Chairman of the Committee on Streets and Alleys of the Municipality, or such officer as may be designated from time to time by the governing body of the Municipality For that purpose, who shall, if the proposed change, extension, or construction conforms to the provisions hereof, issue written permits, therefore. The height above public thoroughfares of all aerial wires and cables hereafter constructed shall conform to the requirements of the Illinois Commerce Commission or other regulatory body having jurisdiction thereof. All structures hereafter installed shall be so placed, and all work in connection with Such installation shall be so performed as not to interfere unreasonably with ordinary travel on the highways of the Municipality or with any municipal water or sewer pipes then in place, and in case of bringing to grade or change of grade, or change of width of any street or alley, said Company, provided it is notified thereof in writing at least thirty (30) days before the commencement thereof shall change its structures to conform thereto, except

where such change of grade or the width of any street or alley is made in connection with the rearrangement, separation or alteration of railroad crossings or in the incident of any such rearrangement, separation, or alteration. The tops of all vaults constructed by said Company within the Municipality shall present an even surface with the

pavement at the point where laid, and, subject to the exception contained in the last preceding sentence, shall be lowered or raised by said Company to conform to the top of paving or improvement as

required by the governing body of the Municipality whenever the grade of the street or alley in which any such vault is located may be at any time hereafter lowered or raised. (Ord. 320, S. 2)

12.203 EXCAVATIONS: Said Company, after doing any excavating, shall leave the surface of the ground in a neatly graded condition. All sidewalks, parkways, or pavements disturbed by said Company shall be restored by it to as good condition as before said sidewalk, parkway, or pavement was disturbed by it, and if any such sidewalk, parkway, or pavement shall become uneven, unsettled, or otherwise requires repairing because of such disturbance by the Company, then said Company, as soon as climatic conditions will permit, shall, promptly, upon receipt of notice from the Municipality so to do, cause such sidewalk, parkway, or pavement to be repaired or restored to as good condition as before said sidewalk, parkway or pavement was disturbed by said Company., Said Company shall keep all structures which it shall construct by this ordinance, in a reasonably safe condition at all times, and shall maintain such barriers and danger signals during the construction, repair, or renewal work performed hereunder as well as reasonably avoid damage to life, limb, and property. (Ord. 320,3.3)

12.204 CITY HELD HARMLESS: The said Company shall, at its own expense, defend all suits that may be brought against the Municipality on account of or in connection with the violation by the Company of any of the obligations hereby imposed upon or assumed by it or because of or in connection with any damage to life, limb or property as a result of any of the structures constructed by it under or by this ordinance, and shall save and keep harmless the Municipality from any damages, judgments, costs, and expenses of every kind, that may arise by reason thereof; provided, that notice in writing shall be immediately given to said Company of any claim or suit against the Municipality which, by the terms hereof, the said Company shall be obligated to defend, or against which the Company has hereby agreed to save and keep

harmless the Municipality and provided further that the Municipality shall furnish to said Company all information in its possession relating to said claim or suit, and cooperate with said Company in the defense of said claim or suit. The governing body of the Municipality may, if it so desires, assist in defending any such claim or suit, but solely under the direction of the Company or its attorneys, and the Company shall not be required to reimburse the Municipality for expenses incurred by it in case of the election to assist. (Ord. 320, S. 4)

12.205 USE OF POLES BY CITY: As a consideration for the rights, privileges, and authority hereby granted, While said Company is using any pole or poles erected or maintained hereunder, it 'will permit the Municipality the" use of sufficient space on the poles or adequate facilities for the successful operation of the Municipality's police and fire alarm signal systems to be accomplished by two methods: (1) using one pole fixture to be placed, by the Company's specifications, by the Municipality at its expense at the top of the space available for the use of the Company on any of said poles, it being understood that the poles upon which space is permitted the Municipality shall be considered, for this agreement, as personal property; provided that such wires shall be so placed and maintained by the Municipality that the use of the same will not interfere with the operation and maintenance of the Company's equipment or its use of said poles, and provided further, that a thirty (30) inch climbing space shall be maintained between the pole pins on poles jointly used with another public utility. All such police and fire alarm signal wires shall be attached and maintained under the direction and supervision of said Company's authorized representatives, and only upon the following conditions: No such police and fire alarm signal wires shall be attached to any of said poles of said Company if such wires shall carry a voltage of more than four hundred (400) volts, nor if the transmitted power exceeds one hundred fifty (150) watts, nor if, in any part of the circuit of such wire, it is supported upon a pole on

which there is any wire carrying a constant potential alternating current exceeding five thousand (5,000) volts between conductors, or twenty-five hundred (2,500) volts normally to ground, or a constant potential direct current exceeding seven hundred fifty (750) volts to ground, or a constant current series arc or incandescent light circuit, carrying over seven and five-tenths (7.5) amperes. In case any such police and fire alarm signal wire in any part of its circuit is supported upon a pole on which there is any wire used for the supply of electrical energy for lighting, heating, or power purposes, carrying a constant potential alternating current of five thousand (5,000) volts or less between conductors, or twenty-five hundred (2,500) volts or less normally to ground, or a direct current circuit of seven hundred-fifty (750) volts or less to ground, or a constant current series arc or incandescent light circuit carrying seven and five-tenths (7.5) amperes or less, then such police or fire alarm signal wire shall be attached to such pole at a point not less than four (4) feet below such wire used for the supply of electrical energy. (2) In the event sufficient space is not available on said poles for the attachment of the fixtures, said Company will permit the Municipality the use of other facilities furnished by it for the successful operation of the police and fire alarm systems. The Company reserves the right to designate the type of facilities to be furnished to the Municipality for the purposes as stated herein. The Municipality shall, at its own expense, defend all claims, demands, or suits on account of any injury to life, limb, or property that may result because of or in connection with the presence, use, maintenance, erection, or removal of the Municipality's police and fire alarm signal wires and their appurtenances pursuant hereto, and hereby agrees to save and keep harmless said Company from any damages, judgments, costs, and expenses of any kind which may arise by reason thereof. (Ord. 320, S.5)

12.206 TELEPHONES PROVIDED TO CITY: As a further consideration for the rights, privileges and authority hereby granted to it hereunder, it will furnish to the Municipality, free of charge, three (3)

individual line business telephones for the business of the Municipality only. Said telephones shall be installed in such places within the Municipality as the governing body thereof shall from time to time direct by resolution. Application therefore, shall be made by the Municipality on the Company's usual form. The Company, without charge and when directed by resolution of the governing body of the Municipality, shall change the location of any of said telephones provided that not more than one such change of location in any one year of any telephone furnished hereunder shall be made by said Company without expense to the Municipality. Instead of all or some of said individual line business telephones, the governing body of the Municipality may elect, by resolution, to have any other local flat rate business exchange services or facilities from time to time offered by the Company to its subscribers in the telephone exchange in which the Municipality is located, to the extent that the aggregate value of all telephone service and facilities so furnished hereunder, based upon the Company's lawful charges from time to time in effect therefore to said subscribers does not exceed the total value, on the same basis, of the individual line business telephones furnished. Said free service shall be in all respects equal to that usually and customarily furnished to its subscribers using service of like class, and all facilities therefor, and the operation thereof, shall be at all times maintained and performed equally with that rendered to Company's paid subscribers, but shall not be construed to include any extended area service available to subscribers under an optional rate. (Ord. 320, S. 6)

12.207 MOVING OF BUILDINGS: The Company after five (5) days written notice from the governing body of The municipality to do so, shall remove raise or lower its structures temporarily to permit the moving of a building or any other object along a highway, provided the benefited party or parties shall agree to pay the Company an amount equal to the actual cost of effecting such temporary changes in its structures; and provided further that, pending the determination of such actual cost, the benefited party or parties shall have deposited

with the Company an amount equal to the cost as estimated by the Company. Should any amount of such a deposit remain unexpended, after deducting the actual cost involved, said amount shall be returned to the party making the deposit.

12.208 REPEAL OF FRANCHISE: In case said Company shall fail or neglect to comply with any or all of the provisions of this Article (unless by order of the Illinois Commerce Commission or of any other body, board, commission or court of competent jurisdiction said Company is otherwise directed, or unless the compliance by said Company with such provision is prohibited or adjudged unlawful by an order of the Illinois Commerce Commission or by an order of any other body, board, commission, or court of competent jurisdiction), the Municipality reserves the right to repeal this Article, or rescind this contract, and forfeit the rights hereby created or sought to be created, provided that no such repeal, rescission, or forfeiture shall exist or be claimed because of such failure or neglect, until written notice of such failure or neglect so claimed shall have been given to said Company, and a reasonable opportunity afforded it to comply with the provisions hereof or to prove that such compliance already exists. If said Illinois Commerce Commission or any other body, board, commission or court of competent jurisdiction shall adjudge any provision or provisions hereof invalid or illegal, or direct a change by the Company in any matter or thing herein contained, such invalidity or illegality or change shall in no way affect the remaining provisions of this Article, or their validity or legality, and this Article in all other respects shall continue in full force and effect, as if said provision oo provisions had not been so adjudged invalid or illegal or such change directed. (Ord. 320, S. 8)

12.209 OTHER FRANCHISES REPEALED: All grants, franchises, .

rights, licenses, and privileges heretofore made or granted by the Municipality by ordinance or otherwise to said Company and all rights of said Company under grants, franchises, rights, licenses, and privileges made by the Municipality to others from which said Company may have purchased any part of its poles, lines, equipment or plant, are hereby revoked and repealed, it is the intention that this Article shall contain all grants, franchises, rights, licenses, and privileges of said Company, and all obligations of said Company in connection therewith. (Ord. 320, S. 9)

12.210 DEFINITION OF "COMPANY": Whenever the words "Company" or the words "General Telephone Company of Illinois" are used in this ordinance, they shall be construed to mean the General Telephone Company of Illinois, its lessees, successors and assigns, and this ordinance shall be binding upon and inure to the benefit of the said Company, its lessees, successors, and assigns. (Ord, 320, S. 10)

CHAPTER 13. THE CODE
ARTICLE 1. INTERPRETATION

13.101 TITLE: The. ordinances embraced in this codification shall be known as the "Municipal Code of the The City of Shawneetown of 1976,r Any reference to the number of any section contained herein shall be understood to refer to the position of the same under its appropriate chapter headings, its article heading if any, and to the penalty clause relating thereto, as well as to the section itself, when reference is made in this Code by title in any legal document or ordinance of the City.

13.102 CONSTRUCTION OF WORDS: In the interpretation and construction of this Code, the following Definitions and rules of construction shall be observed unless they are inconsistent with the manifest intent of The corporate authorities or the context requires otherwise:

(a) City: The word "city" means the City of Shawneetown, Gallatin County, Illinois.

(b) Corporate Authorities: The words "corporate authorities" mean the Mayor and the City Council acting in session.

(c) County: The word "county" means Gallatin County, Illinois.

(d) Gender: Words importing the masculine gender shall include the feminine and neuter.

(e) In the City: The words "in the city" or "within the city" mean and include all territory over which the city now has or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

(f) Number: Words importing the singular number may extend and be applied to several persons or things, and words importing the plural may include the singular.

(g) Occupant or tenant: The words "occupant", or "tenant" applied to a building or land, mean any person who holds a written or an oral lease of or occupies the whole or part of such building or land, either alone or with others.

(h) Or, and: "Or" may be read "and," and "and" may be read "or," if the sense requires it.

(l) Ordinance: The words "'this Ordinance" mean this entire Code, including every section thereof. '

(j) Owner: The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant of the whole or a part of such building or land.

(k) Person: The word "person" means any individual, partnership, corporation, joint stock association, or any city or state or any subdivision thereof, and includes any trustee, receiver, assignee, or personal representative thereof.

(l) Property: The word "property" shall include real and personal property.

(m) State: The words "state" or "the state" means the State of Illinois.

(n) Street: The word "street" means the entire width between property lines of every way or place of whatever nature 'Shen any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(o) Tense: Words in the present tense include the future.

(p) Time: The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last unless the last day is Sunday or a legal holiday, and then it shall also be excluded.

(q) Written, in writing: The words "written" or "in writing" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond re- required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

13.103 OFFICERS AND EMPLOYEES: Whenever reference is made in this Code to a City officer or employee by title only, this shall be construed as though followed by the words "of the City of Shawneetown" and shall be taken to mean the officer or employee of

this City having the title mentioned or performing the duties indicated.

13.104 AMENDMENTS: Any additions or amendments to this Code, when passed in such form as to indicate the intention of the Corporate Authorities to make the same a part of this ordinance shall be deemed to be incorporated in this Code so that a reference to the Municipal Code of the City of Shawneetown shall be understood to include them.

13.105 CONTINUATION OF EXISTING ORDINANCES: The provisions appearing in this Code, so far as they are substantially the same as those of ordinances existing at the time of adoption of this Code, shall be construed as a continuation thereof and not as new enactments.

13.106 INTENT: All general provisions, terms, phrases, and expressions contained in this Code shall be construed so that the true intent of the Corporate Authorities may be fully carried out.

13.107 CATCHLINES OF SECTIONS: The catchlines of the several sections of this Code printed in capital type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly provided shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

13.108 SEVERABILITY OF PARTS OF CODE: Should any section, paragraph, sentence, clause, phrase or word of this Code be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs or sections of this Code, since the same would have been enacted by the council without the incorporation in this Code of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph or section.

13.109 LIABILITY OF OFFICERS AND EMPLOYEES: Except as provided in Section 1.313 of this Code, no provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the Corporate Authorities to Impose such a fine or penalty on such officer or the employee is specifically and clearly expressed in the section creating the duty.

13.110 RECORD OF ORDINANCES: The City Clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the Council. Immediately following each ordinance, the City Clerk shall make a memorandum of the date of the passage and the publication, where required, of the ordinance. Such record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and the publication or posting of ordinances.

ARTICLE 2. ENFORCEMENT PROCEDURES

13.201 OFFENSES GENERALLY: It is unlawful for any person to do any act forbidden or to fail to perform any act required in this Chapter. This Code does not affect any right or liability to damages, penalty, forfeiture, or other remedy authorized by law to be recovered or enforced in a civil action, for any conduct which this Code makes punishable; the civil injury is not merged in the offense.

13.202 JURISDICTION: A person is subject to prosecution under this Code for any offense he commits within the City, or on property owned or controlled by the City outside the corporate limits. The Corporate Authorities have jurisdiction in and over all places within one-half (1/2) mile of the corporate limits for the purpose of enforcing health and quarantine ordinances and regulations.

13.203 ATTEMPTS: A person commits an attempt when, with requisite intent, he does any act which constitutes a substantial step toward the commission of that offense. It is not a defense to a charge that because of a misapprehension of the circumstances it would have been impossible for that person to commit the offense attempted.

13.204 PARTIES TO AN OFFENSE: Every person who commits, attempts, or conspires to commit, or aids or abets in the commission of any act declared to be an offense, whether individually or in connection with one or more other persons or as principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits or directs another to violate any provision of this Code is likewise guilty of such offense.

13.205 PRESUMPTION OF LIABILITY: The occupant of any premises, and the owner of unoccupied premises, upon which a violation of this Code is apparent, the owner of any object or material placed or remaining anywhere in violation of an ordinance, and the occupant and owner of any premises served by any excavation connection, or structure illegally made or erected, shall be deemed prima facie responsible for the violation so evidenced and subject to the penalty provided therefor.

13.206 GENERAL PENALTY: Whenever in this Code the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Code, and there shall be no fine or penalty declared.

for such breach, any person, firm or corporation who shall be convicted of any such breach shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

13.207 AMENDMENTS: In case of amendment of any section of this Code, containing the provisions for which a penalty is provided in another section, the penalty so provided in such other section shall be held to relate to the amended section or the amending section, whether reenacted in the amendatory ordinance or not, unless such penalty is specifically repealed therein.

13.208 DOUBLE JEOPARDY: In all cases where the same offense is made punishable or is created by different clauses or sections of this Code the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense. Provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

13.209 SECOND OR SUBSEQUENT VIOLATIONS: Whenever In this Code a higher penalty is set for the second or subsequent violations of the provisions of the same Section, such second or subsequent violation shall only be those violations committed within one year of the first violation. Any violation of the provisions of the same Section committed more than one year after the previous such violation shall be deemed a first offense for the purpose of imposing a penalty.

13.210 CITATION: All actions for violations of the provisions of this Code shall be commenced by the issuance of a citation by the enforcing officer to the person committing such violation, hereinafter called the defendant. Said citation shall be on a form provided by the City and shall set forth the offense, the name of the defendant, the location, date and time of the offense and the penalty for the violation. A copy of the citation shall be kept with the records of the Police Department.

13.211 ACTION WHERE PENALTY NOT SET: Whenever the penalty for the offense committed is specified only as a minimum or maximum fine, the

citation shall set forth the place, date and time for the defendant to appear in Circuit Court.

13.212 ACTION WHERE PENALTY SET: Whenever the penalty for the offense committed is a fine for a specified amount, the citation shall set forth that the defendant has the following options:

13.213 The defendant may plead "guilty" to the stated violation and pay the set fine to the City without a court appearance. The citation shall set forth the place, date and time for paying such fine; or

13.214 The defendant may appear in Circuit Court at the place, date and time set forth in the citation.

13.213 FAILURE TO APPEAR IN COURT: Whenever a defendant who has been issued a citation to appear in Circuit Court in accordance with the provisions of this Article fails to appear at the place, date and time set forth in the citation, such defendant shall be subject to a bench warrant for his arrest as provided by Statute.

ARTICLE 3. REPEALING CLAUSE

13.301 REPEAL OF GENERAL ORDINANCES: All general ordinances of the City passed prior to the passage of this Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following section), from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; 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 City; and all other special ordinances.

13.302 PUBLIC UTILITY ORDINANCES: No ordinance relating to railroad 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 passage of this Code or by virtue of the preceding section, excepting as this Code may contain provision for such matters, in which case this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

13.303 PENDING SUITS: No new ordinance shall be construed or held to repeal a former ordinance, whether such ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture, or punishment so incurred, or any right accrued or claim arising under the former ordinance or in any way whatever to affect any such 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 thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture, or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any 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 in the ordinance making any new provisions upon the same subject or in any other ordinance. Nothing contained in this or the preceding section shall be construed as abating any action now pending under or by virtue of any general order of the City herein repealed; or as discontinuing, abating, modifying, or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm, or corporation, or as

waiving any right of the City under any section or ordinance existing at the time of the passage of this Code.

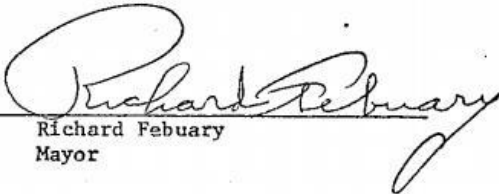
ARTICLE 4. ENACTMENT

13.401 TIME OF TAKING EFFECT: This Code shall take effect and be in force from and after its passage and publication in loose leaf book form as provided by statute.

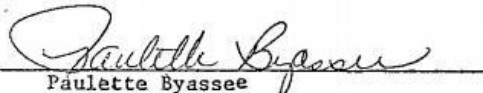
PASSED by the City Council this 8th day of November, 1976.

AYES 5 NAYS 0 ABSENT 1

APPROVED by the Mayor this 8th day of November, 1976.


Richard Febuary
Mayor

ATTEST


Paulette Byassee
City Clerk

