

**Revised Code  
-of-  
Ordinances  
of  
*Bethalto,  
Illinois***

**January 1, 2023**

**PREPARED BY:**

**Illinois Codification Services**

**"Serving Illinois Since 1970"**

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 SULLIVAN  
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 TABLE GROVE  
 TAMMS (2)  
 TILDEN (2)  
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 VALMEYER (2)  
 WALTONVILLE  
 WESTFIELD (2)  
 WEST CITY (2)  
 WEST SALEM  
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# Illinois Codification Services

ESTABLISHED IN 1970

P.O. BOX 69, FREEBURG, ILLINOIS 62243-0069  
 Telephone: 618/539-5771 — E-Mail: xavier.stclair04@gmail.com

**TO:** Bethalto Village Officials  
**FROM:** Frank X. Heiligenstein  
**DATE:** December 20, 2022  
**IN RE:** Replacement Pages – January, 2023

| <u>REMOVE</u>               | <u>REPLACE WITH</u>         | <u>TOTAL PAGES</u> |
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| Title Page (1)              | Title Page (1)              | 1                  |
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# LIST OF ORDINANCES

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|---------------|-----------------------------------------|-------------|-------------------------------------|
| 2019-09       | Employees: Salaries                     | 05/14/19    | Ch. 11; Art. IV                     |
| 2019-10       | Zoning: Map                             | 05/11/19    | Special Legislation                 |
| 2019-11       | Zoning: Map                             | 05/11/19    | Special Legislation                 |
| 2019-12       | Enterprise Zone                         | 06/10/19    | Special Legislation                 |
| 2019-13       | Administration: Meetings                | 07/09/19    | Secs. 1-2-2; 1-2-4(G)               |
| 2019-14       | Liquor: Classes                         | 07/09/19    | Section 21-2-6(B)                   |
| 2019-15       | Appropriation                           | 07/22/19    | Special Legislation                 |
| 2019-16       | Motor Vehicles: Parking                 | 08/12/19    | Sec. 24-6-1; Schd. "F"              |
| 2019-17       | Liquor: Classes                         | 08/12/19    | Section 21-2-6(B)                   |
| 2019-18       | Execution of IGA with School Dist.      | 08/12/19    | Special Legislation                 |
| 2019-19       | Offenses: MDPV                          | 10/14/19    | Section 27-4-18                     |
| 2019-20       | Utilities: Temporary Water Services     | 10/14/19    | Section 38-3-25                     |
| 2019-21       | Garbage: Containers                     | 10/14/19    | Section 16-2-10                     |
| 2019-22       | Motor Vehicles: No Parking              | 10/14/19    | Ch. 24; Schd. "E"                   |
| 2019-23       | Street Graphics Control Code: Permitted | 10/14/19    | Section 35-4-2                      |
| 2019-24       | Offenses: Cannabis                      | 2019        | Did Not Pass                        |
| 2019-25       | Offenses: Cannabis                      | 11/12/19    | Ch. 27; Art. XVIII                  |
| 2019-26       | Utilities: Sewer Rates                  | 11/12/19    | Section 38-4-84                     |
| 2019-27       | Administration: IMLRMA                  | 12/09/19    | Ch. 1; Art. V                       |
| 2019-28       | Tax Levy                                | 12/09/19    | Special Legislation                 |
| 2019-29       | Employees: Personnel Manual             | 12/30/19    | Ch. 11; Ex. "A"                     |
| 2020-01       | Liquor: Licenses                        | 03/09/20    | Section 21-2-6(C)                   |
| 2020-02       | Not Used                                |             |                                     |
| 2020-03       | Offenses: Drug Paraphernalia            | 03/09/20    | Secs. 27-16-1; 27-16-3<br>- 27-16-5 |
| 2020-04       | Employees: Salaries                     | 04/13/20    | Ch. 11; Art. IV                     |
| 2020-05       | Administration                          | 05/11/20    | Section 1-3-71                      |
| 2020-06       | Employees: Salaries                     | 05/11/20    | Ch. 11; Art. IV                     |
| 2020-07       | Appropriation                           | 07/13/20    | Special Legislation                 |
| 2020-08       | Administration: Bidding Procedures      | 07/13/20    | Section 1-2-26                      |
| 2020-09       | Garbage: Landscape Waste                | 08/10/20    | Section 16-2-7                      |
| 2020-10       | Animals: Impoundment                    | 08/10/20    | Section 3-2-8                       |
| 2020-11       | Utilities: Wholesale Rates              | 08/10/20    | Section 38-3-82(C)                  |
| 2020-12       | Local Cure Program                      | 09/14/20    | Special Legislation                 |
| 2020-13       | Zoning: Swimming Pools                  | 09/14/20    | Section 40-3-12                     |
| 2020-14       | Not Used                                |             |                                     |
| 2020-15       | Street Graphics: Prohibited             | 10/12/20    | Section 36-4-1(E)                   |
| 2020-16       | Administration: Salaries                | 10/26/20    | Section 1-4-1                       |
| 2020-17       | Liquor: Possession by Minors            | 11/09/20    | Section 21-3-7                      |
| 2020-18       | Offenses:                               | 11/09/20    | Section 27-2-7                      |
| 2020-19       | Zoning: Rezoning: 200 W Central St      | 11/09/20    | Special Legislation                 |
| 2020-20       | Zoning: Parking Design                  | 11/09/20    | Section 40-9-4(C)                   |
| 2020-21       | Administration                          | 11/09/20    | Repeals Sec. 1-3-71                 |

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| 2020-23       | Administration: Deposit of Funds         | 12/14/20    | Section 1-3-44                  |
| 2020-24       | Mandated Policies: Investment Policy     | 12/14/20    | Secs. 22-6-9; 22-6-15 – 22-6-17 |
| 2020-25       | Liquor: Classes                          | 12/14/20    | Secs. 21-2-6(A) & (C)           |
| 2020-26       | Mandated Policies: Sexual Harassment     | 12/14/20    | Ch. 22; Art. X                  |
| 2020-27       | Offenses: Drug Paraphernalia             | 12/14/20    | Secs. 27-16-4 – 27-16-6         |
| 2020-28       | Utilities: Grease Trap Inspection Fee    | 12/14/20    | Section 38-4-93                 |
| 2020-29       | Building Code                            | 12/14/20    | Secs. 6-3-5; 6-3-6; 6-3-13      |
| 2020-30       | Property Maintenance Code                | 12/14/20    | Ch. 29 + Appendix "A"           |
| 2021-01       | Motor Vehicle Code: Parking              | 02/08/21    | Section 24-6-12                 |
| 2021-02       | Sale of Items                            | 03/08/21    | Special Legislation             |
| 2021-03       | Employees: Salaries                      | 04/26/21    | Ch. 11; Art. IV                 |
| 2021-05       | Dedication of Land                       | 06/14/21    | Special Legislation             |
| 2021-06       | Buildings: Inspectors                    | 07/12/21    | Ch. 6; Arts. IV, V & VI         |
| 2021-07       | Employees: Salaries                      | 07/12/21    | Ch. 11; Art. IV                 |
| 2021-08       | Nuisances: Notice                        | 07/12/21    | Section 25-5-4                  |
| 2021-09       | Appropriation                            | 07/12/21    | Special Legislation             |
| 2021-10       | Garbage: Contract                        | 07/12/21    | Chapter 16                      |
| 2021-11       | Business Code: Food Trucks               | 07/12/21    | Ch. 7; Art. XII                 |
| 2021-12       | Motor Vehicle Code: No Parking           | 08/09/21    | Ch. 24; Schd. "E" & "F"         |
| 2021-13       | Garbage: Charges                         | 08/09/21    | Secs. 16-2-7; 16-2-7            |
| 2021-14       | Recreation                               | 09/13/21    | Chapter 31                      |
| 2021-15       | Liquor: Licenses                         | 09/13/21    | Section 21-2-6(A) & (B)         |
| 2021-16       | Mandated Policies: Investment Policy     | 09/13/21    | Section 22-6-9                  |
| 2021-17       | Zoning: Map: T & D Investments           | 11/08/21    | Special Legislation             |
| 2021-18       | Tax Levy                                 | 12/13/21    | Special Legislation             |
| 2022-01       | Liquor: Video Gaming Terminal Fees       | 03/14/22    | Section 21-2-12                 |
| 2022-02       | Liquor: Hours                            | 04/11/22    | Section 21-3-1                  |
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| 2022-08       | Utilities: Water Rates                   | 12/12/22    | Secs. 38-3-82; 38-3-83          |
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**1-3-67**      **WATER AND SEWER DEPARTMENT.** The Public Works Director shall have charge of the operation and maintenance of the Village water and sewer distribution systems. He shall carry out the duties and responsibilities of **Chapter 34 and 38** of this Code pertaining to the water and sewer systems. He shall keep the Water, Sewer and Refuse Committee informed of the needs of the department.

**1-3-68**      **PARKS.** The Public Works Director shall have charge of the operation and maintenance of all municipal parks and recreation areas. He shall carry out the duties and responsibilities of **Chapter 28** of this Code and all others as the Mayor and Village Board may prescribe. He shall report all of the needs of the Park Department to the Parks, Public Buildings and Recreation Committee as often as necessary.

**1-3-69**      **DEPARTMENT EMPLOYEES.** All officers or employees assigned to the Department of Public Works shall perform their duties subject to the orders and under the supervision of the Public Works Director.

**1-3-70**      **PROPERTY CUSTODIAN.** The Public Works Director shall be the custodian of all property of the Village which is not assigned to the care or custody of any other officer.

**1-3-71 - 1-3-74**      **RESERVED.**

**DIVISION VIII - CODE ENFORCEMENT OFFICER -- ZONING ADMINISTRATOR**

**1-3-75**      **CREATION OF POSITION.** There is hereby created the position of Zoning Administrator. The Zoning Administrator shall be hired under the provisions of **Section 1-2-46** of the Revised Code. The Zoning Administrator shall also serve as the building inspector, flood plain inspector, and as the code enforcement officer. Additional duties shall be outlined in the zoning administrator's job description and may be amended from time to time by the Village Administrator.

**1-3-76**      **DUTIES.** The Zoning Administrator or his authorized representative shall administer and enforce the Zoning Code, as amended from time to time and is in effect, in accordance with the powers and duties therein set forth, and in furtherance of such activity shall:

- (A) Issue all Building Permits and Zoning Certificates, and make and maintain records thereof.
- (B) Issue all Certificates of Occupancy, and make and maintain records thereof.
- (C) Issue Building and Zoning Occupancy Permits as authorized by the Zoning Code.
- (D) Conduct inspections of buildings, structures, and land to determine compliance with the Zoning Code and to notify in writing the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.
- (E) Order the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by statute or by the Zoning Code to ensure compliance with or to prevent violation of the provisions.

***Bethalto Village Code***

(F) Prepare and cause to be published on or before **March 31<sup>st</sup>** of each year, a map showing the existing zoning uses, divisions, restrictions, regulations, and classifications in effect on the preceding **December 31<sup>st</sup>**.

(G) Maintain permanent and current records of the Zoning Code, including, but not limited to, all maps, amendments, special-use permits, planned building developments, variances, appeals, and applications therefor.

(H) Provide and maintain a source of public information relative to all matters arising out of the Zoning Code.

(I) Receive, file, and forward to the Plan Commission, all applications for amendments, use variances and special permits, and other matters upon which the Plan Commission is required to act under the Zoning Code.

(J) Receive, file, and forward to the Zoning Board of Appeals all applications for variance, appeals, and other matters upon which the Zoning Board of Appeals is required to act under the Zoning Code.

(K) Keep the Mayor and Village Board advised of zoning activities by written report once each month, including statements of permits and certificates issued and orders promulgated.

(L) The Zoning Administrator may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the Village Attorney in prosecuting violators, and of other Village officials and officers.

(M) The Zoning Administrator shall perform other duties as a Code Enforcement Officer as prescribed by Laws and the Village Code and as may be specifically assigned to him or her by the Village Board. Such Laws and Code may include, but not be limited to, the Mobile Home Code, Subdivision Code, and the Building Code, as adopted and amended from time to time by the Village Board.

**1-3-77 - 1-3-79**      **RESERVED.**

### **DIVISION IX – DIRECTOR OF FINANCE**

**1-3-80**      **CREATION OF POSITION.** There is hereby created the position of Director of Finance.

**1-3-81**      **RESPONSIBILITIES.** The Director of Finance shall have responsibility for planning, organizing and directing all finance operations and services including but not limited to: budgets, long-term financial planning, purchasing, accounts payable, payroll, accounting, financial reporting, debt management and treasury functions including cash management and investments. Work is performed under the administrative direction of the Treasurer and in compliance with Federal, State and Village rules and regulations.

**1-3-82**      **DUTIES.** The duties of the Director of Finance shall include the following:

(A) Prepare the annual Village budget.

(B) Work with department heads to define and forecast expense and capital expenditure items and coordinate information into a final budget proposal.

(C) Develop long-term plans for the Village's financial operations including revenue growth, taxation, borrowing and capital improvement programs.

(D) Responsible for the preparation of the annual audited financial statement, footnotes, and schedules and serves as a liaison to the independent auditors.

(E) Under direction of the Village Treasurer, prepare and publish the Village's Treasurer's Report and Annual Financial Report.

- (F) Evaluate and update internal accounting controls and implement control strengths where necessary to assure reliable financial reporting, efficient operations and compliance with laws and regulations.
- (G) Manage all payroll functions, including payroll preparation, payroll reporting and compliance with all payroll tax laws.
- (H) Oversee the centralized, Village-wide accounts payable processes.
- (I) Oversee the financial administration of federal, state, and local grants.
- (J) Assist with debt financing administration and recommend restructuring of debt when conditions allow for the Village to save money.
- (K) Administer the Village's utility billing, recommend policies and implement procedures to conduct activities.
- (L) Direct all accounting functions including the development of accounting procedures and supervision of the general ledger, accounts payable, accounts receivable, payroll and individual program fund accounting work in a manner consistent with generally accepted governmental accounting practices.
- (M) Administer the selection, implementation and enhancement of all financial information systems in the Village.
- (N) Plan, organize, and direct the management and administration of fiscal records in compliance with federal and state statutes and Village codes.
- (O) Serve as the TIF Administrator and prepare annual reports, as necessary.
- (P) Coordinate with other department heads and provide input on economic development planning; including preparation of economic development agreements, if necessary.
- (Q) Supervise, train, direct, and evaluate department personnel, and monitor all activities and operations of the department; including monthly bank reconciliations and approval of journal entries and corrections, any billing adjustments, correctness of general ledger posting and correctness of payroll tax findings.
- (R) Serve as a member of the Police Pension Board and prepare quarterly pension board reports, prepare annual State pension filing, monitor cash balance, pension contributions, retiree benefits and annual retiree benefit changes.
- (S) Plan Village's investment strategy; determine availability of funds for investment and approve and manage investments.
- (T) Advise Village Mayor, Village Treasurer, Village Board, and other officials on budgetary and fiscal issues and coordinate various functions of the department with all other departments of the Village and other public agencies.
- (U) Under direction of the Village Treasurer, prepare monthly treasurer's report for the Village Board.
- (V) Attend Village Board and other meetings as required and prepare items for Board action.
- (W) Provide effective and efficient customer service and promote and maintain responsive community relations.
- (X) Perform related duties as assigned by the Treasurer.

**(Ord. No. 2022-10; 12-12-22)**

**ARTICLE IV - OFFICIAL SALARIES**

**1-4-1** **SALARIES ESTABLISHED.** The salaries and compensation of the following officials elected for a definite term for the Village are hereby fixed and determined as follows: to-wit:

- (A) **Village President.** The Village President's salary shall be:
  - (1) From May 1, 2021 to April 30, 2022 - \$68,000.00 annually or \$5,666.67 per month

***Bethalto Village Code***

- (2) From May 1, 2022 to April 30, 2023 - \$68,680.00 annually or \$5,723.34 per month
- (3) From May 1, 2023 to April 30, 2024 - \$69,366.80 annually or \$5,780.57 per month
- (4) From May 1, 2024 to April 30, 2025 - \$70,060.47 annually or \$5,838.38 per month

The Village President shall also be reimbursed actual out-of-pocket expenses reasonably incurred for out-of-town lodging and meals, for the use of his personal automobile at the current allowable Internal Revenue Service general standard mileage rate per mile in or out of town and for other general expenses incurred by him in the discharge of his duties as Village President. Such expenses shall be itemized and submitted to the Finance Committee in writing quarterly for approval before payment. **One-half (1/2)** of the salary and **one-half (1/2)** of the expenses shall be charged and paid out of the Water and Sewer Operating Fund and the other **one-half (1/2)** shall be charged to the General Corporate Fund.

(B) **Trustees.** Each Trustee shall receive an annual compensation of **Three Thousand Three Hundred Dollars (\$3,300.00)** paid in monthly installments of **Two Hundred Seventy-Five Dollars (\$275.00)**. Such compensation shall be for all regular meetings, special meetings and all committee meetings. In addition, the Trustees shall be reimbursed out-of-pocket incidental expenses necessarily incurred when performing duties as a member of the Village Board or as a member of any committee of the Board or performing any other authorized services for the Village, including the current allowable Internal Revenue Service general standard mileage rate per mile for car expenses when such Trustee's personal automobile is used for that purpose. **Two-thirds (2/3)** of the salary and **two-thirds (2/3)** of the expenses shall be charged and paid out of the General Corporate Fund and the other **one-third (1/3)** of the salary and **one-third (1/3)** of the expenses shall be charged and paid out of the Water and Sewer Operating Fund.

(C) **Village Clerk.** The Village Clerk's salary shall, for the time periods referenced below, be considered as total compensation for services rendered as both Village Clerk and Village Collector:

- (1) From May 1, 2021 to April 30, 2022 - \$62,818.44 annually or \$5,234.87 per month
- (2) From May 1, 2022 to April 30, 2023 - \$63,446.62 annually or \$5,287.22 per month
- (3) From May 1, 2023 to April 30, 2024 - \$64,081.09 annually or \$5,340.09 per month
- (4) From May 1, 2024 to April 30, 2025 - \$64,721.90 annually or \$5,393.49 per month

**One-half (1/2)** of the salary shall be charged and paid out of the Water and Sewer Operating Fund and the other **one-half (1/2)** shall be charged to the General Corporate Fund.

The hours that the Clerk's office shall be open to the public shall be **9:00 A.M. to 5:00 P.M.**, Monday through Friday. The Clerk may be provided with an assistant during office hours, to be shared as needed with the Mayor's office.

**(Ord. No. 2020-16; 10-26-20)**

**(65 ILCS 5/3.1-50-5; 5/3.1-50-10; 5/3.1-50-15)**

[ED. NOTE: The salaries of elected officials who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least one hundred eighty (180) days before the beginning of the terms of the officers whose compensation is to be filed.

The ordinance fixing compensation for members of the corporate authorities shall specify whether those members are to be compensated (i) at an annual rate or, (ii) for each meeting of the corporate authorities actually attended if public notice of the meeting was given.]

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upon the owner, occupant or other interested person shall be in person or by registered or certified mail addressed to the owners of record of such property and the last known addresses of any occupants or other interested persons.

(D) In addition to the above, the Fire Inspector, or his or her designated representative(s), shall inspect and examine at reasonable hours, all business premises and the buildings and other structures located thereon, at least once during each fiscal year preceding issuance of that business's next issued business license provided for under **Section 7-1-2.** (Ord. No. 2022-04; 10-10-22)

**6-7-5**      **APPEALS.** The **seven (7) member** Zoning Board of Appeals established by the Zoning Code under **Chapter 40** of this Code is hereby constituted as the authority to which an appeal be taken by any person affected by a decision of any officer charged with the enforcement of this fire code, in the manner provided by Article 12 of the Zoning Code found at **Section 40-12-1**, et seq. The owner or other person interested in such building or premises, within **ten (10) days** after receiving such notice, may appeal from orders of the Fire Inspector or Fire Chief or their designated representative(s). If the order is sustained or modified, or if no appeal is made to the Zoning Board of Appeals, it shall be the duty of the owner or occupant to comply with such order.

**6-7-6**      **INSPECTIONS.** The code enforcement officers, including either the Fire Inspector or the Chief of the Fire Department shall not be responsible to see that the construction contract between any owner and contractor is performed, but only to determine that materials and workmanship as used meet the minimum fire code requirements and that the construction and use are in accordance with the provisions of other codes of the Village.

**6-7-7**      **PENALTY.** Any person who shall violate any provision of this fire code hereby adopted or who fails to comply with the minimum requirements thereof shall be guilty of a misdemeanor and punishable by a fine of not less than **Twenty-Five Dollars (\$25.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. Any person who shall continue violation of such code after having been served with a stop order by the officer charged with enforcing such code will be liable for a fine of not less than **Twenty-Five Dollars (\$25.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each day that such work or condition continues.

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**ARTICLE VIII - FIRE INSPECTOR**

**6-8-1**        **OFFICE ESTABLISHED.** It is hereby established the office of Fire Inspector for the Village.

**6-8-2**        **APPOINTMENT - TERM.** The Fire Inspector shall be appointed by the Mayor with the advice and consent of the Village Board on **May 1<sup>st</sup>** of each year for a term of **one (1) year.**

**6-8-3**        **DUTY.** The Fire Inspector shall perform such duties as may be prescribed by this Code.

**(This Chapter Ord. No. 2017-25; 12-11-17)**



***Bethalto Village Code*****CHAPTER 7****BUSINESS CODE****ARTICLE I – ADMINISTRATION****7-1-1        APPLICATIONS.**

(A) Applications for all licenses and permits required by this Chapter shall be made in writing to the Municipal Clerk in the absence of provision to the contrary.

- (B) Each application shall contain:
- (1) the name of the applicant;
  - (2) the permit or license desired;
  - (3) the location to be used, if any;
  - (4) the time covered;
  - (5) the fee to be paid; and
  - (6) zone district.

(C) Each application shall also contain the number of the Certificates of Registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the municipal officials in the issuing of the license or permit applied for.

**7-1-2        PERSONS SUBJECT TO LICENSE.** Every person, firm or corporation maintaining, operating or conducting any business or establishment within the corporate limits of this municipality, not otherwise specifically licensed under this Code, and not otherwise preempted from municipal licensing requirements by State statutes, shall be required to have a business license. Whenever a license or permit is required in this Code or in any municipal ordinance 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 patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this municipality. Any person, firm or corporation not subject to licensing under this Section, by reason of State statute preemption, shall nevertheless have the opportunity to voluntarily subscribe for a license and voluntarily pay the prescribed business license fee in the same fashion as all other businesses. **(Ord. No. 91-3; 04-15-91)**

**7-1-3        TERM AND FORM OF LICENSE.** No license shall be granted for longer than a **one (1) year** term, and all licenses, unless otherwise provided by ordinance, shall run from **May 1 to April 30** of each year. Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form. All references to the Village Clerk shall include the duties of the Village Collector. Notwithstanding the above, during the transition period of **January 1, 2023 through April 30, 2023**, the applicable license issued for calendar year **January 1, 2022 through December 31, 2022** shall not expire until **April 30, 2023**. **(Ord. No. 2022-05; 10-10-22)**

**7-1-4        INVESTIGATIONS.**

(A) 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** shall refer the application to the appropriate official(s) for the making of such investigation or inspection.

(B) The official(s) to whom the application has been referred shall make a report thereon, favorable or otherwise, within **ten (10) days** after receiving such application or a copy thereof.

(C) The Chief of Police shall make or cause to be made an inspection regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. If a Zoning Code is in effect, the Zoning Administrator shall make or

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cause to be made any inspections which relate to compliance with the Zoning Code and other related regulations. All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the Mayor.

(D) Upon receipt of all related investigative reports, the Clerk shall forward such reports, together with the application, to the Mayor for evaluation and determination.

(E) If it shall appear to the corporate authorities 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 Clerk for the inclusion of such additional information as may be specified necessary and appropriate.

(F) If, after due consideration of the information contained with the application and the related investigative reports, the corporate authorities shall determine that the matters concerning the application are unsatisfactory, they may disapprove such application, indicating the reasons therefor. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is disapproved and that no license or permit will be issued.

(G) If, after due consideration of the information contained within the application and the related investigative reports, the corporate authorities shall determine that the application is satisfactory, they shall approve the application. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is approved and the license or permit may be issued.

**7-1-5 FEES.** In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Collector in the amounts prescribed by the corporate authorities. When an applicant has not engaged in the business or activity until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity. The annual fee shall be **Ten Dollars (\$10.00)** for all periods prior to **January 1, 2023**. There shall be no additional fee for the transitional time period **January 1, 2023** through **April 30, 2023**. The fee for each fiscal year commencing **May 1, 2023** and continuing each year thereafter shall be **Ten Dollars (\$10.00)** unless it is provided for otherwise in this Chapter. **(Ord. No. 2022-05; 10-10-22)**

**7-1-6 TERMINATION OF LICENSES.** All annual licenses shall be operative and the license year for this municipality shall commence on **January 1<sup>st</sup>** of each year and shall terminate on **December 31<sup>st</sup>** of the same year through **December 31, 2022**. During the transition period of **January 1, 2023** through **April 30, 2023**, the license shall be extended and operative for an additional **four (4) month** time period from the end of **December 31, 2022**. All fiscal year licenses commencing **May 1, 2023** shall be operative and the license year for this Municipality shall commence on **May 1** of each year and shall terminate on **April 30** of the following year, where no provision is made to the contrary.

The Clerk shall notify all licensees of this municipality of the time of expiration of the license held by the licensee (if an annual), **three (3) weeks** prior to 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 with a license.

**(Ord. No. 2022-05; 10-10-22)**

**7-1-7 BUILDING AND PREMISES.** All businesses or occupations shall be conducted only in or from permanent buildings which are in compliance with all applicable building codes. Provided all other requirements of this Section are complied with, a manufactured home or manufactured housing unit shall be deemed equivalent to a permanent building for the purposes of this Section when the business or occupation conducted is the sale of such manufactured homes or manufactured housing units. No license 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 this municipality and the



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to vermin, dogs, or other animals. Any violation of this Chapter shall be a nuisance and punishable as provided in **Chapter 25** and as set out in **Section 1-1-20** of this Code. **(Ord. No. 2018-04; 03-12-18)**

**16-2-6**      **CHARGE FOR GARBAGE SERVICE.** The charge for garbage collection and disposal service, which includes once per week curbside refuse pick up and once per every other week curbside recycling pick up, for each single-family residence, shall be as set out below:

|                                            |                       |
|--------------------------------------------|-----------------------|
| October 1, 2020 through September 30, 2022 | \$16.00 per residence |
| October 1, 2022 through September 30, 2023 | \$16.32 per residence |
| October 1, 2023 through September 30, 2024 | \$16.65 per residence |
| October 1, 2024 through September 30, 2025 | \$16.98 per residence |
| October 1, 2025 through September 30, 2026 | \$17.32 per residence |
| October 1, 2026 through September 30, 2027 | \$17.67 per residence |

**(Ord. No. 2021-13; 08-09-21)**

**16-2-7**      **LANDSCAPE WASTE.** No person may knowingly put landscape waste into a container intended for garbage or recycling collection under this Article; neither shall any person knowingly mix landscape waste with any other garbage or recycling material intended for collection under this Article. The occupants of each single-family residence, at their request, may subscribe with the Village's designated garbage contractor for weekly curbside pick up of landscape waste on the following monthly fee schedule:

|                                            |                      |
|--------------------------------------------|----------------------|
| October 1, 2022 through September 30, 2023 | \$5.92 per residence |
| October 1, 2023 through September 30, 2024 | \$6.03 per residence |
| October 1, 2024 through September 30, 2025 | \$6.16 per residence |
| October 1, 2025 through September 30, 2026 | \$6.28 per residence |
| October 1, 2026 through September 30, 2027 | \$6.40 per residence |

The allowable landscape waste shall be placed into appropriate containers or assembled for collection in accordance with the rules and regulations established by the designated garbage contractor. For the **three (3) month** period only of **October 1, 2022** through **December 31, 2022**, the Village shall pick up the full cost of the subscribed landscape waste charges for Village residents; provided, that all landscape waste has been assembled for pickup in accordance with the garbage contractor's established rules and regulations and does not exceed the maximum amount allowable for a weekly pickup. The Village will not pick up charges for landscape waste for any other months or if landscape waste is not assembled or limited in amount in accordance with the garbage contractor's established rules and regulations. **(Ord. No. 2022-06; 10-10-22)**

**16-2-8**      **CURBSIDE RECYCLING.** The Village garbage and refuse collector provides curbside recycling services for all single-family residences and/or family units of multiple-family units. Residents are provided a container for use in the curbside recycling program and shall abide by rules and regulations promulgated by the Village Board of Trustees or the Village Public Works Department. **(Ord. No. 2001-39; 09-04-01)**

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**16-2-9** **ALTERNATE MEANS.** Nothing set out herein shall prohibit any individual, owner, occupant, business, corporation or any other person from using other methods of disposing of landscape waste in a lawful manner. See **Article IX** of **Chapter 27** for regulations on open burning. (**Ord. No. 2018-04; 03-12-18**)

**16-2-10** **CONTAINER MANAGEMENT.** All containers placed at curbside for garbage, recycling materials or landscape waste shall be retrieved from curbside at each resident's address within **twenty-four (24) hours** after the container has been picked up by the applicable service provider. It shall be unlawful for any owner, occupant or any person to allow containers to remain at curbside in excess of the time frame stated herein and if containers remain at curbside in excess of allotted time frame, such act shall be in violation of **Chapter 25, Article III** of this Code. (**Ord. No. 2019-21; 10-14-19**)

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A Special Event License issued hereunder to a Special Event Retailer shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than **Five Hundred Dollars (\$500.00)** of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and allow the licensee to sell and offer for sale, at retail, beer and light wines not to exceed **twelve percent (12%)** alcohol in volume for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a Special Event Retailer License must furnish with the application a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act. **(Ord. No. 2014-24; 11-03-14)**

**(See 235 ILCS 5/4-1)**

**21-2-7 NATURE OF LICENSE.** A license issued under this Chapter shall be purely a personal privilege, good for not to exceed **one (1) year** after issued unless sooner revoked as in this Chapter authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee. **(See 235 ILCS 5/6-1) (See Attorney General's Report No. 703; 01-08-48)**

**21-2-8 LIMITATION OF LICENSES.**

**(A) Annexing License Holders.** The restrictions contained in this Chapter shall in no way affect taverns and other business(es) holding retail liquor licenses, duly licensed by the County, which are located in the territory annexed to the municipality. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided that thereafter, all of the restrictions and contingencies contained herein shall apply.

**(B) Destroyed or Damaged Business.** No license shall be held in existence by the mere payment of fees by any person, firm or corporation for a period longer than **ninety (90) days** without a tavern or liquor business for the same being in complete and full operation. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the **ninety (90) day period**, then, in that event, the Mayor shall extend the period of time for which a liquor license may be held by the mere payment of fees without the tavern or liquor business being in full and complete operation for an additional **ninety (90) days**.

If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met. **(See 235 ILCS 5/4-1)**

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**21-2-9**      **DRAMSHOP INSURANCE.** No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has coverages up to the full amount of potential liability as established by the Illinois Compiled Statutes from time to time. **(See 235 ILCS 5/6-21)**

**21-2-10**      **DISPLAY OF LICENSE.** Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. **(See 235 ILCS 5/6-24)**

**21-2-11**      **RECORD OF LICENSES.** The Mayor shall keep a complete record of all licenses issued by him and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within **forty-eight (48) hours.** **(See 235 ILCS 5/4-1)**

**21-2-12**      **VIDEO GAMING TERMINAL LICENSE FEES.** All licensed operators of video gaming terminals in the Village, as authorized by the Illinois Video Gaming Act, shall pay an annual license fee of **One Hundred Dollars (\$100.00)** per video gaming terminal. **(Ord. No. 2022-01; 03-14-22)**

***Bethalto Village Code*****ARTICLE III - REGULATIONS****21-3-1****HOURS.**

(A) No person shall sell or offer for sale at retail, any alcoholic liquor in this Municipality between the hours of:

- (1) 2:00 A.M. and 11:00 A.M. on Sundays
- (2) 1:00 A.M. and 6:00 A.M. on all other days

**(Ord. No. 2022-02; 04-11-22)**

(B) No person shall keep open for business or admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of liquor is prohibited. In the case of restaurants, clubs and hotels, such establishments may be kept open during such hours, but no alcoholic liquor may be sold to or consumed by the public during such hours.

(C) No licensee shall provide drive-up or curbside service of alcoholic liquor to persons in automobiles except as a Package Liquor Store.

**(235 ILCS 5/4-1)**

**21-3-2****HAPPY HOUR RESTRICTIONS.**

(A) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.

(B) No retail licensee or employee or agent of such licensee shall:

- (1) Sell more than **one (1) drink** of alcoholic liquor for the price of **one (1) drink** of alcoholic liquor;
- (2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided by **235 ILCS 5/6-28.5**;
- (3) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
- (4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
- (5) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (4).

(C) Permitted happy hours and meal packages, party packages, and entertainment packages.

(1) As used in this Section:

- (a) **"Dedicated event space"** means a room or rooms or other clearly delineated space within a retail licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event space.
- (b) **"Meal package"** means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a retail licensee or any other licensee

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- operating within a sports facility, restaurant, winery, brewery, or distillery.
- (c) **"Party package"** means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.
- (2) A retail licensee may:
- (a) offer free food or entertainment at any time;
  - (b) include drinks of alcoholic liquor as part of a meal package;
  - (c) sell or offer for sale a party package only if the retail licensee:
    - (i) offers food in the dedicated event space;
    - (ii) limits the party package to no more than **three (3) hours**;
    - (iii) distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
    - (iv) excludes individuals not participating in the party package from the dedicated event space;
  - (d) include drinks of alcoholic liquor as part of a hotel package;
  - (e) negotiate drinks of alcoholic liquor as part of a hotel package;
  - (f) provide room service to persons renting rooms at a hotel;
  - (g) sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
  - (h) advertise events permitted under this Section;
  - (i) include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a municipal ordinance that (i) restricts dates of operation to dates during which there is an event at an adjacent stadium, (ii) restricts hours of serving alcoholic liquor to **two (2) hours** before the event and **one (1) hour** after the event, (iii) restricts alcoholic liquor sales to beer and wine, (iv) requires tickets for admission to the establishment, and (v) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and
  - (j) discount any drink of alcoholic liquor during a specified time period only if:
    - (i) the price of the drink of alcoholic liquor is not changed during the time that it is discounted;
    - (ii) the period of time during which any drink of alcoholic liquor is discounted does not exceed **four (4) hours** per day and **fifteen (15) hours** per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner;
    - (iii) the drink of alcoholic liquor is not discounted between the hours of **10:00 P.M.** and the licensed premises' closing hour; and
    - (iv) notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least **seven (7) days** prior to the specified time.



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Friday for a service which would normally be considered customer's responsibility, that customer's account shall be assessed a fee of **Twenty-Five Dollars (\$25.00)** per service call out. (**Ord. No. 2016-15; 12-05-17**)

**38-3-79 - 38-3-80    RESERVED.**

**DIVISION VI - WATER RATES**

**38-3-81    NEW WATER SERVICE CONNECTIONS.** Where a new service line and water meter are required, there shall be paid at the time of application a sum of money in accordance with the following:

|     |                               |                                                   |
|-----|-------------------------------|---------------------------------------------------|
| (A) | For new service applications: |                                                   |
|     | For 3/4" service              | \$2,000.00                                        |
|     | For 1" service                | \$2,300.00                                        |
|     | For 2" service                | \$3,800.00                                        |
|     | For greater than 2" service   | \$3,000.00 plus actual cost of meter installation |

There shall be paid an additional sum as set out below for each additional foot of connecting pipe in excess of **sixty (60) feet** from the water main to the meter box:

|  |                  |                       |
|--|------------------|-----------------------|
|  | For 3/4" service | \$1.50/foot           |
|  | For 1" service   | \$2.50/foot           |
|  | For 2" service   | Village's Actual Cost |

The Water Department shall furnish and install the service pipe from the water main to the meter box for all new connections. The consumer shall install and maintain the line from the meter box to the premises. Applicant and/or owner of the property as hereinafter provided, shall be personally liable for all water service charges to such premises according to established rates herein until ordered shut off by applicant. (**Ord. No. 2010-09; 05-03-10**)

**38-3-82    WATER RATES.** There shall be established the following rates and charges for the use of the water system of the Village, based upon the amount of water consumed as follows:

|          |                                        |                                                                                   |
|----------|----------------------------------------|-----------------------------------------------------------------------------------|
| (A)      | <b><u>Inside Corporate Limits.</u></b> |                                                                                   |
|          | (1)                                    | For water consumed under billing periods commencing on and after January 1, 2016. |
| First    | 1,000 gallons                          | \$12.86 MINIMUM CHARGE                                                            |
| All over | 1,000 gallons                          | \$4.84 per 1,000 gallons                                                          |
|          | (2)                                    | For water consumed under billing periods commencing on and after January 1, 2023. |
| First    | 1,000 gallons                          | \$16.00 MINIMUM CHARGE                                                            |
| All over | 1,000 gallons                          | \$5.08 per 1,000 gallons                                                          |
|          | (3)                                    | For water consumed under billing periods commencing on and after January 1, 2024. |
| First    | 1,000 gallons                          | \$16.50 MINIMUM CHARGE                                                            |
| All over | 1,000 gallons                          | \$5.23 per 1,000 gallons                                                          |
|          | (4)                                    | For water consumed under billing periods commencing on and after January 1, 2025. |
| First    | 1,000 gallons                          | \$17.00 MINIMUM CHARGE                                                            |
| All over | 1,000 gallons                          | \$5.39 per 1,000 gallons                                                          |

***Bethalto Village Code*****(B) Outside Corporate Limits.**

|          |       |                                                                                   |                          |
|----------|-------|-----------------------------------------------------------------------------------|--------------------------|
|          | (1)   | For water consumed under billing periods commencing on and after January 1, 2016. |                          |
| First    | 1,000 | gallons                                                                           | \$17.44 MINIMUM CHARGE   |
| All over | 1,000 | gallons                                                                           | \$6.49 per 1,000 gallons |
|          | (2)   | For water consumed under billing periods commencing on and after January 1, 2023. |                          |
| First    | 1,000 | gallons                                                                           | \$21.00 MINIMUM CHARGE   |
| All over | 1,000 | gallons                                                                           | \$6.81 per 1,000 gallons |
|          | (3)   | For water consumed under billing periods commencing on and after January 1, 2024. |                          |
| First    | 1,000 | gallons                                                                           | \$21.50 MINIMUM CHARGE   |
| All over | 1,000 | gallons                                                                           | \$7.01 per 1,000 gallons |
|          | (4)   | For water consumed under billing periods commencing on and after January 1, 2025. |                          |
| First    | 1,000 | gallons                                                                           | \$22.00 MINIMUM CHARGE   |
| All over | 1,000 | gallons                                                                           | \$7.22 per 1,000 gallons |

**(Ord. No. 2022-08; 12-12-22)**

**(C) Wholesale Rates.** For water consumed under billing periods commencing on or after **September 1, 2020**, the wholesale rate to water districts or other municipalities purchasing water for resale and not otherwise under a long-term Intergovernmental Agreement, shall be **Three Dollars Forty-Six Cents (\$3.46)** per **one thousand (1,000) gallons**. **(Ord. No. 2020-11; 08-10-20)**

**(D)** The minimum rate is applied to all connections open for service for any month. Fractional months on application or termination of service may be prorated by the day. No more than **one (1) family** or separate dwelling unit or separate business shall be connected to a single meter, except as hereinafter provided for multiple occupancy and mobile home parks.

**(E) Special Charges for Extensions.** Special connection charges for areas to which service is extended by special petition shall be charged a connection charge according to general rules and regulations adopted for the Water Department extension of service to new areas.

**(Ord. No. 2013-09; 07-01-13) (Ord. No. 2016-115; 12-05-16)**

**38-3-83 SERVICE FEE.** In addition to any new water service connection charges referenced under **Section 38-3-81** above and also in addition to any charges for water usage, based upon amount of water consumed, as set out under **Section 38-3-82** above, there is hereby established a flat service fee charge of **Two Dollars Seventy-Five Cents (\$2.75)** for all service meters inside Village of Bethalto corporate limits and **Three Dollars Seventy-Five Cents (\$3.75)** for all service meters outside Village of Bethalto corporate limits, which fee shall be assessed on a monthly basis for all water service customers of the Village. This fee shall be applicable to all customers except water districts or other municipalities purchasing water for resale. The monthly fee of **Two Dollars Seventy-Five Cents (\$2.75)** within corporate limits and **Three Dollars Seventy-Five Cents (\$3.75)** outside corporate limits, respectively, shall be applicable to all sizes of water meters. **(Ord. No. 2022-08; 12-12-22)**



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**38-3-84**     **CROSS CONNECTION COMPLIANCE FEE.** In addition to any new water service connection charges referenced under **Section 38-3-81** above, and also in addition to any charges for water usage, based upon amount of water consumed, as set out under **Section 38-3-82** above, and also in addition to any charge for a meter fee, as set out under **Section 38-3-83** above, there is hereby established a cross connection control compliance fee in the flat amount of **Fifty Cents (\$0.50)** per month per water service. This monthly fee of **Fifty Cents (\$0.50)** shall be applicable to all sizes of water meters. (**Ord. No. 2010-09; 05-03-10**)

**38-3-85**     **RESERVED.**

**DIVISION VII - WELL SETBACK REGULATIONS**

**38-3-86**     **PURPOSE.** Pursuant to the authority conferred by **Illinois Compiled Statutes 1992, Chapter 65, Sec. 5/11-125-4; Illinois Compiled Statutes 1992, Chapter 415, Sec. 5/14.2 and 5/14.3;** and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of ground water resources in order to assure a safe and adequate water supply for present and future generations; and to preserve ground water resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Division shall apply to all properties located within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act"), (**Illinois Compiled Statutes 1992, Chapter 415, Sec. 5/14.2**) and this Division, and the maximum setback zone established under Section 14.3 of the Act (**Illinois Compiled Statutes 1992, Chapter 415, Sec. 4/14.3**) and this Division.

**38-3-87**     **DEFINITIONS.** Except as stated in this Division, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Division shall be the same as those used in the Act and the Illinois Ground Water Protection Act (**Ill. Comp. Stat. 1992, Ch. 415, Sec. 5 1 et seq.**):

"**Act**" means the Environmental Protection Act (**Ill. Comp. Stat. 1992, Ch. 415, Sec. 5/1 et seq.**).

"**Agency**" means the Illinois Environmental Protection Agency.

"**Board**" means the Illinois Pollution Control Board.

"**Maximum Setback Zone**" means the area around a community water supply well established under Section 14.3 of the Act and this Division, and described in Appendix A.

"**Minimum Setback Zone**" means the area around a community water supply well established under Section 14.2 of the Act and this Division, and described in Appendix A.

**38-3-88      PROHIBITIONS.**

(A)            Except as provided in **Sections 38-3-89** and **38-3-90**, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.

(B)            Except as provided otherwise in **Section 38-3-89**, no person shall place a new potential primary source within the maximum setback zone.

**38-3-89      WAIVERS, EXCEPTIONS, AND CERTIFICATIONS OF MINIMAL HAZARD.**

(A)            If, pursuant to Section 14.2(b) of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from **Section 38-3-88(A)** of this Division.

(B)            If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source other than land-filling or land treating, new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-3-88(A)** of this Division.

(C)            If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than land filling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from **Section 38-3-88(B)** of this Division.

(D)            If, pursuant to Section 14.5 of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to **Section 38-3-88(A)** of this Division to the same extent that such owner is not subject to **Section 14.2(d)** of the Act.

**38-3-90      EXCLUSION.** **Section 38-3-88(A)** of this Division shall not apply to a new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations.

Appendix      Illustration of the proposed minimum and maximum zone ordinance area.

See attached copy of aerial photographic map.  
**(Ord. No. 92-1)**