

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

January 1, 2024

**PREPARED BY:
Illinois Codification Services**

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 BENLD (2)
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 BRIGHTON
 BROADLANDS
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 CHESTERFIELD
 COELLO
 COFFEEN (2)
 COLCHESTER
 CREAL SPRINGS (2)
 DALTON CITY
 DAMIANVILLE (2)
 DAWSON (4)
 DE SOTO (2)
 DONNELSON (2)
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 DuQUOIN
 EDDYVILLE (2)
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 GRANTFORK
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 GRIGGSVILLE (2)
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 JUNCTION CITY
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 KINKAID (2)
 LAWRENCEVILLE (2)
 LIVINGSTON
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 LOUISVILLE
 LOVINGTON
 LUDLOW
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 MASON (2)
 MASON CITY (2)
 McLEANSBORO (2)
 MECHANICSBURG (2)
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 MOUNDS (2)
 MOUNT OLIVE (3)
 MOUNT STERLING (2)
 MURPHYSBORO (2)
 NEW ATHENS (2)
 NEW BERLIN
 NEW CANTON (2)
 NEW DOUGLAS
 NEWMAN (2)
 NEWTON (2)
 NOBLE (2)
 NOKOMIS (3)
 NORRIS CITY (2)
 OBLONG
 OKAWVILLE (4)
 PERCY (3)
 PIPER CITY
 PITTSBURG
 PLEASANT PLAIN
 PONTOON BEACH
 PRAIRIE du ROCHER (2)
 PULASKI (2)
 RED BUD
 ROCHESTER
 ROCHESTER (3)
 ROYALTON (2)
 SADORUS
 ST. FRANCISVILLE
 ST. JACOB (3)
 ST. JOHNS (2)
 SESSER (2)
 SORENTO (2)
 SMITTON (4)
 STAUNTON (2)
 STEELEVILLE
 SULLIVAN
 SUMMERFIELD (2)
 SUMNER
 TABLE GROVE
 TAMMS (2)
 TILDEN (2)
 TOVEY (2)
 VALMEYER (2)
 WALTONVILLE
 WESTFIELD (2)
 WEST CITY (2)
 WEST SALEM
 WESTVILLE (2)
 WILLISVILLE (2)
 WINCHESTER
 WOODLAWN
 WORDEN (2)
 PLUS 152 OTHERS

Illinois Codification Services

ESTABLISHED IN 1970

P.O. BOX 69, FREEBURG, ILLINOIS 62243-0069
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TO: Bethalto Village Officials
FROM: Frank X. Heiligenstein
DATE: December 20, 2023
IN RE: Replacement Pages – January, 2024

<u>REMOVE</u>	<u>REPLACE WITH</u>	<u>TOTAL PAGES</u>
Title Page (1)	Title Page (1)	1
List of Ordinances (2)	List of Ordinances (3)	3
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Ch. 40 Table of Contents (2)	Ch. 40 Table of Contents (2)	2
Pages 40-5 – 40-8	Pages 40-5 – 40-8	4
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LIST OF ORDINANCES

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
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 – 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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<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
2020-22	Tax Levy	12/14/20	Special Legislation
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
2022-03	Appropriation	2022	Special Legislation
2022-04	Buildings: Commercial Inspection Program	10/10/22	Section 6-7-4(D)
2022-05	Business: License Period	10/10/22	Secs. 7-1-3; 7-1-5; 7-1-6
2022-06	Garbage: Fall Yard Waste Pickup	10/10/22	Section 16-2-7
2022-07	Did not pass		
2022-08	Utilities: Water Rates	12/12/22	Secs. 38-3-82; 38-3-83
2022-09	Tax Levy	12/12/22	Special Legislation
2022-10	Administration: Director of Finance	12/12/22	Secs. 1-3-80 – 1-3-82
2023-01	Street Regulations: Parade Routes	04/10/23	Ch. 33; Art. X
2023-02	Riverbend Enterprise Zone	2023	Special Legislation
2023-03	Zoning: Specialty Agriculture	05/08/23	Secs. 40-2-2; 40-5-27; 40-5-33; 40-7-15
2023-04	Utilities: Water Rates	06/12/23	Section 38-3-82(C)
2023-05	Zoning: Special Uses	07/10/23	Section 40-5-87
2023-06	Appropriation	2023	Special Legislation

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<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
2023-07	Zoning: Rezoning: 4230 Culp Ln	07/10/23	Special Legislation
2023-08	Vacation of Property	2023	Special Legislation
2023-09	Garbage: Landscape Waste	09/11/23	Section 16-2-7
2023-10	Zoning: Various	10/09/23	Secs. 40-2-2; 40-5-9(B); 40-5-56(A); 40-5-85(B) (7), 40-5-867; 40-5-100
2023-11	Illinois Paid Leave for All Workers Act	12/11/23	Special Legislation
2023-12	Administration: Village Clerk Salary	12/11/23	Section 1-4-1(C)
2023-13	Tax Levy	2023	Special Legislation

- (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

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- (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 Village Clerk's office shall be open to the public Monday through Friday at such hours as are posted at the Village Clerk's office and on the Village's website. The Clerk may be provided with an assistant during office hours, to be shared as needed with the Mayor's office.

(Ord. No. 2023-12; 12-11-23)

(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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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 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, 2023** through **December 31, 2023**, 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. 2023-09; 09-11-23)**

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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Bethalto Village Code**ARTICLE X – REGULATIONS GOVERNING ALL ROADWAY PARADES AND
EVENTS UPON VILLAGE STREETS****33-10-1 DEFINITIONS AND DESIGNATIONS.**

(A) **Roadway Parade/Events.** All events to include but not limited to parades, rallies, walks, marches, street festivals, carnivals, block parties, concerts, or similar events, which require the use of, or the full or partial closure of a roadway, highway, alley, or street within Bethalto Village limits. For the remainder of this Article X, Roadway Parade/Events shall be referred to as "Event(s)."

(B) **Authorized Roadway.** Erwin Plegge Expressway is the designated and accepted street within the Village upon which Events shall be held. Proposed Events which extend beyond or which are not conducted exclusively on Erwin Plegge Expressway are subject to additional extensive safety evaluations and reviews.

(C) **Restrictions.** Stadium Drive is the designated and accepted Village street for organized athletic, endurance or running events/competitions (i.e., 5K, Biathlon, Triathlon, etc.). Any athletic, endurance or running event must originate on the grounds of Sports Complex 1, Sports Complex 2 and Steve Bryant Park and may incorporate the use of Stadium Drive, and shall take place only during day light hours, unless the Village Board waives said restriction for a particular event by a majority vote.

33-10-2 PERMIT REQUIRED.

A permit is required for all Events within the Village. A Permit Application may be obtained from the Village Clerk's office and the completed application shall be filed with the Village Clerk's office not less than **sixty (60) days** prior to the scheduled date of the Event. If an Event also includes roadways under the jurisdiction of Illinois Department of Transportation ("IDOT") or a Madison County Highway Department, the application shall be filed not less than **ninety (90) days** prior to the scheduled date of the Event. Upon receipt of a Permit Application, the Village Clerk shall immediately forward such application to the Chief of Police for review and consideration.

33-10-3 APPROVAL PROCESS.

(A) In recognition of constitutional guarantees, the Chief of Police, or a designee, shall expeditiously process all applications and evaluate the proposed Event, considering the following:

- (1) Will it represent a violation of local, state or federal law?
- (2) Will it unduly restrict pedestrian or vehicular traffic?
- (3) Will it generate inordinate noise levels or litter for the time and location of the proposed Event?
- (4) Will it unreasonably restrict emergency services to members of the community?
- (5) Will it cause an extraordinary expense to the Village or potential public safety danger for the municipality?
- (6) Will it elicit concerns and/or cautionary requirements or recommendations from the Village's liability insurance carrier?

(B) The Chief of Police or a designee is responsible for the review and approval process of applications in accord with considerations set forth in subsection (A) of this Section and subsection (C) of **Section 33-10-1**.

(C) Where the Chief of Police or a designee finds an application unacceptable for the reasons set forth above, he/she shall have the authority to make adjustments to obtain compliance or reject such application. Applicants who are denied a permit for any Event, may request a review of the denial by the Village Board of Trustees through the Village Clerk's office. This review will take place during the next regularly scheduled Village Board meeting. After a review of the application, the Village Board may override the Chief of Police and allow the Event to proceed.

(D) All applications for Events to be held on public right of way under the jurisdiction of IDOT or Madison County Highway Department, shall, upon approval, be communicated to IDOT and/or Madison County Highway Department.

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33-10-4 **HANDICAPPED VIEW AREA.** Each application for an Event must designate a viewing area for the handicapped in a location approved by the Chief of Police or a designee.

33-10-5 **MARSHALS AND ADDITIONAL SECURITY ISSUES.**

(A) For each Event, the applicant must provide an adequate number of marshals as determined necessary by the Chief of Police to ensure the safety of those involved and/or attending. All marshals must be **eighteen (18) years** of age or older. The failure to provide or comply with the number of marshals deemed necessary for the Event by the Chief of Police will result in the cancellation of the Event, without exception.

(B) The Chief of Police will determine if an Event requires officers to be onsite. The number of officers that may be required will vary due to the size of the anticipated crowd and the potential dangers that may exist and whether alcohol is served. The Village will consider security guards in lieu of police officers but proof of the security guard company's license and bonds shall be produced no less than **seven (7) days** prior to the Event.

(C) No float or participants in an Event will be allowed to discharge fireworks, produce flames/sparks, or in general subject anyone participating in or attending the Event to any dangerous situation or present risk or actions that could lead to possible destruction or damage of private or public property.

(D) The Chief of Police will determine what special equipment (i.e., safety vest, lights, flags, barricades, caution tape) are needed for the Event. The cost of such special equipment needed for the Event shall be an expense of the applicant. If such special equipment is not provided or paid for by the applicant no less than **five (5) days** prior to the date of the Event, the Event will be cancelled.

(E) Events which involve the sale of alcoholic beverages must comply with this Article as well as all relative local and state statutes associated with the lawful distribution of alcoholic beverages.

33-10-6 **LIABILITY INSURANCE REQUIRED.**

(A) The applicant for an Event must carry insurance and provide a certificate of insurance with not less than **One Million Dollars (\$1,000,000)** per occurrence/**Two Million Dollars (\$2,000,000)** aggregate naming the Village of Bethalto as an additional insured. Such policy shall include standard overall coverage of Village officials and employees involved in and/or present for or during the Event who may be providing public services and/or safety guidance. If an IDOT or county highway is also used as part of any Event, the applicant must meet insurance requirements as designated by IDOT or Madison County Highway Department and provide evidence of that coverage to the Village.

(B) The certificate of insurance naming the Village as additional insured and evidence of meeting, if applicable, all IDOT and Madison County Highway Department insurance requirements shall be filed with the Village Clerk's office at least **seven (7) days** in advance of the Event.

(C) This requirement for liability insurance may, upon request, be waived by the Village Board, upon recommendation of the Village Attorney, if the proposed activity is protected by the first amendment of the United States constitution or if the procurement of the liability insurance would be so financially burdensome to the applicant that it would preclude the use of the Village property for the proposed Event. Application for a waiver of a certificate of insurance shall be made via an affidavit that is submitted with the application, which discloses sufficient financial information about the applicant to enable the Village to determine whether the requirement would be so financially burdensome that it would preclude the applicant from using the Village roadways for the proposed Event. If it appears that the applicant does not have sufficient funds to satisfy the certificate of insurance requirement prior to the proposed Event, but that the applicant intends to raise sufficient funds at the Event, the Village shall require the applicant to pay the liability insurance fee out of the proceeds of the proposed Event. If no written denial is issued within **fourteen (14) days** of the date on which the application for such waiver is fully completed and filed with the Village Clerk, the waiver request shall be deemed approved, contingent upon the applicant complying with all other permit requirements.

Bethalto Village Code**33-10-7 FEES.**

(A) No fee required with an Event application.

(B) In all Event applications, the applicant shall attest as to its willingness to pay for all expenses relating to damages, repairs, maintenance or extraordinary cleanup.

(C) No less than **five (5) days** prior to an Event, the applicant shall provide a partially refundable deposit of **Two Thousand Five Hundred (\$2,500.00)**, which is acceptable in the form of a check payable to the Village and to be held by the Village pending completion of the Event. An applicant may request the partially refundable deposit of **Two Thousand Five Hundred Dollars (\$2,500.00)** be waived. A decision on whether to waive a deposit shall be made by the Village Board based upon a determination that applicant is a responsible party or a designated agent of the applicant and can be located following the Event and that the applicant has the authority and ability to access resources necessary to insure a properly negotiated settlement regarding any extraordinary expenses incurred by the Village. When required, the deposit or a portion of the deposit may be held by the Village and deposited in the Village treasury upon determination by the Chief of Police and Public Works Director that the funds are needed for damage repair, maintenance or general cleanup. Nothing shall prevent the Village Board, through appropriate Village channels, from seeking reimbursement for expenses in excess of the deposited amount. Such damage and repair costs shall be documented by the Chief of Police and/or Public Works Director and shared with the applicant.

(D) Charges for possible need and use of Village Personnel (e.g., Police, Public Works, Fire Department, and/or other Village employees) will be determined through the application review process and shall be the responsibility of the applicant. No less than one Village employee shall be required to remain on site throughout the Event to maintain safety, supervise the use of the roadway and assist with the Event until its conclusion and clean-up. This requirement may be waived by the Chief of Police after performing an evaluation that takes into consideration the Event's duration (i.e., will the roadway be closed for 1 hour or 4 days), location/size of the Event (i.e., a small section of roadway versus several blocks of roadway) and those safety measures that are in place to protect attendees and property. Employee cost shall be included in the amount invoiced to the applicant upon the conclusion of the Event. Additional employees may be required and shall be determined by Village Departments based upon the nature and size of the Event. No Event will be authorized unless the applicant accepts terms and conditions outlined in this policy and on the Event application, and agrees to pay for all police, public works, or Village employees services/expenses associated with the Event, if so requested of them by the Village.

(E) The Village Board may choose to waive applicant's fees or adjust them to a flat overall cost; depending upon (1) the size of the Event, (2) ability to accommodate anticipated crowds, (3) the number of personnel needed, (4) the cost associated with preparation and take down, (5) whether the Event is one of a private nature for a selected few, (6) is a fund raising Event, (7) is a profit driven Event, or (8) is a few broad-based community Event that is being provided for the entertainment and betterment of the community, as a whole.

33-10-8 USE OF ACCESSORY PUBLIC PARK SPACE. If the Event anticipates the use of any Village park property for additional activities such as carnivals, concerts, car shows, reunions, farmer's markets, demonstrations, rallies, Christmas festivals and any other organized gathering on Village-owned property (i.e., parks, parking lots, buildings, etc.), applicant is advised to obtain prior authorization for use of such space from the Village Board through an application provided by the Village Clerk's office.

33-10-9 PENALTY. Whoever violates or fails to comply with any of the provisions of this Article X shall be fined not more than **Seven Hundred Fifty Dollars (\$750.00)**. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. No. 2023-01; 04-10-23)

**ROADWAY PARADE/EVENT PERMIT APPLICATION
ROADWAY, STREETS, ALLEYS, HIGHWAYS**

PURSUANT TO ORDINANCE 2023-01 OF CODIFIED ORDINANCES OF THE VILLAGE OF BETHALTO;
CHAPTER 33, ARTICLE X

(COMPLETE ALL APPLICABLE SPACES)

Definition: Roadway Parade/Event: All events to include but not limited to parades, rallies, walks, marches, street festivals, carnivals, block parties, concerts, or similar events, which require the use of, or the full or partial closure of a roadway, highway, alley, or street within Bethalto Village limits.

Stadium Drive is the designated and accepted Village street for organized athletic, endurance or running events/competitions (i.e., 5K, Biathlon, Triathlon, etc.). Any athletic, endurance or running event must originate on the grounds of Sports Complex 1, Sports Complex 2 and Steve Bryant Park and may incorporate the use of Stadium Drive, and shall take place only during daylight hours, unless the Village Board waives said restriction for a particular event by a majority vote.

For events such as carnivals, concerts, car shows, reunions, farmers markets, demonstrations, rallies, Christmas festivals and any other organized event/gathering, that are being held in or on village owned property (i.e., parks, parking lots, buildings, etc.) please contact the Village Clerk's Office (618) 377-8051 for an application and the approval process.

This permit process and application is in place to protect the safety of our community, private and public property, and to ensure compliance with local, state, and federal laws, and is in no way intending to abridge the freedom of speech, or the right of the people to peaceably assemble, and to petition the government for a redress of grievances. Events associated with those that are protected by the 1st Amendment are guarded and guided by the United States Constitution, as well as local, state, and federal laws.

Erwin Plegge Expressway is the accepted roadway within the Village for which Roadway Parade/Events shall be held. Those proposed roadway parade/event routes that extend beyond or are not conducted exclusively on Erwin Plegge Expressway are subject to extensive safety evaluations and reviews. All Roadway Parade/Events are reviewed and subject to the approval of the Chief of Police. A roadway parade/event denied by the Chief of Police may be appealed to the Village Board at the proceeding monthly board meeting, who may with a majority vote approve said parade/event.

Event Name: _____

1. Sponsor (Club, Organization, Individuals, Church, Etc.):

Name: _____ Address: _____
Telephone: _____ Email: _____

2. Event Coordinator/Applicant: _____

Address: _____ Telephone: _____
Email: _____ Other: _____

Event Specifics:

1. Planned Date: _____ Times From _____ to _____

2. Proposed Route/Assembly Location (Include assembly area, step off point and disbursement plan as it relates to how your event will proceed – use attached sheets if necessary):

3. Will the route/assembly area require temporary closure of a state or county highway? Yes or No

4. Please estimate the number of total entries.

Floats: _____
Bands: _____
Pedestrians: _____
Marching groups: _____
Vehicles: _____
Vendors: _____
Other: _____

No floats or participants in a roadway parade/event will be allowed to discharge fireworks, create flames/sparks, or subject anyone in or attending the parade/event to any dangerous situation or present risk/actions that could lead to possible destruction/damage of private or public property.

5. Number of Marshals available to assist with crowd control, parade/event management, directions: _____

6. Designated area for lost children (Location): _____

7. Will clean-up personnel be needed: Yes or No
If Yes, indicate reason (animals, confetti, food debris, etc.): _____

Will Clean-Up personnel be provided by sponsor/participants: Yes or No

8. Weather conditions (contingency):
Rain Date if one is desired: _____
Interruption plan (Indicate general instructions to be given to participants should weather necessitate cancellations (Use attached sheet if necessary): _____

9. Will a food truck or Food Vendor be present/involved in your event? Yes or No

If "Yes", organizer must contact the Madison County Health Department at 618-692-8954 and provide proof of compliance with all permits and regulations, 15 days prior to the Roadway Parade/Event. The owner/operator of the food truck/vender must also obtain a permit from the Village of Bethalto to serve food within the Village. This permit may be obtained through the Village Clerk's office.

10. Will alcohol be served at your event? Yes or No

Roadway Parade/Events that involve the sale of alcohol, must comply with the Roadway Parade/Event ordinance as well as all relative local and state statutes associated with the distribution of alcoholic beverages.

11. If alcohol is being served at your event, will you have private security and how many staff members will be in place to prevent the distribution of alcohol to minors, oversee the attendees to prevent the over serving of patrons, and address or prevent confrontations.

12. If you wish to utilize or incorporate the use of a Village Park, Property, or Structure into your event please note which ones and how they will be used: _____

A separate application form required for the exclusive use of Village Park, Property, or Structure must be obtained from the Village Clerk as all unreserved Village Park, Property, or Structures are on a "First-Come, First-Served" basis.

13. If your event is a parade, where will it end and will you have marshals helping to park and direct traffic at this location? _____

The ending location must provide for enough space to allow for the safe and orderly unloading of float participants. No floats, trailers, trucks that aren't equipped with seat belts for required passengers are allowed to leave the unloading area at the end of the parade with such passengers in place.

Insurance Requirements:

You must provide a certificate of insurance of not less than \$1 Million per occurrence/\$2 Million aggregate naming the Village of Bethalto additionally insured by endorsement. Said policy shall include standard overall coverage of the Village employees involved in and/or present for or during the parade/event providing public services/safety. If a state or county highway is to be used a certificate of insurance of not less than \$1 Million per occurrence/\$2 Million aggregate naming the Illinois Department of Transportation and Madison County Highway Department as additional insured must be attached. The authorization to utilize a state or county supported highways/roadways must be sought and obtained prior to any approval of the event, through the associated entity.

This requirement, upon request, shall be waived by the Village Board, upon recommendation of the Village Attorney if the proposed activity is protected by the first amendment of the United States

constitution or the requirement would be so financially burdensome that it would preclude the use of the Village property for the proposed activity. Application for a waiver of the certificate of insurance shall be made in writing and attached to this application and must include an affidavit by the applicant and sufficient financial information about the applicant to enable the Village to determine whether the requirement would be so financially burdensome that it would preclude the applicant from using the Village roadways/property for the proposed activity. If it appears that the applicant does not have sufficient funds to satisfy the certificate of insurance requirement prior to the proposed event, but that the applicant intends to raise sufficient funds at the event, the Village shall require the applicant to pay such user fee out of the proceeds of the proposed event. If no written denial is issued within 14 days of the date on which the application for such waiver is fully completed, executed, and filed with the Village Clerk, the waiver request shall be deemed approved, contingent upon the applicant complying with all other permit requirements.

Village Insurer Review

During the application review the Chief of Police or a representative of the Village will contact our current insurance carrier to determine if the event as it is proposed will elicit concerns and/or cautionary requirements or recommendations.

Volunteers/Marshals

Your proposed application will be reviewed by the Chief of Police or his/her designee, who will determine the number of Volunteers/Marshals you must provide for the parade/event. Volunteers/Marshals must review, sign, and return a provided safety instruction packet within 15 days of the parade/event. You are required to provide each of those Volunteers/Marshals with IDOT approved yellow reflective vest, which they must wear throughout the parade/event. These volunteers/marshals must meet with the law enforcement official overseeing the parade/event for a safety review prior to the parade at a time provided by said official. The location of the meeting will be arranged with the applicant/organizer. Should any of the volunteers/marshals fail to show at the planned safety review meeting, fail to have their required yellow reflective vest for the parade/event, or fail to submit their signed safety instruction packet on time the parade/event will be cancelled, and all fees paid will be forfeited to the Village of Bethalto.

Fees

1. Applying for a Roadway Parade/Event is free, but fees associated with the event may be assessed as noted in the ordinance and in the following. Fees associated with damage to property and others incurred by the Village for personnel, equipment, materials, and vehicles used in conjunction with the set-up, supervision, and tear down of the event may be imposed. All applicants are strongly encouraged to contact and discuss the proposed event with the Chief of Police prior to applying to avoid confusion in the application, potential denial of the application, and to obtain an overview of the cost that may be assessed to the Sponsor, Event Coordinator/Applicant for the event.
2. Any organization or individual that submits an application for a Roadway Parade/Event, shall provide a partially refundable deposit of \$2,500.00 which is acceptable in the form of a check to be held by the Village pending completion of the event may be required of the applicant for what is defined herein as a "Roadway Parade/Event." The decision to require a deposit or waive a deposit before any such event may be held shall be made by the Board based on a determination that the applicant is the responsible party or a designated agent of same and can be located following the event and that the applicant has the authority to access resources necessary to ensure a properly negotiated settlement regarding any extraordinary expenses incurred by the

Village. The applicant attests herein by signing this application that they agree and are willing to pay for such expenses relating to damage repairs, maintenance, or extraordinary clean-up. When required, the deposit or a portion of the deposit may be held by the Village and deposited in the Village Treasury upon determination by the Chief of Police and/or Public Works Director that the funds are needed for damage repair, maintenance, or general clean-up. Nothing shall prevent the Board, through appropriate Village channels, from seeking reimbursement for expenses more than the deposited amount. Such damage and repair costs shall be documented by the event director and shared with the event sponsor(s).

3. Charges for possible needs and usage of Village Personnel (Police, Public Works, Fire Department and/or other Village employees) will be determined through the application review process and shall be burdened by the applicant. No less than one Village employee shall be required to remain on site throughout "Roadway parades/events," to supervise use and assist with the event until conclusion and clean-up of said event. This requirement may be waived by the Chief of Police after performing an evaluation that takes into consideration the events duration (i.e., will the roadway be closed for 1 hour or 4 days), location/size of the event (i.e., a small section of roadway versus several blocks of roadway) and those safety measures that are in place to protect attendees and property. Employee costs shall be included in the amount invoiced to the Sponsor, Event Coordinator/Applicant upon the conclusion of the event. Additional employees may be required and shall be determined by Village Departments based upon the nature and size of the event.
4. The undersigned accepts all of the terms and conditions as outlined in the Fees section of this application, and agrees to pay for all police, public works, or Village employees services/expenses associated to their event, if so requested of them by the Village of Bethalto.

Signed _____ Date _____
(Sponsor, Event Coordinator/Applicant)

This application is to be submitted to the Chief of Police, not less than sixty (60) days prior to the proposed event and not less than ninety (90) days prior to the proposed event if a state or county highway/roadway is to be used. Failure to submit the application in the required time frame will automatically result in a denial of your application.

Received _____ Date _____
(Chief of Police/Representative)

Approved: Yes or No Authority: _____ Date _____

If your application for a Roadway Parade/Event has been denied you may request a review of the denial by the Village Board, who has the authority by a majority vote to override the denial. This review must be requested through the Village Clerk's Office and will require a formal presentation of facts before the Village Board.

Additional conditions beyond those noted which are agreed to by the Sponsor, Event Coordinator/Applicant,

Event Planning Guide

The Village of Bethalto has prepared this guide to help you think about your event and plan more affectively. This guide also lists many of the concerns and questions for which the Village Board and Chief of Police may look for answers. Not all items may apply to your event. Our goal, like yours, is for you to have a safe and successful event. Should you have any questions, please fee free to contact the Village Clerk at 618-377-8051 or the Chief of Police at 618-377-5266.

WHO YOU ARE: Be prepared to tell us a little bit about your group and what you do. If it is a benefit or fundraising event, who is it for?

PURPOSE OF THIS EVENT: What is the purpose of the event? What do you hope to accomplish?

WHAT ARE YOUR PLANNING: What are you planning to do? Remember the location, date(s), set up/tear down times, duration, etc. Also know that Village Ordinances restrict the use of Public Roadways outside of Stadium Drive for organized Athletic, Endurance, or Running events/competitions (i.e., 5K, Biathlon, Triathlon, etc.)

AUTHORIZED LOCATION: Erwin Plegge Expressway is the accepted roadway within the Village for which Roadway Parade/Events are authorized to take place on.

WHAT DOES THIS EVENT HAVE TO OFFER THE COMMUNITY: What makes this event unique? EVENT OVERVIEW.

EVENT DATE & HOURS: Please indicate the actual date(s) and times the event will take place.

SET UP OF THE EVENT: When will you begin setting up the event? Are there any challenges facing you in regard to setting up?

CLEAN UP/TEAR DOWN: Who is responsible for clean-up and tear down? When will this be done? What type of debris, trash, or rubbish do you expect the event to create?

FIRE SAFETY: How will your group address concerns for fire safety (provide details on food cooked on site)?

INSURANCE: A \$1 million general liability insurance policy is required for all public events held on Village property. If alcohol is being sold, dram shop insurance is also required.

BEER AND WINE: Is alcohol going to be served? If so, is it going to be limited to a controlled area? How will you prevent alcohol being sold to minors? Please keep in mind that all local and state permits and additional insurance must be obtained prior to the event.

POLICE OFFICERS/SECURITY GUARDS: The Chief of Police will determine if your event requires officers to be onsite. The number of officers that may be required may vary due to the size of the crowd you are anticipating, the perceived dangers or safety needs presented, and whether alcohol is served. The Village will consider security guards in lieu of police officers but require proof of the company's license and bonds. As noted in the application process you may be required to cover/reimburse the cost of officers, firemen and public works officials needed for your event.

PORT-A-POTS: With events held in parks or other areas that do not have adequate restroom facilities these may be needed.

TRASH: How do you plan to keep the area clean during the event and remove trash after the event?

PARKING: Where will you direct event patrons to park? Have you identified alternate parking options? Do you have volunteers who will be helping with parking issues.

FENCING: Will any areas of your event be fenced off, or barricaded, or guided with caution tape?

FIRST AID: How will you handle first aid and safety at your event?

ANTICIPATED LAYOUT: Attach a map showing the tentative layout of the event. A specific event route/direction and/or layout will be required for the approval.

NOISE: Will your event feature live bands, amplified music? If so, please keep in mind that many of our parks, roadways, and public areas are near residential areas.

FOOD: If you will be serving food during your event, you will need proper permits and inspections. Contact the Madison County Health Department for assistance in obtaining these. Information is available at www.madisonchd.org or by calling 618-692-8954. The owner/operator of the food truck/vender must also obtain a permit from the Village of Bethalto to serve food within the Village. This permit may be obtained through the Village Clerk's Office. All permits must be produced and provided to the Village Clerk within two (2) days of the event, or food may not be served at the event.

STREET CLOSURES: If your event requires the closure of streets for any length of time, you must indicate the portion of the requested street that will be closed and the times the closure will be in effect. It is your responsibility to stay within the requested parameters. Extensions beyond Erwin Plegge Expressway are subject to enhanced scrutiny, to ensure public safety.

SPECIAL EFFECTS: No float or participants in a Roadway Parade/Event will be allowed to discharge fireworks, create or shoot flames/sparks, or in general subject anyone in or attending the event to any dangerous situation or present risk/actions that could lead to possible destruction/damage of private or public property.

MARSHALS/VOLUNTEERS: The number of volunteers needed for any event are determined by the Chief of Police and the Event Coordinator, during the approval process. On the day of the event if the exact number of volunteers agreed upon are not present the Event Coordinator/Applicant will be required to cancel the event. In some instances the Chief of Police may require a meeting with the volunteers prior to the event, and/or provide them with safety literature prior to the event to aid them in ensuring the safety of those involved, associated, or near the event. Should a volunteer refuse or fail to comply with any request from the Chief of Police, or any other Village Official involved in the operation/planning the event will be cancelled.

EQUIPMENT: The Chief of Police will determine what special equipment (i.e., safety vest, lights, flags, barricades, caution tape) are needed for the event. The cost of those items needed for which the Village is unable to provide will be provided by the Event Coordinator/Applicant. If said equipment is not purchased/provided by the Event Coordinator/Applicant by the date of the event, he/she will without exception be required to cancel the event.

STATE/COUNTY ROADWAYS: Roadway Parade/Events that involve a county or state-maintained roadway require the appropriate approval/permitting from the Illinois Department of Transportation, Madison County Highway Department and/or their governing boards.

If you have any other questions while preparing your Roadway Parade/Event Permit please contact us at 618-377-8051 and our staff will be glad to assist.

Bethalto Village Code

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)	<u>Inside Corporate Limits.</u>	
	(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 **May 1, 2023**, the wholesale rate to water districts or other municipalities purchasing water for resale and not otherwise under a long-term Intergovernmental Agreement, shall be **Two Dollars Eighty-Nine Cents (\$2.89)** per **one thousand (1,000) gallons.** **(Ord. No. 2023-04; 06-12-23)**

(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)**

Bethalto Village Code

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Dwelling, Single-Family. A building designed for or occupied exclusively by **one (1) family** as a single housekeeping unit. A single-family dwelling does not include a mobile home.

Dwelling, Multiple-Family. A residential building containing **three (3)** or more dwelling units.

Dwelling Unit. **One (1)** or more rooms in a residential building or portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility for no more than **one (1) family**, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit must have direct access to the outside or to a public hallway.

Easement. A grant by a property owner of the right of use of his land by another party for a specific purpose.

Family. Any number of individuals related by blood, marriage or adoption living together as a single housekeeping unit or up to **three (3)** unrelated individuals.

Farm or Farmland. A parcel of land of not less than **five (5) acres**, in one ownership, that is used primarily for the commercial, soil-dependent cultivation of agricultural crop production and/or for the raising of livestock, but not including a feedlot.

Fence. An outdoor freestanding structure of any material or combination of materials erected for confinement, screening or partition purposes.

Floor Area. Floor area shall be determined by measuring the outside dimensions of all enclosed floor area under roof, excluding garages, open and screened porches, carports, terraces, and patios.

Floor Area Ratio. The gross floor area of all principal buildings on a lot divided by the area of the lot.

Frontage. All of the property abutting and measured along the street right-of-way line.

Gasoline Service Station. Any structure or land used for retail sales and dispensing of motor vehicle fuel or oils, whether self-service or not. A service station may furnish supplies, equipment and minor repair services, including tires, to vehicles incidental to selling and dispensing of motor vehicle fuels and oils.

Home Occupation. Any occupation or activity carried on within a residential property where the activity is conducted only by members of the family living within the residence, where products are not offered for sale from the premises, where no evidence of the occupation is visible or audible from the exterior of the residential property, where traffic is not generated in excess of that customary at residences, and where no commercial vehicles are kept on the premises or parked overnight on the premises (**See Section 40-3-3**).

Junk Vehicle. Any vehicle that has had its engine, wheels or other parts removed, damaged, altered, or otherwise so treated that the vehicle has been incapable of being driven under its own motor power for a period of at least **seven (7) days**, or a vehicle which is not currently registered or licensed by the Illinois Secretary of State or similar licensing authority of another state.

Life Care Facility. A place or places in which a provider undertakes to provide a resident with nursing services, medical services or personal care services, in addition to maintenance services for a term in excess of **one (1) year** or for life pursuant to a life care contract. The term also means a place or places in which a provider undertakes to provide such services to a non-resident.

Livestock. Animals which have historically been bred, reared and utilized for the production of meat, wool, leather, milk, eggs and similar products, including, but not limited to, cows, hogs, sheep, goats, catfish and fowl which are raised on a commercial basis.

Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot, Corner. A lot situated at the intersection of **two (2)** or more streets with frontage on **two (2)** or more adjacent sides.

Lot Depth. The mean distance measured from the front lot line to the rear lot line.

Lot Line. A line of record bounding a lot thereby dividing such lot from another lot or from a right-of-way.

Lot of Record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Recorder or a parcel of land, the deed of which was recorded in the office of the County Recorder prior to the adoption of this Code.

Lot Width. For lots with parallel side lot lines, the shortest distance between the side lot lines. For lots where the side lot lines are not parallel, the width of the lot shall be the length of a straight line

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measured at right angles to the axis of the lot at the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear lot lines.

Manufactured Home. A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term mobile home shall include manufactured homes constructed after **June 30, 1976**, in accordance with the Federal "National Manufactured Housing Construction and Safety Standards Act of 1974".

Manufactured Home Park. A tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **five (5)** or more independent mobile homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a mobile home park if they are maintained and operated jointly. A motorized recreational vehicle shall not be construed as being a part of a mobile home park.

Motor Vehicle Towing. This industry comprises establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as storage and emergency road repair surfaces. **(Ord. No. 2023-10; 10-09-23)**

Nonconforming Building or Structure. A building or structure whose size, dimensions or location was lawful prior to the adoption, revision or amendment of this Code, but which would be prohibited or further restricted under the terms of this Code.

Nonconforming Lot. A lot whose area, dimensions or location was lawful prior to the adoption, revision or amendment of this Code, but which would be prohibited or further restricted under the terms of this Code.

Nonconforming Use. A use or activity which was lawful prior to the adoption, revision or amendment of this Code, but which would be prohibited or further restricted under the terms of this Code.

Nonconformity, Site Related. A characteristic of the site, such as off-street parking or loading, landscaping, drainage or similar matters which are incidental to the principal use of the property but which do not satisfy current Village standards, as established in these zoning regulations.

Nursing Home. A place, whether operated for profit or not, or a county home for the infirm and chronically ill which provides, through its ownership or management, personal care, sheltered care or nursing for **three (3)** or more persons, not related to the applicant or owner by blood or marriage. It includes skilled nursing facilities and intermediate care facilities as those terms are defined in Title XVIII and Title XIX of the Federal Social Security Act.

Outdoor Restaurant. An eating or drinking establishment which has an unroofed area or a covered area which is not enclosed by walls where patrons may be served food and/or beverages.

Outdoor Storage. The keeping, in an unroofed area of any goods, material, or merchandise in the same place for more than **twenty-four (24) hours** unless such goods, material, or merchandise have been authorized through the issuance of a permit for a temporary outdoor display or temporary seasonal display and sales. The parking of motor vehicles, in operating condition, which are used in the operation of a commercial establishment shall not be considered outside storage.

Permitted Use. A use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Pets. Dogs, cats, rabbits, small rodents and similar sizes domestic animals or fowl kept on a noncommercial basis by occupants of dwellings.

Premises. Any land together with any structures occupying it.

Principal Use. The primary use of a lot or premises occupying the major portion of all buildings and structures.

Recreational Vehicle. A vehicle which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel use, or for other recreational transportation including but not limited to truck campers, camping trailers, and self-propelled motor homes.

Satellite Dish Antenna. A device or structure used to transmit and/or receive radio, television or electromagnetic waves or signals between terrestrially and/or orbitally based uses through a reflective surface that is solid, open mesh or bar configured and generally in the shape of a shallow dish, cone, horn, or cornucopia. This definition includes, but is not limited to, satellite earth stations, television-reception-only (TVROs), and satellite microwave antennae.

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Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Seasonal Sales. The outdoor display of merchandise of interest to consumers on a seasonal basis including, but not limited to, Christmas trees, pumpkins, and lawn and garden supplies.

Self-Service Storage Facility. A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of the customer's goods or wares.

Setback. The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building including porches, carports, and accessor± uses subject to yard encroachment provisions (**See Section 40-3-2**). For lots fronting on curvilinear streets the front setback shall be measured from a line perpendicular to the chord line to the nearest point of a structure.

Setback, Required. The minimum horizontal distance between the lot line and the buildable area of a lot necessary to meet the yard requirements of the applicable zoning district. The required setback line shall be parallel to the lot line.

Special Use. A use that would not be appropriate generally throughout a zoning district because of potential danger, smoke, noise or odor, but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, morals or general welfare.

Specialty Agriculture. Use of Former Farmstead, which means an area of land on which is situated a dwelling, which in this limited instance is intended for use as a human habitation, home or residence, barns, shed, livestock handling systems, grain and forage handling and storage systems, and situated on a parcel of land once used in connection with extensive or intensive agriculture use. A Former Farmstead must be located on a site of at least **four (4) acres** and must have at least **two (2) acres** of fence pasture excluding the required setbacks under Specialty Agriculture Code **Section 40-7-15. (Ord. No. 2023-03; 05-08-23)**

Street. A public or private right-of-way which affords the principal means of access to abutting property.

Structure. Anything constructed, erected or located on the ground, or attached to something having or requiring a fixed location on the ground including a building, sign, billboard, fence, tennis court, parking lot, driveway or similar feature, but not including a regulation mail box.

Subdivision. The division and recording in accordance with law of a parcel of land into **two (2)** or more lots for the purpose of transfer of ownership for development, sale or lease.

Temporary Use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Used Car Sales. A lot or premises where **two (2)** or more used vehicles are offered for sale concurrently or where **four (4)** or more vehicles are offered for sale over a period of **one (1) year**.

Variance. A relaxation by the Zoning Board of Appeals of the dimensional regulations of the Zoning Code where such action will not be contrary to the public interest and where, owing to the conditions extraordinary to the property and not the result of actions or the situation of the applicant, a literal enforcement of the Code would result in practical difficulties or undue hardship.

Vehicle. Any self-powered device moving on wheels or runners used as a means of transport or an unself-powered device moving on wheels that is towed by a self-powered vehicle.

Yard. An open space at grade between a building and the adjoining lot line unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in **Section 40-3-2**.

Yard, Front. A yard extending across the full width of a lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. On corner lots, all yards which abut a street are considered front yards.

Yard, Rear. A yard extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Required. The minimum setback distance for each yard established by the minimum yard dimensions in the zoning district requirements.

Yard, Side. A yard extending from the front yard to the rear lot line between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building or a yard which is not a front or rear yard.

40-2-3 **DIAGRAM SHOWING YARD LOCATIONS AND YARD SETBACK LINES ON A TYPICAL LOT AND A CORNER LOT.** As a supplement to the definitions contained in this Article and to facilitate a better understanding thereof, and of yards, required yards and yard setback lines in general, a diagram entitled, "Diagrammatic Display of Yard Locations and Yard Set Back Lines and

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Buildable Area of a Typical Lot and a Corner Lot" is annexed to this Code as Appendix 2 and hereby made a part hereof with the same force and effect as though fully set forth herein. Should there be any conflict between the text of this Code and the information displayed in the diagram, the text of the Code shall prevail. **(Ord. No. 2014-12; 07-07-14)**

(Ord. No. 2009-06; 08-03-09)

DIVISION II – “GS” GREEN SPACE DISTRICT

40-5-8 PURPOSE. The purpose of the “GS”, **Green Space District**, is to provide areas for parks, open space, recreation areas, and to protect floodways and other environmentally sensitive land from urban development. The **GS District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Green Space on the Village’s land use plan map. The **GS District** may also be established in areas of the Village if the property needs protection from inappropriate urban development.

40-5-9 PERMITTED USES. The **GS District** is designed to allow narrow latitude in the range of uses allowed. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **GS District**. Buildings or structures may be erected, altered or used and land may be used for **one (1)** or more of the following:

- (A) Animal Production including only the following:
 - (1) Beef Cattle Ranching and Farming
 - (2) Dairy Cattle and Milk Production
- (B) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
 - (3) Spectator Sports (**Ord. No. 2023-10; 10-09-23**)
- (C) Cemeteries
- (D) Crop Production
- (E) Fishing Lakes, including fee fishing or clubs, provided that no building, parking lot, or other intense use is located nearer than **five hundred (500) feet** to any dwelling on an adjacent lot or nearby lot.
- (F) Forestry and Logging
- (G) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (H) Support Activities for Agriculture and Forestry
- (I) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

40-5-10 ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory to a permitted use may be allowed within the **GS District**.

40-5-11 SPECIAL USES. The following uses may be allowed within the **GS District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

- (A) Communication Towers

40-5-12 REGULATION OF AGRICULTURAL ACTIVITIES.
(A) Livestock. No accessory building used or intended to be used to shelter livestock shall be erected closer than **three hundred (300) feet** to a dwelling existing on an adjoining lot or nearby lot nor shall it be erected closer than **two hundred (200) feet** to any residentially-zoned property. Fences shall be erected or other means shall be taken to prevent livestock from approaching any spot closer than **three hundred (300) feet** to any dwelling on an adjoining lot or nearby lot or within **two hundred (200) feet** of any residentially-zoned property.

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(B) **Feeding.** No feeding lot shall be located within **five hundred (500) feet** of a non-agricultural zoning district.

(C) **Farm Equipment and Commodities.** Agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides and herbicides) shall not be stored outdoors closer than **two hundred (200) feet** from any residentially-zoned property. Except, however, that such material may be stored in a building located not less than **one hundred (100) feet** from any residentially-zoned property.

40-5-13 DIMENSIONAL REGULATIONS.

(A) **Minimum Lot Size.**

Three (3) acres, a minimum of forty (40) acres shall be required for livestock or any use allowed by **Section 40-5-9(A)** of this Division.

(B) **Minimum Lot Width.**

250 feet

(C) **Minimum Lot Depth.**

250 feet

(D) **Minimum Front Yard.**

50 feet

(E) **Minimum Side Yard.**

50 feet

(F) **Minimum Rear Yard.**

50 feet

(G) **Maximum Building Height.**

35 feet

(H) **Minimum District Size.**

5 acres

40-5-14 - 40-5-17 RESERVED.

DIVISION III – “RS-20” SINGLE-FAMILY RESIDENTIAL DISTRICT

40-5-18 PURPOSE. The purpose of the “RS-20”, **Single-Family Residential District**, is to provide areas for single-family residential uses of a suburban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences. The **RS-20 District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Very Low-Density Residential or Low-Density Residential on the Village’s land use plan map.

40-5-19 PERMITTED USES. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **RS-20 District**. Buildings or structures may be erected, altered or used for the following:

- (A) Residential Uses including only the following:
 - (1) Single-Family Dwellings
- (B) Elementary and Secondary Schools without residential facilities
- (C) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (D) Church, Chapel, Temple, Synagogue or Place of Worship
- (E) Residential Care Facilities including only the following:
 - (1) Community-Integrated Living Arrangements
- (F) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
- (G) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

40-5-20 ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory to a permitted use may be allowed within the **RS-20 District**.

40-5-21 SPECIAL USES. The following uses may be allowed within the **RS-20 District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

- (A) Planned Developments based on the procedures in **Section 40-6-3**.

40-5-22 DIMENSIONAL REGULATIONS.

- (A) **Minimum Lot Size.** 20,000 square feet
- (B) **Minimum Lot Width.** 100 feet
- (C) **Minimum Lot Depth.** 150 feet
- (D) **Minimum Front Yard.** 30 feet
- (E) **Minimum Side Yard.** 15 feet
- (F) **Minimum Rear Yard.** 25 feet
- (G) **Maximum Building Height.** 35 feet
- (H) **Minimum Dwelling Unit Size.** 1,000 square feet
- (I) **Maximum Density.** Two dwelling units per gross acre
- (J) **Minimum District Size.** 10 acres

40-5-23 RESERVED.

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DIVISION IV – “RS-8” SINGLE-FAMILY RESIDENTIAL DISTRICT

40-5-24 PURPOSE. The purpose of the “RS-8”, Single-Family Residential District, is to provide areas for single-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences. The **RS-8 District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Low-Density Residential or Medium-Density Residential on the Village’s land use plan map.

40-5-25 PERMITTED USES. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **RS-8 District**. Buildings or structures may be erected, altered or used for the following:

- (A) Residential Uses including only the following:
 - (1) Single-Family Dwellings
- (B) Elementary and Secondary Schools without residential facilities
- (C) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (D) Church, Chapel, Temple, Synagogue or Place of Worship
- (E) Residential Care Facilities including only the following:
 - (1) Community-Integrated Living Arrangements
- (F) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
- (G) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

40-5-26 ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory to a permitted use may be allowed within the **RS-8 District**.

40-5-27 SPECIAL USES. The following uses may be allowed within the **RS-8 District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

- (A) Planned Developments based on the procedures in **Section 40-6-3**.
- (B) Specialty Agriculture based upon the performance standards set out in **Section 40-7-15**. (Ord. No. 2023-03; 05-08-23)

40-5-28 DIMENSIONAL REGULATIONS.

- (A) **Minimum Lot Size.** 8,000 square feet
- (B) **Minimum Lot Width.** 80 feet
- (C) **Minimum Lot Depth.** 100 feet
- (D) **Minimum Front Yard.** 25 feet
- (E) **Minimum Side Yard.** 5 feet (amended 01/02/01)
- (F) **Minimum Rear Yard.** 10 feet
- (G) **Maximum Building Height.** 35 feet
- (H) **Minimum Dwelling Unit Size.** 1,000 square feet
- (I) **Maximum Density.** Four dwelling units per gross acre
- (J) **Minimum District Size.** 5 acres

(Ord. No. 2014-12; 07-07-14)

40-5-29 RESERVED.

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DIVISION V – “RS-5” SINGLE-FAMILY RESIDENTIAL DISTRICT

40-5-30 PURPOSE. The purpose of the “RS-5”, Single-Family Residential District, is to provide areas for single-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences. The **RS-5 District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Medium-Density Residential on the Village’s land use plan map.

40-5-31 PERMITTED USES. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **RS-5 District**. Buildings or structures may be erected, altered or used for the following:

- (A) Residential Uses including only the following:
 - (1) Single-Family Dwellings
- (B) Elementary and Secondary Schools without residential facilities
- (C) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (D) Church, Chapel, Temple, Synagogue, or Place of Worship
- (E) Residential Care Facilities including only the following:
 - (1) Community-Integrated Living Arrangements
- (F) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
- (G) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

40-5-32 ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory to a permitted use may be allowed within the **RS-5 District**.

40-5-33 SPECIAL USES. The following uses may be allowed within the **RS-5 District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

- (A) Planned Developments based on the procedures in **Section 40-6-3**.
- (B) Specialty Agriculture based upon the performance standards set out in **Section 40-7-15. (Ord. No. 2023-03; 05-08-23)**

40-5-34	<u>DIMENSIONAL REGULATIONS.</u>	
(A)	<u>Minimum Lot Size.</u>	5,000 square feet
(B)	<u>Minimum Lot Width.</u>	50 feet
(C)	<u>Minimum Lot Depth.</u>	100 feet
(D)	<u>Minimum Front Yard.</u>	20 feet
(E)	<u>Minimum Side Yard.</u>	5 feet
(F)	<u>Minimum Rear Yard.</u>	10 feet
(G)	<u>Maximum Building Height.</u>	35 feet
(H)	<u>Minimum Dwelling Unit Size.</u>	750 square feet
(I)	<u>Maximum Density.</u>	Six dwelling units per gross acre
(J)	<u>Minimum District Size.</u>	5 acres

40-5-35 RESERVED.

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DIVISION VI – “RT” TWO-FAMILY RESIDENTIAL DISTRICT

40-5-36 PURPOSE. The purpose of the “RT”, Two-Family Residential District, is to provide areas for single-family and two-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to two-family residences. The RT District is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Medium-Density Residential on the Village’s land use plan map.

40-5-37 PERMITTED USES. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the RT District. Buildings or structures may be erected, altered or used for the following:

- (A) Residential Uses including only the following:
 - (1) Single-Family Dwellings
 - (2) Duplexes
- (B) Elementary and Secondary Schools without residential facilities (uses within NAICS Code 6111)
- (C) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (D) Church, Chapel, Temple, Synagogue, or Place of Worship
- (E) Residential Care Facilities including only the following:
 - (1) Community-Integrated Living Arrangements
- (F) Arts, Entertainment and Recreation including only the following:
 - (1) Golf Courses and Country Clubs
 - (2) Parks and Playgrounds
- (G) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

40-5-38 ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory to a permitted use may be allowed within the RT District.

40-5-39 SPECIAL USES. The following uses may be allowed within the RT District subject to the criteria established in Article X and the performance standards in Article VII.

- (A) Planned Developments based on the procedures in Section 40-6-3.

40-5-40 DIMENSIONAL REGULATIONS.

- (A) **Minimum Lot Size.**
 - 6,000 square feet
 - Lots having less than 5,000 square feet in area shall be limited to use for single-family dwellings only
- (B) **Minimum Lot Width.** 60 feet
- (C) **Minimum Lot Depth.** 100 feet
- (D) **Minimum Front Yard.** 20 feet
- (E) **Minimum Side Yard.** 5 feet
- (F) **Minimum Rear Yard.** 10 feet
- (G) **Maximum Building Height.** 35 feet

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(F) All manufactured home spaces shall abut upon an all-weather surface driveway of not less than **twenty-two (22) feet** in width, which shall have unobstructed access to a Village street.

(G) Manufactured homes may only be placed in designated and approved manufactured home subdivisions. Manufactured homes may not be placed in any zoning district other than this **RMH District**.

(H) To inhibit the spread of fire, no manufactured home shall be erected or placed within **twenty (20) feet** of another manufactured home.

40-5-53	<u>DIMENSIONAL REGULATIONS.</u>	
(A)	<u>Minimum Lot or Space Size.</u>	4,000 square feet
(B)	<u>Minimum Lot or Space Width.</u>	40 feet
(C)	<u>Minimum Front Yard.</u>	10 feet
(D)	<u>Minimum Side Yard.</u>	10 feet
(E)	<u>Minimum Rear Yard.</u>	10 feet
(F)	<u>Minimum Setback From Park Property Line.</u>	25 feet
(G)	<u>Maximum Lot or Space Coverage.</u>	40 percent
(H)	<u>Maximum Building Height.</u>	20 feet
(I)	<u>Minimum District Size.</u>	10 acres

40-5-54 **RESERVED.**

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DIVISION IX – "PS" PUBLIC/SEMI PUBLIC DISTRICT

40-5-55 **PURPOSE.** The purpose of the "PS", **Public/Semi-Public District**, is to provide areas for institutional, governmental, and other semi-public uses, including such uses, including such uses requiring large amounts of land. The **PS District** is considered consistent with and designed to implement the provisions of the comprehensive plan for land designated as Public/Semi-Public on the Village's land use plan map.

40-5-56 **PERMITTED USES.** In the **PS District** is designed to allow considerable latitude in the range of institutional and public uses allowed provided that the uses are legal. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **PS District**. Buildings or structures may be erected, altered or used and land may be used for **one (1)** or more of the following:

- (A) Arts, Entertainment and Recreation including only the following:
 - (1) Museums, Historical Sites and Similar Institutions
 - (2) Golf Courses and Country Clubs
 - (3) Parks and Playgrounds
 - (4) Spectator Sports (**Ord. No. 2023-10; 10-09-23**)
- (B) Cemeteries
- (C) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Police Protection
 - (3) Fire Protection
 - (4) Other Justice, Public Order and Safety Activities
- (D) Public Elementary and Secondary Schools
- (E) Church, Chapel, Temple, Synagogue, or Place of Worship
- (F) United States Postal Service (NAICS Code 491)
- (G) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.

40-5-57 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **PS District**.

40-5-58 **SPECIAL USES.** The following uses may be allowed within the **PS District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

- (A) Communication Towers
- (B) Correctional Institutions
- (C) Major Public and Private Utilities, including water treatment plants, wastewater treatment plants, power generating facilities, transmission towers, and similar uses
- (D) Solid Waste Landfill

40-5-59	<u>DIMENSIONAL REGULATIONS.</u>	
(A)	<u>Minimum Lot Size.</u>	10,000 square feet
(B)	<u>Minimum Lot Width.</u>	100 feet
(C)	<u>Minimum Lot Depth.</u>	100 feet
(D)	<u>Minimum Front Yard.</u>	30 feet
(E)	<u>Minimum Side Yard.</u>	10 feet
(F)	<u>Minimum Rear Yard.</u>	30 feet
(G)	<u>Maximum Building Height.</u>	45 feet
(H)	<u>Minimum District Size.</u>	2 acres

40-5-60 **RESERVED.**

DIVISION XIII – “GC” GENERAL COMMERCIAL DISTRICT

40-5-84 **PURPOSE.** The purpose of the “GC”, **General Commercial District**, is to provide areas for the development of general retail sales and selected service activities at accessible locations. The **GC District** is considered consistent with and designed to implement the provisions of the comprehensive plan for much of the land located outside of the downtown area which is designated as Commercial on the Village’s land use plan map.

40-5-85 **PERMITTED USES.** The **GC District** is designed to allow a range of uses provided that the uses are legal and no outdoor storage is conducted except as otherwise provided herein. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the **GC District**. Buildings or structures may be erected, altered or used for the following:

- (A) Administrative and Support Services including only the following:
 - (1) Office Administrative Services
 - (2) Employment Services
 - (3) Business Support Services
 - (4) Travel Arrangement and Reservation Services
 - (5) Investigation and Security Services
 - (6) Services to Buildings and Dwellings
 - (7) Other Support Services
- (B) Arts, Entertainment and Recreation including only the following:
 - (1) Performing Arts Companies
 - (2) Promoters of Performing Arts, Sports and Similar Events
 - (3) Agents and Managers for Artists, Athletes, Entertainers and Public Figures
 - (4) Independent Artists, Writers and Performers
 - (5) Museums, Historical Sites and Similar Institutions
 - (6) Amusement Arcades
 - (7) Fitness and Recreational Sports Centers
 - (8) Bowling Centers
 - (9) Amusement and Recreation Industries

(Ord. No. 2023-10; 10-09-23)
- (C) Broadcasting and Telecommunications including only the following:
 - (1) Radio and Television Broadcasting
 - (2) Cable Networks and Program Distribution
- (D) Building Material and Garden Equipment and Supplies Dealers
- (E) Clothing and Clothing Accessories Stores
- (F) Couriers and Messengers
- (G) Credit Intermediation and Related Activities including only the following:
 - (1) Depository Credit Intermediation including freestanding automated teller machines provided such structure complies with the requirements of **Section 40-3-10** for corner visibility **(Ord. No. 2006-15; 12-04-06)**
 - (2) Nondepository Credit Intermediation except pawn shops
- (H) Educational Services except flight training and truck driving schools
- (I) Electronics and Appliance Stores
- (J) Food and Beverage Stores
- (K) Food Services and Drinking Places including only the following:
 - (1) Full-Service Restaurants
 - (2) Limited-Service Eating Places
 - (3) Food Service Contractors
 - (4) Caterers
 - (5) Drinking Places (Alcoholic Beverages)

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- (L) Bakeries (**Ord. No. 2014-19**)
- (M) Furniture and Home Furnishings Stores
- (N) Motor Fueling Station (**Ord. No. 2014-19**)
- (O) General Merchandise Stores
- (P) Health and Personal Care Stores
- (P) Health Care and Social Assistance including only the following:
 - (1) Office of Physicians
 - (2) Offices of Dentists
 - (3) Offices of Health Practitioners
 - (4) Residential Care Facilities including only the following:
 - (a) Assisted Living Facilities
 - (b) Community Living Facilities
 - (c) Life Care Facilities
 - (d) Nursing Homes
 - (5) Individual and Family Services
 - (6) Vocational Rehabilitation Services
 - (7) Child Care Centers
- (Q) Hotels (except Casino Hotels) and Motels
- (R) Information Services and Data Processing Services
- (S) Insurance Carriers and Related Activities
- (T) Management of Companies and Enterprises
- (U) Miscellaneous Store Retailers including only the following:
 - (1) Florists
 - (2) Office Supplies, Stationery and Gift Stores
 - (3) Used Merchandise Stores
 - (4) Pet and Pet Supplies Stores
 - (A) Grooming Services
 - (5) Art Dealers
- (V) Motion Picture and Sound Recording Industries
- (W) Motor Vehicle and Parts Dealers including only the following:
 - (1) New Car Dealers
 - (2) Recreational Vehicle Dealers
 - (3) Motorcycle, Boat and Motor Vehicle Dealers
 - (4) Automotive Parts, Accessories and Tire Stores
- (X) Personal and Laundry Services including only the following:
 - (1) Barber Shops
 - (2) Beauty Salons
 - (3) Nail Salons
 - (4) Diet and Weight Reducing Centers
 - (5) Ear Piercing Services
 - (6) Electrolysis Salons
 - (7) Hair Replacement
 - (8) Massage Therapy
 - (9) Tanning Salons
 - (10) Death Care Services
 - (11) Dry Cleaning and Laundry Services
 - (12) Tattoo Parlors (**Ord. No. 2014-19**)
- (**Ord. No. 2004-12; 05-03-04**)
- (Y) Professional, Scientific and Technical Services including only the following:
 - (1) Legal Services
 - (2) Accounting, Tax Preparation, Bookkeeping and Payroll Services
 - (3) Architectural, Engineering and Related Services
 - (4) Specialized Design Services
 - (5) Computer Systems Design and Related Services
 - (6) Management, Scientific and Technical Consulting Services

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- (7) Advertising and Related Services
- (8) All Other Professional, Scientific and Technical Services
- (Z) Public Administration including only the following:
 - (1) Executive, Legislative and Other General Government Support
 - (2) Courts
 - (3) Police Protection
 - (4) Legal Counsel and Prosecution
 - (5) Fire Protection
 - (6) Other Justice, Public Order and Safety Activities
 - (7) Administration of Human Resource Programs
 - (8) Administration of Environmental Quality Programs
 - (9) Administration of Housing Programs, Urban Planning and Community Development
 - (10) Administration of Economic Programs
 - (11) National Security and International Affairs
- (AA) Publishing Industries
- (BB) Real Estate except lessors of miniwarehouses and self-storage units
- (CC) Grantmaking, Civic, Professional Organizations
- (DD) Rental and Leasing Services including only the following:
 - (1) Passenger Car Rental and Leasing
 - (2) Consumer Goods Rental
 - (3) General Rental Center
 - (4) Office Machinery and Equipment Rental and Leasing
- (EE) Repair and Maintenance including only the following:
 - (1) Automotive Mechanical and Electrical Repair and Maintenance
 - (2) Automotive Oil Change and Lubrication Shops
 - (3) Car Washes
 - (4) Electronic and Precision Equipment Repair and Maintenance
 - (5) Personal and Household Goods Repair and Maintenance
- (FF) Securities, Commodity Contracts, and Other Financial Investments and Related Activities
- (GG) Sporting Goods, Hobby, Book and Music Stores
- (HH) Urban Transit Systems
- (II) United States Postal Service
- (JJ) Utility Uses including only the following:
 - (1) Minor Public and Private Utilities, including substations, lift stations, water towers and similar uses.
- (KK) Church, Chapel, Temple, Synagogue, or Place of Worship

40-5-86 **ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory to a permitted use may be allowed within the **GC District**.

40-5-87 **SPECIAL USES.** The following uses may be allowed within the **GC District** subject to the criteria established in **Article X** and the performance standards in **Article VII**.

(A) Automotive Body, Paint, Interior and Glass Repair, All Other Automotive Repair and Maintenance based on the performance standards in **Section 40-7-12**.

(B) Used Car Dealers based on the performance standards in **Section 40-7-12**.
(Ord. No. 2023-10; 10-09-23)

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40-5-88 **TEMPORARY USES.**

(A) **Temporary Outdoor Displays.** Temporary outdoor displays of merchandise may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(A)**.

(B) **Temporary Seasonal Displays.** Temporary seasonal displays may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(B)**.

(C) **Festivals.** Festivals may be allowed by the Director of Public Works based on the permit process outlined in **Section 40-11-3(C)**.

40-5-89 **DIMENSIONAL REGULATIONS.**

(A) **Minimum Lot Size.** 10,000 square feet

(B) **Minimum Lot Width.** 100 feet

(C) **Minimum Lot Depth.** 100 feet

(D) **Minimum Front Yard.** 50 feet

(E) **Minimum Side Yard.** None, unless the side of the lot abuts land zoned residential in which case there shall be a side yard of at least 10 feet. If a side yard is not required but is provided, it shall be at least 5 feet in width. If no side yard is required or provided a two-hour fire wall shall be provided along the side lot line.

(F) **Minimum Rear Yard.** 10 feet

(G) **Gasoline Station Pumps.** Gasoline pumps must be setback 15 feet from any street line; 25 feet from any side or rear lot line; and 50 feet from any residentially-zoned land.

(H) **Maximum Building Height.** 3 stories or 45 feet

(I) **Maximum Building Coverage.** 40 percent

(J) **Minimum District Size.** 5 acres

40-5-90 **RESERVED.**

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- (3) Additional criteria necessary to protect the public health, safety and welfare as determined by the Village Board of Trustees.
- (C) Communication Towers based on the performance standards in **Article VII.**
- (D) Major Public and Private Utilities, including water treatment plants, wastewater treatment plants, power generating facilities, transmission towers, and similar uses
- (E) Motor Vehicle Towing, based on the performance standards in **Section 40-7-12. (Ord. No. 2023-10; 10-09-23)**

40-5-101

DIMENSIONAL REGULATIONS.

- (A) **Minimum Lot Size.** 10,000 square feet
- (B) **Minimum Lot Width.** 100 feet
- (C) **Minimum Lot Depth.** 100 feet
- (D) **Minimum Front Yard.** 30 feet
- (E) **Minimum Side Yard.** 5 feet, unless the side of the lot abuts land zoned residential or abuts Illinois Route 255 in which case there shall be a side yard of at least 30 feet.
- (F) **Minimum Rear Yard.** 10 feet, unless the rear of the lot abuts land zoned residential in which case there shall be a rear yard of at least 30 feet.
- (G) **Screening Required.** Any tract of land adjacent to a residential (R) zoning district or adjacent to a street shall provide screening along the lot line that abuts the adjacent residentially-zoned lot or street. The screening shall be in the form of evergreen plant material and/or a decorative wall with a minimum height of 4 feet. Such screening shall be reviewed and approved by the Zoning Board of Appeals who may require the screen to be up to 6 feet high between any industrially-zoned lot and an adjacent residentially-zoned lot. Any tract of land adjacent to Illinois Route 255 shall provide a heavily landscaped yard of at least 30 feet in depth adjacent to Route 255.
- (H) **Gasoline Station Pumps.** Gasoline pumps must be setback 15 feet from any street line; 25 feet from any side or rear lot line; and 50 feet from any residentially-zoned land.
- (H) **Maximum Building Height.** 3 stories or 60 feet
- (I) **Maximum Building Coverage.** 50 percent
- (J) **Minimum District Size.** 5 acres

40-5-102 - 40-5-103 RESERVED.

Bethalto Village Code**DIVISION XVI – “AP” AIRPORT DISTRICT**

40-5-104 PURPOSE. The purpose of the “AP”, Airport District, is to protect and encourage the development of those areas which are designated as Airport on the Village’s land use plan map.

40-5-105 PERMITTED USES. The AP District is designed to allow a number of commercial, institutional, light manufacturing, and wholesale uses. If a particular use is not listed or within the same classification code as a listed permitted use, it is not allowed within the AP District. Buildings or structures may be erected, altered or used for the following:

- (A) Administrative and Support Services including only the following:
 - (1) Business Support Services
 - (2) Investigation and Security Services
 - (3) Services to Buildings and Dwellings
- (B) Aerospace Products, Parts Manufacturing and Education
 - (1) Avionics Manufacturing and Maintenance
 - (2) Aircraft Sales, leasing and Repair
 - (3) Flight Training Schools
- (C) Arts, Entertainment and Recreation including only the following:
 - (1) Performing Arts Companies
 - (2) Promoters of Performing Arts, Sports and Similar Events
 - (3) Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures
 - (4) Independent Artists, Writers and Performers
 - (5) Museums, Historical Sites and Similar Institutions
 - (6) Amusement Arcades
 - (7) Golf Courses and Country Clubs
 - (8) Fitness and Recreational Sports Centers
 - (9) Bowling Centers
- (D) Broadcasting and Telecommunications including only the following:
 - (1) Radio and Television Broadcasting
 - (2) Cable Networks and Program Distribution
- (E) Building Material and Garden Equipment and Supplies Dealers
- (F) Computer and Electronic Product Manufacturing
- (G) Construction Offices and Storage
- (H) Converted Paper Product Manufacturing
- (I) Couriers and Messengers
- (J) Dry Cleaning and Laundry Services
- (K) Electrical Equipment, Appliance and Component Manufacturing
- (L) Fabricated Metal Product Manufacturing
- (M) Food and Beverage Stores
- (N) Food Services and Drinking Places including only the following:
 - (1) Full-Service Restaurants
 - (2) Limited-Service Eating Places
 - (3) Food Service Contractors
 - (4) Caterers
 - (5) Drinking Places (Alcoholic Beverages)
- (O) Furniture and Related Product Manufacturing
- (P) Gasoline Stations
- (Q) Leather and Allied Product Manufacturing
- (R) Lessors of Miniwarehouses and Self-Storage Units
- (S) Machinery Manufacturing
- (T) Printing and Related Support Activities

Bethalto Village Code**DIVISION III – PERFORMANCE STANDARDS FOR SPECIAL USES****40-7-11 TELECOMMUNICATIONS FACILITIES.**

(A) Communication towers may be allowed as a Special Use in the AG, GS, PS, PO, GC, IC, LI and AP zoning districts based on the meeting the following performance standards:

- (1) The height of the tower shall not exceed **one hundred (100) feet**.
- (2) The tower shall be set back from property lines a minimum of **one (1) foot** for every foot of tower height.
- (3) Owners and operators of every communication tower approved after the effective date of this Code may be required to provide for the collocation of other communications providers on their tower for reasonable compensation.
- (4) Prior to approval of a communication tower by the Village Board of Trustees, the applicant shall document their efforts to locate their antenna on an existing communication tower within the Village or in close proximity to the Village. Such documentation shall also indicate why collocation on any existing tower is not feasible.
- (5) Additional reasonable requirements designed to protect the safety and general welfare of adjoining landowners and other residents of the Village.

40-7-12 AUTOMOTIVE USES.

(A) Automotive Body, Paint, Interior and Glass Repair (NAICS Code 81112), All Other Automotive Repair and Maintenance (NAICS Code 811198), and Motor Vehicle Towing (NAICS Code 48841) may be allowed as a Special Use in the GC zoning district based on meeting the following performance standards:

- (1) Shall be located on a site of at least **ten thousand (10,000) square feet**.
- (2) All vehicles shall be stored inside a building or within an area screened from the view of the street and surrounding properties by landscaping, fencing or a combination of materials that provides an opaque screen at least **six (6) feet** in height.
- (3) Additional criteria necessary to protect the public health, safety and welfare as determined by the Village Board of Trustees.

(B) Used Car Dealers (NAICS Code 44112) may be allowed as a Special Use in the GC district based on meeting the following performance standards:

- (1) Shall be located on a site of at least **thirty-three thousand (33,000) square feet. (Ord. No. 2016-08; 08-01-16)**
- (2) All vehicles shall be in proper running order.
- (3) Additional criteria necessary to protect the public health, safety and welfare as determined by the Board of Trustees.

(C) Automobile Wrecking, and Other Salvage Yards may be allowed as a Special Use in the LI district based on meeting the following performance standards:

- (1) Shall be located on a site of at least **ten thousand (10,000) square feet**.
- (2) All wreckage shall be stored inside a building or within an area screened from the view of the street and surrounding properties by landscaping, fencing or a combination of materials that provides an opaque screen at least **six (6) feet** in height.
- (3) Additional criteria necessary to protect the public health, safety and welfare as determined by the Board of Trustees.

40-7-13 FUNERAL HOMES AND FUNERAL SERVICES (NAICS CODE 81221).

(A) Funeral Homes and Funeral Services (NAICS Code 53113) may be allowed as a Special Use in the DC district based on meeting the following performance standards:

- (1) Shall be located on a site of at least **one (1) acre**.
- (2) Adequate space shall be provided for parking and traffic circulation on the site.
- (3) Additional reasonable requirements designed to protect the safety and general welfare of adjoining landowners and other residents of the Village.

Bethalto Village Code**40-7-14 LESSORS OF MINIWAREHOUSES AND SELF-STORAGE UNITS (NAICS CODE 53113).**

(A) Lessors of Mini warehouses and Self-Storage Units (NAICS Code 53113) may be allowed as a Special Use in the GC district based on meeting the following performance standards:

- (1) There shall be a minimum of **one (1) parking space** for each employee.
- (2) No gasolines, flammables, explosives or other dangerous materials and no motor vehicles may be stored inside a storage building.
- (3) Such facility may contain a surfaced lot for the outside storage of motor vehicles, trailers and watercraft as an accessory use. Motor vehicles, trailers and watercraft include boats, boat trailers, camping trailers, materials trailers and recreational vehicles, and automobiles and light trucks of less than **ten thousand (10,000) pounds** gross weight. All such vehicles shall be registered and in operating condition, and shall be screened from the view of adjoining properties. No derelict vehicles shall be allowed. No repair, maintenance and/or upgrading of motor vehicles, trailers or watercraft shall be permitted on site.
- (4) All storage facilities shall be separated by walls and ceilings.
- (5) There shall be a minimum of **twenty-four (24) feet** between buildings for purposes of ingress and egress to storage facilities.
- (6) Each individual storage facility shall not exceed a width of **twelve (12) feet**, a length of **thirty (30) feet** and a height of **nine (9) feet**.
- (7) The storage facilities shall be screened from streets and surrounding residentially-zoned properties.
- (8) Additional reasonable requirements including, but not limited to, access ways, billing locations, hours of operation, and on-site resident manager may be imposed for the protection of adjoining landowners.

40-7-15 SPECIALTY AGRICULTURE.

(A) Specialty Agriculture may be allowed as a special use in RS-5 and RS-8 Zoning Districts based on meeting the following performance standards:

- (1) Shall be located on a site of at least **four (4) acres (174,240 sq ft)**.
- (2) There shall be at least **two (2) acres (87,120 sq ft)** fenced for pasture.
- (3) Only the following livestock shall be permitted in the Special Use District: Horses, Sheep, Goats, and Cattle.
- (4) A maximum of no more than **six (6)** total combination of Horses, Goats, Sheep or Cattle on the parcel.
- (5) The number of allowable Chickens shall be no less than **two (2)**, and no more than **six (6)**. No roosters allowed.
- (6) A fence height shall be at least **forty-eight (48) inches** for Goats, Sheep and Cattle. A fence height shall be at least **sixty (60) inches** for Horses. No fence height shall be taller than **six (6) feet**.
- (7) Fences shall be erected, or other means shall be taken to prevent livestock from approaching any spot closer than **one hundred (100) feet** to any dwelling on an adjoining lot or nearby lot or within **twenty (20) feet** of any residentially zoned property. If fences are currently in place that meet the height restriction noted in paragraph (6), but not the setback requirement noted in paragraph (7), the setback may be achieved by adding an electrical fence.
- (8) Farm Crop Production shall be allowed, subject to dimensional requirements of the Special Use Permit.
- (9) Agricultural equipment or commodities (including, but not limited to, fertilizer, pesticides, and herbicides) shall not be stored outdoors closer than **two hundred (200) feet** from any residentially zoned property. Except, however, that such material may be stored in a building located not less than **one hundred (100) feet** from any residentially zoned property.
- (10) It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere within **three (3) feet** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **eight (8) feet** above the level of such public place.

(B) The above shall be in lieu of **Section 40-5-5** Regulations and the Dimensional Regulations of **Section 40-5-6.**
(Ord. No. 2023-03; 05-08-23)