

City of St. Charles, Illinois

Ordinance No. 1996-M-53

**An Ordinance Amending Title 1 "General Provisions,"
Title 2 "Administration and Personnel,"
Title 3 "Revenue and Finance" Title 5
"Business Licenses and Regulations,"
Title 6 Animals," Title 8 "Health and Safety,"
Title 9 "Public Peace, Morals and Welfare,"
Title 10 "Vehicles and Traffic," Title 12
"Streets, Sidewalks and Public Places,"
Title 13 "Public Utilities," Title 15
"Buildings and Construction," Title 16
"Subdivisions and Land Improvement,"
Title 17 "Zoning," and Title 18
"Flood Damage Prevention" of the
St. Charles Municipal Code**

Adopted by the

City Council

of the

City of St. Charles

this 5th day of August, 1996

**Published in pamphlet form by
authority of the City Council
of the city of St. Charles,
Kane and Du Page Counties,
Illinois, this 9th day of
August, 1996**


City Clerk

(S E A L)

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ORDINANCE NO. 1996-M- 53

AN ORDINANCE AMENDING TITLE 1 "GENERAL PROVISIONS,"
TITLE 2 "ADMINISTRATION AND PERSONNEL," TITLE 3 "REVENUE AND FINANCE,"
TITLE 5 "BUSINESS LICENSES AND REGULATIONS," TITLE 6 "ANIMALS,"
TITLE 8 "HEALTH AND SAFETY," TITLE 9 "PUBLIC PEACE, MORALS AND WELFARE,"
TITLE 10 "VEHICLES AND TRAFFIC," TITLE 12 "STREETS, SIDEWALKS AND PUBLIC
PLACES," TITLE 13 "PUBLIC UTILITIES," TITLE 15 "BUILDINGS AND
CONSTRUCTION," TITLE 16 "SUBDIVISIONS AND LAND IMPROVEMENT,"
TITLE 17 "ZONING," AND TITLE 18 "FLOOD DAMAGE PREVENTION"
OF THE ST. CHARLES MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE
AND DU PAGE COUNTIES, ILLINOIS, AS FOLLOWS:

1. That Title 1 "General Provisions," Title 1 Footnotes, of the
St. Charles Municipal Code be and is hereby amended by deleting the same
and substituting the following therefor:

Title 1 Footnotes

1. For statutory provisions authorizing cities to adopt codes
for reference, see 65 ILCS 5/1-3-2; for provisions concerning
the revision and publication of ordinances in book form, see
65 ILCS 5/1-2-3 et. seq.; for provisions concerning adoption
of penalty clauses, see 65 ILCS 5/1-3-4.
2. For statutory provisions authorizing municipalities to punish
violators by a fine not to exceed \$500.00, see 65 ILCS 5/1-2-
1; for provisions authorizing imprisonment not to exceed six
months for violations made misdemeanors, see 65 ILCS 5/1-2-
1.1.
3. For statutory provisions authorizing a city to have a
corporate seal, see 65 ILCS 5/2-2-12.
4. For statutory provisions on bonds for municipal officers, see
65 ILCS 5/3.1-10-30.
5. For statutory provisions authorizing the division of cities
into wards, see 65 ILCS 5/3.1-20-15.

2. That Title 2 "Administration and Personnel," Title 2 Footnotes,
of the St. Charles Municipal Code be and is hereby amended by deleting
the same and substituting the following therefor:

Title 2 Footnotes

1. For statutory provisions on the functions and duties of city
mayors, see 65 ILCS 5/3.1-35-5; for provisions on elected
officers generally, see 65 ILCS 5/3.1-40-5 et seq.

2. For statutory provisions on the city council, see 65 ILCS 5/3.1-40-5 et seq.
3. For statutory provisions on the functions and duties of city clerks, see 65 ILCS 5/3.1-35-90.
4. For statutory provisions on the functions and duties of city treasurers, see 65 ILCS 5/3.1-35-40.
5. For statutory provisions on appointive officers, see 65 ILCS 5/3.1-30-5. Prior ordinance history: 1965-3, 1968-6, 1971-M-27, 1975-M-35.
6. For statutory provisions on local boards of health, see 65 ILCS 5/11-16-1.
7. For statutory provisions on local boards of improvements, see 65 ILCS 5/9-2-7.
8. For statutory provisions on local zoning boards of appeal, see 65 ILCS 5/11-13-3.
9. For statutory provisions on firemen's pension fund boards, see 40 ILCS 5/4-121.
10. For statutory provisions on police pension fund boards, see 40 ILCS 5/3-128.
11. For statutory provisions on boards of fire and police commissioners, see 65 ILCS 5/10-2.1-1 et seq.
12. For statutory provisions on establishment and powers of local plan commissions, see 65 ILCS 5/11-12-4 et seq.
13. For statutory provisions authorizing cities to create and maintain fire departments, see 65 ILCS 5/11-6-1.
14. For statutory provisions on appointment of members of the police department, see 65 ILCS 5/10-2.1-4; for provisions on the duties of city marshals, see 65 ILCS 5/3.1-35-140; for provisions authorizing the appointment of auxiliary policemen, see 65 ILCS 5/3.1-30-20; for provisions on the powers of conservators of the peace, see 65 ILCS 5/3.1 et seq. Prior ordinance history: Ords. 1965-31, 1965-61, 1966-14, 1969-M-5, 1970-M-18, 1972-M-37, 1974-M-3, 1974-M-24, 1975-M-13 and 1976-M-50.
15. For statutory provisions of the Illinois Emergency Management Agency Act, see 20 ILCS 3305/1 et seq.
16. For statutory provisions on the election of officers, see 65 ILCS 5/3.1-10-10, 5/3.1-10-15.
17. For statutory provisions on assessment officers, see 35 ILCS 200/2-45.
18. For statutory provisions on indemnification, see 745 ILCS 10/2-302.

3. That Title 2 "Administration and Personnel," Chapter 2.20 "Board of Trustees of the Firemen's Pension Fund of the City of St. Charles," Paragraph 2.20.010 "Created - Composition - Election of Members," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

2.20.010 Created - Composition - Election of Members.

There shall be a board of trustees of the firemen's pension fund which shall consist of the fire chief, the city treasurer, the city clerk, the comptroller, and three other persons who shall be chosen from the active firemen of the city, and one other person who shall be chosen from the retired firemen, as provided by statute (40 ILCS 5/4-121). The members of the board selected from the active and retired firemen shall be elected at the time and in the manner provided by statute.

4. That Title 2 "Administration and Personnel," Chapter 2.20 "Board of Trustees of the Firemen's Pension Fund of the City of St. Charles," Paragraph 2.20.020 "Duties," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

2.20.020 Duties.

The board of trustees of the firemen's pension fund shall have control of the management of all funds belonging to or designated by law as part of the firemen's pension fund or the administration of such funds, as provided by statute (40 ILCS 5/4-122 et seq.).

5. That Title 2 "Administration and Personnel," Chapter 2.22 "Board of Trustees of the Police Pension Fund of the City of St. Charles," Paragraph 2.22.010 "Created - Composition - Members' appointment and election," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

2.22.010 Created - Composition - Members' appointment and election.

There shall be a board of trustees of the police pension fund composed of five members. Of these members, two shall be appointed by the mayor, two shall be elected from the regular police force of the city by the active members thereof, and one shall be elected by and from the beneficiaries of the fund. Each member shall serve for two years, and elected members shall be selected in the manner provided by law (40 ILCS 5/3-128).

6. That Title 2 "Administration and Personnel," Chapter 2.22 "Board of Trustees of the Police Pension Fund of the City of St. Charles," Paragraph 2.22.020 "Duties," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

2.22.020 Duties.

It shall be the duty of the members of the board of trustees of the police pension fund to manage, invest and control the police pension fund and all monies pertaining thereto in the manner provided by statute and to pay beneficiaries as provided by statute (40 ILCS 5/3-131 et seq.).

7. That Title 2 "Administration and Personnel," Chapter 2.34 "Civic Emergency," Paragraph 2.34.010 "Definitions," Subparagraph A, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

2.34.010 Definitions.

- A. A "Civic emergency" includes a "state of emergency," and a "local disaster emergency," and is defined to be:
1. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or
 2. Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city, resulting in the death or injury of persons, or the destruction of property, to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

8. That Title 2 "Administration and Personnel," Chapter 2.38 "Elections," Paragraph 2.38.030 "Inauguration," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

2.38.030 Inauguration.

Commencing with the election of April 7, 1981, the newly elected officers of the city which have been duly elected shall be inaugurated at the first regular or special meeting of the corporate authorities in the month of May following such election and following the proclamation of the results all pursuant to 65 ILCS 5/3.1-10-15.

9. That Title 2 "Administration and Personnel," Chapter 2.42

"Indemnification," Paragraph 2.42.010 "Action and claims against city employees," Subparagraph B, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

2.42.010 Action and claims against city employees.

B. Defense of Actions, Payment of Judgments and Settlements. Pursuant to the provisions of 745 ILCS 10/2-302, the city of St. Charles hereby elects that in the event any claim or action is instituted against an employee or former employee of the city of St. Charles arising out of an act or omission occurring within the scope of his employment as such employee, except where the injury results from willful misconduct of the employee, the city of St. Charles shall appear and defend such employee against the claim or action, and pay any judgment based on such claim or action or pay any compromise or settlement of such claim or action.

10. That Title 3 "Revenue and Finance," Title 3 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 3 Footnotes

1. For statutory provisions of the fiscal year in municipalities, see 65 ILCS 5/1-1-2; for provisions on municipal finance, see 65 ILCS 5/8-1-1; for provisions authorizing municipal contracts, see 65 ILCS 5/2-2-12.
2. For statutory provisions on municipal retailer's occupation tax, see 65 ILCS 5/8-11-1.6 and 65 ILCS 5/8-11-1.
3. For statutory provisions on municipal service occupation tax, see 65 ILCS 5/8-11-1.7 and 65 ILCS 5/8-11-5.
4. For statutory provisions on municipal use tax, see 65 ILCS 5/8-11-6.
5. For statutory provisions on hotel/motel tax, see 35 ILCS 145/1.

11. That Title 3 "Revenue and Finance," Chapter 3.16, "Municipal Use Tax," Paragraph 3.16.010, "Required," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

3.16.010 Required.

A tax is imposed in accordance with the provisions of Section 8-11-6 of the Illinois Municipal Code upon the privilege of using in the municipality any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at a rate of one percent of the selling price of such tangible property with selling price to have the meaning as defined in the Use Tax Act, 35 ILCS 105/1 et seq.

12. That Title 5 "Business Licenses and Regulations," Title 5 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 5 Footnotes

1. For statutory provisions authorizing cities to license and tax certain businesses, see 65 ILCS 5/11-42-1; for provisions authorizing cities to fix the amount, terms and manner of issuing and revoking licenses, see 65 ILCS 6/11-60-1.
2. For statutory provisions related to alcoholic beverages generally, see 235 ILCS 5/5-1 et seq.; for provisions authorizing local control, see 235 ILCS 5/4-1. Prior ordinance history: Ords. 1965-12, 1965-47, 1965-53, 1968-16, 1971-M-25, 1971-M-34, 1972-M-41, 1972-M-46, 1971-M-48, 1973-M-12, 1974-M-6, 1975-M-22.
3. For statutory provisions on municipal regulation of billiard and bowling alleys, see 65 ILCS 5/11-42-2; for provisions on municipal regulation of shows, see 65 ILCS 5/11-42-5.
4. For statutory provisions prescribing sales of cigarettes to minors, see 720 ILCS 675/1; for provisions on municipal health powers, see 65 ILCS 5/11-20-5; for provisions on municipal regulation of tobacco, see 65 ILCS 5/11-20-3.
5. For statutory provisions on municipal regulation of handbills, see 65 ILCS 5/11-80-16.
6. For statutory provisions on municipal regulation of hawkers, peddlers, solicitors and itinerant merchants, see 65 ILCS 5/11-42-5.

13. That Title 5 "Business Licenses and Regulations," Chapter 5.08, "Alcoholic Beverages," Paragraph 5.08.010, "Definitions," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

5.08.010 Definitions.

All words and phrases used in this chapter and not otherwise defined herein, which are defined in "An Act Relating to Alcoholic Liquors," approved January 31, 1934, as amended (235 ILCS 5/1-2 et seq.) shall have the meaning accorded to such words and phrases in

said Act. Unless the context otherwise requires, the following terms as used in this chapter shall be construed according to the following definitions:

- A. "Alcoholic liquor" means any alcohol, spirits, wine, beer, ale or other liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being.
- B. "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grains, malt, or hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.
- C. "Club" means a corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to the definition of a club in 235 ILCS 5/1-3.24.
- D. "Hotel" or "motel" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential in which twenty-five or more rooms are used for the sleeping accommodation of such guests and having one or more public dining rooms, where meals are served to such guests and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.
- E. "Minor" means any person under eighteen years of age.
- F. "Resort hotel" or "resort motel" means a hotel or motel which provides golfing and swimming.
- G. "Retail sale" means the sale for use or consumption and not for resale.
- H. "Tavern" means either of the following:
 - 1. Any public place that engages in the retail sale of alcoholic liquors for consumption on the premises with or without food, and where the sale and consumption of food predominates the sale and consumption of alcoholic liquors;
 - 2. Any public place that engages in the retail sales of alcoholic liquors for consumption on the premises with or without food and where the sale and consumption of liquor predominates the sale and consumption of food.
- I. "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits.

14. That Title 5 "Business Licenses and Regulations," Chapter 5.08, "Alcoholic Beverages," Paragraph 5.08.020, "Local liquor control commissioner - Designated," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

5.08.020 Local Liquor Control Commissioner - Designated.

The mayor of the city is authorized to be the local liquor control commissioner and shall be charged with the administration of the Liquor Control Act, 235 ILCS 5/1-1 et seq., and of such ordinances and resolutions relating to alcoholic liquor as may be enacted. The mayor may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties provided for such local liquor control commissioner.

15. That Title 5 "Business Licenses and Regulations," Chapter 5.08, "Alcoholic Beverages," Paragraph 5.08.070, "License - Dram shop insurance required prior to issuance," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

5.08.070 License - Dram shop insurance required prior to issuance.

No license shall be granted to an applicant until such applicant shall furnish evidence satisfactory to the liquor control commissioner that such applicant is covered by a policy of dram shop insurance issued by a responsible insurance company authorized and licensed to do business in the state insuring such applicant against liability which such applicant may incur under the provisions of 235 ILCS 5/6-21. The insurance policy shall have a May 1st renewal date. The city shall be given at least ten days' written notice from such insurance carrier prior to cancellation, termination or amendment of any such dram shop insurance policy.

16. That Title 6 "Animals," Title 6 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 6 Footnotes

1. For statutory provisions of the Animal Control Act, see 510 ILCS 5/5.
2. For statutory definitions of the Animal Control Act, see 510 ILCS 5/2 et seq.
3. For statutory provisions authorizing cities to regulate and prohibit the running at large of certain animals, see 65 ILCS 5/11-20-9; for provisions on care and disposal of diseased animals, see 510 ILCS 50/1 et seq.
4. For statutory provisions authorizing municipal authorities to prohibit cruelty to animals, see 65 ILCS 5/11-5-6; for provisions authorizing cities to define, prevent and abate nuisances, see 65 ILCS 5/11-60-2; for provisions requiring leashes for dangerous animals, see 510 ILCS 5/15.

5. For statutory provisions requiring inoculation of dogs against rabies, see 510 ILCS 5/8.

17. That Title 8 "Health and Safety," Title 8 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 8 Footnotes

1. For statutory provisions on municipal authority to regulate food for human consumption, see 65 ILCS 5/11-20-2; for provisions on municipal regulation of junk dealers, see 65 ILCS 5/11-42-3; for provisions on municipal abatement of nuisances, see 65 ILCS 5/11-60-2; for provisions on municipal disposal of garbage and refuse, see 65 ILCS 5/11-19-1.
2. For statutory provisions on municipal jurisdiction over waters, see 65 ILCS 5/7-4-4.
3. For statutory provisions on the authority of cities to promote health and suppress disease, see 65 ILCS 5/11-20-5.
4. For statutory provisions on municipal control and eradication of dutch elm disease, see 65 ILCS 5/11-20-11 and 5/11-20-12.
5. For statutory provisions authorizing municipal regulation and prohibition of fireworks and pyrotechnic displays, see 425 ILCS 30/24.
6. For statutory provisions on municipal disposal of garbage and refuse, see 65 ILCS 5/11-19-1.
7. For statutory provisions on weed control, see 65 ILCS 5/11-20-6 and 11-20-7.

18. That Title 8 "Health and Safety," Chapter 8.24, "Garbage and Refuse," Paragraph 8.24.099, "Enforcement," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

8.24.099 Enforcement.

Any garbage and rubbish, compostable material or recyclable material left on private or public property in violation of any of the provisions of this chapter is deemed a potential public health and safety hazard. City may remove, or cause to be removed, any such garbage and rubbish, compostable material or recyclable material, and recover the reasonable costs of removal from the owner of the real estate or other responsible party in accordance with 65 ILCS 5/11-20-13.

19. That Title 9 "Public Peace, Morals and Welfare," Title 9 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 9 Footnotes

1. For statutory provisions on false reports, see 720 ILCS 5/26-1.
2. For statutory provisions on assault and battery, see 720 ILCS 5/12-1 and 12-3; for provisions authorizing cities to control fighting, see 65 ILCS 5/11-5-3.
3. For statutory provisions authorizing cities to control lotteries, gambling and gambling houses, see 65 ILCS 5/11-5-1.
4. For statutory provisions on public indecency, see 720 ILCS 5/11-9.
5. For statutory provisions on disorderly conduct, see 720 ILCS 5/26-1; for provisions authorizing municipal control of disorderly conduct, see 65 ILCS 5/11-5-3; for provisions on unlawful assemblages, see 65 ILCS 5/11-5-2.
6. For statutory provisions authorizing municipalities to control noise and other disturbances, see 65 ILCS 5/11-5-2.
7. For statutory provisions authorizing municipal prevention of vagrancy and begging, see 65 ILCS 5/11-5-4.
8. For statutory provisions on misleading advertisements, see 720 ILCS 295/1 et seq.
9. For statutory provisions authorizing municipal prevention of injury to municipal property, see 65 ILCS 5/11-80-10; for provisions on criminal damage to property, see 720 ILCS 5/21-1.
10. For statutory provisions authorizing municipal prohibition of all fraudulent practices and services for obtaining money or property, see 65 ILCS 5/11-5-1; for provisions on theft, see 720 ILCS 5/16-1.
11. For statutory provisions on criminal trespass to land, see 720 ILCS 5/21-3.
12. For statutory provisions authorizing municipal curfews, see 65 ILCS 5/11-1-5.
13. For statutory provisions authorizing municipal restrictions on the requisition, possession and transfer of firearms, see 430 ILCS 65/13.1; for provisions prohibiting generally possession of a loaded firearm within the city's limits, see 720 ILCS 5/24-3.1; for provisions on carrying a concealed weapon, see 720 ILCS 5/24-1 and 24-2.

20. That Title 10 "Vehicles and Traffic," Title 10 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 10 Footnotes

1. For statutory definitions of the Illinois Vehicle Code, see 625 ILCS 5/1-101.1

2. For statutory provisions on abandoned vehicles, see 625 ILCS 5/4-201 et seq.
3. For statutory provisions on the equipment of vehicles, see 625 ILCS 5/12-101.
4. For statutory provisions authorizing local authorities to regulate the operation of bicycles, see 625 ILCS 5/11-208.
5. For statutory provisions on persons driving under the influence of intoxicating liquor or narcotic drugs, see 625 ILCS 5/11.501; for provisions on accidents and attendant duties thereafter, see 625 ILCS 5/11-401 et seq.
6. For statutory provisions on the rights and duties of pedestrians, see 625 ILCS 5/11-1001 et seq.
7. For statutory provisions authorizing local designation of one-way highways, see 625 ILCS 5/11-208.
8. For statutory provisions authorizing local regulation of standing or parking of vehicles, see 625 ILCS 5/11-208; for provisions on stopping, standing and parking, see 625 ILCS 5/11-208.
9. For statutory provisions on rules of the road, see 625 ILCS 5/11-100 et seq.; for provisions authorizing local traffic regulation, see 625 ILCS 5/11-208.
10. For statutory provisions authorizing local designation of through highways, see 625 ILCS 5/11-208(a)(6)

21. That Title 10 "Vehicles and Traffic," Chapter 10.04, "General Provisions," Paragraph 10.04.010, "Definitions," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

10.04.010 Definitions.

The provisions of 625 ILCS 5/1, as amended, be and are hereby incorporated by reference.

22. That Title 10 "Vehicles and Traffic," Chapter 10.04, "General Provisions," Paragraph 10.04.020, "Rules of the road," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

10.04.020 Rules of the road.

The following provisions of 625 ILCS 5/11, as amended, be and are hereby adopted by reference:

- Article 1 "Special Definitions"
- Article 2 "Obedience to and Effect of Traffic Laws," Paragraphs 11-201 through 11-203 and Paragraphs 11-205 through 11-211.

- Article 3 "Traffic Signs, Signals and Markings," Paragraphs 11-302 through 11-313.
- Article 4 "Accidents," Paragraph 11-415.
- Article 6 "Speed Restrictions," Paragraphs 11-601 through 11-611.
- Article 7 "Driving on Right Side of Roadway - Overtaking and Passing, etc.," Paragraphs 11-701 through 11-711.
- Article 8 "Turning and Starting and Signals on Stopping and Turning," Paragraphs 11-801 through 11-806.
- Article 9 "Right-of-Way," Paragraphs 11-901 through 11-908.
- Article 10 "Pedestrians' Rights and Duties," Paragraphs 11-1001 through 11-1011.
- Article 11 "Street Cars and Safety Zones," Paragraphs 11-1101 through 11-1104.
- Article 12 "Special Stops Required," Paragraphs 11-1201 through 11-1205.
- Article 14 "Miscellaneous Laws," Paragraphs 11-1401 through 11-1425.
- Article 15 "Bicycles," Paragraphs 11-1501 through 11-1514.

23. That Title 10 "Vehicles and Traffic," Chapter 10.04, "General Provisions," Paragraph 10.04.030, "Equipment of vehicles," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

10.04.030 Equipment of vehicles.

The following provisions of 625 ILCS 5/12, as amended, be and are hereby adopted by reference:

- Article 1 "General Provisions," Paragraphs 12-100 and 12-101.
- Article 2 "Lights and Lamps," Paragraphs 12-201 through 12-216.
- Article 3 "Brakes," Paragraphs 12-301 through 12-302.
- Article 4 "Tires," Paragraphs 12-401 through 12-407.
- Article 5 "Glass, Windshields and Mirrors," Paragraphs 12-500 through 12-503.
- Article 6 "Miscellaneous Requirements," Paragraphs 12-600 through 12-610.
- Article 7 "Special Requirements for Vehicles of the Second Division," Paragraphs 12-701 through 12-711.
- Article 8 "Special Requirements for School Buses," Paragraphs 12-800 through 12-820.
- Article 9 "Special Requirements for Religious Organization Buses," Paragraphs 12-900 through 12-902.

24. That Title 10 "Vehicles and Traffic," Chapter 10.04, "General Provisions," Paragraph 10.04.040, "Size, weight, load and permits," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

10.04.040 Size, weight, load and permits.

The following provisions of 625 ILCS 5/15, as amended, be and hereby adopted by reference:

- Article 1 "Size, Weight and Load," Paragraphs 15-100 through 15-112 and Paragraph 15-114.
- Article 3 "Permits," Paragraphs 15-316 through 15-318.

25. That Title 10 "Vehicles and Traffic," Chapter 10.41, "Handicapped Parking," Paragraph 10.41.030, "Handicapped persons - Parking privileges," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

10.41.030 Handicapped persons - Parking privileges.

A motor vehicle bearing registration plates issued to a physically handicapped person pursuant to 625 ILCS 5/11-1301.1 is exempt from any ordinance imposing time limitations on parking in a business district, but otherwise is subject to the laws which prohibit parking in "No Stopping" and "No Standing" zones in front of or near fire hydrants, driveways, public building entrances and exits, bus stops, loading areas, and is prohibited from parking where the motor vehicle constitutes a traffic hazard and the motor vehicle must be moved at the instruction and request of a law enforcement officer to a location designated by the officer. Any motor vehicle bearing registration plates specified in this section or such devices as local authorities have deemed proper as evidence that the vehicle is operated by or for a handicapped person or disabled veteran may park, in addition to any other lawful place, in any parking place specifically reserved by posting of an official sign for such vehicle. Parking privileges granted by this section are strictly limited to the person to whom the special registration plate or device was issued and to qualified operators acting under his express direction while the disabled person is present.

26. That Title 12 "Streets, Sidewalks and Public Places," Title 12 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 12 Footnotes

1. For statutory provisions providing municipalities with general powers over streets and public ways, see 65 ILCS 5/11-80-1 et seq.
2. For statutory provisions authorizing municipalities to prescribe regulations for driveways, see 65 ILCS 5/11-30-8.
3. For statutory provisions authorizing cities to regulate the numbering of buildings and lots, see 65 ILCS 5/11-80-18.
4. For statutory provisions on municipal control of planting trees, see 65 ILCS 5/11-72-1; for provisions on municipal regulation of street advertising, see 65 ILCS 5/11-80-15.

27. That Title 13 "Public Utilities," Title 13 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 13 Footnotes

1. For statutory provisions authorizing municipalities to acquire, construct, own, operate or lease any necessary public utility, see 65 ILCS 5/11-117-1 et seq.
2. For statutory provisions on municipal regulation of air conditioning, see 65 ILCS 5/11-32-1.
3. **Editor's Note:** Ord. 1965-6 is the underlying ordinance for prior code §'s 14.103 through 14.105.

28. That Title 13 "Public Utilities," Chapter 13.08, "Electricity," Paragraph 13.08.015 "Definitions," Subparagraph A of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

- A. City of St. Charles Municipal Electrical Utility (SCMEU). The City of St. Charles Municipal Electric Utility (SCMEU) is an "Illinois Municipal Utility" which, since 1892 to the present time, has been owned and operated by the city of St. Charles, Illinois pursuant to a continuum of State of Illinois Constitutional and Statutory Authority (e.g., Common Law, Statutes prior to 1913; "Municipal Ownership Act" of 1913; 65 ILCS 5/11-117-1 to 11-117-14 and 11-119-1 to 11-119-5)

29. That Title 13 "Public Utilities," Chapter 13.20, "Cross-Connection Control," Paragraph 13.20.100, "Survey and investigations non-residential premises," Subparagraph C of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

- C. It shall be the responsibility of the water customer to arrange periodic surveys according to Section 13.20.030, of water use practices on the customer's premise to determine whether there are actual or potential cross-connections to the customer's water system through which contamination or pollution could backflow into the customer's or the public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with 225 ILCS 320/3, as amended.

30. That Title 13 "Public Utilities," Chapter 13.20, "Cross-Connection Control," Paragraph 13.20.100, "Survey and investigations non-residential premises," Subparagraph D of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

- D. It is the responsibility and financial obligation of the water customer to prevent backflow into the public water supply system by ensuring that:
1. All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
 2. Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.
 3. Cross-connection control devices shall be inspected at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions and such additional requirements, if any, of the city.
 4. Testing and Records
 - a. Each device shall be tested at least annually by a certified CCCDI or more frequently if recommended by the manufacturer, or public works services manager.
 - b. Original records submitted to the public works services manager shall be available for inspection by Agency personnel in accordance with 415 ILCS 5/4. These original records will be maintained by the city of St. Charles.
 - c. Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
 - d. A maintenance log shall be maintained and include:
 - i. Date of each test;
 - ii. Name and approval number of person performing the inspection or test;
 - iii. Test results/inspection;
 - iv. Repairs or servicing required;
 - v. Repairs and date completed; and
 - vi. Services performed and date completed.

31. That Title 13 "Public Utilities," Chapter 13.20, "Cross-Connection Control," Paragraph 13.20.100, "Survey and investigations non-residential premises," Subparagraph E of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

- E. Confidential information.
1. Water customers that file reports with the city may request that portions of a report which may disclose trade secrets or proprietary processes shall not be made available for inspection by the public. To the extent permitted by law, confidential portions shall be made available upon written request to government agencies for uses related to this chapter. To the extent permitted by law, portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the water customer furnishing the report.

Any information accepted as confidential shall not be transmitted to the general public until and unless written notification is given to the water customer. It shall be the responsibility of the water customer to prove confidentiality to the city by timely presenting the basis for such a claim of confidentiality. The city shall not be required to make data available to the public except in accordance with the St. Charles Municipal Code and the Illinois Freedom of Information Act, 5 ILCS 140/1 et seq.

Nothing herein shall be construed to limit or restrict any water consumer from exercising any right it may have to object to any request by the city for confidential information from such user.

32. That Title 15 "Buildings and Construction," Title 15 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 15 Footnotes

1. For statutory provisions authorizing cities to regulate the construction of buildings, see 65 ILCS 5/11-30-4.
2. For statutory provisions on municipal regulation of dangerous buildings, see 65 ILCS 5/11-31-1.
3. For statutory provisions on municipal fire limits, see 65 ILCS 5/11-8-3.
4. For statutory provisions on fire safety regulations, see 65 ILCS 5/11-8-1 et seq. Prior ordinance history: Ords. 1967-17, 1967-23, 1969-M-10.
5. For statutory provisions of the state plumbing code, see 225 ILCS 320.
6. For statutory provisions on fair housing ordinances, see 65 ILCS 5/11-11.1-1.
7. For statutory provisions on general regulatory powers of cities over buildings, see 65 ILCS 5/11-30-4.

33. That Title 15 "Buildings and Construction," Chapter 15.101, "Administration, Enforcement, Fees and Penalties," Paragraph 15.101.020, "Applicability," Subparagraph A, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

15.101.020 Applicability.

- A. General. The provisions of this code and other applicable chapters of the St. Charles Municipal Code shall cover all matters affecting or relating to buildings and structures, as set forth in Section 15.101.010. The provisions of this chapter shall apply whether or not the property as defined in the Condominium Property Act (765 ILCS 605/1 et seq.), is subject to the act.

34. That Title 16 "Subdivisions and Land Improvement," Title 16 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 16 Footnotes

1. For statutory provisions authorizing municipalities to establish plan commissions and set regulations for the acceptance of plats, see 65 ILCS 5/11-12-4; for provisions on the approval of plats, see 65 ILCS 5/11-15-1.

35. That Title 16 "Subdivisions and Land Improvement," Chapter 16.32, "Dedications," Paragraph 16.32.090, "Criteria for requiring a cash contribution in lieu of park and school land," Subparagraph C, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

- C. Use of contribution by park district.
1. The cash contribution in lieu of park land shall be used solely for the acquisition of park land which will serve the immediate or future needs of the residents of the subdivision for which the contribution was received, or the improvement of existing park land which will serve such needs; provided, however, any expenditure of funds for land or improvements shall satisfy all applicable statutory criteria and specifically the provisions of 65 ILCS 5/11-12-4 et seq., as amended.

Annexation agreements entered by the city pursuant to 65 ILCS 5/11-15.1-1, as amended, with respect to land to be zoned to include residential uses for which Chapter 16.32 of the St. Charles Municipal Code as amended applies, shall include a provision that all cash received for the park district may be used by the park district for land acquisition, building construction, site improvements, capital improvements, equipment, operations, or any other purpose which will serve the immediate or future needs of the residents of the subdivision for which the contribution was received.

2. Further, the park district shall spend a minimum of fifty percent (50%) of the contribution a) within the subdivision from which it was received, or if no park land exists within said subdivision, b) within park district real estate nearest said subdivision or for the purchase of park land within one and one-half miles of said subdivision. For subdivisions platted within the city limits, the park district shall spend one hundred percent (100%) of the contribution within the city limits; for subdivision platted outside the city limits but within the planning jurisdiction of the city, the park district shall spend on hundred percent (100%) of the contribution within the planning jurisdiction of the city. The city council may vary the requirements of this paragraph 2 if it finds that, based upon facts presented by the park district, such variance will result in park facilities which will serve the immediate or future needs of the residents of the subdivision from which the contribution was received.

36. That Title 17 "Zoning," Title 17 Footnotes, of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

Title 17 Footnotes

1. For statutory provisions authorizing municipalities to establish zoning regulations, see 65 ILCS 5/11-13-1.

37. That Title 18 "Flood Damage Prevention," Chapter 18.02, "Purpose," Paragraph 18.02.010, "Introduction," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

18.02.010 Introduction.

This title is enacted pursuant to the police powers granted to this city by the Illinois Constitution, as well as 65 ILCS 5/1-2-1, 65 ILCS 5/11-12-12, 65 ILCS 5/11-30-2, 65 ILCS 5/11-30-8.

38. That Title 18 "Flood Damage Prevention," Chapter 18.02, "Purpose," Paragraph 18.02.020, "Purpose," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

18.02.020 Purpose.

The purpose of this title is to meet the requirements of 615 ILCS 5/18g, from An Act in Relation to the Regulation of the Rivers, Lakes and Streams of the State of Illinois, approved June 10, 1911 as amended (615 ILCS 5/4-9 et seq.).

39. That Title 18 "Flood Damage Prevention," Chapter 18.04, "Definitions," Paragraph 18.04.010, "Act," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

18.04.010 Act.

"An act in relation to the regulation of the rivers, lakes of Illinois," 615 ILCS 5/4.9 et seq.

40. That Title 18 "Flood Damage Prevention," Chapter 18.04, "Definitions," Paragraph 18.04.350, "Registered land surveyor," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

18.04.350 Professional land surveyor.

"Professional land surveyor" means a land surveyor licensed under the laws of the State of Illinois, the Illinois Land Surveyors Act (225 ILCS 330/1 et seq.), to practice land surveying.

41. That Title 18 "Flood Damage Prevention," Chapter 18.04, "Definitions," Paragraph 18.04.360, "Registered professional engineer," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

18.04.36 Professional engineer.

"Professional engineer" means an engineer licensed under the laws of the State of Illinois, the Illinois Professional Engineering Act (225 ILCS 325/1 et seq.), to practice engineering.

42. That Title 18 "Flood Damage Prevention," Chapter 18.20, "Subdivisions, PUD's and Other Development and Building Requirements," Paragraph 18.20.020, "New subdivisions, manufactured home parks, annexation agreements, and planned unit developments (PUD's)," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

18.20.020 New subdivisions, manufactured home parks, annexation agreements, and planned unit developments (PUD's)

New subdivisions, manufactured home parks, annexation agreements, and Planned Unit Developments (PUD's) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 18.12, 18.14, 18.16, and 18.18 of this ordinance and the need to minimize flood damage. Plats or plans for new subdivisions, mobile home parks and planned unit developments (PUD's) shall include a signed statement by an Illinois Registered Professional Engineer that the plat or plans

account for changes in the drainage of surface waters in accordance with Plat Act (765 ILCS 205/0.01 et seq.). Manufactured homes are not a permitted use under the St. Charles Municipal Code.

43. That Title 18 "Flood Damage Prevention," Chapter 18.34, "Stormwater Management," Paragraph 18.34.010, "Purpose," of the St. Charles Municipal Code be and is hereby amended by deleting the same and substituting the following therefor:

18.34.010 Purpose.

The purpose of this chapter is to diminish threats to public health and safety caused by the runoff of excessive stormwaters; reduce economic losses to individuals and the community at large; enhance broader social and economic objectives; protect, conserve and promote the orderly development of land and water resources. The provisions of this chapter further regulate, guide and control:

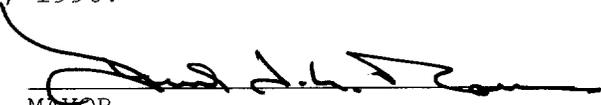
- A. The subdivision of lands located within the corporate limits of the city pursuant to 765 ILCS 205/1 et seq.;
- B. The excavating, filling and grading of lots and other parcels or areas within the city;
- C. The construction of buildings and the drainage of the sites on which those structures are located, to include parking and other paved areas within the city;
- D. The design, construction and maintenance of stormwater drainage facilities and systems;
- E. The development of streets, blocks, depths of lots, parks and other public grounds to be located and laid out in such a manner as to reduce velocity of overland flow and provide the optimum opportunity for infiltration of stormwaters into the ground, and to preserve and utilize natural streams, channels and detention basins, and wherever possible include streams and floodplains within parks and/or other public grounds.

44. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the city of St. Charles.

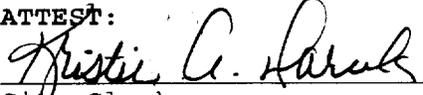
PRESENTED to the City Council of the city of St. Charles, Illinois, this 5th day of August, 1996.

PASSED by the City Council of the city Council of the city of St. Charles, Illinois, this 5th day of August, 1996.

APPROVED by the Mayor of the city of St. Charles, Illinois, this
5th day of August, 1996.


MAYOR

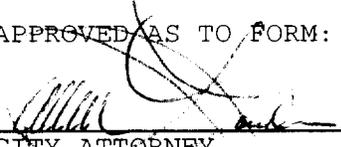
ATTEST:


City Clerk.

COUNCIL VOTE:

Ayes: 13
Nays: 0
Absent: 1

APPROVED AS TO FORM:


CITY ATTORNEY

Date: 8/13/96

State of Illinois)
)
Counties of Kane and DuPage) ss.

Certificate

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

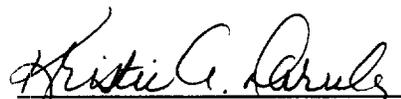
I further certify that on August 5, 1996, the Corporate Authorities of such municipality passed and approved Ordinance No. 1996-M-53, entitled

"An Ordinance Amending Title 1 "General Provisions," Title 2 "Administration and Personnel," Title 3 "Revenue and Finance" Title 5 "Business Licenses and Regulations," Title 6 Animals," Title 8 "Health and Safety," Title 9 "Public Peace, Morals and Welfare," Title 10 "Vehicles and Traffic," Title 12 "Streets, Sidewalks and Public Places," Title 13 "Public Utilities," Title 15 "Buildings and Construction," Title 16 "Subdivisions and Land Improvement," Title 17 "Zoning," and Title 18 "Flood Damage Prevention" of the St. Charles Municipal Code",

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1996-M-53, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on August 9, 1996, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 14th day of August, 1996.


Municipal Clerk

(S E A L)