

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)

REFER TO:	8/5/96
MINUTES	-----
PAGE	-----

DATE OF PUBLICATION 8/9/96
NEWSPAPER Pamphlet Form

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

