
**THE CITY OF BLUE ISLAND
COOK COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 2017-005**

**AN ORDINANCE AMENDING TITLE IX OF THE CODE OF
ORDINANCES FOR THE CITY OF BLUE ISLAND,
COOK COUNTY, ILLINOIS.**

**DOMINGO F. VARGAS, Mayor
Randy Heuser, City Clerk**

1st Ward	TOM HAWLEY	GEORGE POULOS
2nd Ward	LETICIA VIEYRA	FRED BILOTTO
3rd Ward	NANCY RITA	KEVIN DONAHUE
4th Ward	CANDACE CARR	ALECIA SLATTERY
5th Ward	JANICE OSTLING	KENNETH PITTMAN
6th Ward	DEXTER JOHNSON	JAIRO FRAUSTO
7th Ward	NANCY THOMPSON	JAMES JOHANSON

Aldermen

ORDINANCE NO. 2017-005

AN ORDINANCE AMENDING TITLE IX OF THE CODE OF ORDINANCES FOR THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS

BE IT ORDAINED by the Mayor and City Council of the City of Blue Island, Cook County, Illinois (the "City"), as follows:

SECTION ONE

Title IX of the Blue Island Code of Ordinances shall be amended to include the following chapters as set forth below with the deletions and insertions as indicated:

- 90. ANIMALS**
- 91. EMERGENCIES; CIVIL DEFENSE**
- 92. FAIR HOUSING**
- 93. FIRE PREVENTION; FIREWORKS**
- 94. HEALTH REGULATIONS; SMOKING**
- 95. NUISANCES**
- 96. RECREATION AND LEISURE**
- 97. ~~STREETS AND SIDEWALKS~~ SALARM SYSTEMS**
- 98. TREES**
- 99. URBAN FARMING**

SECTION TWO

Title IX of the Blue Island Code of Ordinances shall be amended with insertions as indicated by underlined text and deletions as indicated by striken text as set forth in the attached Exhibit A.

SECTION THREE

All prior ordinances pertaining to the subjects included in Title IX of the Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance, except as they are included and reordained in whole or in part in the Code, and except as otherwise set forth in this ordinance. Such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance. Such repeal shall not affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code. To the extent that an ordinance, or its provisions, has not been explicitly repealed, or does not directly conflict with, or is not provided for in the Code, this Code shall not operate to repeal the same by implication.

SECTION FOUR

This ordinance shall be in full force and effect upon the date of passage or as otherwise required by law.

ADOPTED this 28th day of February, 2017, pursuant to a roll call vote as follows:

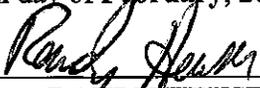
	YES	NO	ABSENT	PRESENT	ABSTAIN
Alderman Hawley	X				
Alderman Poulos	X				
Alderman Vieyra			X		
Alderman Bilotto	X				
Alderman Rita			X		
Alderman Donahue	X				
Alderman Carr	X				
Alderman Slattery			X		
Alderman Ostling	X				
Alderman Pittman	X				
Alderman Johnson			X		
Alderman Frausto	X				
Alderman Thompson			X		
Alderman Johanson			X		
Mayor Vargas					
TOTAL	8		6		

APPROVED by the Mayor on February 28, 2017.



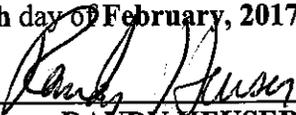
DOMINGO F. VARGAS
MAYOR OF THE CITY OF BLUE ISLAND,
COUNTY OF COOK AND STATE OF ILLINOIS

ATTESTED and Filed in my office this
 28th day of February, 2017.



RANDY HEUSER
CITY CLERK

PUBLISHED in pamphlet form this
 28th day of February, 2017.



RANDY HEUSER
CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF COOK) ss.

CERTIFICATE

I, Randy Heuser, certify that I am the duly elected and acting Municipal Clerk of the City of Blue Island of Cook County, Illinois.

I further certify that on **February 28 2017** the Corporate Authorities of such municipality passed and approved Ordinance No. **2017 - 005** entitled: **AN ORDINANCE AMENDING TITLE IX OF THE CODE OF ORDINANCES FOR THE CITY OF BLUE ISLAND, COOK COUNTY, ILLINOIS.**

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

The pamphlet form of Ordinance No. **2017 – 005** including the Ordinance and a cover sheet thereof, was as prepared, and a copy of such Ordinance posted in the municipal building commencing **February 28, 2017** 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 Blue Island, Illinois, this **28th** day of **February, 2017.**

(SEAL)



Municipal Clerk

TITLE IX: GENERAL REGULATIONS

Chapter

- 90. ANIMALS
- 91. EMERGENCIES; CIVIL DEFENSE
- 92. FAIR HOUSING
- 93. FIRE PREVENTION; FIREWORKS
- 94. HEALTH REGULATIONS; SMOKING
- 95. NUISANCES
- 96. RECREATION AND LEISURE
- 97. ~~STREETS AND SIDEWALKS~~ SALARM SYSTEMS
- 98. TREES
- 99. URBAN FARMING

CHAPTER 90: ANIMALS

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- 90.017 ~~Compensation of Animal Control and Welfare Officer~~ Prohibited Animals
- 90.018 License required for dogs and cats
- 90.019 Procedure to obtain license
- 90.020 Inoculation certificate required for license
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GENERAL PROVISIONS

' 90.01 DEFINITIONS.

For the purpose of this chapter, the following

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definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any living creature or animal of a species customarily used in Illinois as ordinary housepets including fish confined in an aquarium other than piranha, birds and insects, which are being sheltered within the primary residential structure located thereon and being kept by the owner or person in occupation thereof for personal or family purposes but ~~domestic or wild,~~
~~excluding homo sapiens and all other~~
~~domestically~~excluding homo sapiens and wild or exotic animals kept animals.

ANIMAL SHELTER. Any premises within or without the city designated by the City Council for the purpose of impounding and caring for animals under authority of this chapter.

CAT. All members of the feline family, commonly known as ***HOUSE CATS***.

DANGEROUS ANIMAL. Any animal which has bitten any person in such a manner as to cause abrasion of the skin of such person or which shall cause reasonable fear of bodily injury to any person by attacking or by threatening to attack such person; including but not limited to a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf, coyote, or any poisonous life-threatening reptile.

DOG. All members of the canine family.

EXOTIC ANIMAL. Animals other than domestic animals, farm animals, and wild animals which are not native to Illinois.

FARM ANIMAL. Animals which are considered livestock or ordinarily found on a farm including but not limited horses, cattle, sheep, swine, mules, goats, turkeys, chickens, roosters or ducks.

GUIDE DOG. Any dog normally used for guidance of the blind, such dog being identified by a certificate issued by any recognized guide dog training school.

KENNEL. Any person, firm or corporation engaged in the business of breeding, buying, selling or boarding cats and dogs.

OWNER. Any person, firm or corporation having a right of property in an animal or who keeps or harbors an animal or who has in its care or acts as a custodian thereof or who knowingly permits an animal to remain on or about any premises occupied by such person for a period of over 48 hours.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.

WILD ANIMAL. Any animal that (i) typically is found in a non-domesticated state and that because of its size or vicious propensity or because it is poisonous or for any other substantial reason poses a potential danger to persons, other animals or property; or (ii) would ordinarily be confined to a zoo, or one that would ordinarily be found in the wilderness of this State, country or another State or country, or not indigenous to this State or country.
 (1991 Code, '91.01)

ADMINISTRATION AND LICENSING

'90.015 ANIMAL CONTROL AND WELFARE OFFICER; POSITION CREATED.

There is hereby created the position of Animal Control and Welfare Officer who shall be appointed assigned by the Mayor-Chief of Police or designee by and with the advice of the City Council and whose term shall commence on May 1 of each year and expire on April 30 of each year.
 (1991 Code, '91.10)

'90.016 DUTIES OF ANIMAL CONTROL AND WELFARE OFFICER.

The Animal Control and Welfare Officer shall be a special-police officer for the purpose of enforcing the provisions of this chapter and shall perform such duties

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under the supervision of the Chief of Police. Such officer is hereby authorized to make all necessary arrests in enforcing the provisions of this chapter. The duties of the Animal Control and Welfare Officer shall be in addition to the enforcement by the Police Department ~~and, where applicable, by the Health Officer.~~ Such Officer shall have such other and further powers as are now, or hereinafter may be, provided for municipal pound masters under the statutes of the state and the ordinances of the city.

(1991 Code, '91.11)

' 90.017 ~~COMPENSATION OF ANIMAL CONTROL AND WELFARE~~ PROHIBITED ANIMALS.

It shall be unlawful for any person to possess or harbor a wild or exotic animal within the limits of the City. ~~The Animal Control and Welfare Officer shall receive such compensation as shall be determined by the City Council.~~

(1991 Code, '91.12)

' 90.018 ~~LICENSE REQUIRED FOR DOGS AND CATS.~~

It shall be unlawful for any person to own or keep a dog or cat, or any animal that is found to be outdoors and visible to the public, unless such person shall procure a license therefor.

(1991 Code, '91.13) Penalty, see '90.999

' 90.019 PROCEDURE TO OBTAIN LICENSE.

Application for such license shall be made to the City Clerk, which application shall state the name and address of the owner, primary and secondary phone number, email address, the name, breed, color and sex of each ~~dog or cat~~ animal and also the date and certificate number of the dog=s or cat=s rabies vaccination.

(1991 Code, '91.14)

' 90.020 INOCULATION CERTIFICATE REQUIRED FOR LICENSE.

(A) Before a license is issued, a certificate of inoculation against rabies for each dog or cat issued by the County Rabies Inspector or by the Inspector=s deputy or by a licensed veterinarian, shall be submitted to the City Clerk for examination.

(B) No license shall be issued for any dog or cat unless such animal=s inoculation certificate bears a date within one year prior to the date of application for license.

(C) Such certificate shall be returned to the applicant after the current dog or cat license number has been stamped thereon.

(1991 Code, '91.15)

' 90.021 LICENSE FEE; EXPIRATION.

The fee for each license shall be \$3 as set forth in the City's fee schedule. The license shall expire on April 30 next following the issuance thereof.

(1991 Code, '91.16)

' 90.022 LICENSE TAG AND COLLAR TO BE WORN BY ANIMAL.

(A) Upon the payment of said license fee, the City Clerk shall furnish to a person paying the same a license certificate and metallic tag for each ~~dog or cat~~ animal for which such fee has been paid. The shape of such metallic tag may be changed each year and it shall have stamped thereon the year for which the fee is paid, the letters B.I.A.T. and the number to the tag to correspond with the number on the license certificate.

(B) Every ~~dog or cat~~ animal kept within the city shall be provided by its owner or keeper with a collar made of leather, metal or other substantial material to which a current license tag shall be securely fastened and which collar and tag shall be kept around the ~~dog=s or cat=s~~ animal's neck during the license period. A separate and distinct offense shall be deemed to have been committed for each and every day which

Animals

shall elapse after the first conviction for a violation of any of the provisions of this section.

(1991 Code, '91.17) Penalty, see '90.999

' 90.023 REMOVAL OF TAG UNLAWFUL.

It shall be unlawful for any person, without the consent of the owner or keeper, to remove the license tag from any animal for which an animal license has been obtained.

(1991 Code, '91.18) Penalty, see '90.999

' 90.024 FEE EXEMPTION FOR GUIDE DOGSERVICE ANIMAL.

Upon application for a license as provided herein, a properly identified ~~guide-service~~ dog shall be held exempt from the fee required for issuance of a license. This section shall not be construed to waive any other license requirement.

(1991 Code, '91.19)

' 90.025 CLERK TO KEEP BOOK OF REGISTRY.

(A) The City Clerk shall keep a complete registry, in a book to be kept for that purpose, of all licensed animals, describing the same by name, breed, color and sex and shall also enter the name and address of the owner or keeper as given and the number of the city license tag.

(B) Said ~~dog or cat~~ animal shall wear said tags on a collar or otherwise be affixed to the animal to allow for identification.

(1991 Code, '91.20)

HEALTH AND SAFETY PROVISIONS

' 90.040 RUNNING AT LARGE PROHIBITED.

(A) No person shall cause or permit any animal owned by such person to run at large on any public way or public place.

(B) It shall be the responsibility of the owner of an animal or animals to keep, or cause to be kept, such animal or animals under control at all times to prevent such animal or animals from doing any of the following prohibited acts, each of which is declared to be a public nuisance:

(1) Entering any church, community house, public hall, bank building, gasoline station, public garage, grocery, meat market, bakery or other retail store or shop, excluding any shop for the sale of animal pets or animal grooming, anywhere within the city during the time that any of such places or establishments are open for use by the public persons entitled to the use of the same;

(2) Going upon and being upon any private or public school premises or grounds at any time without specific written permission from the proper school authorities;

(3) Jumping upon any person to the annoyance of such person;

(4) Chasing a motor vehicle or bicycle on a public or private street or sidewalk;

(5) Damaging or destroying private property including, but not limited to, gardens, shrubbery and lawns of any person other than property of the owner of the animal;

(6) Defecating upon any private property without prompt removal of such defecation, other than upon property of the owner of the animal;

(7) Barking or howling so as to substantially disturb the quiet of any person at any time of the day or night;

(8) Running at large of a female dog in heat; and/or

(9) Running loose in the hallway of any building occupied by two or more families.

(C) Exceptions:

(1) The foregoing provisions of this

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section shall not apply to dogs leading blind persons.

(2) The foregoing provisions of this section shall not apply to any animal restrained by a leash not more than three feet in length.
(1991 Code, '91.25) Penalty, see '90.999

' 90.041 RELEASE OF ANIMAL UNLAWFUL.

No person shall untie, take or release any animal out of the enclosure or off the premises of its licensed owner or keeper.
(1991 Code, '91.26) Penalty, see '90.999

' 90.042 RETURNING ANIMAL TO OWNER.

If any animal is found at large and its owner can be identified and located and, when necessary, such animal is properly licensed, it need not be impounded, but may instead be taken to the owner subject to possible citation from a police officer for violation of chapter.
(1991 Code, '91.27) Penalty, see '90.999

' 90.043 INOCULATION FOR RABIES REQUIRED.

It shall be unlawful for any person to own or keep an animal within the corporate limits of the city unless said animal has been inoculated for rabies as provided by the State Animal Control Act, 510 ILCS 5/1et seq.
(1991 Code, '91.28) Penalty, see '90.999

' 90.044 PROCEDURE FOR DEALING WITH ANIMALS SUSPECTED OF CARRYING RABIES.

(A) Every veterinarian or other person discovering or suspecting any animal to be suffering with rabies shall forthwith report such fact to the Animal Control and Welfare Officer giving the name and address of the owner or keeper of such animal and the license number thereof, if known. Such animal shall be immediately impounded by a police officer and, at the expense of the owner, shall be placed in the

charge of a veterinarian in the county, licensed by the state, for a period of not less than ten days.

(B) If, on the report of such veterinarian, such animal shall be ascertained to be suffering with rabies, such animal shall be immediately killed, the skull containing the brain of such animal forthwith delivered to the laboratory of the State Department of Public Health. If such animal should die during the interval of observation, the intact brain shall forthwith be delivered to the laboratory or the State Department of Public Health.
(1991 Code, '91.29)

' 90.045 DISPOSITION OF ANIMAL BITTEN BY SUSPECT ANIMAL.

Any animal which shall have been bitten by another animal having, or suspected of having, rabies shall be immediately impounded for not less than ten days of observation and disposed of as provided in '90.044 of this chapter.
(1991 Code, '91.30)

' 90.046 DISPOSITION OF ANIMAL THAT HAS BITTEN A PERSON.

(A) It shall be unlawful for the owner of any animal, when notified that such animal has bitten any person or has so injured any person as to cause an abrasion of the skin, to sell or give away such animal or to permit or allow such animal to be taken beyond the limits of the city, except to a veterinary hospital within the county, but it shall be the duty of such owner, upon receiving notice thereof, to immediately place such animal in a duly licensed veterinary hospital within the county, where such animal shall be confined for a period of at least ten days or to deliver such animal to an Animal Welfare Officer for such placement.

(B) Upon delivery of such animal to a veterinary hospital, notice of the name and location of such hospital shall immediately be furnished to the Chief of Police by the owner of such animal. The veterinary hospital shall submit to the Animal Control and Welfare Officer of the city a certificate stating that

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such animal shows no symptoms of rabies or does show symptoms of rabies.

(C) At the expiration of ten days of confinement in such veterinary hospital, the veterinary hospital shall submit to the Animal Control and Welfare Officer of the city a second certificate stating that the animal does or does not have rabies. Any such animal free of rabies may then be released and the Animal Control and Welfare Officer of the city so advised, with payment of costs by owner to the city. (1991 Code, '91.31) Penalty, see '90.999

' 90.047 CONTROL OF DISEASED ANIMALS.

(A) No animal afflicted with a contagious or infectious disease shall be allowed to run at large or to be exposed in any public place whereby the health of man or beast may be affected nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Animal Control and Welfare Officer.

~~(B) It is hereby made the duty of the Health Officer to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in the cases where the State Veterinarian is empowered to act.~~
(1991 Code, '91.32) Penalty, see '90.999

' 90.048 QUARANTINE.

(A) Whenever the number of dangerous animals suffering from rabies running at large in the city shall be such as to endanger the public health, public safety or general welfare, the Mayor of the city may, in his or her reasonable discretion, declare that the protection of the public health, public safety or general welfare requires that, for a definite period to be determined by the Mayor, or until the Mayor shall otherwise order by proclamation, all animals shall be confined, at all times, to the premises of the owner or custodian thereof or, if not on such premises, then to be kept on leash under the control of such owner or custodian or the owner's agent.

(B) A proclamation of the Mayor containing such declaration shall be published once in some newspaper of general circulation in the city or such proclamation shall be posted in three public places in the city designated by ordinance for such purpose.

(C) After the first publication or posting of such proclamation by the Mayor, it shall be unlawful for the owner or custodian of any animal to permit such animal to be at large contrary to the terms of such proclamation.
(1991 Code, '91.33) Penalty, see '90.999

IMPOUNDING

' 90.060 IMPOUNDING AND DISPOSAL.

(A) The City Council shall provide, or cause to be provided and maintained, at some suitable place within or without the city, for a period not to exceed 72 hours, an animal shelter for the impounding of all animals found running at large within the corporate limits of the city or for any other animals which, by this chapter or any other ordinance of the city, are required to be impounded.

(B) It shall be the duty of the Animal Control and Welfare Officer or such employees of the Police Department, as shall be designated for that purpose by the Chief of Police, to take up and impound in the municipal animal shelter any animal found running at large in the city contrary to any of the provisions of this chapter.
(1991 Code, '91.40)

' 90.061 NOTICE TO OWNER OF IMPOUNDED ANIMALS.

(A) The Animal Control and Welfare Officer shall, immediately upon receiving any animal at the shelter, make a complete registry, entering the breed, color and sex of such dog and whether licensed, if known and, if licensed, shall enter the name and address of the owner or keeper and the number of the license tag, if known.

(B) When any licensed animal shall be

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impounded, the Animal Control and Welfare Officer shall forthwith give notice by mail and by either phone or email to the owner or keeper of such licensed animal, informing such owner or keeper of the impounding of the animal and that if such animal be not redeemed within three days of the date of such notice, such animal may be redeemed by any person paying the required fees.

(C) If, after the passage of ~~five~~ three days following the notice sent by the Animal Control and Welfare Officer to the owner or keeper of such licensed animal, no redemption has occurred, the Animal Control and Welfare Officer shall ~~destroy such animal~~ cause the animal to be sent to an animal shelter. (1991 Code, '91.41)

' 90.062 REDEMPTION OF UNLICENSED ANIMALS.

(A) For every animal taken up and impounded, as provided in this subchapter, for which no license fee has been paid, there shall be paid to the Animal Control and Welfare Officer, for the use of the city, by any person desiring to redeem such animal, the amounts set forth in the City's fee schedule for male and spayed female animals, for un-spayed female animals, and a redemption fee for each day of impoundment or fraction thereof. ~~total of the following fees:~~

~~(1) A \$10 redemption fee for male and spayed female animals;~~

~~(2) A \$20 redemption fee for un-spayed female animals; and~~

~~(3) A \$5 redemption fee for each day of impoundment or fraction thereof.~~

(B) If such amounts be paid by any person desiring to redeem such an animal within five days after the impounding thereof, such person shall be entitled to redeem such animal provided, however, that no animal should be redeemed unless the current license certificate and tag for said animal be first procured and shown.

~~(C) If such animal be not redeemed within ten days after being impounded, such animal shall be destroyed by the Animal Control and Welfare Officer. (1991 Code, '91.42)~~

' 90.063 REDEMPTION OF LICENSED ANIMALS.

When any licensed animal shall be taken up or impounded, the fees to be charged for the redemption of such animal shall be the same as prescribed in '90.062 of this chapter concerning unlicensed animals. ~~If, at the expiration of five days from the date of notice to the owner or keeper, such animal shall not be redeemed by the owner or keeper thereof or by any other person, the Animal Control and Welfare Officer shall destroy such animal. (1991 Code, '91.43)~~

' 90.064 PUBLIC NOTICE OF IMPOUNDMENT.

(A) As soon as possible, after impounding any animal as provided herein, it shall be the duty of the Animal Control and Welfare Officer to enter upon the records of the animal shelter, in a book to be kept for such purpose, the date of impounding, a description of the animal impounded and a record as to whether or not such animal has been licensed as required herein.

(B) Public notice of the impounding of the animal shall be given by posting one copy of the description of the animal and the date of impounding at the animal shelter and one copy of such notice at the police station at 13031 S. Greenwood Avenue, Blue Island, IL 60408. (1991 Code, '91.44)

' 90.065 DESTRUCTION OF ANIMAL RESERVED.

~~Any such animal not redeemed by the owner thereof within five days after the posting of such notice by the Animal Control and Welfare Officer shall be, and it is hereby declared to be, a public nuisance. The Animal Control and Welfare Officer shall thereafter humanely destroy, sell or dispose of said impounded~~

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~~animal as such Animal Control and Welfare Officer may determine.~~
(1991 Code, '91.45)

' 90.066 IMPOUNDING FEES.

~~The initial fee and the daily fees for impoundment to be charged by the Animal Control and Welfare Officer for impoundment shall be as set forth in the City's fee schedule. \$10, plus \$5 per day for each day subsequent to the day of impoundment where redemption is made by the owner.~~
(1991 Code, '91.46)

DANGEROUS ANIMALS

' 90.080 RUNNING AT LARGE OF DANGEROUS ANIMALS UNLAWFUL; EXCEPTION.

It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city. Exhibitions or parades of animals, which are ferae naturae in the eyes of the law, may be conducted only upon securing a permit from the Chief of Police.
(1991 Code, '91.55) Penalty, see '90.999

' 90.081 KILLING DANGEROUS ANIMALS; IMPOUNDMENT.

(A) The owner of any dangerous animal shall keep the said animal, or cause said animal to be kept, confined in a secure enclosure.

(1) If any such animal is found running at large, it shall, on the first offense, be taken up and impounded and shall not be released, except pursuant to the provisions of this subchapter.

(2) On the second offense, the animal shall be permanently removed from the city and the license for said animal shall be revoked.

(B) Provided, however, that, if any dangerous, fierce or vicious animal so found at large

cannot be safely taken up and impounded such animal may be slain by any police officer or other person designated by the Chief of Police.
(1991 Code, '91.56) Penalty, see '90.999

' 90.082 REDEMPTION OF DANGEROUS ANIMALS.

Impounded dangerous animals shall be kept at the animal shelter for not less than ~~five~~ three days and it shall be the duty of the Animal Control and Welfare Officer to cause notice by telephone and notice to be served by mail upon the registered owner of any licensed animal impounded of such fact, such notice to be mailed within 13 hours from the time of impoundment. Upon payment of costs pursuant to '90.066 of this chapter, such animal shall be released from impoundment and delivered to the owner thereof.
(1991 Code, '91.57)

' 90.083 DISPOSITION OF DANGEROUS ANIMAL WHICH HAS BITTEN A PERSON; COSTS.

All costs of maintaining any dangerous animal in a veterinary hospital shall be paid by the owner. In all cases where any animal which has bitten a person or caused an abrasion of the skin is slain by any police officer, whether by order of the court or otherwise, and a period of less than 15 days has elapsed since the day on which such animal bit any person or caused an abrasion of the skin of any person, it shall be the duty of the police officer slaying such animal to forthwith deliver intact the skull containing the brain of such animal to the laboratory of the State Department of Health.
(1991 Code, '91.58) Penalty, see '90.999

HUMANE TREATMENT

' 90.095 CRUELTY TO ANIMALS PROHIBITED.

No person shall cruelly treat any animal in the city in any way. Any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be

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deemed guilty of a violation of this section.
(1991 Code, '91.65) Penalty, see '90.999

' 90.096 NUMBER OF ANIMALS TO BE KEPT.

No person shall keep or maintain more than a total of three dogs and cats within the corporate limits of the city; provided, however, that, this shall not apply to a licensed kennel, ~~or licensed~~ pet shop, ~~or~~ a licensed veterinarian, ~~or~~ a licensed veterinarian hospital or authorized rescue facility.

(1991 Code, '91.66) Penalty, see '90.999

' 90.097 ADEQUATE HOUSING REQUIRED.

Adequate separate space and housing used for more than three animals shall be subject to inspection at reasonable times and hours by the Health Officer or the Animal Control and Welfare Officer.

(1991 Code, '91.67)

' 90.098 BREEDING OF ANIMALS; LIMITATION ON NUMBER.

(A) No person, firm or corporation shall keep or maintain any animals for breeding or food purposes within the corporate limits of the city without the consent in writing of all property owners and persons living within 800 feet each way from the place where it is proposed to breed such animals.

(B) No person shall keep more than one adult male and one adult female, plus their offspring. Fish, fowl and animals kept for scientific or educational purposes shall be exempt from this limitation.

(1991 Code, '91.68) Penalty, see '90.999

' 90.099 HOUSING AND SANITATION REQUIREMENTS.

Every owner shall provide animals with adequate space and housing and shall keep the same in a clean and sanitary condition and free from filth, offal or other refuse.

(1991 Code, '91.69) Penalty, see '90.999

' 90.100 COLLECTION AND DISPOSAL OF REFUSE.

The owner of an animal shall collect, or cause to be collected, immediately all filth, offal or other refuse and shall keep the same in air-tight containers for disposal in accordance with this code of ordinances concerning health and sanitation or, in the absence of applicable provisions, in accordance with the direction of the Health Officer.

(1991 Code, '91.70) Penalty, see '90.999

' 90.101 SEPARATE STRUCTURES FOR HOUSING.

(A) No separate structure or enclosure used for the housing of animals shall be erected or maintained ~~nearer than 50 feet from any residential unit or~~ nearer than 100 feet from any church or school.

(B) Each separate structure or enclosure shall otherwise comply with applicable Building, Zoning, Health or Sanitation Codes of the city and the statutes of the state.

(1991 Code, '91.71) Penalty, see '90.999

' 90.102 PET SHOPS AND KENNELS.

In addition to the provisions for housing and sanitation as set forth in '90.101 of this chapter, pet shops and kennels shall comply with other provisions of ordinances or statutes of the state now in full force and effect or any ordinances or statutes, amendatory or supplementary thereto, pertaining to the licensing and maintenance of kennels.

(1991 Code, '91.72) Penalty, see '90.999

' 90.103 VETERINARY HOSPITALS.

In addition to the provisions for housing and sanitation as set forth in '90.101 of this chapter, veterinary hospitals shall comply with other provisions of ordinances or statutes of the state now in full force

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and effect or any ordinances or statutes amendatory or supplementary thereto pertaining to the licensing and maintenance of veterinary hospitals.

(1991 Code, '91.73) Penalty, see '90.999

'90.104 USE OF LEGHOLD TRAPS PROHIBITED.

(A) It shall be unlawful for any person to set, use or maintain any leghold trap or similar device which is spring activated and which trap is composed of saw-toothed, spiked or toothed jaws or any other leghold trap capable of inflicting excruciating pain to trapped animals.

(B) Nothing in this section shall prohibit the sale, transfer, possession, setting or use in or under buildings or otherwise, of standard household mouse or rat traps for the purpose of controlling mice, rats and rodents. Nor shall this section apply to the possession or use of traps for display or exhibition purposes by not-for-profit organizations or to a person in the act of turning over possession of traps prohibited in division (A) above to a local law enforcement agency or to any animal welfare agency.

(C) Conviction under this section shall result in the confiscation of all equipment, animals and pelts used in, or obtained by reason of, violation of this section.

(1991 Code, '91.74) Penalty, see '90.999

APIARIES

~~'90.115 DECLARATION OF PURPOSE.~~

~~(A) — The City Council has determined that the maintenance and operation of apiaries within the corporate limits of the city is a threat to the health, safety and welfare of people and property in the city.~~

~~(B) — The City Council has determined that the maintenance and operation of apiaries within the corporate limits of the city constitutes a nuisance to people and property in the city.~~

~~(C) — The City Council has the power to pass and enforce ordinances and regulations which are necessary or expedient for the promotion of health, safety and welfare (65 ILCS 5/11-20-3) and the power to define, prevent and abate nuisances (Ill. Rev. Stat. Ch. 24, '11-69-2).~~

~~(1991 Code, '91.85) (Ord. 88-141, passed 8-9-1988)~~

~~'90.116 LEGISLATIVE INTENT.~~

~~This subchapter is adopted pursuant to the powers granted municipalities in 65 ILCS 5/11-20-9 and 11-60-2, as amended.~~

~~(1991 Code, '91.86) (Ord. 88-141, passed 8-9-1988)~~

~~'90.117 DEFINITIONS.~~

~~For purposes of this subchapter, the following terms and phrases shall have the meanings set forth in this section:~~

~~*APIARY.* Any place where one or more colonies of bees are kept.~~

~~*BEE.* Any species of insect with the generic name *Apis*.~~

~~*COLONY.* A series of bees of several depths topped by one or two covers and resting on a board designed in such a manner to facilitate the keeping of bees.~~

~~(1991 Code, '91.87)~~

~~'90.118 MAINTENANCE AND OPERATION OF APIARIES PROHIBITED.~~

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~~(A) — It shall be unlawful to keep, harbor, own, maintain, possess or in any way operate within the corporate limits of the city an apiary; provided that, any apiary located within the corporate limits of the city and which is properly registered with the State Department of Agriculture, Bureau of Apiaries, on the date of passage of this subchapter may be kept within the corporate limits of the city for a period of 30 days after passage of this subchapter to allow the owner and operator time to obtain requisite permission to relocate the colony or colonies of bees kept in the apiary to another location.~~

~~(B) — In the event permission to relocate the colony or colonies of bees in the apiary cannot be obtained within this time period, the person responsible for operating the apiary may apply in writing to the Judiciary Committee of the City Council for a reasonable extension of time. No extension shall be granted unless the responsible person can establish that he or she has made a good faith effort to obtain any requisite permission necessary for relocation.~~

~~(1991 Code, '91.88) (Ord. 88-141, passed 8-9-1988)
Penalty, see '90.999~~

~~'90.119 LIMITATIONS ON ADDITIONAL COLONIES.~~

~~It shall be unlawful for any person or persons to build, erect, construct or permit the building, erection or construction of any colony or colonies of bees upon premises located within the corporate limits of the city at any time after passage of this subchapter.~~

~~(1991 Code, '91.89) (Ord. 88-141, passed 8-9-1988)
Penalty, see '90.999~~

~~'90.999 PENALTY.~~

~~(A) — Any person who violates any of the provisions of this chapter for which a specific penalty is not provided shall be fined not less than \$25, nor more than \$750, for each violation.~~

~~(B) — The owner of any animal which does any of the acts prohibited in '90.040 of this chapter shall be fined \$10 for the first offense, \$15 for the second offense, \$20 for the third offense and \$25 for the fourth offense. Neither the levy of such fine, nor the possibility of such fine, shall affect the fees payable in the event of impoundment as hereinafter provided~~

~~in this section.~~

~~(C) — Violations of '90.040 of this chapter either may be prosecuted as in the case of other violations under this code or may be processed administratively in the manner provided in divisions (D) and (E) below.~~

~~(D) — Any Animal Control and Welfare Officer or police officer having reasonable grounds to believe that a violation of '90.040 of this chapter has occurred may, upon ascertaining ownership of the animal in question to the officer's reasonable satisfaction, prepare a notice of violation addressed to such owner and serve the same by leaving a copy with the owner personally or at the owner's residence with some member of the owner's household of the age of ten years or more or by regular United States mail. Such notice shall state the date, the approximate time and approximate location of the violation charged and the fine applicable thereto, as established by this section. In such event the owner, within 15 days of such service or mailing (as determined by postmark), may pay the applicable fine at the office of the City Clerk. After 15 days, there shall be a \$5 additional penalty imposed.~~

~~(E) The Animal Control and Welfare Officer or police officer who has initiated administrative processing under this section shall have authority, with the approval of the Chief of Police or, in the Chief's absence, the Mayor, to withdraw the notice of violation issued by the officer.~~

~~(F) Upon the fourth offense with respect to any particular animal, as established by admission or a finding of guilt, the owner shall thereafter keep said animal confined permanently to the owner's property. Any animal required to be so confined and found at large in the city shall be permanently removed by the owner from the city and the license for said animal shall be deemed to be revoked. Upon failure of any owner to comply with the requirements of this division (F), the poundkeeper shall take up the animal and destroy it.~~

~~(1991 Code, '91.99) (Ord. 88-141, passed 8-9-1988)~~

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The following definitions shall apply to this Section unless the context indicates otherwise:

APIARY means colonies, hives, and other equipment associated with honey bees assembled in one location for beekeeping operations; also known as a bee yard.

BEE means all life stages of the common domestic honey bee, *apis mellifera* species.

BEE DISEASES means any infectious or contagious diseases of bees as specified by the Illinois Department of Agriculture, including but not limited to American foulbrood.

BEEKEEPER means a person who owns or has charge of one or more colonies of bees, or is requesting to own or take charge of one or more colonies of bees, and has demonstrated that he or she has obtained formal education or sufficient practical experience to act as a beekeeper.

COLONY means the entire honey bee family or social unit living together or an aggregate of honey bees in a hive consisting principally of workers, but having, when perfect, one queen and at times many drones, including the brood.

EXOTIC STRAIN OF BEES means any developed strain of bees not known to be present ordinarily in the State as specified by the Department of Agriculture.

FLYWAY BARRIER means an obstacle designed to cause bees to fly upward after exiting the hive and directing them away from neighboring and adjoining areas inhabited by humans and at least six feet in height.

HIVE means a frame hive, box hive, box, barrel, log gum, skep or any other receptacle or container, natural or artificial, or any part thereof, which is used or employed as a domicile for bees or the shelter housing a colony of bees including the combs, honey, and pollen. Hive also includes the colony of bees where indicated by the context.

NUISANCE means bees, colonies, or items

of bee equipment where bee diseases, bee parasites or exotic strains of bees exist; or hives that cannot be readily inspected; or colonies that are not registered.

90.116 PERMIT REQUIRED

(A) No person shall acquire, keep, or stock honey bees in the City without being a beekeeper and obtaining a valid permit issued by the Community Development Committee.

(B) A permit shall be valid for one (1) year unless revoked pursuant to this Section. Permits must be renewed annually and expire on December 31 of each year.

(C) A permit provides permission for honey beekeeping at the address listed in the permit application only and by the permit holder only, and shall not be transferred to any other person or location.

(D) The beekeeper must notify the Building Department when a property is going to be vacated. Upon vacating a property, the beekeeper must remove all apiary structures and bees from the property.

90.117 PERMIT APPLICATION

(A) Submissions for permits shall include the following:

(1) Completed application

(2) Application fee

(3) Copy of inspection certificate required by the Illinois Bees and Apiaries Act

(4) Copy of registration documentation or certificate issued by the Illinois Department of Agriculture

(5) Adequate proof demonstrating the applicants training and experience. An applicant who fails to demonstrate the requisite training or experience will not be issued a bee keeping permit. The determination of whether the applicant has the

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requisite training and experience will be at the sole discretion of the Committee

(6) Proof of notification to neighboring properties as set forth in Section 90.117.

(B) Permit renewal requires submission of a completed application accompanied with the renewal fee. A late fee of two times the application fee along with the application fee shall be collected from every owner or keeper of honey bees if the owner or keeper fails to obtain a permit prior to acquiring the honey bees.

(C) Prior to issuance of a permit, the applicant shall submit to an inspection and demonstrate that all requirements of this Section are met.

90.118 NOTIFICATION TO NEIGHBORING PROPERTIES; SITE PLAN

(A) Before an initial or renewal permit is issued, applicants shall furnish to the City, copies of written proof containing the neighbor's signed acknowledgement of receipt of notice. In the absence of a signed receipt, the applicant may submit copies of notices mailed to neighboring properties via certified mail with delivery confirmation or return receipt requested.

(B) Notices shall be provided to all residents of abutting and adjoining or diagonally abutting properties, including those across an alley, and shall inform such residents that the applicant has applied for a permit hereunder, and informing that any written objections to issuance of the permit should be submitted to the City within 14 days of receipt of the notice.

(C) The City shall consider all objections and may deny a permit request based on neighbor objections. An applicant, if not the property owner, shall obtain the written consent of the property owner where the apiary shall be kept.

(D) An applicant must submit a scaled dimensional drawing, showing all adjoining structures and property lines together with the proposed apiary,

to the satisfaction of the City.

90.119 MAINTENANCE AND OPERATION OF APIARY

(A) A permit authorizes the keeping of honey bee hives on a premise, provided the following requirements are met:

(1) No more than four (4) hives are allowed on one premise.

(2) No hive shall exceed twenty (20) cubic feet in volume.

(3) Honey bees are limited to eastern European races of *apis mellifera*.

(4) A minimum 6 foot high flyway barrier, consisting of either or some combination of closed fence, semi-solid fence, dense vegetation, building, other solid flyway barrier or other barrier which the City deem adequate, between the hive(s) and the property lines for all hives located within 20 feet of the property line. A flyway barrier is not required if the hive or hives are kept at least ten (10) feet off the ground.

(5) A constant and adequate supply of water shall be provided within the enclosure to prevent bees from seeking water sources at a nearby property. The water source shall be designed to allow honey bees to access water by landing on a hard surface. This provision shall not apply during the winter.

(6) All honey bees shall be kept in hives with removable frames which shall be kept in sound and usable condition.

(7) All hives and related structures that form the apiary shall be located a minimum of 10 feet from the all property lines, unless the owner of the adjoining property has provided written permission for closer placement.

(8) All hives and related structures that form the apiary shall be located a minimum of 20

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feet from all public sidewalks, and may not be located in front or side yards.

(9) Hives shall be located a minimum of twenty-five (25) feet from a neighbor's primary dwelling on any adjoining lots unless the owner of the adjoining property has provided written permission for closer hive placement.

(10) No honey bees shall be kept on any premises which is a multi-tenant facility or contains two or more dwelling units.

(11) Hives shall be actively maintained. Hives not under active human management and maintenance shall be dismantled or removed by the most recent permit holder or property owner.

(12) In any instance in which a hive exhibits unusually aggressive characteristics it shall be the duty of the beekeeper to destroy or requeen the hive. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.

(B) In addition to compliance with the requirements of this section, no beekeeper shall keep a hive or hives that cause any unhealthy conditions or interfere with the normal use and enjoyment of human or animal life of others, any public property or property of others.

(C) The operations shall at all times comply with applicable laws including but not limited to the Illinois Bees and Apiaries Act, in its current form and as amended.

90.120 RIGHT OF ENTRY; NUISANCE ABATEMENT

(A) Personnel responsible for the enforcement of local ordinances may enter upon any property required to hold a permit in this section at all reasonable times to inspect the premises, obtain photographs or take any other action deemed necessary to properly enforce the provisions of this

section.

(B) If such inspection reveals any hive kept in violation of any requirements enumerated herein, in addition to any other remedy available under the this code, City personnel may order the violation corrected within fourteen (14) days.

(1) Notice of violation shall be mailed to both the permit holder and the property owner on which the apiary is located.

(2) If the permit holder fails to correct the violation within fourteen (14) days, the hive in violation may be destroyed and/or removed from the municipality by the City at the expense of the permit holder or property owner.

(C) The Building Department shall have authority to abate nuisances as defined by this section and related to the operation or presence of an apiary and obtain any relief or costs allowed by law.

90.121 PERMIT REVOCATION

A permit shall be subject to revocation upon failure to comply with any provisions of this section, or if the City determines that continued maintenance of the hive constitutes a reasonable threat to the general health or safety of others. Once a permit is revoked, a permit shall not be reissued for the same premises.

CHAPTER 91: EMERGENCIES; CIVIL DEFENSE

Section

Emergency Services and Disaster Agency Blue Island Homeland Security and Emergency Management Agency (BIHSEMA)

- 91.01 Agency established
- 91.02 Coordinator; appointment and duties
- 91.03 Functions of Agency
- 91.04 Service as mobile support team
- 91.05 Agreements with political subdivision
- 91.06 Emergency action
- 91.07 Compensation
- 91.08 Reimbursement by state
- 91.09 Purchases and expenditures
- 91.10 Oath
- 91.11 Office space
- 91.12 Appropriation; levy of taxes

Emergency Telephone System

- 91.25 Imposition of surcharge
- 91.26 Residence in city
- 91.27 Definitions
- 91.28 Certified list of network connections
- 91.29 Telecommunications carriers to remit surcharge to city; return
- 91.30 Credit for overpayment
- 91.31 Recovery action to be commenced within certain time period

EMERGENCY SERVICES AND DISASTER AGENCY BLUE ISLAND HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY

' 91.01 AGENCY ESTABLISHED.

(A) There is created the city ~~Emergency Services and Disaster Agency~~ BLUE ISLAND HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY (ESDABIHSEMA) to prevent, minimize, repair and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage or other hostile action or from natural or manmade disaster in

accordance with the Emergency Management Agency Act, 20 ILCS 3305/1 et seq.

(B) The ~~ESDABIHSEMA~~ shall consist of the Coordinator and such additional members as may be selected by the Coordinator. (1991 Code, '92.01) (Ord. 2336, passed 4-27-1976)

' 91.02 COORDINATOR; APPOINTMENT AND DUTIES.

(A) The Coordinator of the city ~~ESDABIHSEMA~~ shall be appointed by the Mayor with the advice and consent of City Council and shall serve until removed by the Mayor.

(B) The Coordinator shall have direct responsibility for the organization, administration, training and operation of the ~~ESDABIHSEMA~~, subject to the direction and control of the Mayor as provided by statute.

(C) In the event of the absence, resignation, death or inability to serve as Coordinator, the Mayor, or any person designated by the Mayor, shall be and act as coordinator until a new appointment is made as provided in this section. (1991 Code, '92.02) (Ord. 2336, passed 4-27-1976)

' 91.03 FUNCTIONS OF AGENCY.

(A) The City ~~ESDABIHSEMA~~ shall perform such ~~ESDABIHSEMA~~ functions within the city as shall be prescribed by the State ~~ESDA~~ plan and program prepared by the Governor and orders, rules and regulations, as may be promulgated by the Governor. In addition, the ~~ESDABIHSEMA~~ shall perform duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by the Emergency Management Agency Act, 20 ILCS 3305/1 et seq.

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(1991 Code, '92.03) (Ord. 2336, passed 4-27-1976)

(B) The BIHSEMA shall coordinate efforts to prevent, protect against, and mitigate the effects of, respond to and recover from all incidents, whether man-made or natural. The BIHSEMA will work to accomplish these functions through monitoring and sharing intelligence related to potential homeland security events and other incidents within the City, within Cook County, and within the State by developing an operational response capability and developing and enhancing partnerships with all relevant groups, entities and agencies.

(C) The BIHSEMA may oversee and support the prudent use of grant monies to prepare, train and equip first responders, investing in the men and women who respond to emergencies in Blue Island and surrounding areas

' 91.04 SERVICE AS MOBILE SUPPORT TEAM.

(A) All members of the ~~City-ESDABIHSEMA~~ organization may be designated as members of a mobile support team created by the Director of the State ESDA as provided by law.

(B) The leader of the mobile support team shall be designated by the Coordinator of the city ~~ESDABIHSEMA~~ organization.

(C) Any member of a mobile support team who is a city employee or officer, while serving on call to duty by the Governor or the State Director, shall receive the compensation and have the powers, duties, rights and immunities incident to the member's employment or office. Any member who is not a paid officer or employee of the city while serving shall receive reasonable compensation, as provided by law, from the state.

(1991 Code, '92.04) (Ord. 2336, passed 4-27-1976)

' 91.05 AGREEMENTS WITH POLITICAL SUBDIVISION.

The Coordinator of ~~ESDABIHSEMA~~ may negotiate mutual aid agreements with other cities or

political subdivisions of the state but no such agreement shall be effective until it has been approved by the ~~Mayor-City Council, and by the State Director of ESDA.~~

(1991 Code, '92.05) (Ord. 2336, passed 4-27-1976)

' 91.06 EMERGENCY ACTION.

If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence of a major disaster within the state resulting from enemy sabotage or other hostile action or from manmade or natural disaster, it shall be the duty of the ~~City ESDABIHSEMA~~ to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law.

(1991 Code, '92.06) (Ord. 2336, passed 4-27-1976)

' 91.07 COMPENSATION.

Members of the ~~ESDABIHSEMA~~, who are paid employees or officers of the city, if called for training by the State Director of ESDA, shall receive for the time spent in training the same rate of pay as is attached to the position held. Members who are not city employees or officers shall receive compensation for training as may be established by the Mayor.

(1991 Code, '92.07) (Ord. 2336, passed 4-27-1976)

' 91.08 REIMBURSEMENT BY STATE.

The State Treasurer may receive and allocate to the appropriate fund:

(A) Any reimbursement by the state to the city for expenses incident to training members of the ~~ESDABIHSEMA~~ as prescribed by the State Director of ESDA;

(B) Compensation for services and expenses of members of a mobile support team while serving outside the city in response to a call by the Governor or State Director of ESDA as provided by law; and

(C) Any other reimbursement made by the state

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incident to ESDABIHSEMA activities as provided by law.
(1991 Code, '92.08) (Ord. 2336, passed 4-27-1976)

' 91.09 PURCHASES AND EXPENDITURES.

(A) The Mayor may authorize, on recommendation of the Coordinator of ESDABIHSEMA, any purchase of contracts necessary to place the city in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, to protect the public health, safety and property and to provide emergency assistance to victims in the case of manmade or natural disaster.

(B) In the event of enemy-caused or other disaster, the City Coordinator of ESDABIHSEMA is authorized, on behalf of the city, to procure such services, supplies, equipment or material as may be necessary for such purposes in view of the exigency without regard to the statutory procedures or formalities normally prescribed by law pertaining to city contracts or obligations, as authorized by the Emergency Management Agency Act, 20 ILCS 3305/1 et seq.; provided that, if the Mayor acts at such time, the Mayor shall act subject to the directions and restrictions imposed by that body.
(1991 Code, '92.09) (Ord. 2336, passed 4-27-1976)

' 91.10 OATH.

Every person appointed to serve in any capacity in the City ESDABIHSEMA organization shall, before entering upon such person's duties, subscribe to the following oath, which shall be filed with the Coordinator:

I, _____, do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully

discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been, a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am affiliated with the ~~Blue Island-ESDABIHSEMA~~ Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence.

(1991 Code, '92.10) (Ord. 2336, passed 4-27-1976)

' 91.11 OFFICE SPACE.

The Mayor is authorized to designate office space in a city building, or elsewhere, for the City ESDABIHSEMA.

(1991 Code, '92.11) (Ord. 2336, passed 4-27-1976)

' 91.12 APPROPRIATION; LEVY OF TAXES.

The Mayor and City Council may make an appropriation for ESDABIHSEMA purposes in the manner provided by law and, if permitted by law, may levy in addition, for ESDABIHSEMA purposes only, a tax in the amount and manner as provided by law.
(1991 Code, '92.12) (Ord. 2336, passed 4-27-1976)

EMERGENCY TELEPHONE SYSTEM

' 91.25 IMPOSITION OF SURCHARGE.

A surcharge is hereby imposed on monthly billed subscribers of telecommunications carriers residing within the city at a rate of \$0.73 per month per network connection, as hereinafter defined for funding of a 9-1-1 emergency telephone system.
(1991 Code, '93.01) (Ord. 89-176, passed 9-12-1989)

' 91.26 RESIDENCE IN CITY.

A monthly billed subscriber shall be deemed to

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reside within the city if the service address, as hereinafter defined is located within the city.
(1991 Code, ' 93.02) (Ord. 89-176, passed 9-12-1989)

' 91.27 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NETWORK CONNECTION. The number of voice grade communication channels directly between a subscriber and a telecommunications carrier=s public switched network without the intervention of any other telecommunications carrier=s switched network which would be required to carry the subscriber=s inter-premises traffic.

SERVICE ADDRESS.

(1) The location of the subscriber=s telecommunications facilities accessing the network connection or connection(s) that are subject to the surcharge.

(2) If this is not a defined location, **SERVICE ADDRESS** shall mean the location of a subscriber=s primary use of the network connection as defined by telephone number, authorization code or location in the state where bills are sent.

TELECOMMUNICATIONS CARRIER. Any natural individual firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, municipal corporation or political subdivision of the state or a receiver, trustee, conservator or other representative appointed by order of any court engaged in the business of transmitting messages by means of electricity.
(1991 Code, ' 93.03) (Ord. 89-176, passed 9-12-1989)

' 91.28 CERTIFIED LIST OF NETWORK CONNECTIONS.

(A) The City Clerk shall provide any

telecommunications carrier collecting the surcharge with a certified list of those network connections assigned to the city to be exempt from imposition of the surcharge.

(B) The certified list may be revised by the City Clerk on 60-day prior written notice provided to the telecommunications carriers.
(1991 Code, ' 93.04) (Ord. 89-176, passed 9-12-1989)

' 91.29 TELECOMMUNICATIONS CARRIERS TO REMIT SURCHARGE TO CITY; RETURN.

(A) Each telecommunications carrier is hereby authorized and instructed to deduct 3% from the gross amount of surcharge collected prior to remittance under division (B) below in reimbursement for the expense of accounting and collecting the surcharge.

(B) Every telecommunications carrier shall remit to the city or Emergency Telephone System Board Treasurer the amount of the surcharge collected for each calendar month within 30 days following expiration of each month to which the surcharge applies, net of any network or other 9-1-1 or sophisticated 9-1-1 system charge then due the particular telecommunications carrier as shown on an itemized bill and the 3% accounting and collection charge described in division (A) above.

(C) Simultaneously with the remittance described in division (B) above, each telecommunications carrier shall make a return to the city or Emergency Telephone System Board Treasurer for the period to which the remittance applies stating as follows:

(1) The name of the telecommunications carrier;

(2) The telecommunications carrier=s principle place of business;

(3) The number of network connections to which the surcharge applies;

(4) The amount of surcharge collected; and

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(5) Such other reasonably and related information as the corporate authorities may require. (1991 Code, ' 93.05) (Ord. 89-176, passed 9-12-1989)

' 91.30 CREDIT FOR OVERPAYMENT.

If it shall appear that an amount of surcharge has been paid which was not due under the provisions of this subchapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any surcharge due, or become due, under this subchapter; provided that, no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited. Ninety days prior notice shall be given to the Emergency Telephone System Board on any credit against a surcharge due.

(1991 Code, ' 93.06) (Ord. 89-176, passed 9-12-1989)

' 91.31 RECOVERY ACTION TO BE COMMENCED WITHIN CERTAIN TIME PERIOD.

No action to recover any amount of surcharge due under the provisions of this subchapter shall be commenced more than three years after the due date of such amount.

(1991 Code, ' 93.07) (Ord. 89-176, passed 9-12-1989)

CHAPTER 92: FAIR HOUSING

Section

Community Rights Program

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- 92.02 Definitions
- 92.03 Enforcement; Planning Committee; rules
- 92.04 Unlawful housing practices
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Housing Stock Quality Protection

- 92.20 Duty to notify City Clerk of property for sale or rent
- 92.21 Certificate of compliance required
- 92.22 Inspection fee
- 92.23 Making false statement in notice of intent unlawful

- 92.99 Penalty

COMMUNITY RIGHTS PROGRAM

' 92.01 PURPOSE.

It is hereby declared to be the policy of the city and the purpose of this subchapter that all persons shall be assured full and equal opportunity to obtain fair and adequate housing for themselves and their families within the city and to secure to all persons an equal opportunity to view, purchase, lease, rent or occupy real estate in the city without discrimination because of their race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income.

(Ord. 09-075, passed 8-25-2009)

' 92.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ATTORNEY FOR THE COMMITTEE. Any attorney, duly licensed by the state, designated by ~~corporation counsel~~ City Attorney to act as legal counsel for the committee in accordance with city policies and procedures.

CHAIR. The duly appointed Chair of the City Planning Committee or the Chair=s designee.

COMMITTEE. The City Planning Committee.

COMPLAINANT. Person(s) filing a charge of unfair housing practices.

DISCRIMINATE. To treat any person(s) differently from others because of race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income.

LEASE. Any sublease, assignment or rental and any contract to enter into any sublease, assignment or rental.

LENDING INSTITUTION. Any bank, insurance company, savings and loan association or person(s) in the business of lending money or guaranteeing loans, any person(s) in the business of obtaining, arranging or negotiating loans or guarantees as agent or broker and any person(s) in the business of buying or selling loans or instruments for the payment of money which are secured by title to, or a security interest in, real estate.

MANAGER. The ~~duly appointed chief administrative officer of the city~~ Director of Finance and Administration or designee.

OWNER. Any person(s) who holds legal or equitable title to, owns any beneficial interest in any housing accommodation, who holds legal or equitable title to shares of or any beneficial interest in any real estate cooperative which owns any real property or any person(s) who is acting as the agent, manager or employee of the owner.

REAL ESTATE TRANSACTION. The

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purchase, sale, exchange or lease of any housing accommodation or business, commercial or industrial property and an option to do any of the foregoing.

RESPONDENT. Person(s) charged with violating any provision of this subchapter.

SALE. Any contract to sell, exchange or convey, transfer or assign legal or equitable title to, or a beneficial interest in, a housing accommodation or business, commercial or industrial property.

SOURCE OF INCOME. The lawful manner by which an individual supports himself or herself and his or her dependents.

STEERING. To influence, or attempt to influence, by words or acts, the choice or location of housing of a prospective purchaser, occupant or tenant in connection with viewing, buying, leasing or occupying real estate, based on race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income, so as to promote or maintain segregation.

(Ord. 09-075, passed 8-25-2009)

' 92.03 ENFORCEMENT; PLANNING COMMITTEE; RULES.

(A) The Planning Committee shall be charged with the duty of enforcing the provisions of this subchapter and, in discharging this responsibility, it shall have the power to:

(1) Gather and provide for the exchange of information relative to the provisions of this subchapter among real estate brokers and salespersons, lenders, developers, employers, municipal officials and community groups within the city;

(2) Receive and investigate complaints charging discrimination in housing;

(3) Seek conciliation of, hold hearings and make findings of fact with respect to any such complaint;

(4) Administer oaths, take sworn testimony

and subpoena witnesses and pertinent documents, which power may be enforced by proper petition to any court of competent jurisdiction;

(5) Initiate such general and specific investigations as it deems necessary in order to discourage and prevent violations; and

(6) Upon good cause and appropriate investigation, initiate complaints.

(B) The Committee shall have the power to enforce the provisions of this subchapter, to investigate all complaints filed under this subchapter and to recommend sanctions.

(C) The Committee shall adopt and publish such rules and regulations made at any regular or special meeting as may be necessary to carry out the provisions of this subchapter; provided that, a quorum is present. Such rules and regulations or changes thereto shall be subject to approval by the Mayor and Board of Trustees City Council.
(Ord. 09-075, passed 8-25-2009)

' 92.04 UNLAWFUL HOUSING PRACTICES.

The following acts shall constitute violations of this subchapter:

(A) To discriminate against any person(s) in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of his, her or their race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income;

(B) To refuse to sell or rent, after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person(s) because of his, her or their race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income;

(C) To represent to any person(s) because of his, her or their race, color, religion, sex, creed,

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ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation, or source of income, that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;

(D) To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based upon a person(s) race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income or an intention to make such preference, limitation or discrimination;

(E) To, for profit, induce or attempt to induce any person(s) to buy, sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of any person(s) of a particular race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income;

(F) To discriminate in connection with borrowing or lending money, guaranteeing loans, accepting mortgages or otherwise financing a real estate transaction of any person(s) on the grounds of his, her or their race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income;

(G) To delay the processing of or denying a loan or other financial assistance to a person(s) applying for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or to discriminate in the fixing of that amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of his, her or their race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income;

(H) To discriminate in appraising the value of real estate or in the sale of insurance in connection with a real estate transaction of any person(s) because of his, her or their race, color, religion, sex, creed,

ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income;

(I) To enter into a listing agreement which discriminates against any person(s) because of his, her or their race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income;

(J) To deny any person(s) access to, or membership or participation in, any multiple-listing service, real estate brokers= organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against any person(s) in the terms and conditions of such access, membership or participation on account of his, her or their race, color, religion, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income;

(K) To engage in steering;

(L) To act or undertake as real estate broker, salesperson or agent, with respect to any dwelling, the disposition of which requires such person(s) to participate in discrimination;

(M) To perform any act of discrimination with the intention of restricting or limiting the housing choice of any person(s);

(N) To coerce, intimidate, threaten or interfere with any person(s) in the exercise or enjoyment of, or on account of, such person=s having exercised or enjoyed, or on account of such person=s having aided or encouraged any other person(s) in the exercise or enjoyment of, any right granted or protected by this subchapter;

(O) To solicit any owner to sell, rent or list residential property at any time after receiving written notice that such owner does not desire to sell, rent or list such residential property. Such notice may be given by the owner or by a third party on the owner=s behalf;

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(P) To intentionally interfere with the performance of a duty or exercise of a power by the Committee on or by its members or representatives;

(Q) To engage in sexual harassment in any real estate transaction. **SEXUAL HARASSMENT** means any unwelcome sexual advance, request for sexual favors or conduct of a sexual nature when:

(1) Submission to such conduct is an explicit or implicit term or condition of an individual's real estate transaction;

(2) Submission to or rejection of such conduct by an individual is used as the basis for any decision affecting the individual's real estate transaction; or

(3) Such conduct has the purpose or effect of substantially interfering with an individual's real estate transaction or creating an intimidating, hostile or offensive environment with respect thereto.

(R) To aid or abet any of acts described in this section performed in violation of this subchapter. (Ord. 09-075, passed 8-25-2009) Penalty, see ' 92.99

' 92.05 EXEMPTIONS.

Nothing in this chapter shall:

(A) Apply to the rental, lease or occupancy of a room in an owner-occupied single-family dwelling;

(B) Prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by, or in conjunction with, a religious organization or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purposes to a person of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, sex, creed, ancestry, disability, age, marital status, presence or age of children, national origin, sexual orientation or source of income;

(C) Prohibit a private club, not in fact open to the

public, which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members and their guests or from giving preference to its members;

(D) Prohibit the operation of housing units designed and offered predominantly for use and occupancy by persons over the age of 62;

(F) Prohibit the operation of housing units designed and offered predominantly for use and occupancy by persons with a disability;

(G) Prohibit any charitable or educational organization from limiting to person(s) of the same sex the rental of living accommodations in facilities primarily providing single-room occupancy; and

(H) Prohibit an initial condominium declaration limiting ownership, rental or occupancy of a condominium unit to a person 55 years of age or older, provided that the person or immediate family of a person owning, renting or lawfully occupying such unit prior to the recording of the initial declaration shall not be deemed to be in violation of such age restriction as long as they continue to own or reside in such housing accommodation.

(Ord. 09-075, passed 8-25-2009) Penalty, see ' 92.99

' 92.06 COMPLAINTS; CONCILIATION; HEARING PROCEDURES.

(A) *Filing of complaint.* The Committee, or any person(s) aggrieved in any manner by a violation of any provision of this subchapter, may file with the Manager or designee, a written complaint setting forth his, her or their grievance within 180 days after the date of the alleged violation. The complaint shall be filed on a form provided by the Manager or designee.

(B) *Investigation.*

(1) After receipt of the complaint, the Manager or designee shall conduct an investigation of the alleged violation. If the Manager or designee finds that probable cause of a violation exists, the Manager

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or designee shall submit the Manager=s or designee=s findings in writing to the Chair of the Planning Committee. Upon receipt of the findings, the Chair shall schedule a conciliation conference not less than ten, and not more than 30, days from the date the Chair receives the written findings.

(2) The Manager or designee shall cause a copy of the complaint to be served upon the respondent along with notice of the date, time and location of the conciliation conference. A copy of the complaint and notice of the date, time and location of the conference shall also be served upon the complainant.

(3) If the Manager or designee finds that probable cause does not exist, the Manager will dismiss the complaint and shall notify the Chair of the Planning Committee in writing of the Manager=s or designee=s findings. Upon receipt of the findings the Chair will send out notification to the complainant, indicating the results of the investigations and the finding of no probable cause.

(4) If a complaint indicates multiple respondents, and subsequent to the investigation by the Manager or designee probable cause is found with regard to one or more of the respondents, then the Committee shall proceed on the complaint against those parties for which probable cause was found. The named parties for which no probable cause was found shall be dismissed by the Committee. The Chair shall cause notification to be sent to the complainant with regard to the findings of the investigation and to the parties for which probable cause was found.

(C) *Conciliation conference.*

(1) A panel of three Committee members shall be convened in an effort to resolve the parties= differences in private. The Chair of the Planning Committee or the Chair=s designee shall preside over the Conciliation conference panel. The Chair of the Planning Committee shall select two members of the Planning Committee to serve on the panel. The Manager or designee and an attorney for the Committee shall be present. The complainant and respondent may be represented by attorneys if they desire. The conference shall be closed to all other persons. However, in the discretion of the panel, a

complainant or respondent may include an additional person such as an interpreter or family member.

(2) No evidence shall be taken at the conciliation conference. The sole purpose of the conference will be to attempt to reconcile the parties. If the parties cannot reach agreement at the conference, a public hearing upon the complaint shall be scheduled.

(D) *Non-disclosure.* Members of the Committee or its staff shall not disclose the filing of a complaint, what transpires during the course of an investigation or what transpires during the course of a conciliation conference, except as such disclosures are deemed essential to the investigation and endeavors at conciliation or are made at a public hearing in accordance with division (E) below. Nothing in this division (D) shall be construed to prevent the Manager or designee and the Committee from disclosing dismissal notices or conciliation agreements, including the reasons therefore. The identities of the parties shall not be disclosed without their consent.

(E) *Public hearing.*

(1) If an agreement between the parties cannot be reached at the conciliation conference, the Chair of the Planning Committee or designee shall set a date for a public hearing upon the complaint. The date for the hearing shall be decided upon at the conciliation conference and shall be no less than ten days, and no more than 30 days, from the conclusion of the conciliation conference.

(2) The Chair of the Planning Committee or designee shall convene and preside at the hearing. The hearing panel will be composed of five members of the Planning Committee. The panel shall include the following: the Chair or designee, the Planning Committee Chair or designee and three Committee members to be selected by the Chair. An attorney for the Committee and the Manager or designee shall also be present.

(3) At the hearing, the complainant and respondent shall have the right to be represented by legal counsel, the right to call witnesses and the right to cross-examination. Rules of procedure adopted by

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the Committee shall govern the proceedings. Testimony taken at the hearing shall be under oath or affirmation and an official transcript shall be made and filed in the Manager's office. The hearing shall be open to the public.

(4) After all evidence has been taken, the panel shall take the matter under advisement. The panel will render its decision in writing with findings of fact. Copies of the decision shall be sent to the parties and transmitted to the Manager. A majority vote of those panel members present at all sessions of the hearing is required to decide the matter. If the panel finds that there was no violation of this subchapter, the complaint shall be dismissed. If, however, the panel finds that a violation of this subchapter has occurred, it shall take action as it deems proper consistent with this section, including, but not limited to, the following:

(a) Issuing an order to cease and desist from any unlawful housing practices as determined by the panel;

(b) Recommending that the Manager request that the ~~Corporation Counsel~~ City Attorney institute proceedings to enforce, against any person(s) or business found in violation of this subchapter, the fine provided;

(c) Recommending that the Manager request that the ~~Corporation Counsel~~ City Attorney apply to any court of competent jurisdiction for:

1. An order restraining the party from violating any provision of this subchapter; or

2. Such other or further relief as may be appropriate for the enforcement of this subchapter and for the elimination of violations.

(d) Recommending that the Manager request that the ~~Corporation Counsel~~ City Attorney petition or institute proceedings with the Department of Registration and Education for the purpose of causing the Department to revoke, suspend or refuse to renew the license granted by such department to the party found to have violated any provision of this subchapter.

(F) *State law references.* Civil Administrative Code of Illinois, 20 ILCS 2105/2105-5 et seq. In addition to the penalty provided for herein, the public hearing panel may order restitution, specific performance and any and all remedies the panel deems just and appropriate in accordance with its findings. The panel may further recommend that the Manager request that the ~~Corporation Counsel~~ City Attorney institute appropriate proceeding to enforce the order of the panel.

(G) *Continuance of conciliation conference or public hearing.*

(1) The Chair of the public hearing panel may grant a continuance and postpone the convening of the public hearing if a party requests a continuance in writing in a timely and reasonable manner. Such a continuance may be granted even if it is more than 30 days from the conclusion of the conciliation conference.

(2) A continuance of a conciliation conference may not be granted without the Conciliation conference panel convening.

(3) If a party fails to appear at either the conciliation conference or the public hearing, the panel may proceed with and conclude the matter.

(H) *Evidence and subpoena power.*

(1) No strict rules of evidence shall apply in conducting a conciliation conference or public hearing, however, the conciliation conference panel and the public hearing panel shall determine the relevance of any evidence to be submitted for consideration in its respective proceeding. If said evidence is not deemed relevant it will not be accepted.

(2) The public hearing panel shall have the power to subpoena records or individuals for testimony at the public hearing, as it relates to a specific matter.

(3) The conciliation conference panel shall not have such subpoena powers.

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(I) *Retention of jurisdiction.* The Planning Committee shall retain jurisdiction for one year after the conclusion of a conciliation conference or public hearing.
(Ord. 09-075, passed 8-25-2009)

HOUSING STOCK QUALITY PROTECTION

' 92.20 DUTY TO NOTIFY CITY CLERK OF PROPERTY FOR SALE OR RENT.

(A) (1) The term **COMMERCIAL PROPERTY**, as used in this subchapter, is defined to mean real property, buildings and any and all rental units situated therein within the city and used to conduct, transact or carry on commerce, trade or business with the general public or used in connection with the conducting, transacting or carrying on of commerce, trade or business with the general public.

(2) It shall be unlawful for any person to hereafter occupy, by purchase, rental, lease or otherwise, or for any owner or agent thereof, to permit the occupation of any commercial property, or addition thereto, or part thereof, for any purpose until a certificate of compliance has been issued by the Building Commissioner ~~Department~~.

(3) Said certificate is required for each and every separate occupancy and in the case of rental or lease, said certificate is required for each new tenant.

(4) It shall be unlawful for any person to knowingly make any false statement in the notice of intent to sell or rent commercial property.

(B) (1) All owners, agents, brokers or any individual or legal entity having ownership or control of any residential property which is offered for sale or rental within city must notify the City Building Department within five days after the first real estate listing agreement is executed or within five days after public notification of an intent to sell or rent is made or published, whichever shall occur first.

(2) The notification shall be in writing on a form made available at the office of the Building

Department.
(1991 Code, ' 94.10) (Ord. 91-296, passed 11-26-1991; Ord. 09-048, passed 1-27-2009) Penalty, see ' 92.99

' 92.21 CERTIFICATE OF COMPLIANCE REQUIRED.

(A) No residential property shall be sold unless the owner shall furnish the buyer with a certificate of occupancy based on inspection of the property five days prior to the sale of the property.

(B) No residential property shall be rented unless the lessor shall furnish the tenant with a certificate of occupancy based on an inspection of such property 30 days prior to tenancy.
(1991 Code, ' 94.11) (Ord. 10-109, passed 9-14-2010) Penalty, see ' 92.99

' 92.22 INSPECTION FEE.

(A) (1) Each applicant for a certificate of occupancy, in conjunction with the sale or rental of a single-family residence, shall pay the required an inspection fee of \$100 ~~for the inspection~~.

(2) The inspection fee ~~of \$100~~ shall be waived to any applicant selling his or her existing residence and then purchasing and relocating his or her residence within the city limits.

(B) Each applicant for a certificate of occupancy, in conjunction with the sale or rental of a multi-family residence containing two or more dwelling units, shall pay an the required inspection fee of \$150, plus \$10 an additional fee for each apartment unit located in the building.

~~(C) (1) Each applicant for a certificate of occupancy, in conjunction with the rental of a single-family residence, shall pay a fee of \$50 and a fee of \$50 for any re-inspection that may be required.~~

~~(2) Each applicant for a certificate of occupancy, in conjunction with the rental of a multi-family residence containing two or more~~

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dwelling units, shall pay a fee of \$25 for each unit and a fee of \$25 for any re-inspection that may be required.

(C) All certificates of occupancy issued pursuant to an inspection under this section shall be valid for one year from the date of issuance of the certificate of occupancy.
(1991 Code, ' 94.12) (Ord. 09-048, passed 1-27-2009) Penalty, see ' 92.99

occurs or continues.

~~(3) Each day a violation shall continue shall constitute a separate offense.
(1991 Code, ' 94.99) (Ord. 2699, passed 6-25-1985; Ord. 09-075, passed 8-25-2009)~~

' 92.23 MAKING FALSE STATEMENT IN NOTICE OF INTENT UNLAWFUL.

It shall be unlawful for any person to knowingly make any false statement in the notice of intent to sell or rent residential property.
(1991 Code, ' 94.13) (Ord. 88-29, passed 6-10-1986) Penalty, see ' 92.99

' 92.99 PENALTY.

~~(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.~~

~~(B) Any person who violates any provision of " 92.01 through 92.06 of this chapter, or any rule or regulation adopted or issued pursuant to that subchapter, shall be subject to the penalties provided herein, in addition to any other penalty specifically provided for.~~

~~(C) (1) A complaint setting forth more than one violation of the provisions of " 92.20 through 92.23 of this chapter may result in the imposition of separate fines of not less than \$100, and not more than \$750, for each separate violation.~~

~~(2) Any person, firm or corporation who violates any provisions of " 92.20 through 92.23 of this chapter, or who refuses to remedy a violation found to exist and reported on the certificate of compliance within the time therein specified, shall be fined not less than \$200, nor more than \$750, for each offense and a separate offense shall be deemed committed on each day during or on which a violation of that subchapter~~

CHAPTER 93: FIRE PREVENTION; FIREWORKS

Section

Pyrotechnic Displays and Consumer Fireworks

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- 93.02 Definitions
- 93.03 Possession, sale and use
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- 93.05 License required; permit; bond
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Cross-reference:

Building Regulations; Construction, see Ch. 150
Nuisances, see Ch. 94
Zoning, see Ch. 166

PYROTECHNIC DISPLAYS AND CONSUMER FIREWORKS

' 93.01 UNLAWFUL POSSESSION; FINDINGS.

(A) Pursuant to 425 ILSC 35/0.01 et seq., it is unlawful for any person, firm, co-partnership or corporation to knowingly possess, offer for sale, expose for sale, sell at retail or use or explode any display, fireworks, flame effects or consumer fireworks.

(B) Pursuant to 425 ILCS 35/2, the City Council shall have the power to adopt reasonable rules and regulations for the granting of permits for pyrotechnic fireworks displays and consumer displays.

(C) The City Council has determined that outdoor pyrotechnic displays shall be permitted within

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the city only in those specific instances when a permit for such a display is first obtained by a person who possesses a current pyrotechnic distributor's license and current lead pyrotechnic operator's license, issued by the office of the State Fire Marshal, which licenses are in good standing.

(D) The City Council has determined that all indoor pyrotechnic displays, and other pyrotechnic displays of any kind whatsoever, shall be prohibited.

(E) The City Council has determined that all consumer pyrotechnic displays of any kind whatsoever shall be prohibited.

(Ord. 06-035, passed 6-27-2006) Penalty, see '93.99

' 93.02 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LEAD PYROTECHNIC OPERATOR. An individual who is responsible for the safety, setup and discharge of the pyrotechnic display and who is licensed pursuant to the Pyrotechnic Operator Licensing Act.

PERSON. An individual, firm, corporation, association, partnership, company, consortium, joint venture or commercial entity.

PYROTECHNIC DISPLAY. The detonation, ignition or deflagration of display fireworks or flame effects to produce visual or audible effects of an exhibitional nature before the public, invitees or licensees, regardless of whether admission is charged, and as may be further defined in the Pyrotechnic Operator Licensing Act.

SPECIAL EFFECTS FIREWORKS. Pyrotechnic devices used for special effects by professionals in the performing arts in conjunction with theatrical, musical or other productions that are similar to consumer fireworks in chemical compositions and construction, but are not intended for consumer use and are not labeled as such or identified as intended for indoor use. **SPECIAL**

EFFECTS FIREWORKS are classified as fireworks UN0431 or UN0432 by the United States Department of Transportation under 49 C.F.R. ' 172.101.

(Ord. 06-035, passed 6-27-2006)

Statutory reference:

Related provisions, see 425 ILCS 35/1

' 93.03 POSSESSION, SALE AND USE.

Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership or corporation to knowingly possess, offer for sale, expose for sale, sell at retail or use or explode any display fireworks, flame effects or consumer fireworks within the city.

(Ord. 06-035, passed 6-27-2006) Penalty, see '93.99

' 93.04 ADOPTION OF STATE LAW.

The city hereby adopts and incorporates herein by reference the Emergency Administration Rules- Pyrotechnic Distributor and Operator Licensing, 41 Ill. Adm. Code part 230 as the rules and regulations that pertain to and concern definitions and general requirements for pyrotechnic displays, compliance standards and qualifications for licensees of pyrotechnic displays.

(Ord. 06-035, passed 6-27-2006)

' 93.05 LICENSE REQUIRED; PERMIT; BOND.

(A) Pyrotechnic displays may only be performed by a person who possesses a current pyrotechnic distributor license and a current lead pyrotechnic operator license, issued by the office of the State Fire Marshal, which is in good standing.

(B) Pyrotechnic displays may only be conducted and performed by a person who first applies for and receives a permit issued by the Fire Chief for the city in accordance with the Fireworks Use Act of the state, 425 ILCS 35. ~~Except in the year 2006, the~~ The permit application shall be submitted not less than 15 days prior to the proposed date of the pyrotechnic display. ~~The permit for the 2006 July 4 pyrotechnic display~~

Fire Prevention; Fireworks

~~shall be submitted no later than 6-30-2006.~~

(C) No permit to conduct and perform a pyrotechnic display shall be issued by the Fire Chief for the city unless it is first determined that the person or entity applying for the permit possesses the licenses set forth in division (A) above.

(D) No permit to conduct and perform a pyrotechnic display shall be issued by the Fire Chief for the city until the Fire Chief and/or his or her designee has inspected the proposed display site and determines that the display can be performed in compliance with applicable NFPA standards adopted by the office of the State Fire Marshal pursuant to 41 Ill. Adm. Code parts 230 and 235 then in effect at the time the application for a permit is filed.

(E) No permit to conduct and perform a pyrotechnic display shall be issued by the Fire Chief until the applicant provides proof of a current product liability insurance policy in an amount of not less than \$1,000,000, a current general liability insurance policy in an amount of not less than \$1,000,000 and a current certificate of insurance naming the city as an additional named insured under the respective products liability and general liability insurance policies. The permittee shall also sign an agreement to indemnify, protect, defend, pay attorney=s fees for and on behalf of and hold harmless, the city, its officials, officers, employees and agents and each of them, of and from any and all claims for personal injury, property damage and/or death which may be caused by, or may result from, the pyrotechnic display, the negligence of any permittee or any of its operators, employees or agents and/or the willful acts of any permittee, any of its operators, employees or agents.

(F) No permit to conduct a pyrotechnic display shall be issued by the Fire Chief unless the applicant submits proof of a current worker=s compensation policy of insurance insuring all of the pyrotechnic operators, employees, agents and assistants.

(G) The applicant for a permit to conduct a pyrotechnic display shall be required to pay a permit fee of ~~\$300~~ set forth in City's fee schedule. The application for the permit shall be made on a form substantially similar to the form attached to the

~~ordinance codified herein as Exhibit AA@ provided by the Fire Chief.~~

(Ord. 06-035, passed 6-27-2006) Penalty, see '93.99

' 93.06 PROHIBITED DISPLAYS.

Except as set forth herein, all other types of pyrotechnic displays, consumer displays of fireworks and the use of fireworks is hereby prohibited.

(Ord. 06-035, passed 6-27-2006) Penalty, see '93.99

' 93.07 EFFECTIVE DATE.

The ordinance from which the provisions of this subchapter derive shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. A full, true and complete copy of this subchapter shall be published in pamphlet form by authority of the City Council as corporate authorities.

(Ord. 06-035, passed 6-27-2006)

FIRE ALARM SYSTEMS

~~' 93.20 COMMON NAME.~~

~~The ordinance from which the provisions of this subchapter derive shall be known as the AFire Alarm Ordinance@.~~

~~(Ord. 2000-298, passed 2-22-2000)~~

~~' 93.21 PURPOSE.~~

~~The purpose of this subchapter is to protect the City Fire Department emergency services from misuse.~~

~~(Ord. 2000-298, passed 2-22-2000)~~

~~' 93.22 DEFINITIONS.~~

~~For the purpose of this subchapter, the following definitions shall apply unless the context clearly~~

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indicates or requires a different meaning.

~~**ALARM.** Any system or signaling device which is designed to detect and signal any emanation of smoke or fire in a protected area by the transmission of an electrical impulse or any signal of any kind to a bell, siren, horn or which system causes any audible annunciation on the premises or to a remote monitoring location.~~

~~**ALARM USER.** Any person, including current lessee, on whose premises an alarm system is utilized within the city.~~

~~**ALARM BUSINESS.** Any person engaged in the business of installing and monitoring alarms.~~

~~**AUTOMATIC DIALING DEVICES.** Any alarm system which automatically sends, over regular telephone lines or by radio waves, a signal or prerecorded voice message indicating the existence of an emergency situation such as a fire.~~

~~**EMERGENCY CALL OUT LIST.** A list supplied to the City Fire Department by the alarm user that contains current names, addresses and telephone numbers of a minimum of two persons who can respond to the premises when there is an alarm activation.~~

~~**FALSE ALARM.** The activation of an alarm system, by any cause, that alerts the City Fire Department that a fire is in progress in a protected premises when, in fact, there is no evidence of any such fire detected by responding firefighters.~~

~~**FIRE CHIEF.** The Chief of the City Fire Department or his or her designated representative.~~

~~**LOCAL ALARM.** Any electrically operated instrument composed of sensory apparatus and related hardware which automatically emits an alarm, such as a siren, bell, horn or tone, which is audible beyond the premises being protected, upon receipt of a stimulus from a sensor that has detected a physical force or condition characteristic of an unauthorized entry.~~

~~**PERSON.** The term *PERSON* shall mean any person, firm, partnership, association, corporation,~~

~~limited liability company or organization of any kind.~~

~~**PRIMARY TRUNK LINE.** A telephone line leading directly into the communication center of the Fire Department.
(Ord. 2000-298, passed 2-22-2000)~~

~~93.23 APPLICATION FOR ALARM SYSTEMS.~~

~~(A) Every alarm user shall apply for and obtain an alarm system permit annually for the use of its alarm system. The application shall state on the application form, to be prepared by the Fire Department, his or her name, the address of the residence or business or businesses in or upon which the alarm system has been or will be installed, his or her telephone number, the type of alarm system, the alarm business or businesses selling, installing, monitoring, inspecting, responding to or maintaining the alarm system and the name and telephone number of at least two other persons (in the case of a corporate or limited liability company alarm user applicant, at least three persons) who can be reached at any time, day or night, who are authorized to respond to an alarm and can open the premises in which the system is installed.~~

~~(B) Every alarm user authorized under this section shall be required to have his or her alarm system inspected at least once a year by a licensed alarm business and post a certificate of such inspection on the premises in plain view where the alarm system is maintained. Every alarm business that has a service line connected to the 9-1-1 Communication Center shall apply for and obtain a permit annually and pay an annual permit fee of \$25. The first annual permit fee shall be payable 30 days after the passage of the ordinance from which the provisions of this subchapter derive and yearly thereafter.~~

~~(C) (1) The information contained in an alarm system application required by this section, and other information received by the Fire Chief through correspondence or communications with an alarm user, shall be securely maintained and restricted to inspection only by the Fire Chief or certain officers or city employees specifically assigned the responsibility~~

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~~for handling and processing alarm user permit applications in the course of official duties.~~

~~(2) The Fire Chief or any employee of the city who is found to have knowingly or willfully revealed information contained in an alarm user application or in correspondence or communications with an alarm user to any person for any purpose not related to this section or official law enforcement matters without the express written consent of the alarm user shall be subject to dismissal from the service of the city in the manner provided by law.~~

~~(D) Alarms which are designed to detect the products of combustion and which sound an alarm which is not audible outside the protected area, such as a smoke detector, which is installed in single family or multi-family residential structures and which is not connected to any outside communication line shall be exempt from the licensing provisions of this section. (Ord. 2000-298, passed 2-22-2000) Penalty, see '93.99~~

~~'93.24 FALSE ALARM PREVENTION.~~

~~(A) After the Fire Department has recorded two false alarms within any 30-day period or four in any 365-day period, for any alarm user, the Fire Department shall notify the alarm user and the alarm business providing service or inspection to the alarm user, in writing by first class mail, of such fact and require that the alarm user or the alarm business servicing the alarm user submit a report to the Fire Chief within seven days after the mailing of the notice, which report shall describe efforts taken to discover and eliminate the cause or causes of the false alarm. Failure to submit such report within seven days shall constitute cause for revocation of the alarm system permit. If the Fire Chief revokes the alarm system permit, the Fire Chief shall give a written notice by first class mail to the alarm user and the alarm business servicing the alarm user advising of such revocation.~~

~~(B) If the report required by this section fails to show that reasonable steps have been taken to eliminate or reduce false alarms, then the Fire Chief may revoke the alarm system permit and shall give~~

~~written notice of such revocation as provided for in this section of the subchapter.~~

~~(C) An alarm user whose alarm system permit has been revoked is not precluded from applying for a new alarm system permit. The Fire Chief, however, is not required to issue a new alarm system permit unless he or she is satisfied the alarm user's system has been properly serviced and its deficiencies corrected. The Fire Chief may impose reasonable restrictions and conditions upon the issuance of a new alarm system permit to an alarm user with respect to the particular system for which the alarm system permit was revoked.~~

~~(Ord. 2000-298, passed 2-22-2000)~~

~~'93.25 FALSE ALARMS SUBJECT TO SERVICE CHARGES.~~

~~A fire alarm user shall be charged a service charge as set forth in '93.26 of this chapter for each false alarm if such false fire alarm is:~~

~~(A) Given intentionally;~~

~~(B) Due or caused by a lack of required maintenance as specified in the National Fire Protection Association Code '72; or~~

~~(C) Resulting from any test, repair, alteration or addition to the fire protection system without prior notification thereof to the Fire Department.~~

~~(Ord. 2000-298, passed 2-22-2000) Penalty, see '93.99~~

~~'93.26 SERVICE CHARGES.~~

~~A fire alarm user shall be charged a service charge for a false alarm in the following manner:~~

~~(A) For the first and second false alarm in a 365-day period, such period beginning on the date of the first fire alarm and ending 365 days thereafter, a warning letter will be issued.~~

~~(B) For the third false alarm in a 365-day period, as defined in division (A) above, a service charge of~~

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\$350 will be assessed.

~~(C) (1) For each additional false alarm after three false alarms in a 365 day period, as defined in division (A) above, the service charge shall be increased by \$50.~~

~~(2) By way of example, a service charge of \$400 shall be assessed for the fourth false alarm in a 365 day period.
(Ord. 2000-298, passed 2-22-2000) Penalty, see '93.99~~

~~'93.27 ALARM SYSTEM STANDARDS.~~

~~Only alarm systems which are equivalent to or exceed the minimum applicable standards, as listed in the National Fire Protection Association Life Safety Code '72 (NFPA 72), shall be authorized. The equipment or hardware used and the manner of installation of alarm systems shall correspond to the applicable standards contained in the NFPA '72 for each of the foregoing alarm systems.
(Ord. 2000-298, passed 2-22-2000)~~

~~'93.28 TESTING OF EQUIPMENT.~~

~~No alarm system designed to transmit emergency messages directly to the Fire Department shall be tested or demonstrated without first obtaining permission from the Fire Chief. Failure to notify the Fire Chief prior to testing an alarm system shall constitute a false alarm.
(Ord. 2000-298, passed 2-22-2000) Penalty, see '93.99~~

~~'93.29 LOCAL ALARMS.~~

~~(A) No person shall be allowed to have a local alarm on any building, place or premises within the city without first having obtained authorization from the Fire Chief.~~

~~(B) Local alarms may be in addition to other alarm systems. Local alarms shall not make a sound similar to that of a siren or emergency vehicle or of~~

~~ESDA warning systems.~~

~~(C) Owners of said local alarms will be responsible to maintain said alarms and to turn the audible signal off at the request of the Fire Department or an officer thereof. The continued sounding of such local alarms for more than ten minutes after the appropriate agency has responded is hereby declared to be a violation of this subchapter.~~

~~(Ord. 2000-298, passed 2-22-2000) Penalty, see '93.99~~

~~'93.30 AUTOMATIC TELEPHONE DIALERS.~~

~~After the effective date of the ordinance from which the provisions of this subchapter derive, no automatic telephone dialers shall transmit a recorded message on any primary trunk line to the Police Department, Fire Department or 9-1-1 Communication Center.
(Ord. 2000-298, passed 2-22-2000)~~

~~'93.31 RESPONSIBILITY OF CITY.~~

~~Neither the city, nor any of its officials, officers or representatives, shall be responsible for the functioning or malfunctioning of any alarm system, nor shall the city, nor any of its officials, officers or representatives, be responsible for the failure of the Fire Department to respond to any alarm.
(Ord. 2000-298, passed 2-22-2000)~~

~~'93.32 ACCEPTANCE OF PERMIT.~~

~~By acceptance of an alarm system permit, each alarm user shall agree to be governed by the terms of this subchapter and to pay any fees assessed against such alarm users as provided for in this subchapter.
(Ord. 2000-298, passed 2-22-2000)~~

~~'93.33 NOTIFICATION TO FIRE CHIEF.~~

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~~It shall be unlawful for any fire alarm user to install, modify or repair an alarm system without first notifying the Fire Chief. It shall further be a violation of this subchapter for an alarm user to permit any false alarm as a result of such installation, modification or repair.~~

~~(Ord. 2000-298, passed 2-22-2000) — Penalty, see '93.99~~

~~'93.34 FEES.~~

~~(A) An alarm system permit, including the first year's permit fee: \$25; and~~

~~(B) Annual permit fee renewal: \$25
(Ord. 2000-298, passed 2-22-2000)~~

~~'93.35 EFFECTIVE DATE.~~

~~The ordinance from which the provisions of this subchapter derive shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.~~

~~(Ord. 2000-298, passed 2-22-2000)~~

FIRE PREVENTION AND SAFETY PROVISIONS

'93.50 ADOPTION OF UNIFORM FIRE CODE.

See '150.029.

(A) Adoption. The city shall hereby adopt the 2012 NFPA 1, Uniform Fire Code® as if fully set forth herein.

(B) Supplemental regulations.

SECTION 10.1- MONITORING OF FIRE ALARM AND AUTOMATIC SPRINKLER SYSTEMS.

Newly installed Automatic sprinkler systems, and Fire detection systems shall be supervised directly by the Blue Island Dispatch Center and transmit signals via wireless radio transmitter. Existing Automatic sprinkler systems and Fire

detection systems shall be converted to transmit directly to the Blue Island Dispatch Center via wireless radio transmitter by January 1, 2014.

SECTION 10.2-PLACEMENT OF COMBINATION STYLE SMOKE/CO ALARMS IN EXISTING APARTMENT BUILDINGS.

Existing apartment buildings shall be required to have combination style smoke/co alarms in all corridors, and in all sleeping areas. Such devices shall be hard wired directly to the buildings electrical system and shall have battery back-up.

SECTION 10.3- NEW CONSTRUCTION OF NON-SINGLE FAMILY RESIDENTIAL STRUCTURES.

The first responding fire department apparatus shall be able to reach all interior points of a newly constructed non-single family residential structure with a 150 foot initial attack hose or a distance approved by the code official and/or Fire Chief. Where this requirement cannot be met, an interior standpipe system equipped with fire department hose connections will be required. The standpipe system shall be installed in accordance with the currently adopted version of NFPA 14 (Standard for installation of standpipe and hose systems). The standpipe system shall be connected to a public water system, and shall have a fire department connection.

'93.51 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

(A) The Fire Prevention Code and the Life Safety Code shall be enforced by the Bureau of Fire Prevention designated Fire Prevention Officer in the City Fire Department, which is established and which shall be operated under the supervision of the Chief of the Fire Department.

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(B) The Chief of the Fire Department may detail members of the Fire Department as inspectors. The Chief of the Fire Department shall recommend to the Mayor the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine based on their fitness for the position. ~~The examination shall be open to members and non-members of the Fire Department. Appointments made after examination shall be for an indefinite term with removal only for cause.~~

(C) A report of the ~~Bureau of Fire Prevention Officer~~ shall be made annually and transmitted to the ~~chief executive officer of the city~~ Fire Chief and the Public Health and Safety Committee. The report shall contain all proceedings under this code, with such statistics as the Chief of the Fire Department may wish to include. The Chief of the Fire Department shall also recommend any amendments to the code which, in the Chief's judgment, shall be desirable.
(1991 Code, '95.05) (Ord. 2257, passed 1-14-1978)

' 93.52 APPOINTMENT AND DUTIES OF FIRE PREVENTION OFFICER.

(A) (1) The Chief of the Fire Department may detail such members of the Fire Department as inspectors, as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the ~~Fire Public Health and Safety Committee of the City Council~~ the employment of a Fire Prevention Officer who, when such authorization is made, shall be selected through an examination to determine his or her fitness for the position. The examination shall be conducted in accordance with the existing rules of the Civil Service Commission of the city as they pertain to and concern promotions, with the exception that the first examination shall be open to all full time members of the Fire Department, regardless of their classification.

(2) All subsequent examination for this position shall be conducted in accordance with the then existing rules of the Civil Service Commission of the city as they pertain to and concern promotions, without the aforementioned exception.

(B) The grading of the examination shall be done

in accordance with the rules of the Civil Service Commission of the city with appropriate credits given for seniority, record of service and military service as set forth in the rules of the Civil Service Commission.

(C) An appointment made to the position of Fire Prevention Officer shall be made in accordance with the existing rules of the Civil Service Commission of the city.

(D) The duties and responsibilities of the Fire Prevention Officer shall be those which are set forth and described in the job description prepared by the Chief of the Fire Department and which are set forth herein.

(E) The salary of the Fire Prevention Officer shall be that which is authorized and approved by the City Council.

(F) (1) The position of the Fire Prevention Officer is a staff position which reports directly to the Fire Chief. The Fire Prevention Officer ~~directs the day-to-day operation of the Fire Prevention Bureau and~~ supervises the enforcement of the Fire Prevention Code. The Fire Prevention Officer also serves as code consultant to the staff and performs research and other administrative functions as directed by the Fire Chief.

(2) In addition, the Fire Prevention Officer:

(a) Coordinates activities between the Fire Department and State Fire Marshal's Office, Division of Fire Prevention;

(b) Prepares Fire Code violations for prosecution in the circuit court system or administrative adjudication;

(c) Analyzes applications and approves licenses where Fire Department approval is required;

(d) Reviews plans for new construction and for remodeling of existing buildings for compliance to Fire Prevention Code and for existing and other fire safety provisions of the Building Code;

(e) Supervises, plans and directs

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public fire safety education programs;

(f) Photographs fire scenes and all such events as directed by the Fire Chief;

(g) Investigates fire scenes to determine cause and origin of fire;

(n) Shall, from time to time, assume all duties and responsibilities of a firefighter; and

(o) Performs such other duties determined by the Fire Chief to be appropriate and necessary to effectively perform and carry out the position and functions of a Fire Prevention Officer.
(1991 Code, ' 95.06) (Ord. 86-52, passed 11-25-1986)

' 93.53 DISTRICT LIMITS WHERE STORAGE OF EXPLOSIVES AND BLASTING AGENTS PROHIBITED.

The limits of the districts referred to in the Fire Prevention Code, in which the storage of explosives or blasting agents is to be prohibited, shall be defined as the entire area within the city corporate limits, except as allowed by special use permit.
(1991 Code, ' 95.07) (Ord. 2257, passed 1-14-1978)
Penalty, see ' 93.99

' 93.54 DISTRICT LIMITS WHERE STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVE-GROUND TANKS PROHIBITED.

The limits of districts referred to in the Fire Prevention Code, in which installations of additional outside aboveground flammable liquid tanks are to be prohibited, shall be defined as the entire area within the city corporate limits.
(1991 Code, ' 95.08) (Ord. 2257, passed 1-14-1978)
Penalty, see ' 93.99

' 93.55 DISTRICT LIMITS WHERE UNDERGROUND FLAMMABLE LIQUID TANKS PROHIBITED.

The limits of districts in which additional installations of underground flammable liquid tanks are to be prohibited shall include the areas which the City Building and Planning Department has designated, or shall designate, with the following zoning:

(A) All classes of residential zoning;

(B) LC Land Conservation; and

(C) C-1 commercial zoning, except as may be allowed within C-1 commercial zoning by a special use permit.

(1991 Code, ' 95.09) (Ord. 2287, passed 1-14-1978)
Penalty, see ' 93.99

' 93.56 DISTRICT LIMITS WHERE BULK STORAGE OF LIQUEFIED PETROLEUM GAS PROHIBITED.

The limits referred to in the Fire Prevention Code, in which bulk storage of liquified petroleum gas is prohibited, shall be defined as the entire area within the city corporate limits.
(1991 Code, ' 95.10) (Ord. 2257, passed 1-14-1975)
Penalty, see ' 93.99

' 93.57 TRANSPORTATION, STORAGE AND HANDLING OF EXPLOSIVES AND FLAMMABLE LIQUIDS.

It shall be unlawful to operate any vehicle containing explosives on any street in the city except in compliance with the following rules:;

(A) No such vehicle shall be operated unless it is marked, loaded and equipped in full compliance with all applicable state and federal laws and regulations.

(B) (1) No vehicle carrying explosives shall be parked or permitted to stand anywhere in the city longer than is necessary to make a lawful delivery.

(2) The standing of such vehicle made necessary by mechanical trouble, traffic conditions, accident or in obedience to the direction of a police

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officer or traffic signals shall not be considered a violation of this section.

(C) It shall be unlawful to operate any vehicle carrying explosives on any street in the city that is so slippery from ice, snow or from any other causes to be unsafe for driving.

(D)(1) No work involving danger of sparks, fire, friction or concussion which might cause an explosion shall be performed on any vehicle carrying explosives.

(2) No such vehicle shall be brought to or kept in any garage in the city.

(3) No such vehicle shall be permitted to remain anywhere in the city under any circumstances for a period of more than five hours.

(E) It shall be unlawful to transport or store liquid nitroglycerine anywhere in the city.

(F) The provisions of " 93.50 through 93.63 of this chapter relating to explosives shall apply to all types of explosives, blasting agents and fireworks. It shall not apply to the transportation of nitroglycerine in tablet or capsule form for medical use, nor to the lawful transportation or storage of properly packed ammunition in quantities not exceeding 28 pounds in weight, nor to the transportation of ammunition by the U.S. or state armed forces or by police officers or other conservators of the peace in the performance of their duties.

(1991 Code, ' 95.11) (Ord. 2257, passed 1-14-1978)
Penalty, see ' 93.99

' 93.58 FLAMMABLE LIQUIDS.

(A) Storage, transportation, sale and use of flammable liquids of all types shall be governed by the Fire Prevention Code and by applicable state laws.

(B) The Fire Chief has the authority to increase the requirements of the state law where the safety of life or property is endangered by the proposed or actual storage, sale, transportation or use of liquified petroleum gas.

(1991 Code, ' 95.12) (Ord. 2257, passed 1-14-1975)
Penalty, see ' 93.99

' 93.59 LIQUEFIED PETROLEUM GAS.

(A) The storage, sale, transportation and use of liquified petroleum gas shall be governed by the Fire Prevention Code and by applicable state law.

(B) The Fire Chief has the authority to increase the requirements of state law where the safety of life or property is endangered by the proposed or actual storage, sale, transportation or use of liquified petroleum gas.

(1991 Code, ' 95.13) (Ord. 2257, passed 1-14-1975)

' 93.60 ~~FIRE CHIEF SHALL HAVE POWER TO MODIFY~~ MODIFICATIONS TO FIRE PREVENTION CODE.

(A) The Chief of the Fire Department may make recommendations to the Public Health and Safety Committee ~~shall have power~~ to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee or the owner or lessee's duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that, the spirit of the code shall be observed, public safety secured and substantial justice done.

(B) The particulars of modification, when granted or allowed, and the decision of the Fire Chief shall be entered upon records of the Department and a signed copy shall be furnished the applicant upon approval by the Public Health and Safety Committee.

(1991 Code, ' 95.14) (Ord. 2257, passed 1-14-1975)

' 93.61 ENFORCEMENT.

It shall be the duty of the Chief of the Fire Department or the Chief's authorized representatives, to see that the provisions of " 93.50 through 93.63 of this chapter, the Fire Prevention Code and the Life Safety Code are enforced. To that end, all members are

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vested with the power and authority of police officers in the enforcement of " 93.50 through 93.63 of this chapter. However, they shall not be subject to the statutory requirements or privileges of the regular members of the Police Department or be entitled to any additional compensation.
(1991 Code, ' 95.15) (Ord. 2257, passed 1-14-1978)

' 93.62 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The ~~City Fire~~Public Health and Safety Committee, upon the recommendation of the Chief of the Fire Department and the Fire Prevention Officer, shall ~~act as a committee to~~ determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits in addition to those enumerated in the code. The Fire Prevention Officer shall post the list on a conspicuous place in the Officer=s office and distribute copies to interested persons upon request.
(1991 Code, ' 95.16) (Ord. 2257, passed 1-14-1975)

' 93.63 APPEALS FROM DECISION OF FIRE CHIEF.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the ~~City Fire~~Public Health and Safety Committee within ten days from the date of the decision appealed.
(1991 Code, ' 95.17) (Ord. 2257, passed 1-14-1975)

' 93.64 USE OF BURGLAR BARS PROHIBITED.

It shall be unlawful for any owner or occupant of any residential structure, or portion thereof, to install or permit the installation of any burglar bar or bars, cage, grill, gate or other similar device on, over, in

front of or behind any window, door or other similar opening in any residential structure.
(1991 Code, ' 95.19) (Ord. 97-152, passed 6-24-1997) Penalty, see ' 93.99

' 93.65 ELEVATOR INSPECTIONS.

(A) Authority is granted hereby to the City Fire Department to annually inspect and license all elevator, manlift, dumbwaiter and/or escalators within corporate limits of the city in accordance with the applicable provisions of the laws of the state, including, but not limited to, 225 ILCS 312/1 et seq.

(B) The City Fire Department may enter into contracts with private inspectors to conduct the annual inspections for elevator, manlift, dumbwaiter and/or escalators in accordance with the applicable provisions of the laws of the state and the owner of any building inspected shall pay the fees charged by the inspector for such inspections plus an \$25 annual license fee. No elevator shall be placed into or kept in service without the foregoing required inspections and license.

(C) The ordinance from which the provisions of this section derive shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. A full, true and complete copy of this section shall be published in pamphlet form, by authority of the City Council as corporate authorities.
(Ord. 08-007, passed 2-26-2008) Penalty, see ' 93.99

' 93.99 PENALTY.

(A) ~~Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.~~

(B) ~~The operator of any pyrotechnic displays or any other persons violating or failing to comply with the provisions of " 93.01 through 93.07 of this chapter shall, upon conviction, be fined not less than \$750, nor more than \$1,000, for each offence.~~

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~~(C) Any person, firm or corporation violating or failing to comply with any provisions of " 93.20 through 93.35 of this chapter shall, upon conviction thereof, be fined not less than \$50, nor more than \$750. A separate offense shall be deemed committed upon each day during or on which a violations occurs or continues.~~

5-28-1991; Ord. 94-277, passed 5-10-1994; Ord. 2000-298, passed 2-22-2000; Ord. 06-035, passed 6-27-2006; Ord. 08-007, passed 2-26-2008)

~~(D)(1) Any person who shall violate any of the provisions of the code hereby adopted in '93.50 of this chapter or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder by the Building Commissioner, Fire Chief or Fire Prevention Officer or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder or who shall fail to comply with an order issued thereunder as affirmed or modified by the City Council within the time fixed in the order shall, upon a finding of such violation or failure to comply made in accordance with the terms of Chapter 11 '36.02 of this code of ordinances or, upon conviction of a violation or failure to comply by a court of competent jurisdiction, be fined an amount not less than \$100, nor more than \$750, for each separate violation.~~

~~(2B) The imposition of one penalty for any violation or failure to comply shall not excuse the violation or failure to comply and all such persons shall be required to correct or remedy such violation or failure to comply within a reasonable time, but in no event more than 30 days after the date of the finding or conviction of the violation or failure to comply. Each ten days that a violation or failure to comply is maintained or is in existence shall constitute a separate offense and violation of ' 93.50 of this chapter for which separate prosecutions may be maintained.~~

~~(C3) The application of the above penalty provisions shall not be held or considered to prevent enforced removal of prohibited conditions.~~

~~(E) Any person or other legal entity who violates any provision of ' 93.65 of this chapter shall be fined no less than \$50, nor more than \$750, for each offense. Each day a violation of this chapter shall continue shall be considered a separate violation.~~

(1991 Code, '95.99) (Ord. 91-268, passed

CHAPTER 94: HEALTH REGULATIONS; SMOKING

Section

	<i>Health Department Inspector</i>		
94.001	Health Department established	94.041	Permit required to allow contagious person or thing into city limits
94.002	Commissioner of Health	94.042	Unlawful to move contagious person; exposure
94.003	Appointment; bond	94.043	Health regulations in schools
94.004	City Physician; duties	94.044	Pesthouses
94.005	Enforcement of laws	94.045	Public conveyances required to stop at places established for quarantine purposes
94.006	Expenses; audit		
94.007	Records and books to be kept	94.046	Building regulations
94.008	Advice concerning contagious disease	94.047	Plumbing regulations
94.009	Power to make rules and regulations	94.048	Drainage of surface water
94.010	Police powers	94.049	Fumigation of lodging and tenement houses
94.011	Inspection of city and report	94.050	Unhealthy condition in building to be altered
	<i>Health Regulations</i>	94.051	Deposit of offensive substances prohibited
94.025	Vaccination	94.052	Preventing escape of gases from sewers
94.026	Examination of persons with contagious diseases	94.053	Slaughterhouses to be kept clean
94.027	Physicians and midwives must report deaths	94.054	Meat not to be hung in public place
94.028	Power to cause premises to be disinfected	94.055	Vehicles for disposal of garbage
94.029	State laws concerning contagious disease	94.056	Diseased animals
94.030	Posting of notices	94.057	Where cattle kept to be clean and safe
94.031	City hospital; burial	94.058	Dead poultry to be drawn
94.032	Burials by Department of Health	94.059	Regulation of manufacturing products for animal matter
94.033	Funeral of person dead from contagious disease not to be public	94.060	Garbage and offensive matter to be removed with dispatch
94.034	Physician to report treatment of contagious disease	94.061	Removal of dead animals
94.035	Burial of human bodies; permit required	94.062	Expectorating on sidewalk or public place unlawful
94.036	When burial permit to be issued; Clerk=s duty		<i>Smoking</i>
94.037	Physicians and midwives to report births	94.075	Title and purpose
94.038	Cases of sore eyes in infants to be reported	94.076	Definitions
94.039	Innkeepers to report cases of contagious diseases	94.077	Smoking in public places
94.040	Householder to report cases of contagious disease; not to remove property	94.078	Regulation of smoking in places of employment
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94.999 Penalty

(1991 Code, '96.04)

HEALTH DEPARTMENT INSPECTOR**'94.001 HEALTH DEPARTMENT ESTABLISHED.**

~~There is established an executive department of the municipal government of the city which shall be known as the Department of Health of the city and shall embrace the Commissioner of Health, the City Physician and four other Health Officers.~~
(1991 Code, '96.01)

'94.002 COMMISSIONER OF HEALTH.

~~There is created the office of Commissioner of Health, who shall be the head of the Department of Health and shall have the management and control of such Department subject to the ordinances of the city and rules of the City Council.~~
(1991 Code, '96.02)

'94.003 APPOINTMENT; BOND.

~~The Mayor of the city, by and with the advice and consent of the City Council, shall appoint a Commissioner of Health and four other Health Officers who shall each hold their office for the term of two years or until their successors shall have been appointed and qualified. Immediately after their appointment, the Commissioner of Health and Health Officers shall give bond to the city in such sum as the City Council shall prescribe and with such sureties as the City Council shall approve, conditioned for the faithful performance of the duties of their office.~~
(1991 Code, '96.03)

'94.004 CITY PHYSICIAN; DUTIES.

~~The Commissioner of Health and the Health Officers shall select a practicing physician in the city who shall be by them appointed and known as the City Physician and whose duty it shall be to give to the Commissioner of Health and other Health Officers and to the city authorities all such professional advice and information as they may require or request with a view to the preservation of the public health.~~

'94.005 ENFORCEMENT OF LAWS.

It shall be the duty of the Building Department Commissioner of Health and other Health Officers Inspectors to enforce all the laws of the state and ordinances of the city in relation to the sanitary regulations of the city. For the purpose of carrying out the foregoing requirements, they shall be permitted, at all times from the rising to the setting of the sun, to enter into any house, store, stable or other building and to cause the floors to be raised, if they shall deem it necessary, in order to make a thorough examination of cellars, vaults, sinks or drains and to cause all privies to be cleaned and to be kept in good condition and to cause all dead animals or other nauseous or unwholesome things or substances to be buried or removed beyond the limits of the city.
(1991 Code, '96.05)

'94.006 EXPENSES; AUDIT.

All necessary expenses incurred under this chapter, or any lawful regulation of the Department of Health, shall be audited by the City Council and paid out of the appropriate fund or, when necessary, out of the contingent fund of the city; provided that, when practicable, all persons taken into hospital or quarantine and there receiving aid and care shall pay such monies as shall be sufficient to meet the expenses, labor and care incurred in their behalf, which monies, when received, shall be faithfully kept, accounted for and paid over to the City Treasurer on demand by the officer receiving the same.
(1991 Code, '96.06)

'94.007 RECORDS AND BOOKS TO BE KEPT.

It shall be the duty of the city clerk to provide the necessary books for keeping a record of all transactions regarding the proper registration of births and deaths and such other statistical information necessary for reporting per applicable state statutes including making all necessary reports to the Illinois Vital Records system or in any other manner required

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by state law.

~~It shall be the duty of the Secretary of the Board of Health to provide the necessary books for keeping a record of all transactions of such Department, including the proper registration of births and deaths and such other statistical information necessary for the efficient working of such Department and the Secretary shall also keep on hand all necessary blanks, to be used by physicians and midwives, and furnish them with the same on application.~~

~~(1991 Code, '96.07)~~

' 94.008 ADVICE CONCERNING CONTAGIOUS DISEASE.

~~The Commissioner of Health inspectors shall give to the Mayor and other city officials all such professional advice and information as they may require, with a view to the preservation of the public health and whenever the Commissioner health inspector shall hear of the existence of any contagious or epidemic disease, such as diphtheria, measles, membranous croup, puerperal fever, scarlet fever, smallpox, typhoid fever, whooping cough and the like, the Commissioner health inspector shall investigate the same and adopt measures to arrest its progress.~~

~~(1991 Code, '96.08)~~

~~' 94.009 POWER TO MAKE RULES AND REGULATIONS.~~

~~(A) The Commissioner of Health shall have power to make such rules and regulations in relation to the sanitary condition of the city and for the prevention and suppression of disease, not inconsistent with the provisions of this chapter, as the Commissioner may deem necessary or advisable. Such rules or regulations shall not take effect and be in force until approved by the City Council, except in cases of emergency as hereinafter provided for.~~

~~(B) In case of contagious or epidemic disease, or of danger from anticipated or impending contagious or epidemic disease, or in case the sanitary condition of the city shall be of such a character as to warrant it, it shall be the duty of the Commissioner of Health to make such rules and regulations and to take such~~

~~measures and to do and order to be done and cause to be done such acts for the preservation of the public health (though not herein or elsewhere authorized) as the Commissioner may, in good faith, believe and declare the public safety and health demand and all such rules and regulations so declared by the Commissioner of Health to be emergency rules and regulations shall, as soon as may be after the promulgation of the same, be reported by the Commissioner.~~

~~(1991 Code, '96.09)~~

~~' 94.010 POLICE POWERS.~~

~~The Commissioner of Health, the City Physician, the Secretary of the Health Department and all physicians who may be designated by the Commissioner of Health shall have full police powers and shall have the right to arrest, or cause to be arrested, any person who violates any of the provisions of this chapter.~~

~~(1991 Code, '96.10)~~

' 94.011 INSPECTION OF CITY AND REPORT.

(A) The Building Department of Health shall cause a thorough sanitary inspection of the entire area within its jurisdiction to be made, ~~under the supervision of the Commissioner of Health,~~ at least once each year and oftener if necessary.

(B) The inspection shall include all matters affecting the public health and a report of the sanitary conditions disclosed by the inspection shall be made to the City Council and other agencies as appropriate or otherwise required by law. ~~to the State Board of Health, if required, upon blanks furnished for that purpose by the State Board.~~

~~(1991 Code, '96.11)~~

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~~' 94.025 VACCINATION.~~

~~The Department of Health shall take such measures, as it may from time to time deem necessary, to prevent the spread of the smallpox or other pestilential diseases, by issuing an order requiring all persons in the city to be vaccinated within such time as it shall prescribe or to conform to such other sanitary regulations as it may establish; provided, it shall be the duty of the Department of Health by the City Physician to vaccinate persons as are unable to pay for the same at the expense of the city. Whenever they shall hear of the existence of any malignant, contagious or pestilential disease, they shall investigate the same and take measures to arrest its progress.~~

~~(1991 Code, ' 96.20)~~

~~' 94.026 EXAMINATION OF PERSONS WITH CONTAGIOUS DISEASES.~~

~~It shall be the duty of the Commissioner of Health to cause all sick persons who shall be reported to the Commissioner as taken, or supposed to be taken, with any contagious or pestilential disease to be visited and examined and to cause all such infected persons to be removed to the cholera, smallpox or other hospital or to such other safe and proper place as the Commissioner may think proper or as shall be directed by the City Council and cause them to be provided with suitable nurses, medical attendants and nourishment at their own expense, if they be able to pay for the same, but, if not, then at the expense of the city.~~

~~(1991 Code, ' 96.21)~~

~~' 94.027 PHYSICIANS AND MIDWIVES MUST REPORT DEATHS.~~

~~(A) It shall be the duty of every physician or midwife to make a written report to the Department of Health, within 24 hours, of the death of any of his or her patients occurring within the corporate jurisdiction of the Department of Health; provided that, if a coroner's inquest is called in respect of any such death, the report shall be made to the Department of Health by the coroner.~~

~~(B) All such reports shall be made on blank forms to be furnished by the Department of Health and shall contain such information as the Department of Health shall require.~~

~~(1991 Code, ' 96.22)~~

~~' 94.028 POWER TO CAUSE PREMISES TO BE DISINFECTED.~~

~~The Building Department of Health shall have power to cause any house or any premises to be cleaned, disinfected or closed to visitors and to prevent persons from resorting thereto while any person is laboring under any pestilential or contagious disease. The Department may, by order in writing, direct any nuisance to be abated or unwholesome matter or substance, dirt or filth to be removed from any house or premises and may prescribe the time and mode of doing so and take any other measures it may deem necessary and proper to prevent the spread of any contagious, pestilential or epidemic disease.~~

~~(1991 Code, ' 96.23)~~

~~' 94.029 STATE LAWS CONCERNING CONTAGIOUS DISEASE.~~

~~The rules and regulations of the State Board of Health concerning cholera, smallpox, yellow fever, diphtheria, scarlet fever, typhoid fever or other infectious or contagious disease shall be enforced by the Building Department of Health of the city, under the supervision of the Commissioner of Health and, for the enforcement of such rules and regulations, all public officers of the city in their proper capacities, are hereby commanded and enjoined to assist the Department of Health.~~

~~(1991 Code, ' 96.24)~~

~~' 94.030 POSTING OF NOTICES.~~

~~(A) It shall be the duty of the Commissioner of Health to cause a notice, printed or written in large letters, to be placed upon or near any house in which any person may be afflicted or sick with smallpox, scarlet fever or any contagious, pestilential or epidemic disease such as diphtheria, typhoid fever,~~

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measles, whooping cough, chicken pox, infantile paralysis or cerebrospinal meningitis, upon which shall be printed or written the name of such disease, and if any person shall deface, alter, mutilate, destroy or tear down such notice without permission of the Commissioner of Health or of a Health Officer, such person shall be liable for such offense.

(B) ~~The occupant of any house upon which the notice shall be placed or posted shall be held responsible for the removal of the same and if the same shall be removed without the permission of the Commissioner of Health or a Health Officer such occupant shall be liable for such offense unless such occupant shall notify the Commissioner of Health or a Health Officer within 24 hours after the removal of the same.~~

(1991 Code, '96.25)

~~'94.031 CITY HOSPITAL; BURIAL.~~

~~The Commissioner of Health shall have charge of the city hospital, or other place to which sick or infected people are removed, and shall have power to supply such assistants and nurses as the Commissioner may deem necessary and it shall be the duty of the Health Officers to see that the hospital or other place to which such infected persons shall be removed is supplied with suitable furniture, nourishment, fuel, nurses and medicines and that persons dying therein, or in other places under the charge of the city, are decently buried at the expense of the city; provided, the deceased persons have left no means or friends to defray the expenses of their sickness and burial.~~

(1991 Code, '96.26)

~~'94.032 BURIALS BY DEPARTMENT OF HEALTH.~~

(A) ~~Bodies of persons who have died of smallpox or bubonic plague shall be buried by the Department of Health.~~

(B) ~~Bodies of persons who have died of smallpox or variola, bubonic plague or black death, typhus fever or ship or camp fever, epidemic cerebrospinal meningitis or fever, diphtheria,~~

~~membranous croup, croup (unless proven to be non-diphtheric), scarlet fever, scarlatina, scarlet rash, measles, anthrax or leprosy shall be thoroughly disinfected and prepared for burial in accordance with the orders of the Department of Health and, before being encoffined, shall be completely wrapped in a sheet saturated with a disinfecting fluid approved by the Commissioner of Health; provided that, in case of death from any disease symptoms of which so resemble the symptoms of any one of the above named contagious or infectious diseases that such case cannot be immediately distinguished from such contagious disease, the same sanitary precautions shall be taken as are required by this section in the care of bodies which have died of the contagious diseases.~~

(1991 Code, '96.27)

~~'94.033 FUNERAL OF PERSON DEAD FROM CONTAGIOUS DISEASE NOT TO BE PUBLIC.~~

(A) ~~No person shall conduct or manage, or permit to be conducted or managed, anywhere within the city, a public funeral of any person who has died of any disease named in '94.032(B) of this chapter.~~

(B) ~~The body of any person who has died from any one of the diseases mentioned in '94.032(B) of this chapter shall be buried or cremated within 36 hours from the time of death.~~

(C) ~~No person shall be permitted to attend or be present at the funeral of any person who has died of any one of the diseases hereinbefore mentioned in '94.032(B) of this chapter whose attendance is not necessary for the conduct of such funeral; provided, however, that, nothing herein contained shall be held to prevent the attendance or presence at any such funeral of any adult relative of the deceased person or any adult member of the family of such deceased person, who shall have been in attendance upon such deceased during his or her last sickness and who shall have been exposed prior to such funeral to the disease from which such person died.~~

(D) ~~No person shall take into any premises, room or place in which any person shall have died of any of the diseases hereinbefore mentioned in '94.032(B) of this chapter, at any time after such person shall have~~

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~~died and before such premises, room or place shall have been disinfected by the Department of Health, any funeral rug, flowers, drapery or other article or thing which may be the means of spreading contagion, nor shall any person take from any premises, room or place in which any such death shall have occurred any article or thing whatever which shall have been exposed to infection or which may be the means of spreading contagion, until such article or thing shall first have been disinfected by the Department of Health.~~

~~(1991 Code, '96.28) Penalty, see '94.999~~

~~'94.034 PHYSICIAN TO REPORT TREATMENT OF CONTAGIOUS DISEASE.~~

~~(A) Every physician who shall prescribe for or attend any person having a contagious or epidemic disease, such as cholera, yellow fever, scarlet fever, diphtheria, typhus, typhoid fever, smallpox, varioloid, puerperal fever, membranous croup, measles, whooping cough or any of the grades of such diseases, or any other disease designated as contagious or epidemic by the Commissioner of Health, shall, within 24 hours after first discovering the existence of the disease, make a report thereof in writing to the Commissioner of Health, which report shall give the name, if known, and the place of dwelling of the person having such disease, together with the character and state of such person's disease.~~

~~(B) For the purpose of covering the expense of making each such report, the physician making the same shall receive the sum of \$10; provided, all claims for fees for such reports shall be presented before the twenty fifth day of the month succeeding that in which such reports were made.~~

~~(1991 Code, '96.29) Penalty, see '94.999~~

'94.035 BURIAL OF HUMAN BODIES; PERMIT REQUIRED.

No person shall inter, cremate, deposit in a vault or otherwise dispose of any human body of any person having died within the corporate limits of the city, or which may have been found within the corporate limits of the same, until such person has received a permit so

to do, as hereinafter provided, which permit shall bear date when issued, shall state the name of the deceased, the date and cause of death, the manner in which the body will be disposed of and the place of such disposal, the name of the person to whom the permit is issued and the name of the attending physician, midwife or coroner and shall be signed by the City Clerk.

(1991 Code, '96.30) Penalty, see '94.999

'94.036 WHEN BURIAL PERMIT TO BE ISSUED; CLERK=S DUTY.

(A) A permit shall be issued by the City Clerk upon the Clerk=s receipt of the proper certificate of death, made in the manner directed and on the blank form prescribed by the State Board of Health, by a legally qualified physician or midwife or by the Coroner of the county.

(B) The City Clerk shall enter, in a suitable book to be kept for that purpose, a record of all burial permits issued, together with all the items of information contained in the certificates upon which the issue of such permits are based and the Clerk shall furnish to the Secretary of the State Board of Health, at the end of each month, all of such certificates of death received by the Clerk during the preceding 30 days.

(1991 Code, '96.31)

~~'94.037 PHYSICIANS AND MIDWIVES TO REPORT BIRTHS.~~

~~It shall be the duty of every physician or midwife who attends the birth of a child to report the same to the Department of Health within 30 days from the date of such birth. Such reports shall be made in writing on blank forms to be furnished by the Department and shall give the name and date of birth of the child and such other information as the Department shall require.~~

~~(1991 Code, '96.32) Penalty, see '94.999~~

~~'94.038 CASES OF SORE EYES IN INFANTS TO BE REPORTED.~~

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Every physician, midwife, nurse or other person attending any child at birth, or within seven days thereafter, shall report to the Commissioner of Health every case of sore eyes developed by the child while so attending same and such report shall be made within 24 hours after the first appearance of a case of sore eyes.

(1991 Code, '96.33) Penalty, see '94.999

~~' 94.039 INNKEEPERS TO REPORT CASES OF CONTAGIOUS DISEASES.~~

Every keeper of any boarding house or lodging house, and every innkeeper and hotel keeper, shall, within 24 hours, report in writing to the Department of Health the same particulars required of any physician concerning any person being at any of the aforesaid houses or hotels and attacked with any contagious disease (where such person shall have reason to regard such individual as neglected or not properly cared for) and every physician hearing of any such sick person, whom the physician shall have reason to think requires the attention of the Commissioner of Health, shall at once report the fact to the Commissioner in regard to this disease, condition and dwelling place or position of the sick person.

(1991 Code, '96.34) Penalty, see '94.999

~~' 94.040 HOUSEHOLDER TO REPORT CASES OF CONTAGIOUS DISEASE; NOT TO REMOVE PROPERTY.~~

Every householder within the limits of the city in whose dwelling there shall occur a case of the cholera, yellow fever, typhoid fever, scarlet fever, diphtheria or smallpox shall immediately notify the Commissioner of Health of the same and, until instructions are received from the officer, no clothing or other property that may have been exposed to infection shall be removed from the houses nor shall any occupant change his or her residence elsewhere, without the consent of the Commissioner during the prevalence of any public danger from such disease and all physicians or other attendants upon any sick person affected with smallpox, cholera, typhoid fever, scarlet fever, diphtheria or other disease dangerous to the public

health shall report the same to the Commissioner. (1991 Code, '96.35) Penalty, see '94.999

~~' 94.041 PERMIT REQUIRED TO ALLOW CONTAGIOUS PERSON OR THING INTO CITY LIMITS.~~

No person or thing liable to propagate a contagious disease shall be brought within the limits of the city without the special permit and direction of the Commissioner of Health and, whenever it shall come to the knowledge of any person that such person or thing has been brought within such limits, he or she shall immediately give knowledge thereof to the Commissioner, together with the location thereof.

(1991 Code, '96.36) Penalty, see '94.999

~~' 94.042 UNLAWFUL TO MOVE CONTAGIOUS PERSON; EXPOSURE.~~

No person shall, within the city and without a permit from the Commissioner of Health, carry or remove from one building to another, any person sick with any contagious or infectious disease. Nor shall any person, by any exposure of any individual sick of any contagious or infectious disease or of any body of such person or by any negligent act connected therewith or in respect of the care or custody thereof or by a needless exposure of himself or herself while sick and not properly recovered, cause or contribute to or promote the spread of disease from any such person or from any dead body.

(1991 Code, '96.37) Penalty, see '94.999

~~' 94.043 HEALTH REGULATIONS IN SCHOOLS.~~

(A) The Department of Health of the city shall have jurisdiction in all matters pertaining to the preservation of the health of those in attendance upon the public and private schools of the city to which end it is hereby made the duty of the Department of Health, through the Commissioner of Health and Health Officers, to:

- (1) Require that all persons attending school,

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~~either as teachers or pupils, shall have complied with the order of the State Board of Health concerning vaccination;~~

~~(2) Exclude from such schools any person suffering from a contagious or infectious disease or liable to convey such disease among those in attendance; and~~

~~(3) Make regular inspections of all school buildings and premises, as to their hygienic condition, and to report the result of such inspections to the Board of Education, and to those having charge and control of such schools, with instructions as to the remedy of condition (if such be found) whereby the health of those in attendance may be impaired or life endangered. This section shall apply to all public assemblages during epidemics.~~

~~(B) In the event of failure or refusal of those having such charge and control to carry out the instructions so given, then the Commissioner of Health shall cause such faulty conditions to be remedied at the proper cost and expense of those having charge and control of the school or schools.~~

~~(C) The Health Officers are empowered to visit any and all public and private schools in the city and to make, or cause to be made, an examination of the children and minors in attendance therein as often as they may deem necessary to secure compliance with the provisions hereof.~~

~~(1991 Code, '96.38) Penalty, see '94.999~~

~~'94.044 PESTHOUSES.~~

~~The City Council shall, when necessary, select, purchase, lease or establish sites, places and boundaries for pesthouses, hospitals and for quarantine stations and provide, lease, purchase or erect thereon, from time to time, such buildings as, in its judgment, may seem requisite and necessary and keep the same in good repair and fit for occupation by patients.~~

~~(1991 Code, '96.39)~~

~~' 94.045 PUBLIC CONVEYANCES REQUIRED TO STOP AT PLACES~~

~~ESTABLISHED FOR QUARANTINE PURPOSES.~~

~~(A) Whenever the Mayor shall deem it necessary, the Mayor may, by proclamation (the approval of the City Council being first provided), require all railroad cars or other public conveyances, touching at or passing through the city, before the same shall stop at any depot or stopping place in the city, to touch or stop at some site, place or boundary, so selected and established for quarantine or hospital purposes and leave all such immigrants, travelers or persons recently from seaboard and all such sick, diseased and unclean persons with their stores and baggage as, in the opinion of the officers stationed at such quarantine sites, hospitals, places or boundaries, shall be deemed proper on account of the existence or general report of cholera, smallpox, contagious disease or disease endangering the health of the inhabitants of the city and, whenever it shall be deemed necessary to issue such proclamation, it shall be the duty of the Commissioner of Health to send the same with the substance of the regulations of quarantine and the period of time during which the same shall be in force to such persons and places as the Commissioner shall deem proper.~~

~~(B) The Commissioner of Health shall also cause to be stationed at such quarantine sites, places or boundaries one or more Health Officers or physicians, whose duty it shall be to go on board and examine all cars, or other public conveyances so as aforesaid required to stop at the quarantine, and then and there determine what immigrants, passengers or persons, if any, shall stop at such quarantine and it shall be the duty of all persons in charge of such car or public conveyance, to aid any Health Officer or physician of the city in the exercise of the duties aforesaid.~~

~~(C) The Health Officers or physicians shall attend to all sick persons detained in quarantine aforesaid and provide medicines and necessaries for their use and shall have general supervision of such quarantines and may compel persons placed therein to purify their bodies, clothes and baggage and to do all such acts and things as shall be proper in the premises, keeping correct accounts of all necessary expenditures and services, which shall be allowed and paid by order of the City Council and whenever the officer in charge~~

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~~of such quarantine station shall be satisfied that any persons detained there, as aforesaid, are free from disease and their baggage and effects are properly purified, the officer shall discharge them.~~

~~(1991 Code, '96.40)~~

' 94.046 BUILDING REGULATIONS.

(A) No person shall erect, or cause to be erected or converted to a new purpose by alteration, any building or structure which, or any part of which, shall be inadequate or defective in respect to ventilation, light, sewerage or any of the provisions or precautions, usually proper, necessary for the preservation of health nor shall the builder, lessee, tenant or occupant of any such building or structure (having the right or ability to remedy or prevent the same) cause or allow any matter or thing to be done in or about any such building or structure, dangerous or prejudicial to health.

(B) It shall be unlawful for any building, or any part thereof, to be occupied by any person or for any owner or lessee to allow the same to be occupied by any person, or allow the same to be occupied as a place in which any one may dwell or lodge, except when such building, or such parts thereof, are sufficiently lighted, ventilated, provided and accommodated and in all respects in that condition of wholesomeness and cleanliness for which this chapter or any law of the state provided or in which they, or either of them, require any such premises be kept.

(C) No owner, lessee or keeper of any tenement house, lodging house, boarding house or manufactory shall cause or allow the same to be overcrowded or cause or allow so great a number of persons to dwell, be or sleep in any such house, or any portion thereof, as thereby to cause any danger or detriment to health.

(D) No person having the right and power to prevent the same shall knowingly cause or permit any person to sleep or remain in any cellar or any place dangerous or prejudicial to health by reason of a want of ventilation or drainage, or by reason of the presence of any poisonous, noxious or offensive substance or otherwise.

(1991 Code, '96.41) Penalty, see ' 94.999

' 94.047 PLUMBING REGULATIONS.

(A) Every building shall be provided with good and sufficient water closets or privies and shall have proper doors, traps, soil pans and suitable works and arrangements, so far as may be necessary to insure the efficient operation thereof. All cesspools and privy vaults shall be water-tight.

(B) No privy vault or cesspool for sewerage shall be permitted in any part of the city where a public sewer is provided in front of the property lines and no connection from any cesspool or privy vault shall be made with any sewer or drain pipe, nor shall any opening be made in the sewer pipe of a building for the purpose of affording surface drainage for the cellar without provision against the access of sewer air into the building.

(C) Every house situated upon a lot or street in which there is a sewer shall have the sinks, stationary and bathtubs, water closets or privies furnished with a proper connection with the sewer, which connection shall be in all parts adequate for the purpose, so as to permit whatever enters therein to pass entirely and freely therefrom.

(D) All water closets and vaults shall be provided with the proper traps and connected with the house sewer by a proper tight pipe and shall be furnished with sufficient water and other proper means for flushing the same and every owner, lessee and occupant shall take adequate measures to prevent improper substances from entering such water closets or privies or their connections and to secure the prompt removal of any improper substances that may enter them so that no accumulation shall take place and so as to prevent any exhalation therefrom, offensive, dangerous or prejudicial to health and so as to prevent the same from becoming obstructed.

(E) No privy vault, cesspool or reservoir into which a privy, water closet, stable or sink is drained shall be established or permitted within 80 feet of any well, spring or other source of water for drinking or culinary purposes, without written permission of the ~~Commissioner of Health~~ Building Department and

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every privy vault and cesspool shall be cleared and the contents thereof removed, at least once before March 1 in each year.

(1991 Code, '96.42) Penalty, see '94.999

' 94.048 DRAINAGE OF SURFACE WATER.

Where no sewer exists in the street, the yard or area shall be so graded that all water from roofs or otherwise and all filth shall flow freely from it and all parts of it, into the street gutter by a passage beneath the sidewalk so as to permit access to remove obstructions or impurities.

(1991 Code, '96.43)

' 94.049 FUMIGATION OF LODGING AND TENEMENT HOUSES.

The owner or keeper of any lodging house and the owner, agent of the owner and the lessee of any tenement house, or part thereof, shall, whenever any person in such house is sick of fever or any infectious, pestilential or contagious disease, and such sickness is known to the owner, keeper, agent or lessee, give immediate notice thereof to the ~~Commissioner of Health~~Building Department and thereupon such officer shall cause the same to be inspected and, when found necessary, to be immediately cleansed or disinfected at the expense of the owner or occupant in such manner as may be deemed necessary and effectual and the ~~Commissioner Building Department~~ may also cause the blankets, bedding and bed clothes used by any sick person to be thoroughly cleansed, scoured and fumigated or, in extreme cases, to be destroyed.

(1991 Code, '96.44) Penalty, see '94.999

' 94.050 UNHEALTHY CONDITION IN BUILDING TO BE ALTERED.

Whenever it shall come to the knowledge of the ~~Building Department of Health~~Building Department that the condition of any building or premises is injurious to the health or dangerous to the lives of the occupants, or of the public, it shall be the duty of the ~~Commissioner of Health~~Building Department to make a thorough

examination of the building or premises and to direct and instruct as to the remedy of such condition and, if this be not remedied within a reasonable time, the ~~Commissioner Building Department~~ shall thereupon cause the premises or building to be put in good sanitary order, at the cost of the individual responsible for or causing such unhealthful condition.

(1991 Code, '96.45)

' 94.051 ~~DEPOSIT OF OFFENSIVE SUBSTANCES PROHIBITED.~~

~~(A) No still, brine, urine of animals or other offensive animal substance, nor any stinking noxious liquid or other filthy matter or substance of any kind, shall, by any person, be allowed to run or fall from out of any building, vehicle or erection into or upon any street or public place, or be taken or put therein, save as herein elsewhere provided.~~

~~(B) No person shall draw off, or allow to run off into any ground, street or place of the city, the contents (or any part thereof) of any vault, privy, cistern, cesspool or sink or for any owner, tenant or occupant of any building to which any vault, sink, privy or cesspool shall appertain or be attached, permit the contents or any part thereof to flow therefrom or to rise within two feet of any part of the top or the contents to become offensive nor shall any privy or other erection in this section mentioned be filled with or covered with dirt until its contents shall be emptied.~~

~~(C) No person shall throw into or deposit in any vault, sink, privy or cesspool any offal, ashes, meat, fish, garbage or other substance, except that of which any such place is the appropriate receptacle nor shall any slops of kitchen waste be permitted to run into any privy or cesspool, except the same be connected with the sewer, when there is a sewer in the street on which such person's premises abut.~~

~~(D) No person shall remove any part of the contents of any privy, vault, sink or cesspool, except substances other than excrement insoluble in water or any accumulation of any offensive fluid, liquid or semi-liquid substance or material, being in any excavation, cellar or place within the limits of the city~~

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~~or any offal or butcher's refuse therefrom, nor shall the same be transported through any of the streets or avenues of the city unless and except the same shall be removed and transported by means of an air tight apparatus or in such a manner as shall prevent entirely the escape of any noxious or offensive odors therefrom, and according to a permit from the Department of Health.~~

~~(E) No person shall throw or deposit or allow to run or, having the right or power to prevent the same, permit to be thrown or deposited in any public waters, river, canal, creek, slip or into any sewer therewith connected, or into any street or public place, any gas, tar or refuse matter of or from any gashouse, works, refinery or manufactory nor shall any such person allow any substance or odor to escape from a house, works, refinery or factory or make any gas of such ingredients or quality that any substances shall escape therefrom or be found in the process of burning of any gas which shall be offensive or dangerous or prejudicial to life or health nor shall any such person fail to use the most approved or all reasonable means for preventing the escape of odors.~~

~~(F) No person shall throw, deposit or place any part of the contents of or any substances from any sink, privy or cesspool or any manure, ashes, garbage, offal, rubbish, dirt or any refuse or waste or thing, which its decomposition could or would become offensive to human beings or detrimental to health or create or tend to create a nuisance upon any street, alley or public place in the city or upon any vacant land or lot in the city, nor shall the same be thrown, deposited or placed by any person or allowed to run or fall from the premises occupied by such person save through the proper underground connection and it shall be the duty of every person knowing of the violation to report the same and the name of the person violating it (if known), together with the residence of such person and the facts concerning such violation to the Commissioner of Health, within 48 hours after the knowledge of the violation.~~
~~(1991 Code, '96.46) Penalty, see '94.999~~

'94.052 PREVENTING ESCAPE OF GASES FROM SEWERS.

~~No person shall construct in the city any water closet, sink, vat or other structure having connection with or by any sewer or underground passage, unless the same is provided with adequate means for preventing gases and other offensive currents, substances and smells from passing up or out through such connection from such sewer or passage nor shall any water closet or privy be constructed.~~
~~(1991 Code, '96.47) Penalty, see '94.999~~

'94.053 SLAUGHTERHOUSES TO BE KEPT CLEAN.

The keeping and slaughtering of all cattle and the preparation and keeping of all meat and fish, birds and fowls, shall be in that manner which is, or is generally reputed or known to be best adapted to secure and continue their safety and unwholesomeness as food.
 (1991 Code, '96.48)

'94.054 MEAT NOT TO BE HUNG IN PUBLIC PLACE.

No person shall slaughter, dress or hang any cattle, or the meat or any part thereof, within the city, wholly or partly within any street, avenue, sidewalk, or public alley or place or allow any blood or dirty water or other substance from such cattle, meat or place killing, or the appurtenances thereof, to run, fall or be in any such street, avenue, sidewalk, alley or place.
 (1991 Code, '96.49) Penalty, see '94.999

'94.055 VEHICLES FOR DISPOSAL OF GARBAGE.

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No person shall allow any cart or other vehicle for carrying any offal, swill, garbage or rubbish or the contents of any privy, vault, cesspool or sink, or having upon it or in it any manure or other nauseous or offensive substances, to stand or remain, nor shall a needless number of vehicles gather before or near any building, place of business or other premises where any person may be in the city, or allow such cart or vehicle to occupy an unreasonable length of time loading or unloading or in passing along any street or through any inhabited place or ground, nor shall any such cart or vehicle, or the driver thereof, or anything thereto appertaining, be (or by any person having a right to control the same be allowed to be) in a condition needlessly filthy or offensive and, when not in use, all such carts, vehicles and all implements used in connection therewith shall be stored and kept in some place where no needless offense shall be given to any of the people of the city.

(1991 Code, '96.50) Penalty, see '94.999

' 94.056 DISEASED ANIMALS.

(A) No person shall bring into the city any diseased or sickly horse, cattle, swine, sheep, dog or cat or other animal or any animals that have been exposed to any disease that is contagious among such animals.

(B) No person shall keep, retain, employ or allow to be kept or retained at any place within the city, any horse, ass or colt having the disease known as glanders or farcy.

(1991 Code, '96.51) Penalty, see '94.999

' 94.057 WHERE CATTLE KEPT TO BE CLEAN AND SAFE.

No person shall keep any cattle in any place in the city, ~~of which the water, ventilation and food are not sufficient and wholesome for the preservation of their health, safe condition and of wholesomeness for food.~~

(1991 Code, '96.52) ~~Penalty, see '94.999~~

' 94.058 DEAD POULTRY TO BE DRAWN.

No person shall expose for sale at any market, or other place in the city, any dead poultry, ~~unless the crops have been taken out and the entrails have been drawn.~~

(1991 Code, '96.53) Penalty, see '94.999

' 94.059 REGULATION OF MANUFACTURING PRODUCTS FOR ANIMAL MATTER.

No person shall boil any offal, swill or bones or any fat, tallow or lard (except upon the same being taken at once from the animal, while the same is fresh and otherwise inoffensive) or permit or conduct the business of bone crushing, bone boiling, bone grinding, bone burning, shell burning, gut cleaning, or the skinning of or making of glue from any dead animal or part thereof, or the storage or keeping of scrap fat or grease or offensive animal matter, at any place within the limits of the city or within one mile thereof, without a special permit from the City Council or conduct the business of boiling or rendering the fresh lard, fat or tallow, as aforesaid, within the city without a like special permit from the City Council, specifying the nature and precise location of the proposed business.

(1991 Code, '96.54) Penalty, see '94.999

' 94.060 GARBAGE AND OFFENSIVE MATTER TO BE REMOVED WITH DISPATCH.

It shall be the duty of every contractor, scavenger, person, agent and employee who has contracted or undertaken to remove any diseased or dead animal, offal, rubbish, garbage, dirt, street sweepings, night soil or other filthy, offensive or noxious substance or are engaged in any such removal or in the loading or unloading of any such substance, to do the same with dispatch and in every particular in a manner as clean and least offensive and with as little danger and prejudice to life and health as possible.

(1991 Code, '96.55)

' 94.061 REMOVAL OF DEAD ANIMALS.

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Any person having a dead animal on his or her premises in the city shall at once remove, or cause the removal, of such animal to some place without the limits of the city.

(1991 Code, '96.56) Penalty, see '94.999

'94.062 EXPECTORATING ON SIDEWALK OR PUBLIC PLACE UNLAWFUL.

No person shall spit upon any public sidewalk or upon the floor of any public conveyance or upon the floor of any theater, hall, assembly room or public building within the city.

(1991 Code, '96.57) Penalty, see '94.999

SMOKING

'94.075 TITLE AND PURPOSE; ADOPTION OF SMOKE FREE ILLINOIS ACT (410 ILCS 82).

(A) The ordinance from which the provisions of this subchapter derive shall be known and may be cited as the AClean Indoor Air Ordinance®, and shall be liberally construed and applied to promote its purpose and policies.

(B) It is the purpose of this subchapter, and the policy of the city, to provide smoke-free area in enclosed places and to regulate smoking in places of employment.

(1991 Code, '96.65) (Ord. 88-152, passed 12-13-1988)

(C) The city hereby adopts the Smoke Free Illinois Act as set forth in 410 ILCS 82, et seq.

'94.076 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BAR. An establishment or enclosed area which is devoted to the serving of alcoholic beverages for the consumption on the premises and in which the serving

of food is only incidental to the consumption of such beverages. Although a restaurant may contain a **BAR**, the term **BAR** shall not include the restaurant dining area.

DINING AREA. Any enclosed area containing a counter or tables upon which meals are served.

EMPLOYEE. Any person who is employed by any employer in consideration for direct or indirect monetary wages or profit and any person who volunteers his or her services for a not-for-profit entity.

EMPLOYER. Any person, partnership, corporation, including a municipal corporation, or non-profit entity who employs the services of one or more persons.

ENCLOSED AREA. All space between a floor and ceiling which is surrounded on all sides by walls or windows with appropriate openings for ingress and egress and is not intended to mean areas commonly described as public lobbies and common corridors.

HOSPITAL AND HEALTH CARE FACILITIES. Buildings whose primary purpose is the reception, care, and medical treatment of persons who are sick, injured, wounded or otherwise in need of medical care and treatment. These facilities include, but shall not be limited to, hospitals, medical and dental clinics and offices, nursing homes and nursing health care facilities.

MAIN ENTRANCE. Any public entryway into or out of an enclosed indoor area of a hospital or health care facility used by the general public, and/or to which the general public is invited or permitted to use as an entrance, into or out of the hospital or health care facility.

PLACE OF EMPLOYMENT. Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment including, but not limited to, work areas, employees lounges, cafeterias, restrooms and conference rooms. A private residence is not a **PLACE OF EMPLOYMENT** unless it is used as a child care or health care facility.

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PUBLIC PLACE. Any enclosed area to which the public is invited. For the purpose of this section, a hospital is a ***PUBLIC PLACE.***

PUBLIC SIDEWALK. Any walkway leading to or away from a main entrance to a hospital or health care facility and which is used by the general public and/or to which the general public is invited or permitted to use as a means of ingress or egress to the main entrance.

RESTAURANT. Any coffee shop, cafeteria, luncheonette, sandwich shop, private or public school cafeteria or eating establishment and any other eating establishment, organization or club which gives, or offers for sale, food to the public, guests, patrons or employees.

SERVICE LINE. Any indoor line at which one or more persons are waiting for or receiving services of any kind, whether or not such service involves the exchange of money.

SMOKING. Inhaling, exhaling, burning or carrying any lighted cigar, pipe or cigarette, hookah, weed, herbs, or any other lighted smoking equipment. "Smoke" or "smoking" does not include smoking that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a. (1991 Code, ' 96.66) (Ord. 88-152, passed 12-13-1988)

' 94.077 SMOKING IN PUBIC PLACES.

(A) Smoking in public places, places of employment, and governmental vehicles prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the State or a political subdivision of the State. An owner shall reasonably assure that smoking is prohibited in indoor public places and workplaces unless specifically exempted by local ordinance or state law. *Definitions.* For the purpose of this section, the

following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~***HOSPITAL AND HEALTH CARE FACILITIES.*** Buildings whose primary purpose is the reception, care, and medical treatment of persons who are sick, injured, wounded or otherwise in need of medical care and treatment. These facilities include, but shall not be limited to, hospitals, medical and dental clinics and offices, nursing homes and nursing health care facilities.~~

~~***MAIN ENTRANCE.*** Any public entryway into or out of an enclosed indoor area of a hospital or health care facility used by the general public, and/or to which the general public is invited or permitted to use as an entrance, into or out of the hospital or health care facility.~~

~~***PUBLIC SIDEWALK.*** Any walkway leading to or away from a main entrance to a hospital or health care facility and which is used by the general public and/or to which the general public is invited or permitted to use as a means of ingress or egress to the main entrance.~~

~~(B) *Prohibiting smoking in any entrance and on public sidewalks providing access to entrances.*~~

~~(1) Smoking shall be prohibited in any entrance to hospitals and health care facilities and on all public sidewalks providing ingress and egress to and from any entrance of hospitals and health care facilities for a distance of 200 feet from any entrance within the city.~~

~~(2) The owner or other person in control of the hospital or health care facility shall post a clear and conspicuous sign at every entrance to the hospital or health care facility stating that smoking is prohibited in any entrance and on all public sidewalks providing ingress to or egress within 200 feet of any entrance. Such owner or other person in control of the hospital or health care facility shall also remove all ashtrays and other smoking paraphernalia from any entrance.~~

~~(C) *Enforcement.* An alleged violation of this section shall be evidenced by issuance of a violation notice and shall be subject to Ch. 11 of this code of~~

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ordinances.

(1991 Code, ' 96.67) (Ord. 07-053, passed 1-9-2007)
Penalty, see ' 94.999

' 94.078 REGULATION OF SMOKING IN PLACES OF EMPLOYMENT.

(A) Employers shall provide smoke-free areas for non-smoking employees within existing facilities to the maximum extent practicable but employers, owners, operators, managers or other persons who control the premises are not required to make physical modifications in providing these areas.

(B) (1) Each employee shall be able to designate his or her own work area as a non-smoking area, if such work area is not also a public place, and to post the same with an appropriate sign to be provided by the employer.

(2) If, due to the proximity of smokers, size of the work area, poor ventilation or other factors, such designation does not reduce the effects of smoke to the satisfaction of the employee, the employer shall make additional accommodation by assigning the employees to different, but comparable work areas, expanding the size of the work area subject to the prohibition against smoking or implementing other measures reasonably calculated to minimize or eliminate the effects of smoke on the employee.

(C) Every employer shall adopt a smoking policy which shall be communicated to all employees. All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee. In any dispute arising under the smoking policy, the health concerns of the non-smoker shall be given priority.

(D) Notwithstanding any other provision of this section, every employer shall have the right to designate any place of employment, or any portion thereof, as a non-smoking area.

(E) No employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this section. (1991 Code, ' 96.68) (Ord. 88-152, passed

12-13-1988) Penalty, see ' 94.999

' 94.079 POSTING OF SIGNS; REMOVAL OF ASHTRAYS.

(A) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by the owner, operator, manager, or other person in control of that place.

(B) Each public place and place of employment where smoking is prohibited shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(C) All ashtrays shall be removed from any area where smoking is prohibited by the owner, operator, manager, or other person having control of the area. Signs indicating ANo Smoking@ or ANo Smoking Except in Designated Areas@ shall be appropriately posted in all public places. Signs indicating ASmoking Permitted@ shall be posted in all designated smoking areas located in places of employment and public places.

~~(1991 Code, ' 96.69) (Ord. 88-152, passed 12-13-1988) Penalty, see ' 94.999~~

' 94.080 VIOLATIONS.

(A) It shall be unlawful for any person who owns, operates or otherwise controls any premises or facility subject to regulation under this subchapter, to fail to comply with any of the requirements of " 94.077 through 94.079 of this chapter.

(B) It shall be unlawful for any person to smoke in any area designated pursuant to " 94.077 through 94.079 of this chapter as a non-smoking area. (1991 Code, ' 96.70) (Ord. 88-152, passed 12-13-1988) Penalty, see ' 94.999

' 94.081 OTHER REGULATIONS.

(A) This section shall not be interpreted or

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construed to permit smoking where it is otherwise restricted or prohibited by any other applicable ordinance or statute.

(B) Notwithstanding any other provision of this chapter, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking.

(1991 Code, ' 96.71) (Ord. 88-152, passed 12-13-1988)

~~' 94.999 PENALTY.~~

~~(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.~~

~~(B) (1) Any person who violates any provision of " 94.077 through 94.079 of this chapter shall be subject to a fine of not less than \$25, and no more than \$750.~~

~~(1991 Code, ' 96.99)~~

~~(2) A person who smokes in an area where smoking is prohibited in ' 94.077(B) of this chapter shall be guilty of a violation and, upon a finding of such violation, be fined not less than \$50, nor more than \$750.~~

~~(Ord. 88-152, passed 12-13-1988; Ord. 07-053, passed 1-9-2007)~~

Nuisances

CHAPTER 95: NUISANCES

95.70 Findings and Declarations

Section

City Property and Public Way

Nuisances generally

- 95.01 Definitions
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- 95.03 Abatement notices
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- 95.05 Costs and Liens
- 95.06 Release and enforcement of lien

- 95.80 Placement of things in parkway
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Prohibited Acts and Objectionable Conditions; Deleterious Impact

- 95.90 Fireworks or explosives
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- 95.20 Certain noises prohibited
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Public Nuisances; Business and Liquor Licensees

- 95.100 Definitions
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- 95.110 Enumerated nuisances

NUISANCES GENERALLY

95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Buildings and Land

- 95.50 Weeds and vegetation
- 95.51 Common barberry
- 95.52 Barbed wire fences prohibited; Removal
- 95.53 Ponds on private property a nuisance
- 95.55 Prohibited property conditions
- 95.56 Burning of leaves or refuse

“CHRONIC NUISANCE PROPERTY” means property upon which three (3) or more events of nuisance activities have occurred within a one-month period.

“CONTROL” means the ability or authority to regulate, restrain, dominate, counteract, or govern conduct that occurs on that property.

Motor Vehicles

- 95.60 Abandoned vehicles; Removal

“INOPERABLE MOTOR VEHICLE” means any motor vehicle which for a period of 7 days cannot be driven upon public streets for any reason including

False Alarms

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but not limited to being unlicensed, in a state of disrepair or dismantled or from which the engine, wheels or other parts have been removed, altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power, excluding the following: a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations; a motor vehicle that is kept within a building when not in use; operable historic vehicles over 25 years of age; and a motor vehicle on the premises of a place of authorized business engaged in the repair, wrecking or junking of motor vehicles.

"NOXIOUS WEEDS." Canada thistles, and all of its varieties, perennial sow thistles, European bindweed, leafy spurge, Russian knapweed, Johnson grass, giant foxtail, hoary cress and ragweed.

"NUISANCE" or "NUISANCE ACTIVITY" means the doing of an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist as defined or prohibited herein, which act, omission, condition or thing either: injures or threatens the health, morals, safety, comfort, convenience, or welfare of members of the community; offends decency; is offensive to the senses; unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; in any way renders other persons insecure in life or the use of property; interferes with the comfortable enjoyment of life and property; or tends to depreciate the value of the property of others.

"NUISANCE PROPERTY" means any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinary fire hazard in the vicinity where it is located.

"OWNER" means any person, partnership, land trust, or corporation having any legal or equitable interest in or control of property. Owner includes, but is not limited to:

1. A mortgagee in possession in who is vested with all or part of the legal title to the property or, all

or part of the beneficial ownership and the rights to the present use and enjoyment of the premises.

2. An occupant who can control what occurs on the property.

3. Any person acting as an agent of an owner.

4. Tax payer of record as shown on the county tax rolls.

"PERMIT" means to suffer, allow, consent to, and acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

"PERSON" means any natural person, association, partnership, corporation, trust, or other entity capable of owning, occupying, or using property in the city.

"PERSON IN CHARGE" means any person in actual or constructive possession of a property, including but not limited to, an owner, occupant of property under his or her ownership or control.

"PROPERTY" means any real property, including land and that which is affixed, incidental, or pertinent to land, including but not limited to, any premises, room, house, building, or structure, or any separate part or portion thereof, whether permitted or not.

"PUBLIC WAY" means all streets, alleys, sidewalks, boulevards, public parking lots and other public rights-of-way.

~~**"NOXIOUS WEEDS"**. Canada thistles, and all of its varieties, perennial sow thistles, European bindweed, leafy spurge, Russian knapweed, Johnson grass, giant foxtail, hoary cress and ragweed. (1991 Code, '98.01) (Ord. 1988, passed 9-27-1965)~~

' 95.02 NUISANCES PROHIBITED; DECLARATION.

It shall be unlawful for any person to cause, permit, maintain or allow the creation, existence, or maintenance of a nuisance, a nuisance activity or nuisance property as set forth in this chapter or any other chapter of the Blue Island Code of Ordinances.

' 95.03 ABATEMENT NOTICES.

Nuisances

(A) *Notice to abate.* Whenever a nuisance is found to exist within the city or within the city's extraterritorial jurisdiction, a duly designated officer or employee of the city shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

(B) *Recurring nuisance.* Only one (1) notice shall be required to be provided during any calendar year for a particular category of nuisance violation, and additional notice beyond the initial notice shall not be required if the same type of nuisance recurs on the property during that calendar year (a "recurring nuisance violation"). Recurring nuisance violations shall be subject to immediate abatement and/or fines without additional notice to the violator, the owner of the property or the occupant thereof.

(C) *Contents of notice.* Notice to abate shall contain:

- (1) The location of the nuisance, if the same is stationary.
- (2) A description of what constitutes the nuisance or reference to the applicable code provisions.
- (3) A statement that the nuisance shall be corrected within 72 hours.

(D) *Service of notice.* The notice to abate a nuisance shall be served by either: certified mail with return receipt or first class mail, postage prepaid, addressed to the owner or occupant of premises or person responsible for nuisance as indicated in city records, property tax records or records of the county recorder of deeds. Notice shall also be posted; and posting of the notice at the location of the nuisance. Notwithstanding the above, notice may be provided by; or by any manner in which legal process may be served pursuant to law.

' 95.04 ENFORCEMENT.

(A) *Failure to comply.* Any failure to comply with a notice or failure to abate a nuisance shall result in the issuance of a citation which may include fines and penalties.

(B) *Abatement by the City.*

(1) In addition to any other methods provided by law, whenever any nuisance exists or is found on any premises within the city after proper notice to abate, city officials are authorized to cause the same to be summarily abated in such manner as he or she directs and at the expense of the party permitting or maintaining the nuisance.

(2) Any building, structure, or appurtenances thereto, which is not constructed or kept in a sanitary condition, or in conformity with the requirements of this code or any other ordinances of the city, is deemed a nuisance and that nuisance may be abated in the manner herein, elsewhere or by law provided.

' 95.05 COSTS AND LIENS.

(A) Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this section to abate the same, a duly designated officer or employee of the city shall proceed to abate such nuisance pursuant to 65 ILCS 5/11-60-2 and 65 ILCS 5-11-20, et seq. He or she shall prepare a statement of costs incurred in the abatement thereof.

(B) Any and all costs incurred by the city in the abatement of a nuisance under the provisions of this article shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected pursuant to 65 ILCS 5/11-20-15 or as provided for by law. Notice of such lien shall be to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

' 95.06 RELEASE AND ENFORCEMENT OF LIEN.

(A) Upon payment of the cost and expense by the owner of, or other persons interested in such real estate after notice of such lien has been filed, the lien shall be released by the city to the person paying such costs and expense, or otherwise filed of record as in the case of filing notice of lien.

(B) The lien hereinabove provided for shall be enforced in the manner now provided by law for the enforcement of mechanics liens.

(1991 Code, '98.06) (Ord. 1988, passed 1-28-1946) Penalty, see ' 10.99

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NOISE

'95.20 CERTAIN NOISES PROHIBITED.

(A) Excessive noise endangers physical and emotional health and well-being, interferes with legitimate business and recreational activities, depresses property values, offends the senses, and in other respects reduces the quality of the community and environment; as such the following noise nuisances are declared and prohibited:

(1) No person shall sound any horn or audible signal device of any motor vehicle of any kind while not in motion, nor shall such horn or signal be sounded under any circumstances except as required by law, nor shall it be sounded for any unnecessary or unreasonable period of time.

(2) No person shall operate any motor vehicle subject to registration that will, at any time or under any condition of grade, load, acceleration or deceleration, operate in such a manner as to offend senses of those in the immediate area of such operation.

(3) No person shall operate or permit to be operated any device used to receive broadcast sound, or reproduce any recorded sound if the device is located:

- (a) On the public way; or
- (b) In any motor vehicle on the public way; and the sound can be heard from seventy-five (75) feet or more from the device. This section does not apply to authorized emergency vehicles. This section does not apply when the device is being operated solely to request assistance or warn of a hazardous condition.

(4) No person shall use any hammer or power-operated tool for repair or construction purposes between the hours of 4:00 p.m. and 7:00 a.m. within six hundred (600) feet of any building used for residential or hospital purposes if such noise is audible from any adjacent property used for residential or hospital purposes. Repairs to public service utilities shall be exempted from this section.

(5) No person shall operate any power-driven lawn or garden maintenance equipment between the hours of 4:00 p.m. and 7:00 a.m. within six hundred (600) feet of any building used for residential or hospital purposes if such noise is audible from any adjacent property used for residential or hospital purposes.

(6) No person shall operate the following equipment between the hours of 4:00 p.m. and 7:00 a.m. outdoors within six hundred (600) feet of any building used for residential or hospital purposes or indoors if such equipment is audible from any adjacent property used for residential or hospital purposes:

- (a) Power-operated models including automobiles, boats and aircraft;
- (b) Sound trucks and public address systems;
- (c) Factory time whistles; and
- (d) Church bells and carillons.

(7) No person shall conduct garbage, yard waste or recycling collection between the hours of 4:00 p.m. and 7:00 a.m. anywhere within the limits of the city.

(8) No person within a residential property, or building used for such purposes, shall play music, musical instruments, radios, television sets or phonographs outside at any time using an intercom system between the hours of 4:00 p.m. on weekdays (11:00 p.m. on Friday and Saturday nights) and 7:00 a.m. on any given day, on any property abutting or across the street from property zoned and used for residential purposes, if such music is audible more than ten (10) feet from the property from which the noise is emitting.

(9) It shall be unlawful to engage in yelling, shouting, or hooting between the hours of 4:00 p.m. and 7:00 a.m. within six hundred (600) feet of any building used for residential or hospital purposes or indoors if such noise is audible from any adjacent property used for residential or hospital purposes.

(B) It shall be unlawful to cause or create any unnecessary or unusual noise at any time which annoys, injures, or endangers the comfort, repose, health or safety of others unless such noise is necessary for the protection or preservation of property or of the health, safety, or life of some person. No person shall make or cause, permit or allow to be made upon a public way, or in such proximity to a public way, as to be distinctly and loudly audible upon such public way, such noises.

(C) No person owning or in possession or control of any building or premises shall use the same, permit the use of the same, or rent the same to be used for any business or employment or residential use, or for any purpose of pleasure or recreation, if such use shall, by its boisterous nature, disturb or destroy the peace of the neighborhood in which such

Recreation and Leisure

CHAPTER 96: RECREATION AND LEISURE

DECORATIONS AND ORNAMENTS

Section

Seasonal Lights, Decorations and Ornaments

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Fireworks, see " 93.01 through 93.07
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SEASONAL LIGHTS,

' 96.01 TITLE.

The ordinance from which the provisions of this subchapter derive shall be known as and may be cited as the ABlue Island Christmas-Seasonal Lights, Decorations and Ornaments Ordinance@ of the city. (Ord. 09-047, passed 1-13-2009)

' 96.02 PURPOSE AND INTENT.

It is the purpose and intent of this subchapter to regulate the placement of Christmas-seasonal lighting, decorations and ornaments within the corporate limits of the city. (Ord. 09-047, passed 1-13-2009)

' 96.03 PERMITTED USE; REMOVAL.

Christmas-seasonal lighting, decorations and ornaments shall be permitted during the period October 15 to the following February 1 unless otherwise extended by city council or the Mayor. All Christmas-seasonal lighting, decorations and ornaments must be removed by the following February 1 by the owner, lessor and/or occupant of the subject property where such lighting, decorations and ornaments are located in order to protect the public safety, health and welfare.

(Ord. 09-047, passed 1-13-2009) Penalty, see ' 96.99

' 96.04 ~~ENFORCEMENT~~RESERVED.

This subchapter shall be enforced by the Building Commissioner for the city. (Ord. 09-047, passed 1-13-2009)

' 96.05 ~~EFFECTIVE DATE~~.RESERVED.

(A) The ordinance from which the provisions of this subchapter derive shall be in full force and effect

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~~from and after its passage, approval and publication in pamphlet form as provided by law.~~

~~(B) A full, true and complete copy of this subchapter shall be published in pamphlet form, by authority of the City Council as corporate authorities. (Ord. 09-047, passed 1-13-2009)~~

BLOCK PARTIES

' 96.20 GUIDELINES AND RESTRICTIONS.

(A) The guidelines and restrictions, as more fully set forth in division (B) below are hereby adopted as the official guidelines, procedures and regulations for all block parties to be held in the city.

(B) (1) Block party applications can be obtained at the City Clerk=s office. Applications should be returned to the City Clerk=s office at least three weeks prior to the day of the block party. Block parties must be approved by the City Council.

(2) (a) At least two representatives of the block must be listed on the application.

(b) The two representatives must reside in different households.

(3) (a) A petition listing the signatures of at least 75% of the residents of the block in which the block party will be held is required and must be submitted along with the application.

(b) A petition form is provided with the application.

(c) Accommodations for people who do not wish to participate should be attempted during the course of the block party.

(4) (a) Both Alderman of the ward the block party is to be held in must be notified of the planned block party before the application is returned to the City Clerk=s office.

(b) A listing of the Alderman=s telephone numbers is included in the packet.

(c) If anyone is not certain which ward the block party is to be held in, he or she shall contact the City Clerk=s office.

(5) A non-refundable fee payment of \$100 ~~is required as set forth in the city fee and fine schedule~~ is required with the submission of the application. Checks are to be made out to AThe City of Blue Island@.

(6) (a) The City Clerk=s office will contact the block party representative by letter with written permission to hold the party and all other city services will be notified by the Clerk=s Office.

(b) From time to time, the city may have to limit the number of block parties on any given weekend because of other city commitments. We regret any inconvenience this may cause.

(c) The representative will be contacted if, for any reason, it is necessary to deny permission and the fee will be refunded.

(7) Parties can start at 10:00 a.m., but must not continue past 10:00 p.m. and noise levels must not disturb residents at any time.

(8) (a) So that emergency vehicles can have passage, be sure all tables, chairs and the like placed in the street do not project more than six feet from the curb.

(b) A good guideline is to keep within the area next to the curb that is used for parking.

(c) No large vehicles, entertainment, music boxes or bands should be blocking the street.

(d) The applicants have the responsibility of ascertaining that the street is not blocked in such a manner as to cause a delay in the performance of emergency duties by the Police Department, Fire Department, ambulance or Public Works Department.

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(9) (a) The street should be blocked with the removable barricades provided by the city.

(b) ~~Using~~ Please do not use a parked vehicle as a barricade is prohibited.

(c) A designated person or persons ~~should~~must be responsible for the removal of any barricade in case of an emergency.

(10) (a) Barricades will be delivered to the representative by the city on the last working day preceding the block party and will be picked up on the first working day following the block party.

(b) They are to be left at the same location for pick up.

(11) ~~(a)~~ One or two block parties may be held each year, not on consecutive days.

~~(b)~~ Block parties are typically held on weekends and holidays but do not have to be held on these days.

(12) (a) If requested, a police officer and/or a firefighter and fire truck may stop by for a friendly visit just to get acquainted if scheduling and availability allow.

(b) This request can be made by completing the appropriate area of the block party application.

(13) (a) Block parties are allowed for only those residents of the block attending.

(b) Block parties are a time to get to know your neighbors, which will facilitate looking out for each other when suspicious circumstances may occur in your neighborhood.

(c) Private parties celebrating birthdays, graduations, anniversaries and the like do not fall within these guidelines and would cause traffic problems with cars of visitors parking in the surrounding area.

(14) (a) ~~Please be courteous and~~ Applicants are required to clean up immediately after the block party.

~~(b) It is a good idea to designate people for this task ahead of time.~~

(15) (a) ~~Have fun, but remember, i~~n the event of citizens complaints the applicants are responsible for maintaining order and obedience to city, county and state laws.

(b) The applicants are responsible for any injury, damage to property or illegal actions during the block party.

(c) In the event that there should be a directive, written or oral, from the Police Department to discontinue the party for proper reasons, then the applicants must comply.

(Ord. 07-087, passed 6-26-2007) Penalty, see '96.99

'96.21 APPLICATION, PETITION AND CHECKLIST.

~~(A) General.~~ The City Clerk shall provide block party applications, block party petitions and block party checklists which must all be completed by the applicant, with respect to any block party to be held in the city.

~~(B) Block party application.~~

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City of Blue Island
13051 S. Greenwood, Blue Island, IL 60406
708-597-8603

Representative: _____ Title: _____

Address: _____

Daytime Phone: _____ Nighttime Phone: _____

E-mail: _____

Organization (if any): _____

Secondary Representative: _____ Title: _____

Address: _____

Daytime Phone: _____ Nighttime Phone: _____

E-mail: _____

Specific Location of Block Party: _____

Requested Date: _____ Time Beginning: _____ End: _____

City Services:

Yes, we would like a city police officer to visit the block party. Please indicate the best time for us to schedule your visit, based on availability that day: _____

Yes, we would like a city fire engine to visit the block party. Please indicate the best time for us to schedule your visit, based on availability that day: _____

The Blue Island Public Works will deliver barricades as prescribed in the guidelines.

The applicants are responsible for any injury, damage to property or illegal actions during the block party. In the event that there should be a directive, written or oral, from the police department to discontinue the party for proper reasons, then the applicants must comply.

Signature of Representative Printed Name

Recreation and Leisure

 Signature of Secondary Representative _____ Printed Name

(C) ~~Block party petition.~~

~~The City of Blue Island is proud of its neighborhoods—a community of citizens who work and play together. A neighborhood block party is one good way to get together with those on your block and reminisce about things or meet the Anew kids@ on the block.~~

Your _____ neighbors, _____

 (Name of representative)

 (Address of representative)

are planning a Block Party on _____, from _____ to _____

Please be advised that during the party, it will be necessary to temporarily close your street to through traffic.

~~If you are in support of this block party, the city is asking that you add your name, address and signature below to indicate that you have been informed of the event and, also, please indicate whether you will be in attendance. Thank you for your cooperation.~~

NAME (PLEASE PRINT) ADDRESS
 SIGNATURE

9 Date/time of event

9 Activities/theme planned

9 Both alderman notified

9 Materials to be submitted to the City Clerks office

9 Block party application (3 weeks prior to eve

9 Representative

9 Secondary representative

9 Police department visit

9 Fire department visit

ATTENDING? _____

9 Block party petition (75% of residents on the bloc

9 \$50 non refundable fee

9 Adequate clean up has been planned for the event

(Ord. 07-087, passed 6-26-2007)

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' 96.22 GRANT OF APPLICATION.

No block party application shall be granted unless the procedures and regulations are followed and all required forms are completed with accurate information and are signed by the appropriate block party representatives.

(Ord. 07-087, passed 6-26-2007)

' 96.23 ADMINISTRATION.

The office of the City Clerk shall administer this subchapter and will provide copies of "~~96.20(B) and 96.21(B), (C) and (D)~~" of this chapter to all persons applying for permission to hold a block party.

(Ord. 07-087, passed 6-26-2007)

~~' 96.24 EFFECTIVE DATE.~~

~~All ordinances or parts thereof in conflict herewith are hereby repealed.~~

~~(Ord. 07-087, passed 6-26-2007)~~

PARKS

' 96.35 CLOSING HOURS OF PUBLIC PARKS.

The public parks operated by the city as part of the city's recreation system shall be open to the public from 8:00 a.m. to dusk on each and every day of the week.

(Ord. 02-401, passed 6-25-2002)

' 96.36 SIGNS TO BE ERECTED.

Appropriate signs shall be erected at the entrances to every public park operated by the city informing the public of the opening and closing hours.

(Ord. 02-401, passed 6-25-2002)

' 96.37 UNLAWFUL FOR PERSON TO BE PRESENT IN PARK DURING CLOSING HOURS.

It shall be unlawful for any person or persons to occupy or be present in any public park operated by the city any hours in which the park is not open to the public.

(Ord. 02-401, passed 6-25-2002) Penalty, see ' 96.99

LIBRARY

' 96.50 LIBRARY PROPERTY; INJURY PROHIBITED.

It shall be unlawful for any person, firm or corporation to commit any injury to or deface the grounds, building, furniture, fixtures, equipment or other property owned by or in the possession and control of Blue Island Public Library without the consent of the Board of Library Directors or any director or the librarian thereof.

(1991 Code, '97.01) (Ord. 2150, passed 6-14-1971)
Penalty, see ' 96.99

' 96.51 LIBRARY MATERIALS; INJURY PROHIBITED.

It shall be unlawful for any person, firm or corporation to willfully or maliciously cut, write upon, deface, injure, tear or destroy any books, periodicals, pamphlets, newspapers, monographs, film, slides, transparencies, recordings, records, maps, globes, charts, posters or other library materials including, but not limited to, recording devices and film projectors or screens, owned by or in the possession and control of the Blue Island Public Library.

(1991 Code, '97.02) (Ord. 2150, passed 6-14-1971)
Penalty, see ' 96.99

Recreation and Leisure

' 96.52 FAILURE TO RETURN LIBRARY MATERIALS.

It shall be unlawful for any person, firm or corporation to return any book, periodical or any other library material listed in ' 96.51 of this chapter contrary to and in violation of the rules and regulations made and adopted by the Board of Library Directors for the government of said library. (1991 Code, ' 97.03) (Ord. 2150, passed 6-14-1971) Penalty, see ' 96.99

~~(B) Any person or other legal entity who violates any provision of " 96.01 through 96.05 of this chapter shall be fined no less than \$50 for each offense. Each day a violation of " 96.01 through 96.05 of this chapter shall continue shall be considered a separate violation.~~

~~(C) Any person who violates or fails to comply with the provisions of " 96.35 through 96.37 of this chapter shall, upon conviction, be fined not less than \$10, nor more than \$750, for each offense. (Ord. 02-401, passed 6-25-2002; Ord. 09-047, passed 1-13-2009)~~

' 96.53 SERVICE CHARGE.

In addition to any other penalty provided, any person, firm or corporation failing to return any book, periodical or any other library material set forth in ' 96.52 of this chapter, contrary to and in violation of the rules and regulations, shall be subject to and shall pay a daily service charge as provided in the rules and regulations. (1991 Code, ' 97.04) (Ord. 2150, passed 6-14-1971) Penalty, see ' 96.99

' 96.54 RULES AND REGULATIONS.

The Board of Library Directors shall make and adopt reasonable rules and regulations for its own guidance and for the government of the library as may be expedient, not inconsistent with the provisions of the statutes of the state and file a copy of these rules and regulations so adopted with the City Clerk. (1991 Code, ' 97.05) (Ord. 2150, passed 6-14-1971) Penalty, see ' 96.99

~~' 96.99 PENALTY.~~

~~(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.~~

**AN ORDINANCE DEFINING AND ABATING A PUBLIC NUISANCE AND
REGULATING ALARM SYSTEMS**

WHEREAS, the City has adopted a Code of Ordinances and determined certain amendments are necessary;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City, Cook County,
Illinois, as follows:

SECTION ONE

Title 9 (General Regulations) of the City of Blue Island Code of Ordinances is hereby amended to add thereto Chapter 97, to be entitled "ALARM SYSTEMS," and shall read as follows:

CHAPTER 97: ALARM SYSTEMS

Section

97.01	Authority
97.02	Findings and Intent
97.03	Definitions
97.04	Application for Alarm Systems; Permit Requirements
97.05	False Alarm Prevention; Suspension or Revocation of Permits
97.06	False Alarms Subject to Service and Surcharges
97.07	Alarm System Standards
97.08	Testing of Equipment; False Alarm
97.09	Local Alarms
97.10	Automatic Dialing Devices
97.11	Responsibility of City
97.12	Acceptance of Permit; Operations and Maintenance
97.13	Inspections
97.14	Penalty for Violation

§ 97.01 AUTHORITY

This chapter is enacted pursuant to authority given by certain provisions of the Illinois Municipal Code, including but not limited to: 65 ILCS 5/11-60-2 granting authority to define, prevent and abate nuisances; and 65 ILCS 11-30-4 granting authority to prescribe the strength and manner of constructing all buildings, structures and their accessories.

§ 97.02 FINDINGS AND INTENT

(A) This article is adopted for the purpose of regulating and permitting alarm systems to which the police or fire department is expected to respond; defining and abating nuisances which are detrimental to the safety and public welfare of the City of Blue Island; addressing the effect of false alarms.

- (B) A false alarm or false fire alarm as defined herein is declared a public nuisance endangering the public health, safety and welfare in that nuisance (false) alarms:
- (1) Generate calls to the police and fire departments that are false in the sense that no actual or attempted illegal entry to the building protected by the alarm has actually occurred or that no fire or threat of fire exists, and such alarms divert emergency responders away from legitimate emergencies or actual threats to public health and safety which could lead to loss of life;
 - (2) Cause occupants unnecessary panic or cause occupants to develop alarm fatigue whereby such alarms are ignored under the mistaken belief that such alarm is a false alarm thereby increasing the risk of loss of life in a real emergency;
 - (3) Unduly disturb the peace and comfort of neighboring persons or property by their audible signal; and
 - (4) Disturb the peace by causing the police or fire department to respond with lights and sirens, thereby unnecessarily disturbing neighboring persons and property and increasing the risk of accidents to the motoring public.

§ 97.03 **DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM. Any system or signaling device designed to detect and signal, by the transmission of an electrical impulse or any signal of any kind to a bell, siren, horn or any audible annunciation on the premises or to a remote monitoring location, the occurrence of any emergency at a premises to which the police or fire department are expected to respond, except alarm systems on motor vehicles. Such alarm systems include: burglary systems or such systems to protect a premises from unauthorized entry; holdup or panic alarms to allow notification to the police department; smoke or fire alarms to allow notification to the fire department regarding emanation of smoke or presence of fire.

ALARM USER. Any person, including current lessee, on whose premises an alarm system is utilized within the city.

ALARM BUSINESS. Any person engaged in the business of installing and monitoring alarms.

AUTOMATIC DIALING DEVICES. Any alarm system which automatically sends, over regular telephone lines or by radio waves, a signal or prerecorded voice message indicating the existence of an emergency situation such as a fire.

CHIEF. The Fire Chief or designee with respect to any alarm generated by an alarm system or portion thereof arranged to signal the occurrence of a fire or medical emergency, and the Chief of Police or designee with respect to all other alarms.

EMERGENCY CALL OUT LIST. A list supplied to the City Fire Department by the alarm user that contains current names, addresses and telephone numbers of a minimum of two persons who can respond to the premises when there is an alarm activation.

FALSE ALARM means an alarm system activated in the absence of an emergency whether willfully, by system design or by inadvertence, negligence or unintentional act, including any mechanical or electrical malfunction of the alarm system, to which the department of police is alerted for a response. "FALSE ALARM" shall not include an alarm activation:

- A. By testing or repairing of telephone or electrical lines or equipment outside the premises if prior notice of the testing or repair is given to the department of police;
- B. By unusually violent conditions of nature;
- C. By an illegal entry, theft or robbery, or an attempt thereof;
- D. By an observable act of vandalism, where evidence of such activity exists; or
- E. Canceled by an alarm monitoring service, as identified on the alarm application, prior to arrival of the police.

FALSE FIRE ALARM. The activation of an alarm system, by any cause, that alerts the City Fire Department that a fire is in progress in a protected premises, or alerts the fire department of an emergency situation, when, in fact, there is no evidence of any such fire detected by responding firefighters or no such emergency. "False fire alarm" shall not include alarms resulting from any of the following:

- A. Fire, causing structural damage to the protected premises, as verified by the fire department.
- B. Earthquake, causing structural damage to the protected premises.
- C. Tornado or hurricane winds, causing structural damage to the protected premises.
- D. Flooding of the protected premises due to overflow of natural drainage.
- E. Lightning, causing physical damage to the protected premises.
- F. Telephone line malfunction, verified to the fire department by an authorized telephone company supervisor within seven (7) days of the occurrence.
- G. Electrical service interruption, verified to the fire department by the local power company manager within seven (7) days of the occurrence.
- H. Plumbing or electrical malfunctions, unrelated to the fire protection system.

LOCAL ALARM. Any electrically operated instrument composed of sensory apparatus and related hardware which automatically emits an alarm, such as a siren, bell, horn or tone, which is audible beyond the premises being protected, upon receipt of a stimulus from a sensor that has detected a physical force or condition characteristic of an unauthorized entry.

PERSON. Any person, firm, partnership, association, corporation, limited liability company or organization of any kind.

PREMISES. Any building, structure, or facility where an alarm system is installed or area intended to be protected by an alarm system.

PRIMARY TRUNK LINE. A telephone line leading directly into the communication center of the Fire Department.

§ 97.04 APPLICATION FOR ALARM SYSTEMS; PERMIT REQUIREMENTS

- (1) Permit Required. Every alarm user shall apply for and obtain an alarm system permit annually for the use of its alarm system. Every alarm business that has a service line connected to the 9-1-1 Communication Center shall apply for and obtain a permit annually and pay any annual permit fee set forth in the city's fee and fine schedule. No person shall be allowed to have an alarm system in any building, place or premises within the city without having first obtained a permit.
- (2) Application for Permit. The application shall state on the application form, to be prepared by the Fire Department, his or her name, the address of the residence or business or businesses in or upon which the alarm system has been or will be installed, his or her telephone number, the type of alarm system, the alarm business or businesses selling, installing monitoring, inspecting, responding to or maintaining the alarm system and the name and telephone number of at least two other persons (in the case of a corporate or limited liability company alarm user applicant, at least three persons) who can be reached at any time, day or night, who are authorized to respond to an alarm and can open the premises in which the system is installed.
- (3) Application disclaimer required. The application shall contain a provision that the city shall not be liable for any failure of service or any damages, including damages resulting from break-in to gain entrance, that might result from the installation or operation of the alarm system.
- (4) Permit term. All permits issued shall expire on December 31 of each year. All permits shall be renewed annually and shall be effective for a 12 month period to begin on January 1 of each year.
- (5) Confidentiality of alarm system application. The information contained in an alarm system application required by this section, and other information received by the Chief through correspondence or communications with an alarm user, shall be securely maintained and restricted to inspection only by the Chief or certain officers or city employees specifically assigned the responsibility for handling and processing alarm user permit applications' in the course of official duties. The Chief or any employee of the city who is found to have knowingly or willfully revealed information contained in an alarm user application or in correspondence or communications with an alarm user to any person for any purpose not related to this section or official law enforcement matters without the express written consent of the alarm user shall be subject to dismissal from the service of the city in the manner provided by law.
- (6) Exception to permit requirement. Alarms which are designed to detect the products of combustion and which sound an alarm which is not audible outside the protected area, such as a smoke detector, which is installed in single-family or multi-family residential structures and which is not connected to any outside communication line shall be exempt from the provisions of this section.
- (7) Non-transferability of Permit. Permits are not transferable and a change of ownership or occupancy of the premises shall be cause for a new permit application to be filed with the city.
- (8) Permit denial. An application for an alarm user permit shall be denied if: (1) the applicant has failed to pay false alarm fees or fines required by this chapter for a different

alarm system under the applicant's ownership or control; or (2) the applicant has failed to comply with any of the provisions of this chapter or other ordinances of the city, including nonpayment of any fine for false alarms for the alarm system for which the permit is sought.

§ 97.05 FALSE ALARM PREVENTION; SUSPENSION OR REVOCATION OF PERMITS

- (1) After the Police or Fire Department has recorded two false alarms within any 30-day period or four in any 365-day period, for any alarm user, the Department shall notify the alarm user and the alarm business providing service or inspection to the alarm user, in writing by first class mail, of such fact and require that the alarm user or the alarm business servicing the alarm user submit a report to the respective Chief within seven days after the mailing of the notice, which report shall describe efforts taken to discover and eliminate the cause or causes of the false alarm. Failure to submit such report within seven days shall constitute cause for revocation of the alarm system permit. If the Chief revokes the alarm system permit, the Chief shall give a written notice by first class mail to the alarm user and the alarm business servicing the alarm user advising of such revocation.
- (2) If the report required by this section fails to show that reasonable steps have been taken to eliminate or reduce false alarms, then the Chief may revoke the alarm system permit and shall give written notice of such revocation as provided for in this section of the subchapter.
- (3) An alarm user whose alarm system permit has been revoked is not precluded from applying for a new alarm system permit. The Chief, however, is not required to issue a new alarm system permit unless he or she is satisfied the alarm user's system has been properly serviced and its deficiencies corrected. The Chief may impose reasonable restrictions and conditions upon the issuance of a new alarm system permit to an alarm user with respect to the particular system for which the alarm system permit was revoked.

§ 97.06 FALSE ALARMS SUBJECT TO SURCHARGES; SERVICE CHARGES

- (A) A fire alarm user shall be charged a service charge as set forth in the city's fee and fine schedule for each false alarm if such false fire alarm is:
- (1) Given intentionally;
 - (2) Due or caused by a lack of required maintenance as specified in the National Fire Protection Association Code § 72; or
 - (3) Resulting from any test, repair, alteration or addition to the fire protection system without prior notification thereof to the Fire Department.

A fire alarm user shall be charged for a false alarm in the following manner:

- (1) For the first three false alarms in a 365 day period, such period beginning on the date of the first fire alarm and ending 365 days thereafter, a warning letter will be issued.
- (2) For each additional and subsequent false alarm in a 365 day period, a service charge will be assessed as set forth in the city's fee and fine schedule.

- (B) An alarm user shall be charged a permit fee surcharge as set forth in the city's fee and fine schedule for each false alarm as defined herein if the user has had in excess of two (2) false alarms during a 365 day period, as defined in this section.
- (C) Payment of Surcharge. All permit fee surcharges assessed pursuant to subsection B and as specified from time to time in the city's fee and fine schedule shall be paid by the alarm user within thirty (30) days after billing. No permits shall be renewed or reissued for police or for fire alarms unless and until all prior permit fee surcharges have been paid.

§ 97.07 ALARM SYSTEM STANDARDS

Only alarm systems which are equivalent to or exceed the minimum applicable standards, as listed in the National Fire Protection Association Life Safety Code § 72 (NFPA 72), shall be authorized. The equipment or hardware used and the manner of installation of alarm systems shall correspond to the applicable standards contained in the NFPA § 72 for each of the foregoing alarm systems.

§ 97.08 TESTING OF EQUIPMENT; FALSE ALARM

No alarm system designed to transmit emergency messages directly to the Fire or Police Department shall be tested or demonstrated without first obtaining permission from the Chief. Failure to notify the Chief prior to testing an alarm system shall constitute a false alarm.

§ 97.09 LOCAL ALARMS

- (A) No person shall be allowed to have a local alarm on any building, place or premises within the city without first having obtained authorization from the Chief.
- (B) Local alarms may be in addition to other alarm systems. Local alarms shall not make a sound similar to that of a siren or emergency vehicle or of ESDA warning systems.
- (C) Owners of said local alarms will be responsible to maintain said alarms and to turn the audible signal off at the request of the Fire Department or an officer thereof. The continued sounding of such local alarms for more than ten minutes after the appropriate agency has responded is hereby declared to be a violation of this subchapter.

§ 97.010 AUTOMATIC DIALING DEVICES

No automatic telephone dialers shall transmit a recorded message on any primary trunk line to the Police Department, Fire Department or 9-1-1 Communication Center after February 22, 2000.

§ 97.011 RESPONSIBILITY OF CITY

Neither the city, nor any of its officials, officers or representatives, shall be responsible for the functioning or malfunctioning of any alarm system, nor shall the city, nor any of its officials, officers or representatives, be responsible for the failure of the Fire or Police Department to respond to any alarm.

§ 97.012 ACCEPTANCE OF PERMIT; OPERATIONS AND MAINTENANCE

- (A) By acceptance of an alarm system permit, each alarm user shall agree to be governed by the terms of this subchapter and to pay any fees assessed against such alarm users as provided for in this chapter.
- (B) An alarm user shall:
 - (1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches; and
 - (2) Make every reasonable effort to respond or cause a representative to respond to the alarm system's location within one hour when notified by the county to deactivate a malfunctioning alarm system to provide access to the premises or to provide security for the premises, and not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (C) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than 15 minutes after being activated .
- (D) An alarm user shall have a properly licensed alarm business inspect his alarm system after two false alarm dispatches in a one-year period. After three false alarm dispatches in a one-year period the alarm user must have a properly licensed alarm business modify the alarm system to be more false-alarm resistant or provide additional user training as appropriate.

§ 97.013 INSPECTIONS

- (A) Every alarm user authorized under this section shall be required to have his or her alarm system inspected at least once a year by a licensed alarm business and post a certificate of such inspection on the premises in plain view where the alarm system is maintained.
- (B) For the purpose of enforcing the provisions of this chapter, the Chief shall have the authority, at reasonable times and upon reasonable oral notice, to enter any premises in the city in or upon which the alarm systems subject to this chapter are located, to inspect the operation of such alarm systems.
- (C) If such inspection reveals any violations of provisions of this chapter, a written report detailing such violations shall be promptly sent to the owner, occupant or lessee responsible for the alarm system. Such report shall require the correction within thirty (30) days after receipt of a notice of the violation discovered, and shall state that a failure to comply may result in the revocation of the annual permit to operate. The responsible owner, occupant or lessee shall be granted a reasonable extension of time to correct such violations, upon good cause shown.
- (D) The Chief shall have the authority to revoke or suspend the operation of an alarm system if an inspection, as provided in this chapter, reveals violations of this chapter, which violations are not corrected.

§ 97.014 PENALTY FOR VIOLATION

- (A) It shall be unlawful for any alarm user to install, modify or repair an alarm system without first notifying the Chief. It shall further be a violation of this subchapter for an alarm user to permit any false alarm as a result of such installation, modification or repair
- (B) Any alarm user who does not have a valid alarm user permit will be assessed a fine in the amount set forth in the city's fee and fine schedule for each notice of an activation of an alarm system at a premises.
- (C) Any person violating any provisions of this chapter shall be fined as provided in the city's fee and fine schedule and each day during which a violation continues or is permitted to exist shall be considered a separate and distinct offense.

SECTION TWO

Title 9 (General Regulations) Chapter 93 (FIRE PREVENTION; FIREWORKS) of the City of Blue Island Code of Ordinances is hereby amended to rescind and remove in entirety Sections 93.20 through 93.35 and designate the same as "reserved".

SECTION THREE

The amendments herein shall be in full force and effect upon its passage and approval as required by law.

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CHAPTER 98: TREES

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Public Nuisances

(2) Blue Islanders have a long and proud history of beautiful tree lined streets and landscaped homes. Every fall and spring, the trees in the city add to the charm of the community. They also add financial value to property in the city. This plan is necessary to ensure that the city protects one of its most valuable commodities.

GENERAL PROVISIONS

' 98.001 TITLE.

The ordinance from which the provisions of this chapter derive shall be known as and may be cited as the ABlue Island Tree Ordinance@.
(Ord. 94-301, passed 8-9-1994)

' 98.002 PURPOSE AND INTENT.

(A) Purpose.

(1) It is the purpose of this chapter to make the residents of the city more aware and concerned about one of the most valuable assets (trees) and to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the city.

(B) Intent. It is the intent of the City Council that the terms of this chapter shall be construed so as to promote:

(1) The planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the city; and

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(2) The protection of the city from damage caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants located within the community.
(Ord. 94-301, passed 8-9-1994)

' 98.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE FOR BLUE ISLAND (hereinafter, **ARBORICULTURAL SPECIFICATIONS MANUAL**). A manual prepared by the Urban Forestry Manager, after consulting with the Urban Forestry Board, containing regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon city owned property.

CITY OWNED PROPERTY. Property within the city limits of Blue Island, Illinois, and:

(1) Owned by the city in fee simple absolute; or

(2) Impliedly or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.

PROPERTY OWNER. The record owner or contract purchaser of any parcel of land.

TREES, SHRUBS AND OTHER PLANTS. All vegetation, woody or otherwise, except lawn grass and flowers less than 24 inches in height.

URBAN FORESTRY MANAGER (hereinafter **UF MANAGER**). The person who is responsible in the first instance to enforce the terms and provisions of this chapter.
(Ord. 94-301, passed 8-9-1994)

' 98.004 URBAN FORESTRY MANAGER; INTERFERENCE.

(A) *Establishment.* The position of UF Manager is hereby established.

(B) *Duties.* The UF Manager shall perform the following duties.

(1) The UF Manager, with the assistance of the Forestry Board, shall develop and, each subsequent year, update the Urban Forestry Plan. The plan shall outline urban forestry program activities for a minimum of the next five years. This plan shall describe the urban forestry activities to be undertaken by the city, the reasons for those activities, the possible funding source(s), the means of accomplishing the activities, the alternatives available to the city to fund or accomplish the activity, the projected date of completion and the consequences if the activity is not completed. Activities may include, but are not limited to, street inventory, planting, tree removal, beautification projects and educational projects.

(2) The UF Manager, with the direction of the Forestry Board, shall develop and periodically review and revise, as necessary, the Arboricultural Specifications Manual. This manual shall contain regulations and standards for the planting, maintenance, protection and removal of trees, shrubs and other plants upon city owned property.

(3) The UF Manager shall cause the Urban Forestry Plan and the and all revisions and amendments to it, to be published in pamphlet form, promulgated and shall cause three copies of the plan and all revisions and amendments to it, to be available for public inspection at the office of the City Clerk. Notice that such information is available for public inspection shall be published in pamphlet form in the office of the City Clerk for three consecutive weeks immediately following the initial availability of the Arboricultural Specifications Manual or revisions or amendments thereto. The Arboricultural Specifications Manual, and any revisions and additions thereto, shall become effective on the tenth day following approval by the Forestry Board and the City Council after publication as provided herein.

(4) The UF Manager shall make available to any interested person information about the activities of the Forestry Board, copies of the Arboricultural Specifications Manual and copies of the

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Urban Forestry Plan.

(5) The UF Manager shall administer the provisions of this chapter, the Urban Forestry Plan and the provisions of the Arboricultural Specifications Manual.

(6) The UF Manager shall perform those acts which are necessary, including the planting and maintenance of trees, shrubs and other plants located on city owned property, to implement the Urban Forestry Plan, the Arboricultural Specifications Manual and this chapter.

(7) The UF Manager shall issue such permits as are required by this chapter and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirements of this chapter, the Urban Forestry Plan and with the regulation and standards of the Arboricultural Specifications Manual. The UF Manager shall have the right to inspect all work performed pursuant to such permits. If the UF Manager finds that the work performed is not in compliance with the requirements of this chapter the Urban Forestry Plan or with the regulations or standards of the Arboricultural Specifications Manual, the UF Manager shall provide written notice of his or her finding to the permit applicant. The notice shall contain a copy of " 98.020 through 98.047 of this chapter and:

(a) The permit shall be nullified and shall be void;

(b) The UF Manager may issue a written order that the permit applicant cease and desist all work for which the permit was required;

(c) The permit applicant shall be subject to penalty under the terms of this chapter; and

(d) The UF Manager may take steps to correct the results of the non-complying work and the reasonable costs of such steps shall be charged to the permit applicant.

(8) The UF Manager shall establish a program of public information and education that will

encourage the planting, maintenance or removal of trees, shrubs and other plants on private property in furtherance of the goals of the Urban Forestry Plan.

(C) *Interference with Urban Forestry Manager.* No person shall unreasonably hinder, prevent, delay or interfere with the UF Manager or his or her agents while engaged in the execution or enforcement of this chapter.

(Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

' 98.005 APPEALS OF DECISIONS.

Should any person or entity dispute in whole or in part, any decision of the UF Manager or Forestry Board made pursuant to the terms of this chapter, he or she may appeal the decision within 30 days to the Community Development and Human Services Committee of the City Council. The decision of the majority of this committee shall be binding upon the person making the appeal, the UF Manager and the Forestry Board.

(Ord. 94-301, passed 8-9-1994)

' 98.006 PUBLIC TREE CARE.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The UF Manager may remove or cause or order to be removed, any tree, or part thereof, which is in an unsafe condition or which, by reason of its nature, is injurious to public sewers, electric power lines, gas lines, water lines or other public improvements or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this chapter. (Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

' 98.007 ARBORISTS; LICENSE AND BOND.

It shall be unlawful for any person or firm to engage in the business or occupation of pruning,

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treating, or removing street or park trees within the city without first applying for and procuring a license. The license fee shall be \$75 annually in advance; provided, however, that, no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$100,000 for bodily injury and \$100,000 property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ord. 94-301, passed 8-9-1994)

' 98.008 EFFECTIVE DATE.

The ordinance from which the provisions of this chapter derive shall be in full force and affect from and after its passage, approval and publication in pamphlet form as provided by law. A full, true and complete copy of this chapter shall be published in pamphlet form, by authority of the City Council as corporate authorities.

(Ord. 94-301, passed 8-9-1994)

REQUIRED AND PROHIBITED ACTIONS

' 98.020 PROTECTION OF TREES DURING BUILDING OPERATIONS; REMOVAL OF PROTECTIVE DEVICE.

(A) *Protection of trees during building operations.* During the erection, alteration, repair, demolition or removal of any building or structure, or excavation in connection therewith, the owner of the affected property shall place or cause to be placed around each nearby public tree one or more protective devices sufficient to prevent injury to the trunk, crown and root system of each such tree. No such device may be installed without a permit issued by the UF Manager who shall first determine that the devices will not injure the tree, such permit shall specify the manner of erecting or installing each protective device. There will be no charge for this permit.

(B) *Removal of protective device.* No person shall remove any permitted device intended for the support or protection of a public tree without a permit issued by the UF Manager.

(Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

' 98.021 PRUNING CORNER CLEARANCE.

(A) The owner of any tree overhanging any corner or right-of-way within the city shall prune the branches so that such branches will not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk.

(B)(1) Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a hazard to the safety of the public.

(2) The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic-control device or sign.

(3) Prior to entry on to private property, the city shall obtain the consent of the owner to prune the tree or shrub.

(Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

' 98.022 SPACING.

The spacing of street trees will be in accordance with the three species size classes listed in the list of recommended trees, and no trees may be planted closer together than the following:

(A) Small trees: 20 feet;

(B) Medium trees: 30 feet; and

(C) Large trees: 40 feet, except in special plantings designed or approved by the Forestry Board.
(Ord. 94-301, passed 8-9-1994)

' 98.023 DISTANCE FROM CURB TO

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SIDEWALK.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in the list of recommended street trees and no trees may be planted closer to any curb or sidewalk than the following:

(A) Small trees: two feet;

(B) Medium trees: two feet; and

(C) Large trees: three feet.

(Ord. 94-301, passed 8-9-1994)

' 98.024 DISTANCE FROM STREET CORNERS AND FIREPLUGS.

No street tree shall be planted closer than 25 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than eight feet of any fireplug.

(Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

' 98.025 UTILITIES.

No street trees, other than those species listed as small trees on the list of recommended street trees may be planted under or within ten lateral feet of any overhead utility wire or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

' 98.026 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. This requirement shall also apply on private property if said tree had an infectious disease.

(Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

' 98.027 TREE TOPPING.

(A) It shall be unlawful as a normal practice for

any person, firm or city department to top any street tree, park tree or other tree on public property.

(B) Topping is defined as the severe cutting back of limbs to stubs larger than one inch in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

(C) Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Forestry Board.

(Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

' 98.028 STREET TREE SPECIES TO BE PLANTED.

No species, other than those included in the list of recommended street trees, published by the Forestry Board, may be planted as street trees without written permission of the Forestry Board.

(Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

' 98.029 CAUSING INJURY TO PUBLIC TREE OR SHRUB.

No person shall break, tear, paint, deface or damage any public tree shrub or plant nor shall any person cause or allow any toxic chemical, gas, salt, oil or other injurious substance to be dumped, drained or applied to or to seep or drain upon or about any public tree, shrub or other plant materials; provided, however, that, this section shall not apply to the salting of streets by the city for the purpose of melting ice and snow.

(Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

' 98.030 REPLACEMENT VALUE OF HEALTHY TREES ON PRIVATE OR PUBLIC PROPERTY.

Replacement values of healthy trees shall be determined in accordance with the latest revision of the Guide for Plant Appraisal, as published by the International Society of Arboriculture.

(Ord. 94-301, passed 8-9-1994)

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PERMITS

' 98.045 SCOPE OF REQUIREMENT.

(A) *Scope of requirement.* No person, except the UF Manager, an agent of the UF Manager or a contractor hired by the UF Manager may perform any of the following acts without first obtaining from the UF Manager, or the Building Department, a permit, for which no fee shall be charged and nothing in this section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law:

(1) Plant on city owned property or treat, prune, remove or otherwise disturb any tree, shrub or other plant located on city owned property, except that this provision shall not be construed to prohibit owners of property adjacent to city owned property from watering or fertilizing, without a permit, any tree, shrub or other plant located on such city owned property;

(2) Trim, prune or remove any tree or portions thereof, if such tree or portions thereof reasonably may be expected to fall on city owned property and thereby to cause damage to persons or property;

(3) Place on city owned property, either above or below ground level, a permanent container for trees, shrubs or other plants;

(4) Damage, cut, tap, carve or transplant any tree, shrub or other plant located on city owned property;

(5) Attach any rope, wire, nail, sign, poster or any other human-made object to any tree, shrub or other plant located on city owned property;

(6) Dig a tunnel or trench on city-owned property;

(7) Place, maintain or allow to be placed upon a parkway or median any asphalt, cement, stone, lumber or other substance without a permit issued by the UF Manager. In determining whether to grant such a permit, the UF Manager shall consider the nature of the substance, the quality of the substance, the length of time during which the substance will remain on the parkway or median its effect on trees, shrubs and other plant material on the parkway or median, the purpose of placing or maintaining the substance on the parkway or median and the alternatives that may be available to the applicant; and

(8) A permit shall be required to be obtained from the city prior to removal of any tree whether located on public or private property. (Ord. 94-301, passed 8-9-1994; Ord. 06-042, passed 7-25-2006) Penalty, see ' 98.999

' 98.046 ISSUANCE.

(A) Within ten working days of receipt of the application, the UF Manager shall issue a permit to perform within 90 days of the day of issuance any of the acts specified herein for which a permit is requested whenever:

(1) Such acts would result in the abatement of a public nuisance;

(2) Such acts are not inconsistent with the development and implementation of the Urban Forestry Plan or with any regulations or standards of the Arboricultural Specifications Manual;

(3) An application has been signed by the applicant and submitted to the UF Manager detailing the location, number, size and species of trees, shrubs or other plants that will be affected by such acts, setting forth the purpose of such acts and the methods to be used and presenting any additional information that the UF Manager may find reasonably necessary;

(4) The applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this chapter, the Urban Forestry Plan and with the regulations and standards set forth in the Arboricultural Specifications Manual; and

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(5) The applicant certifies that he or she has read and understands those provisions of the Urban Forestry Plan, this chapter and of the Arboricultural Specifications Manual, which are pertinent to the work for which the permit is sought.

(B) If the work for which a permit is issued entails the felling of any tree, or part thereof, located on private property which, as a result of such felling, reasonably may be expected to fall upon city owned property, and if such felling is done by one other than the owner of the property on which such felling is done, then the applicant shall agree to indemnify and to hold the city harmless for all damages resulting from work conducted pursuant to the permit.

(Ord. 94-301, passed 8-9-1994)

' 98.047 PUBLIC UTILITY COMPANIES.

Nothing in this section shall be construed to exempt public utility companies or their agents from any of the requirements of this chapter.

(Ord. 94-301, passed 8-9-1994)

PUBLIC NUISANCES

' 98.060 DEFINITION.

The following are hereby declared *PUBLIC NUISANCES* under this chapter:

(A) Any dead or dying tree, shrub or other plant, whether located on city owned property or on private property;

(B) Any tree, shrub or other plant, or portion thereof, whether located on city owned property or on private property, which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;

(C) Any tree, shrub or other plant, or portion thereof, whether located on city owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street sign on city property; and

(D) Any tree shrub or other plant, or portion thereof, whether located on city owned property or on private property which dangerously obstructs the view as such may be determined by the UF Manager pursuant to this subchapter.

(Ord. 94-301, passed 8-9-1994)

' 98.061 RIGHT TO INSPECT.

The UF Manager, Building Commissioner and Superintendent of Streets or designated city employee of the city have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance.

(Ord. 94-301, passed 8-9-1994)

' 98.062 ABATEMENT.

The following are the prescribed means of abating public nuisances under this subchapter:

(A) Any public nuisance under this chapter which is located on city owned property adjacent to privately owned property shall be pruned, removed or otherwise treated by the property owner, or his or her agent, in whatever fashion is required to cause the abatement of the nuisance within 30 days after its notification;

(B) Any public nuisance under this subchapter which is located on private owned property shall be pruned, removed or otherwise treated by the property owner, or his or her agent, in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of violating this provision unless and until the following requirements of notice have been satisfied.

(1) The UF Manager shall cause a written notice to be personally served or sent, by registered mail, to the person to whom was sent the tax bill for the general taxes for the last preceding year.

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(2) Such notice shall describe the kind of tree, shrub or other nuisance, its location on the property and the reason for declaring it a nuisance.

(3) Such notice shall describe, by legal description or by common description, the premises.

(4) Such notice shall state the actions that the property owner may undertake to abate the nuisance.

(5) Such notice will require the elimination of the nuisance no less than 30 days after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.

(C) The UF Manager is empowered to seek the immediate abatement of any public nuisance provided that the nuisance is determined by the UF Manager to be an immediate threat to any person or property.

(D) In the event of failure of property owner to The Forestry Board shall be composed of five Commissioners. Five Commissioners shall be appointed by the Mayor with the approval of the City Council. These five Commissioners shall serve without pay and shall reside within the corporate limits of the city. Any additional Commissioners shall be ex officio and shall not vote.

(Ord. 94-301, passed 8-9-1994; Ord. 06-042, passed 7-25-2006)

' 98.077 APPOINTMENT OF MEMBERS.

Two of the five Commissioners initially appointed to the Forestry Board shall serve for a term of one year and three of the five Commissioners initially appointed shall serve for a term of three years. The terms shall start on a common date. The Mayor shall designate the Chairperson of the Forestry Board. (Ord. 94-301, passed 8-9-1994; Ord. 06-042, passed 7-25-2006)

' 98.078 EXPIRATION OR VACATION OF TERMS.

(A) Within 30 days following the expiration of

comply with such provisions or notice, the UF Manager shall have the authority to request removal of such trees, shrubs or plants.

(Ord. 94-301, passed 8-9-1994) Penalty, see ' 98.999

URBAN FORESTRY BOARD

' 98.075 ESTABLISHMENT.

The City Urban Forestry Board (hereinafter AForestry Board@) is hereby established. Its functions and duties are limited to those set forth in this chapter.

(Ord. 94-301, passed 8-9-1994)

' 98.076 COMPOSITION.

the term of any appointed Commissioner, a successor shall be appointed by the Mayor with the approval of the City Council and the successor shall serve for a term of three years.

(B) Should any Commissioner resign or be removed from the Forestry Board, a successor shall be appointed by the Mayor with the approval of the City Council and shall serve for the unexpired period of the vacated term. A member of the Forestry Board may be removed by the Mayor with the approval of a majority of the City Council.

(Ord. 94-301, passed 8-9-1994)

' 98.079 DUTIES.

(A) The Forestry Board shall perform the following duties.

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(1) Within a reasonable time after the appointment of the Forestry Board, upon call of the Chairperson of the Forestry Board, shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this chapter.

(2) The Forestry Board shall advise and consult with the UF Manager on any matter pertaining to the Arboricultural Specifications Manual and Urban Forestry Plan. The topics under which this advice and consultation may be given may include, but are not limited to, any of the following:

(a) Amendments to this subchapter and alteration or revisions to the Arboricultural Specifications Manual and alterations or revisions of the Urban Forestry Plan;

(b) Policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants within the city and preparation of a list of recommended street trees;

(B) This shall also include disputes regarding the issuance of permits required under this chapter and the abatement of nuisances as defined herein. The decision of a majority of the appointed members of the Forestry Board with regard to such dispute shall be binding upon the UF Manager. Nothing in this section shall be construed to limit the jurisdiction of any court of law with respect to such disputes.

(Ord. 94-301, passed 8-9-1994)

' 98.999 PENALTY.

(A) Any alleged violation of this chapter may be prosecuted in accordance with the terms and provisions of ' 32.06 of this code of ordinances.

(B) Any person who violates any provision of this chapter or who fails to comply with any notice issued pursuant to the provisions of this chapter shall upon being found guilty of a violation or, after entry of an administrative finding that a violation has occurred, made in accordance with ' 32.06 of this code of ordinances, be fined not less than \$100, and not more than \$750, for each offense. Each day during which

(c) Allocation of funds to the Urban Forestry Division and expenditures of funds by the Urban Forestry Division;

(d) Establishment of educational and informational programs for the public;

(e) Development of policies and procedures regarding the UF Managers's duties; and

(f) Issuance of permits required by this chapter.

(3) The Forestry Board, upon the request of any person who disagrees with the decision of the UF Manager, shall hear all issues concerning disputes which arise between the UF Manager and any such person whenever those issues involve the interpretation or enforcement of the Arboricultural Specifications Manual, the Urban Forest Plan or of the interpretation or enforcement of this chapter.

any violation shall occur or continue shall be a separate offenses.

(C) If, as the result of the violation of any provision of this chapter, the injury, mutilation or death of a tree, shrub or other plant located on city owned property is caused; the cost of repair or replacement of such tree, shrub or other plant shall be paid by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of A Guide for Plant Appraisal, as published by the International Society of Arboriculture.

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(D) Whenever any public tree, shrub or other plant material has been damaged or killed, and a fine has been recovered therefor under the provisions of this chapter or where the amount of such damage has been ascertained and the settlement of such claim has been authorized, such fine, or the amount so paid in settlement, or any necessary part thereof, when transferred to the City Collector, may, in the discretion of the City Council, to be used for the purpose of defraying all necessary expenses incurred in and by the removal of such tree, shrub or other plant material and in replacing the same by a living tree, shrub or other plant material.

(Ord. 94-301, passed 8-9-1994)