

**TITLE II**  
**Community Protection**

**Article 1**  
**Police Services**

**Section 1**      **Rock Island County Sheriff.** The provision of law enforcement services to the Village of Carbon Cliff and its residents shall be made by the Rock Island County Sheriff's Department in accordance with and under the authority of an Intergovernmental Agreement by and between the Village of Carbon Cliff and the Rock Island County Sheriff's Department.

**Section 2**      **References Herein.** Any and all terms used within the Carbon Cliff Village Code, as amended, which would commonly be understood to refer to the Village's Police Department, shall be understood to refer to the Rock Island County Sheriff's Department as appropriate. By way of example, "squad car" shall refer to a police vehicle of the Rock Island County Sheriff's Department, "Village Police Department" shall refer to the "Rock Island County Sheriff's Department," "Police" shall refer to the Rock Island County Sheriff's Department, and "Police Officer" shall refer to an officer of the Rock Island County Sheriff's Department. The aforementioned list is not exhaustive.

The term "Village Marshal" throughout the Carbon Cliff Village Code shall be deemed to refer to the Rock Island County Sheriff."

**Article 2**  
**Fire Services**

**Section 1**      **Carbon Cliff-Barstow Fire Protection District.** The provision of fire services to the Village of Carbon Cliff and its residents shall be made by the Carbon Cliff-Barstow Fire Protection District in accordance with and under the authority of an Intergovernmental Agreement by and between the Village of Carbon Cliff and the Barstow Fire Protection District.

**Section 2**      **References Herein.** Any and all terms used within the Carbon Cliff Village Code, as amended, which would commonly be understood to refer to the Village's Fire Department, shall be understood to refer to the Carbon Cliff-Barstow Fire Protection District as appropriate. By way of example, "fire department" shall refer to the Carbon Cliff-Barstow Fire Protection District, "Fire Department officer" shall refer to an officer or member of the Carbon Cliff-Barstow Fire Protection District, "Fireman" shall refer to an officer or member of the Carbon Cliff-Barstow Fire Protection District, "Fire Department equipment" shall refer to equipment owned and/or operated by Carbon Cliff-Barstow Fire Protection District, and "Firefighter" shall refer to an officer or member of the Carbon Cliff-Barstow Fire Protection District. The aforementioned list is not exhaustive."

**Article 3**  
**Public Places and Property**

**Section 1**      **Supervision.** All maintenance and repair of public streets, alleys, and other public ways shall be under the supervision of the chief of municipal operations. He shall be charged with the enforcement of all ordinance provisions relating to such public places, and is authorized to enforce such ordinances.

**Section 2**      **Construction.** It shall be unlawful to construct or lay any pavement on any public street, sidewalk, alley, or other public way, or to repair the same, without having first secured a permit. Applications for such permits shall be made to the clerk and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permit shall be issued except where the work will conform to the ordinances of the Village.

**Section 3**      **Bond.** Each applicant shall, prior to any construction being undertaken, provide to the Village the following:

3.1      A maintenance bond in an amount equal to 100% of the estimated cost of construction, or a minimum of \$1,000.00. The maintenance bond shall name the Village as obligee and shall be in full force for a period of not less than one (1) year from the date of completion.

3.2      A performance bond in an amount equal to 100% of the estimated cost of construction, or a minimum of \$1,000.00.

3.3      A surety in an amount to meet or exceed the maintenance and performance bonds value, which must be provided and prove satisfactory to the Village. An applicant who is a resident of the Village may obtain a waiver of the surety requirement by naming the Village as insured (beneficiary) on the applicant's insurance policy.

3.4      Public liability and property damage insurance naming the Village as an additional insured with minimum limits of \$100,000.00 for any one person and \$500,000.00 for any one accident, and \$50,000.00 for injury to property. The public liability and property damage insurance is to remain in full force and effect until the completion of the work.

**Section 4**      **Damage to Streets, Appurtenances, and Structures.**

4.1      Unlawful Use or Damage to Streets, Appurtenances, and Structures. It shall be unlawful for any person to willfully injure or damage any public street or any bridge or culvert, or to willfully damage, injure or remove any sign, signpost, or structure upon or used or constructed in connection with any public street for the protection thereof or for protection or regulation of traffic thereon by any willfully unusual, improper or unreasonable use thereof, or by willfully careless driving or use of any vehicle thereon, or by the willful mutilation, defacing, destruction or removal thereof.

4.2      New Pavement. It shall be unlawful to walk upon or drive any vehicle or animal upon or injure any newly laid street while the same is guarded by a warning sign or barricade, or to knowingly injure any soft or newly laid surface.

- Section 5**      **Repairs.** All public streets shall be in good repair. The repair work, whether done by the Village or by the abutting owner, shall be under the supervision of the chief of municipal operations.
- Section 6**      **Defects.** It shall be the duty of every Village officer and employee, becoming cognizant of any defect in any street, or any obstruction thereof, to report the same to the chief of municipal operations as soon as possible.
- Section 7**      **Obstruction.** It shall be unlawful for any person, firm, or corporation to cause, create, or maintain any obstruction of a street or other public way except as may be specified by ordinance or by the Director of Community and Administrative Services. In the event an obstruction of a street or other public way is not removed after notice thereof and demand for its removal, the Village shall remove any such obstruction or cause the removal of any such obstruction and lien the property upon which such obstruction is located for the cost of such removal and the cost of preparing and recording of any lien.
- Section 8**      **Barricades.** Any person, firm, or corporation laying or repairing any street or other public place or making an excavation in the same, shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work; such barricades shall be protected by a light at nighttime.
- Any defect in any such street or public way shall be barricaded to prevent injury; and any person, firm, or corporation properly maintaining any opening or excavation while the same remains open shall guard the same with proper barricades and lights.
- Section 9**      **Disturbing Barricades.** It shall be unlawful to disturb or interfere with any barricade or lights lawfully placed to protect or mark any new pavement, excavation, or opening in any public street.
- Section 10**     **Private Use.** It shall be unlawful for any person, firm, or corporation to use any street or other public place as space for the display of goods or merchandise for sale, or write or make any sign or advertisement on any street or public place.
- Section 11**     **Encroachments.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.
- Section 12**     **Drains.** It shall be unlawful to obstruct any drains in any public street or property.
- Section 13**     **Poles and Wires.** It shall be unlawful to erect any poles or wires or maintain any poles or wires over any public place, street, or other public way without having first secured permission from the President and Village Board.
- Section 14**     **Gasoline Pumps.** It shall be unlawful to erect or maintain any gasoline pump on any public street in the Village.
- Section 15**     **Games.** It shall be unlawful to play any games on any street, alley, sidewalk, or other public places where such games cause unnecessary noise or interfere with traffic or pedestrians.

**Section 16**      **Openings.** It shall be unlawful to construct or maintain any openings in any public street without a permit from the Village Board. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing, to the approval of the chief of municipal operations.

**Section 17**      **Planting Trees or Bushes.** It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having secured a permit. Applications for such permits shall be made to the Village Clerk and referred by him to the chief of municipal operations before issuance by the Village Board.

**Section 18**      **Removal of Trees or Shrubs.** It shall be unlawful to remove or cut down any tree or shrub in any such public place without having secured a permit. Applications for such permits shall be made to the Village Clerk and shall be referred to and approved by the chief of municipal operations before issuance.

**Section 19**      **Injury to Trees or Shrubs.** It shall be unlawful to injure any tree or shrub planted or growing in any such public place.

**Section 20**      **Advertisement-Notices.** It shall be unlawful to attach any sign, advertisement, or notice to any tree or shrub in any public place.

**Section 21**      **Dangerous Trees.** Any tree, tree limb, or shrub which overhangs or obstructs a street, alley, walkway, sidewalk, or other public way or public place in the Village in such a way as to impede or interfere with traffic or travel, including sight obstruction, or is located within ten (10) feet of a street, shall be trimmed or removed by the owner of the premises abutting or of the premises on which the tree or shrub grows so that the obstruction or impediment shrub shall cease.

Any tree or limb of a tree which has become likely to fall on or across any alley, street, walkway, sidewalk, public way, or public place shall be removed by the owner of the premises abutting or on the premises on which the tree grows or stands.

In the event any tree or shrub which obstructs or is an impediment to an alley, street, walkway, sidewalk, public way, or public place, is not trimmed or removed within forty-eight (48) hours after notice is served by personal service to the premises where such obstruction or impediment is present, the Village shall undertake such removal of the obstruction or impediment and charge the cost thereof to the owner of the premises where such tree or shrub is located.

In the event reimbursement is not made to the Village within thirty (30) days after issuance of an invoice, therefore, the Village shall record a lien against the premises in an amount to cover the cost of removal by the Village, including costs incurred in connection with the preparation and recordation of the lien.

**Section 22**      **Wires.** It shall be unlawful to attach any wire or rope to any tree or shrub in any public street, parkway, or other public place without the permission of the Village Board.

Any person or company which maintains poles and wires in the streets or other public places, shall, in the absence of a provision in the franchise concerning the subject, keep the wires and poles free from and away from any trees and shrubs in such places as far as may be possible and keep all the trees and shrubs near the wires and poles properly trimmed, subject to the supervision of the chief of municipal operations, so that no injury can be done either to poles or wires or to the shrubs and trees by contact.

**Section 23**      **Gas Pipes.** Any person or company maintaining any gas pipe in the Village shall keep the pipes free from leaks so that no injury shall be done to any trees or shrubs.

**Section 24**      **Excavations.** In making excavations in streets or other public places, proper care shall be taken to avoid injury to the roots of any tree or shrub, wherever possible.

**Section 25**      **Deposits on Streets.** It shall be unlawful to deposit on any street any material that may be harmful to the surfacing thereof or any waste material, any glass, or other articles which may do injury to any person, animal, or property.

**Section 26**      **Burning Leaves and Rubbish.** It shall be unlawful for any person, firm, or corporation to burn any leaves, paper, rubbish, or other substance upon any of the public streets of the Village.

**Section 27**      **Closing Streets.** The Black Hawk Area Special Education District, during the school year, shall have permission to close off by means of a barricade extending over a portion of the street, the lower eastern section of THIRD STREET, at the times of the day as the district shall request and the Village Board shall approve.

Once times are approved by the Village Board, the times at which Third Street may be closed shall not be changed or altered without prior approval of the Village Board.

**Section 28**      **Private Drive Snow Removal.** It shall be unlawful to clean private drives or sidewalks in such a manner as shall result in the deposit of snow into the public ways due to the snow removal from such private drives or sidewalks.

**Section 29**      **Village Park Rules and Regulations.**

29.1      **Ownership and Maintenance.** All buildings, grounds, and related facilities located within the Carbon Cliff Park, located at 100 State Street / 343 N. 1st Avenue, shall be owned and maintained by the Village of Carbon Cliff. The "Carbon Cliff Park" may be referred to in Section 29 as the "Park," and the "Village/Village of Carbon Cliff" shall refer to the Director of Community & Administrative Services.

29.2      **Hours of the Park.** The "park" shall be open to the public from 8:00 a.m. to 9:00 p.m. Central Standard Time year-round. It shall be unlawful for any person to be in or upon or remain in or upon the "park" or any of its recreation areas or facilities beyond the hour of 9:00 p.m. Central Standard Time.

29.3      **Parking.** There are three designated gravel parking areas within the "park" which are located at the large baseball field, the small baseball field, and the pond. It shall be unlawful to park any vehicle within the "park" other than the designated parking areas. It shall be unlawful for any vehicle to be parked within the "park" when the "park" is not open to the public as outlined in Section 29.2 herein. The Village may permit parking anywhere within the "park" during a special event. The Village has the right to ticket or tow any vehicle violating this Section, at the owner's sole expense.

- 29.4 Pond. The pond located within the “park” shall be open to the public from April 1st to November 1st of each year. It shall be unlawful to fish in the pond during any time the pond is not open to the public.
- 29.5 Use of Baseball Fields. The baseball fields located within the “park” are open to the public to use at any time during normal “park” hours, provided that the facility is not currently in use and there is no practice, game, or other event scheduled. Organizations shall provide a schedule of all games, practices, or other events to the Village before the commencement of its season. Said schedules shall include a calendar or written schedule indicating the days and times requested for using the baseball fields for practices, games, or other events. The schedule shall also include any days needed for make-up games and any tournaments. The schedules shall be subject to Village approval, in its sole discretion, and the Village retains the right to deny use of the baseball fields on any day and time. for which an event has already been scheduled. The Village reserves the right to revoke an individual or organization's use of the fields and may fine said individual or organization for any damage or misuse of the fields. (Additional requirements may be found listed in the Rental Agreement)
- 29.6 Modifications/Damage to “Park” Property. It shall be unlawful for any person or organization to modify or damage any “park” property or Village-owned equipment located therein, including, but not limited to, buildings, playground equipment, picnic tables, trash cans, baseball equipment, bases, field drags, or any other equipment designed for use within the “park” or maintenance of the “park” and its facilities. Any person using village-owned equipment shall return said equipment to the provided storage areas. Any person violating this Section shall be liable for any damage to said “park” property or Village-owned equipment. The Village reserves the right to revoke an individual or organization's use of the “park” and may fine said individual or organization for any damage or misuse of the “park”. Any organization wishing to make modifications/improvements to the “park” must first obtain approval from the Public Properties Committee.
- 29.7 Fundraising. Any organization wishing to hold a fundraiser at the “park” must first present said fundraising event details to the Public Properties Committee for Village approval and be a 501.C. registered organization. No organization shall hold a fundraiser to add buildings, playground equipment, baseball/softball equipment, modify the “park”, etc., without prior approval from the Public Properties Committee. No organization shall use without prior consent from the Village Board of Trustees the Village’s name for any fundraising event.
- 29.8 Use of Pavilion. The pavilion located within the “park” shall be available to rent by the public. Use of the pavilion will be on a first-come, first-served basis unless a sanctioned Village event has been scheduled. The fee for use of the pavilion shall be established by the Village Director and anyone wishing to rent the pavilion must register with the Village Hall no later than 48 hours before the date and time of the event and provide a valid State ID. Any individual or organization renting the pavilion shall be responsible for cleaning up after their event and making sure there is no trash, debris, etc., remaining within the pavilion area. The Village may issue a fine to any individual or organization for any damage or misuse of the pavilion. A plaque shall be placed at the pavilion to show the name, date, and time of any scheduled use of the pavilion. (Additional requirements may be found listed in the Rental Agreement)

- 29.9 Use of Concession Stands. The concession stands located within the “park” shall be owned and maintained by the Village. The Village may issue a combination padlock(s) at its discretion. No personal items shall be kept or stored in the concession stands. The Village shall not be liable for any personal items lost, damaged, or stolen from the concession stands. The Village retains the right to discard any items left in the concession stands. (Additional requirements may be found listed in the Rental Agreement)
- 29.10 Use of Storage Shed. The storage shed located within the “park” shall be owned and maintained by the Village. The Village may issue combination padlock(s) at its discretion. No personal items shall be kept or stored in the storage shed. The Village shall not be liable for any personal items lost, damaged, or stolen from the storage shed. The Village retains the right to discard any items left in the storage shed. (Additional requirements may be found listed in the Rental Agreement)
- 29.11 Liability and Insurance. Any individual or organization using the “park” for an event must provide proof of individual and property damage insurance and must also sign off on a waiver of liability.

**Section 30 No Liquor in Parks.** No person shall consume or possess alcoholic liquor in any public park located within the corporate limits of the Village unless such liquor has been purchased from a Special Event Retailer and consumed during a community-related function in the public park in which the Special Event Retailer is a participant.

**Section 31 Sale of Liquor in Parks.** No alcoholic liquor shall be sold in any public park located within the corporate limits of the Village unless it is sold by a Special Event Retailer. The Special Event Retailer must receive permission from the Village President and the Village Board of Trustees to hold the Special Event in the public park and to sell alcoholic liquor during the special event. The special event must be a community-related educational, fraternal, civic, religious, or non-profit organization.

The Special Event Retailer must obtain both a Local and State Liquor License, provide proof of dram shop insurance, and name the Village as an additional insured in its Public Liability and Property Damage Insurance Policy. The Village Board of Trustees shall set the minimum and maximum limits of the Public Liability and Property Damage Insurance and may require other conditions for the use of the public park.

**Section 32 Closing Roads.**

- 32.1 Whenever any public road or bridge or culvert is being constructed, repaired, maintained, or renovated, the Village public works department shall erect or cause to be erected at such points as they may deem necessary, suitable barriers with signs, stating that the road is closed.
- 32.2 The Village public works department shall also erect or cause to be erected at such places as deemed necessary, detour signs directing travel around such construction, repair, maintenance, or renovation work.

- 32.3 Whenever deemed necessary to protect an accident scene, the Police Department, Fire District, Village Engineer, or the designated public works employee of the Village is authorized to take whatever actions as deemed necessary to safeguard the road or adjacent areas and prohibit passage.
- 32.4 Whenever a road has been closed as provided herein, it shall be unlawful for any person to remove such barrier or signs, or to deface or injure the same, or to walk, ride, or drive upon any part of the road closed, except such persons duly authorized to do so.
- 32.5 In addition to any fine for an ordinance violation, any person convicted for violating provisions of this Section, shall be held liable for any and all damages caused to the road, bridge, or culvert work.

**Section 33 Snow and Ice Removal.**

- 33.1 The owner and the occupant of all premises or parcels of land in the Village abutting the Village's right of way in which is located a public sidewalk, shall keep that public sidewalk free from snow and ice or other obstruction as required herein so that the sidewalk is reasonably clear of snow and ice and provides a level and unobstructed walkway. This duty shall include all owners and occupants of business premises or property regardless of the hours of operation of that business. In the event the snow or ice on such sidewalk cannot be removed without injury to such owner or occupant, or damage to the pavement, the sidewalk shall be spread with salt and/or sand until conditions permit the removal of the snow and/or ice without injury to the owner or occupant, or to the sidewalk.
- 33.2 Sidewalks shall be cleared within 24 hours of an accumulation of one inch (1") of snow or other deposits on the sidewalk and within 24 hours of the conclusion of a snow event.
- 33.3 Owners and occupants of corner lots that abut public sidewalks which include ramps to the street shall keep the ramps free from snow or other obstruction within the same time frame as required in Section 32.2.
- 33.4 It shall be unlawful for the person or persons responsible for the snow removal pursuant to this section to fail to remove such snow and such person or persons shall be subject to the penalties set forth in Title I, Article 3, Section 1. In addition, the Village may at its discretion after giving notice to the taxpayer of record by mail and by signage posted on the property of its intent to remove such snow or ice after 72 hours of the posting of the notice, cause the snow to be cleared by its employees or outside contractors and charge a fee for such service to the owner of the property abutting the sidewalk which shall be a debt due the Village. The Village may also choose to clear, without charge, those sidewalks where the Village Board determines such clearing to be useful or necessary and in the interest of commerce or transportation. Where a fee is imposed by the Village, the charge by the Village for clearing snow from a sidewalk or ramp shall be the actual cost incurred for clearing the snow, whether that is by Village employees or contracted by another party, plus a \$125 administrative fee. Each day that snow or other obstruction shall remain on the sidewalk after the initial 24-hour period shall constitute a separate offense."

**Section 34**      **Open Burning.**34.1      Definitions.

- A.      **Bonfire** means a large fire built in the open air that shall not exceed five feet by five feet by five feet (5' x 5' x 5') in area;
- B.      **Open burning** means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under the Illinois Environmental Protection Act. Open burning shall include, but not be limited to, bonfires, campfires, and recreational fires, but shall not include the preparation of food in containers manufactured for that purpose;
- C.      **Recreational fire** means a campfire or fire used for cooking that shall not exceed two feet by two feet by two feet (2' x 2' x 2') in area;
- D.      **Refuse** means all waste material, including, but not limited to, garbage, rubbish, incinerator residue, street sweepings, dead animals, and offal.

34.2      General. A person shall not kindle or maintain, or authorized to be kindled or maintained, any open burning unless conducted and approved in accordance with this Section.

34.3      Prohibited Open Burning. The open burning of refuse is not allowed in any part of the Village, pursuant to the Village Code, the International Fire Code, the Illinois Environmental Protection Act, and other regulations.

34.4      Permit required. A permit shall be obtained from the Village prior to kindling a fire for recognized silviculture, range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

- A.      **Authorization.** Where required by State or local law, open burning shall only be permitted with prior approval from the State or local authority, provided that all conditions specified in the authorization are followed.
- B.      **Prohibited open burning.** Open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The Code Enforcement Officer is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to a hazardous or objectionable situation.

34.5      Location. The location for open burning shall not be less than twenty-five feet (25') from any structure, and provisions shall be made to prevent the fire from spreading to within twenty-five feet (25') of any structure.

A. **Exception.** Fires in approved containers that are not less than fifteen feet (15') from a structure.

34.6 Bonfires. A bonfire shall not be conducted within twenty-five feet (25') of a structure or combustible material unless the bonfire is contained in a barbeque pit or an approved container. Conditions that could cause a fire to spread within twenty-five feet (25') of a structure shall be eliminated prior to ignition.

34.7 Recreational fires. Recreational fires shall not be conducted within twenty-five feet (25') of a structure or combustible material unless the fire is contained in a barbeque pit or an approved container. Conditions that could cause a fire to spread within twenty-five feet (25') of a structure shall be eliminated prior to ignition.

34.8 Attendance. Open burning, bonfires, or recreational fires shall be constantly attended to until the fire is extinguished. A minimum of one portable fire extinguisher or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.

**Article 4**  
**Traffic Regulations**

- Section 1** **Illinois Vehicle Code Adopted.** In order to establish rules and regulations for the movement of traffic in and about the Village, the Board of Trustees adopt the provisions of the Illinois Vehicle Code as presented in Chapter 951/2 of Illinois Revised Statutes 1985 and as hereafter amended.
- Section 2** **Obedience to Police.** Members of the Police Department and special police assigned to traffic duty are authorized to direct all traffic in accordance with the provisions of this article, or in emergencies as public safety or convenience may require and it shall be unlawful for any person to fail or refuse to comply with any lawful order signal or direction of a policeman. Except in case of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic.
- Section 3** **Scene of Fire.** The Fire Department officer in command or any fireman designated by him may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as Fire Department equipment is on the scene in the absence of or in assisting the police.
- Section 4** **Signs and Signals.** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by the authority of the Board of Trustees or in accordance with the laws of the state, except on direction of a police officer. All signs and signals established by the direction of the governing body shall conform to the State Manual of Uniform Traffic Control Devices for Streets and Highways.
- Section 5** **Unauthorized Signs.** No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is in imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic; nor shall any person place, maintain, or display upon or in view of any highway any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic control device or any railroad sign or signal; and no person shall place or maintain, nor shall any public authority permit on any highway any traffic or signal bearing any commercial advertising.
- Section 6** **Interference With Signals or Signs.** It shall be unlawful for any person to deface, injure, move, or interfere with any official Village sign or signal posted within the boundaries of the Village pursuant to the authority of the Corporate Authorities or in accordance with the laws of the State.
- Section 7** **Animals or Bicycles.** Every person riding or driving a motorized vehicle upon any street, shall be subject to the provisions of this ordinance applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding animals; provided that, except in business districts, bicycles may be ridden on sidewalks.
- Section 8** **Through Streets.** First and Second Avenues in the Village are designated as through streets and all traffic entering upon the through streets shall first stop to yield the right away to other vehicles which have entered the intersection or which are approaching so close upon such through street as to constitute an immediate hazard, as directed by stop signs placed at each such intersection, unless directed otherwise by the traffic officer.

**Section 9 One Way Thorough Fare.**

One-Way Alley. The alley between 2nd and 3rd Street from 1st to 2nd Avenue is designated a one-way alley, with traffic traveling from east to west only.

One-Way Circle. Villa Pines Circle is designated a one-way circle, with traffic traveling from north to south only.

Signs Erected. "One-way Only" with arrow signs are to be erected at the east end of the 2nd/3rd Street alley and at the north end of the Villa Pines Circle. "One-way Only, Do Not Enter" signs are to be erected at the west end of the 2nd/3rd Street alley, and at the south end of Villa Pines Circle.

**Section 10 Stop Signs.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected at one or more entrances, and shall proceed cautiously yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard unless traffic at such intersection is controlled by a police officer on duty, in which event the directions of the police officer shall be complied with. Such stop intersections are as follows:

First Avenue	Entering Colona Road
Denhardt Avenue	Entering Third Street
Sinclair Boulevard	Entering State Street
Mansur Avenue	Entering Valley View
Charles Street	Entering Mansur Avenue
Cliff Court	Entering Cliff Drive
Orchard Court	Entering Valley View
Mansur Street	Entering Mansur Avenue
Cherry Court	Entering Valley View
165th Street	Entering Barstow Road
Greenwood Avenue	Entering Valley View
Troy Drive	Entering Colona Road
Woodland Avenue	Entering Troy Drive
First Avenue	All Streets Entering

Second Avenue	All Streets Entering
Sinclair Boulevard	Entering First Street
Orchard Lane	Entering Friendship Farm Road
Mansur Lane	Entering Mansur Avenue
Jay Street	Entering Lily Avenue

**Section 11** **Yield Signs.** The driver of a vehicle in obedience to a yield right-of-way sign shall reduce the speed of his vehicle to not more than twenty (20) miles per hour and shall yield the right-of-way to vehicles that have entered the intersection either from the right or left or which are approaching so closely on the intersecting street as to constitute an immediate hazard, but the driver having so yielded may proceed at such time as a safe interval occurs. Such yield intersections are as follows:

Denhardt Avenue	Entering Fourth Street
Allen Avenue	Entering Mansur Street
Cliff Drive	Entering Valley View
Valley View	Entering Cliff Drive
Lindenwood Avenue	Entering Troy Drive
Kingsbury Drive	Entering Woodlawn Avenue
Lindenwood Avenue	Entering Kingsbury Drive

**Section 12** **Posting Signs.** The chief of municipal operations or any other person designated by the President of the Board of Trustees and the Board of Trustees shall post or cause to be posted suitable signs for all such through streets, one-way streets, or alleys, and stop intersections.

**Section 13** **Vehicle Not to be Driven on Sidewalks or in Safety Zones.** No driver of a vehicle shall drive within any sidewalk area except at a permanent or temporary driveway, nor at any time into or upon any portion of a roadway marked as a safety zone. No person shall drive upon any of the streets or across any streets of this Village upon which there is a barrier.

**Section 14** **Limited Load Streets.** Load limit signs specifying the maximum load limit in accordance with this section shall be posted at the following locations:

- 14.1 At the intersection of State Street and Route 84.
- 14.2 At the intersections of 1st Street through 6th Street where each of the streets intersects Route 84.

- 14.3 On 1st Avenue at the south boundaries of the Village.
- 14.4 On 1st Avenue at the north boundaries of the Village.
- 14.5 On Sinclair Blvd. at the north boundary of the Village.
- 14.6 On the north and south ends of Mansur Avenue.
- 14.7 At the intersection of Troy Drive and Colona Avenue.

Load limit signs specifying the maximum load limit shall also be placed at the east and west ends of the following roadway:

“A paved street running through Outlot 3 in Cliff Heights First Addition to the Village of Carbon Cliff from Old State Route 7 to C.

### Section 15

**Parking Rules.** No parking places. At any time, it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device:

- 15.1 In an intersection.
- 15.2 In a crosswalk.
- 15.3 Upon any bridge or approach thereto.
- 15.4 Within thirty (30) feet of a stop sign or on the approaching side.
- 15.5 Within twenty-five (25) feet of any intersection or crosswalk.
- 15.6 At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen (18) feet.
- 15.7 Within fifteen (15) feet of a fire hydrant.
- 15.8 Within fifteen (15) feet of a lawfully placed U.S. Mail Delivery Box.
- 15.9 At any place where the vehicle would block the use of a driveway.
- 15.10 Within seven (7) feet of the driveway to any Fire Department Station.
- 15.11 On any sidewalk or parkway.
- 15.12 At any place where official signs prohibit parking.
- 15.13 On the side of any street against the flow of traffic.

- 15.14 On the East side of 2nd Avenue, between 1st Street and 5th Street of said Village.
- 15.15 In any alley that would prevent another vehicle from regular use of the alley.
- 15.16 To double park at any time in any part of the Village.
- 15.17 On a public street or public place for over forty-eight (48) hours in one location.
- 15.18 Between the curb or drainage ditch at the side of a public road and the public sidewalk.
- 15.19 On a street with curbing, with the right front or rear wheels exceeding eighteen (18) inches from the curb.
- 15.20 On the North side of First Street between First Avenue and Second Avenue.
- 15.21 On the East side of Lily Avenue in its entirety.
- 15.22 North and South sides of Valley View Drive beginning at the intersection of Valley View Drive and Illinois Route 84 and continuing West to a point two hundred (200) feet Southwest of the Southwest edge of the intersection of Valley View Drive and Cliff Drive.
- 15.23 East and West sides of 165th Street beginning at the intersection of 165th Street and Barstow Road and continuing south to the termination of 165th Street.
- 15.24 On the East and West sides of North 1st Avenue from the North 1st Avenue Railroad Crossing for the Iowa Interstate Railroad North to the Corporate Limits.
- 15.25 Villa Pines Circle in its entirety, except for the off-street parking area provided for visitors and residents.
- 15.26 On the West side of Orchard Court, beginning four hundred seventy-five (475) feet South of Valley View Drive, continuing south around the cul-de-sac to a point ending four hundred seventy-five (475) feet South of Valley View Drive on the East side of Orchard Court.
- 15.27 On the East Side of Pleasant Avenue in its entirety.
- 15.28 On the East Side of Cliff Court in its entirety.
- 15.29 On the South Side of 3rd Street in its entirety.
- 15.30 On the West Side of 1st Avenue between State Street and 3rd Street.
- 15.31 On the East Side of Mansur Avenue between Charles Street and Valley View Drive.

15.32 On the North side of Mansur Lane (Massy Lane), beginning at the intersection of Mansur Avenue and Mansur Lane and extending west/south approximately 450' to the junction of Mansur Lane, Foret Mansur, and Rebecca Lane.

15.33 On the South side of Mansur Lane (Massy Lane), beginning at the intersection of Mansur Avenue and Mansur Lane and extending west/south approximately 475' to the junction of Mansur Lane, Foret Mansur, and Rebecca Lane.

**Section 16**

**Snow Removal And Snow Routes.** Between November and March of each year, snow, ice, and freezing rain can be expected within the Village. The clearing of snow from our streets, avenues, courts, and cul-de-sacs while maintaining ice control throughout the day and night is considered emergency work within the village. Since snow and ice removal is considered an emergency service, the Village shall use all available methods, resources, and equipment to keep access to the village as open as possible.

All streets, avenues, boulevards, and courts including cul-de-sacs, hereinafter referred to as streets, within the corporate limits of the Village are designated as snow routes. No parking of vehicles or trailers shall be allowed on any street after two (2) inches of snow has fallen or there is an accumulation of ice on the roadways resulting in unsafe driving conditions. For streets without curbs and gutters, the area plowed will extend six (6) feet off the edge of either side of the street's main surface, commonly made up of asphalt "blacktop", concrete, or bituminous material, and into the graveled area. The salt shall only be applied to hills and intersections to comply with Illinois EPA standards. Ice control sand can be mixed with salt to provide traction to motorists when temperatures fall below 15°.

The snow route ban upon parking shall extend for a seventy-two (72) hour period after the snowfall has ended or until the route has been plowed clear of snow by the Village. Owners and/or drivers of vehicles shall be responsible for compliance with this section and shall be subject to penalty as provided and liable for any expense incurred in the towing of any vehicle.

The Village Board shall designate from time to time a privately owned wrecker service to tow any cars illegally parked from a snow route and to impound the vehicle until reclaimed by the owner at the owner's expense or otherwise deposited of, and the private wrecker service is authorized, by the Village Board and the Director of Community & Administrative Services, to remove the motor vehicle from any snow route.

PENALTY: It shall be a violation to leave or permit to be left on any street, avenue, or court, designated as a snow route, a vehicle, or trailer as defined in this article. The Village may issue a fine in lieu of towing the vehicle or trailer.

**Section 17**

**Authority to Post No Parking Signs.** The Village Marshal or any other person authorized by the President of the Board of Trustees, or the Board of Trustees shall cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions.

**Section 18**

**Weight.** It shall be unlawful to drive on any street any motor vehicle with a weight, including load, in excess of twelve thousand (12,000) pounds.

**Section 19**

**Spilling Loads.** No vehicle shall be so loaded that any part of its load spills or drops on any street or alley in the Village.

**Section 20 Bicycles.**

20.1 Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a reflector on the rear of a type which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

20.2 Every bicycle shall be equipped with a good and adequate brake.

**Section 21 Four-Way Stop Intersections.**

21.1 The intersection of Pleasant Avenue and Valley View Drive at the entrance of Eagle Ridge School and the alleyway parallel to Greenwood Avenue.

**Section 22 Penalty.** Any person arrested for a violation of any provision of this article regulating traffic except for those provisions concerning parking shall be released from custody upon posting bail as may be required by statute or by order of the Circuit Court of the 14th Judicial Circuit in and for the County of Rock Island and the State of Illinois. Excepting those provisions concerning parking, all persons arrested shall be supplied with a copy of a uniform arrest ticket advising the arrested party of the charge against him.

Any person wishing to satisfy a parking ticket for illegal parking as defined in this article may do so by paying to the Village Collector the sum of Twenty Dollars (\$20.00) within the first forty-eight (48) hours after receiving such ticket or Thirty Dollars (\$30.00) thereafter. Unpaid tickets will be turned over to the Municipal Code Enforcement System Hearing Officer and the Village has the right to tow the vehicle if it is in a no-parking area.

The fact that an automobile that is illegally parked is registered in the name of a person shall be considered prima facie proof that the person was in control of the automobile at the time of the parking.

**Section 23 Temporary Parking Restrictions.**

23.1 Temporary Parking Restrictions. The Village has the authority to temporarily restrict parking for any purpose which will promote the health, safety, and welfare of its citizens, including but not limited to, construction, streets and sanitation projects, and special events.

23.2 Sign Posting Notice. The Village shall give notice of a temporarily restricted parking area by posting a sign at the restricted area which shall indicate that it is a no parking tow zone, the date(s) and time frame of the parking restriction, a name, address, and phone number to locate a vehicle in the event that it was illegally parked and has been towed, and the amount of towing fees and fines to which the violator may be subject. The posting of such a sign will officially designate the area as a "tow zone." Any person in violation of this section may be subject to towing fees and fines up to Five Hundred Dollars (\$500.00).

- 23.3 Authority to Impound or Otherwise Relocate Vehicle. When an unattended vehicle is parked illegally in an officially designated and marked "tow zone," members of the Rock Island County Sheriff's Department and other authorized Village employees are authorized to issue a notice of parking violation and may authorize the removal of a vehicle from any public way to a Village vehicle pound or authorized garage or other legal parking space in the public way.
- 23.4 Towing or Removal Service and Costs. The Village or its authorized agent shall provide towing vehicles for the purpose of carrying out the provisions of Section 24.3. The Village or its authorized agent shall be entitled to the costs incurred when providing such towing or removal service.
- 23.5 Notice to Owner of Impounded Vehicle.
- A. Whenever any motor vehicle has been impounded pursuant to this section, the Rock Island County Sheriff's Department shall, within ten (10) days thereafter ascertain if possible from the Secretary of State of Illinois, the name of the owner and of any other person legally entitled to possession of such motor vehicle, and cause to be sent to such owner and to such other person legally entitled to possession, if known, a notice of the impoundment, including a full description of the vehicle. If the impounded vehicle is currently registered with the Secretary of State's office, notice shall be sent to the owner and any other person legally entitled to possession of the vehicle by certified mail. If the impounded vehicle is not currently registered with the Secretary of State's office, such notice shall be sent to the most recent registered owner at the most recent registered address by first-class mail. However, no such notice need to be sent to the owner of record if the owner is personally served with the notice within ten (10) days after the vehicle is impounded, and the owner acknowledges receipt of the notice in writing.
- B. Whenever the Rock Island County Sheriff's Department is not able to ascertain the name of the owner of an impounded vehicle, or for any reason is unable to give notice to the owner as provided in Subsection A, the department shall immediately send or cause to be sent a written report of such removal and impounding by mail to the Secretary of State of Illinois. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the address of the vehicle pound or authorized garage where the vehicle is stored.
- 23.6 Release Procedure for Impounded Vehicles.
- The owner or other person entitled to possession of a vehicle towed pursuant to this section may obtain immediate release of the vehicle by paying the full amount of the applicable towing and storage fees, plus all amounts due for outstanding final determinations of parking and/or compliance violations.
- 23.7 Reports on Towed Vehicles. When a motor vehicle or other vehicle is authorized to be towed away pursuant to this section, the Rock Island County Sheriff's Department shall keep and maintain a record of the vehicle towed listing the color, the year of manufacture, and

manufacturer's trade name, the manufacturer's series name, the body style, the vehicle identification number, and the license plate year and number displayed on the vehicle. The record shall also include the date and hour of the tow, the location towed from, the location towed to, the reason for the towing, and the name of the officer or deputy authorizing the tow.

23.8 Evidence of Identity and Right of Possession Required. No person shall be permitted to remove an impounded vehicle from the custody of the Village or private tow operator who has contracted with the Village unless he or she shall furnish evidence of his identity and right of possession to the vehicle and sign a receipt for the vehicle.

23.9 Disposal of Unclaimed Vehicle without Notice.

A. When the identity of the registered owner or other person legally entitled to the possession of a vehicle towed pursuant to this section cannot be determined by any means provided for in this section, the vehicle may be sold as provided herein, or disposed of in the manner authorized by this section without notice to the registered owner or other person legally entitled to the possession of the vehicle.

B. When an abandoned vehicle of more than seven (7) years of age is impounded as specified by this section, it will be kept in custody for a minimum of 15 days for the purpose of determining ownership, the contacting of the registered owner by the U.S. mail, public service, or in person for a determination of disposition and, an examination of the state police stole motor vehicle files for theft and wanted information. At the expiration of the fifteen-day (15) period, without the benefit of disposition information being received from the registered owner, the Rock Island County Sheriff's Department will authorize the disposal of the vehicle as junk only.

23.10 Disposition of Proceeds of Sale of Unclaimed Vehicles. When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Rock Island County Sheriff's Department and disposed of as set forth in this section, the proceeds of the public sale or disposition after the deduction of towing, store and processing charges shall be deposited in the Village treasury.

23.11 Liability. Any police officer, sheriff's deputy, towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this section.

## **Section 24      Angle Parking.**

24.1 Angle Parking Permitted. Angle parking shall be permitted by the Village on designated roadways.

24.2 Method of Designation. The Village shall designate angle parking areas by ordinance, which shall state the name of the roadway and a general description of the area where angle parking

is permitted. The Village shall also post signs on the roadway where angle parking is permitted, which shall say "Angle parking Permitted between Signs."

- 24.3 Designated Roadways. Angle parking is permitted on the following Village roadways: Second Street in front of the United Methodist Church between the signs which designate angle parking.

Second Street in front of the United Methodist Church between the signs which designate angle parking.

**Section 25 Parking In Residential Zones Restricted & First Division Motor Vehicles.**

- 25.1 Parking Restrictions. Parking of only First Division Motor Vehicles, as hereafter defined, shall be permitted on streets in all residential zones.

- 25.2 First Division Motor Vehicles. For the purpose of this section, First Division Motor Vehicles are motor vehicles that are designed and used for the carrying of not more than ten (10) passengers, and not designed and used for pulling or carrying freight or cargo or more than ten (10) persons.

**Section 26 Off-Highway Vehicles (OHVs).** Off-Highway Vehicles as defined by this ordinance shall mean small engine vehicles such as Golf carts, All-Terrain Vehicles, and Utility Terrain Vehicles. Off-Highway Vehicles specifically defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

- 26.1 Requirements. All persons wishing to operate an Off-Highway Vehicle on the Village streets must ensure compliance with the following requirements:

- A. Off-Highway Vehicle Requirements.
1. Proof of current liability insurance.
  2. Must be certified with the Village and be inspected by a designated representative.
  3. Must display a Village decal on the rear of the vehicle.
  4. Must be equipped as follows:
    - a. Horn; and
    - b. Brakes and brake lights; and
    - c. Turn signals; and
    - d. Steering wheel or handlebar apparatus; and

- e. Tires; and
  - f. Rearview mirror; and
  - g. Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (625 ILCS 5/12-709); and
  - h. Headlights that emit a white light visible from a distance of 500 feet to the front which illuminates when in operation; and
  - i. Tail lamps that emit a red light visible from at least 100 feet from the rear which must be illuminated when in operation; and
  - j. Any additional requirements which may be amended to 625 ILCS 5/11-1428 of the Illinois Vehicle Code.
- B. Driver Requirements.
- 1. Must have a current, valid Illinois driver's license.
  - 2. Must obey all traffic laws of the State of Illinois.
  - 3. Must be sixteen (16) years of age.
- C. Must be operated only on Village streets, except where prohibited.
- D. May not be operated on State Highways and County roads except at Designated Crossing Points. Designated Crossing Points shall only include any street intersecting with U.S. Route 84.
- E. Must not be operated in excess of posted speed limit, and regardless, may not exceed 35 miles per hour.
- F. A person operating or who is in actual physical control of an Off-Highway Vehicle as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statute (625 ILCS 5/11-500 through 11-502).
- G. Off-Highway Vehicles shall not be operated on sidewalks or in Village parks other than parking areas except when authorized by the Village Board President for special events.
- H. Off-Highway Vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (U.S. Route 84) of the County Highway Department except to cross at Designated Crossing Points.

- I. Each Off-Highway Vehicle may transport only as many individuals as is the lesser of the number of seats or as its manufacturer designates. No individual may ride on any other person or portion of the OHV.

26.2 Permits.

- A. No person shall operate a qualified an Off-Highway Vehicle without first obtaining a permit from the Village Clerk as provided herein.
- B. Permits shall be granted for a period of only one year from the date designated on the permit.
- C. The Village Clerk may issue such a permit for any date approved of and designated by the Village Board of Trustees.
- D. The cost of the permit is \$25.00. Such fee will be waived for any applicants who have a disabled parking designation issued by the State of Illinois.
- E. Insurance coverage is to be verified to be in effect by the Sheriff's Department when obtaining and renewing a permit.
- F. Every application for a permit shall be made on a form supplied by the Village and shall contain the following information:
  1. Name and address of the applicant; and
  2. Name of liability insurance carrier; and
  3. The serial number, make, model, and description of the OHV; and
  4. Signed Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their OHV on Village streets; and
  5. Photocopy of applicable liability insurance coverage and specifically for the vehicle to be operated pursuant to the permit; and
  6. Such other information as the Village may require.
- G. No permit shall be granted unless the following conditions are met:
  1. The vehicle must be inspected by the designated representative to ensure that the vehicle is safe to operate on Village streets and is in compliance with this article and with the State of Illinois Vehicle Code; and

2. A physically handicapped applicant must submit a certificate signed by their physician, certifying that the applicant is able to safely operate a qualified OHV on Village streets; and
  3. The applicant must provide evidence of insurance in compliance with the provisions of the Illinois Statute regarding minimum liability insurance.
- H. The Village may suspend or revoke any permit granted hereunder upon a finding that the holder thereof has violated any provision of this article or there is evidence that the permitted cannot safely operate a qualified off-highway vehicle on the designated roadways.
- I. The Village Clerk shall be authorized to issue a permit on only such days as may be approved by the Village Board of Trustees.

26.3 Violations and Penalties.

- A. Any failure of an individual to abide by this Ordinance or otherwise secure a permit provided herein when operating an off-highway vehicle upon the streets of the Village shall subject the violator to a fine of \$75.00 minimum and \$750.00 maximum.
- B. The fines under this section shall double for each subsequent offense within one year from the date of the first offense.

**Article 5**  
**Animals and Animal Control**

**Section 1**      **Limitation Of Number Of Dogs And Cats.** It shall be unlawful to keep or maintain more than four dogs or cats of two months of age or older in any single-family residence, building, or lot or to keep or maintain more than one dog or one cat of two months of age or older in any family unit of a multi-family residence or in a business establishment within the Village. This section shall not apply to licensed pet shops, animal hospitals, animal grooming establishments, or kennels.

**Section 2**      **Dog And Cat License.** No dog or cat shall be permitted to be or remain in the Village of Carbon Cliff without being licensed as provided for herein.

Every owner of, and every person who harbors or keeps a dog or cat within the limits of the Village of Carbon Cliff, shall annually apply with the Village Clerk for a pet license within 30 days after the first day of May. The person shall report his or her name and address, and the name, breed, color, sex and age of each dog or cat owned or kept by such person. Such person shall also present to the Village Clerk at that time a current identification that such dog has been inoculated for rabies in compliance with the "Illinois Rabies Control Act." An annual license fee of \$2 per dog or cat shall then be paid to the Village Clerk. All such licenses shall expire on the 30th day of April next following issuance.

Upon issuing a license to keep any dog or cat, the Village Clerk shall issue to the owner a durable tag or identification collar, stamped with an identifying number and with the year of issuance. Tags should be so designed that they may be conveniently fastened to the dog's collar or harness. Dogs or cats must wear identification tags or collars at all times when the animal is off the premises of the owner. The Village Clerk shall maintain a record of the identifying numbers and shall make this record available to the public.

**Section 3**      **Split-Hoofed Animals.** It shall be unlawful to keep any split-hoofed animals in the Village at any time.

**Section 4**      **Cruel Treatment Of Animals.** No person shall cruelly treat any animal in the Village in any way; any person who inhumanly beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of a violation of this section and shall be subject to the penalty provisions contained.

**Section 5**      **Rabies Vaccination.** It is the duty of all persons owning or keeping a dog over 4 months of age to have such dog vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunities from rabies for one year and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be furnished to the Village Clerk. If the rabies inoculation is effective for a period in excess of one year, the certificate shall so state.

**Section 6**      **Animal Bites.** The Police Department shall cause to be investigated reports of animal bites. If an animal has bitten a person, the Police Department shall notify the owner of the animal and the animal shall be delivered promptly to a licensed veterinarian who shall confine or cause to be confined such animal as provided in the Animal Control Act of Illinois. If the owner is not known, the police officer shall take such animal promptly to a licensed veterinarian to be confined as provided in the Animal Control Act of Illinois.

**Section 7 Animal Care And Miscellaneous Offenses.**

7.1 Each person who has (A) a right of property in an animal, (B) keeps an animal, or (C) has an animal in his care or custody, or (D) who knowingly permits an animal to remain on or about any premises occupied by him (also referred to as “Owner” or “Keeper” throughout this code), shall provide for each of his animals:

- a. Sufficient quantity of good and wholesome food and water.
- b. Adequate shelter and protection from the weather.
- c. Veterinary care when needed to prevent suffering; and
- d. Humane care and treatment.

7.2 No person as described in this section shall permit or suffer his animal to:

- a. Molest persons or vehicles by chasing, barking, or biting.
- b. Attack other animals.
- c. Damage property other than that of the owner.
- d. Bark, whine, or howl excessively.
- e. Create noxious or offensive odors.

**Section 8 Responsibility For Removal Of Excreta.** The owner of every animal shall be responsible for removal and sanitary disposition of any excreta deposited by his animal anywhere in the Village. When accompanying the animal outside his premises, he shall have on his person suitable means for the removal of such excreta.

**Section 9 Prohibited Animals.** It shall be unlawful to keep any pigs, swine, sheep, cattle, horses, goats or similar animals, or any naturally wild animals, except birds or fish, within the Village except in horse stables, educational institutions, veterinary hospitals, or animal shelters.

**Section 10 Animals As Door Prizes Or As Attractions For Trade.** It shall be unlawful for any person to give away any live vertebrate animals as a prize for, or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

**Section 11 Diseased Animals.** It shall be unlawful to own or keep any domestic animal infected with a contagious or infectious disease that runs at large or is exposed in any public place whereby the health of man or beast may be affected; nor shall the diseased animal be shipped or removed from the premises of the owner, except under the supervision of the Rock Island County Sheriff’s Office or the Rock Island County Animal Care & Control.

It shall be the duty of the Rock Island County Sheriff's Office and or the Office of the Rock Island County Animal Care & Control to secure such disposition of diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.

**Section 12**      **Dogs Running At Large.** It shall be unlawful to own or keep any dog that runs at large or loose and unattended in the public streets, walks, ways, parks, or places in the Village; or upon the private premises of any person, other than the premises of the owner or keeper of the dog. Any dog caught running at large in the Village shall be immediately taken up and impounded by any animal shelter within Rock Island County, Illinois, or Henry County, Illinois. The owner of said dog may be fined up to \$750.00 per incident.

Any dog not redeemed within the respective rules of the shelter shall become the property of the animal shelter to be disposed of in any manner consistent with state law.

**Section 13**      **Dangerous Animals.** It shall be unlawful to keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, coyote, skunk, raccoon, poisonous reptile, alligator, crocodile, bear, or boa constrictor.

It shall be unlawful for any person to sell any of the above-mentioned animals.

It is no defense to a violation of this section that any animal or poisonous reptile which is prohibited by this section has been domesticated.

**Section 14**      **Animal Trapping.** No person shall use any type of leghold animal trap or any other animal trap that can cause injury to animals unless such person is a duly appointed and authorized Animal Control and Welfare Officer of the Village.

**Section 15**      **Dead Animals.** No owner or keeper of any animal that dies within the Village limits shall leave such animal unburied for more than 12 hours after its death. Nor shall anyone bring or leave the carcass of any dead animal within the Village.

**Section 16**      **Nuisance.** No person shall keep or harbor any dog which unduly disturbs the quiet of the neighborhood within the Village. Unduly disturbs shall be defined as running at large or incessant barking which disturbs the quiet of the neighborhood. Any dog that unduly disturbs the quiet of a neighborhood is declared to be a nuisance.

**Section 17**      **Authority To Kill Dangerous Animals.** The members of the Rock Island County Sheriff's Office or any other law enforcement officer within Rock Island County, or any other person in the Village, are authorized to kill any dangerous animal of any kind when reasonably necessary for the safety and protection of any persons or property.

**Section 18**      **Feeding Of Wild Animals.** No person shall feed, bait, or in any manner provide access to food to any stray dog, wild animal, or waterfowl in the Village, on lands either publicly or privately owned.

Nothing in this Section shall apply to any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license.

Feeding of other songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that: (1) such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property and; (2) does not create an accumulation of droppings on the property and surrounding properties and; (3) does not become an attractant for rodents or other wild animals and; (4) bird feeders are placed at least five (5) feet above ground.

Any person that violates this Section shall be guilty of creating a nuisance and shall be subject to the penalties provided for in the Village Code.

As used in this ordinance, the following terms shall have the meanings indicated:

“Wild animal” shall include any animal which is not normally domesticated in this state, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossums, raccoons, skunks, chipmunks, and waterfowl.

“Waterfowl” shall mean any bird that frequents the water, or lives about rivers, lakes, or other bodies of water; an aquatic fowl, including but not limited to ducks, geese, swans, herons, and egrets.

**Section 19**      **Hunting Prohibited.** No person shall hunt within the territorial limits of the Village of Carbon Cliff.

**Section 20**      **Animal Control And Welfare Officer.** The Mayor may appoint an Animal Control and Welfare Officer, with the advice and consent of the Village Board, for a term of one year commencing on May 1. Such officer shall be a special police officer for the purpose of enforcing the provisions of this chapter, under the supervision of the Chief of Police, with authority to make all necessary arrests in the enforcement of this chapter.

**Section 21**      **Dangerous Or Vicious Domestic Animals**

21.1      Definitions:

**Domestic animals:** Dogs, cats, and any other types of animals or fowl normally maintained as a household pet or guardian.

**Dangerous domestic animal:** any domestic animal when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or a companion animal in a public place.

**Vicious domestic animal:** any domestic animal that, without justification, attacks a person and causes serious physical injury or death or any individual animal that has been found to be a "dangerous domestic animal" upon three (3) separate occasions.

21.2      The Village Police Department or Animal Control and Welfare Officer is authorized to investigate any report of a dangerous or vicious domestic animal and make a determination,

as to whether such animal is dangerous or vicious. Within five (5) days of such determination, a notice of ordinance violation must be issued to the owner.

- 21.3 Any domestic animal which exhibits any of the following behaviors shall be deemed dangerous:
- a. Causing an injury to a person or animal that is less severe than a serious injury.
  - b. Without provocation, chasing or menacing a person or animal in an aggressive manner.
  - c. Running at large and impounded or owner receiving notices of ordinance violations two (2) or more times within any twelve (12) month period.
  - d. Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape; or
  - e. Attempts to attack any person or animal if it is restrained by a leash, fence, or other means and it is clear that only the presence of the leash, fence, or other means of restraint is preventing the domestic animal from immediate attack.
- 21.4 No domestic animal shall be declared dangerous or vicious if:
- a. The animal was used by a law enforcement official for legitimate law enforcement purposes.
  - b. The threat, injury, or damage was sustained by a person:
    1. Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the animal.
    2. Who was provoking, tormenting, abusing, or assaulting the animal or who can be shown or have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
    3. Who was committing or attempting to commit a crime.
- 21.5 The animal was:
- a. Responding to pain or injury, or was protecting itself, its offspring; or
  - b. Protecting or defending a person within the immediate vicinity of the animal from an attack or assault.
- 21.6 If a domestic animal is deemed dangerous or vicious, the Village Police Department or Animal Control and Welfare Officer may require:
- a. Special security or care requirements.
  - b. Impoundment pursuant to the Animal Control Act (510 ILCS 5/1 et seq.); or

- c. Humane dispatch of the dangerous or vicious domestic animal, pursuant to the Humane Euthanasia in Animal Shelters Act (510 ILCS 72/1 et seq.), upon a finding that the owner has failed to abide by the established conditions of security.

21.7 In the event of impoundment of a dangerous or vicious domestic animal, the animal shall not be released until satisfaction of the following:

- a. The owner of the dangerous or vicious domestic animal proves that the owner is a responsible person.
- b. The dangerous or vicious domestic animal has a current rabies vaccination, where applicable.
- c. The owner has a proper enclosure to prevent the entry of any person or animal and the escape of said dangerous or vicious domestic animal.
- d. The dangerous or vicious domestic animal has been spayed or neutered.
- e. The dangerous or vicious domestic animal has been implanted with a microchip containing owner identification information.
- f. The microchip information must be registered with the animal control authority of the jurisdiction; and
- g. The dangerous or vicious domestic animal owner shall enter the animal in a socialization and/or behavior program approved by the Village.

21.8 It shall be unlawful for an owner of a dangerous or vicious domestic animal to:

- a. Permit the animal to be outside a proper enclosure unless under the control of a responsible person, muzzled, and restrained by a lead not exceeding four feet (4') in length; the muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any human being or animal.
- b. Fail to maintain a dangerous or vicious domestic animal exclusively on the owner's property, except as required for medical treatment or examination. When removed from the owner's property for medical treatment or examination, the dangerous or vicious domestic animal shall be caged or under the control of a responsible person, muzzled and restrained with a lead not exceeding four feet (4') in length, and having a tensile strength of at least two hundred (200) pounds. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any human being or animal.
- c. Fail to notify the Village Police Department: 1) immediately upon escape if a dangerous or vicious domestic animal is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being, 2) within two (2) business days if the animal has died, and 3) within twenty-four (24) hours if the animal has been sold or has been given away. If the dangerous or vicious domestic animal has been sold or given

away, the owner shall also provide the Village Police Department with the name, address, and telephone number of the new owner of the dangerous or vicious domestic animal.

- d. Fail to surrender a dangerous or vicious domestic animal for safe confinement pending a hearing when there is a reason to believe that the dangerous or vicious domestic animal poses an imminent threat to public safety; or
- e. Fail to comply with any special security or care requirements for a dangerous or vicious domestic animal determined by the Village Police Department or Animal Control and Welfare Officer.

21.9 Any dangerous or vicious domestic animal running at large in the streets or public places of the Village or upon private premises of any other person, not the owner, shall be impounded in the manner provided by this chapter; provided, however, that if a dangerous or vicious domestic animal found at large cannot be safely impounded, that animal may be slain by any Village Police Officer.

## Article 6 Other Offenses

**Section 1**      **Gambling.** It shall be unlawful to possess any gambling device or paraphernalia with the intent to use the same for an unlawful purpose, and any such device or paraphernalia kept with such intent may be confiscated by any member of the police department unless the possession is with an establishment licensed by the Illinois Gaming Board pursuant to the Video Gaming Act (230 ILCS 40/1 et seq.) to operate a video gaming terminal.”

**Section 2**      **Abandoned Refrigerators.** It shall be unlawful to abandon or place any refrigerator, freezer, icebox, or other device having a compartment large enough to enclose a human being in any place accessible to children without first removing the doors of such refrigerator, freezer, icebox, or other devices.

**Section 3**      **Disorderly Conduct.** It shall be unlawful for any person to breach the peace by:

- 3.1      Performing any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or,
- 3.2      Transmitting or causing to be transmitted in any manner to the fire protection district a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or,
- 3.3      Transmitting or causing to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense will be committed, is being committed, or has been committed; or,
- 3.4      Entering upon the property of another and for a lewd or unlawful purpose deliberately look into a dwelling on the property through any window or other opening in it; or,

- 3.5 While acting as a collection agency as defined in the “collection agency act” or as an employee of such collection agency, and while attempting to collect an alleged debt, making a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or,
- 3.6 Transmitting or causing to be transmitted a false report to the department of children and family services under Section 4 of the “abused and neglected child reporting act”; or,
- 3.7 Transmitting or causing to be transmitted in any manner to the police department or fire protection district, a false request for an ambulance, emergency medical technician ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or,
- 3.8 Transmitting or causing to be transmitted a false report under Article II of “an act in relation to victims of violence and abuse”, approved September 16, 1984, as amended; or,
- 3.9 Calling the number “911” for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency; or,
- 3.10 Transmitting or causing to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not the school is in session.”

**Section 4**      **Disturbing Assemblages.** It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village.

**Section 5**      **Weapons.** It shall be unlawful to carry any concealed weapons in the Village in violation of the laws of this state.

**Section 6**      **Discharge of Weapons.** It shall be unlawful to discharge any firearm, air gun, BB gun, any toy gun projecting lead or other missiles or materials, slings, slingshots, slug shots, bow and arrow, crossbows, or other weapons within the Village limits, excepting in a regularly established shooting gallery; provided however, that no portion of this provision or any part thereof shall be construed to prohibit any law enforcement officer or police officer from discharging a firearm in connection with the performance of his duty.

**Section 7**      **Combustible Refuse.** It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard or to store or throw away any refuse of any kind in an alley, street, or public way in the Village.

**Section 8**      **Fires.** It shall be unlawful to build or light any bonfire close to any building or structure or on an asphalt street or sidewalk pavement.

**Section 9**      **Burning Leaves, Refuse, and Garbage.** It shall be unlawful to burn any garbage, or other organic refuse outside of any building at any time in the Village.

It shall be unlawful to burn paper, excelsior, or other material which may be blown about by the wind anywhere in the Village, unless the same is burned in a stove, fireplace, or furnace, or in an incinerator sufficiently fine to prevent the escape of ignited particles.

It shall be unlawful to burn grass or leaves at any time except between the hours of sunrise and sunset.

**Section 10**      **Wind Blown Refuse.** It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it can be blown by the wind to be scattered or cause clouds of dust or particles; and it shall be unlawful to permit the escape of soot, ashes, or other solid products or results of combustion as to be wind-blown or scattered.

**Section 11**      **Missiles.** It shall be unlawful to cast, throw, or propel any missile on any street, alley, or other public places.

**Section 12**      **Debris on Streets.** It shall be unlawful to throw or deposit any glass, tacks, nails, or other similar articles on any street, alley, sidewalk, or other public places in the Village.

**Section 13**      **Advertising.** It shall be unlawful to advertise any unlawful business or article in the Village and it shall be unlawful to injure or deface any lawful advertisement or notice.

**Section 14**      **Unlawful Assemblages.** It shall be unlawful to collect, gather, or be a member of any disorderly crowd, or any crowd gathered for any unlawful purpose.

**Section 15**      **Posting Bills.** It shall be unlawful for any person, firm, or corporation to post any bills or advertisement on any public property without the authority of the Village; and it shall be unlawful to post any bill or advertisements on any property without the written consent of the owner.

**Section 16**      **Deposit of Grass and Rubbish Prohibited in Public Streets.** It shall be unlawful for any person, firm, or corporation to dump or deposit or cause to be dumped or deposited, any grass, leaves, branches, or any other things in the roadway or gutter of any public street in the Village.

**Section 17**      **Hitchhiking.** It shall be unlawful for any person or persons to stand or loiter upon any sidewalk, street, avenue, alley or public highway, or grounds within the limits of the Village for the purpose of "thumbing", requesting, asking, or soliciting a ride from the operator of any motor vehicle.

**Section 18**      **Parental and Adult Responsibility.**

18.1      It shall be unlawful for any parent, guardian, or adult of legal drinking age to knowingly permit any person under twenty-one (21) years of age to purchase, possess, or consume alcoholic beverages.

18.2      It shall be unlawful for any parent, guardian, or adult of legal drinking age to permit his or her residence to be used by a person who is under twenty-one (21) years of age or by an invitee of any person under twenty-one (21) years of age, if the invitee is under twenty-one (21) years of age himself or herself, in a manner which constitutes a violation of this Section.

- 18.3 A parent, guardian, or adult of legal drinking age shall be deemed to have permitted his or her residence to be used in violation of this Section if he or she knowingly authorized such use or enables such use to occur by failing to control access to either the residence or alcoholic beverages maintained thereon.
- 18.4 Every parent, guardian, or adult of legal drinking age whose residence is used by a person who is under twenty-one (21) years of age or an invitee of a person under twenty-one (21) years of age, if the invitee is under twenty-one (21) years of age himself or herself, for the consumption of any alcoholic beverage in a manner which constitutes a violation of this Section shall be presumed to have permitted the conduct which constitutes the violation.

**Section 19 Abandonment of Watercraft Prohibited.**

- 19.1 The abandonment of watercraft or any part thereof on public property, other than a waterway, is prohibited and subject to towing as hereinafter provided.
- 19.2 For purposes of this Section 19, abandonment shall occur when a watercraft, or any part thereof, is left on public property.
- 19.3 An abandoned watercraft or any part thereof shall be removed and towed and the owner thereof shall be responsible for all towing costs. Watercraft or any part thereof removed from public property and stored by any towing service shall be subject to a possessory lien for services pursuant to the Labor and Storage Lien Act [770 ILCS 45/0.01 et seq.].

**Section 20 Abandonment of Hauling Trailers Prohibited.**

- 20.1 The abandonment of a hauling trailer or any part thereof on public property is prohibited and subject to towing as hereinafter provided.
- 20.2 For purposes of this Section 20, abandonment shall occur when a hauling trailer, or any part thereof, is left on public property.
- 20.3 An abandoned hauling trailer or any part thereof shall be removed and towed and the owner thereof shall be responsible for all towing costs. Hauling trailers or any part thereof removed from public property and stored by any towing service shall be subject to a possessory lien for services pursuant to the Labor and Storage Lien Act [770 ILCS 45/0.01 et seq.].

**Section 21 Cannabis and Drug Paraphernalia.**

- 21.1 Definitions. As used in this Section 21, unless the context otherwise requires, the following words and terms shall have the meanings ascribed to them herein:

**Act:** This shall refer to the Compassionate Use of Medical Cannabis Pilot Program Act.

**Cannabis:** Shall have the meaning ascribed to it in section 3 of the cannabis control act, 720 Illinois Compiled Statutes 550/3, as if that definition were incorporated herein.

**Controlled Substance:** Shall have the meaning ascribed to it in section 102 of the Illinois controlled substances act, 720 Illinois Compiled Statutes 570/102, as if that definition were incorporated herein.

**Deliver Or Delivery:** The actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

**Drug Paraphernalia:** All equipment, products, and materials of any kind which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the cannabis control act, 720 Illinois Compiled Statutes 550/1 et seq., the Illinois controlled substances act, 720 Illinois Compiled Statutes 570/100 et seq., or the methamphetamine control and community protection act, 720 Illinois Compiled Statutes 646/1 et seq. The term includes, but is not limited to:

- A. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing cannabis or a controlled substance.
- B. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance.
- C. Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances.
- D. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons.
- E. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, methamphetamine or other controlled substances, as defined by law, into the human body including, where applicable, the following items:
  - 1. Water pipes.
  - 2. Carburetion tubes and devices.
  - 3. Smoking and carburetion masks.
  - 4. Miniature cocaine spoons and cocaine vials.
  - 5. Carburetor pipes.
  - 6. Electric pipes.

7. Air driven pipes.
8. Chillums.
9. Bongs.
10. Ice pipes or chillers.
11. Glass pipes.
12. Any item whose purpose, as announced or described by the seller, is for use in violation of this article.

21.2 Possession of Cannabis Prohibited.

- A. It shall be unlawful for any person to knowingly possess more than thirty grams (30g) of any substance containing cannabis.
- B. It shall be lawful and a defense to a violation of this subsection 21.2 that a person that is a qualifying patient, designated caregiver, cultivation center, cultivation center agent, medical cannabis dispensing organization, medical cannabis dispensing organization agent, or employee of the State of Illinois as defined and identified by the Act possess cannabis in compliance with the requirements of the Act.

21.3 Sale of Drug Paraphernalia Prohibited.

- A. No person shall keep for sale, offer for sale, sell, or deliver for any commercial consideration any item of drug paraphernalia.
- B. Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance and unlawful.
- C. In addition to any other penalties already provided for, a person or store owner convicted of selling drug paraphernalia shall be subject to having his or her business license revoked.
- D. It shall be lawful and a defense to a violation of this subsection 21.3 that a person that is a designated caregiver, cultivation center, cultivation center agent, medical cannabis dispensing organization, a medical cannabis dispensing organization agent, or employee of the State of Illinois as defined and identified by the Act kept for sale, offered for sale, sold, or delivered drug paraphernalia in compliance with the requirements of the Act.

21.4 Use or Possession of Drug Paraphernalia Prohibited.

- A. It shall be unlawful for any person to use or to possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use. This subsection does not apply to a person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
- B. In determining intent under this subsection, the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.
- C. Exemptions.
1. This subsection 21.4 shall not apply to the following:
    - a. Items used in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, chemical analysis, use in law enforcement activities, and which is not offered for sale.
    - b. Items historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance. Items exempt under this include but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette rolling papers.
    - c. Items which are used for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by the Act.
    - d. A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act.
  2. In determining whether or not a particular item is exempt under subsection 21.4D.1., the trier of fact should consider, in addition to all other logically relevant factors, the following:
    - a. The general, usual, customary, and historical use to which the item involved has been put.
    - b. Expert evidence concerning ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning.

- c. Any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put.
  - d. Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery.
  - e. Any national or local advertising concerning the design, purposes or use of the item involved, and the entire context in which such advertising occurs.
  - f. The manner, place, and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made.
  - g. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
  - h. The existence and scope of legitimate uses for the object in the community.
- D. It shall be lawful and a defense to a violation of subsection 21.4 that a person that is a qualifying patient, designated caregiver, cultivation center, cultivation center agent, medical cannabis dispensing organization, medical cannabis dispensing organization agent, or employee of the State of Illinois as defined and identified by the Act used or possessed drug paraphernalia in compliance with the requirements of the Act.

**Section 22 Possession of Tobacco or Alternative Nicotine Product by Minors.**

22.1 Definitions. As used in this Section 22, unless the context otherwise requires, the following words and terms shall have the meanings ascribed to them herein:

- A. **Alternative Nicotine Product:** a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. "Alternative nicotine product" excludes cigarettes, smokeless tobacco, or other tobacco products as these terms are defined in 720 Illinois Compiled Statutes 675/1 et seq., and any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.
- B. **Electronic Cigarette:**
  - 1. any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation.

2. any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or
3. any solution or substance, whether or not it contains nicotine intended for use in the device.

Electronic cigarette includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device.

- C. **Smokeless Tobacco:** any tobacco products that are suitable for dipping or chewing.
- D. **Tobacco Product:** any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately.

22.2 Purchase and Possession. It shall be unlawful for any person under the age of twenty-one (21) to purchase or be in possession of any tobacco product, electronic cigarette, or alternative nicotine product, or to misrepresent his or her identify or age, or to use any false or altered identification for the purpose of purchasing any tobacco product, electronic cigarette, or alternative nicotine product.

22.3 Selling and Distribution. It shall be unlawful for any person to sell, buy for, distribute samples of, or furnish any tobacco product, electronic cigarette, or any alternative nicotine product to any person under twenty-one (21) years of age.

22.4 It shall be unlawful for any person under the age of sixteen (16) to sell any tobacco product, electronic cigarette, or alternative nicotine product at any retail establishment selling tobacco products. This does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

**Section 23 Possession, Purchase or Consumption of Alcoholic Beverages by Minors.**

- 23.1 It shall be unlawful for any person under the age of twenty-one (21) years to:
- A. purchase, possess, or consume any alcoholic beverage.
  - B. misrepresent his or her identify or age, or to use any false or altered identification in order to or in an attempt to purchase, possess, or consume any alcoholic beverage.
- 23.2 The following shall be exempt from the provisions of subsection 23.1:

- A. possession of an alcoholic beverage in an unopened container by a person under the age of twenty-one (21) years under the direct supervision and approval of the parent or legal guardian of such person for the purpose of delivery of such alcoholic beverage to a person or person at least twenty-one (21) years of age.
- B. possession or consumption of an alcoholic beverage by a person under the age of twenty-one (21) years for the purpose of participation in a bona fide religious service or ceremony.
- C. possession or consumption of an alcoholic beverage by a person under the age of twenty-one (21) years at the direction of a law enforcement officer.
- D. possession of an alcoholic beverage by a person under the age of twenty-one (21) years if such possession is in furtherance of such person's employment and such possession is made in compliance with applicable laws and ordinances.

**Section 24****CANNABIS.**

24.1 Definitions. Whenever reference is made in this Section to the "Cannabis Act" or the "Act" it shall mean the Cannabis Regulations and Tax Act of Illinois (410 ILCS 705). All other words and phrases used herein shall have the same meaning as the same or similar words or phrases defined by and used in said Cannabis Act, including the following:

- A. "Advertise" means to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.
- B. "Cannabis" means marijuana, hashish and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction, independently by means of chemical synthesis or by a combination of extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted it), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.
- C. "Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

- D. “Cannabis container” means a sealed, traceable container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.
- E. “Dispensary” means a facility operated by a dispensing organization at which activities licensed by the Act may occur.
- F. “Dispensing organization” means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers.
- G. “Drug Paraphernalia” means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in section 10 of the Methamphetamine Control and Community Protection Act (720 ILCS 646/10), which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis in violation of the cannabis control act. It includes, but is not limited to:
1. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing cannabis.
  2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis.
  3. Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness, or purity of cannabis;
  4. Diluents and adulterants intended to be used unlawfully for cutting cannabis by a private person;
  5. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis; where applicable, to the following items: water pipes; carburetion tubes and devices; smoking and carburetion masks; miniature cocaine spoons and cocaine vials; carburetor pipes; electric pipes; air driven pipes; chillums; bongs; and ice pipes or chillers.
  6. Any item whose purpose, as announced or described by the seller, is for use in violation of this act.
- H. “Ownership and control” means ownership of at least 51% of the business, including corporate stock if a corporation, and control over the management and day-to-day

operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership.

- I. "Person" means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

24.2 Registration. It shall be unlawful for any person to operate a cannabis business establishment within the boundaries of the Village without having first registered with the Village Clerk and submitting the following information:

- A. Name, address, and contact information for all persons owning 50% or more of the cannabis business establishment;
- B. Location of operation;
- C. Hours of operation;
- D. Name of the manager of the facility and contact information; and
- E. A copy of the license issued by the Illinois Department of Financial and Professional Registration or Illinois Department of Agriculture.

24.3 Regulations and Restrictions.

- A. It shall be unlawful for any person under 21 years of age to purchase, possess, use, transport, consume, or grow cannabis, unless authorized by the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130).
- B. It shall be unlawful for any person under 21 years of age to knowingly possess an item of "drug paraphernalia" as described in subsection 19.1.07 of this section, with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis into the human body, or in preparing cannabis for that use in violation of the Act.
- C. It shall be unlawful for a person who is 21 years or older to possess more than:
  1. 30 grams of cannabis flower.
  2. 1500 milligrams of THC contained in a cannabis-infused product; or,
  3. 5 grams of cannabis concentrate.
- D. It shall be unlawful for a parent or guardian to knowingly permit the consumption of cannabis by a person under the age of 21 in his or her residence or any other private property under his or her control, or any vehicle under his or her control.

- E. It shall be unlawful to facilitate the use of cannabis by a person not allowed to use cannabis under the Act;
- F. It shall be unlawful to knowingly use cannabis in close proximity to anyone under the age of 21 who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130);
- G. It shall be unlawful to possess or use cannabis on a school bus, grounds of a pre-school primary or secondary school, unless used by a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130);
- H. It shall be unlawful to possess or use cannabis in a private residence used at any time to provide licensed childcare;
- I. It shall be unlawful to use cannabis in any motor vehicle, in any public place, or in any place where smoking is prohibited under the Smoke Free Illinois Act (410 ILCS 82), including a cannabis dispensary;
- J. It shall be unlawful to purchase or sell cannabis anywhere within the boundaries of the Village unless the sale is made by a cannabis dispensary licensed by the State of Illinois and registered with the Village at an approved location.
- K. It shall be unlawful to locate a Dispensary within 1,500 feet of another Dispensary.
- L. It shall be unlawful to operate a dispensary between the hours of 10:00 p.m. and 6:00 a.m.
- M. It shall be unlawful to advertise cannabis or a cannabis-infused product in any form or through any medium:
  - 1. Within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade where admission is not restricted to persons 21 years of age or older;
  - 2. In or on a public transit vehicle or public transit shelter; or,
  - 3. On publicly owned or public operated property.
- N. It shall be unlawful to grow cannabis unless authorized by the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130);
- O. It shall be unlawful for any person registered as a patient in the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130) to grow more than 5 cannabis plants.

- 24.4 Seized Property. All substances containing "cannabis" and any associated "drug paraphernalia," which have been seized as a result of violations hereunder, whether or not there is a conviction, shall be subject to forfeiture by the Village Marshal or designee.
- 24.5 Penalty. Any person who admits liability/guilt or is found liable/guilty by a preponderance of the evidence in an administrative/judicial hearing for violating any paragraph of this chapter shall be subject to a penalty, plus applicable hearing costs, as provided in Title I, Article 17 of this Code.
- A. Any juvenile who is accused of violating any paragraph of this chapter shall be referred to the Rock Island County State's Attorney's Office for prosecution.

**Article 7**  
**Health and Welfare**

- Section 1**      **Establishes Board of Health.** There is established a Board of Health for the Village of Carbon Cliff. The Board shall consist of the chairman of the Public Safety Committee, the President of the Village Board and two (2) members of the Board of Trustees, one of whom shall be the secretary. The chairman of the Health Committee and other members of the Board of Health shall be appointed by the President with the advice and consent of the Village Board and shall hold office for the year for which they are appointed.
- Section 2**      **Supervision.** The Board shall supervise the general sanitary condition of the Village, and the laws, means, and methods relating thereto, the inspection of food, and such other acts as the preservation and promotion of health may require.
- Section 3**      **Contagious Disease to be Reported by Citizens.** Whenever any unsanitary conditions or contagious disease exist in such exposure condition, or sickness or death is especially known to any person, he shall give immediate notice to the chairman of the Health Committee or to the Board of Health.
- Section 4**      **Authority of the Board of Health.** The Board of Health shall have the power to cause any house or premises to be cleaned, disinfected, or closed to visitors, and prevent persons from resorting thereto while any person is laboring under any pestilential or infectious disease. The Board may, by order in writing, direct any nuisance to be abated, or unwholesome matter or substance, or dirt or filth to be removed from any house or premises, and may prescribe the time and mode of doing so, and take any measure it may deem necessary and proper to prevent the spread of an infectious, pestilential, or epidemic disease.
- Section 5**      **Undesirable Substances.** No person or persons shall throw, place, or deposit or cause to be thrown or deposited, any dung, carrion, dead animal, offal, putrid or unwholesome substance, or the contents of any privy, within the limits of the Village, or upon any street, alley, or public grounds and upon any lot within the limits of the Village.
- Section 6**      **Refuse.** It shall be unlawful to burn any combustible or other organic refuse outside a lawfully constructed incinerator, so as to permit the refuse to be blown away by the wind. It shall be unlawful to place or permit to remain within the Village any garbage or other materials subject to decay, excepting in the appropriate tight durable containers not in excess of twenty (20) gallons, and the garbage shall be drained and wrapped. It shall be unlawful to permit to fall from any vehicle any garbage, refuse, or ashes on any public street in the Village; provided that this section shall not be construed as prohibiting the placing of garbage, refuse, or ashes in a container complying with the provisions of this article for the purposes of having such matter collected and disposed of. No persons shall burn or cause to be burned any refuse at or near the public streets and roads of the Village.
- Section 7**      **Offensive Substances.** No person shall have any offensive water or other liquid or substance on his premises or grounds, to the prejudice of life, or health, whether for the use in trade, or otherwise at no establishment or place of business for tanning, skinning or scouring, or for dressing hides or leathers, or for carrying on any offensive trade or business, started or established in the Village, without a permit

and approval from the Village Board. Every such establishment now existing shall be kept clean and wholesome, and be so conducted in every particular as not to be offensive or prejudicial to life or health.

**Section 8**        **No Swimming.** There shall be no swimming within the limits of the Village, except adjacent to places where there are available showers and suitable places for changing clothes.

**Section 9**        **Vegetation, Grass, and Weeds.** It shall be the responsibility of the property owners or the persons in possession of the property situated within the Village to cut any vegetation, grass, and weeds growing on their property, including the abutting entrances and ditches, whenever the same shall be in need of cutting and in no event shall the vegetation, grass, and weeds be allowed to grow in excess of ten (10") inches.

If the owners or persons in possession of said property shall refuse to cut the vegetation, grass, and weeds, the Village shall issue a warning letter to the owners of the property, giving them seven (7) days to correct the violation. If the violation has not been corrected within the permitted time, the Village shall issue an ordinance violation ticket with a maximum fine of up to \$750.00 per day. The Village shall be authorized to cut the vegetation, grass, and weeds and maintain the premises in accordance with this section, and any expense incurred by the Village shall be due to the Village from the owners or persons in possession; and the Village shall have recourse against the owners or parties in possession for the recovery of the sum so expended by filing a lien against the premises in the office of the recorder of deeds of Rock Island County, Illinois.

**Section 10**       **Polluted Food or Drink.** It shall be unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the Village.

**Section 11**       **Food or Drink Intended For Sale.** All premises used in the sale or storage of food or drink intended for human consumption shall be kept in a clean and sanitary condition. It shall be unlawful to permit any person who is afflicted with a contagious disease to handle any food or drink intended for human sale. Premises shall be kept free from flies and vermin of all kinds.

**Section 12**       **Obstruction or Pollution of Water Supply.** It shall be unlawful and a nuisance for any persons, firm, or corporation to obstruct or pollute any water course or source of water supply in the Village.

**Section 13**       **Stagnate Water.** Any stagnate pool of water in the Village is declared to be a nuisance. It shall be unlawful for any person, firm, or corporation to permit any such nuisance to remain or exist on any property under his or their control.

**Section 14**       **Acts Which Endangers the Public.** It shall be unlawful to permit or do any act which endangers the public health or results in annoyance or discomfort to the public.

**Section 15**       **Spitting in Public.** It shall be unlawful to spit or expectorate on any public sidewalk or other public places, or on the floor or walks of any store, theater, hall, public vehicle, or other place frequented by the public or to which the public is invited.

**Section 16**       **Dense Smoke.** It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner, or other agency in the Village so as to cause annoyance or discomfort to the residents.

For the purpose of testing and grading the density of smoke, the Ringelmann Smoke Chart as published and used by the United States Geological Survey, shall be adopted as a standard for such grading and the smoke shall be, and is defined as declared to be “dense” when it is of a degree of density of Number 3 of the Chart, or greater for more than six (6) minutes in any one (1) hour whether the period of time is consecutive or not.

**Section 17**      **Storm Water Drains.** It shall be unlawful for any persons, firm, or corporation to connect or cause to be connected, any drain carrying, or to carry any toilet, sink, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances to any stormwater drain in the Village.

**Section 18**      **Junking Vehicles.** That it shall be unlawful for any individual, partnership, corporation, or other business entity to carry on a business of junking any vehicle in the Village.

It shall be unlawful to operate or carry on the business of junking, junk dealing, or to keep any junk shop, store or place for the purchase or sale of junk, rags, old rope, paper or bagging, old iron, brass, copper, or empty bottles.

**Section 19**      **Inoperative or Abandoned Vehicles.** A motorized vehicle means a self-propelled device designed for transporting persons or property, materials, cargo, or any permanently or temporarily affixed apparatus. Motor Vehicles shall include but are not limited to cars, trucks, buses, motorcycles, electric motor vehicles, recreational vehicles, and off-road vehicles.

Electric Motor Vehicle means “a motor vehicle primarily powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, photovoltaic arrays, or other sources of electric current and may include an electric-hybrid vehicle.

No person shall park, store, leave, or permit the parking, storing, or leaving of any vehicle or motor vehicle of any kind upon any property within the Village for a period in excess of ten (10) days. Vehicles classified as recreational vehicles (RV’s) shall not exceed a period of thirty (30) days. For a vehicle to be considered in compliance, said vehicle must be moved in a manner that is visually noticeable to the Village, i.e., the vehicle has moved more than five (5) feet in any given direction or vehicle has been moved one hundred eighty degrees (180°) and facing the opposite direction.

No person shall park, store, leave or permit the parking, storing, or leaving of any vehicle or motor vehicle of any kind which is unregistered or is in an abandoned, wrecked, dismantled, elevated, propped, junked, or partially dismantled, whether attended or not, upon any property within the Village for a period of time in excess of ten (10) days.

The presence of an abandoned, wrecked, dismantled, inoperative, junked, partially dismantled, elevated or propped vehicle or parts thereof on private property is declared a public nuisance, which may be abated as such in accordance with the provisions of this article. This section shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a business enterprise, actively operated with an office on the subject premises and properly operated in the appropriate business zone, pursuant to the zoning laws of the Village.

- 19.1 Violation & Notice To Remove. Whenever it comes to the attention of the Village, that any nuisance as defined in this article exists in the Village, a municipal ordinance violation ticket shall be issued by registered or certified mail, return receipt requested to the owner or occupant of the private property at his last known address. Should the Village choose to have the vehicle removed, notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specific to this article.
- 19.2 Responsibility for Removal. Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the Village, the owner or occupant of the private property where same is located shall be liable for the expenses incurred.
- 19.3 Notice Procedure. The Village shall give notice of removal by registered or certified mail, return receipt requested to the owner or occupant of the private property at his last known address to the owner or occupant of the private property where it is located at least ten (10) days before the time of compliance.
- 19.4 Content of Notice. The notice shall contain the request for removal within the time specified in this article, and the notice shall advise that upon failure to comply with the notice to remove, the Village or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.
- 19.5 Request for Hearing. The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the Public Safety Committee of the Village Board of Trustees within the ten (10) day period of compliance prescribed in Subsection 19.3 for the purpose of defending the charges of the Village.
- 19.6 Procedure for Hearing. The hearing shall be held as soon as practicable after the filing of the request, and the persons to whom the notices are directed shall be advised of the time and place of the hearing at least three (3) days in advance. At any such hearing, the Village and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party seems necessary.
- 19.7 Removal of Motor Vehicle from Property. If the violation described in the notice has not been remedied within the ten (10) day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing is held, and the existence of the violation is affirmed by the Public Safety Committee, the Village's authorized agency shall have the right to take possession of the junked motor vehicle and remove it from the premises. No person shall interfere with, hinder or refuse to allow the Village's authorized agency to enter upon private property for the purpose of removing a vehicle under the provisions of this section.
- 19.8 Notice of Removal. Within forty-eight (48) hours of the removal of such vehicle, the Village shall give notice to the registered owner of the vehicle, if known and to the owner or occupant of the private property from which the vehicle was removed that the vehicle, or vehicles, has been

impounded and stored for violation of this section. The notice shall give the location of where the vehicle, or vehicles, is stored and the costs incurred by the Village for removal.

19.9 Disposition of Vehicles. Removed vehicles shall be impounded until lawfully claimed or disposed of in accordance with Chapter 95 1/2, Sections 4-200 and 4-214, Illinois Revised Statutes.

19.10 Penalty. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Seven Hundred Fifty Dollars (\$750.00). Each act in violation of any of the provisions hereof shall be deemed a separate offense.

**Section 20 Garbage Collection.** Every residence shall pay a quarterly fee for garbage and trash collection and disposal as provided by the following schedule:

A. Retroactive to July 1, 2022, the following schedule shall be in effect:

Single-family dwelling .....	\$ 17.00
Duplex dwelling (per unit) .....	\$ 17.00
Multi-family dwelling (per unit) no apartment complexes .....	\$ 17.00
Yard Waste Stickers (individual sticker) .....	\$ 1.75
Yard Waste Cart .....	\$ 12.00
Cart Delivery / Removal .....	\$ 25.00
Bulk Item / Special Collection.....	\$ 20.00

B. As of January 1, 2023, the following schedule shall be in effect:

Single-family dwelling .....	\$ 18.00
Duplex dwelling (per unit) .....	\$ 18.00
Multi-family dwelling (per unit) no apartment complexes .....	\$ 18.00
Yard Waste Stickers (individual sticker) .....	\$ 1.75
Yard Waste Cart .....	\$ 12.50
Cart Delivery / Removal .....	\$ 25.00
Bulk Item / Special Collection.....	\$ 20.00

C. As of January 1, 2024, the following schedule shall be in effect:

Single-family dwelling .....	\$ 19.00
Duplex dwelling (per unit) .....	\$ 19.00
Multi-family dwelling (per unit) no apartment complexes .....	\$ 19.00
Yard Waste Stickers (individual sticker) .....	\$ 2.25
Yard Waste Cart .....	\$ 13.00
Cart Delivery / Removal .....	\$ 25.00
Bulk Item / Special Collection.....	\$ 20.00

D. As of January 1, 2025, the following schedule shall be in effect:

Single-family dwelling .....	\$ 20.00
Duplex dwelling (per unit) .....	\$ 20.00
Multi-family dwelling (per unit) no apartment complexes .....	\$ 20.00
Yard Waste Stickers (individual sticker) .....	\$ 2.25
Yard Waste Cart .....	\$ 13.50
Cart Delivery / Removal .....	\$ 25.00
Bulk Item / Special Collection .....	\$ 20.00

E. As of January 1, 2026, the following schedule shall be in effect:

Single-family dwelling .....	\$ 20.00
Duplex dwelling (per unit) .....	\$ 20.00
Multi-family dwelling (per unit) no apartment complexes .....	\$ 20.00
Yard Waste Stickers (individual sticker) .....	\$ 2.25
Yard Waste Cart .....	\$ 14.00
Cart Delivery / Removal .....	\$ 25.00
Bulk Item / Special Collection .....	\$ 20.00

F. As of January 1, 2027, the following schedule shall be in effect:

Single-family dwelling .....	\$ 21.00
Duplex dwelling (per unit) .....	\$ 21.00
Multi-family dwelling (per unit) no apartment complexes .....	\$ 21.00
Yard Waste Stickers (individual sticker) .....	\$ 2.75
Yard Waste Cart .....	\$ 14.50
Cart Delivery / Removal .....	\$ 25.00
Bulk Item / Special Collection .....	\$ 25.00

G. As of January 1, 2028, the following schedule shall be in effect:

Single-family dwelling .....	\$ 22.00
Duplex dwelling (per unit) .....	\$ 22.00
Multi-family dwelling (per unit) no apartment complexes .....	\$ 22.00
Yard Waste Stickers (individual sticker) .....	\$ 2.75
Yard Waste Cart .....	\$ 15.00
Cart Delivery / Removal .....	\$ 25.00
Bulk Item / Special Collection .....	\$ 25.00

H. As of January 1, 2029, the following schedule shall be in effect:

Single-family dwelling .....	\$ 23.00
Duplex dwelling (per unit) .....	\$ 23.00
Multi-family dwelling (per unit) no apartment complexes .....	\$ 23.00
Yard Waste Stickers (individual sticker) .....	\$ 3.25
Yard Waste Cart .....	\$ 15.50
Cart Delivery / Removal .....	\$ 25.00
Bulk Item / Special Collection .....	\$ 25.00

**Section 21**      **Responsibilities of Landowners.** Proper ditch and culvert maintenance are a crucial part of the village's stormwater drainage system, allowing excess water to flow into a larger drainage system. It shall be the responsibility of landowners to maintain ditches abutting the owner's property free from trash, leaves, debris, and other nonindigenous objects which may constitute a health or safety hazard. Culverts shall be cleaned, maintained, and repaired at the landowner's expense.

**Section 22**      **Illegal Dumping.** Illegal Dumping is the disposal of any waste material on public or private property, within the Village limits, without a permit issued from the Village. Waste shall be defined as any appliances, ash, concrete, construction debris, furniture, garbage, hazardous material, junk, paint, paper, manure, tires, trash, yard waste, or any substance that may contain disease, germs, or be scattered by the wind, decomposed, or become filthy, obnoxious, or unhealthful.

It shall be unlawful for any person to dump, deposit or place on any street, alley, or public grounds or upon any lot within the corporate limits of the Village any waste, other than fertilizer used on one's own property, and except at such a place designated by the Public Properties Committee of the Village, and unless a permit has first been secured from the Village, authorizing the dumping, depositing or placing of the material at the permitted place.

**Section 23**      **Deposits in Ditches.**

23.1      Duty. It shall be the responsibility of each property owner to maintain the ditches abutting his property free of debris, trash, and other nonindigenous objects which may constitute a health or safety hazard. Failure to comply with this regulation after proper notice to the property owner by the Village is hereby declared a nuisance, is unlawful, and shall be subject to penalty.

23.2      Reasonable Notice. Every property owner within the Village shall receive reasonable notice of this Section. Reasonable notice shall consist of one publication of this Section in a newspaper of general circulation within the Village and:

A.      When the property owner has been cited for a violation of this Section during the previous year, he shall be notified, by certified letter, at the beginning of the current year of his obligation to maintain the ditches abutting his property free of debris, trash, and other nonindigenous objects. Said notice shall constitute reasonable notice for the entire year.

B.      When the property owner is in violation of this Section, but has not been cited for a violation of this Section during the previous year, he shall be given, by certified letter, a seven (7) day time period in which to comply with this Section.

23.3      Penalty. Any property owner in violation of any of the provisions of this Section shall be subject to a fifty-dollar (\$50.00) fine, payable within seven (7) days of notice from the Village. The failure of the property owner to pay said fine, upon the Village filing a complaint and a violation conviction, shall subject said property owner to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

**Section 24**      **Firewood Stacks.**

- 24.1 Definition. Firewood means logs or kindling materials that have more wood than rot, not exceeding twenty-four inches (24") in length and suitable for use in a fireplace or other wood-burning appliance. Firewood shall not include pressure treated lumber of any type, wood framing components of any size, or glue laminated lumber components.
- 24.2 Duty. If a property owner desires to maintain firewood on his property, it is his responsibility to maintain the firewood stacked in a neat and orderly manner in the side or rear yard on open racks of galvanized or non-corrodible metal or plastic, not less than twelve inches (12") above the ground so as not to afford a harborage for rodents, snakes, or vermin. Open racks shall also provide side uprights at both ends to contain the firewood. Firewood piles and racks shall not exceed five feet (5') in height from ground level, shall not exceed ten feet (10') in length, and shall not be deeper than two feet (2'). Residents shall be allowed two (2) weeks from the date the wood is obtained to comply with this Section. Failure to comply with this regulation after proper notice to the property owner by the Village is hereby declared a nuisance, is unlawful, and shall be subject to penalty.
- 24.3 Reasonable Notice. Every property owner within the Village shall receive reasonable notice of this Section. Reasonable notice shall consist of one publication of this Section in a newspaper of general circulation within the Village and:
- A. When the property owner has been cited for a violation of this Section during the previous year, he shall be notified, by certified letter, at the beginning of the current year of his obligation to properly stack firewood. Said notice shall constitute reasonable notice for the entire year.
- B. When the property owner is in violation of this Section, but has not been cited for a violation of this Section during the previous year, he shall be given, by certified letter, a seven (7) day time period in which to comply with this Section.
- 24.4 Penalty. Any property owner in violation of any of the provisions of this Section shall be subject to a fifty-dollar (\$50.00) fine, payable within seven (7) days of notice from the Village. The failure of the property owner to pay said fine, upon filing a complaint and a violation conviction, shall subject said property owner to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

**Section 25 Cluttered, Discarded, or Abandoned Items.**

- 25.1 Duty. It is the responsibility of each property owner to maintain his property free from clutter or haphazard placement of objects, including, but not limited to, discarded, or abandoned items of personal property, and tools or personal property used in a business or trade. Failure to comply with this regulation after proper notice to the property owner by the Village has hereby been declared a nuisance, is unlawful and shall be subject to penalty.
- 25.2 Reasonable Notice. Every property owner within the Village shall receive reasonable notice of this Section. Reasonable notice shall consist of one publication of this Section in a newspaper of general circulation within the Village and:

- A. When the property owner has been cited for a violation of this Section during the previous year, he shall be notified, by certified letter, at the beginning of the current year of his obligation to maintain his property free of cluttered, discarded, or abandoned items. Said notice shall constitute reasonable notice for the entire year.
- B. When the property owner is in violation of this Section, but has not been cited for a violation of this Section during the previous year, he shall be given, by certified letter, a seven (7) day time period in which to comply with this Section.

25.3 Penalty. Any property owner in violation of any of the provisions of this Section shall be subject to a fifty-dollar (\$50.00) fine, payable within seven (7) days of notice from the Village. The failure of the property owner to pay said fine, upon filing a complaint and a violation conviction, shall subject said property owner to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

**Section 26 Landscape Waste.**

26.1 Duty. It is the responsibility of each property owner to maintain his property free of piles of brush, fallen or cut tree limbs, and grass clippings unless it is a landfill. No piles of brush, tree limbs, or grass clippings shall be allowed to be transported from the premises from which it was grown to other premises unless it is a landfill. Failure to comply with this regulation after proper notice to the property owner by the Village has hereby been declared a nuisance, is unlawful, and shall be subject to penalty.

26.2 Reasonable Notice. Every property owner within the Village shall receive reasonable notice of this Section. Reasonable notice shall consist of one publication of this Section in a newspaper of general circulation within the Village and:

- A. When the property owner has been cited for a violation of this Section during the previous year, he shall be notified, by certified letter, at the beginning of the current year of his obligation to maintain his property free of landscape waste. Said notice shall constitute reasonable notice for the entire year.
- B. When the property owner is in violation of this Section but has not been cited for a violation of this Section during the previous year, he shall be given, by certified letter, a seven (7) day time period in which to comply with this Section.

26.3 Penalty. Any property owner in violation of any of the provisions of this Section shall be subject to a fifty-dollar (\$50.00) fine, payable within seven (7) days of notice from the Village. The failure of the property owner to pay said fine, upon filing a complaint and a violation conviction, shall subject said property owner to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

**Section 27 Nuisances.**

27.1 Nuisances Declared. It is hereby declared to be unlawful and a nuisance for any person within the limits of the village or within one-half mile of the village's corporate boundaries to violate any of the provisions of this subsection as follows:

- A. **Odors.** To so negligently conduct any business or use any premises as to create such an offensive smell as may taint the air and render it unwholesome or disagreeable to the neighborhood.
- B. **Offensive Debris.** To sift, agitate, or expose any lime, coal, dry sand, hair, straw, hay, or other substances that are liable to be blown by the wind; to shake or beat any mat, carpet, or cloth or to clean or scour any cloth, yarn, garment or material in any street or public place where the parties therefrom, set in motion thereby, will pass into any street or public place or into any occupied premises.
- C. **Wastepaper.** To leave, throw or scatter wastepaper, paper containers for foodstuffs, bills, posters, lithographs, advertising matter, refuse, sweepings, or materials or like substance, in or upon the streets, sidewalks, alleys, or public grounds of the village.

Any person engaged in the business of sale of foodstuffs, including ice cream, for consumption on or off the premises and served in paper boxes, containers, dishes, wastepaper materials, or containers of like substance shall provide a receptacle within their premises for the disposal of such wastepaper and shall not permit or allow any person to place, leave, throw or scatter the wastepaper and refuse in or upon the streets, sidewalks or public grounds abutting the premises; provided, however, that in case any paper or wastepaper shall for any reason be scattered upon the streets, sidewalks or public places, and emanating from the business, the same shall forthwith be removed by the person in charge of the business.

- D. **Dead Trees and Shrubs.** For any owner of any lot or land in the village to permit or maintain on any such lot or land, any tree or shrub which is dead, or declining to the state where it may create a potential risk for structures or people. It shall be the duty of any such owner to promptly cause the removal of any such tree or shrub.

Any tree, part of a tree, or shrub which is dead which could potentially fall on a person or structure, catch fire, or harbor harmful disease that could spread to other trees and shrubs, whether located on public or private property, is defined as a nuisance.

The officers, agents, servants, and employees, of the village, have the authority to enter onto private property whereon there is located a tree, or shrub which is reasonably suspected to be a nuisance, but only to the extent necessary to confirm whether a public nuisance exists.

- E. **Offensive Lights.** For any owner or tenant of real estate within the village to permit lights to illuminate onto property owned by another person in such a manner as to be offensive to the owner or a tenant or to interfere with the same. More than three lumens at the lot line shall be considered to be offensive.

- 27.2 Nuisances; inspection. For the purpose of carrying the foregoing provisions of this subsection into effect, it shall be the duty of such officers as may be directed or deputized by the village president with the advice and consent of the board of trustees, from time to time to ascertain and cause all nuisances arising under this subsection to be abated. In all cases when a nuisance shall be found in any building, or upon any grounds or other premises which can be charged by assessment with the expense of removal, notice shall be given to the owner or occupant of the building or other premises, when known and can be found, to remove the nuisance; and in case of his refusal or neglect to comply with such notice, the officers shall abate the same and report the expenses thereof to the council
- 27.3 Liability for maintenance. In all cases arising under this subsection, where the expense of removing any nuisance cannot be made chargeable to any real estate by assessment, notice may be given to the author of the nuisance when known, to abate the same, and in case of his neglect or refusal to abate the same in accordance with the notice, he shall be chargeable with the expenses which may be incurred by the officer in the removal thereof, to be collected by suit or otherwise, in addition to the fine or penalty.
- 27.4 Summary abatement. Whenever any nuisance, whatever, shall be found on any premises, or elsewhere within the village, contrary to village codes, the mayor is hereby authorized, with the advice and consent of the board of trustees, to direct the code official to cause the same to be summarily abated.

**Section 28****Noise Control.**

- 28.1 Definitions. For purposes of this section, the following definitions shall apply:

**Construction Trades.** Any type of home repair, including but not limited to construction, repair, and/or maintenance of a new or existing structure and its appurtenances. This shall also cover landscaping construction but not landscaping maintenance.

**Emergency Related Sound.** Any type of sound rendered on an intermittent, emergency basis, including but not limited to sounds associated with snow removal, flood water removal, and/or storm debris removal, emergency generators that are used during electrical storms, as well as alarms and other emergency warning sounds.

**Residential District.** Any area within the corporate limits of the village in which properties are in the residential zoning district as provided by official Village of Carbon Cliff zoning map.

**Noise.** Sounds associated with the repairs of vehicles or engines, music, television and radio programs, sporting events, or the operation of mechanical equipment other than vehicles, which may be heard 75 feet beyond the property line of the property from which the sounds originate.

- 28.2 In all residential districts within the limits of the village or within one-half mile of the village's corporate boundaries, no electronically amplified sound may be emitted from a property such that it may be heard 75 feet beyond the property line of the property from which said sound originates.

- 28.3 In all residential districts, and all business districts immediately adjacent to residential districts, within the limits of the village or within one-half mile of the village's corporate boundaries, no noise as defined may be emitted from a property between the hours of 10:00 p.m. and 7:00 a.m.
- 28.4 Exceptions. The provisions of this section shall not apply to:
- A. Construction trades as defined herein.
  - B. Emergency related sounds are defined herein.
  - C. Athletic events held on park or school property or events which have been approved by the county or other relevant jurisdiction.
  - D. Any church, temple, synagogue, mosque, or similar place of worship, only with regard to exception from Section 28.2 hereof for interior sound.
  - E. Any person operating a farm tractor or implement of husbandry as defined in the Illinois Vehicle Code while engaged in an agricultural activity

**Section 29 Clean Air.**

- 29.1 Definitions. For the purposes of this section, the following definitions shall apply:

**Bar.** An establishment devoted to the serving of alcoholic beverages or alcoholic liquor for consumption by guests on the premises and that derives no more than ten (10) percent of its gross revenue from the sale of food consumed on the premises. Bar includes but is not limited to, taverns, nightclubs, lounges, and cabarets.

**Electronic Cigarette.** Any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. "Electronic cigarette" includes any such product, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor.

**Employee.** A person employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a not-for-profit entity.

**Employer.** A person, business, partnership, association, or corporation, including a municipal corporation, trust, or not-for-profit entity that employs the services of one or more individual persons.

**Enclosed area.** All space between a floor and a ceiling that is enclosed or partially enclosed with: (1) solid walls or windows, exclusive of doorways; or (2) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

**Enclosed or partially enclosed sports facility or arena.** Any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

**Gaming equipment or supplies.** Gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

**Gaming facility.** An establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

**Healthcare facility.** An office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. Healthcare facility includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

**Place of employment.** Any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including but not limited to, entrances and exits to places of employment including a minimum distance of fifteen (15) feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference rooms and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises, is not a place of employment.

**Private club.** A not-for-profit association that: (1) has been in active and continuous existence since January 1, 2005, whether incorporated or not; (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times; (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain; and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established by-laws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 USC 501.

**Private residence.** The part of a structure used as a dwelling, including without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

**Public place.** That portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance of fifteen (15) feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed childcare, foster care, or other similar social service care on the premises. For purposes of this definition "public place" includes but is not limited to the following:

Hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities including buildings and vehicles owned, leased, or operated by the State of Illinois or state subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than seventy-five (75) percent of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

**Restaurant.** An eating establishment, including but not limited to coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that give or offer for sale food to the public, guests, or employees; and a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

**Retail tobacco store.** A retail establishment that derives more than eighty (80) percent of its gross revenue from the sale of loose tobacco, plants or herbs and cigars, cigarettes, pipes, electronic cigarettes, and other smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

**Smoke or smoking.** The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment. "Smoke" or "smoking" includes the use of an electronic cigarette.

**Unit of local government.** The meaning ascribed to it in Section 1 of Article VII of the Constitution of the State of Illinois.

29.2 Unless specifically exempted by this article, smoking in public places, places of employment, and governmental vehicles is prohibited. No person shall smoke in a public place or place of employment, or in any vehicle owned, leased, or operated by the village, any other unit of local government, the State of Illinois, or any political subdivision of the state.

- 29.3 In each public place and place of employment where smoking is prohibited by this article, "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 by the owner, operator, manager, or other person in control of that premises. Each public place and place of employment shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. All ashtrays shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager, or other person having control of the area.
- 29.4 Notwithstanding any other provision of this article, 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 prohibited. Such employer, owner, lessee, or occupant shall conspicuously post signs prohibiting smoking in the manner described in section 29.3 above.
- 29.5 Notwithstanding any other provision of this article, smoking is allowed in the following areas:
- A. Private residences or dwelling places, except when that residence or dwelling place is used as a childcare, adult daycare, or healthcare facility, or any other home-based business open to the public.
  - B. Retail tobacco stores as defined in section 29.1 of this article in operation prior to January 1, 2008. All such retail tobacco stores shall annually file with the village clerk an affidavit stating the percentage of its gross income during the prior calendar year derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that commences its business operation on or after January 1, 2008, may only qualify for an exception if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited. A retail tobacco store that derives at least 80% of its gross revenue from the sale of electronic cigarettes and electronic cigarette equipment and accessories in operation before the effective date of this article qualifies for this exemption for electronic cigarettes only.
  - C. Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain in a room where smoking is permitted, the smoke shall not infiltrate other areas of the nursing home.
  - D. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms, provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited. Not more than twenty-five (25) percent of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

29.6 Enforcement; complaints.

- A. The village shall enforce the provisions of this article and may assess fines for violations of this article.
- B. Any person may register a complaint with the village about a violation of this article.